Bavli Berachot: A Rabbinic Text Immersion

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Summary:

With gratitude to Dr. Alyssa Gray, Ph.D, I present here the written component of my rabbinic text immersion. This text immersion includes two essays on B. Berachot, the body of text that I studied closely with Dr. Gray in partial fulfillment of requirements for ordination. Each essay presented here as a separate chapter:

I. "A Pumpkin is Known By Its Stem:" An Overview of Studies in Bavli Berachot
II. "If You Will Surely See:" Hannah, Sotah, and Reading Gender in the Two Talmuds

These two essays focus on the relevance of the Talmud in the training of Reform rabbis, and the importance of rabbinic sources' intertextuality and a fuller sense of context in refining contemporary assumptions about rabbinic cultures. Major themes include the tension between religious realism and idealism, the role of the Talmud in the development of Jewish theological sensibilities, and feminist scholarship's role in deconstructing talmudic cultures. These essays build on the scholarship of Daniel Boyarin, Ishay Rosen-Zvi, Tal Ilan, Lisa Grushcow, and Azzan Yadin-Israel to highlight the potential role of intertextuality in understanding talmudic texts.

My studies focused mainly on chapters 2, 3, 5, 6, and 7 of the *masechet*, and frequently involved identifying areas where source criticism would illuminate difficulties with the standard printed text. With the help of Dr. Gray, I feel that I have largely succeeded in acquiring the facility to approach Talmud Bavli and hope to continue to engage in the study of this material throughout my rabbinate.

A Pumpkin is Known by its Stem:
An Overview of Studies in Bavli Berachot
Jordan Shaner

Being an effective Reform rabbi, especially a congregational rabbi, requires many skills: pastoral competence, written and oral communication, community organizing, and a host of other professional skills beyond the ability to serve as an effective *sh'liach tzibbur*[1] or *mara d'atra*.[2] If we take into account the resources required to train rabbis and instill in them these professional skills, how much time can possibly be left over for a curriculum of study of traditional sources? How much emphasis ought a Reform rabbinical seminary place on them, and, for that matter, which ones?

If we can only devote so many resources and time in a curriculum to the "classical Jewish canon," which includes the Hebrew Bible, the Midrash, the Talmud, and halachic literature, shouldn't most of the time be spent on Bible? It is accessible, foundational, and ever relevant. It provides the foundation for all genre of Jewish literature. Midrash, philosophy, liturgy, poetry, fiction— all of these employ the language, imagery and ideas of *Tanach*. In the life of a congregation, the Hebrew Bible is encountered on a weekly basis, at a minimum. From a practical standpoint, emphasizing students' mastery of the Hebrew Bible seems a good use of the limited resources available for rabbinic education.

I'd like to make the case that the time, money, and effort should instead be applied toward students' learning Talmud, specifically the Babylonian Talmud ("*Bavli*"). Talmud is not practical. It is difficult, unwieldy, and often irrelevant. It requires not only

[1] Literally, a "messenger of the community," a leader of public worship.
[2] Literally "master of the place," the community's authority on Jewish law and practice.

mastery of Hebrew but of Aramaic, and a diverse range of genres: halachic *midrashim*, oral traditions, *aggadah*, legal argument. Even having mastered those skills, navigating the texts and unpacking their assumptions, arguments, and conclusions is not easy. Also, the Bavli is full of problematic texts for the modern (and post-modern) student— statements and stories which challenge contemporary sensibilities of egalitarianism and social justice. Given how difficult and how apparently arcane it is, why should a Reform rabbinic education emphasize the Talmud? What advantage can studying the Talmud provide to Reform rabbis in the field that the Bible cannot?

For one thing, patience. The Bible very rarely investigates a subject in the painstaking detail that can tax a reader's patience. Although the patient and close reader of the Bible is rewarded with surprising interpretive possibilities, it is possible to read and comprehend most of *Tanach* at a surface level. There are some exceptions— the books of Job, Ezekiel, and Daniel present difficulties. The Talmud takes its time, investigating matters in an exhaustive— and exhausting— way. Full comprehension requires patiently reconstructing arguments on both an immediate and an overarching, structural level, including paying close attention to the way the *Bavli* brings earlier sources into conversation with one another. A student of the Talmud cannot "zip" through the material easily, expecting to understand it at first glance.

