Parents and Children:
From the Torah to the Tannaim

Michael Garret Holzman

Thesis Submitted in Partial Fulfillment of
Requirements for Ordination

Hebrew Union College-Jewish Institute of Religion
Graduate Rabbinical Program
New York, New York

March 3, 2003
Advisor: Rabbi Aaron Panken

Abstract

"Parents and Children: From Torah to Tannaim" traces the development of parent-child relations from the earliest strata of the Old Testament to the Tannaitic period. In particular this thesis focuses on the obligations of children to parents, as encapsulated in the biblical commands to "honor" (Exodus 20:12) and "revere" (Leviticus 19:3) parents, and the parents' authority to enforce those obligations as seen in the case of the "rebellious and stubborn son" (Deuteronomy 21:18-21). I also examine how changes in social, political and economic context affect family relations.

Chapter one investigates the biblical period, beginning with the early agricultural period in which family existed within an extended kinship network. As the monarchy exerted its authority over individuals, this authority competed with that of the parent and the extended clan. When the exile weakened the family's tie to the land, parent-child relations changed even more drastically. During the Second Temple Period (chapter 2), the extended kinship network became even less emphasized and the texts reflect great respect for the individual. This respect climaxes in the claims of Hasmoneans, Essenes, Zealots and later Christians that children should abandon their families in order to join the messianic or revolutionary movement. The Tannaim continue this trend (chapter 3), although less dramatically, when they mandate that in situations where an obligation to a parent conflicts with a similar obligation to a teacher, the duty to a teacher prevails.

Contents

List of Abbreviations

Bible

Gen	Genesis	Hos	Hosea
Exod	Exodus	Amos	Amos
Lev	Leviticus	Zeph	Zephaniah
Num	Numbers	Hag	Haggai
Deut	Deuteronomy	Zech	Zechariah
Josh	Joshua	Mal	Malachi
Judg	Judges	Ps	Psalms
I Sam	1 Samuel	Prov	Proverbs
II Sam	2 Samuel	Lam	Lamentations
I Kings	1 Kings	Dan	Daniel
II Kings	2 Kings	Ezra	Ezra
Isa	Isaiah	Neh	Nehemiah
Jer	Jeremiah	I Chr	1 Chronicles
Ezek	Ezekiel	II Chr	2 Chronicles

Apocrypha

Bar	Baruch
1-2 Esd	1-2 Esdras
Jdt	Judith
1-4 Macc	1-4 Maccabees
Sir	Ben Sira
Tob	Tobit
Wis	Wisdom of Solomon

Pseudepigrapha

Ahiqar	Ahiqar
1-3 En.	1-3 Enoch
Jub.	Jubilees
Ps.-Phoc.	Pseudo-Phocylides
Sib. Or.	Sibylline Oracles
Syr. Men.	Sentences of Syriac Menander

Philo

Abraham	On the Life of Abraham
Alleg. Interp.	Allegorical Interpretation
Contempl. Life	On the Contemplative Life
Decalogue	On the Decalogue
Embassy	On the Embassy to Gaius
Heir	Who is the Heir?
Migration	On Migration of Abraham
Moses	On the Life of Moses
Spec. Laws	On the Special Laws
Virtues	On the Virtues

Josephus

Ag. Ap.	Against Apion
J. W.	The Jewish War

Rabbinic Texts

m.	Mishnah
b.	Babylonian Talmud
t.	Tosefta

Halakhic Midrashim

Mek. Rab. Ish.	Mekhilta d'Rabbi Ishmael
Mek. Rab. Shim.	Mekhilta d'Rabbi Shimon bar Yohai
Sipre Deut	Sifre to Deuteronomy
Gen. Rab.	Genesis Rabbah

Tractates:

Abot	Abot	Midot	Middot
Arak.	Arakin	Ned.	Nedarim
B. Bat.	Baba Batra	Peah	Peah
B. Mets.	Babe Metsia	Pesah	Pesah
B. Qam.	Baba Qama	Qid.	Qiddushin
Demai	Demai	Sanh.	Sanhedrin
Ed.	Eduyyot	Sukkah	Sukkah
Eruv.	Eruvin	Ta'an.	Ta'anit
Hor.	Horayyot	Tamid	Tamid
Ketub.	Ketubot	Yebam.	Yebamot
Mak.	Makkot	Yoma	Yoma

Acknowledgements

This thesis would not have been possible without the help and support of so many people. To begin with I would like to thank my advisor, Rabbi Aaron Panken, who directed my research through some difficult terrain and who helped me navigate subjects previously unknown to me. Rabbi Panken always made himself available to me, and tirelessly instructed me on the specifics of academic writing. Whatever strengths shine through in this thesis derive directly from Aaron's guidance. The weaknesses I claim for myself, and in no way reflect upon him.

I would also like to thank Dr. David Sperling, Dr. Wendy Zierler and Dr. Michael Chernick all of whom provided guidance as I formed my earliest ideas on this subject, and all of whom endured repeated requests for more advice. In addition, Dr. Phil Miller helped put necessary source material in my hands, even when the Klau Library in New York was limited. I owe thanks to Doug Barden, of the North American Federation of Temple Brotherhoods, as well. As the supervisor of my internship Doug has repeatedly shown interest in my progress and has served as my sounding board for so many ideas. I am sure that some of Doug's interest may have been due to my time commitment to NFTB, but I also know that Doug's interest stems from his dedication to the lives of Jewish men, both fathers and sons.

I also must thank my classmates, especially Jodi Seewald and Meir Feldman, as my *hevrutot* have challenged and gently supported me for five years (or even longer). I would never have completed this thesis without their care. In the same way, I thank Rabbi Daniel Zemel of Temple Micah in Washington whose mentorship helped bring me to HUC-JIR in New York and whose friendship has carried me when these last five years got tough. Danny's intelligence, wit, menchlikeit, and understanding of the life of a rabbi has always given me an example to which to aspire. And above all he, and his wife Louise, have taught me a great deal about parenthood.

I am sure that upon hearing the topic of my thesis many people may have wondered about the personal element of this subject. My relationship with my mother and father, Linda and Bernard Holzman has always been a source of immense strength in my life. Even in the midst of adolescent rebellion, during which I may have reached the level the *ben sorer u'moreh*, my parents often found that balance between challenge and

support that enabled me to become an independent, adult child. I owe "honor" to Mom and Dad not only because our tradition says so, but also because they have become my friends.

As difficult as my adolescence was for my parents, it also took a toll on my sister, Susan Wachstock. I thank Susan for all these years of patience and for having the courage to exemplify a serious Jewish life in our family. And I am thrilled she has joined us on the road to parenthood.

The person I am today, and the voice reflected in this thesis, could not have developed without my wife, Nicole Saffell Holzman. Nicole's patience, support, guidance, disagreement, and understanding have always encouraged me to be a student, scholar, writer, and soon, a rabbi. Nicole's unflinching dedication to family life has been crucial in teaching me how to be a husband, a father, and a man. I have never known anyone to have thought so deeply about the relationship between parent and child, and to value this bond so highly above all others. Thank you for making a home with me, and for trusting me as your partner, "based on full equality."

Finally, I began writing this thesis as Nicole and I took our first steps towards parenthood, and along the way, its writing has been punctuated by first smiles, laughs, rolling over and some pookloo. Even though my topic here are the obligations of children to their parents, as I wrote this thesis, I was constantly reminded of my obligation as a parent to our child. I dedicate this work to our son, Avi Jonah Holzman, in the hope that I will always live up to those obligations as his father.

Introduction

The Jewish emphasis on "family" appears in every aspect of our religion, from our founding texts to our most recent programmatic agendas. Our earliest stories tell of Abraham and the first family, and our earliest laws place family at the center of the Decalogue. Our prayers recall our lineage to this first family, and the first Jewish life cycle ceremony celebrates the command incumbent upon a father to circumcise his son. Many of our theologies refer to God as *Avinu*, our father, and feminist theologians have revitalized the image of God as mother in our sources. With all this emphasis upon metaphors, texts, references and rituals of family, should we be surprised that the hottest contemporary communal agenda includes "Family Education?"

Our insistence on the religious implications of family derives from the location of procreation within the home, and the Jewish obsession with communal survival. This explains why intermarriage rates act as the Jewish canary in the coal mine of assimilation. The statistic represents nothing less than the probability of the creation of new Jewish families. We fear that the openness of American society will pull young Jews into relationships with non-Jews, and as the frequency of this increases, Jewish children will become more scarce. The community might call family central, and might advocate for more Jewish marriages, but all of this covers the deeper communal agenda: more Jewish children, the passing of tradition from generation to generation, continuity. If we call the family the heart of the Jewish community, then the relationship between parent and child would be the essential left ventricle of that heart. This super-centrality of the parent-child relationship surfaces in the oft-voiced, merited complaints of exclusion by childless and empty-nester couples.

The history of the Jewish parent-child relationship begs study due to its importance as an institution in its own right. Such a study would eventually uncover the communal influences and implications, leading to larger questions. Although the family unit contains a certain amount of autonomy, the creation of a new generation of Jews demands such attention from communal authority, that family and parental autonomy need to be tempered. Consider the difference between a completely isolated family unaffiliated with any community structure. The individuals within this unit would experience direct lines of obligation and authority without influence from outside sources. But when this family enters into the Jewish community, then community power must intrude upon those direct lines of family authority and obligation. If a child owes all allegiance only to parents, then community authorities have no power over those same children. Although the community respects family autonomy, this autonomy cannot be absolute. The stakes are too high for communal leaders to allow too much independence to sub-groups.

Where leaders decided to intrude, the magnitude of these intrusions indicate the areas of greatest priority to those leaders. By examining the textual record of these intrusions we may determine not only the way Jewish parents and children related—or the way texts record ideals of parent-child relations—but also the way Jewish families interacted with the larger community. This, in turn, helps identify the areas of critical urgency to community leadership.

This study describes the laws and narratives concerning the lines of obligation and authority between parents and children. It traces these lines from the biblical to the tannaitic periods. Because this represents, conservatively, a millennium of history over at

least three major geographic centers—Palestine, Hellenistic Egypt, and Babylonia—communal priorities, and thus family life changes drastically. Fortunately we have textual artifacts from these times and locations.

But we should be wary when relying upon these texts. Although we might like to see the Bible, Second Temple literature and tannaitic material as primary sources for social history, we must recognize that concepts relayed through these texts may be no more than ideals. This problem raises the question, to what extent do the authors present events as they are, or as they would like them to be? In more felicitous language, are these Jewish sources normative or narrative? As we discern issues of family, we would be wise to remember that the authors' visions of family may be what they *en*vision not what they actually see. Nevertheless, we still can ask why a particular value, power, priority or command requires promulgation at all, even if it represents nothing more than a hope. While we hope to discover the social conditions underlying these texts, we often will be limited to the ideas encompassed within the texts.

The Israelite story begins with an agrarian decentralized society, based on tribal and clan land holdings. The economic system hinged upon the success of extended family networks, whose intimate knowledge of the land made the difficult task of cultivation possible. In this system the family network held almost absolute power over children and commanded almost absolute loyalty. The rise of the monarchy changed that system, imposing royal power and obligation upon once independent families. The king could demand that children divert funds normally dedicated to sustaining elderly parents to the king, or that parents no longer had absolute authority to punish a disobedient child.

When this monarchy disappeared, alternative communal structures rose in its stead, most significantly wisdom schools and philosophies, which interposed their agendas upon the Jewish family. Simultaneously, after the Babylonian Exile, extremely large economic units appeared, which late Tanakh texts describe as *bet avot* (houses of fathers). These units, probably loosely—or mythically—related to an earlier clan structure, commanded multiple unrelated families and the leaders became what one scholar has called "village strongmen."[1] During the Persian and then Hasmonean periods, these powerful families played significant roles in stasis and in revolution. The drastic political and economic changes in this period intensified under the cultural influence of Hellenism, which inserted entirely new ideologies into family life. Many of these ideologies glorified individual priorities—the dedication to the mind, beliefs in particular social movements, or attitudes towards sexual practice—all of which eventually competed with the relationship between parents and children.

Like the Temple, many of these ideologies and societies disappeared in and around 70 CE. The remaining Jewish community followed the political authority of rabbinic Judaism (supported by Roman power) or the messianism of Christianity. In both cases, the new religious leaders needed to assert their authority. For the rabbis this assertion surfaces during discussions of family in the form of repeated references and priority given to the Torah study system and the teachers within it. This system interposed itself between parents and children, limiting the former and demanding attention from the latter. Christian literature followed suit, also demanding attention and in many cases going beyond rabbinic declarations.

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[1] Schwartz 1993, 305-309.

In order to concentrate our study, I will focus upon three aspects of parent-child relations. This study will follow the two major forms of commandment incumbent upon children in the evolving Israelite and Jewish family: "honor," and "revere." While these two words might reflect nothing more than different preferences to the authors of the Decalogues and the Holiness Code respectively, they evolve into two alternative sets of Jewish obligations. In addition, the ability of a parent to enforce these obligations, especially the obligation to "revere," defines the range of parental authority. By studying these three areas through our period, we will shed some light upon Jewish parent-child relations. As I analyze the texts I will attempt to set them into a communal context, highlighting especially the areas where outside authorities interfere with filial interactions. The areas and modes of greatest interference will illustrate some communal priorities and the personal impact they may have had.

A final note on methodology is necessary. I have divided this study into three chapters, analyzing the biblical, Second Temple and Tannaitic periods. This division is artificial, deriving primarily from textual canonization or lack thereof. While the biblical period seems to end with the exile and redemption, all of which the Bible encapsulates, a study of the Second Temple period cannot begin without the latter prophets, Ezra, Nehemiah and Chronicles. In the same way, although the Second Temple falls in 70 CE, later Tannaitic texts reflect remnants of Temple life. These periods blend together, and the texts created in these periods blend as well. For the sake of coherence I chose to follow a textual periodization more than a strict choronological grouping. This allows me to compare like sources, easing analysis for the reader and writer of this document.

Chapter 1

The Biblical Period

About three months later, Judah was told, "Your daughter-in-law Tamar has played the harlot; in fact, she is with child by harlotry." "Bring her out," said Judah, "and let her be burned."

Genesis 38:24

When we consider issues of family life in the Bible, most of our teachings, midrashim, lessons and sermons come from the book of Genesis. Centuries of midrash are based upon these stories, including the tale of Judah and Tamar, from which the verse above is excerpted. The descendants of Abraham, Sarah, and Hagar have captured our imagination and we tend to learn about our own families from their successes and failures. While these stories may be popular, stimulating, and educational, and the sermons they inspire might be the most colorful of the liturgical calendar, by themselves they do not completely illuminate Israelite life in the biblical period. The frustration of Sarah, the faith of Abraham, the silence of Isaac, the anger of Esau, the loneliness of Rachel and the grief of Jacob do teach us about one family, which we can compare to our own, but these stories do not tell us how the Israelite family was structured, nor how our ancestors' families may have resembled our own.

One example of the distinction between Abraham and Sarah's family and the actual Israelite family can be seen when we compare the above verse to the description of the *ben sorer u'moreh* ('wayward and defiant son' Deut. 21:18-21). While Judah had the power to order his child's death, indeed, his twice widowed daughter-in-law's death, Deuteronomy teaches that a father does not have the power to order a child's death without the approval of first his spouse and later the city elders. To the extent that the Genesis stories and the *ben sorer u'moreh* reflect alternative Israelite realities we may compare them to better understand the dynamics of filial obligation and parental authority during the biblical period. Our task is to survey the array of biblical material discussing

family life, both narrative and legal, in order to develop as rich a picture as possible. Where we find contradictions, these texts open conversations about historical change across the period and the possible social influences upon the family.

In addition, we investigate biblical material aware that these texts will later serve as the proof-textual hooks upon which rabbinic arguments will hang. Despite the fact that Rabbinic sources might treat the Bible monolithically, the Tanakh contains diverse opinions and views, spanning significant amounts of time and social conditions. Though the rabbis might not have self-consciously realized the temporal dynamics of the Tanakh, we can examine the shifting biblical context and see how accurately late sources interpreted and built upon the earlier material.

When extracting a picture of Israelite life from the Bible, certain peculiarities demand consideration. First, dating biblical material is murky at best. While prophetic and later scriptural work can be dated reliably through parallels and citations in other Ancient Near Eastern (hereafter ANE) literature, the Pentateuch defies dating. For example, while the earliest events of Genesis might date as early as the thirteenth century BCE, most scholars place the book's composition and redaction hundreds of years later during the monarchy period.[1] In addition, the Bible represents a patchwork of sources stretching across different books and intersected by glosses, intrusions, emendations and excisions. Therefore, when we discover texts specifically related to family relations, we must proceed cautiously in assigning these sources to a particular date. To the extent that other ANE sources exemplify alternatives or models of family relations, we may rely upon them (and their more certain dates) for comparison.

If the documentary nature of the Bible presents problems with dating, this nature also enriches the study of our topic. Here the Bible excels, because unlike a more monolithic source, the Bible presents a variety of views and manifests the dynamism of the Israelite concept of family. We may reliably say that diverse voices in the Bible denote themes and trends that stretch across chronological periods, themes the influence of which swells and shrinks in relation to historical events. In such multivocal texts we will see how parent/child relations evolve and change, with priorities, obligations and degrees of authority evolving.

Before we may analyze the particular texts describing parent/child relations, we must ground these texts in an understanding of the larger social and historical context. When we do turn to the texts, we will analyze with the relevant sources describing filial obligations, the violations of these obligations and the parental authority to enforce these obligations. We will conclude with a theory of the evolution of parent/child relations in the biblical period(s) and the social and historical forces driving that evolution.

Social Context

The biblical period extends over approximately eight hundred years including information from at least two nation-states and from the exilic community in Babylon. Because of this temporal and spatial diversity, we should expect some diversity in family life. We see that major historical events—the formation of the early tribal confederation, the rise of the monarchy, the fall of Israel and Judah, and the reestablishment of a vassal state under Persian authority—significantly influenced family life. I will describe these changes below.

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[1] While some might consider the stories of Genesis mere fictions, these stories may preserve some sense of the *realia* of Israelite life. Even if the actual characters never lived and the events never took place, the

Pre-Monarchy

We can hardly discern the earliest period of Israelite history, prior to the creation of the monarchy. From references in the Pentateuch and the books of Joshua and Judges the early Israelite community seems to have been a loose confederation of twelve tribes that would periodically create joint military forces to fend off enemies. Tribal religion was most likely monolatrous with most of the tribes placing their faith in a diety named Yahweh.[2] Religious practice occurred throughout tribal lands, usually on high places (*bamot*), and often at burial sites.

The most prominent social structures in this period were the *bet av*, the *mishpaha*, and the *sevet*.[3] The *sevet,* or tribe, served as a national/cultural affiliation and existed largely for military purposes. This was the largest organizational level and was mostly insignificant in the life of an Israelite. The second level, the *mishpaha* derived from a 'clan' affiliation in which marriage was endogamous in order to preserve the system of land tenure. Numbers 26 lists the clan units within each tribe and associates many of the clans with particular locations in the land of Israel. This geographic connection of the *mishpaha* is related to an inheritance system which keeps land within the *mishpaha* across generations. We know the *mishpaha* corresponded to particular territories because we have 8th century BCE Samarian ostraca that record shipments of olive oil and wine to one of the names mentioned in Number 26:30-33.[4]

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stories had to be credible to the listener, and thus reflect a credible reality.

[2] We see evidence that Israel recognized other gods' existence in Exod 15:11, Deut 4:19, but that they declared their god, Yahweh or Elohim, supreme. It was not until the exilic or post exilic periods that we start to see declarations of monotheism, like Isa 45:5.

[3] In order to understand the structure of families and local leadership I have relied heavily upon S. Bendor's *The Social Structure of Ancient Israel*, and C.J.H. Wright's article on "Family" in the Anchor Bible Dictionary.

[4] Stager, 24.

The third level of organization in Israelite society was the *bet av* which included all descendants of a common living male ancestor, the *rosh bet av*. Wright speculates that four generations of a family could have lived within one *bet av* and functioned as one unit. While limited life spans may indicate a more realistic estimate would be three generations, a *rosh bet av* could exert significant authority over his children and grandchildren. This system enforced filial obedience and ensured care of aging parents both in life and after death. The honor due parents after death deepened the connection Israelites felt toward their inherited land, as this connected individuals to the site of their ancestor cult.

The limits of the *bet av* can be seen in the laws of Leviticus 18:6-18, 20:11-14, & 19-21 which specify the prohibited sexual relations considered incestuous. Baruch Levine explains that marriages within this close family unit are considered incest, "By way of contrast, marriages with the extended clan, called *mishpahah* in Hebrew, were actually encouraged."[5] So we find the marriageable pool in the group that is outside the *beit av* but inside the *mishpahah*. We must note that numerous exceptions abound in the biblical narrative, but Leviticus specifies the ideal.

The *rosh bet av* served a special role in the community. Because each mishpaha was made up of a number of *b'tei av* each head of household served as a delegate to the group called the city elders. The *rosh av* represented all his blood descendants and the servants of his household. This prevented a large family from having disproportionate power over smaller families because each family received one vote. Unfortunately though, a family's power and authority could decrease over time through deaths, lack of sons or the accumulation of debt. Because of debt servitude, over time, a poorer family

might not be represented on the council of elders, which is one reason why the Jubilee served such a crucial role.

We should note here that although Israelite society was patrilocal and patriarchal, women played a significant role in the structure itself. Carol Meyers points to Genesis 24:28 where Rebekah reports the arrival of Abraham's servant not to her father's house (*bet av*) but to her mother's house (*bet em).* Meyers argues that references to the *bet em* here and elsewhere indicate a separate power sphere in the ancient Israelite family weighing significantly on issues of marriage, children and the home. We see a similar female sphere in Genesis 25:67 where Isaac brings Rebekah not to his *bet av*, but instead to *haohelah sarah*. Even though Rebekah followed the patrilocal tradition of joining her husband's house, at the moment of marriage consummation, the influence of Isaac's mother appears. Even though the groupings of Israelite society derived from male kinship connections, new connections were forged and new generations created through marriage, a realm of female influence. Perhaps in this area, mothers exerted their authority and children were required to direct the obligations of y-r-a (which we associated with obedience) towards their mother.

The most significant economic factor in family life during the pre-monarchy period was inheritance of the family land. Carol Meyers explains,

> Because the environment in the highland setting was so fractured and diverse, virtually every family's holdings had a unique configuration of ecological factors to which an assortment of technologies and strategies were applied. Older males were thus repositories of family-specific ecological knowledge.

This was true for women as well.

> A similar pattern of transmitting knowledge across generations affected female lives. In their daily activities, older females instructed younger ones in all the

[5] Levine, 117.

> technical aspects of gardening, food processing, meal preparation, textile production, and other tasks within their specialized economic domains.[6]

The importance of inheritance extended beyond momentary economic necessity. As the site of family history, geneology and most importantly burial, a family could not easily be removed from their land. Leo Perdue describes the situation as follows:

> The household's land was not a commodity to be bought and sold. This was due not to some romantic notion of "blood and soil" but rather to the necessity of land ownership for the viability of the family household. Without land, it was impossible for the family as a social entity to exist, and the loss of land made it impossible for most households to survive intact.[7]

A *mishpaha* also held a significant interest in land tenure. The members of the *mishpaha* invested a significant amount of effort into large projects to prepare the land for agriculture.[8] But if land ownership became diluted because of marriage, debt slavery or military action, the *mishpaha* itself might become displaced from the land. Therefore proper passing of land from one generation to the next became a high priority.

Numbers 36:1-12, the story of the daughters of Zelophehad, demonstrates the importance of the land tenure issue and inheritance within the *mishpahah*. Here Moses, after consultation with God, allows the daughters to inherit the land but insists that they marry only within their *mishpaha* so that their land will be inherited within the clan system. But notice that the original issue was raised by the *roshei ha'avot*, the heads of the households. This might have been due to the daughters' lack of standing before Moses, but it also shows that the entire clan had a concern with the fate of the *mishpaha's* land.

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[6] Both quotations from Meyers 1997, 30.
[7] Perdue, 169.
[8] According to Perdue, "social cooperation among families in the clan (mispahah) was necessary for building and maintaining terraces to conserve the soil and reduce water runoff, for sharing a common water source (wells and streams), for constructing cisterns that retained water from the any season, for

Monarchy

The rise of the monarchy towards the end of the eleventh century BCE significantly altered this social structure. Multiple authors argue that the monarchy functioned to weaken kinship bonds at the tribe and clan levels in order to focus power at the national level.[9] Ronald A. Simkins points out, "The ancestor narratives and genealogies in Genesis, for example, function to incorporate all Israelites within a single extended kinship group." Indeed, during the Monarchy, the tribal distinctions begin to disappear with the ten northern tribes being subsumed into the general name, Israel, and the tribal lands of Simeon absorbed into Judah. Israelite Kings acted to explicitly undercut tribal boundaries by drawing administrative districts across traditional tribal lines (I Kings 4:7-19), superceding the tribal militia's with a national army (II Sam. 24), and even confiscating household estates (I Kings 21).[10] Simkins argues that these changes evidence a subtle economic shift away from a domestic mode of production, where the primary source of income rested in the family's hands and in the family's lands, to a patronage system, where income depended upon a client's favor with a national patron. All of these changes would loosen a family's ties to the land, and reduce the need for strict obedience (y-r-a) in order to preserve inheritance.

In addition, Naomi Steinberg sees parts of the book of Deuteronomy (particularly chapters 19-25) as a monarchic attempt to systematize a weaker local government. She argues that where Deuteronomy references the elders of the city, the authors have stripped the elders of their legislative power and left them with a hollowed out judicial power. Joseph Blenkinsopp points to the numerous regulations governing the behavior of

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establishing an supporting the boundaries of fields, for harvesting crops, for judicial settlements, and for a common defense" (169).

judges (16:18-20), the creation of a central judiciary (17:8-13), the support of clergy (18:1-8), the regulation of debt collection (23:19-20, 24:10-13) and the creation of a social security system (15:1-11) as evidence that Deuteronomy creates a constitutional monarchy that replaces earlier kinship and tribal structures.[11] Such political and economic changes would significantly affect the family values that may have existed to support the earlier kinship structures.

The political and economic changes were echoed by religious moves to strengthen national structures while delegitimizing the local. By outlawing ancestor cults and necromancy (Dt. 14: 1, 18:11, 26:14), the monarchy weakened ties between one generation and the next. Blenkinsopp also argues that this would weaken ties to the inherited land where ancestors were buried.[12] Leo Perdue also points out the monarchy's interference in family religion, "Transforming Passover from a household sacrificial meal to a national pilgrimage festival held at Jerusalem was designed to centralize religious control of the royal sanctuary and to negate the major cultic celebration that strengthened family identity and solidarity."[13] This religious transformation would also significantly weaken kinship structures, pulling loyalties away from the extended family, clan and tribal affiliations, and moving them to a single national affiliation.

Steinberg points out that in addition to undermining local kinship structures, the laws of Deuteronomy also strengthen the nuclear family.[14] If we accept the hypothesis

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[9] See Simkins, 123-144, Blenkinsopp 1995, 84-119, Perdue, 163-258, Meyers 1997, 1-47.
[10] Perdue, 209-211.
[11] Blenkinsopp 1995, 115.
[12] Blenkinsopp 1997, 89-90.
[13] Perdue, 211.
[14] I will use the term "nuclear" to describe a cohabiting family no larger than two generations, including only parents and children, or a childless couple. The term "nucleated" refers to the degree to which the cohabiting group includes or excludes family members who may not be a part of the core parents and children.

that these laws were promulgated by the monarchy, then we can see how they further support the centralization of state power. By shifting personal attention away from tribal, clan and even extended family loyalties, individuals focus solely upon their nuclear unit and interact directly with the state system. We see examples of nuclear family-strengthening laws in Dt. 22:13-21 ensuring virginity, 24:4 regulating divorce, and 25:5-10 enjoining levirite marriage. Steinberg also argues that by restricting the power of the *rosh bet av* to act independently, the nuclear family is preserved at the expense of the extended. She contrasts Ex. 22:15 with Dt. 22:28 to show the social forces working to strengthen the nuclear family over the extended kinship network.[15] Simkins agrees with these arguments and points to the language of Genesis 2:24 and the exemption for newly married men from war (Dt. 29:7, 24:5) as attempts to strengthen the nuclear at the expense of the extended family.[16] Such a shift would mean that filial obligations would be focused only between one generation and their immediate progeny. Larger frameworks that may have depended upon obedience and sustenance might disappear. That explains one reason why as the monarchy continued, the Prophets frequently cite the mistreatment of widows and the poor. Local kinship structures that preserved the elderly (a sustenance which derived from the obligation to k-b-d) simply disappeared.

We must note that the Israelite monarchy is rarely depicted as an unfettered dictatorial regime. The quintessential example of this is the prophet Nathan's ability to criticize David for adultery (II Sam. 12:1-15). As Blenkinsopp explains, this story, regardless of its veracity, "reflects the tension inherent in a situation somewhat peculiar to Israel; in one of the great empires no one would have made a song and dance about a

[15] Steinberg, 163-166.
[16] Simkins, 137-138.

ruler possessing the wife of one of his subjects." Indeed much of the prophetic tradition might represent the discontent of "people of the land" in the face of abusive monarchic power. Eighth century prophets—Hosea, Amos, Micah and Isaiah—railed against overreaching and unjust economic and judicial power in the monarchy. Blenkinsopp claims that their arguments stem from a conservative view grounded in the kinship system. He claims that the kinship system preserved an ancient sapiental tradition that counterbalanced the monarchy's power.[17] Stager also argues that kinship structures persisted in rural areas during the monarchy, writing, "it seems that biblical scholars should exercise greater caution in assigning tribal language and institutions to either the pre- or post- monarchical periods."[18]

But Stager also cautions against assigning this older tradition to a rural proletariat as opposed to the urban, monarchic interference. He states that scholars should avoid the temptation to view biblical life through an anachronistic, Marxist lens, which places all things good and pure in the rural society and all change in the city. Instead we should note that the monarchy must have challenged existing power structures in order to come into existence. Because so much of power in pre-monarchy Israel derived from the *bet av, mishpaha, sevet* system, those structures must have been challenged.

Post Monarchy

The most obvious change brought on by the exile in 586 BCE was the disconnection of the ruling class from the land. Although the monarchy had weakened the tie between social structure and land inheritance, exile completely severed the bond. After the exile, we see this disconnection between people and land surface in the

[17] Blenkinsiopp, 108-109.
[18] Stager, 24-28.

disappearance of the concept of intergenerational punishment. Earlier biblical books and prophets can threaten punishment "to the third and fourth generation," and this threat would be realized through agricultural catastrophse, like drought and famine. If future generations will inherit the same land, then a sin really could be promulgated to grandchildren and great grandchildren. After exile, this fear disappears and we see a different ideology emerge. Jeremiah states, "In those days, they shall no longer say, 'Parents have eaten sour grapes and children's teeth are set on edge.' But every one shall die for his own sins: whosoever eats sour grapes, his teeth shall be blunted."[19] This particular verse exemplifies the ideological shift because of the reference to what seems to be an early cultural colloquialism. Jeremiah, speaking during or after the exile, overturns the exact meaning of this statement and proposes a new ideology.