Another point: the student of Talmud develops a sense of realism about religious values. The Bible ("*Tanach*") is epic. Its characters are guided by providence and its narratives frequently point toward the perspective of destiny. For example, Joseph says about his brothers' crimes: "although you intended me wrong, God intended it for good,

in order to fulfill the present outcome: bringing a great people to life" (Gen. 50:20). When the Torah legislates, it frequently speaks in absolute terms: "If there is damage, the penalty is life for life, eye for eye, tooth for tooth, hand for hand, foot for foot" (Ex. 21:23-24). Even examples of daily life serve mainly as the props and set dressing for the miraculous. Take for example the narrative from II Kings regarding Elisha the prophet and the wife of the prophets' disciple (II Kings 4:1-7). In that narrative, the set-up is relatively quotidian: a widow is at the mercy of her husband's creditors. The narrative is not concerned with how she found herself in debt, how the dispute should be resolved, or who is responsible for the situation. Rather, the story's focus is the prophet's facility in miracle working. *Tanach* almost rejects entirely the possibility of religious realism, asking, "how can we sing a song of the Eternal in a foreign domain?" (Ps. 137:4). In that case, the question invokes the possibility that a relationship to the sacred depends on ideal circumstances— that the condition of exile negates the possibility of "singing a song of the Eternal" entirely.

Another example comes from Jeremiah, who decries the fact that the year of release (*sh'mita*) went unobserved, though it was legislated by the Torah: "I made a covenant with your fathers in the day that I brought them forth out of the land of Egypt, out of the house of bondage, saying: 'At the end of seven years ye shall let go every man his brother that is a Hebrew, that hath been sold unto thee, and hath served thee six years, thou shalt let him go free from thee'; but your fathers hearkened not unto Me, neither inclined their ear." (Jer. 34:13-14). From the epic perspective of *Tanach*, it often seems

that nothing less than a return to the ideal conditions, in which God's direct involvement in human affairs can be intimately felt, will justify the attempt at a religious expression.

The Talmud, on the other hand, is realistic. Its focus is that of the striving of ordinary people to live lives of Torah in quotidian terms: how they eat, how they wash themselves, how they work, how they study. It is this aspect of the *Bavli* that might be most uncomfortable for rabbinical students, particularly rabbinical students who do not see Jewish law as binding. People go to rabbinical school because of lofty ideals, but the work we do cannot help but get caught up in the day-to-day: budgeting for various initiatives, working with families balancing their children's commitment to religious education with several extra-curricular activities; resolving problems with staff in equitable and transparent ways; deciding on communal standards of practice. Religious realism is absolutely vital to the practical rabbinate. Religious realism mandates that we grapple with such questions as: how do we let religious ideals guide us even through the moments when the world drags us down? How do we reconcile the urgency of Heaven's demands with the urgency of human requirements? And who is it all for anyway— the human or the Heavenly?

There is a thread that runs through Bavli Berachot: about real life's disruption of religious idealism. When tasked to choose between spiritual concentration on fulfillment of ritual obligations and social etiquette, which do we choose? Bavli Berachot 13b-14a raises the possibility of being interrupted in the middle of a ritual obligation, (in this case *k'riat sh'ma*)[3] in order to fulfill the social obligation of greeting or responding to others'

[3] *K'riat Sh'ma* is the daily ritual obligation of reciting the scriptural passages and their attending blessings which constitute *kabbalat ol malchut shamayim*— acceptance of the sovereignty of

greetings. In the Mishnah, R Meir dictates that one interrupt the recitation of *sh'ma* in the middle of the paragraphs in order to greet or respond to a greeting only out of fear (*yira*), and during the breaks between paragraphs only out of respect (*kavod*).[4] R. Yehuda relaxes these categories so that one may respond in the breaks between the paragraphs to any person. The *gemara* investigates the definition of these categories (fear and respect) which are restated in a *baraita*:

B. Berachot 14a

- [The same argument] was also taught [in a baraita] in a different way:
  - One who is reciting *sh'ma* and meets his teacher or one who is greater than himself: in the breaks between paragraphs, one greets because of respect and there is no need to say that he responds; and in the middle of paragraphs one greets because of fear, and there is no need to say that he responds— the words of R. Meir.
  - R. Yehuda says: in the middle of paragraphs he greets because of fear and responds because of respect; and in the breaks between paragraphs he greets because of respect and responds "peace" to everyone.