But the earlier family structures were not completely lost. Even though the monarchy may have subdued the kinship system and its kinship-wisdom tradition, according to Stager and others, this tradition persisted under the royal radar. During and after the exile this tradition becomes even more prominent because of the formalization and canonization of the law. The formalization of the law itself may have been a sign of the ascendancy of a wisdom ideology in the community, or this may have simply been a function of Persian government. We know the Persians forced other groups to formalize their laws and punished local leaders for not properly observing local religious traditions.[20] In contrast, Frank Moore Cross argues that the formalization of Mosaic law represented a resurgence of the nascent kinship system (what Cross calls the league) and the rise of cultic practice after the exile. Because of these forces, "tradents of the school

[19] Jer 31:29-30, parallel in Ezek 18:2-9.
[20] Blenkinsopp, 120.

of Deuteronomy and of the Priestly school made a stalwart effort to reconstruct and resurrect the covenantal institutions of the 'Mosaic Age,' that is, the era of the league."[21] Imbedded in these arguments—those of Cross, Blenkisopp and Stager—is the assumption that during the exile, family structures had been disrupted and needed restructuring. Where "natural" kinship boundaries and powerful monarchic forces once guided social relations, now a written legal tradition would fill the void. Even though the content of the Deuteronomic and Priestly sources represent an earlier time, the very fact of their writing, along with other wisdom sources found in the Prophets and Proverbs, implies a need for social guidance after the exile.

The idea of wisdom, i.e. a set of values, teachings, principles and ultimately laws, that could govern a society, may have replaced the earlier agricultural, kinship and monarchy structures disrupted by the exile. This shift to a written, wisdom tradition would place more emphasis upon the need for education. While a tiny portion of the population was literate in early Israel, a new emphasis on wisdom writing would alter this percentage. In addition, the passing of knowledge became a new currency in Israel, one that could substitute for the passing of land. This point cannot be under-emphasized. We see late sources like Ecclesiastes indicate a shift in thinking, "Better a poor but wise youth than an old but foolish king who no longer has the sense to heed warnings." (4:13) This verse testifies to the new values. Whereas the older structures consistently placed higher social value on elders and political position, this verse reverses the order simply because of wisdom. Also in Ecclesiastes, "Wisdom is as good as a patrimony, and even better, for those who behold the sun. For to be in the shelter of wisdom is to be also in the shelter of money, and the advantage of intelligence is that wisdom preserves the life

[21] Cross, 21.

of him who possesses it." (7:11-12). Inheriting knowledge seems to have become more important than inheriting patriarchal wealth, and certainly more important than inheriting the family land.

Filial Obligations

The fifth commandment of the Decalogue, "Honor your father and your mother" looms large over our discussion of family relations. While the two versions of this text (Exod 20:12, and Deut 5:16) and their variant "A man must revere his mother and his father" (Lev 19:3) present concise, direct decrees of a child's obligation, they are too vague to be of much use on their own. What do the words, "Honor" and "Revere" (k-b-d and y-r-a) really mean? What obligations to they stipulate and how would a child transgress one of these commandments? Finally, and perhaps most importantly, do these different versions represent alternative sets of obligation? What other areas of obligation exist in the Tanakh?

I will argue below that the two different roots, k-b-d and y-r-a, do in fact represent the two major spheres of filial obligations: sustaining of older generations, and compliance with commands. These two areas of obligation also suggest concern with their converse: disrespect and defiance. I will also explain the particular behaviors that derive from these two spheres, and I will review the texts that justify this grouping.

Respect for Elders

Although the Decalogue appears twice, in Exodus and Deuteronomy, some scholars believe that both versions are Deuteronomic and thus derive from the monarchy period (late 11th-early 6th centuries BCE).[22] Following the historical analysis above, this

[22] Blenkinsopp 1995, 106.

may indicate an attempt by the monarchy to centralize power and undermine competing local networks. But, in the fifth commandment, the root k-b-d most likely represents an a cultural norm that precedes either version of the Decalogue. Therefore we begin with an analysis of this root and its opposite, k-l-l.

We should note at the outset that commands to "honor" (k-b-d) parents do include mothers as well as fathers. In fact, the command to "revere" (y-r-a) parents (which I will discuss in the following section) places mothers first(!). We see this same gender balance in most legal filial obligations in the Bible.[23] We also see significant female influence in family life in the Genesis stories. While many feminists have argued that the patriarchal nature of these stories marginalizes women, a close reading reveals significant influence in areas of marriage,[24] childrearing and naming,[25] the hiring and firing of domestic labor,[26] and the passing of the birthright.[27]

Most translations of k-b-d usually relate this root to weightiness or seriousness. This derives from the adjectival form of this root which means "heavy" or "serious." Thus the Bible can describe a famine as serious or severe (Gen 12:10), and Abraham's wealth as extreme (Gen 13:2), both with this root. This explains why Everett Fox translates the latter verse as "And Avram was exceedingly heavily laden with livestock, with silver and with gold."[28] Therefore in human relations, to show k-b-d is to treat another person as weighty or serious. Perhaps the simplest and most general method of

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[23] We see gender balance in the prohibition against holding a parent in contempt (Lev. 20:9, Ex. 21:17); or the curse for such behavior (Deut. 27:16); the command not to strike a parent (Ex. 21:15); the nakedness laws of Leviticus 18; the marriage laws of Leviticus 20; Ezekiel's sermon against contempt for parents (22:7); and the many related statements in the book of Proverbs (15:20, 19:26, 23:22, 28:24).
[24] Gen 24:28.
[25] Gen 16, 21, 29:32-30:24.
[26] Gen 16:6 , 21:9-13.
[27] Gen 27:5-17.
[28] Fox, 59.

showing honor is vocal, as we see in Isa 29:13 where the people "honor" God with mouth and lips, or Ps 86:12 in which k-b-d appears parallel to "praise."

The duty to "honor" can extend beyond the vocal, and continues to carry the connotation of treating with weightiness or seriousness. In Judges 9:9 this root directly indicates anointing a leader. In I Sam 15:30, Saul pleads with Samuel to "honor" him at the moment when the prophet rejects him as king, beggin him to sustain his kingship. Prov 14:31 might be the most illuminating verse on this topic. It reads, "The one who withholds from the poor offends Him, and the one who pities the poor honors Him." In this instance honoring God derives from support of the poor. This theology also appears in Deut 5:16, where the honoring of parents appears parallel to the observation of Shabbat, apparently both ways of honoring God. From these verses, k-b-d indicates behavior related to preservation of order: preserving Saul's kingship, honoring those of a higher status, anointing, or sustaining those in need as in providing food for the poor.

The book of Proverbs makes these obligations clear. Many verses resemble 23:22 which exhorts a child to listen to parents and to accept parents even when they have reached old age. The issue of old age is also addressed in negative fashion in 19:26 and 28:24. These verses criticize a child who takes advantage of a parent's infirmity to gain personal wealth. Verse 19:26 explicitly states "A son who causes shame and disgrace plunders his father, puts his mother to flight," and 28:24 associates mistreatment of infirm parents with murder. We see from these statements and the other uses of k-b-d that a large piece of the biblical obligation to "honor" parents concerns sustaining, caring and preserving parents once they become unable to do so for themselves.

Elsewhere in the ANE, other documents fill in the details surrounding this kind of care and preservation of elderly family members. According to Jeffrey Tigay, the Akkadian cognate of k-b-d explicitly denotes physical care for elderly parents.[29] Other sources from the ANE also describe elder care as a major area of filial obligation. While these sources do not explicitly use the root k-b-d, the relationship of this root in the Tanakh to sustenance and honoring those of a higher status points to elder care as a behavior connected with k-b-d.[30]

The most explicit example of this type of behavior towards parents can be found in the Tale of Aqhat, a Ugaritic myth from the fourteeth century B.C.E. This myth concerns the a character Daniel, who is praying for a son. Four times in the myth the obligations of a son are listed as a formulaic description and this description is the most complete list of a child's obligations found in the ANE:

> Who stets up the stelae of his ancestral spirits,
> In the holy place the protectors of his clan;
> Who frees his spirit from the earth,
> From the dust guards his footsteps;
> Who smothers the life force of his detractor,
> Drives off who attacks his abode;
> Who takes him by the hand when he's drunk,
> Carries him when he's sated with wine;
> Consumes his funerary offering in Baal's house,
> His portion in El's house;
> Who plasters his roof when it leaks,
> Washes his clothes when they're soiled."[31]

We see from this description five major components to a child's obligations. The first and fourth concern the need to set up a memorial to the previous generations and to offer funerary offerings upon the death of the parents. Obligations 2, 3 and 5 all relate to

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[29] Tigay, 70.
[30] I Sam 2:29,II Sam 10:3, 2 Chr 19:3.
[31] ANET, 150.

treatment of parents when they are unable to care for themselves. Obligation 2 refers to physical defense, or possibly verbal defense, from a detractor who "attacks his abode." Obligation 3 involves caring for a father when he is drunk and unable to care for himself, and the final obligation regards providing for basic needs—providing shelter and clothing—as a parent ages.

We see in this myth that a child's obligations center on two major areas: sustaining or improving a parent's life as they age preserving the family legacy once a parent has died. We should note that these two obligations do not differ so much in a system where the boundary between living and dead may have been blurred. What appear as five different particular obligations, some concerning infirm parents, and others related to the deceased, actually indicates a larger set of obligations all related to care for those parents who cannot care for themselves. We see from Amos 6:10 that burial of parents is also an obligation that rests upon children in the Tanakh. Blenkinsopp explains:

> The command to honor father and mother therefore extended beyond the moment of the parent's death. It included, in the first place, the obligation of burying the parent in the ancestral plot and seeing to the accompanying rituals of mourning.[32]

Anthony Phillips agrees and goes so far as to state that the main intention of the fifth commandment was to ensure elder care and prevent abandonment.[33]

We also find this obligation in David Marcus' analysis of adoption contracts in the ANE. Many contracts stipulate that children provide for parents in their old age, and we should note that ANE adoption law often included mothers as well as fathers.[34] One

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[32] Blenkinsopp 1997, 80.
[33] Phillips 1970, 81.
[34] Hammurabi's Code (HC) 192, 193 concerning the rules of adoption include provisions for both adoptive fathers and mothers.

adoption contract states, "If the adoptee does not provide clothing, oil and supplies he will be disinherited."[35] Marcus also describes a Babylonian contract in which a father receives his property from both his natural and adoptive sons. "Each of them will supply the father yearly with two and two fifths *kur* of grain, three *minas* of wool, and three *qa* of oil. He who fails in his duty forfeits his share in the inheritance."[36]

The issue of disinheritance plays a large role in the ANE and bears mention here, even though I will analyze the inheritance system in greater detail later in this chapter. The consistent punishment for elder neglect is, at the minimum, disinheritance. In a system where a parent depends upon a child for assistance, the inheritance may be the only leverage such an infirm parent has over his or her progeny. Blenkinsopp offers an alternative solution. He claims not that inheritance is a club, used to enforce filial obligation, but that inheritance itself depends upon the command to "honor." "Customary law governing inheritance was also dictated by the need to perpetuate the name of the deceased paterfamilias, which in effect meant the continuation and extension through time of the kinship group."[37] In other words, inheritance of wealth and land depends on the preservation of the entire kinship structure, the maintenance of which rests upon the duty to care for previous generations (even after they are deceased).[38]

At times when social and political forces preserved the *sevet*, *mishpaha*, *bet av* structure the duty to "honor" could be shared with and fulfilled by a wide array of family members. In addition, this system maintained the family's connection to their ancestral inheritance, which also enabled children to "honor" their parents through proper burial

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[35] Marcus, 38.
[36] *ibid.*
[37] Blenkinsopp 1997, 80.
[38] Blenkinsopp 1997, 80.

and the observance of the ancestor cult. But as the monarchy interfered with this network and loosened the tribe's hold on ancestral land, this obligation may have become strained. Certainly, after the kings centralized worship in Jerusalem the ancestor cult became even more difficult to observe. The exile would only magnify these trends, completely disconnecting at least the ruling class from the family land and severely limiting the ability to properly bury. These changes would alter the way that Israelites understood "honor," shifting it away from the obligation to bury and preserve the names of past generations who had inhabited the land to an emphasis upon providing sustenance during life.

Transgression: Lack of Respect for Elders

Two examples of transgressions against the command to k-b-d parents stand out: striking a parent and holding a parent in contempt (*leqallel*). They stand out in part because of their proximity to each other and the Decalogue.[39] I will first address the issue of striking a parent *makah* and then investigate the meaning and implications of the term *leqallel*.

Verse 15 of Exodus 21 reads "He who strikes his father or his mother shall be put to death." Because the language of this prohibition is so clear, it necessitates little analysis. Again we notice the inclusion of the mother in this prohibition. We also should compare our verse with Hammurabi's Code, paragraph 195, "If a son has struck his father, they shall cut off his hand." Notice first that only the father is included here and second that the punishment is less severe than the Tanakh. We might surmise from these differences that the purpose of HC 195 is to punish the child for violence and disrespect

[39] These transgressions appear together as Exodus 21:15 & 17 in the Tanakh, but in the Septuagint they are juxtaposed.

to a father, since the penalty mirrors the crime. What we do not see is that HC 195 allows the disrespectful individual to exist in the community and ignores the insult to the mother. This indicates that the Tanakh has more rigid lines of parental authority with each generation holding a respected status over the next generation, and any violations of this status must be eliminated.

The prohibition in Exodus 21:17 is more difficult, "He who holds his father or mother in contempt shall be put to death." We find similar commands in other legal injunctions (Lev 20:9, Deut 27:16) and wisdom literature (Prov 20:20, 30;11). I have followed Marcus in translating *leqallel* as 'to hold in contempt' because I believe this terminology includes a wider range of behavior than simply 'cursing,' the more commonly used translation.[40] Contempt includes a vocal element, especially since the verb q-l-l as used in the story of the half-Israelite (Lev 24:10-16) indicates a verbal statement. But *leqallel* includes more than speech for two reasons. The first is the seriousness of the punishment. We might understand applying the ultimate penalty for cursing God, but to apply the same penalty for only vocal behavior towards parents seems extreme and unrealistic. We find the second source of q-l-l's behavioral component in Akkadian, where the root q-l-l appears as an antonym to k-b-d, as it also can in Hebrew.[41] Although one antonym of q-l-l could be b-r-k, which is vocal, k-b-d involves treatment. If in Hebrew something treated with k-b-d is considered weighty, respected, then something treated with q-l-l is considered light and dismissed. We can see this antithetical relationship in I Samuel 2:30,

> Therefore, declares the Eternal, the God of Israel, "I said that your house and the house of your fathers would walk before me forever, and now, declares the

[40] Marcus, 45.
[41] Sarna, 123.

> Eternal, far be it from Me that those who honor (k-b-d) Me, I will honor (k-b-d), and those who go astray, I shall hold in contempt (q-l-l).[42]

Because of the antithetical nature between the weightiness of "honor" and the light treatment inherent in "contempt," I believe the injunctions against q-l-l address not only speech but also disrespectful behavior towards social superiors.

Ezekiel makes the seriousness of this transgression clear. When he lists the reasons for exile in Chapter 22, he mentions (v 7) that, "Fathers and mothers have been humiliated (q-l-l) within you," as a national crime. Again, we see the gender equivalence. Because of this error, Israel loses its land. The punishment contains a certain amount of poetic justice since, as we saw earlier, the punishment for abandonment of a parent was disinheritance, and the Decalogue rewards "honor" with longevity in the land..

Hammurabi's Code also addresses the issue of dismissing parents, and the punishment there is similarly severe. In paragraph 192, the text reads, "If the adopted son of a functionary or of a priestess has said to his foster father or to his foster mother 'you are not my father,' 'you are not my mother,' they shall cut off his tongue." In this case dismissing centers on the crime of speech. But the Code also includes a clause pertaining to the abandonment of adoptive parents (193), in which the punishment is the plucking of an eye, because that is the part of the body that saw the natural parents. Abandonment is clearly a crime of action.

Marcus' analysis of adoption contracts also shows the seriousness of dismissing parents. There, the penalties include disinheritance or possible sale into slavery. While the issues of adoption do not specifically address the Israelite family structure, these

[42] Also Isa 8:23.

clauses teach us that disregard and disrespect could include a verbal statement or the physical action of abandoning one's parents.[43]

Compliance

Although the two versions of the Decalogue rely upon the duty to k-b-d parents, the Holiness code uses the alternative verb y-r-a. While this may simply represent different traditions as edited by the H and D documentary schools, the nuances of this word indicate a second major sphere of filial obligation: compliance with parental authority. To be sure, some connotations of k-b-d also appear to refer to the need for obedience,[44] but the more dominant connotation there indicates respect and sustenance for an infirm parent, while the dominant connotations of y-r-a indicate obedience to and compliance with parental authority.

Deuteronomy 8:6 presents the typical usage: "Keep the commandments of the Eternal, your God, to walk in God's way and revere God's name." The parallelism with keeping commandments and following God's way epitomizes the use of y-r-a in relation to parents. Hosea 10:3-4 exemplifies the result of a lack of y-r-a where the people "Make agreements and establish covenants with false oaths." Perhaps the verse that best highlights the semantic range of y-r-a is Isa 29:13:

> My Eternal One said:
> Because that people has approached
> with its mouth and with its lips to honor (k-b-d) me,
> but its heart is far from me,
> and its reverence (y-r-a) of me
> has been a commandment of men, learned [by rote].

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[43] Marcus, 38.

[44] Mal 1:6 uses k-b-d to describe the way both sons relate to fathers (only fathers here) and slaves to masters which highlights the obedience connotation of k-b-d. Ps 86:9 also uses k-b-d in parallel with "bow down," again intimating an obedience relationship.

Here we see the vocal element of k-b-d contrasted with y-r-a. Because this verse is set into a larger sermon against disloyal ways, we can see that the people can respect God, and yet still be disloyal and disobedient in their behavior, missing the mark on fulfilling the command to y-r-a, and reducing it to the level of a piece of human legislation.

While k-b-d indicates the obligation of a child to sustain and care for a parent in old age and eventually in death, y-r-a indicates a present-focused obedience based on the child's contemporary position in the paternal hierarchy. This obligation is similar to the biblical concept of parental love, which we find referenced often in the book of Deuteronomy. D. J. McCarthy describes this love, "It is love which is seen in reverential fear, in loyalty, and in obedience—a love which, therefore, can be commanded."[45] Parental love in the Bible hinges far more on this kind of authority rather than on the kind of tenderness we often associate with love today. While some references do evidence some parental tenderness,[46] far more often we see a parental love based on authority over obedient children. According to Blenkinsopp, obedience cannot be stressed enough, "Great emphasis is placed on control, hierarchy, subordination to authority. On familiar roles and the conduct appropriate to each of them there are no surprises. Children of all ages are to be docile to parents."[47]

We also see this type of relationship in the book of Proverbs. The book as a whole resembles an ethical will from a parent to a child exhorting that child to proper behavior. The book concerns behavior in many areas of life and offers some guidance

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[45] McCarthy, 144-7. See also McKay, 433 "Here as elsewhere we see the characteristic juxtaposition of love and obedience suggesting synonymity. But what is most interesting is that this verse is immediately followed, albeit in the you-plural form of address, by a reminder of Yahweh's musar, the disciplinary relationship which exists between wisdom father and pupil/son.

[46] Hos 11:1 and Deut 1:31 depict fathers behaving in ways we typically label as loving—falling in love with a child, and carrying a child when he is in need.

[47] Blenkinsopp 1997, 83.

about the proper relationship between children and parents. Multiple verses stress the need for obedience[48] and the most general statements resemble 15:20, which equates wisdom itself with pleasing a father and foolishness with "despising" a mother. (Note that the equality of parents here is so evident that the words *ab* and *em* are used interchangeably in parallel phrases). Just as love was juxtaposed with obedience in Deuteronomy, wisdom itself becomes synonymous with obedience in Proverbs. In both cases we see the dominant metaphor and value—love and wisdom—become synonymous with obedience to and preservation of the social order.

Perhaps the clearest explanation of the importance of biblical obedience comes from understanding rebellion against parents and its consequents. Fortunately, in this area the biblical writers provided an example.

Transgression: Defiance

The most explicit description of the consequences of defiance comes in Deut 21:18-21, the case of the *ben sorer u'moreh*. This case describes a child who bucks the prevailing order and directs three accusations towards that child: that he is *sorer u'moreh*, that he will not *sh'ma bkol aviv v'imo*, and that he is *zolel v'soveh*. In order to flesh out disobedience in the Bible, I will analyze all three terms.

Although the common definition of *ben sorer u'moreh* as a wayward and defiant son adequately explains the surface meaning of the words, a deeper investigation into the semantic range and connotation of these terms will help explain the impact of disobedience on the family system. Both terms *sorer* and *moreh* appear multiple times in Tanakh, and they appear as a hendiadys as well. I will examine each one in turn and then the phrase as a whole.

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[48] Proverbs 1:8, 6:20, 10:1, 13:1, 15:5, 20.

While the Brown-Driver-Briggs Hebrew and English Lexicon defines the root s-r-r as rebellious or defiant, we often hear the word *sorer* translated as 'wayward' which is more in line with the root s-w-r, a root meaning "to turn aside." While wayward implies one is in error and wandering from the correct path, the uses of *sorer* in the Tanakh offer a more textured understanding. In Neh 9:29, *sorer* parallels with a stiff back, and in Zech 7:11 with a deaf ear. The reference in Zech 7:11 also follows an accusation of the Israelites "refusing to listen," which would indicate that *sorer* relates to obstinacy and stubbornness. We see that the root s-w-r can also relate to refusal to listen as well, because in Proverbs 5:7 the s-w-r root appears in grammatical parallel with the expression "listen to me," indicating that s-w-r connotes a contrasting behavior. Citations in the book of Isaiah more completely flesh out our definition. Isaiah 65:2 describes the people as *sorer* and explains that they "walked in a way that is not good; after their own thoughts." Isaiah 30:1 adds to this with Isaiah describing *banim sorerim* (rebellious sons) as those "making a plan that is not from me, weaving a scheme that is not my spirit, thereby piling sin upon sin." So in addition to being stubborn or obstinate, a *sorer* individual acts in error and ignores authority.

The Tanakh contains fewer references to the word *moreh*, but these are more localized around a narrower definition: rebellious. In Numbers 20:10 Moses refers to the restless and angry mob at Meribah as *morim*. This associates the word with a defiant group of people. I Kings follows this pattern in chapter 13 with the story of the nameless man of God from Judah who eats with the prophet of Bethel. After this prophet receives revelation from God, he rebukes the man of God from Judah and accuses him of *marit*, which JPS translates as "flouting" the word of God. From these two references we see

that *moreh* is more precisely defined as rebellion which overlaps with the definition of *sorer* in that both words imply defiance and error. But *sorer* also implies a refusal to listen—a hardness, stiffness or stubbornness. This broadens the definition of the second word.

We do see the word pair *sorer u'moreh* as a hendiadys in two other places. The first reference, in Jeremiah 5:23, refers to the people as having a heart that is wayward and parallels this accusation with turning aside and going their own way. While this reference only supports the rebellion piece of our definition, the following verse indicates a more stubborn attitude in the use of the present tense to describe how the people "do not say to themselves 'we will fear YHWH our God.'" Jeremiah accuses the people of a rebellion that continues into the present moment. Psalm 78:8 supports this reading as well when it describes a generation that is *sorer u'moreh*. Here the accusation is followed by references to a lack reliability in their faith. Both of these terms indicate more than a single rebellion and imply that *sorer u'moreh* is a repeated refusal to acknowledge authority.

The accusation against the *ben sorer u'moreh* also includes two other clauses. The first, "he will not listen to our voices" which I have translated more idiomatically as "he will not heed us" appears three times in the description of the behavior and again in the formal accusation. This expression *sh'ma bkol* appears throughout the Tanakh, in relations between a figure of authority, usually God, and a figure of inferiority, usually the people of Israel.[49] The expression implies following instructions and in relation to the

[49] This phrase appears especially often in texts associated with the "D" source. Deut 13:19 is a typical example: "For you wil heed the voice of the Eternal, your God, keeping all of God's commandments that I have commanded you this day to do what is right in the eyes of the Eternal, your God. See also Deut 8:20, 15:5, 26:15, 27:10, and 28:1.

ben sorer u'moreh this accusation indicates that the inferior party, the son, is ignoring the instruction of the authority figures, the parents.

The second additional accusation is another hendiadys: *zolel v'soveh*, usually translated as "glutton and drunkard." The combinaton of terms appears in only one other place in the Tanakh, Proverbs 23:20-21, where it literally refers to one who eats or drinks to excess. We also must note that the Proverbs text declares that this behavior will lead to poverty and disgrace. The quality of wisdom contrasts with gluttony and drunkenness and then verse 23:22 declares, "Listen to your father who begot you; Do not disdain your mother when she is old." The author of Proverbs probably knew of the tradition associating this negative behavior with a child who disobeys his parents. The word *zolel* appears singly as well, usually referring to something of little worth or a person who is considered lackadaisical or wasteful (Jeremiah 2:36, 15:19, Proberbs 28:7). The verse in Proverbs 28:7 relates specifically to the issue of the *ben sorer u'moreh* because the text claims that "one who keeps company with idlers [*zolelim*] disgraces his father. We may relate three later aspects of *zolel w'soveh*, then, to the issues of family systems: this behavior involves disregard for authority, it will bring disgrace and poverty and it will disgrace a family.

We should note the repeated nature of disobedience even after being disciplined. Hammurabi's Code also documents repeated disobedience in paragraphs 168, 169. There a man comes to the judges with a desire to disinherit his son. The court first must look into the prior behavior of the son, ostensibly to find a pattern of problematic behavior. The court also gives the son a second chance in paragraph 169, which further emphasizes the persistence of the problem.

Some commentators have offered that the three accusations are separate charges or at least that the charge of gluttony and drunkenness is separate from that of stubbornness and rebellion. Jeffrey Tigay calls the *zolel v'soveh* accusation an example of the kind of behavior included with *sorer u'moreh*. S. R. Driver's commentary on Deuteronomy also follows this approach. David Marcus differs in that he sees the second and third accusations as filling out the charge of stubborn rebellion and defiance. Marcus looks to a psychological reading of the text that sees these behaviors as different pieces of a diagnosis of anti-social behavior. This analysis concludes that the son's behavior borders on psychopathy. Marcus also cites Bellafontaine who claims that the combination of *ben sorer u'moreh* with *zolel w'soveh* indicates a complete non-comformist and threat to society. These expressions might be stock phrases to indicate an individual who is completely outside the bounds of socially acceptable behavior.[50]

The case of the *ben sorer u'moreh* delineates many of the key components of obedience in the Bible. A child, juvenile or adult, may not deviate from his or her parent's instructions, may not show stubbornness and must act when called upon to act. This type of behavior follows the uses of the root y-r-a, and explains why the author of the holiness code might have substituted this root for k-b-d in Leviticus 19. The importance of both of these obligations surfaces when we consider the punishments described for violations. In both cases—transgressions against k-b-d and y-r-a—the biblical penalty is death. If any violation of the familial order receives the ultimate punishment we might imagine the *rosh bet av*, to have unfettered authority over children. This leads us to our next area of investigation, parental authority.

[50] Marcus, 46-49.

Parental Authority

We have already seen that statements regarding filial obligation often proscribe sentences for transgressions of those obligations. Three major sentences stand out: execution, selling a child into slavery and disinheritance. While the first two punishments seem more extreme, we actually have more biblical evidence of these than of the last. This may be because disinheritance was so common that it did not merit mention in the Bible, or because the lines of inheritance were so rigid that a disinherited son could not survive in society and this sentence essentially amounted to one of the first two. Without more biblical evidence we cannot say. As for the punishments of execution and slavery, we do have literary evidence that these actually took place.

The most obvious examples of a parent's authority to execute children come from the book of Genesis. Twice in the stories of the Abrahamic family do we find record of a father's ability to sentence a child to death. We first see this in chapter 22, with the story of the binding of Isaac. While this story certainly does not pertain to a case of child rebellion and punishment, it does manifest the father's unfettered control over his child's life. During the Roman period this control came to be known as *patria potestas,* the power of life and death over children. In a religious setting, we find examples of child sacrifice throughout the Bible,[51] indicating that at least in this realm, a similar power existed.

We also see the father's authority over life and death during the story of Judah and Tamar (Gen 38). In this case, Judah exercises his right to execute a child explicitly for disobedience. The child in question is a daughter-in-law, indicating the power of

[51] Lev 18:21, 20:2-5, Deut 18:10, II Kings 16:3, 21:6, Jer 7:31-32; 19:5-6, 11; 32:35, Ezek 16:20-21; 20:25-26, 30-31; 23:36-39.

patrilocal marriage, the tradition of levirite marriage, and the equality of sons and daughters in matters of obedience. This last point requires elaboration. While references to filial obligation often include mention of mothers, daughters rarely appear in the text. Often, because of the specifics of Hebrew grammar, obligations seem to rest solely upon sons. Yet in this text we see a daughter that must obey the *rosh bet av*, and, in a sense, she is considered *sorer u'moreh*. Rabbinic texts later explictly exclude girls from the category of the "stubborn and rebellious son," and we cannot know how much Genesis reflects actual life, but this text intimates that a father could inflict the ultimate punishment upon daughters.

The historical books also demonstrate a father's power.. Judges 11 tells the story of Jephthah who is exiled by his brothers—admittedly not by his father—but more importantly the story of Jephthah's daughter. Again here execution derives not from disobedience (*davka* the opposite!), but instead from Jephthah's legal obligation to fulfill his vow. But we see here the power of a parent to execute his child without any other authority. Judges 19 also shows this power in the parallel story to Genesis 19, where a father can sacrifice a child, specifically daughters both times, to an angry mob.

In addition to the power of life and death, parents also seem to have the power to sell children into slavery. While Exodus 21:7 testifies to this practice in biblical Israel, Nehemiah 5:1-5 verifies that parents could follow this custom even after the Babylonian Exile. Interestingly enough, the later citation does not indicate a social disapprobation of the practice, only a lament over its economic necessity. This contrasts to the biblical comments about child sacrifice which clearly is condemned by all authors. The contrast highlights that while the content of a parent's behavior may have been regulated, the

parental authority seems to have been unrestricted. The critique of religious child sacrifice seems centered on the idolatrous nature of the offense, not on a parent's abuse of power.

We also see a parent's authority in matters of day-to-day discipline. What we might consider abusive behavior seems to have been the norm. Deuteronomy 8:5 describes God's discipline of Israel using the metaphor of a father disciplining a son. We should note that this verse is followed immediately (in 8:6) by the obligation to "walk in His ways and revere (y-r-a) him." Proverbs goes a step further to describe a father's need to use the rod when disciplining children.[52] We see that a parent's authority seems extreme in matters of execution, sale into slavery and discipline in general.

But the very laws of the *ben sorer u'moreh*, also manifest restrictions upon parental authority. While the child described in Deuteronomy 21:18-21 clearly disobeys his parents, the father alone cannot sentence this child to death. The procedure indicates that the father's authority was first limited by the inclusion of the mother in the behavior and the accusation. Calum Carmichael proposes that the text includes the mother here in order to remind the father of the potential life at stake. Carmichael posits that seeing the woman who produced this child might reduce the father's anger.[53] A second theory of why the mother is included concerns the child's right to inheritance, particularly if the child is a first-born. I will return to the issue of inheritance later, but for now we should note that in a polygamous family, the mother's and father's agendas for inheritance may

[52] Prov 13:24; 23:13, 14; 29:15.
[53] Carmichael, 137.

differ. By including the mother here, the text limits a father's ability to manipulate inheritance by eliminating older but less favored children.[54]

In addition to the mother's involvement, the father here cannot summarily execute the disobedient son. Instead he and the boy's mother turn to the "elders of the city at the gate of the place." They then judge the boy and administer the sentence. We should not underestimate the influence that this interposition of a communal authority has on family affairs. As Blenkinsopp explains, "With the imposition of the state apparatus and the establishment of a central and local judicial system, the discretionary power of the paterfamilias was, in any case, considerably reduced."[55] This might reflect a natural evolution of the legal system or a more significant shift in the way that patriarchal families related to the community at large. Either way, the monarchy's intrusion here deflects some of a parent's authority to punish to the king.

Toward a Theory of the Evolution of Filial Obligation

As we saw, the two major areas of filial obligation can be summarized by the roots k-b-d and y-r-a, which we usually translate as "to honor," and "to revere." My analysis of these roots led me to describe them as sustaining, preserving and caring for aging and dying relatives, and obeying and complying with those parents' instructions. In the pre-monarchy period and during the monarchy period but under the royal radar, local kinship networks reinforced and depended upon these obligations. A child's obedience enabled the *bet av* and *mishpaha* to work the land and preserve order, and this family success led to that child's inheritance of the land and eventual authority as a

[54] Deut 21:15-17 describes the very situation of a father attempting to manipulate inheritance in a polygamous family.
[55] Blenkinsopp 1997, 70.

parent. In the same way, childrens' care for and burial of elderly parents preserves the family's connection to the land in life and in death, perpetuating the "honor" due parents in that family.

As the monarchy interfered with the local kinship structures, these obligations may have shifted. The terminology remained the same, but a different understanding of "honor" and "revere" emerged. The duty to care for aging relatives shifted only to care for parents, and even that became problematic, as the many references to the mistreatment of widows implies some level of abandonment by children. Obedience to parental authority became less clear as individuals now felt obliged to obey the monarchy's authority, either in judicial matters or through conscription in the royal military. We see this shift in the laws of the *ben sorer u'moreh*. Previously a parent had the absolute authority to punish their children, but the laws of Deuteronomy required a parent to turn the child over to civil authorities for sentencing. Even if this authority derived from the prior kinship system where each *rosh bet av* served on the council of elders, their legislative power had been removed and shifted to the king. Most importantly the monarchy interfered with traditions of land inheritance, significantly changing the economics of family and eliminating one of the major forms of parental authority: the ability to disinherit.

The shift in family obligations also surfaces in the religious realm where family festival gatherings and rituals moved to Jerusalem further undermining the kinship network. These changes de-emphasized ancestor cults and burial sites, while focusing religious obligation not on deceased ancestors, but instead on the Temple cult. Anthony Phillips argues that the religious shift represented a major change in the interpretation of

the Decalogue. He posits that the original intent of "Honor your father and your mother," was to fulfill their religious obligations to the local deities and ancestors. When early Israelite society adopted Yahweh, the commandment solidified a child's obligation to follow this deity. But, according to Phillips, when the monarchy eventually legislated allegiance to Yahweh and outlawed other forms of worship, the command to honor parents' religion no longer seemed necessary. "Thus the emphasis of the commandment was altered to secure filial obedience in general."[56] In this one realm, the religious, we see how the shift from the authority of the paterfamilias to the monarchy altered the way these obligations were understood and interpreted.

Once the monarchy disappeared, these changes continued, but in new directions. The disconnection from the land partially removed the need to obey parents out of fear of disinheritance. The economy had become more urbanized, allowing individuals to establish their own means of producing wealth. This also completely stripped the ideology of intergenerational punishment, since the economic link between generations had been severed. In addition, during and after the exile, rapid social change, and the lack of a threat of disinheritance would make the commandments of obedience and compliance difficult to enforce. We see hints of this difficulty in the book of Proverbs. While earlier statements regarding y-r-a and the need for obedience carried the punishments of death, disinheritance or possibly selling into exile, the book of Proverbs exhorts children to respect parents not "so that you will may long endure in the land that the Lord your God is assigning to you" (Deut 5:16), but instead because "A fool of a man humiliates his mother" (Prov 5:20). The uprooting from the land undermined the

[56] Phillips 1970, 81.

rationale behind much of earlier filial obligations, leaving as the major incentive to obedience, the desire to impress parents and uphold their social standing.

The post-exilic era also introduced the importance of wisdom and writing, raising the need for education, and introducing the idea of educational inheritance. This development introduced a new element into the parent/child relationship, the competing authority of parents and teachers. While we do not see this problem fully developed until rabbinic sources, in certain circumstances, the Bible refers to to teachers as *av,* and students as *ben*, hinting at the early roots of this competition. One important example is the story of Elijah and Elisha, in which the latter consistently refers to the former as *av.*[57] In the same story and elsewhere we also see mention of the *b'nei n'viim* which most probably translates as "disciples of the prophets," and uses the terminology of family to describe members of a non-family commmunity.[58] According to Carol R. Fontaine, "It may well be that within the scriptural wisdom traditions, the familial terminology for direct address ("my son," "your father," "my child," etc.) has become dislodged from its (possible) original setting in the family and now functions to designate social roles within the new contexts of the academy and court."[59] While this use of *av* and *ben* may have originated as kinship traditions and then later become references to teachers and students, the actual person of the teacher may also have usurped some status from that of the *rosh bet av.*

These changes represent a gradual shift in filial obligations. A child's obedience and obligatory elder care had been governed by the power and authority of the paterfamilias. This power waned and the obligations shifted away from the kinship

[57] II Kings 2:12.
[58] II Kings 2:3, 7, I Kings 20:35.

network and more towards the state. The monarchy did not encourage complete disobedience. That would create social chaos. Instead the state promoted the value of obeying authority, but then undermined the kinship authority in favor of the state's. With the elimination of the monarchy, this authority also disappeared, and the obligations now became the mark of a wise individual. The culture of wisdom had emerged, in which one aspired to learning. Thus treatment of parents and obedience to their wishes were ways to avoid humiliation, and to bring pride. But these were enforced not by economic or political threats, but instead by a social system in which education became authoritative. In such a culture, a new authority began to emerge, that of the sage and teacher.

[59] Fontaine, 159.

Chapter 2

The Second Temple Period

With the exile and redemption, the grand biblical narrative comes to a close. Regardless of its historic accuracy, this story provides a general backdrop for the life of Israelite families. The Bible narrates (and promotes) a set of events largely concerning the royal elite, but we can find traces of life—to recycle an expression from the previous chapter—"beneath the royal radar."

As we turn to the post-exilic period we enter a period without anything remotely resembling a surviving grand narrative. While we can piece together historical events from sources throughout the ANE (including parts of the Bible), these texts do not contain the national aspirations and values communicated by a unified biblical text. Ironically, scholars believe that in this period redactors put the finishing touches on a completed biblical corpus. As we saw in the previous chapter, that material describes a world oriented around the monarchy. From it we can speculate about family life before, during and after the kingdoms of Israel and Judah. After the exile, we cannot rely upon such a clear orientation.

In this new period, the term "post-exilic" will lose its descriptive power as the exile recedes in the collective rear-view mirror. Instead, scholars choose to use the term "Second Temple Period" to describe this time, but this term also misleads. For the term implies the centrality of the Temple and the cult in Jerusalem. While during the "Monarchy" period, the monarchy truly did dominate public life, during the period currently under study the Temple only achieved specific moments of prominence. Even then its power was limited. The priesthood maintained significant power over Jerusalem, especially as the Persians, Ptolemies, Seleucids and Hasmoneans each designated a priest

as ruler. At the same time, other leaders competed with the priesthood, especially in the Diaspora.[1]

The exile of the ruling Jerusalem class began a process of diffusion for the Israelite community. The refusal of some exiles to return after two generations "By the waters of Babylon," exacerbated this geographic diffusion, but we also see in this period an ideological diffusion. Not only did the monarchy's demise disrupt political control, but also ideological unity, which was never totally unified,even under the monarchy.

If the diffusion began with the exile, it continued far beyond the return. A brief review of the history of the period will underscore my point. When Cyrus allowed the Israelite exiles to return to Jerusalem, the period of Persian dominion began. During this period the Second Temple was rebuilt and a series of priests/governors ruled the area. Israelite power remained restricted by Samaritan hostility to the North, and according to Lawrence Schiffman, "Judea seems for a time to have been only a small theocratically ruled political unity within the larger province of Samaria."[2] The most helpful texts describing this period are the last books of the Bible, which relate events and, to a certain extent, family life after the exile.[3] Unfortunately the events described in these works are immediately after the exile, and scholars date most of their completion to the end of the fifth century BCE.[4]

For almost the entire fourth century we have few sources. This period saw the coming of Alexander the Great to the Near East in 334 BCE as control of Judea shifted from Persia to Greece. During this Hellenistic period, Ptolemies and Seleucids

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[1] Schiffman, 68-70.
[2] Schiffman, 37.
[3] Haggai, Zechariah, Malachi, Daniel, Ezra, Nehemiah and Chronicles can all be dated in this period.

repeatedly fought over the strategic territory of Israel, and they allowed priestly control—primarily through the power of tax collection—to continue. While priests and priestly families maintained dominance throughout the period, a representative body called the *Gerousia* formed. Although we know little about the *Gerousia*, evidence testifies that these bodies existed in the land of Israel and throughout the Jewish Diaspora. We also might assume that these bodies evolved from councils of elders (or *roshei bet av*) in the biblical period, and may be the "Men of the Great Assembly" later described by the Mishnah.[5] During this period the best documentary evidence of family life are the early books of the Apocrypha and Pseudepigrapha.[6] I will also be relying upon a particular work found among the Dead Sea Scrolls at Qumran called the Sapiential Work (4Q415-418), the original date of which is unknown, but the form of which closely resembles wisdom material from the early Persian period.[7]

One text in particular deserves greater mention here. As one of the earlier sources in our period,[8] the apocryphal Book of Tobit casts a spotlight on family relations. In this story Tobit, the patriarch, has been stricken with blindness and, as he ages, he seeks to secure the family finances. Throughout the book, Tobit and his wife Anna progress through the years and difficulties of old age. As they do so, their son Tobias' ability to provide care rises in importance. In addition, Tobit sends his son Tobias to retrieve part

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[4] Schiffman, 49-56, ascribes the latest date to Ezra, which he says was completed during the reign of Artaxerxes II (403-359 BCE). The other books all have earlier dates.
[5] Schiffman, 68-70.
[6] For dating of the Apocrypha and Pseudepigrapha I have relied upon commentary in Michael Stone's *Jewish Writings of the Second Temple Period.* Throughout this chapter as I introduce a new work, its date and geographic provenance will be noted.
[7] Harrington, 826, offers no date, but he points out the similarity between Sapiential Work, Proverbs and Ben Sira. I will use this work both in its potentially early setting and as evidence of its continued use at Qumran later in the Second Temple Period.

of his wealth, and in the process Tobias weds Sarah, the daughter of Raguel and Edna, close relatives to Tobit. The story concerns issues of aging parents, inheritance, marriage, and burial. All of these are family concerns, and the way they are depicted will enlighten us about family relations in fourth century Persian-ruled Palestine.

The next major shifts in political control of Israel came during the tumultuous decade of the 160's BCE in which the Hasmonean dynasty began, and in 63 BCE when Pompey ended the dynasty. During the Roman period, power—and a significant Jewish community—resided in Rome through the person of a non-priestly local governor. While Roman control persisted for the next four centuries, the next major shifts in Jewish history occurred with the destruction of the Temple in 70 CE, the subsequent success of Christianity, and the rabbinic alliance with Rome. That period will be the subject of the next chapter.

As political control shifted throughout this period, Jerusalem never held complete power over Jewish life. In fact the more influential force was not political, but cultural: Hellenism. During the Persian period we have relatively little information about the extent of Persian influence. While certain remnants of Zoroastrian religion surely appear, cultural influence as a whole is questionable. Not so with Hellenism which profoundly influenced the culture of the entire region. Hellenistic influences drive the story of the evolution of Jewish family life in this period. As Jerusalem's power weaken and the Jewish community geographically, Hellenistic forces created differing levels of cultural diffusion.

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[8] According to G. W. E. Nickelsburg (40-46) Tobit's author certainly lived earlier than 200 BCE and probably lived during in the Diaspora during late Persian or early Hellenistic rule. This would place Tobit in the middle of the fourth century.

The texts of this period reflect that diffusion. While we might be seduced by the historicity of the four books of Maccabees, we should note that they represent four different perspectives on Hellenistic culture in their descriptions of the 160's. The same is true for other Apocryphal and Pseudepigraphic works in this period. Some, like Pseudo-Phocylides attempt to pass as Hellenistic gentile works, while others, like Jubilees or the Wisdom of Solomon explicitly tie themselves to the biblical text. In addition, no study of this period could be considered remotely complete without special consideration being given to the work of Philo Judaeus. Living from approximately 15BCE –50 CE, Philo's work casts a shadow over all Jewish writing in this period. The only circumstance preventing such a monumental amount of material from achieving canonical status would be that he wrote in Greek and was never translated into Hebrew during his time. But Philo can serve for us as a rich source of material Jewish life in the Diaspora. As his choice of language indicates, Philo embraced Hellenistic life and he attempted a synthesis between Judaism and Hellenism. Much of Philo's work sought to explain biblical story and law and thus will point directly to Jewish teaching about the family in his day. In addition, some of Philo's philosophical treatises reflect on contemporary family values and will provide more context. Because of the vast scope of Philo's writing, he will significantly illuminate family life of the Hellenized, Jewish, Diaspora elite at the turn of the era.[9]

The final work included in this chapter was penned significantly after the destruction of the Temple in 70 CE. Despite his late writing, Josephus Flavius claimed to witness life in pre-destruction Israel. Because of the vast volume of his historical writing

[9] All citations to Philo will be according to the Loeb Classical Library published by the Harvard University Press. Translations however will follow Yonge's 1854 translation published in one volume by

and because of the dearth of other material, Josephus deserves a place here. We should note that Josephus demands care for the modern reader. Although scholars believe he describes actual events and people, we must remember that he lived as a Jewish apologist, trying to convince Rome of Israel's worthiness. His writing is problematic, but the attitudes about family that surface in his work can testify to perspectives on family during the late Second Temple Period.

In the previous chapter I relied primarily upon biblical sources to sketch an image of Israelite family life. Despite the particular difficulties of working with biblical texts, that source offers a certain amount of coherence. If it does not accurately describe actual conditions in the ancient world, we can acknowledge that the Jewish community adopted this collection of texts as their authoritative statement of national mythology and ideals. To be sure, such an acknowledgement is as much a product of politics, power and social engineering as it is a statement of beliefs, if not more. Yet the Bible's overarching authority, if only for its readers and not its writers, lends some clarity to our understanding of family life. Unfortunately we do not find an acknowledgement of any later authoritative Jewish source until at least the completion of the Mishnah (200 CE) and probably until the Talmud achieved preeminence five hundred years later, if then. Of course, even these texts never reach the preeminence of the Tanakh.

Nevertheless, in the textual patchwork of the Second Temple Period, we might find greater accuracy. Since no one text dominates the others as did the Bible and as we will see in the Talmud, a chorus of voices remains. Such varied testimony may grant us greater access to the lives of Jewish families than do the crafted Bible and Talmud, even though we should always be careful to separate the texts' rhetorical agenda from their

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historicity. In addition, some sources will dwell more closely upon family issues than others (Tobit and Philo stand out here). As I survey the themes from this period I will look for consistencies across texts to underscore more universal trends, and inconsistencies to show areas where an idea may have receded.

For the sake of clarity I will follow the structure laid out in Chapter one. I will begin with an analysis of the social context of the Jewish family in the Persian and Hellenistic periods. Then I will investigate the twin commands to honor and revere—what I have called sustenance and obedience—parents as a roadmap to filial obligation. Finally I will ask to what extent parents had the authority to enforce these obligations.

Jewish Social Context

Some of these changes sprang from the natural evolution of Jewish society, while others resulted from changes in the surrounding political, economic and social position of the family during the Second Temple period. In addition, changes in family life radiated into the social context, playing a larger role in Jewish communities. We will survey the literature about Jewish society during this period, aiming to provide a sketch of the Jewish family's role in the larger world.

We should note that some societal changes evolved organically from within the Jewish community, while others sprang from the interaction between Jews and their neighbors. The first influences resulted from the Israelite experience in Babylonia. Then, because Jerusalem was a Persian vassal state for almost two centuries, we should expect Persian influence on Israelite society. But by far the most influential force in the Ancient Near East and the Mediterranean during this period was the spread of Hellenism. While Alexander the Great expanded Greece's military dominion over a vast territory,

much greater was the expansion of Greece's culture. Even after the zenith of their military power had passed, Hellenistic culture remained and became a fixture in all areas of the region. Although our period ends with the beginning of Roman control of Palestine, Rome had greater influence on post-Second Temple literature. Therefore, in this chapter, I will focus primarily upon the two earlier influences, Persia and Greece.

Before we focus solely on family concerns, we first must ask how much influence actually crossed between cultures. The vast distance between the center of Persian power and Judea might argue for a more limited influence. But since larger numbers of Israelites—especially Persian appointed Israelite leaders—journeyed the distance between the two capitals, Persia did have an impact upon Judea. Blenkinsopp claims that the remnant of tribal social organization followed a Persian system,[10] and we know of significant Zoroastrian influences on Israelite religion.

As to the question of Hellenistic influence, Joseph Modrzejewski, in his analysis of Hellenistic law, claims that the borrowing between different forms of law were fewer than scholars want to admit. He points to the legal autonomy enjoyed by ethnic groups throughout the empire, and argues that inter-legal influences were rare.[11] While this evidence might indicate a limited amount of exchange between legal systems, others point to significant amounts of social and ideological interchange. In his study of Galilean architecture, Santiago Guijarro concludes that Jews in this region were "deeply Hellenised, and that the families of this social class—who lived in cities—were not substantially different from those who lived in cities in other parts of the empire." If this were true for urban Jews in Hellenistic cities, Seth Schwartz makes the same conclusion

[10] Blenkinsopp, 47.
[11] Modrzejewski, 6.

for more rural areas. He analyzes the political agenda of the Hasmonean family and concludes that they had a deep awareness of Hellenistic city politics.[12] Finally, almost every study of Jewish sectarianism during the Hasmonean and late Second Temple periods concludes that the level of religious syncretism functioned as the most divisive social force. While the influence of Hellenism may have been limited in the legal sphere, we certainly can conclude that on social and ethical matters, such as family obligation, Hellenism significantly influenced Jewish life.

Early biblical texts helped us delineate a three-tiered structure of family and social organization. Although the monarchy's innovations worked to strengthen the nuclear family while undermining the power of the extended, this structure dominated agricultural economic life throughout the period. The exile beheaded the Israelite leadership structure, allowing the rural communities to persist with their existing structure. But to the extent that later documents reflect the concerns of the exilic community (synonymous with the leadership class), the communal focus shifted from the inheritance of land to the inheritance of knowledge and wisdom. Despite the textual focus on wisdom, Israelites remained on the land, and this economic structure continued to play a role. As we shall see, it was a significant role.

The Persian Period: The Rise of the Gentry

Through a careful study of the documents of Israel during the early Persian period, Joel Weinberg has reconstructed at least a sketch of social structure during this period. He points to the shift in terminology in the Bible away from the concept of *bet av*, instead to the new term *bet avot*. While the former dominated descriptions of the family before the exile, the term almost disappears in the post-exilic texts. In contrast,

[12] Guijarro, 62, and Schwartz 1993, 305-309.

the latter term appears throughout the post-exilic biblical literature. Weinberg defines the term this way:

> The *bet abot* of the Achaemenid era is an agnatic band which came into existence in the peculiar situation of the exile and repatriation, and which unified a number of families that were related (either genuinely or fictionally). The essential characteristics of the *bet abot* are a large quantitative composition and a complicated inner structure, an obligatory genealogy and inclusion of the name of the *bet abot* in the full name of each of its members and a conscious solidarity based on communal ownership of lands.[13]

According to Weinberg, this structure, while loosely based on family connections, more closely resembles a large communal estate. Blenkinsopp argues that this structure derived from Babylonian influence, and the returning exile community imported it into the land of Israel. In order to connect their returning claims to the land with their pre-exilic holdings, the leaders of these groups zealously preserved any remnant of tribal connection.[14] As these *bet abot* spread and took control of the agricultural system, we see them grow in power. Weinberg's description of "communal ownership" seems a bit like Marxist optimism. Instead, leaders of these communities most likely used the size and holdings of the group to leverage their own power.

Santiago Guijarro describes how large estates formed with influential landowners at their head. This system changed the fundamental priorities for individuals and families working the land. Because the system more closely resembled a feudal system, individual families became sources of productivity. No longer were they concerned with their own family self-sufficiency on the land. "At the same time the relationships of

[13] Weinberg, 61.
[14] Blenkinsopp 1991, 47, 53.

reciprocity that governed the family circle gave way to the relationships of redistribution that placed the control of productivity in the hands of a few, . . ."[15]

Seth Schwartz speculates that the Hasmonean family were one of these few. He uses the expression "village strongman" to describe the local power of such a family. Schwartz bases his analysis upon Tcherikover's survey of the Zenon papyri. These documents from the Hellenistic period describe how village strongmen ran Zenon, a tax collector, out of their town. Schwartz concludes that these individuals probably controlled vast swaths of remote rural areas, undisturbed by urban officials. In addition to the Hasmonean family, Schwartz also cites the well-known Tobiad family as another example of such a powerful institution.[16]

While these landed gentry would eventually play significant roles in the Hasmonean revolt, they had more immediate impact upon family relations. As the political control became concentrated in the hands of a few, the motivation for extended kinship networks diminished. Families became more nucleated. What the monarchy had attempted in an earlier era, the exile accomplished. The concept of family had permanently shifted from tribal and clan connections to a much smaller two or three generational structure. In an earlier era, the extended family functioned to successfully work the land and preserve the ancestral inheritance. After the exile, economic success came through more urban, mercantilist goals, and families no longer functioned to

[15] Guijarro, 62.

[16] Schwartz 1993, 305-309. Schwartz calls the first book of Macabees seductive, explaining that their placement in Jerusalem was probably historical revisionism. Instead he considers them a local priestly family that only became active when their local power became threatened. Schwartz surmises that their opposition to the Jerusalem reform stemmed from their fear that if Jerusalem became an official Greek city, regional power would be legally centralized, thus depriving local leadership of significant power.

support the economic system. With the economic purpose removed, filial obligations required a different justification.

The Hellenistic Period

The Oikos

The shift to more nucleated families mirrored the structure of Greek society, which probably hastened the fall of tribal networks. According to the Oxford Classical Dictionary, the Greek household consisted largely of parents and children with the occasional grandparent present.[17] While this family was probably more connected to the father's kin due to the patrilocality of marriage, these connections were informal, not economic. Instances in which nuclear families grew appear to derive from extenuating circumstances. Usually this involved unwed orphaned girls and widowed aunts, cousins and grandparents.

Giulia Sissa explains how this nuclear family functioned in the larger Greek society. The Greek word most closely approximating "family," *oikos*, denotes nothing more than a family unit headed by a married man. According to Sissa, when an adult male child left the home, he formed an entirely new *oikos*. Relying upon Aristotle's writing, Sissa explains that this unit functioned as a part of the *polis*, with each house acting as an individual in the larger society. The importance of this connection in Hellenistic society cannot be underestimated. Sissa interprets Aristotle:

> '. . . self-sufficiency has been reached, and while the state came about as a means of securing life itself, it continues in being to secure the *good* life' (Politics I.2.8). It was the difference between *life* and *the good life* that marked the division between the type of existence made possible by the family with its rural 'settlement' and the way of life that flourished in the city.

[17] Oxford Classical Dictionary, 729.

While families certainly existed outside the *polis*, membership in a *oikos* conferred a host of rights and privileges upon the individuals included. While this system shifted power away from the extended family to the nuclear, simultaneously, "The right to freedom of the city—a precondition not only for a political career but also for participation in public life, in the assemblies and tribunals—was subject to very strict genealogical conditions." While actual kinship obligations all but disappeared, the importance of proper family relations remained strong. [18]

Marriage and Sex Ethic

We might think that since the *oikos*, and thus the young independent male, held almost absolute autonomy, but this power was checked by regulations governing two family mechanisms: marriage and birth. The strict genealogical conditions described above could only be achieved through offspring born of a legitimate marriage. According to Sissa, " . . . fitness to beget citizens was affirmed by *ekdosis*, the act of giving a woman in marriage, performed by a male relative: the closer the degree of kinship, the more authoritative the act."[19] The importance of such a union cannot be overrated. Without trustworthy and respected lineage an individual would be considered a *nothos*, which literally translates as 'bastard,' but also connotes nothingness.

The strict rules governing marital unions and legitimacy of children belie an innovation in attitudes about sex in the ancient world. Just as the birth control pill significantly altered modern sexual practice, so too did the frequency of a more savage birth control by abortion and exposure. The ability of a father to reject a child allowed couples to engage in sexual activity without raising children. While some scholars have

[18] Sissa, 195-199, 215.
[19] *ibid*, 199-200.

speculated that this sex ethic contributed to the eventual population decline in the Roman Empire, we know for sure that in the Hellenistic period this brutal form of birth control liberated sexual practice.

In response we see numerous sources denounce this sexual liberation. In the book of Tobit we hear Tobit warn Tobias, "Beware, my son, of every kind of fornication."[20] A much later work, the *Wisdom of Solomon*, contains a long diatribe against unlawful unions.[21] According to Gilbert[22] the *Wisdom of Solomon* was an exclusively Jewish book, written around the turn of the era in Hellenistic Alexandria. Especially interesting is the highly hellenized quality of the book, which may explain its response to the sexual liberalism of Hellenistic culture. Philo also ciriticizes non-procreative sex, comparing those who engage in such behavior to boars and he-goats.[23] While these citations all criticize sexual openness, they most likely show evidence of a Jewish response to the liberalism common in the Hellenistic Middle East.

Perhaps the greatest Jewish effort to avoid sexual openness were the ascetic, isolationist sects during this period. According to J. J. Collins, most scholars assumed that the Jews at Qumran were a celibate community, but strict rules governing marriage and procreation show that marriage was an option.[24] The restrictions on such marriages do show the fear of licentiousness evident in the Dead Sea community. The same can be said about the Essene community. Although his description is late, Josephus explains that the Essenes "reject pleasures as an evil, but esteem continence, and the conquest over our passions, to be virtue. They neglect wedlock, but choose out other persons' children,

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[20] Tob 4:12.
[21] Wis 3:10-4:9.
[22] Gilbert, 301-313.
[23] Spec. Laws III 110-118.

while they are pliable, and fit for learning, and esteem them to be of their family, and form them according to their own manners."[25] This description mirrors that of Philo's Therapeutae in which the renunciation of sex results in an artificial family structure in which parents seemingly adopt children arbitrarily, without kinship connection.

The importance of legitimacy within Hellenistic marriages highlights the sexual openness within the Empire. Second Temple literature indicates that some Jews eschewed such practice. Nevertheless, a culture in which the sexual act has been disconnected from the procreative purpose also exhibits an innovation in the way marriage functions in the family. The individual couple seems to have had a great deal of autonomy in relation to the extended family. The days when the extended kinship network held an interest in the productivity of marriage had passed.

Patria Potestas

In addition to the legitimacy of the marriage, an individual could not be accepted as a citizen until accepted by his father. In Greek and Roman life this acceptance operated through the birth ritual of placing the newborn on the ground and waiting for the father to lift him up. A child born of an illegitimate union, or one rejected by his or her father would either be exposed, or would be considered offspring of the mother only.[26]

In Hellenistic society, this power over the life of a newborn, extended beyond the days of childhood. A Greek or Roman father held the power of life and death over his children at least until they left the home and formed an *oikos* of their own. In the Roman Empire, this power persisted until the death of the father. Paul Veyne describes the two practices.

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[24] Collins 2000, 287-290
[25] J.W. II 120.

> A peculiarity of Roman law that astonished the Greeks was that every male child, past puberty or not, married or not, remained under the authority of his father and did not became a Roman in the full sense of the word, a *paterfamilias*, until the father's death. More than that, the youth's father was his natural judge and could privately sentence him to death.[27]

This power derived from the Twelve Tables, an early Roman law code, which granted the Roman father the ability to serve as supreme ruler in his family's affairs. We even see cases in which the Roman government must ask a father to execute criminal sentences because the government lacks the power to do so itself.[28]

A great deal of ink has been spilled on the subject of *patria potestas*, something I will discuss in detail in the following chapter. While the Twelve Tables granted this power, it diminished throughout the span of the Roman Empire until it is severely limited by second century CE.[29] Here we note that while we have seen Jewish sources which encourage the use of force and support a parent's authority, this authority was greatly surpassed by the power of the Hellenistic father.

In some ways the ability of a father to reject his child strengthened the position of women in Hellenistic society, allowing them to serve as guardian to fatherless children. (This also may have been incorporated into the Christian belief in a woman giving birth to a fatherless child). Joseph Modrzejewski argues that the position of women improved in the Hellenistic world primarily because rejection by fathers elevated the status of mothers.[30] The converse, of course, could also be true. Fathers may have rejected children because of a suspicion of rape or adultery, possibly slandering their wives.

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[26] Sissa, 200-201.
[27] Veyne, 27.
[28] Gardner and Wiedemann, 3-5.
[29] Carcopino, 77.
[30] Modrzejewski, 11.