The opening statement of the *baraita* clarifies the Mishnah's categories of fear and respect: "fear" is owed to teachers and those of higher social rank ("one who is greater than himself"). "Respect" is owed to those of equal social status— colleagues and study partners. Engaging in a central religious act like *k'riat sh'ma* requires focused

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Heaven. This ritual recitation is identified in the *gemara* as a positive, time-bound, daily, core Torah obligation (*d'oraita*).

[4] Mishnah Berachot 2:2 defines the breaks between the paragraphs (and thus the paragraphs themselves) which constitute *k'riat sh'ma* as follows: between the first blessing and second blessing; between the second blessing and the paragraph beginning with *sh'ma* (Deut. 6:4-9); between that paragraph and the one beginning *v'haya im shamoa* (Deut. 11:13-21); between that paragraph and the one beginning *vayomer* (Num. 15:37-41); between that paragraph and the third blessing, beginning *emet v'yatziv*.

attention because it is a Divine commandment, not only that, it is construed as "acceptance of the yoke of Heaven." Interruptions should be kept to a minimum, but they may occur for the sake of etiquette, depending on the power dynamic of the individuals involved. R. Meir and R. Yehuda's disagreement, from the Bavli's perspective, is about how high the social rank of an individual must be for one to interrupt the *sh'ma*. in order to greet or respond to him. R. Yehuda's position that one may respond to everyone seems to be a privileging of etiquette over ritual obligation. This is clarified as the *sugya* continues:

- Ahai, the *tanna* of the academy of R. Hiyya, asked R. Hiyya [about interrupting in order to greet]: when reciting *Hallel* or reading *megillah*, what is the ruling?...
    - [R. Hiyya] said to him: one interrupts, and there is nothing in this [dilemma].
    - Rabba said: on the days when an individual [is obligated to] complete [the recitation of] *Hallel*, between each paragraph he interrupts; in the middle of the paragraph he does not interrupt. On the days when the individual is not required to complete it, he interrupts even in the middle of the paragraph.
        - Is that so? But what about this: Rav b. Shaba happened upon Ravina, and it was the days when the individual doesn't complete the *Hallel*— and he didn't interrupt to greet him.
        - [The case of] Rav b. Shaba is different— [in] that he is not considered [as important] as Ravina.

Extrapolating from *k'riat sh'ma* to the ritual recitation of the *Hallel*, the *gemara* again tackles the interplay of etiquette and social rank. R. Hiyya seems to be on R. Yehuda's side— politeness dictates that one simply and without compunction interrupt his recitation. Rabba, on the other hand, puts forth a clear rule which differentiates between the days when a person is obligated in the full recitation of *Hallel* (ie., during

Sukkot and Hanukkah, as well as the first day of Pesach and of Shavuot), and days when completing the *Hallel* is not an obligation (Rosh Chodesh and the middle days of Pesach). The *gemara* illustrates a challenge to Rabba's ruling in recalling an incident where Ravina did not return a greeting, even though the full *Hallel* was not obligatory; but the authorial voice of the *gemara* immediately refutes itself by pointing out that social rank could play a crucial role in determining who one has to respond to. The *gemara* goes on to challenge all of its own previous attempts to reconcile and navigate a path between ritual concentration and social etiquette:

- Rav said: one who greets (*ha-notein shalom*— lit. one who says peace) to his fellow before he prays: it is as if he has made an altar (*bamah*) of him, as it was stated: "remove yourselves from the human being that has breath in his nostrils, since **for what** [worth] is he considered?" (Is. 2:22). Do not read "for what" (*bameh*); rather, "[for] an altar" (*bamah*).
- And Shmuel said: "for what [reason]" (*bameh*) did you consider the fellow, and not God?

Putting God and the commanded religious act of worship in second place, argue both Rav and Shmuel, is akin to worshipping one's fellow person; by putting the greeting above fulfilling a ritual obligation, one is worshipping the person in front of them rather than God. Notably, this argument for the religious idealism of uninterrupted attention in worship is grounded in *Tanach*, and we now see the first part of the *sugya* in a whole new light. The difference between R. Meir and R. Yehuda is profound: R. Meir holds that one whose teacher approaches him while reciting the *shema* walks a narrow path between the "fear" he owes the teacher as and the focus he has to keep on God. R. Meir is offering a way to navigate this narrow path by observing minimal social etiquette toward one's

human superiors. R. Yehuda's position that one "responds shalom to everyone" seems like a conscious tendency to put human interaction even above ritual obligations. R. Yehuda is also offering a way to navigate the path between social etiquette and religious obligation; his path is broader, more inclusive, and more accepting of a range of social interactions than is R. Meir's. Both of these tannaitic opinions wrestle with the realistic possibility that everyday social interaction between people and concern for etiquette will interrupt the ideal conditions for worshipping God. By contrast, he amoraic position of Rav and Shmuel reaches back over them, and goes back to the biblical ideal.

This acknowledged, neither Rav nor Shmuel can push aside the Mishnah. The tension between the tannaitic realism and the amoraic idealism is quickly brushed aside; Rav's point is limited to a very specific case:

- Rav Sheshet objected: "in the breaks between paragraphs, one greets because of respect and responds [— the words of R. Meir]."
    - R. Abba translated it [i.e., Rav's opinion, as relating only to the following specific case:] for those who rise early to [their fellow's] door [to greet them].

Rav challenges the etiquette that interrupts ritual duty, but R. Abba interprets his view very narrowly: it is a critique of the rudeness of knocking on someone's door too early. In this way Rav and Shmuel are "tamed," rhetorically brought into the framework of hierarchical fear and respect they owe their tannaitic predecessors. This *sugya* perfectly illustrates the sort of rabbinic thinking a rabbinic student should learn as it walks the tightrope between the religious idealism of *Tanach* and the religious realism of the Mishnah..

There is another example on B. Berachot 23a. There, conflicting religious values are made to lead to a compromise in practice. The *sugya's* larger focus is the interruption of ritual activity caused by bodily functions, specifically, the need to urinate or defecate. Should a man wearing a sacred object like *tefillin* require the privy, there is a tension between the respect required for the *tefillin* (which will have to be left outside), and the security and dignity of the devotee who wears them. The *sugya* begins with a focus on the religious ideal of keeping bathroom habits and ritual objects as separate as possible.

B. Berachot 23a

- They asked : what is the ruling? May a person [wearing *tefillin*] enter an established bathroom to urinate?
    - Ravina allowed it; R. Ada b. Matna forbade it.
    - They came and asked Rava. He said to them: it is forbidden. We are concerned [that] perhaps he will relieve himself [and defecate] in them [with his *tefillin* still on].
        - And they [others] say: lest he break wind in them.

In this passage, daily life interrupts religious ritual in the most physical way. Wearing *tefillin*, a ritual object which contains within it the miniature equivalent of a book of scripture, requires respect and awareness of the object's holiness. If the religious ideal is that they be worn continuously, two realities will inevitably challenge that respect and awareness. First, the reality of needing to evacuate bodily wastes.. This reality implicates the sanitary conditions of the *tefillin*-wearer's world— this accounts for the distinction between an "established bathroom" and a "makeshift toilet." The second reality is that continuous use and wearing of the ritual object will lead to the object's coming to seem common and ordinary in the religious person's mind. The gritty reality of

needing to evacuate bodily wastes pits the ideals of continuous wearing of *tefillin* and proper reverence for them in conflict with one another. Ravina and R. Ada b. Matna's positions initially seem to reflect the conflict between these ideals: one privileges the ideal of continuous wear and the other reverence for the sacred object. Then the *gemara* turns to a ruling of Rava which starkly and colorfully clarifies R. Ada b. Matna's position. Rava's concern is that by being worn continuously, in any and all situations, the symbolic meaning of the *tefillin* gets lost. The awareness of the sacred that they are meant to embody in the wearer becomes absorbed in their mundanity. For ritual to help create a sense of transcendence, it requires boundaries to distinguish it from everyday life. Rava's position places a fence around the respect and decorum of the ritual object. For the modern rabbinic student, the lesson that the sense of sacred transcendence in ritual cannot be maintained if we only embrace approachability, familiarity and mundanity is an important one.

However, the challenge of maintaining reverence for ritual objects is only one side of the values-based conflict presented in this *sugya*. The *gemara* pivots from the amoraic discussion about whether or not one continues wearing *tefillin* while using the privy to a tannaitic *baraita* on the same subject which seeks to answer why one is even allowed to bring them into the privy to begin with. In answering this question we see the emergence of another tension: that between the value of reverence for the ritual object and concern for the privacy and security of the object's owner.