By placing such an importance upon the legitimacy of a child's birth, Greek society preserved some importance for ethnic connection. In contrast, after birth the family was almost entirely disconnected from an extended network, practically severing the connection between the parents, newly grandparents, and their adult children, now parents. We should note that within the Hellenistic system lay buried an idea even more disruptive to filial relations. Plato describes his Republic as a utopia in which children pass directly from womb to city, eliminating any family loyalties that might interfere with devotion to the Republic. Plato writes, "a city without families would not only be possible but indeed preferable to the regimes found in Greece, since the private sphere was always an obstacle to the blossoming of the political good?"[31] The institution of the city-state is more important than family ties. While no such city ever existed, nor probably ever will, Plato's description manifests a deep Hellenistic mistrust of family ties. Ideal was the pure political institution. Family was a messy obstacle to be overcome.

Born in Greece, similar ideals spread to Hellenistic cities throughout the empire and surely influenced Jewish family structure. This would further diminish the role of extended family networks and more highly concentrate filial obligations and authorities within the nuclear unit. To the extent that Plato's idealism reached the masses, this ideology undermined even the nuclear family, instead focusing all social power in the hands of the individual as a part of the communal whole. We know that the sexual liberalism of the day did in fact eliminate (or downplay) the nuclear family for some, instead creating autonomous individuals or couples. According to John Barclay, these changes would lead isolated, individualized Jews to place a greater emphasis upon

[31] *ibid*, 198-99.

Judaism as an ethnic network. He argues that families served as an ethnic bulwark against assimilation and describes a number of trends (how non-Jews refer to Jews, the importance of endogamy, how proselytes are treated, and the significance of socializing children) that reinforce this ethnic basis of family.[32]

Education

As Barclay notes, socialization rises in importance due to the need to preserve ethnic family ties. The most effective, and, as we will see in the succeeding chapter, influential method of socialization was through formal education. Hellenistic society valued education as well, but innovations stemming from Greece and Rome would have profound effects upon Jews during and after the Second Temple period.

The most significant innovation in this period was the rise of the professional teacher. While later Roman thinkers such as Cicero and Pliny the Younger would place great value in a father teaching his children, Greek sources move in the opposite direction. Thomas Wiedemann proposes an explanation, "The reason for the preference of the parent was philosophical. Greeks taught the principles of subjects, but the Romans believed in teaching by example. Therefore the father, who it was assumed possessed the skill, was the best teacher."[33] In addition, observers of Greek culture, including Philo, complained that children educated in the home become indulged and spoiled.[34]

According to Veyne, Hellenistic education existed not only to teach particular skills, as in an apprenticeship, but also to "embellish their minds." For this purpose, Greeks engaged professional teachers to communicate to the young "the study of *belles letters.*" An awareness of adult passions, decadence and proclivity for luxury lay behind

[32] Barclay 1996, 405-413.
[33] Wiedemann, 158.

this system, and Greeks hoped that through schools and teachers their children could be properly tempered.[35]

Jewish sources on the subject mirror the importance of education but they preserve the familial role in passing knowledge. Throughout the Pseudepigripha and Apocrypha we see exhortations for parents to teach their children and even the content of these lessons.[36] Philo echoes these sentiments advocating parental education even against a child's will.[37] A child should be taught early, and the lessons should include both Jewish laws and theology, as well as Greek athletics, philosophy and letters.[38] Although Philo does note the particular Jewish reverence for learning law, he attempts a harmonization of Judaism with Greek culture and sees both subjects as equally important.[39] The importance of learning also surfaces in the annual pilgrimage of Alexandrian Jews to Pharos, the site of the translation of the Bible into Greek.[40]

The irony here should not be lost. Jews in the Diaspora valued Jewish learning, but they sought to fuse this learning with their Hellenistic culture. Therefore they celebrate the day in which their text came into congruence with their lifestyle. Thomas Wiedemann describes the situation:

> For the writer of the second-century BC [sic] *Letter of Aristeas*, or for Philo, Judaism was not opposed to the *paideia* of the Hellenistic world in which they lived: rather, it was a philosophical system like Stoicism or Epicureanism –and because it was superior to any of these systems, it was the perfect completion of a proper *paideia*.[41]

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[34] Veyne, 15.
[35] *ibid*, 16-20.
[36] Sir 30:3-6, Jub. 8:2, 11:14-17, 1 Macc 18:10-19.
[37] Alleg. Interp. III 84.
[38] Embassy 115, Spec. Laws II 230.
[39] Embassy, 211-212.
[40] Barclay 1996, 424.
[41] Wiedemann, 194.

Because of their allegiance to Hellenistic culture, we should not be surprised if these Jews also copied the Hellenistic method of educating children: private teachers and schools. Even though Jewish sources advocate a parent's education of children, we see form Philo's extensive list of subjects to be taught, that this simply would not be feasible. Some Jews found these hellenized schools threatening, and Wiedemann believes that Pharisees created schools in order to counter Greek education in the first century BCE.

If we focus too much on the content of the education, we will miss the point of interest to this study: the institution of the school itself. Eva Maria Lassen points out, "With the emergence of synagogues and schools the father played a lesser role in education."[42] The shift from family education to the institution of the school fundamentally changes the way that knowledge passed between generations. By copying the Hellenistic method of educating, Jewish families opened the door to a significant threat to parental authority and source of competition to family loyalty. We noted earlier that numerous Jewish authors cited philosophic concepts, beliefs, ideals and political movements as reasons to violate the authority and obligations of family. The Hellenistic system of education provided another.

Honor as Preservation of Family and Future

> My son, when I die, give me a proper burial. Honor your mother and do not abandon her all the days of her life. Do whatever pleases her, and do not grieve her in anything. Remember her my son, because she faced many dangers for you while you were in her womb. And when she dies, bury her beside me in the same grave.[43]
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> Tobit, 4:3-4

[42] Lassen, 249.
[43] All text and line citations from the Apocrypha will be from the NRSV.

As we saw in the biblical period, the command to "honor" primarily concerned a child's obligation to sustain parents in old age and to ensure proper burial. This understanding continues after the exile, but unlike the biblical commands which focus primarily upon obligation, Second Temple literature describes a wider set of social expectations. As Suzanne Dixon explains, "The expectation that children will provide their parents with support in old age and proper commemoration at death is a deep seated one. It was frequently explicit in the ancient world."[44] The epigraph from Tobit above illustrates these wider expectations.

When Tobias leaves home to retrieve the family fortune, Tobit clearly fears that he will die before his son's return and he admonishes Tobias with the passage above. The warning delineates some of the issues surrounding care for elderly parents, in much the same way as in the previous chapter we analyzed the description of a son in the Tale of Aqhat. The first and last obligations concern proper burial for both parents. The description, "bury her beside me in the same grave," most likely refers to placement of remains in the type of large family crypt common in the ANE. The next obligation mentions a significant concern for parents in this era: abandonment, especially of widows. Tobit's comment belies the prevalence of abandonment—or at least the prevalent fear of abandonment—and implies the social expectation that a child care for parents. But is this expectation a legal obligation, especially in the case of aging mothers, or is it simply a social norm? Part of the answer can be found through a better understanding of the inheritance system of that time. Tobit's concern for Anna stems from his knowledge that she cannot inherit, so we must understand how Tobias, as inheritor, continues to honor his parents. These three implications of "honor" raised by

[44] Dixon, 108.

Tobit's admonition—burial, elder care and inheritance—provide the framework for this section. In addition, the sources will demonstrate a significant shift from the biblical period in the way that family continuity operates. While this is not included in Tobit's admonition, I have included it below, and it makes up the fourth part of this section.

Burial

As the book of Tobit continues, Tobias lives up to his father's expectations. The book closes with Tobias and Sarah ensuring the burial of both sets of parents. Such an ending reinforces the denouement of the story. Proper burial of parents symbolizes a sense of social order in contradistinction to the opening of the book. Indeed, the early calamities of Tobit's life, such as imprisonment, stem from his insistence on burying kinsmen otherwise left exposed. The conclusion here directly balances the opening social breakdown.

We find the clearest example of this idea in our time period in the book of Baruch. Here the second century BCE[45] author reinforces the idea that proper burial exemplifies proper social order. When Israel disobeys God, the symbolic punishment is the exhumation of the dead:

> But we did not obey your voice, to serve the king of Babylon; and you have carried out your threats, which you spoke by your servants the prophets, that the bones of our kings and the bones of our ancestors would be brought out of their resting place; and indeed they have been thrown out into the heat of day and the frost of night.[46]

If burial represents orderly progression of society, then exhumation represents disorderly digression. The same is true as late as the Roman period in which the fourth book of

[45] Nickelsburg, 140-145, argues for this dating on the basis of Nebuchadnezzar being a stand-in for Antiochus IV. In addition, he asserts the theory that the translator of Jeremiah, which we can date to this time, most likely translated Baruch as an appendix.
[46] Bar 2:24-25.

Maccabees appears.[47] In this work, the mother of seven martyred sons laments their loss by exclaiming, "Alas, I who had so many and beautiful children am a widow and alone, with many sorrows. And when I die, I shall have none of my sons to bury me."[48] Although this comment serves the author's larger purpose of praising the martyrdom of the seven sons, despite the great pain it caused, it does exemplify the parents' dependence on their children. Also in this work we see that the duty to bury kin extends not only to parents but also to brothers.[49]

Josephus also focuses on the lack of proper burial practice as a sign of moral depravity within the Zealot party. We should note Josephus' larger goal of convincing the Roman reader of the Zealot's abnormality in the larger Jewish community. Nevertheless the language and examples he chose manifest his deeper values on the subject of burial.

> But these zealots came at last to that degree of barbarity, as not to bestow a burial either on those killed in the city, or on those that lay along the roads; but as if they had made an agreement to cancel both the laws of their country and the laws of nature, and, at the same time that they defiled men with their wicked actions, they would pollute the Divinity itself also, . . .[50]

While this passage in Josephus says nothing of the child's obligations vis a vis parents, we can see the strong social and philosophical implications related to burial. Just as earlier sources used proper burial and exhumation as signs of social order and disorder, so too does Josephus use the issue of burial to marginalize a sect. We should contrast this quotation with that of 4 Maccabees. In both examples, individuals have disregarded the obligation of proper burial, in the earlier case of a parent, in the later case of the larger

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[47] Gilbert, 316-319 argues for this dating despite the author reporting on earlier events.
[48] 4 Macc 16:10-11.
[49] 1 Macc 9:19.
[50] J.W. IV 381-382.

society. The fourth book of Maccabees uses the martyrdom to illustrate the piety of the seven sons, and the mother's lament, in its context, indicts not the children but instead the oppressive opposition. In contrast, under almost identical historical circumstances—during a period of military action and social unrest—Josephus finds fault not with oppressive regimes but with Jewish revolutionaries.[51] What harmonizes both cases is the use of burial as an indicator of morality. The perspective and agenda of the author determines the bearer of blame.

Elder Care

Returning to our epigraph from Tobit, we see that not only was a child obligated in the final preparations for a parent, that child also ought to provide support for the living, elderly parent. As James Jeffers explains, "Once a child is married, his relationship with his parents shifts from receiving support to giving support, as his parents grow old."[52] At the moment Tobias departs his family, he has reached adulthood and in precisely that moment his mother most feels her personal loss. As she fears he will not return, she exclaims, "Why is it that you sent my child away? Is he not the staff of our hand as he goes in and out before us?"[53] Later sources reinforce the importance of filial support for aged parents. In listing the calamities that befell a wayward Israel, Baruch states, "They led away the widow's beloved sons, and bereaved the lonely woman of her daughters."[54] To be left childless represents a serious loss in the ancient world.

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[51] Again we note his apologetic agenda.
[52] Jeffers, 146.
[53] Tob 5:18. We should note that in 5:19 Anna continues to lament not only her loss of personal support, but also the potential loss of her child's life. According to this reading parents felt a mixture of need for support and love for their offspring.
[54] Bar 4:16.

Ben Sira picks up on this theme in his exhortations to his student. An important work of the Apocrypha, Ben Sira, or Ecclesiasticus, closely resembles the book of Proverbs in form and content. According to Gilbert, Ben Sira lived in Jerusalem and wrote around 190 BCE. Although the book was not included in the Hebrew canonical scriptures, it had a significant impact upon *halakhah*, *aggadah* and later liturgy. The book is cited authoritatively throughout both Talmuds with the term "As it is written," normally reserved for canonical texts. For our purposes, Ben Sira significantly stands out because, unlike Proverbs which has a more universal and religious overtone, Ben Sira discusses social and personal obligations.[55]

The scope of his writing provides us with a more nuanced view of the obligation to care for elderly parents. Unlike most authors who only describe a child's obligations, Ben Sira acknowledges the personal difficulty this might engender.

> My child, help your father in his old age,
> and do not grieve him as long as he lives;
> even if his mind fails, be patient with him;
> because you have all your faculties do not despise him.
> For kindness to a father will not be forgotten,
> and will be credited to you against your sins;
> In the day of your distress it will be remembered in your favor;
> like frost in fair weather, your sins will melt away.
> Whoever forsakes a father is like a blasphemer,

and whoever angers a mother is cursed by the Lord.

While other passages regard only the requirement to provide care, Ben Sira fits the care of parents into a larger framework. The child receives divine reward from such proper behavior, while personal curse awaits the transgressor. Just as we saw that burial symbolized proper behavior in the social order, we also see elder care as a similar fixture.

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[55] Shulewitz, 550-553.

The difference here is that in addition to social weal, the sources point to philosophical necessity.

Our passage from Tobit hints at the origins of this idea. When Tobias pleads, "Remember her my son, because she faced many dangers for you while you were in her womb,"[56] he sets up an obligatory equivalence between the care for a child before and after birth, and the care for a parent before and after death. Ben Sira picks up on this equivalence, "With all your heart honor your father, and do not forget the birth pangs of your mother. Remember that it was of your parents you were born; how can you repay what they have given you?"[57] According to this world view, carrying an unborn child and caring for a helpless newborn is an investment whose dividend will be paid in old age.

We know this idea of equivalence persisted in the Jewish mind through the turn of the Era because we find traces of it in the Dead Sea Scrolls. While the Scrolls contain copies of works found in the Apocrypha, Pseudepigrapha and Bible, they also contain works found only among the Dead Sea Sect. One of those works, known simply as the Sapiential Work A^b, or the Instruction,[58] contains the following teaching:

> Honor your father in your poverty and your mother in your steps, for like grass for a man, so is his father, and like a pedestal for a man, so is his mother. For they are the oven of your origin, and just as they have dominion over you and form the spirit, so you must serve them;

The argument to honor parents here rests upon "For they are the oven of your origin," which resembles the earlier allusions to the womb. But we have a second ideological element tacked on here. The parents deserve honor because they "form the spirit." We

[56] Tob 4:4.
[57] Sir 7:27-28.
[58] 4Q416 2 III 15-21, 385 in the Martinez Edition.

will see this idea resurface again later when a parent's role as creator as a parallel to God's role as creator, obliges honor.

Philo also evidences the importance of elder care in his commentary to the Decalogue. Using the example of birds in nature, he reiterates the equivalence idea described in Tobit and Ben Sira. He writes:

> And there are also others who are unable to support themselves, for children are no more able to do so at the commencement of their existence, than their parents are at the end of their lives. On which account the children, having while young been fed in accordance with the spontaneous promptings of nature, now with joy do in return support the old age of their parents.[59]

In addition to relying upon the equivalence between child and elder care, Philo also offers other reasons for the care of parents. Like the author of the Sapiential Work, Philo sees in the parent a divine role as creator.[60] Thus one who neglects parents also would be willing to neglect duties to God. He particularly chastises those people who "devote themselves to piety and holiness towards God, but meanwhile abandon parents.[61] As mentioned above, both of these concerns—the reciprocity of child and elder care, and the parallel between filial duty and divine duty—center upon philosophic and theological arguments. This contrasts the arguments that proper burial testifies to the health of the social weal. Philo might have sensed this, because in his discussion of elder care, unlike the statements in earlier sources, he connects care for parents with behavior in the public domain. "For to whom else will those men do good who neglect their nearest relations

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[59] Decaolgue 117.
[60] Decalogue 107: The nature of one's parents appears to be something on the confines between immortal and mortal essences. Of mortal essence, on account of their relationship to men and also to other animals, and likewise of the perishable nature of the body. And immortal essence, by reason of the similarity of the act of generation to God the Father of the universe.
[61] Decalogue 110.

and those who have bestowed the greatest gifts upon them, some of which are of so great a character that they do not admit of any requital?"[62]

Philo's argument deserves further elaboration not because of its imagination (the argument's simplicty is elegant) but instead because of its originality in this stream of Jewish thought. For the first time in Jewish sources do we have the treatment of parents in their old age explicitly linked to just behavior in society. This line of social philosophy reflects the influence of Hellenistic thinking. Philo also makes explicit a message that lies behind the repeated prophetic criticism of mistreatment of the widow and the orphan.[63] When the most vulnerable members of society are abandoned by their own families, the unjust proliferate. While this argument rings with morality, it also might indicate a society lacking the kind of kinship networks described in the previous chapter. In a society in which extended family could ensure the care of neglected parents, neglectful individuals would be ostracized and punished. But Philo's description shows that these individuals remained in society.

Even though Philo strongly encourages care for parents, he describes "men who neglect their parents," saying that they should "cover their faces from shame." We have no way of gauging the commonness of such men, but we can detect in Philo's writing hints that this problem occupied his mind. In another of his treatises, *On Joseph*, Philo describes the moment when Joseph's brothers face the prospect of returning from Egypt without their brother Benjamin:

> 'How, then, shall we approach our father who is under the influence of such feelings? And with what eyes shall we be able to behold him without this his youngest son? He will die most miserably if he only hears that his son has not returned; and then all those who delight in hatred and in evil-speaking, and who

[62] Decalogue 112.
[63] Isa 1:17, 23, Jer 7:6, 22:3, Ezek 22:7, Zech 7:10, Mal 3:5.

rejoice in such misfortunes of their neighbours [sic], will call us murderers and parricides.'[64]

Philo's description of Judah's anxiety testifies to an accusation that must have floated through ancient Alexandrian culture. While we know of patricide as a feature within Greek and Roman culture,[65] Philo may indicate here that the practice had spread to the Jewish community as well.

Inheritance

The third element hinted at in Tobit's admonition is the dependence of a mother upon the goodwill of a son. Lying behind this dependence is the fact that women did not inherit property from their husbands. While we can see from Tobit and Ben Sira that a child is obligated to honor both father and mother, we can also see that mothers did not inherit property. This explains why a mother, Anna, would be so dependent upon her son, Tobias, after the death of her husband, Tobit.[66]

As we saw in the biblical period, inheritance patterns preserved tribal land holdings. The episode of the daughters of Zelophehad (Num 26) showed that women could inherit, so long as they married within the tribe and the tribal property passed to their husband. We can see that the idea of tribal lands persisted into the Second Temple period through occurrences in Nehemiah, "And the rest of Israel, of the priests, and the

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[64] Joseph, 226-227.
[65] Thomas, 249.
[66] The sources following Tobit continue to exclude women from the inheritance system. One contemporaneous source, Judith (cf. Nickelsburg, 46-51, on dating), does show a woman inherting. But this seems to be the exception that proves the rule. In much later documents we still see women excluded. The story of Babatha in the Dead Sea Scrolls illustrates that women, when present, could not inherit their husbands. Collins 2000 (289) explains. "When Babatha's first husband died, the town council of Petra appointed two men to be guardians of the orphan boy, who had been left a trust fund of four hundred denarii by his father." Babatha complains and wants custody of the boy and the money, but she eventually is unsuccessful.

Levites, were in all the cities of Judah, every one in his inheritance."[67] But as the period progressed and social upheavals continued, the practice of the Jubilee year diminished, and if the Mishnah is to be believed, then during our period Hillel created the *prozbul* to avoid it.[68] The link between particular lands and particular tribes weakened, and inheritance became solely a family matter. Mentions of inheritance in this period lack any mention of a greater tribal concern.

In fact, the book of Tobit contains an inheritance practice that will shed more light on the change from a tribal system to a family system. When Tobias marries Sarah, her father, Raguel, gives Tobias half of his estate as a dowry, and promises to deliver the other half upon his death.[69] This wealth transfer is worth noting for a number of reasons. First, the sum indicates that it was intended to be far more than a dowry. Raguel promised it after the wedding and gave it as a parting gift directly to Tobias. Second, the transaction did not involve Tobit in any way, which seems odd considering that his son was being wed. The only way to explain the transaction is to see it as an advance upon Raguel's inheritance. Will Soll explains:

> The dowry Tobias receives is, in effect, a down payment on Sarah's inheritance, the remainder of which will fall to them after the deaths of Raguel and Edna (8:21). Tobias is, in turn, beholden to Sarah's family as parents; his filial obligation extends to them (14:12-13).[70]

This process raises other implications. First, it would explain Raguel's statement that Tobias had a claim on Sarah above all other men because of his close kinship.[71] Since

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[67] Neh 11:20.
[68] Neusner, 14-19.
[69] Tob 8:21, 10:10.
[70] Soll 2001, 261.
[71] *ibid*, 259. Soll explains Tobias' right to marry Sarah by looking at Num 36:8-9. "This law closely parallels the situation in Tobit, especially if the author of Tobit took 'clan' to refer to a specific group within the tribe and not as a way of referring to the tribe itself. Moreover, this law shares with Tobit a

Raguel would want to keep his wealth "in the family," he obviously preferred Tobias. Second, it demonstrates the ability of an individual to direct his inheritance in any way he saw fit (I purposefully use gender specific language here since women rarely had an inheritance). Third, Raguel advances such a large portion of his estate, possibly because he avoids an inheritance tax or local levy in his lifetime. We know from later sources that the wealthy protected their property through means as creative as those in our own day.[72] Fourth, the transaction exemplifies the power of an individual over personal wealth without concern for larger tribal structure. Raguel can transfer all of his property to a geographically distant kin because both men live in the Diaspora. Families no longer live in connection to the land. Finally, and most importantly for our purposes, Tobias becomes filially beholden to two sets of parents, a feature not seen in earlier sources. The transfer of filial responsibility represents probably the most significant innovation of this text. Although Tobit does not demonstrate how one individual might balance a conflict between obligations to two sets of parents, we can see the development of competition with parental authority. Raguel in effect purchases Tobias' filial obligation.

To return to the issue of individual choice, I do not want to exaggerate the power of an individual over inheritance. While tribal connections diminished in this period, agnatic family bonds remained. Philo delineates classes of inheritors including uncles, cousins and brothers if no sons were available. We should note that he does allow daughters to inherit property without actually owning it. They can only be sustained by it.[73] Elsewhere, Philo follows the laws of Deuteronomy 21 as he describes the practice of

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concern for the inheritance of a daughter. Sarah's status as an heiress is central to all of the discussions about whom she marries."

[72] Blidstein, 62.

[73] Moses II 243-5.

primogeniture which preserves the double portion of the first born, and he restricts the father from tampering with this order even after taking new wives.[74] Eva Marie Lassen reports that Greek and Roman writers noted the Jewish peculiarity in following this law.[75]

Despite the restrictions, we find no mention of the importance of preserving a communal property base, and little emphasis upon inheritance across extended family networks. Inheritance seems to pass, whenever possible, directly from father to son, preserving nuclear family wealth, irregardless of clan or tribe. This represents a fundamental shift from the earlier biblical period in which the preservation of tribal land inheritance, with its associations of burial and ancestor cults, secured a family's connection to the past and future. Since each family no longer lived, as Nehemiah describes it, "each on his inheritance," we must look elsewhere for the family's legacy, their connection to the future. A hint of that connection can be found in Raguel's acquisition of Tobias as a son.

Honor as Insurance of Future

Early sources such as the Decalogue associate the obligation to honor parents with longevity in the land. We have seen this promise substantiated in the biblical period in the way that honoring parents preserves the tribal inheritance system and maintains the ancestor cult. In the Second Temple Period, Tobit and other sources demonstrate the disconnection from the land, yet the idea that honoring parents will lead to blessing in the future—securing a family's connection to the future—persists.

The later prophet, Malachi, in describing a messianic end of days utilizes the power of the filial relationship to demonstrate the coming era of peace. "Behold, I will

[74] Spec. Laws II 135-139.
[75] Lassen, 260.

send you Elijah the prophet before the coming of the great and terrible day of the Lord; And he shall turn the heart of the fathers to the children, and the heart of the children to their fathers, lest I come and strike the land with a curse."[76] Ben Sira also continues this theme as he explains how honoring parents will bring rewards such as atonement, treasure, joy in children, God's attention to prayers, long life, and a strong home. We see this idea persist well into the Roman period in the Sibylline Oracles which equates the general concept of wickedness with one who does not honor his parents.[77] While these sources restate the biblical idea that proper observance of filial obligation will preserve the family future, they do not articulate the carrier of that future. Simply stated, general statements like these do not offer a replacement for longevity on the land.

Where families once aspired to preserve the ownership of family land, the sources now evince a greater emphasis on preserving the purity of family blood. Immediately after the exile we see this preoccupation surface in Ezra and Nehemiah as both books stress the importance of prohibiting intermarriage.[78] Frank Alvarez-Pereyre and Florence Heymann explain:

> A new ideology emerged with Ezra's reform in the fifth century before the Common Era: the Jews' 'holy seed' could not mingle with the pagans,' the 'filthiness of the people of the lands.' (Ezra 9:11) The aim was nothing less than the emergence of a nation pure in blood and culture. Zerubbabel established a tribunal with the aim of distinguishing between the members of the original national body and the dubious elements which might have joined it, . . ."[79]

To posit a reason for the insistence on blood purity, Will Soll explains that "'Lineage' becomes inseparable from a sense of biblical text," meaning that marrying close relatives

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[76] Mal 3:23-24.
[77] J. J. Collins 1984 (376-378) dates this source at the turn of the Era but acknowledges that it could have been written a century later.
[78] Ezra 9 and Neh 13:25.
[79] Alvarez-Pereyre, 170.

continues biblical tradition. He points to Jubilees in which Noah is included in the list of patriarchs who "took wives from among their kindred," even though Noah's wife is not mentioned in the biblical text.[80] He argues that not just endogamy, but near-kin endogamy will preserve the purity of one's connection to the biblical ancestors.

The desire for endogamy persists throughout Tobit,[81] which Soll attributes to the desire to maintain not only family wealth but family purity.[82] Judith, another early source, also emphasizes endogamy when the book describes her husband "who belonged to her tribe and family."[83] We see the idea persist until it surfaces in the Sapiential Work of the Dead Sea Scrolls, which state, "If you take a wife in your poverty, take her from the offspring of [. . .] of the mystery of existence. In your association walk together with the help of your flesh [. . .]."[84] Philo, too, preaches the importance of endogamy, not just with Jews, but more importantly with close kin.[85]

We see from these sources that the biblical preoccupation with preserving the tribal land tenure, has been transposed to a preoccupation with blood purity. Modern scholars have noted this Jewish preoccupation with endogamy, but the concept extends back into the Second Temple period. We should note that early biblical writing displays some ambivalence towards intermarriage, as we see in the story of Moses' marriage to Tzipporah, and God's anger at Aaron and Miriam's criticism.[86] While Solomon's intermarriages later become a source of national curse, this can be seen as a case revising the history of Solomon's strategic marriages. Yet, close endogamous marriage existed in

[80] Soll 1998, 167-168.
[81] Tob 1:9, 3:15,17, 4:12.
[82] Soll 1998, 171.
[83] Jdt 8:2.
[84] 4QSapiential Work A^b 4Q416 2 III 15-21 (385 in the Martinez Edition).
[85] Spec. Laws II 126-129.
[86] Num 12

the earliest biblical material as well (Gen 11:29, 20:12, 24:15, 28:9). In our period, the marriage rules become far less ambivalent. The sources display a strong attitude towards endogamy because after the Bible family purity became the carrier of the family's future.

> It was then that the argument about the preservation of the inheritance logically gave way to the one about 'family purity'. After the biblical period, genealogical purity became a permanent source of concern, notably in the priestly class among the cohanim and leviim.[87]

A family that had not preserved its purity might find the marriage of children and the future procreation of the family impossible. Any impurity in the genealogical line would separate the family from its neighbors and prohibit its children from marriage. [88]

The importance of endogamy, combined with the disappearance of landed tribal networks translated into a different kind of kinship structure. As Tobit demonstrates,[89] kindred groups remained important, but they took on a different character. Will Soll claims, "The episode of Raphael's introduction 'illustrates [the] observation that, in preindustrial societies, genealogy serves the functions currently given to educational and professional credentials, and is therefore a matter of keen practical interest."[90] Kinship connections and the implied genealogical purity represented what we associate today with a judgement of character. A person's trustworthiness depended upon his or her status as kin. This became especially important in the Diaspora, particularly for those individuals largely isolated from other Jews. Kinship became the password that cut through levels of assimilation.[91] Santiago Guijarro summarizes our phenomenon in his description of the conditions in the earliest days of Christianity:

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[87] Alvarez-Pereyre, 168.
[88] Safrai, 753.
[89] Tob 5:4,9-12.
[90] Soll 1998, 169.
[91] Barclay 1996, 405-413.

> In the traditional Mediterranean culture, the family was the basic reference of the individual, and the channel through which he or she was inserted into social life. To be born in a certain family was a decisive factor, because family was the depository of 'honour' and of position in society, and the transmitter of economic resources. If we wish to know the people of the New Testament and the way they were known by their contemporaries, we have to ask ourselves the same question they asked, the question that is still asked today in traditional Mediterranean societies when someone wants to know someone else: 'What family do you come from?' The answer will tell us his or her position on the social scale, possible way of life, religious attitudes, etc.[92]

We can see this concept illustrated in Jewish sources near the same time. Philo describes Joseph revealing his identity to his brothers and puts the following words in his mouth.

> I, of my own absolute power and of my own voluntary inclination, come of my own accord to an agreement with you; being guided by two especial signs, first by my piety towards my father, to whom I owe a great deal of gratitude, and also, secondly, by my own natural humanity, which I feel towards all men, and especially towards those of my own blood.[93]

In Philo's mind, Joseph could no longer defraud his brothers because of his filial obligation and the importance of kinship. We see here, that the concretization of "Honor your father and your mother" is through a certain form of behavior and a certain attitude towards kin.

While the sources of the Second Temple Period uphold the biblical obligation of children to care for elderly parents and to provide for proper burial, these sources also point to a new framework of filial honor. In the biblical period honor ensured not only a family's present health but also their future continuity. This continuity became actualized through two functions, the inheritance of land and the proper maintenance of a burial cult (also tied to the land). With the exile and the succeeding social changes , these carriers of family continuity diminished in importance. Nehemiah is the last source tying people to ancestral land. Later in the Second Temple period the importance of blood

[92] Guijarro, 62.

purity and kinship replaces land as the carrier of family continuity. Individuals can direct their wealth as they see fit, adopting relatives as sons, and seeking the closest relative possible for marriage. In this new system a family's social stature depends less on landedness and location and more on purity and the trustworthiness implied. One will honor parents through maintenance of their bodies and also their blood.

Reverence as Obedience

> Listen to me your father, O children;
> Act accordingly, that you may be kept in safety.
> For the Lord honors a father above his children,
> And he confirms a mother's right over her children.
>
> Ben Sira 3:1-2

In the previous chapter we saw how the root y-r-a applied in most cases to obedience. This same theme of filial obligation continues, but instead of seeing it through a linguistic lens, we can see it through a philosophical one. The above passage from Ben Sira illustrates a common example of this thinking. A child must "act accordingly" because of the hierarchical relationship between parent and child. The fact that God has placed a parent over a child should guide that child towards proper behavior. This thinking leads us to two implications. First, the parent occupies a place between that of God and the child, and second that parents are part of a superior hierarchical class across which different roles can be analogized. This second implication—that of superior class status—acts superficially to support a parent's authority, but it also opens the door for competition with that authority. In other words, if a parent can be compared to a teacher, master or king, then what prevents one of these other equally superior individuals from competing with parents for authority over their children? As we will see

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[93] Joseph, 240.

in later rabbinic material, this question of competing authorities plays a strong role in this paper. In order to tease apart these themes, I will begin with a review of the sources pertaining to obedience to parents and acts of defiance against parents. Then I will analyze a parent's authority to discipline their children and more generally over their behavior. I will close with an analysis of the texts that display threats to this authority.

Obedience as Part of Hierarchy

According to the works of the Prophets, the Babylonian exile would punish Israel for disobedience to God. In the previous chapter I used these works to support my claim that the root y-r-a indicates obedience, and to show how the God-Israel relationship is often compared to the father-son relationship.

This linguistic use of y-r-a and this metaphor did not disappear with the exile. In fact, in one of the earliest works of our period (and thus one of the latest works of the Bible), the prophet Malachi, we see the metaphor at work.

> A son should honor (k-b-d) his father and a slave his master. Now if I am a father, where is the honor due Me? And if I am a master, where is the reverence (y-r-a) due Me?—said the Lord of Hosts to you the priest who disgrace My Name. But you ask, "How have we disgraced Your Name?[94]

In this verse we see the verbs k-b-d and y-r-a used interchangeably, but the meaning clearly refers to obedience. The second half of the verse describes God's anger at the disgrace of God's name. Malachi speaks distinctly, reminding his listeners that the inferior member of a hierarchical relationship owes the superior member obedience and should avoid disgracing him. This relationship is summarized by the command to y-r-a, a liguistic usage that continues through our period.[95]

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[94] Mal 1:6.
[95] Tob 4:5.

The most common formulation of this hierarchy can be found in the Sibylline Oracles and Pseudo Phocylides. Both sources reflect generally heavy Hellenistic influence, with the latter actually attempting to mask Jewish origins.[96] The common expression states, "Honor God foremost, and afterward your parents."[97] In the Sibylline Oracles this statement appears amidst a larger section on justice, while Pseudo-Phocylides sets this amidst a summary of the Decalogue. What both statements add to the biblical version is the placement of parents in a chain connecting the individual and God. This placement reminds the listener of a parent's semi-divine role, as summarized by Philo.[98] All three of these sources derive from Hellenistic Alexandria, leading us to believe that this type of hierarchical thinking, while present in the earlier Biblical stratum, may have been even more emphasized in Greek thought.

This theme also enjoins youth to bestow honor upon elders simply on behalf of their age. Pseudo Phocylides commands, "Revere those with gray hair on the temples and yield your seat and all privileges to aged persons. An old man of equal descent and of the same age as your father give the same honors."[99] This formulation bestows honor upon parents because in addition to their semi-divine role as creators, they also belong to the class of elders to whom all people owe honor. The idea of respect for the elderly also appears in the Bible,[100] but seems to be emphasized during the turn of the Era period. Philo elaborates:

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[96] According to Collins 1983, (354-359) the Sibylline Oracles span a wide date range (mid 2nd Century BCE-7th Century CE), but the section cited here stems from the earliest part of the oracles. Gilbert (313-316) however can offer a more exact date for Pseudo Phocylides at the turn of the Era. Both sources likely originated in Hellenistic Alexandria.
[97] Ps.-Phoc. 8, in Sib. Or. 2:60.
[98] Spec. Laws II 225-226, Decalogue106-108.
[99] Ps.-Phoc. 220-222.
[100] Lev 19:32

> For among all those nations who have any regard for virtue, the older men are esteemed above the younger, and teachers above their pupils, and benefactors above those who have received kindnesses from them, and rulers above their subjects, and masters above their slaves. Accordingly, parents are placed in the higher and superior class; for they are the elders and the teachers, and the benefactors, and the rulers, and the masters. And sons and daughters are placed in the inferior class; for they are the younger, and the pupils, and the persons who have received kindnesses, and subjects and slaves. And that every one of these assertions is correct is plain from the circumstances that take place, and proofs derived from reason will establish the truth of them yet more undeniably.[101]

In all of these cases parents deserve honor by virtue of their membership in a class. Especially noteworthy is the comparison here of children as slaves to parents as masters, a succinct summary of the obedience a child owes his or her parent. While most of these categories demand submission by virtue of class, Philo expanded upon the category of teacher, stating, "[Parents] stand in the light of teachers, inasmuch as all that they know themselves they teach to their children from their earliest infancy. . ."[102] This statement seems to parallel the reciprocal thinking that typified the obligation to support parents in old age. But a child cannot repay the gift of knowledge as he or she can repay the gift of sustenance. Therefore the gift of knowledge can be repaid only through obedience. This is a theme I will return to later. Despite the explanation offered for the special category of teacher, the remainder of Philo's statement enjoins obedience upon children for no reason other than their presence in an inferior class.

Violations of Obedience: Disgrace

A theme repeatedly mentioned in the Second Temple period is the fear that a child will bring disgrace upon a parent through improper behavior. Just as the prophet Malachi criticized the people for disgracing God's name, a consistent fear is that a child will

[101] Spec. Laws II 226-227, see also Spec. Laws II 238.
[102] Spec. Laws II 226.

disgrace a parent's name. When praying to God for release from her curse, Sarah the daughter of Raguel in the book of Tobit lists the reasons for God's intercession. In that list she states, "You know, O Master, that I am innocent of any defilement with a man, and that I have not disgraced my name or the name of my father in the land of my exile."[103] Sarah lists to her credit that her behavior has not brought any shame upon her family.

Ben Sira, a century later, also worries about how a child might affect a parent's reputation when he writes, "It is a disgrace to be the father of an undisciplined son and the birth of a daughter is a loss. A sensible daughter obtains a husband of her own, but one who acts shamefully is a grief to her father."[104] We see in this verse that a child's behavior in regards to the general society impacts upon a parent. Not only does obedience indicate submission to a parent, but a lack of discipline more broadly will bring disgrace. In addition, like Sarah in the book of Tobit, we again see a link between a woman's sexual chastity and the honor due her parents. While the author of Ben Sira took a notably misogynistic viewpoint throughout his writing, we can discern here a general trend that social behavior plays into the rubric of filial obligation. We see this line of thinking continue at least until the time of Philo, who summarizes it succintly. "And you will not honour them more by any line of conduct than by endeavouring and appearing to be virtuous persons."[105]

This trend represents a change in the way that obedience was understood since the Bible. There we find much less textual evidence for the concern that a child's behavior will poorly reflect upon a parent. In the Second Temple period, the pursuit of virtue and

[103] Tob 3:14-15.
[104] Sir 22:3-4.

wisdom seems to be a major focus in the relations between parents and children. This too may derive from a shift away from the agrarian kinship system. In a society in which all individuals spend the majority of their time living and working within a network of kin, all human interactions connect, however indirectly, back to the *rosh bet av*. But family networks in the Second Temple period, and certainly in the Diaspora, were far more limited, allowing an individual to operate outside the family structure. This allows a child to function without the oversight of a parental authority. Therefore the definition of obedience expanded to include the requirement of virtuous behavior in general, even if that behavior had no direct connection to the family. Such an ideology creates a mythical family obedience structure under which a child could operate, even without the extended kinship system.

Parental Authority

In such a system, the ways in which parental authority operated changed significantly from the biblical period. Multiple offenses in the Bible necessitated capital punishment upon children. In addition, late biblical sources indicate a parent's authority extended even to the ability to sell children into slavery.[106] But the issues of obedience beg questions primarily concerning discipline. We find evidence in the book of Ahiqar. One of the earliest works of the Pseudepigrapha, Ahiqar, actually is not a work of Pseudepigrapha at all. But it has been placed in this genre because of similarity in content and form. Contemporaneous with the later prophets and scriptures, Ahiqar takes a pro-corporal punishment approach when he states, "If I beat you, you will not die."[107]

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[105] Spec. Laws II 235.
[106] Neh 5:1-5.
[107] Ahiqar 2:4.

Ben Sira continues this reasoning, repeatedly emphasizing the need to discipline children, praising the power of the rod and warning against a daughter's impurity. [108]

But as we progress through sources in the Second Temple period, we see a softening of the stance towards corporal parental discipline. In the Hellenistic period, Pseudo-Phocylides cautions parents against the kind of discipline explicitly encouraged by Ben Sira. "Do not apply your hand violently to tender children."[109] In addition we see the long description of parental love in 4 Maccabees 15.

We must read carefully in the fourth book of Maccabees when trying to discern family relationships. The author of the story of the seven sons who martyr themselves obviously intended this story to be a motivational display of faith. As such, any references to family love would be exaggerated in order to show the forces which these individuals overcame in order to choose martyrdom. Despite the questionable objectivity of the author, we may ascertain some of the current social values in relation to family. The author of this story utilizes the love between parents and children in order to heighten the pain of martyrdom and elevate those who chose this route. If we assumed that children were nothing more than disposable labor and insurance of elder care, then such an argument would fall flat. But the entire story of the mother of the seven sons hinges upon the assumption that parents feel deep emotional connection to their children. Without this assumption the description of the mother's heroism blurs. Remember the children's willingness to chose martyrdom demonstrated their obedience to their father, one form of honor, while at the same time abandoning their mother, the exact opposite of

[108] Sir 7:23-24, 26:10-11, 30:1-2, 7-13, 42:9-11.
[109] Ps. Phoc. 150.

honor. But the author of 4 Maccabees subverts this abandonment in order to elevate the brother's and mother's piety:

> Yet because of the fear of God she disdained the temporary safety of her children. Not only so, but also because of the nobility of her sons and their ready obedience to the law, she felt a greater tenderness toward them. For they were righteous and self-controlled and brave and magnanimous, and loved their brothers and their mother, so that they obeyed her even to death in keeping the ordinances.[110]

In this sense, the mother's parental role as disciplinarian is subsumed into her role as love-giver and sufferer. All of this, of course, occurs under the command of the father to pursue martyrdom and the dedication to the law of who the sons consider to be the ultimate Father. So this book displays a mixed type of love/discipline relationship. Despite the descriptions of parental caution and tenderness found in 4 Maccabees and Pseudo-Phocylides, the Jewish parent still retained a significant amount of authority over children. Philo describes the limits of parental power by summarizing the laws of Deuteronomy 21:18-21, the laws of the rebellious son. Unlike the Bible, in which the lessons of parental equality and limits on parental power remain implicit, Philo outlines these limits explicitly. After describing a parent's power to chastise, punish, beat and even put to death rebellious children, Philo writes, "But still this permission is not given to either the father by himself, or to the mother by herself, by reason of the greatness of the punishment, which it is not fitting be determined by one, but by both together . . ."[111] Philo, in his verbose style, preserves a parent's ultimate authority, but also makes the reader aware of that authority's limits. Pseudo-Phocylides also emphasizes the father's limitations in his version of the laws of the rebellious son.[112]

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[110] 4 Macc 15:7b-10.
[111] Spec. Laws II 232.
[112] Ps. Phoc. 207-9.

While we see shades of difference in attitudes towards parental authority, we should exert care in drawing vast conclusions from these differences. While the earliest authors actually encourage the use of the rod, and some later ones urge restraint, the absolute parental authority does not change. Even the power of describing a mother's love in 4 Maccabees is tempered by the father's ultimate command of martyrdom.

Infanticide and Parental Authority

In order to better understand the Jewish concept of parental authority, we will more deeply investigate one particular issue: that of infanticide. We should note that Greek and Roman citizens often practiced infanticide as a form of birth control. Paul Veyne describes this widely attested practice:.

> A citizen of Rome did not "have" a child; he "took" a child, "raised" him up (*tollere*). Immediately after the birth it was the father's prerogative to raise the child from the earth where the midwife had placed it, thus indicating that he recognized the infant as his own and declined to expose it.[113]

Apparently Romans and Greeks often declined to accept a child for a variety of reasons. The most common, of course, would be any deformity or discoloration in the child. But a parent could chose not to accept the child at all, and thus technically he (it was always the father's prerogative to decide) never became a parent to that child.

Jewish sources widely ban such practice. Unlike the evidence on discipline which showed some variation across sources, on the issue of infanticide, all Jewish sources unambiguously disparage such practice. The only qualification necessary is that the Second Temple sources banning infanticide all begin in the Hellenistic period, indicating that Greece and Rome introduced the idea of such practice to the Jewish people. The Jewish attitude throughout the Hellenistic period depicts the abandonment and exposure

[113] Veyne, 9.

of children as a calamity, curse and sin.[114] The *Wisdom of Solomon*, a Roman era work, disparages the pre-Israelite inhabitants of Canaan by associating them with infanticide.[115]

Philo continues to describe the Jewish abhorrence of this practice. In describing Moses' parents setting him afloat upon the Nile, they describe themselves as "slayers and murderers of their child."[116] Because Philo's midrashic dialogue contains no basis upon biblical text we must presume the concern among his contemporaries that child exposure would be considered murder. Philo himself forbids such practice, but staying true to his character, he avoids legal prohibitions and relies instead upon philosophical ones. He argues that infanticide and exposure deprive a child of seeing the wonders of the natural world. For this reason, it should be avoided.[117] But we should not conclude any lack of strength behind Philo's position. Elsewhere, in his description of Jews who do expose their children, his words drip with sarcasm and vitriol.

> Do you then, you excellent and most admirable parents, read this law and hide your faces, you who are continually plotting the deaths of your children, you who entertain cruel designs against your offspring, so as to expose them the moment that they are born, you irreconcilable enemies of the whole race of mankind; for who is there to whom you ever entertain good will, when you are the murderers of your own children?[118]

The Jewish position on infanticide appears clear. We know this position persisted through the end of our period because, Josephus, who wrote after the Temple's destruction, also clearly condemns this practice as murder.[119]

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[114] 3 Macc 1:20, 1 En. 99:3-6, 100:1-4.
[115] Wis 12:5-6, 14:23.
[116] Moses, 1 10.
[117] Spec. Laws III 110-118.
[118] Virtues 131.
[119] Ag. Ap. 2, 202, "The law, moreover, enjoins us to bring up all our offspring, and forbids women to cause abortion of what is begotten, or to destroy it afterward; and if any woman appears to have so done, she will be a murderer of her child, by destroying a living creature, and diminishing human kind."

We might assume from these prohibitions and admonishments that the Jewish parent's authority was weaker in comparison to their Greek and Roman counterparts. We have already seen an ambivalent attitude towards discipline in the texts, and the restrictions on disciplining a rebellious son seem highlighted by Pseudo Phocylides and Philo. Scholars also point to non-Jewish sources that question the Jews for not engaging in such practice. According to Thomas Wiedemann, "Greek and Roman writers noted that it was a peculiarity of the Jews that infanticide and exposition were frowned upon, and all children born were accepted as members of the community."[120] These trends would seem to weaken the parent in the filial relationship, emboldening children and disrupting the family system. We might expect an overturning of the biblical order, in which the command to y-r-a necessitated absolute filial obedience. From these sources, the Second Temple parent seems weaker not only when compared to Greek and Roman counterparts, but also in relation to earlier Jewish parents.

But a deeper analysis exposes this conclusion as faulty. While Jewish sources during the period of the Second Commonwealth do restrict a parent's power to kill children, we saw similar restrictions in the description of the rebellious son.[121] In addition, the pleas for parental self-control and limitations on discipline indicate that when Ben Sira describes training by the rod, he describes real daily practice. Jewish parents, while limited, still commanded a significant level of obedience.

The strong descriptions against exposure point instead to a new balance between parents and children. Whereas biblical sources hardly mention concern for children, the citations above introduce the juvenile perspective. The same voices that criticized

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[120] Wiedemann, 36-37.
[121] Deut 21:18-21.

abandonment and mistreatment of elderly parents, criticize mistreatment of children. The Sibylline Oracles, a Roman era document, illustrates the point.

> More destructive than leopards and wolves, and most wicked; . . .and as many as abandoned their parents in old age, not making return at all, not providing nourishment to their parents in turn. Also as many as disobeyed or answered back an unruly word to their parents, or as many as denied pledges they had taken, and such servants as turned against their masters. Again, those who defiled the flesh by licentiousness, or as many as undid the girdle of virginity by secret intercourse, as many as aborted what they carried in the womb, as many as cast forth their offspring unlawfully.[122]

Here we see a parent's ability to abort and expose offspring criticized in the same breath that chastises those who abandon and disobey parents. All such behavior is wicked. This list compares a child's disobedience to that of a servant, and also includes licentiousness as a part of these "family" sins. The juxtaposition attests to a connection in treatment between generations. Philo again instructs us. Following his critique of those who practice exposure, he goes on to list the implications of such behavior. He asks, "for who is there to whom you ever entertain good will, when you are the murderers of your own children?"[123] Philo here ponders the effect of such behavior upon the public weal. In addition he sees the perpetrators of infanticide as overturning the laws of nature, "raising up destruction against birth, death against life."[124] We should notice the similarity in this reasoning to Philo's critique of children who abandon parents. Both parents and children can pose a threat to the social and natural order, through how they treat one another.

This does represent an evolution from the biblical period. In the earlier sources we see concern only for the social hierarchy, and economic sustenance. Children should obey parents simply because of their higher social status. This thinking does continue

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[122] Sib. Or. 2:267-282.
[123] Virtues 132.
[124] Virtues 133.

beyond the exile. But it is tempered by a new acknowledgement: that parental abuse of children represents the same philosophical and social threat. While the earlier works see the family, and family order, as a part of the larger agricultural and economic order, these works introduce the idea of philosophical order. An individual's ability to abuse an 'other,' indicates that individual's ability to harm any other. Our sources point out that if one directs this abuse at a relative, and precisely the closest of relatives (parents and/or children!), then this individual could also be particularly dangerous to the rest of humanity.

I must emphasize the importance of the individual here. While our earlier analysis of family inheritance patterns and obligations to elder care testified to the reduction of large kinship networks in favor of more nucleated families, these sources point to greater (at least philosophical) importance of individuals over family units at any level. This is an innovation, and in some part it does represent a reshuffling of the family dynamic. This innovation leads us to inquire about other threats to parental authority.

Threats to Authority of Parents

As social and historical forces worked to de-emphasize the power of kinship networks and instead promoted the nuclear family and even the individual, parental authority weakened. The texts reflect this weakening through particular mechanisms. Stephen C. Barton describes the change in family authority as a process of relativisation, arguing that new ideas and forces worked to push the family authority to the margin. The family began to function relative to the surrounding social forces, not as a central part of those forces. The Second Temple literature depicts how this relativisation took place. By reviewing these sources we can better understand the steps in this fundamental shift in filial relations, and thus better understand the later Tanaitic and Amoraic material.

The earliest and most dramatic examples of weakened parental authority appear in the Hellenistic period, primarily surrounding the Maccabean revolt. The first and second books of Maccabees describe the virtue of martyrdom, which the revolutionary spirit of the book would predict. But in order to emphasize the power of this message, the authors chose to juxtapose it with the power of family. Therefore, not only does martyrdom imply that a belief or cause can overrule one's own desire to live, but it also overrules an individual's most important relationships, those of the family. Therefore when the author wants to promote the power of martyrdom, he places this message in the mouth of the father Mattathias speaking to his sons.[125] This value of martyrdom not only interrupts the relations between individual parents and children, but extends across all of society as an example between generations. In the book of second Maccabees, contemporaneous with the first, the king offers Eleazar the option of eating swine flesh or torture. Eleazar, the narrator says, considered pretending to eat the forbidden flesh, but then rejects this option. The narrator gives us his rationale:

> But making a high resolve, worthy of his years and the dignity of his old age and the gray hairs that he had reached with distinction and his excellent life even from childhood, and moreover according to the holy God-given law, he declared himself quickly, telling them to send him to Hades.[126]

The narrator here aligns dedication to a cause with the virtues of old age. Whereas the biblical author presents the sign of old age as prosperity and multiple progeny, the author here claims that a proper example for an older man would be the ability to die for a belief. A generation's legacy is not longevity on the land, but instead the worth of ideas, here zeal for the law.

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[125] 1 Macc 2:49-50 "Now when the days drew near for Mattathias to die, and he said to his sons: 'Arrogance and scorn have now become strong; it is a time of ruin and furious anger. Now my children, sho zeal for the law, and give your lives for the covenant of our ancestors.'"

The fourth book of Maccabees echoes this value system, but presents an alternative rationale for martyrdom. The preamble professes to present a philosophical matter, and then tells the story of the martyrdom of Eleazar and his seven sons. In the perspective of this book, rational judgment outweighs all other forces, including family. "For the law prevails even over affection for parents, so that virtue is not abandoned for their sakes."[127] This theme, that an abstract concept like reason can outweigh the authority of parents, runs like a scarlet thread throughout the sources of the Second Temple Period. Not only does reason overrule parental authority, but it supercedes parental affection as well. After the mother of the seven sons witnesses the murder of her husband and children, the author writes, "O reason of the children, tyrant over the emotions! O religion, more desirable to the mother than her children! . . . She loved religion more, the religion that preserves them for eternal life according to God's promise."[128] In the eyes of the author of 4 Maccabees, philosophical concepts and reason overrule all bonds between generations.

The idea that dedication to ideology, reason, philosophy or law can outweigh the obligations of family continues through the time of Philo and even beyond the Second Temple period, as attested by Josephus. Philo communicates this reconfiguration of social values through his interpretation of Abraham. In describing Abraham's departure from his family in Chaldea, Philo likens this to a departure from materialism and earthly trappings. He also makes the same claim on a national level for the Exodus.[129] On the issue of Abraham's departure from his family, instead of criticism for abandonment,

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[126] 2 Macc 6:23.
[127] 4 Macc 2:10.
[128] 4 Macc 15:1.
[129] Migration 1,7,10, 14.

Philo offers praise, because he left for the sake of religion and law. It seems that according to Philo, family can be deserted for the sake of "higher" purposes.[130] Finally, when reinterpreting the expression "Thou shalt depart to thy fathers," which in the Bible euphemistically describes death, Philo writes that "fathers" here means, "not those whose souls have departed from them, and who are buried in the tombs of the land of Chaldea, but as some say, the sun, the moon, and other stars; for some affirm that it is owing to these bodies that the nature of all the things in the world has its existence."[131] Through this imaginative reinterpretation Philo supplants the important family institution of burial cult, with the metaphysical institution of astrology.

In all these things, Abraham's family is seen as an obstacle to his higher purpose, something to overcome. The same interpretation holds true for Philo's view of proselytes. Newcomers to Judaism should be welcomed into not only the religion, but also into a new family. Philo sees proselytes as leaving behind their entire family structure, not only their previous religious structure.[132] John M. G. Barclay points out to this same process as described in the story of Joseph and Aseneth, a pseudepigraphic work from the turn of the era.[133]

Philo also weighs in on the social unrest surrounding turn of the era Judaism and describes his understanding of the family role in his day. Philo argues that all individuals in society agree to a common set of ethics and that this agreement "is a closer tie than relationship by blood; and if any one violates such an agreement, he is set down not only

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[130] Abraham 62-69.
[131] Heir, 275-281.
[132] Spec. Laws I 52, On this section in Philo's work, Barton (83) observes that "family ties are invoked, not only as representative of what the proselyte has left behind, but also as an essential aspect of what he has converted to."
[133] Barclay 1996, 213.

as a stranger and a foreigner, but even as an irreconcilable enemy."[134] While he acknowledges the importance of the family, again we see this institution superceded by virtues, principles and justice. In Philo's description of one ascetic group, the Therapeutae, he tells how they abandon family ties for an isolated life in the desert. The sect bases its existence upon ideas and philosophical speculation. This abandonment of family derives in part from a Jewish backlash against Hellenistic sexual openness. As I described above, Hellenistic culture permitted a great deal of individual sexual freedom, undermining some family connections from previous eras. While ascetics eschewed this sexual freedom, they absorbed a byproduct of that freedom: individualism. The Therapeutae discarded the entire concept of biological family and Philo describes younger members, who are eager to serve elders like "their fathers and mothers, thinking their common parents more closely connected with them than those who are related by blood."[135] Barton summarizes the situation well.

> Here as elsewhere in Philo, it is spiritual kinship which is of greatest importance, and this transforms normal patterns. In consequence, the household patterns of the wider society are turned on their head. There are no slaves to serve at meals; seniority is determined by the length of time spent in the contemplative life rather than by natural age; women and men live together in community, but do so as celibates; and household-based economic practices have been given up.[136]

We can see from earlier sources up until Philo that during the Second Temple period, ideas rose to replace family structures and parental authority. The literature repeatedly instructs individuals to weigh ethical values and philosophical virtues above kinship relations, and to abandon these relations when necessary. We find these

[134] Spec. Laws III 155-156.
[135] Contempl. Life 71-72.
[136] Barton, 84.

comments from Hellenistic authors as well.[137] Barton explains, "Clearly Philo's commitment to family ties is not absolute. There are motives and circumstances which allow, indeed require, their subordination."[138] This family-replacement ideology continued through the end of our period and into the next as evidenced by Josephus. As Jewish and Roman military and political forces came into conflict, the family structures dissolved to an even greater extent.[139]

Just as Philo described the Therapeutae as abandoning family for an ideology, so too does Josephus depict the Essenes and Zealots. Interestingly, Barton observes that Josephus criticizes the Zealots for this behavior, while praising the Essenes. Taking Josephus' political agenda into account, we see that the abandonment of family still carried social stigma, but social forces and political affiliations could either justify this abandonment, or be cause for its condemnation.[140] While earlier sources in the Second Temple period describe how ideas and ethics relativise the family, the later sources, especially Josephus, describe how groups and politics cause the same result. In the following chapter, as we describe the rise of the rabbinic movement, we will see how

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[137] Cynic and Stoic philosophers repeatedly list devotion to the good, or to philosophy above devotion to family and parents. For example, the Stoic Musonius Rufus (b. 30 CE):

> If, then, my young friend, with a view to becoming such a man, as you surely will if you master the lessons of philosophy, you should not be able to induce your father to do as you wish, nor succeed in persuading him, reason thus: your father forbids you to study philosophy, but the common father of all men and gods, Zeus, bids you and exhorts you to do so. His command and law is that man be just and honest, beneficent, temperate, high-minded, superior to pain, superior to pleasure, free of all envy and all malice; to put it briefly, the law of Zeus bids man be good. But being good is the same as being a philosopher. If you obey your father, you will follow the will of a man; if you chose the philosopher's life, the will of God. (qtd. in Barton , 97).

[138] Barton, 83.

[139] Josephus describes (J.W. IV 131-132) family strife over the question of whether or not to support the war. The question of war became more important than parental authority. He also describes (J.W. VII, 266) the extent to which the Zealots willingly disregarded family ties and worked against previous family relations.

[140] Barton, 92.

these two possibilities—ideas and political affiliations both superceding family—converge.

Conclusion

The Second Temple period begins with the reconstruction of the Temple and the reestablishment of a leadership class by Ezra and Nehemiah. The sources detail how earlier concepts of family persisted from the biblical period, but we also saw many facets of family life erode. While pre-exilic tribal structures cannot be reproduced, an emphasis on endogamy, ethnic cohesion and the nuclear family can be promulgated. Large estates, controlled by powerful landed gentry, begin to emerge in competition with the vassal governments in Jerusalem. In this economic system families work to preserve only a nuclear group, not a greater kinship network.

Individual Jewish children continued to express honor and reverence through the same behaviors as in the biblical period. The obligation to "honor" parents continued to connote the child's responsibility for burial and care of elderly parents. Abandonment continued to be sharply criticized. But instead of these obligations functioning in an extended kinship network, a network in which elders were honored by the clan before and after death, we saw how honor obligations became more individualized and nucleated. Burial was far less connected to the cult of ancestors, inheritance implicated far fewer individuals and obedience lost its economic associations.

The same shift affected the obligation of "reverence." Instead of this obligation being socially enforced, the documents point to a more philosophical basis for obedience: the idea of a cosmic hierarchy. While in the biblical period a lack of obedience could seriously disrupt the family's ability to survive in a fragile agricultural environment,

during this later period, a lack of obedience resulted in the serious problem of disgrace. Instead of economic success being the chief purpose of filial obligation, sources in the Second Temple period emphasize social standing and reputation. Even though these new goals feed indirectly into economic success, by themselves they represent a new result from a child's "honor" and "reverence" to parents.

Against this background of changes in a child's obligation to parents, we also saw changes in the parent's authority over children. While some sources encouraged a parent to discipline children through physical duress, the sources were hardly unanimous in this regard. Hellenistic fathers enjoyed almost unlimited power to discipline children, but many Jewish sources cautioned parents against excessive force, promoting instead tenderness towards children.

Perhaps the greatest shift in this period came when ideologies and social movements began to compete with parents for authority. We saw a significant weakening of family bonds as individuals followed their beliefs, convictions, social affiliations and political movements away from family life. To the authors of many of our sources, an individual could subjugate responsibilities within the family to forces much larger than the family. This reversal was especially true during times of unrest, such as the Hasmonean revolt and the Roman occupation of Israel. As opposition movements flourished, they called individuals away from family ties, weakening the obligations of children to parents, and the authority of parents over their children.

Contributing to this weakening of family bonds were Hellenistic innovations in the way that families were structured, established, perpetuated and educated. By allowing an adult son to form an entirely new *oikos*, the extended family all but

disappeared. The ability of Hellenistic parents to reject children, exposing them or aborting them created a culture of sexual freedom, placing more focus on the marital couple and less even on the family. Finally, by shifting the educational responsibility from the father to the professional teacher, Hellenistic culture created perhaps the most formidable challenger to family life. While Jewish sources reflect an opposition to many of the particulars of these innovations—especially exposure, abortion and sexual freedom—they also show that Jews embraced the primacy of learning, and mirrored their Hellenistic neighbors in that both groups sent their children to schools. Part of this change in educational method surely derived from the Jewish reliance upon the canonized biblical text, but the popularity of schooling may have been a Hellenistic influence. This fundamental shift sets the stage for the third and final chapter of this study, the competition between rabbinic and parental authorities.

Chapter 3

The Tannaitic Period

During the period from the time of the last books of the Bible to the destruction of the Second Temple, diverse Jewish groups and worldviews flourished. The previous chapter surveyed the remnant of their thought. While a wide variety of groups flowered within this cacophony of Jewish thought, only a few struck root and survived, primarily Rabbinic Judaism and Christianity. Some groups withered due to internal features, such as the celibacy of the Essenes. Others fell to the axe of historical circumstance, as seen when the destruction of the Temple undermined Saducee power. And still more groups and ideas became overwhelmed and eventually disappeared within open and vast forests of Hellenistic culture. This explains why Jews never translated into Hebrew the works of a towering figure such as Philo, but Greeks preserved his writing within the corpus of Classical philosophy.

Unlike the previous two periods and groups of texts studied—the Bible and the Second Temple literature—Rabbinic texts cropped up from a distinct sub-group of the population, organized around a central authority and observing the rules of a hierarchy. This faction of the Jewish community created a truly monumental collection of writing, a collection that aspires to record one set of ideal practices for the entire Jewish people. This compilation bequeaths to us, as investigators of Jewish life, a snapshot of one ideal of filial relations within this period.

Such a snapshot can be both helpful and problematic. We may revel in the level of detail exposed on the film of rabbinic writing, learning not only the general values and ideals of the leadership, but also the particular behavior and obligations resultant from these ideals. While earlier texts sometimes rested on abstract notions of filial relations, the rabbinic, legal writing also investigated the implications of these notions.

Simultaneously, though, the artificial focus of these texts will narrow our field of vision, reducing our ability to pan back and forth across variant practices within the community. We would be wise to view this "snapshot" not as a record of actual family life in this period, but as the virtual world created in the mind of rabbinic leadership. They describe obligations as they envisioned them, not as they were actually enacted, and the texts we inherit, describe their narrow, airbrushed and edited version of Jewish family life. So while the rabbinic account grants us a richness of detail, we suffer from tunnel vision because they are our only major sources.

Although the rabbis did exclude opinions and beliefs external to their community, they were not entirely autocratic, and minority voices reverberate throughout the texts. In fact, we might say that the very diversity of opinion found in the Jewish community today, may have originated in the diversity of the Tannaim. [1] Despite their attempts at coherence, dissent and disagreement echo throughout the texts. We find these voices within individual texts, cited as *davar aher*, another interpretation, or reported under the name of the individual dissenting from the majority. We also find variations between texts which record variant traditions of the same concept. Many of these variants exist because of nothing more significant than copying errors, while others appear because each work represents alternative methods, sources of authority, and in some cases the personal decisions of individuals. While a complete survey of the theories of the redaction of early rabbinic writing exceeds the scope of this paper, we would benefit from a brief overview of the community from which these texts emerged.

[1] The term Tannaim denotes the early rabbinic leadership up until the creation of the Mishnah. The term Tana stems from the cognate Aramaic root as the word Mishnah. Amoraim refers to the generations of rabbis immediately following the creation of the Mishnah whose thoughts were recorded in the Gemara (same root as Amora) of the two Talmuds.

Most scholars theorize that rabbinic thought originated from the Pharisaic sect of Second Temple Judaism, beginning with the early sages, and eventually resulting—at the time of the destruction of Jerusalem in 70 CE—in the establishment of the Yavneh Sanhedrin by Yohanan ben Zakai. The story of the following two centuries is not entirely clear and scholars propose two major theories. Lawrence Schiffman hypothesizes that during the following two centuries, the rabbis became the political partner to Rome, the most convenient sect with whom the imperial authorities could negotiate. Such a position offered the rabbis significant social power and control. Even though the Sanhedrin moved multiple times and Rome eventually banned the ordination of rabbis, by that time, this once small group had attained hegemony over what became the Jewish community.[2] In contrast, Seth Schwartz argues that the rabbis existed on the margins of Jewish society and we exaggerate their influence due to the sheer volume of preserved work.[3] In either case, we focus our study on the Tannaitic material not only because their work survived, but also because this writing became the normative foundation for future Jewish law.

The high point of this period, as recorded in the texts, was Judah the Prince's compilation of the Mishnah. This stunning work of law represents a reorganization and expansion of Jewish law up to that time. Jewish tradition teaches that in addition to receiving the written scripture at Sinai, Moses also received an Oral instruction, one that the community preserved until captured by Judah within the Mishnah. Whether or not we believe in the divine origin of either the written or oral laws, we can view the Mishnah as Judah's attempt to regulate the Jewish community in his day, and where the people resisted Torah law, to adapt the law to communal practice. Often the Mishnah

[2] Schiffman, 168-176.
[3] Schwartz 2001, 103-128.

records the divergence in belief and behavior among even the Tanaitic leadership, but the work still contends to voice an authoritative position. While Judah's work casts a long shadow over the Tanaitic period and his choices became the foundation of rabbinic law, the material he excluded did not vanish. In fact, talmudic argument of the Amoraic period often revolves around a comparison of Judah's edits with what he either never knew or he left on the cutting room floor.

The main source of non-mishnaic, Tanaitic writing, is the Tosefta. Organized around the same six categories as the Mishnah, the Tosefta includes many of the same teachings found in Judah's work. Often, we will see, the toseftan text contains slight variations in a mishnaic teaching. Where relevant, these variations expand the conceptual range of a particular element in the filial relationship, illuminating a more diverse set of (idealized) practices in this period.

The third major source of material, after the Mishnah and Tosefta, are the Halakhic Midrashim. Following each section of the Torah from Exodus to Deuteronomy, scholars believe Tannaim compiled these midrashim in addition to their legal code. David Hoffman[4] theorized that for the four latter books of the Torah two midrashic traditions existed, one each from the schools of Rabbis Ishmael and Akiva. Figure 1 summarizes Hoffman's theory and lists the midrashic works covering each section of the Bible. Until Hoffman's work, Jewish tradition had preserved only the two Mekhiltas, the Sifra and the Sifre as one unified work. Because of Hoffman, scholars generally accept that Sifre to Numbers and Deuteronomy actually derived from two separate sources. Sifre Zuta did not survive as a coherent work until the modern period although medieval texts

Figure 1

	Akiba School	Ishmael School
Exodus	Mekhilta d'Rabbi Ishmael	Mekhilta d'Rabbi Shimon ben Yohai
Leviticus		Sifra
Numbers	Sifre Numbers	Sifre Zuta
Deuteronomy	Midrash Tannaim	Sifre Deuteronomy

referred to and quoted it often enough for Hoffman to posit its existence. His scholarship came to fruition when Solomon Schecter discovered actual fragments of Sifre Zuta in the Cairo Geniza. The work we currently have has been reconstructed from medieval citations, passages in Yalkut Shimoni, and the Cairo fragments. A similar story describes the compilation of Midrash Tannaim, but this text is even less reliable than Sifre Zuta.

Another work covered in this chapter will be Genesis Rabbah, the earliest of the Rabbah midrashim and the one most resembling the halakhic midrashim. Although this work appears later, much of its material derives from the Tannaim and deserves mention in this study. In addition, I would be remiss not to mention the important preservation of Tannaitic thought in the pages of the Talmud. The very material that Judah omitted, but that the Tosefta and the Midrashim preserved often is quoted by the Talmud as *baraitot* (pl. for *baraita*). While this chapter will focus primarily upon coherent works of the Tannaim and the period in which they lived, some important *baraitot* will be included. Finally, at times Josephus Flavius, a member and observer of the Jewish community during the early part of this period also may add his perspective to our discussion.

[4] Strack and Stemberger, 247.

As I mentioned at the outset of this chapter, two major streams of Judaism survived the destruction of the Second Temple and the disruptions of the next two centuries. As a study of Jewish tradition concerning family, this thesis obviously roots itself within the corpus of rabbinic writing in this time. But we should not entirely exclude relevant mentions in the New Testament, especially in the Gospels, because they represent a similar if not identical population to that in which rabbinic thought developed. In certain sections we will use Christian scripture to supplement the picture painted by the rabbinic brush.

This brush sometimes covers a nuanced subject, such as family relations, with broad strokes. Because the rabbis so thoroughly dominate the texts of this period, their agenda could interfere with our analysis. We must remain cognizant of this agenda especially because, as we saw in the previous chapter, the primary threat to parental authority, and thus a significant intrusion into family life in general, was the rise of ideas and movements calling individuals away from their families. If the Essenes, Zealots, Cynics and Stoics advocate that children leave their parents to join their movements, then how much the more so might rabbis use their authoritative hegemony to overrule parents. The quintessential example of this thinking appears in the Mishnah:

> His lost object and the lost object of his father; [He should seek] his lost object first. His lost object and the lost object of his master (*rabo*); his first. The lost object of his father and the lost object of his master; his master's first. Because his father brought him into this world, and his master taught him wisdom which will bring him in to the world to come.[5]

Using the test case of seeking a lost object, the Tannaim reiterate their authority over individuals in the community. For them the circle of Torah study defines the community and thus the rabbi takes precedence over the parent. As we examine the texts of this

period, we will do well to consider these texts in light of this rabbinic agenda. The rabbinic idealization of the academy may have led the rabbis to stretch this issue farther from reality than do the rest of their idealizations. For this reason, the analysis in this chapter will cover the familiar ground of honor and reverence as metaphors for sustenance and obedience respectively, and then turn to focus upon the intrusion of rabbinic authority into the parental sphere. Before we turn to the texts, we set them in the context of family in the Roman empire, for Jews both within and outside the land of Israel.

The Family in Context

Throughout the Tannaitic period, the rabbis operated under Roman authority. Numerous citations in the Mishnah and the Talmud mention conversations between rabbis and various Romans, male and female, so we might surmise a great degree of cross cultural-contact. But we can only guess at how much Roman culture influenced the daily events of Jewish life. Joseph Modrzejewski points out that the Romans permitted a high degree of legal autonomy to the people under their rule, and that only citizens lived under the authority of Roman law, even if all citizens had to obey general Roman rules.[6] The very existence of the Mishnah confirms this argument. But individuals do not live on the pages of law books. In order to understand outside influence on Jewish life, we look to the Roman street and society. James Jeffers argues that Jews in fact absorbed a high degree of outside influence, pointing to the presence of Greek in the inscriptions on Jewish tombstones. He posits that almost 50,000 Jews lived in first century CE Rome, but that throughout the empire they were seen as non-citizen foreigners, a status just

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[5] m. B. Mets. 2:11.
[6] Modrzejewski, 6.

above slaves.[7] But slaves in Roman society could enjoy a host of privileges, as could Jews, and contact within the highly urbanized Roman city was probably high. For the purposes of this study I will assume a moderate degree of contact and highlight the points of Roman family life most likely to influence the Jewish community.

Yan Thomas, writing in *A History of Family*, describes the Roman family as highly nucleated, arguing that very few extended family bonds existed at all. He sees bonds as primarily between individuals, not family groups. In his study of urban epigraphy he found families restricted mostly to "a couple or to one of the parents (usually the mother) and a child: in no case does the group being commemorated exceed two generations."[8] This form of family followed the trend begun in the Hellenistic period, but Roman culture stretched the nucleation of family to its extreme. Adults became highly individuated, as the practices of avoiding pregnancy, exposing children and remaining childless became common. The Romans internalized and lived out the ideals of earlier Greek thinkers, and they pursued a life centered on personal satisfaction for the Roman adult. This lifestyle profoundly influenced the relations between generations.

Jewish texts in this period also seem to describe more nucleated families. The expression *Bet Av,* or *Bet Avot*, applies more often to the organizational structure of the priesthood than to family life during this period.[9] The priests seem to have adopted a utilitarian, Second Temple usage of the phrase which in that period denoted large, landed agricultural units. This priestly usage, which is the most common in the Tannaitic period, sees the group as a utilitarian body. Only once do we see the term *bet av* refer to a family

[7] Jeffers, 40.
[8] Thomas, Yan 235.

structure. The Mekhilta d'Rabbi Ishmael states that this term refers to the *mishpaha*, a nuclear family,[10] in contrast to the clan described by the term *bet av* in the biblical period.[11]

Beryl Rawson explains that the Roman family rarely grew to more than 2 or 3 children simply because of high infant mortality.[12] But she also explains how many families avoided children altogether. Paul Veyne explains that the Romans continued the earlier Greek practice of a father deciding to accept or deny a child at the time of birth. "It was the father's prerogative to raise the child from the earth where the midwife had placed it, thus indicating that he recognized the infant as his own and declined to expose it."[13] Veyne also points out that contraception and abortion were common forms of birth control as well.[14] Rawson describes how "children who survived birth but whose natural parents were unwilling or unable to raise them might be exposed (ie. put out in a public place –doorsteps, temples, crossroads, rubbish-heaps) either to die or be claimed by their finder."[15] We should note that later Roman law frowned on such practice, but this was only after low birth rates threatened the survival of the empire. Roman parents shunned children because they often saw raising young as an unneeded expense, especially since many children did not survive until adulthood. This was true for both the rich and the poor. Throughout the empire, adults saw children as economically burdensome, wherever possible they utilized child labor in agriculture, or sent the child to an

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[9] m. Yoma 4:1, 3:9, m. Tamid 1:1, m. Midot 1:8, t. Ta'an. 2:2-3.
[10] I will use the term "nuclear" to describe a cohabiting family no larger than two generations, including only parents and children, or a childless couple. The term "nucleated" refers to the degree to which the cohabiting group includes or excludes family members who may not be a part of the core parents and children.
[11] Mek. Rab. Ish., 11.
[12] Rawson, 8-13.
[13] Veyne, 9.
[14] ibid, 12-14.

apprenticeship in order to eventually earn wages. But when adults chose not to procreate, society rewarded them.[16]

The idealization of childlessness has its roots in the Hellenistic period, and we saw the nearest Jewish approximation in the ascetic movements of the late Second Temple period. This concept surfaces later in our period again, in the Christian movement. John Barclay notes that many Christians embraced an ascetic world view, seeing sex and marriage as polluting and sinful. Some also disregarded the need for children because of a belief in the "imminence of the kingdom of God."[17]

Although Roman society rewarded childlessness, offspring did fulfill important responsibilities for adults, the type of duties upon which we have previously focused. The Romans solved this problem primarily through adoption. Adoption offered the Roman adult numerous benefits. They avoided the labor, cost and risk of raising their own children, and they could judge a potential inheritor as an adult, rather than as an undeveloped child of questionable character. Biological children did care for aging parents and buried them after death, though many children did not survive to adulthood. Thomas Wiedemann points to the numerous epitaphs for children that bemoan the economic loss to the parents rather than the tragedy of a child's death. Adoption avoided this entire problem, and Romans of a certain economic level could use their wealth to choose an appropriate caretaker and eventual heir.[18] Slaves, common in the Roman family, could even became the bearer of the family name and the preserver of the family

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[15] Rawson, 172.
[16] Dixon, 109-119.
[17] Barclay 1997, 74.
[18] Wiedemann, 31, 39-41.

tomb. We have documents attesting to this practice.[19] Beyond the issues of elder care and burial, the true purpose of adoption became the ability to manipulate inheritance, "creating heirs where none existed or bypassing existing heirs."[20] Dixon notes the evidence of this rampant trend in the multitude of wills and testaments, and the literary references to "fortune hunters who cultivated the childless" in order to be adopted as inheritor. She also argues that the notion of biological family continuity could be ensured by adopting a nephew or cousin from within the family, thus maintaining some connection to one's kin and family name.[21]

These changes in Roman parenting and adoption patterns concentrated significant authority in the hands of individual parents. To some extent this power extended to women as well. Rawson points out that the Roman mother enjoyed a significant status because if a father chose to reject a child, the mother often could assume responsibility and authority over that child.[22] Even in cases when a father did accept children, a mother also enjoyed some degree of authority, which only increased if she became a widow. Yan Thomas notes the numerous accounts of adult sons longing to leave the authority of their widowed mothers and enjoy their independence.[23]

Jewish women also commanded a great deal of respect in this time period. The greatest nexus of female authority in the texts of this period surrounds the *ketubbah,* marriage contract. At the time of her marriage, this contract guaranteed that a woman would receive a financial payment if her marriage ever dissolved. The groom received a dowry towards this potential payment at the time of marriage. An unmarried woman was

[19] Rawson, 8-12.
[20] Veyne, 17-18.
[21] Dixon, 112-114.
[22] Rawson, 8.

guaranteed such a dowry, and even if her father died, (half) brothers inherited the obligation.[24] A woman also could designate a child's personal status in certain cases of where a priest married an Israelite.[25] Finally, women were guaranteed the maintenance from their inheritance even if their husband chose to use the principal amount. In this way a woman could maintain some degree of independence.

Despite the advances made by Roman and Jewish women, the Roman father's authority eclipsed the relative power of women. The main source of this authority was the ancient Roman law Code, The Twelve Tables, which grant a Roman father the power of life and death over his children. Ulpian describes how this family structure operated:

> In the strict legal sense we call a *familia* a number of people who are by birth or by law subject to the *potestas* (power) of one man. . . *Paterfamilias* (head of household) is the title given to the person who holds sway in the house, and he is correctly so called even if he has no children, for we are designating not only him as a person, but his legal right: indeed, we call even a minor *paterfamilias*. When a *paterfamilias* dies, all the persons subject to him begin each to have a separate *familia*; for each individual takes on the title *paterfamilias*.[26]

The power of the *paterfamilias* held sway not only within the household but also within the larger Roman society. Only the head of the household determined the fate of its members. Therefore, the Roman state turned to the *paterfamilias* to execute the death penalty upon members of his house judged guilty. In addition, only the paterfamilias could hold property; thus, all wealth generated by family members accrued to this individual.[27] A son under the power of a paterfamilias surrendered his right to financial independence. This presents an almost ridiculous scenario, as described by David Daube:

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[23] Thomas, 247-248.
[24] t. Ketub. 4:14.
[25] m. Yebam. 7:5.
[26] *Digest* 50, 16.195 (as qtd. in Gardner and Wiedemann, 3-4. Parenthetical comments by the editors).
[27] Rawson, 7-16.

> Suppose the head of a family was ninety, his two sons seventy-five and seventy, their sons between sixty and fifty-five, the sons of these in their forties and thirties, and the great-great-grandsons in their twenties, none of them except the ninety-year-old Head owned a penny. If the seventy-five-year-old senator, or the forty-year-old General, or the twenty-year-old student wanted to buy a bar of chocolate, he had to ask the senex for the money.[28]

Daube here draws a caricature, but the problem he describes obviously occurred to Roman families. They solved this dilemma through creative means. We do have evidence, that many Roman adult children received an allowance, the *peculium*, and lived in relative independence. Wealthy families often endowed an adult son with a separate residence, as close as distinct quarters in the family house, or as far as in a distant city. Jewish families also created separate residences for children at the time of the marriage.[29] But the Roman child remained *filius familias*. At times this system grated a child's nerves, and we hear of men eagerly awaiting their father's death, and sometimes hastening it.[30] But this was not the norm. More often a man functioned fully in Roman society with the involvement of his *paterfamilias*. Veyne explains that a son, under his father's *potestas* could excel in all the areas of public life, but his father retained actual control. He describes political office holders dependent upon their father's support for their public careers. "In Roman Africa we find many public buildings with inscriptions stating that the father has borne the expense of the building on behalf of the son."[31]

In cases in which a *filius familias* needed financial freedom, the Romans invented creative means of circumventing the *paterfamilias'* authority. Chief among these was the practice of borrowing against an expected inheritance, which became common in the

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[28] qtd. in Saller, 10.
[29] Blidstein, 110, cites m. B. Bat. 6:4 as an example of this type of separate residence.
[30] Thomas, 249-250, Saller, 17.
[31] Veyne, 29.

empire. Some particularly despotic fathers attempted to control even this loophole through disinheritance, but society frowned upon this behavior. [32]

In general Ulpian's description of *patria potestas* presents an ideal. According to Crook, "At every period of Rome the *paterfamilias* was hedged about by sanctions of great effect, some legal and some not—the power, in fact, of public opinion."[33] We should not underestimate the power of this opinion, as the measure of an individual's *dignitas*, carried from the management of family affairs to his public life. The Roman father, when forced to take drastic action within the family, protected his standing by convening a family *domesticum consilium*, to confirm his judgement.[34]

The actual number of adults living in a state of *filius familias*, probably never became a major part of Roman society. Richard Saller estimated through a computer simulation based on average life expectancies and birth rates, that only 1 in 8 men were born in the lifetime of a paternal grandfather. Due to his analysis, most men had gained financial independence by the time they themselves became fathers. In addition, Saller notes that few Roman tombstones list paternal grandfathers as dedicators which contradicts the expectation under a system of *patria potestas*. [35] Other authors confirm Saller's view and point out that by the second century CE, absolute *patria potestas* had become a stereotype.[36] Actual legal authority disappeared as well, and the emperor Hadrian (ruled 117-138 CE), banished a father who had slain his son during a hunt, even though this *filius familias* had slept with the father's second wife.[37]

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[32] Lacey, 127-134; Crook, 120.
[33] Crook, 118-119.
[34] Lacey, 124; Lassen, 259.
[35] Saller, 16.
[36] Carcopino, 77; Wiedemann, 30; Thomas, 233.
[37] Carcopino, 77-78.

While the sheer immensity of *patria potestas* seduces the observer into seeing the Roman father as a stern disciplinarian only—and certainly he filled this role and times—this view simplifies a complicated relationship. Roman society assigned status based on a variety of talents such as financial integrity, oratory, political ability, and bravery in warfare. Suzanne Dixon explicates these values.

> The younger generation needed to acquire a range of skills that affirmed and perpetuated membership in this elite during the period of extended economic dependence characteristic of the children of the wealthy in all epochs. Thus Cicero spoke of his willingness to spend lavishly on his son's studies and lifestyle in Athens because this reflected on his own standing. He wanted young Marcus to be seen to be living as well as the sons of the old noble houses.[38]

Roman fathers prided themselves on setting an example for their children, and they disdained the practice of entrusting children to a professional teacher. Only when the father could not teach a subject did he hand over his son, and according to Wiedemann. "The father remained the ideal teacher, and the relationship between a father and his sons was accepted as a paradigm for Roman public life in general."[39]

Despite this Roman desire to educated their own children, the institution of professional education grew with the empire. The role of the slave/*paedagogus* was not unknown, having been established by the Greeks during the apex of their empire. These individuals often became integral parts of the household and could develop quite an intimate relationship with their pupils. Throughout Roman literature we see the relationship between a teacher and his student likened to that of the father and his son.[40] Even though a *paedagogus* may have developed such a close relationship, they were usually personal slaves in the houses of the Roman elite. During this period we also see

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[38] Dixon, 109.
[39] Wiedemann, 87, 156, 158.
[40] Wiedemann, 144; Veyne,14; Dixon, 117.

the development of schools and academies. Usually these grew from the reputation of an individual teacher, to whom Roman families would send their sons, sometimes over great distances.[41] In this case, not only had the father absolved himself of the duty to educate his son, but the entire responsibility of raising the child personally.

The above analysis of the Roman family manifests a number of significant trends in the culture of our period. Here we see Roman families reassign the traditional role of children as caring for parents, ensuring proper burial and inheriting the family wealth, to children adopted from other families, or even to slaves. Social factors—low birth rates, small family size, the ease of adoption, and the commonality of divorce—encouraged Roman adults to act as individuals, disregarding family ties and generational bonds. Suzanne Dixon confirms this finding and points out how social mobility became possible in the Roman empire, even if individuals from more established families would lord their heritage over up-and-comers.[42]

While most of the analysis above concerns the Roman middle and upper classes, the lower classes, to which Jews largely belonged, would absorb the ideas underlying these practices, even if they could not afford to follow them. Jeffers observes in Jewish families many characteristics adopted from Rome, although Jews were of a lower socioeconomic class. Because of their lack of resources and standing, divorce was less common, and Jews rarely held slaves in the Roman diaspora. Therefore, even though Jewish families were mostly nuclear as well, they enjoyed less independence and choice than their Roman counterparts.[43] Nevertheless the idea that an individual could be raised, educated, adopt children and determine inheritors with little regard to natural family

[41] Rawson, 39.
[42] Dixon, Suzanne 110.

relations certainly must have influenced Jewish culture. To what extent we can only speculate, but with this background in mind, we will examine the Jewish sources themselves and attempt a sketch of Jewish family life in this period.

Honor as Sustenance

As we turn to the rabbinic sources, I will follow the pattern developed in the previous chapters, asking how the Tannaim interpret the commands to honor and revere parents, and to what extent parents held the authority to enforce the fulfillment of these obligations. I follow this pattern for two reasons. First, the rabbis certainly knew the biblical material, even if some of the Second Temple literature may have escaped their view. Therefore, by looking at the same obligations, we can determine how the rabbis saw the earlier material, further illuminating their world view. My second reason for remaining with this pattern is to help us observe change in these obligations over time. This is purely methodological and imposes our analytic framework upon the text. As we will see, the twin commands, so clear in the Decalogue and Holiness Code, become only a small part of parent/child relations in the rabbinic writing.

The central statement of filial relations during this period appears in Mishnah Qiddushin 1:7. While variations exist elsewhere, this text provides a starting point for our analysis.

A. All the commandments of a son on/about (*'al*) the father,
B. men are obligated and women are exempt.
C. And all the commandments of a father on/about (*'al*) the son,
D. both men and women are obligated.[44]

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[43] Jeffers, 136.
[44] Because in my translations I will frequently work with multiple versions, I have decided to label each element in a rabbinic argument separately. Although this disrupts the flow of the translation, it eases comparability.

This cryptic dictate introduces the subject of filial obligations and I will follow the Talmud here in organizing my analysis around this passage. The mishnah divides filial obligations into those of a son on/about the father, and the father on/about the son, but provides no explanation of what this phrase means. Because of the ambiguity in the Hebrew word *'al*, we cannot determine if the former dictate describes an obligation incumbent upon the son to perform for the father or vice versa. Tosefta Qiddushin 1:11 asks this question as well, and provides detail to clarify the situation.

A. What is a command of the son on/about the father?
B. To feed, to provide drink, to dress and cover him, to bring him in and out, to wash his face, hands and feet.
C. Both men and women [are obligated]?
D. Rather that a man has the power to act.
E. And a woman does not have the power to act.
F. Because she is within the domain of her husband.
G. What is a commandment of a father on/about the son?
H. He is obligated to circumcise him, to redeem him, to teach him Torah, to teach him a trade, and to marry him [off] to a woman.
I. And some say even to teach him to swim in a river.
J. Rabbi Judah says that anyone who does not teach his son a trade teaches him bandrity.

From this list we see that the first ruling in the Mishnah (A) concerns the duties a child must perform for parents, while the second (C) concerns those duties performed by the parent for the son. Without addressing the particulars of the obligations yet (in the Tosefta lines B and H-J), I will first explore the gender divisions in the text. In the rabbinic worldview, clarifying individual's legal obligation represents a major goal, therefore the Mishnah first attempts to define what duties rest upon men and women respectively.[45]

[45] Although I omitted the translation above for the sake of brevity, m. Qid. 1:7 continues with the rabbinic rule that exempts women from positive, time-bound commands. This command appears frequently in the Talmud, and here it serves only to underscore the separate obligations on mothers, fathers, sons and daughters.

The Mishnah (B) clearly exempts daughters from the obligations of elder care, but the Tosefta seems initially to differ (C). But in the Tosefta we have the rationale (D-F) that explains why an adult daughter could not be obligated to care for elderly parents. While the Tosefta does not explicitly reverse its position in line C, lines D-F imply that a woman cannot fulfill these obligations because her husband's domain (and authority) limits her ability to act.

An alternative version in the Mekhilta d'Rabbi Ishmael,[46] attempts further clarity. In contrast to the Tosefta, this passage initially includes only men for textual reasons. The command not to curse parents (Lev 20:9) includes only the word for Man. But the midrash uses the language in Leviticus 19:3, which appears in the plural imperative to include women, the *tumtum* and the hermaphrodite. Yet another alternative in Sifra Qedoshim, skips the initial discussion to continue where the Mekhilta passage leaves off. If the Mekhilta ends by saying the verb, revere (tir'u) proves the inclusion of women, then the Sifra disagrees:

A. I have here only "man." [referring to the command in Lev 20:9]. Where do I find "woman?"
B. The scripture teaches "revere" [plural], thus we have both.
C. If so, we say "man" because a man has the power [to fulfill the obligation] and a woman does not have the power [to fulfill the obligation], because she is under the domain of another over her [her husband].
D. It says "Each man must revere his mother and father" and it says "The Lord your God you will revere."
E. This compares the reverence due to father and mother with the reverence due to God.

To the writer of the Sifra, Leviticus 19:3 does not prove the obligation of women. The Mekhilta fails to grapple with the real problem that women did not have power to support elderly parents because they existed within their husband's domain. By reordering the

[46]Mek. Rab. Ish., 231.

passage and including material from both the Tosefta and Mekhilta, the Sifra makes this point clear. Even though Leviticus 19:3 contains the plural verb, the real social problem persists. Then the Sifra continues to explain that this verse appears in the scripture for a different purpose. Namely to introduce the idea that the honor due parents is equivalent to the honor due God. Therefore this verse need not prove the inclusion of women.

To return to the initial Mishnah, women remain exempt from the obligations incumbent upon sons to perform for their parents. The reasoning seems to follow the Tosefta and Sifra, which refer to a woman's competing loyalties. We see the clearest resolution of the issue in the Talmud where Rav Iddi Bar Avin cites Judah the Prince as saying that if a woman becomes divorced then these obligations do fall upon her as well.[47]

This passage raises a question much deeper than simply the gender roles in filial obligations, and it opens a window for us into the rabbinic mindset. To the Tannaim, the biblical command to honor parents does not rest with kind behavior and a courteous attitude. If this were the case, we would expect them to include even married daughters. Here we see an awareness that the proper duty to honor parents requires fiscal ability, something which a married woman does not possess alone. Therefore, the rabbis release a daughter from this obligation. Such a decision should shock us. Even though the girl remains biologically connected to her parents, in the Tannaitic mind, she does not have the ability to provide support, a situation that weakens the legal connection to her parents. Therefore her biblical obligation is as if it did not exist. Thus we see the rabbinic power to override the biological relationship and biblical obligation.

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[47] b. Qid. 30b.

In the same way we have examined how the obligations rested upon sons and daughters, we ought to investigate how they might be directed at mothers and fathers. While the Bible never explicitly examines how the maternal and paternal relationships might differ, the Tannaim address this issue repeatedly. Because the rabbis orient their thinking around particular cases, for them the primary question is who deserves more honor, a mother or father? Three possibilities exist. First, that the honor due both is equal. We find this answer in Tosefta Keritot 4:15:

A. On this issue you say, "Honor your father and your mother," (Ex 22:12),
B. I learn that in all places where something takes precedence in the scripture, it takes precedence in action.
C. Just as [scripture] also says, "A man must revere his mother and his father" (Lev 19:3).
D. This teaches that the two of them [mother and father] are equal to one another.[48]

The Tosefta contains a parallel version which condenses A and B with the statement "In every place it [scripture] gives precedence to the honor due a father over a mother." This may be a summary version for a community familiar with the order in the Decalogue, or it may reflect a cultural norm—we cannot know for certain. In the end, though, both texts allow that parents should be considered equal. We should note, however, that both versions that include this explanation appear within a list of pair comparisons where the Tanakh uses one member of the pair first in one place and then reverses the order. We might surmise from this that the author did not intend to place mothers and fathers on equal footing, but found the word reversal helpful to make an exegetic point.

[48]Mek. Rab. Ish., 2 (Horowitz-Rabin edition). An abbreviated version of this text also appears in t. ker 4:15.

A third version of this text exists in Mishnah Keritot 6:9 with a very close parallel at the beginning of Sifra, Parasha Qedoshim.[49] The Mishnah begins with the condensed A/B like the Tosefta, but continues with a rhetorical question.

A. The father takes precedence over the mother in all places.
B. Is it possible that the honor due to a father is more important than the honor due a mother?
C. Does it not say, "A man must revere his mother and father" (Lev 19:3)?
D. This teaches that they are both equal.

Like the two versions above, the Mishnah seems to resolve the issue for equivalence. Unlike in other versions the rhetorical question, B, directly addresses our problem, which sets the remainder of the passage up as a firmer resolution of equality. But the Mishnah continues, and overturns what seemed to be the decision thus far:

E. But the sages say: A father takes precedence over a mother in all places.
F. Because [the individual] and his mother are obligated to honor his father.
G. And thus in [the case of] the study of Torah:
H. If a son has been worthy [to learn] before a teacher, the teacher takes precedence over the father in all places.
I. Because he [the individual] and his father are obligated in the honor due a teacher.

While the final section of this mishnah will be discussed at length in the final section of this chapter, on the issue of comparison between parents, we see a different resolution. The author of this mishnah probably knew a tradition equating the honor due each parent based on the biblical sequencing and resequencing of the words, "father" and "mother," and in some way wanted to preserve that tradition. But this author also felt a need to clarify an important legal point. Despite what might be even an ethical obligation to equate parents, in a legal system, one member of the family must take precedence, and that had to be the father. We can only guess if this innovation stemmed from exposure to a culture of *patria potestas*, or more general cultural influences from the ancient world.

[49] Sifra, 86-87

One final text weighs in on the subject of balance between parents, but instead of relying upon legal arguments like the authors of Mishnah Keritot and the Sifra, this text from Mekhilta d'Rabbi Ishmael instead presents rationale behind the separate honor due each parent.

A. Rabbi said, It is revealed and known where it says, "A man always honors his mother more than his father." Because she sweetens him through words,
B. Therefore [scripture] placed the father before the mother in "Honor."
C. And it is revealed and known where it says "A man always reveres his father more than his mother." Because he teaches him Torah,
D. Therefore [scripture] placed the mother before the father in "Revere."
E. In a place where there is a lack, [scripture] completes.
F. Or, in every place that it takes precedence in scripture, it takes precedence in action.
G. Thus it teaches, "A man must revere his mother and father." (Lev 19:3). This teaches that they both are equal one to each other.

The author of this midrash also drew on the tradition of basing value on word order, which comes as a coda here (F-G). But the preceding material (A-E) breaks new ground. We learn that a child honors and reveres parents in return for the gift of sweet words and Torah. This certainly represents an innovation over the biblical and Second Temple filial relationship. The texts from those periods based a child's obligation upon the physical sustenance received in youth and the duty to repay that debt. In contrast, these passages disconnect the obligation from repayment for sustenance and focus it instead upon more intellectual gifts. By the same token, reverence here departs from obedience, instead becoming a repayment for Torah learning.

Despite the differences in these alternative discussions of the balance between parents, we see all of the passages reach the same region of resolution. In both cases, the issue of parental balance fades to the background, and the discussion turns to Torah. In the first case, Mishnah Keritot, the father supercedes the mother, but the text reminds us

that the rabbi supercedes both. And in the second text, the mother and father end on similar footing, but the reasoning again reinforces the importance of learning.

While I have focused to this point upon gender balance in family relations, these texts also demonstrate the Tannaitic details of filial obligaiton. The most comprehensive list of these obligations appears in Tosefta Qiddushin 1:11, quoted above. That list of filial dutics—to provide food, drink, clothing, and covering, to bring him in and out, and to clean his hands and feet—becomes normative in Jewish tradition, being quoted later in the Talmud. Other similar lists exist in the halakhic midrashim,[50] which might mean that various traditions predated all the texts, and each different written version represents alternative versions of this obligation. Then again, the texts might be drawing on a common early oral tradition, and the written versions represent different transmissions of this tradition. We cannot know the exact provenance of this list. Nevertheless, the acceptance of this single list as the sole substantive basis for all of rabbinic literature on the obligation to "honor" parents suggests that the particulars serve as metaphors. The Tannaim may be suggesting through such a list a form of metonymy, in which a child holds the responsibility for all of a parent's physical needs as that parent approaches old age.

The singularity of such a list is not matched by the multiple and varied rabbinic statements underscoring the importance of filial obligation without offering specifics. In a discussion of the ways to be released from vows, the rabbis rule that a method of repentance is to show honor to parents and to God.[51] A separate discussion of marital

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[50] The Mekhilta d'Rabbi Shimon and Sifra Qedoshim contain lists nearly identical to the Tosefta, omitting only the washing of hands and feet. The Mekhilta d'Rabbi Ishmael also includes a parallel version, which omits the obligation of transportation, but specifies that the clothing provided must be clean.
[51] m. Ned. 9:1.

relations also manifests the importance of honoring parents. There a man can divorce his wife for the simple reason that she cursed his parents.[52] In addition we see in Genesis Rabbah, a slightly later text, that when God wanted to call Abraham to divine service, God first needed to release Abraham from filial obligation by advancing Terah's death.[53] We also find that the duty to support aging parents can be passed to the brother-in-law of a childless widow along with the duty to procreate, even though these parents are not his own.[54] The duty to honor parents is so important that the midrash compares it to the duty to honor the Shabbat,[55] and also compares the prohibition against cursing or striking and the duty to honor parents and God. Appearing both version of the Mekhilta,[56] this comparison only highlights the respected role that parents play in the rabbinic mind. Later the Amoraim, rabbis of the talmudic period, explain this comparison by stating "All three were partners in [creating] him."[57] While this elevation of parents to a semi-divine role due to their creative capacity may remind us of Philo's writing, we find no similar statement in the Tannaitic works.

We should not be surprised at the importance of creation and the list requiring physical support for the aging, since this obligation appeared in biblical tradition (as discussed in chapter one). But a major part of the biblical obligation has disappeared here. The obligations upon a child concern only the living elderly parent, and neglect the burial obligations. While Josephus, writing contemporaneously notes the family's

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[52] m. Ketub. 7:6.
[53] Gen. Rab. Parasha 39: 7.
[54] t. Yebam 6:3.
[55] Mek. Rab. Ish., 155-157; Mek. Rab. Shim., 103-104 (Epstein-Melamed edition).
[56] Mek. Rab. Shim. 151-152, Mek. Rab. Ish., 231-232.
[57] b. Qid. 30b.

obligation to bury their kin,[58] Tannaitic literature contains no similar statement. The text that comes closest to discussing family responsibility to bury kin only addresses the issue obliquely:

A. He who died and left movable property
B. and the marriage contract of his wife and a creditor both made a claim against him:
C. who ever first takes his worth [receives their claim].
D. He is buried from the charitable fund.[59]

While not explicit, this text implies that an individual's burial should be paid from his own wealth. In the case where a parent's wealth has been exhausted, the text seems to absolve children of the responsibility to bury their parents, placing this responsibility instead upon the community. To be fair, I argue here from silence, because Tannaitic literature simply contains no statement regarding a child's responsibility to bury. But, what we do have, this text, seems to indicate that the rabbinic mind does not consider filial obligation to include parental burial. In contrast we might assume that the Tannaim take for granted the family's duty to bury its own, and leaves the issue unmentioned. The cryptic nature of this text allows us to say only that some individual families did not pay for the burial of their relatives. In this situation we see that the duty falls upon the communal philanthropic fund, not an extended kinship network.

This idea of an extended kinship network also plays a role in rabbinic discussions of inheritance. If we remember that sources in the Second Temple period indicated a diminishment in the influence played by kin in inheritance decisions, then the rabbinic discussions will seem overly obsessed with kin. The same is true if we compare the

[58] Josephus, writing much later (ca. 100 CE), lauds family burial practices. In his apologetic work, *Against Apion* (Ag. Ap. 2, 205) he writes, "Our law has also taken care of the decent burial of the dead, but without any extravagant expenses for their funerals, and without the erection of any illustrious monuments for them; but has ordered that their nearest relations should perform their obsequies."

Tannaitic sources with the Romans, who could adopt and disinherit at will in order to manipulate lines of patrimony. Numerous sources mention how inheritance will pass to sons, daughters, spouses, brothers and even uncles.[60] While most sources do focus on the nuclear relations, extended family does receive mention when no immediate kin exists. This testifies to a higher degree of kinship than the sources from the Second Temple period, but the Tannaitic mentions of inheritance make no mention of the implications of an individual's inheritance on the larger community. Unlike the Bible, where inheritance could significantly effect clan and tribal economic security, in this period, the discussions focus on disputes over individual wealth, not tribal longevity. Finally, we see that the individual son does have rights to his father's inheritance, even if that father did not know of the son's existence. The same is true even for an unborn child.[61] This represents a limitation on a father's complete autonomy in determining his beneficiaries, which certainly deserves mention in a Roman context.[62]

The only obligations that do interfere with the direct passage of wealth from a father to a son seem to be the obligations to women. Both a spouse and daughter of the deceased can make claims against the son's inheritance based upon the amounts of their marriage contracts and dowries respectively. One text even defends these rights after a son has already inherited. Even an unmarried daughter has the right to collect part of her (half) brother's inheritance for the purpose of her maintenance.[63]

The final aspect of inheritance about which the texts indicate a change concerns the concept of intergenerational punishment. While early biblical sources mention God's

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[59] t. Ketub. 9:3.
[60] m. Arak. 9:8, m. B. Bat. 8:1-9:8, m. Demai 6:8-9.
[61] t. Ketub. 4:14-16.
[62] t. Ketub. 4:14-16.

penchant for visiting the sins of the fathers upon the sons for four generations,[64] later biblical sources claim that God alters this position.[65] In chapter one, I attributed this change to the Babylonian Exile and the separation from the tribal inheritance system. This change was only exacerbated in the Second Temple period and into the Tannaitic. But we see a revival of the concept of intergenerational inheritance after the destruction of the Second Temple. While not entirely coherent or consistent, a passage from the Mekhilta d Rabbi Shimon bar Yohai articulates the idea that the punishment in that period derived from the fact that the merit of the ancestors only lasted four generations and had run out by the time of the destruction of the Second Temple. In this passage the concept of "fathers" represents national ancestry, less so individual fatherhood. Therefore, even though a biblical concept of intergenerational inheritance may have been restored as a method of explaining theodicy, the Tannaim interpret the concept separately from the individual family.

To conclude our survey of the sources related to the obligation to "honor" parents, we note some Tannaitic innovations. First, we see a rabbinic insistence on the practicality of their law. The Tannaim avoid promulgating laws that cannot be fulfilled. For this reason, they absolve a married daughter from the obligation to honor parents, because her loyalties and responsibilities lie within her husband's domain. From a similar mindset the Tannaim explain that a son should honor his father before his mother, for the practical reason that both the son and the mother must honor the father first. In addition to their relentless practicality, the rabbis also insert their own frame onto the discussion, declaring that because a son's father teaches him Torah, he deserves honor.

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[63] m. Ketub. 4:5, m. Ketub. 13:3, t. Ketub. 4:14, 18.
[64] Exod 20:5, Deut 5:9.

To highlight the importance of Torah, the honor due a son's teacher trumps that even due his father. Despite the eventual solution of these questions—that daughters do not bear a responsibility to honor and that mothers receive honor only after fathers—the Tannaitic texts do show interest in the mother's cause. In some ways they are more explicitly aware of women than any corpus to this point.

When we looked at the practical duties to sustain parents, we found a surprising amount of unanimity among the texts, suggesting that the standard list represents a metaphoric obligation to provide for all of a parent's physical needs. Interestingly, the duties to honor parents do not include the duty to bury them, and our brief survey of one text hinting at a family's obligation for burial indicated that communities sometimes accepted the obligation to bury their own. We have no idea how often this occurred though. Perhaps, the rabbis chose to avoid any explicit mention of a burial obligation because this too might be impractical. The Tannaim may have shied away from obligating children to provide for burial because the means of burial—civil permission, sanctified land and a means of upkeep—may have exceeded the grasp of most individuals. A communal burial society solved this problem without embarrassing those poorer families unable to pay for burial. This is entirely speculation, but the lack of any mention of a filial obligation to bury parents glares through the texts.

To illustrate this practicality I close this section by analyzing a midrashic flourish on the command to "honor" in the Decalogue. While discussing how the ten commandments were arrayed on two tablets, the Mekhilta d'Rabbi Ishmael explicates how each commandment correlates to its pair on the neighboring tablet. For the command under study here, the associated command—do not lust after a neighbor's

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[65] Ezek 18:20.

wife—seems to have no relationship. But the practical rabbinic mind finds an important connection:

> This scripture [the placement of the two commandments] teaches us that everyone who lusts [after a neighbor's wife] in the end will give birth to a son who curses his father and mother and who honors someone who is not his father. Therefore we were given ten commandments with five on one tablet on and five on the other.[66]

The rabbis see here a practical problem in adulterous relationships, not that the marriage will be damaged. Instead they point out the damage to the obligation to honor parents. The eventuating child will curse the man with whom his mother had an affair, and he will show honor to his mother's husband. But this man is not his father, therefore, technically speaking, the command to honor a father will be abrogated. Despite the obvious rhetorical situation the Tannaim create here, we can see a real concern for the an obligation that surpasses the moral or ethical. The command to honor has real, practical, legal significance.

Reverence as Obedience

In the previous section we saw how the gender balance of honor incumbent upon daughters and sons, and due to mothers and fathers, hinged midrashically upon the plural imperative form of "revere" in Leviticus 19:3. We assume that these same arguments hold true for the obligations of obedience. While we have no explicit examples of a son obligated to obey his mother as much as his father in the Tannaitic works, multiple *baraitot* indicate that the rabbis considered this obligation as well.[67]

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[66] Mek. Rab. Ish., 234.
[67] b. Qid. 31a-b.

While the Tannaitim answer the question of gender identically in relation to "honor" and "revere," the specific duties incumbent from these obligations differ significantly. In fact, the Sifra makes the difference explicit:

> What is reverence? Do not sit in his place, and do not speak in his place and do not contradict his words. What is honor? To feed him and to give him drink. To dress him in clothes, to bring him in and to take him out.[68]

This text indicates an awareness by the author of the Sifra of a list of obligations resembling those found under "honor" in the Tosefta. But while the other Tannaitic works discuss "honor" and ignore the specifics of "revere," the Sifra introduces a new set of obligations, markedly different from "honor." We see this list become normative in the Talmud by its inclusion juxtaposed with the "honor" list.[69]

The complete separation of these new obligations from physical well-being distinguishes this list from the previous. Instead we can categorize these commands as concern for a parent's social, or even emotional, well being. The first command—not to sit in his place—while cryptic, may be protecting a father's ability to function as head of household. I am reminded of my own father's designation of a particular chair in our family's den which any member of the family would vacate as soon as my father arrived home from work. A particular place may designate a father's authority. The second command which prohibits one from speaking in his place, becomes clearer in relation to the third prohibition—not to contradict his words. The inclusion of these two phrases indicates that the former indicates speech on his behalf, while the latter clearly denotes speech in opposition. The phrase leads us to ask why speech in support should be prohibited as a part of the command to "revere." Again, this regulation functions to

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[68] Sifra Qidoshim.

[69] b. Qid 31b includes the list from Sifra Qedoshim but suppliments it with the command not to "stand in his place."

protect a father's emotional or social well being. A son speaking on his father's behalf, especially in public, would advertise his father's limitations. Therefore, reverence requires the prohibition of this type of speech.

While Sifra Qedoshim clearly delineates the two commands, "honor" and "revere," the Talmud reverses the order, and to some degree this clarifies matters. The commands to "honor" all represent protection against a parent's physical deterioration, and loss of physical dignity. The reverence prohibitions also protect dignity, but a dignity separate from physical deterioration. The Sifra shows sensitivity to the protection of a parent's emotional and social dignity, which may deteriorate before or after the physical.

I have concluded previously that the command to revere in earlier times indicated a need for obedience. We find that same need for obedience in the rabbinic period, but the text does not connect it with the root y-r-a. We might see obedience subsumed within the command not to "contradict his words," but regardless of reverence, filial obedience figures greatly in the Tannaitic mind. A discussion in Genesis Rabbah exemplifies this value. After questioning Jacob's apparent theft of the birthright and flight to Paddan-aram, the author introduces the counter-intuitive idea that this action actually illustrates Jacob's obedience; he followed the command not to take a wife from among the Caananites. The text even contrasts his behavior with that of Samson who told his parents whom he wanted to marry.[70] The same midrashic applause for obedience appears in a discussion of Joseph's willingness to follow Jacob's command to find his brothers, even though Joseph knew of the risk to his life.[71]

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[70] Gen. Rab. Parasha 67:7.
[71] Mek. Rab. Ish., 78-79, Mek. Rab. Shim. 45-46.

The rabbis support these midrashic references to obedience with legal authority for violations of obedience. As in earlier periods, general unethical, or improper behavior brought disgrace not only upon one's self but also upon one's parents. This holds true for both daughters and sons. For example, Sifre Deuteronomy declares that a daughter who is not a virgin at marriage brings shame upon her father.[72] Violations of obedience could cause disgrace to the parents.

> Following the biblical text, the rabbis discuss the issue of the rebellious son in detail. In a separate place, the Sifre Deuteronomy explains.
> A. "If a man has a son . . ."(Deut 21:18)
> B. And not if it is the son of a woman.
> C. Not a daughter.
> D. Not a young man who has come into the commandments.
> E. Stubborn: twice.
> F. And rebellious: a fool.
> G. Another view: Stubborn: an apostate who keeps for himself a different way.
> H. [Some texts include: Stubborn: he eats through his father' wealth.]
> I. You say that a subborn and rebellious son should be killed?
> J. Rather he is judged by what his outcome will be. It is better that he die innocent than that he die guilty. . .
> K. Another interpretation: Stubborn: against the words of his father, rebellious: against the words of his mother.
> L. Stubborn: against the words of Torah, rebellious against the words of the Prophets.
> M. Stubborn against the words of the witnesses, rebellious against the words of the judges.[73]

In reference to the initial conditions placed on the enforcement of this biblical prerogative (A-F), I will discuss these later. Here I focus upon the explanations of stubborn and rebellious. The text is disjointed and may reflect variant traditions, but the whole will elucidate the range of disobedient behavior in this period. The text initially criticizes the individual who determines his own religious practice, and deviates from tradition (G). The next explanation focuses upon the individual who "eats through his father's wealth"

[72] Sipre Deut Piska 235.
[73] Sipre Deut Piska 218.

(H). This use of the verb "to eat" echoes the biblical accusation that the rebellious son is a "glutton and a drunkard." The following rhetorical question, "You say that a subborn and rebellious son should be killed?" (I) clarifies the concern that this behavior might develop into more egregious behavior in the future (J). We should be skeptical that the author of this text seriously condoned the pre-emptive death penalty. Instead he most likely introduces an explanation of the severity of the biblical text.

The details that follow this conversation specify that rebellious behavior constitutes failure to heed the words of (in this order) fathers, mothers, the books of Torah and Prophets, judges and witnesses (K-M). The progression here instructs. Just as in the discussion of "honor" we saw the rabbinic desire to insert their agenda, we see here the need to connect disobedience of parents to disobedience of the rabbis. Lines K-M show a strong thematic connection to the initial discussion of the apostate (G). Because of the manuscript history of Sifre Deuteronomy the text itself may be corrupt, and we can hypothesize that lines H-J represent an alternative tradition inserted here, or alternatively that lines G and K-M were inserted subsequently.[74] In either case, two separate views may have existed. First, the rebellion may have been associated with general antisocial behavior that began with mistreatment of family funds, and could expand to a larger societal problem. The second interpretation also begins with disobedience of parents and then focuses more specifically upon the violation of rabbinic authority. In either case, we see a similarity to the biblical treatment of this issue. Just as the parents of the stubborn and rebellious son needed to bring him to the public square in order to make an example, the Tannaim confront an individual whose behavior might develop into a problem in that same Public square.

The punishments for misbehavior seem clear in Tannaitic works, and show less ambivalence to parental physical discipline than works in the Second Temple period. We can assume that parental beating of children was commonplace, because the Tosefta argues that a parent who injures his son or daughter is exempt on all counts.[75] Later the Tosefta moderates this view slightly by designating the parent liable only if the abuse was excessive.[76] The text compares parents who beat children with teachers who discipline disciples, granting both groups exemptions from any damage done.[77] The Mishnah explains the connection through a reference to Deuteronomy 17:6, the laws of manslaughter, which indict the man chopping wood in the forest when the head of his axe detaches and kills a passerby. The Tannaim explain that because the act of chopping wood is an act of choice, any one who abuses or kills because of free choice is liable. But, according to the rabbis, since a father or teacher disciplining a son or disciple respectively cannot choose to refrain from such discipline, these cases are exempt.[78]

The mishnah also condones the enforcement of obedience through capital punishment. Here the Tannaim follow biblical dictates which call for the death penalty in cases where a child curses parents, or strikes parents. These penalties hold even if the child curses his or her parent posthumously.[79] While the texts legislate the death penalty for such offenses against parents, we cannot know how well these texts reflect reality. Because the biblical text so clearly indicts a child for cursing or striking, the rabbis could not have easily abrogated the death penalty. Even if they did not support such extreme

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[74] The Finkelstein critical edition supports this claim, 251.
[75] t. B. Qam. 9:8.
[76] t. B. Qam. 9:10.
[77] t. B. Qam. 9:11.
[78] m. Mak. 2:2.
[79] m. Sanh. 7:4, m. Sanh 11:1.

enforcement of obedience, the rabbis may have felt obliged to continue the biblical legislation. Later I will discuss the high level of specificity required to accuse a stubborn and rebellious son,[80] and these restrictions intimate that the rabbis did not support capital for a lack of obedience to parents.

Despite blanket permissions to discipline children through abuse and even more limited toleration of capital punishment, Tannaitic writing indicates a belief in parental compassion. One example from Tosefta Sanhedrin 7:5 illustrates this tendency:

> The eunuch and the one who does not have children is fit to judge in cases of property, but he is not fit to judge cases in capital cases. And Rabbi Judah adds the one who is harsh and has no compassion.

Here the rabbis see the experience of parenthood as moderating judgement and inspiring mercy. According to Rabbi Judah, an individual without children might be too harsh or unforgiving. The rabbis intended to avoid judicial decisions requiring the death penalty, and they assumed that a parent might be loathe to execute an individual. We can only surmise that this assumption derived from a belief that a parent will have seen a defendant as someone else's child, therefore directing their compassion not only on the defendant but upon their parents as well.

We have seen how in the Tannaitic period the duty to revere parents required obedience and, as a result, parents possessed the authority to enforce such obedience. But the rabbis did not grant absolute authority, limiting parents through three methods: upholding a child's extra-filial obligations, treating a parent engaged in physical discipline like the perpetrator of assault, and severely limiting the conditions under which a parent can assert his or her authority. I will deal with each of these in turn.

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[80] Sipre Deut Piska 218-219.

The issue of a child's extra-filial obligations rushes to the rabbinic mind as soon as the obligation to revere has been promulgated. Just as the Sifra describes the specifics of reverence, it also questions the limits of reverence and parental authority:

> "Each man must revere his mother and father." Is it possible that if his father or mother should say to him to transgress one of the commandments spoken of in the Torah, that he should listen to them? Scripture says, "And my sabbaths you shall keep." "All of you are obligated to honor me." "Do not turn to idols." "Do not turn to idolatry." Rabbi Judah says "Do not turn to look at them."[81]

This passage raises the precise issue of filial reverence within a communal context. Can a parent dictate behavior that violates communal standards, thus placing the child in conflict between family obligations and communal obligations? In this passage, Rabbi Judah seems to solve the issue with the statement, "Do not turn to look at them." Unfortunately we cannot know for certain if Rabbi Judah instructs an individual here not to look at idols or parents. Another passage explicitly allows a child to refuse a parental instruction when this instruction violates communal law. In mishnah Baba Metsia, an individual may refuse his father's command to contract corpse uncleanness without incurring any punishment.[82] Both of these passages outline how a child can escape parental authority under the umbrella of rabbinic law.

Parents also find themselves limited by the laws of criminal assault. For example, while a parent may physically discipline a minor child to the point of injury without criminal punishment, the same is not true for adult children.[83] The Tosefta also teaches that if a father accidentally kills his son, then the brother of the deceased becomes the blood-avenger and must pursue his father. The father goes into exile, to one of the cities of refuge, where he is confined until the death of the high priest. We should note that

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[81] Sipra Qedoshim 10.
[82] m. B. Met. 2:10.

although two Tannaitic sources explicitly describe this process,[84] the Talmud questions this position citing a contradictory *baraita*.[85]

The third, and perhaps most significant method of limiting parental authority is the set of strict limitations under which a child may be capitally punished. The Mishnah, Tosefta and Sifre Deuteronomy all discuss these limitations,[86] and I will summarize them here. The child must be a son, not a daughter and must be born of a legitimate marriage. The age under which the child might suffer this punishment begins with the appearance of two pubic hairs, until all of his pubic hair has appeared. The defendant must first be flogged under the authority of a court of three judges and given a chance to change his ways. If he continues his rebellious behavior, the parents can resubmit the accusation to a court of twenty-three judges, which must include the original three. If one of the original judges cannot be present, then the parents must repeat the process from the start. The behavior itself must be the theft and consumption of specific amounts of food and wine unrelated to ritual celebrations. The theft must be from the father, and the food and wine must be consumed in another man's domain. Also, the accusing parents must not be blind, dumb, lame, deaf or maimed in the hand, because the text explicitly commands them to see, hear, lay hold, speak, bring him out, and wait to see if he heeds their command. Finally, and importantly, the mother must agree to the accusation. The Tosefta clearly states the rabbinic distaste for a parent's capital punishment of a child. In Tosefta Sanhedrin 11:6-7 the rabbis write, "There has never been, and there never will be a stubborn and rebellious son." All of these limits function to make the accusation of

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[83] t. B. Qam. 9:8.
[84] m. Mak. 2:3, Sipra Zuta Piska 35.
[85] b. Mak. 12a.
[86] m. Sanh 8:1-4, t. Sanh. 11:6-8, Sipre Deut Piska 218-219.

rebelliousness practically impossible, and they severely restrict a parent's authority to enforce obedience through capital punishment.

Despite the commandment to revere parents, and the specific obligations this commandment entails, the Tannaim restricted the ability of parents to enforce this obligation. These restrictions came through the competing obligations of Jewish law, the standard rabbinic criminal regulations on assault, and the severe boundaries placed upon the accusation of the stubborn and rebellious son. While the rabbis support and continue the biblical commandment of reverence, and permit a significant amount of authority to discipline children, in the end parents can only barely rely upon capital punishment under family law. We should remember how much this contrasts with Roman law, which, early in the empire, relied upon *patria potestas* to enforce communal sentences. We cannot know if the rabbinic limiting of this power waned along with, or in advance of the similar Roman restriction of parental power. But we can say for certain, that by the end of this period, a parent's absolute authority over their children had all but disappeared in favor of communal standards.

Rabbinic Competition

In addition to upholding the authority of Jewish law over parental power, the rabbis also elevated the person of the teacher and the culture of Torah study above that of the parent. As we saw in the introduction to this chapter, to the Tannaitic mind, a child's conflict of obligation to a father and rabbi often resulted in that child honoring his teacher first. In order to fully understand the implications of this ruling on family life, I will analyze the rabbinic culture from which this ideology sprang, the sources detailing how

such a circumstance might occur and the rationale the rabbis offer to explain this decision.

If rabbinic tradition considers Mishnah Avot as a thematic introduction to the entire corpus of rabbinic literature, then the primacy of rabbinic authority and teaching appears early on. After the first Mishnah confirms the chain of tradition bequeathing the Tannaim with Moses' authority, the instructions for individuals appear not far after: "Make for yourself a teacher, obtain a study partner and when you judge any man, tilt the scales of judgement in his favor."[87] Not only should someone engage in Torah study, but respect is due the wise, "A wise person does not speak in the presence of someone greater than he."[88] While these introductory passages make explicit references to learning and the importance of teachers, the text that comes closest to underscoring the importance of parents supports respect for the aged in general, without making explicit reference to family.[89]

Learning and teachers occupy such an exalted role in the rabbinic ideal of society, that the Tannaim willingly overturn existing social order for the sake of a learned person. In listing the social status of different classes, the rabbis place the High Priest at the top and the class of illegitimate children (*mamzerim*) at the bottom, but they end the passage with this caveat, "If a bastard is learned in the Law and a High Priest is ignorant of the Law, the bastard that is learned in the Law precedes the High priest that is ignorant in the Law."[90] Torah learning surpasses all aspects of society, not only social order. Even though the rabbis encourage the learning of a trade, they clearly prefer Torah learning,

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[87] m. Abot 1:6.
[88] m. Abot 5:7.
[89] t. Meg. 4(3):24.
[90] m. Hor. 3:8, var. t. Hor. 2:10.

asking, "Who is his master? The one that taught him Torah and not the teacher who taught him a trade."[91] Finally, we see this value structure throughout Tannaitic literature, in such areas as the laws of *Eruvin* which describe the conditions under which an individual can create artificial boundaries in order to ease the restrictions of the Sabbath. The Tosefta allows the creation of an *eruv* for specific purposes, "for the sake of peace, for a teacher, or a great man, or if he was marrying off his son into a family and wanted to show respect to him [the bride's father]."[92] The juxtaposition here of a teacher with a wedding partner illustrates how high the status of rabbi had risen.

The texts describe a system that regulated relations between parents and children, promoting interactions within and following the Torah study system, while de-emphasizing other family relationships, and eliminating any relations that competed with the Torah system. A story from Mishnah Eduyyot illustrates my point.

A. At the moment that [R. Aqabaya] died he said to his son, "My son, retract the four rulings which I gave."
B. His son said, "Why did you not retract them?"
C. He said to him, "I heard them from a majority and they heard them from a majority."
D. I followed the tradition that I heard and they followed the tradition that they heard.
E. But you heard from an individual and from a majority. It is better to leave the decision of an individual and follow the decision of the majority."
F. He answered, "Father, commend me to your Sage colleagues."
G. He said to him, "I will not commend."
H. [The son] said, "Did you find a complaint in me?"
I. He said to him, "No, but your deeds will bring you near [to them], and your deeds will push you far [from them]."[93]

Rabbi Aqabaya, in this passage, essentially denies the honor due him from his son. In the hour of his death, he encourages his son to dishonor his memory by overturning one of

[91] t. B. Mets. 2:30.
[92] t. Eruv. 5:11.
[93] m. Ed. 5:7.

his own rulings (A). Aqabaya relies upon sound legal thinking—that his son heard the tradition differently than did the father, thus obligating the son to different practice (C-E)—but this same thinking refuses to acknowledge any honor especially due a father. The same son looks for an alternative to dishonor, by asking the father why he himself did not retract the ruling (B). When no alternative seems possible, the son requests that his father commend him (F). We may see this as a request for a paternal recommendation, which would deflect any criticism this son might receive because he dishonors his father's rulings. But Aqabaya refuses even this, arguing that the community of Sages will see his son's action on its own merits (G-I).

The passage assumes a certain understanding of the rabbinic community. First, it affirms the importance of legal discourse in that Aqabaya chooses to discuss this issue at his moment of death. In addition, the sound logical reasoning forcing Aqabaya's son to dishonor him, highlights just how much Torah overpowers family obligation. Finally, Aqabaya assumes that the importance of Torah is so widely understood, that no colleague would question his son's merit for overturning the rulings.

This situation brings us to the heart of the rabbinic/parental conflict. Not only does the Torah system trump the family system, but here we see just how narrowly the rabbis divide the obligations. Aqabaya was not only his son's father, but he was also his teacher. We see numerous passages in which the rabbis enjoin a father to teach his son both Torah and a profession,[94] even though Torah education is more highly valued.[95] We even see masters teaching their slaves Torah as if they were sons.[96] The teaching relationship between father and son occupies such a central position in the community

[94] t. Qid. 1:11, m. Pesah. 10:4, m. Yoma 8:4, Mek. Rab. Ish, (70-74).
[95] m. Qidd. 4:14.

that the same relationship between teacher and student utilizes the words *av* and *ben*.[97] Some of this may be a tradition inherited from the biblical period where we see, the academies of prophets called the "sons of the prophets,"[98] and we see Elisha refer to Elijah as "My father."[99] As the Aqabaya story illustrated, even when one individual occupies both roles as father and teacher, the Torah role dominates.

The Tannaim make this explicit in passages like the one quoted at the outset of this chapter. I will expand my quotation here.

A. His lost object and the lost object of his father;
B. [He should seek] his lost object first.
C. His lost object and the lost object of his master (*rabo*);
D. His first.
E. The lost object of his father and the lost object of his master; his master's first.
F. Because his father brought him into this world, and his master taught him wisdom which will bring him in to the world to come.
G. And if his father is also wise, his father first.
H. If his father and his teacher each bear a burden,
I. relieve his teacher first, and then relieve his father.
J. His father and his teacher were each taken captive,
K. first he ransoms his teacher and afterward he ransoms his father.
L. And if his father is also wise,
M. First he ransoms father and after he ransoms his teacher.[100]

Although I focus here upon the balance between family and rabbi we should note the strong respect for the individual present in this text. That the individual searches for his own lost item before his rabbi's (B, D) intimates a consideration of the self that we might not expect as the rabbis attempted to exert their authority.

To return our focus to the tension between rabbinic and parental authorities, and the competing obligations placed on the child/student, the Mishnah clearly states a

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[96] m. Sukkah 2:1.
[97] t. Sanh. 7:9, Sipre Zuta Piska 34.
[98] II Kings 2:3.
[99] loc. cit. 2:12.

preference for rabbinic authority. We see the same results in three circumstances, the case of a lost object, a burden to bear and a need for redemption. Interestingly the rabbis can foresee a case where a son studies under a rabbi other than his father, even if his father is wise (G, L). Such a situation may have been influenced by the Roman educational model where well-to-do parents, even if they were educated, sometimes sent their sons to study with a famous teacher. We should note that not all three cases within this mishnah permit a son to give precedence to his father if his father is wise. In the case of the father and rabbi bearing a burden a son/pupil always honors his teacher first. My only guess at the omission of the exception for a wise father is a textual anomaly or manuscript error. The compiler of the Mishnah may also have assumed that the inclusion of this exception both before and after this case signified its inclusion here too.

A parallel version in the Tosefta offers a slight variation to this Mishnah. There we find the phrase, "And if his father was equal in relation to his teacher,"[101] in place of line G above. Whereas the Mishnah granted preference to the father in the case that he possessed any wisdom, the Tosefta requires equivalence with the teacher. We can only assume the text refers to equality in learning or academic status. Therefore the Tosefta elevates the rabbi farther. According to the Mishnah a father deserved honor before the teacher if the father participated within the system of Torah learning, but the Tosefta requires actual equivalent learning. The former text takes a more egalitarian position for all individuals engaged in the process, while the latter sees a more developed hierarchy of learning.

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[100] m. B. Mets. 2:11, t. Hor. 2:5 offers a parallel to the case of redemption.
[101] t. B. Mets. 2:29.

The Tannaim willingly elevated teachers above rabbis because within their community, learning and law surpassed all other commitments. While I entitled this section, "Rabbinic Competition," the rabbis actually seem to have seen very little competition. The formula is simple: when family and Torah come into conflict, Torah always wins. The rabbis took seriously the notion that "the study of Torah is equal to" all other obligations. In this case the word "equal" is not meant simply to complement Torah study, but to say that it is equal in priority, and can supercede other daily commandments.[102] We see a piece of this rabbinic reasoning in line F of the Mishnah quoted above. They literally compared the process of learning to the process of birth, understanding that a teacher literally brings a student into an entirely new eschatological world.[103] One passage from the Tosefta goes even further to understand Torah learning as rebirth within this world.[104]

A second line of reasoning justifies the rabbinic supercession of parental authority. Mishnah Keritot 6:9, which we cited earlier in our discussion comparing the honor due mother and father, places the teacher above both parents. The logic in relation to the teacher follows the logic distinguishing between the honor due mother and father. Namely, while the son owes honor to both father and teacher, the son and the father both owe honor to the teacher, therefore the son should direct his honor at his teacher first. This reminds us of the rabbinic practical thinking present in the discussion of mothers

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[102] I am indebted to David Sperling to pointing out this idea. He develops this theory in his article, "The Study of Torah is Equal to Them All: Sages and Salvation." The the earliest version of this expression appears in m. Peah 1:1 and Mek. Rab. Ish (70-74), but the Talmud cites it as well in b. Shab 127a, and b. Qid. 39b-40a.

[103] Sipre Deut. Piska 32 follows the same ideology comparing birth in this world to birth in the world to come.

[104] t. Hor. 2:7.

and fathers. Despite the split loyalty of the son/student, a real order must exist to clarify conflicts of interest. Thus, the father's obligations guide the son's as well.

The rabbinic comfort with equating the system of Torah study to the obligations to family should not surprise us entirely. Texts from as early as the Hasmonean period demonstrate Jewish groups elevating ideology and social movements above family. We see this ideology continued and repeated in the Christian community, as Jesus calls his disciples to leave their families.[105] Halvor Moxnes claims that we see this process, "especially in narratives about the disciples who are called to follow Jesus and who in the process pointedly leave their fathers."[106] Stephen Barton argues that early Christianity became distinguished by the willingness to separate children entirely from their parents.[107] In contrast the rabbis never advocate the abandonment of parents. They carefully limit their assertion of authority to cases in which allegiance to parents and teachers might conflict. Their message is clear, but, unlike the early Christians, they refrain from proposing a total dissolution of the natural parent-child bond. The rabbis even limit themselves. In one case the rabbis actually allow a father to overrule a rabbinic ruling punishing a child for rebellious behavior, if that father forgives the child.[108] While the rabbis do see a need to clarify their precedence over the family in a moment of conflicting obligations, they take their authority only so far, permitting the parents to retain some authority of their own.

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[105] Mark 1:17, Matt 4:21-22.
[106] Moxnes, 34.
[107] Barton, 81-99.
[108] Sipre Deut Piska 218.

Conclusion

As the Tannaim consolidated Jewish law and texts, they also consolidated authority. At the same time, Jewish communities in Israel and the Mediterranean Diaspora felt the influence of Roman culture and society. With the twin sources of Roman family life and rabbinic texts, we can estimate how Jewish children and parents interacted and related.

During this time we see a highly nucleated Roman family, with Roman couples controlling their decision to procreate as never before, using abortion and exposure as birth control. In addition, as Roman men could deny their newborn children, women gained power because the child could fall under a mother's authority. But this power paled in comparison to that of the *pater familias* whose *patria potestas*, gave him the literal power of life and death. Although the extremity of this power faded late in the Empire, the almost absolute patriarchal authority created one possible model for all families in the region.

Jewish sources indicate a similarly nucleated family. Inheritance patterns depict almost no concern for extended family networks, and the term *bet av* shows no correlation to an extended family, clan or tribal denotation. Jewish women gained power in a fashion similar to their Roman counterparts, through marriage contracts and inheritance laws guaranteeing their maintenance. Jewish fathers also preserved a significant amount of power, although this power never approached that of a Roman man.

The nexus of parental power and filial obligation remained the twin commandments to "honor" and "revere." The former commandment referred to an array of obligations to support a parent's physical welfare. The list of particular obligations became relatively fixed early in the rabbinic period, as evidenced by the almost universal

mention of the same items: food, drink, clothing, covering, transportation in and out, and in some cases, cleaning. This list probably represents a metonym for all physical needs. The glaring omission seems to be the obligation to bury parents, which the community as a whole may have absorbed.

The Tannaim did not see this as an abstract obligation, or one that could be shared among an extended network. Considering a married daughter's primary obligation to her family, the Tannaim absolved her of the obligation to support her parents, unless she was divorced. In the same way, a son owed honor to his father first, because both he and his mother shared an obligation to honor the patriarch. This practical approach to legislation distinguishes rabbinic writing on this subject within the period. Family obligations were practical financial commitments.

The discussion surrounding reverence also grew from practical case law, but this obligation concerned the father's social and emotional dignity over and above the physical. The laws concerning obedience and disobedience describe children contradicting their parents and refusing to heed their words. The Mishnah granted significant authority to parents to beat their children even to the point of injury. But this same code also restricted a parent's ability to initiate proceedings leading to capital punishment. The rabbis restricted the conditions under which a rebellious and stubborn son might be accused to the point of impossibility.

Through the discussions of honor, reverence and parental authority the importance of Torah study is consistently reinforced. For example, the text teaches that a father deserves more honor than a mother, but that a teacher deserves more honor than both. A child must obey parents, except if that parent commands violation of a Torah

law. In addition, in the list of rebellious and stubborn behavior, we saw the violations of parental authority intermixed with the violations of Torah authority. All of these passages remind us of the system within which the rabbis operated and their agenda of confirming their social power.

The culmination of this agenda comes in the texts in Mishnah Baba Metzia which illustrate conflicts in which a child will have to choose between his father and teacher. In all cases a teacher precedes a father, unless that father also engages in the Torah study system. The rationale behind this prioritization derives from a practical understanding that both sons and fathers owe honor to a teacher, but also from a reconception of learning as birth. To teach an individual was to bring that child into the world, this one and next. And in the rabbinic mind, the community of Torah scholars had become a family, within which the teacher needed to exert absolute authority over his "children."

We cannot know how accurately the rabbis portrayed actual life in their time. These texts represent their ideals and the values they imagined that should govern society. Within the academy they could powerfully enforce their worldview, and interfere with family life significantly. But beyond the ivory tower of Torah study, the rabbis may have held minor power, and the obligations to "honor" and "revere" parents probably held sway. Although these obligations became focused on the nuclear family only, they represent the same essential duties placed upon children in the Bible.

Conclusion

We often misperceive the family as a discrete entity, but, as we have seen, in many cases people and ideas flow into and out of this entity, likening family boundaries to permeable membranes. Family authorities attempt to increase the pressure within the membrane, blocking the passage of outside influences and people, and controlling the content of the family unit. In different times and contexts, outside social, political or economic forces overwhelm parental pressure and the external flows through the membrane to effect the internal. These shifts in pressures and forces can build the family into a highly structured social unit or dissolve it into a small affiliation of individuals.

The component of family most affected by these changes is the relationship between parents and children. In this thesis I have cast a spotlight on this relationship through a millennium of Jewish history. During that period Israelite families existed within multiple social contexts, each one asserting its influence over the filial relationship. We have traced three major pieces of this connection—the duty to sustain and bury parents, the expectation of obedience, and the parental authority to enforce that obedience—highlighting the social influences in different time periods. These influences have modified aspects of the family, and these modifications reflect upon two important pieces of Jewish life. First they depict the way in which Jewish families, or communal ideals of Jewish families, evolved from the earliest days of an Israelite nation until the first steps of the rabbinic movement. Second, modifications of the parent-child relationship tell us something about the individuals and community forcing the change. The areas of greatest shift in family life demonstrate the priorities of the community, pointing to ideas so powerful that even a supposedly discrete unit, such as the family,

feels their push. Through this analysis we have seen some of these communal priorities and the ways they impact upon Jewish family life.

Before we review those influences and the alterations to which they contributed, we should review a note about my methodology. I have relied primarily upon Jewish texts for this study, comparing and contrasting different versions and alternative traditions within the corpus of Jewish literature. In the cases of the Bible and the Tannaitic literature, these materials clearly have been adopted as documents normative to the Jewish tradition. The Second Temple period presented us with textual challenges because later Jewish tradition excluded or overlooked most of the sources from this period, and they remained outside the canon of communal texts. Philo may have been respected by the Hellenistic Jewish community, and later rabbis clearly valued Ben Sira (he is quoted throughout the Talmud), but these never became authoritative. Despite this status as unendorsed, the Second Temple literature, like the earlier biblical and later Tannaitic texts, sought to speak to or for an entire group. These sources represent public documents, carefully crafted both in message and in form.

Such communal documents provide a wealth of information—we have learned much from them—but we should be wary about what these works represent. Communal documents by their very nature can describe reality only so accurately. As instructive or regulative statements, they communicate an ideal, described or hoped for by the author(s), but not necessarily conditions as they are. Sometimes through the minutia of a story or legal text we may find the hint of family life. Some examples: Nathan's admonition of David hints at a communal ethical standard competing with monarchic

authority;[1] Tobit's comfort at Raphael's claim of kinship belies the value of blood relationships in a dispersed community;[2] and the Tosefta's instructions for collection of debts after death reveal the ability of a community coffer to absorb burial costs once borne by family.[3] In combination with the direct pronouncements of these public texts, which surely represent ideals, these intimations and allusions flesh out our picture of family life.

Despite all that we have gathered from the normative texts, we remain limited. We have no way of knowing how well this analysis correlates to reality over one thousand years of Jewish history. Our ability to date the texts, describe the authors, and consider their agendas is severely limited. This limitation restricts us especially because here I analyze matters of private life. The communal document might feel less constricting if our topic were judicial policy or financial practice, but family, by and large, operates in part beyond the public eye. While the authors of these texts certainly belonged to families, they wrote in their communal, not personal, capacity. By contrast, consider how different this study might be, say, if we came upon the private diary of an upper-class Jerusalemite from the Hasmonean period, or a letter from a Alexandrian Jewish father to his son studying in the academy of Rabbi Ishmael. These documents, intended solely for individual readers, would speak of actual events and family experiences. Their writers would consider less their effect upon the community, and focus more upon their personal concerns. From such documents we might understand the practical and tangible challenges faced by a family in that time, unfiltered by communal agenda.

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[1] II Sam 12:7-12.
[2] Tob. 5:14.

The documents we have come saturated in those agendas, which, while they limit the degree of historical accuracy, offer a generous view of evolving communal values. As an excavation into the foundations of communal ideals and myths surrounding the family, this material provides rich ground for discovery.

Inside this communal territory, the relationship between parents and children places community values in conflict, motivating discourse and change. The authors of these documents, in some cases leaders of their communities, may have felt their opinions of family life pulled in opposite directions. Family structures, and the authority granted parents within them, may pose a threat to communal authority, motivating public leaders to legislate and polemicize against family power. This will undermine parental authority and pull children under a more direct communal authority. We see this process when the Israelite monarchy mandates that parents refer their rebellious children to communal authorities.[4] Simultaneously, intergenerational stability will push leaders in the opposite direction, attempting to preserve the status quo and bolster the authority of parents over their children. We see this power echo in the voice of Ben Sira exhorting parents, "He who loves his son will whip him often."[5] Confusing this matter is the authors' agenda of revolution. These writers also consider the family, but instead of bolstering intergenerational stability, they disrupt it, pulling children away from their parents and seeking to overturn society. Essenes and Zealots, respectively seeking a messianic purity and a Judean independence, both taught the value of ideas and movements over filial obligation.[6]

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[3] t. Ketub. 9:3.
[4] Deut 21:18-21.
[5] Sir 30:1.
[6] On the Essenes, J.W. II, 120-121. On the Zealots, J.W. VII, 266.

Because of the wide variety of texts surveyed in this paper, and the sometimes conflicting forces acting upon the family, our most solid conclusion is that Jewish families at any one time period showed remarkable diversity. Just as in our time, the amount of outside influence, economic standing, geographic location, religious outlook, and political position all affect family life, across the thousand year span of this survey the influence is even more significant. I will attempt to sketch a general outline of parent-child relations during this period of Jewish history, bearing in mind that my generalizations apply unevenly across the population.

We should note before analyzing parent-child relations in general, that the specific area of gender balance demonstrates two opposite sides of Jewish values. On one side we see mothers receive near-equal treatment and respect within the community, while the texts almost erase a daughter's role. Although the *rosh bet av* held ultimate power in a family, as the Roman *pater familias* later did as well, our earliest texts list mothers with power as well. From the mentions of the *bet em* in Genesis 24:28 to the inclusion of mothers in the commands to "honor" and "revere," we find women included in the biblical period. The regulation of parental authority in the case of the "rebellious and stubborn son," also includes maternal input. Later texts continue to include the Israelite mother as we see Tobit obligated to bury both parents, and Philo cites the obligation to honor both parents. The Tannaim also carefully consider the need to honor mother and father, and carefully reason that while both deserve honor a father takes precedence for practical reasons. While we cannot describe this situation as complete equality between parents, we cannot call this complete patriarchy either. The texts

present a balanced view of the obligations to both parents, not obliterating the duties to a mother, but also not raising her to an equal status with the father.

Daughters, in contrast, do seem obliterated by the text. With the exception of the episode of the daughters of Zelophehad, the Tanakh makes little mention of daughters in the parent-child relationship. As the rabbis later explain, because a daughter moves into her husband's domain, the obligation to support parents might conflict with an obligation to support her husband. Therefore in the realm of parent-child relations, our few references to daughters mimic the misogynistic statements common in Ben Sira, "A daughter is a secret anxiety to her father, and worry over her robs him of sleep."[7] It seems young girls prior to marital age do not figure in the system of family obligations, and once that young woman reaches marriage, she enters the role of wife and mother, no longer daughter. Interestingly, the Amoraim recognize the legal fiction deployed here. Legal structures cannot strip a woman of the biological connection to her parents. Once a daughter, always a daughter. Therefore the Amoraim insert an exception that manifests their awareness of the situation: if a daughter becomes divorced from her husband she steps into the obligations normally incumbent upon sons, to care for elderly parents.[8]

The cases of the mother and daughter demonstrate some respect for the role of women and the fair treatment they deserve, but serious inequalities remain. Chiefly, because a woman typically functions as a part of man's domain, she never fully attains her own rights and obligations. Therefore her children will always show her "honor" second to her husband, and she bear no responsibility to sustain her parents.

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[7] Sir 42:9.
[8] b. Qid. 30b.

In my analysis of filial obligation this responsibility for parents revolves around two foci, the obligation to "honor"[9] and to "revere."[10] The converse of these obligations is the parental authority which allows their enforcement, the classic biblical example being the case of the "rebellious and stubborn son."[11] These passages may represent what I describe as a biblical norm, but imbedded within the Bible itself we find alternatives to this norm. Indeed, when later sources seek to undermine family loyalty or limit parental authority, they cite the Bible itself as proof against "honor" and "revere." For example, while the terms *ben* and *av* clearly refer primarily to the parent-child relationship in the Bible, II Kings 2:7-12 uses these terms to describe the prophet-disciple relationship. The Tannaim later seize upon these uses to justify their adoption of family language in the system of Torah study. Therefore, we would err to say the rabbis invented something entirely new, and we would also err to ignore their innovation. While the breadth of material in any period prevents the creation of entirely new systems, ideas or terminology, we do see changes in emphases. The dominant emphasis in the biblical period is the use of *av* as father in the family relationship, as we see in the Ten Commandments. The alternative use in II Kings in the prophetic relationship is just that, an alternative. The rabbis do not create this alternative use of the word *av,* but they popularize it, shifting the emphasis to the point where a child might owe first loyalty to a teacher before a father. While this thesis cannot state absolute values for any slice of Jewish history, we can discuss shifting emphases where a minor early tradition becomes emphasized by a later thinker.

[9] Exod 20:12, Deut 5:16.
[10] Lev 19:3.
[11] Deut 21:18-21.

These changes evolve from the Israelite family's origin as an agricultural economic unit. Based on a significantly extended family occupying an ancestral holding, this immediate kinship group (*bet av*) fit within a larger clan (*mishpaha*) and tribe (*sevet*). These groupings governed all economic, political and judicial matters. Family dynamics operated within this system, reinforcing the connection to the land, and preserving the social structure. Therefore, kin shared the responsibility to "honor" parents by sustaining the *rosh bet av* in old age, and by preparing for burial. After death, "honor" continued, through the practice of the ancestor cult. In the same way, the command to "revere" implied obedience, a necessary component of effective work on the land. Early sources hint that parents held the power of life and death over their children, but this power becomes restricted later by the monarchy.

Seeking to centralize power, the monarchy significantly altered the parent-child relationship. Because the large kinship network represented a competing power base, the kings created rival administrative districts, formalized legislation, outlawed the ancestor cult, and strengthened the nuclear family in opposition to the extended clan. The existing network persisted in more rural areas, and the monarchy's changes probably interfered more with the urban family, changing the definition of "honor," reducing the need for obedience. In addition, a parent's authority to punish became regulated through the legislation of the "rebellious and stubborn son,"[12] which allowed a father to punish his son with death, but only after receiving approval from both the boy's mother and the town elders. The monarchy also modified the economic base, introducing a patronage system, which weakened some families' connection to the land.[13] By loosening this

[12] Deut 21:18-21.
[13] Simkins, 123-144.

connection, the kings further reduced the need to "honor" and "revere" parents by diminishing the importance of the burial cult and the need to successfully cultivate the family inheritance.

The monarchy's changes pale when compared to those wrought by the exile and redemption. By entirely disconnecting a segment of the population from the land, the Babylonian Exile forced families to redefine the need for filial obligation. While earlier texts promised longevity in the land as a reward for "honor," this no longer made sense. Jeremiah illustrates this point by vitiating the concept of intergenerational punishment, and focusing punishment for sin upon the current generation.[14] Simultaneously, after the Babylonian Exile, Israelites popularized the concept of reading and writing texts, promoting the learning of wisdom. The need for a wisdom literature may represent a need for social guidance after the Exile, or it may simply reflect the Persian insistence that their vassal states formalize their local law. In either event, after the Exile this new literary genre appears in the form of men exhorting their sons to learn. The books of Proverbs, and later Ben Sira, exemplify this category. This shift may signify a substitution of the inheritance of knowledge for the inheritance of land.

Such a substitution becomes more likely during the Second Temple period because of the rise of a class of leader/scribes. Exemplifying this group were Ezra and Nehemiah who led many Israelites back to Jerusalem. As the post-exilic community began to take shape, the tribal land holding system had been dismantled and *bet avot* dominated the landed gentry, competing with the scribes and later priests for power in Jerusalem. In this system the family became more nucleated, and texts related to inheritance and elder care reflect this more individualized approach. Fathers could will

their property to any family member regardless of the kinship network, and children became more responsible for both their natural parents and sometimes their in-laws as well. We still see an expectation that "honor" requires care-giving, and abandonment of parents becomes an oft cited fear. Reverence as obedience also changed, with far less interest in economic cooperation and far more concern with social disgrace. In addition, connection to the tribe had disappeared and in its place, individual families looked for an ethnic connection to other Jews and distant relatives, sometimes spread throughout the Ancient Near East. The book of Tobit illustrates the importance of these blood connections.

As Persian governance passed and Israel came under the umbrella of Hellenistic culture, we see further changes in family life. During this time sectarian groups sprout, preaching their individual ideologies, arguing many times that the social movement should supercede family obligation. During the Hasmonean uprising, anti-Hellenists glorify a family of martyrs, in the fourth book of Maccabees, who abandon family for the purity of their dedication to the Law. Later we see Essenes and Zealots imitate Stoics and Cynics who saw family as an obstacle to the purity of purpose.

Also in this period, philosophical justifications for the obligations between parents and children become more common. While Malachi justifies filial obligation by elevating parents to a semi-divine role, Philo expands upon this idea making a marginal concept into an emphasized one. Throughout the literature of this period, the creative function of parents justifies the obedience and sustenance due them. We also see Philo introduce a new social element to the obligation to support aging parents. The *rosh bet av* of the biblical period deserved support as the head of an extended kinship network, but

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[14] Jer 31:29-30, parallel in Ezek 18:2-9.

this network had disappeared. Philo posits that parents deserve honor in his period because a child who will not support his parents cannot be trusted to support strangers in society. This concept of the public weal, possibly derived from Hellenistic legal influences, serves as a substitute for the preservation of the extended family.

While Jewish sources in this period do show significant Hellenistic influence, the Jews maintained their distinctiveness as well. Greek and later Roman authors remarked at the Jewish insistent opposition to infanticide and birth control. Even though fathers in the surrounding Hellenistic community had unlimited power to punish their children, even corporally, Jewish sources indicate a concern for the health and well-being of the child. While these beliefs ran counter to the prevailing cultural trend and diminished the authority of parents, Jews preserved them. Overall in this period, we see a greater role for individuals in a variety of ways: the freedom of inheritance, the focus of obedience on social behavior, the individual obligation to support parents, the philosophical underpinnings of "honor," and the concern for a child's well being. Although individuals had not achieved complete independence from family, Jews saw a strong push away from the extended family network.

During this period, Essenes and Zealots pulled children away from their families, but these groups disappeared. The new Christian movement also pulled children away and encouraged disciples to abandon their families. As rabbinic Judaism developed we see this same trend, as discussed in Mishnah Baba Metzia 2:11. This mishnah may see antithetical to the obligations to "honor" and "revere," thus forming a rabbinic overturning of Torah law. But in comparison to earlier Jewish movements and the contemporaneous Christian movement, we can see rabbinic restraint. The Tannaim

restricted their interference in family obligations to those moments when the authority of a teacher conflicted with that of a parent. Instead of actively encouraging children to abandon their families, the rabbis enforced their social supremacy without undermining existing social order.

The contrast between Tannaitic thinking and that of other movements stems from their relative positions in the social context. The Essenes and Zealots each sought to overturn the existing social order, the Essenes through messianic expectations, and the Zealots through active rebellion. The Christians followed suit, also seeking messianic fulfillment, although in a less ascetic fashion than the Essenes. Rabbinic Judaism sought exactly the opposite. Whether or not the Roman government actually bestowed authority upon the Tannaim, a subject much under debate, the rabbis imagined themselves establishing communal institutions. By organizing individual groups and defining personal obligations within new and existing structures, the rabbis were the ultimate establishmentarians. Their laws work to preserve social stability, and thus the stability of the family, while still promoting their own agenda. So even though "The study of Torah is equal to them all," meaning this obligation can supercede all other obligations, the Rabbis continued to promote the obligations to "honor" and "revere."

For the first time, the rabbis explicitly link these two commands to a specific set of responsibilities. The meanings that we derived from the biblical text still hold in the rabbinic period. To "honor" means to support parents physically in their old age, providing food, drink, clothing, covering, transportation in and out, and cleaning. This list appears almost universally throughout rabbinic literature, symbolizing all of a parent's physical needs. The list follows remarkably well from our conclusions about the

biblical period, but we also see the absence of a child's obligation to bury parents. We take a risk by concluding that this rabbinic silence represents a change, and it might indicate a reliance on the communal fund. Nevertheless, the commandment to "honor" remains associated with physical sustenance. In the same way we find a list corresponding to the obligation to "revere" a parent: not to sit in a father's place, speak in his place, or contradict his words. This list corresponds neatly to our understanding of obedience as it encapsulates all of a father's social dignity.

In the area of "revere" we find a major piece of the evolution of family relations. Originally obedience corresponded to cooperation within the agricultural/economic framework, but after the exile, this shifts to adherence to the wisdom tradition's notions of good behavior, the avoidance of social disgrace. During the Hellenistic period, obedience becomes a sign of proper social behavior, the mark of responsible citizenship. Which brings us to the rabbinic period. Without undermining previous definitions—the rabbis certainly value economic cooperation, the avoidance of disgrace and good citizenship—the Tannaim introduce the idea that to be obedient is to support a father's participation in social discourse, which in their case means Torah study.

Throughout these periods the concepts of family obligation and parental authority carefully and systematically change. In each period social movements and communal leaders stretch and pull family roles to fit political agendas. In some cases these agendas bolster certain aspects of the family while other situations require the near dismantling of family relations. Certain key factors guide this ebb and flow. First, the desire for centralized communal authority competes with the influence of family networks. Second, economic and social conditions determine the mode of inheritance and thus the

motivation for "honor" and "revere." For example, when land ownership disappears and the value of wisdom rises, family obligations begin to orbit this new social value. Finally, the degree to which social leaders support the stability of the social establishment will cause those leaders to either undermine or support parental authority, resulting in social unrest or stability alternatively. Through these forces—communal centralization, mode of inheritance and establishmentarianism—we see the family evolve and shift, creating the foundations for what evolves into the normative family of Jewish tradition.

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