- It [the previous *baraita*] was taught alternatively: One who enters an established bathroom: he takes off his *tefillin* at a distance of four *amot*, and places them in the window connected to the public domain and enters. When he leaves he distances himself four *amot* and puts on [his *tefillin*] — the words of the students

of Beit Shammai. But the students of Beit Hillel say: he holds them [his *tefillin*] in his hand and enters. Rabbi Akiva says: he holds them in his clothes and enters.

- Should it enter your mind [that one holds his *tefillin*] in his clothes?! From time to time he forgets them, and they fall!
  - Rather, I will say [a restatement of R. Akiva's position in the *baraita*]: he holds them in his clothes and in his hand, and he enters.
  - And [the restatement continues]: he places them in the holes [in the wall] connected to the bathroom and doesn't place them in the holes connected to the public domain; because perhaps passers by will take them and he will come under suspicion.
    - An incident [happened] with a student who placed his *tefillin* in the holes connected to the public domain. A prostitute came and took them, and went to the *beit midrash*, and said "see what sir gave me as my wage?" As soon as he heard it, this student went up on top of the roof, and fell and died. That very hour they established a ruling that one holds them in his clothes and in his hands and enters [the bathroom].

Rava's worry that habit will lead to a lack of ritual seriousness is reflected in Beit Shammai's earlier ruling that *tefillin* be left outside the bathroom entirely ("in the window connected to the public domain"). The idea of leaving them outside is challenged by an intersecting concern for the dignity and security of the person wearing the *tefillin*. This concern with dignity and security is reflected in the lenient ruling of Beit Hillel and R. Akiva. A narrative illustrates the rationale for their position; a student takes his own life as a result of following Beit Shammai's ruling. The student who left his *tefillin* in the public domain left himself vulnerable to both property theft and character assassination. His shame-induced suicide prompted the sages to establish the ruling of R. Akiva as law. With concern for human life and dignity now introduced, and the stakes clearly so high, Rava's and Beit Shammai's concern for decorum and respect seem misplaced, if

commendable. Their focus on maintaining the ideal conditions for the ritual and preventing the degradation of the *tefillin's* symbolic value clashes with Beit Hillel and R. Akiva's realistic concern for the safety, security and dignity of the wearer.[5]

This *sugya* colorfully illustrates that real life will necessarily and inevitably spoil an idealized, pristine focus on an uninterrupted spiritual life. This *sugya* shows that even as we attempt to accommodate the facts of life, we must not fall into the trap of privileging reverence for a ritual object (even one as holy as *tefillin*) over a moral imperative. What began as a rather gritty and scatological example of religious realism in the end winds its way back to a deep ideal: that even in the course of living in the mundane (and even the scatological), we can practice a higher concern for both the human and Divine.

Both *sugyot* we have examined so far provide opportunities to reflect thoughtfully on the roles of boundaries and values in Jewish life. For Reform rabbinical students, who have not necessarily had a lifetime of practical experience in traditional Jewish ritual practice, this reflection is crucial. The common student reflex to push aside religious boundaries in the pursuit of values— including concern for human dignity and offering welcome to everyone (in the Mishnah's formulation: *meishiv shalom l'kol adam*) — is especially strong in Reform Judaism, and is continually reinforced with a combination of moral indignation and self-righteousness. The absoluteness of *Tanach* helps empower that reflex through the sloganizing of its language: "*tzedek tzedek tirdof*;" "*b'tzelem Elohim*;" "*da lifnei mi atah omeid*." Under the influence of this reflex Reform Judaism

[5] Ultimately, the resolution to these conflicting values is found in a compromise position: *tefillin* are removed before entering the bathroom, but need not be kept outside as long as they are wrapped in the owner's clothing.

becomes "*tikkun olam* Judaism"— a generic, vague, universalist commitment to progressive ethics, a Judaism that flits from one non-binding policy position to the next with more concern for virtue signaling than either personal or communal practice.

Talmudic thinking brings out the tensions between religious values and the boundaries of practice, which maintain our awareness of those tensions. That tension slows down the reflex to push aside practice in pursuit of "progress," and helps us develop the capacity for truly creative practical solutions to the problems of contemporary religious life. That creativity— the creativity born of the tension between the conflicting values and boundaries of practice— is the most effective kind, because it comes about as a product of realities rather than amorphous hopes, dreams and fears alone. This creativity does not dissolve into continuous reinvention for the sake of the novel— such as replacing liturgical passages with modern English poetry or turning every third shabbat into a theme party. Real creative thinking attempts to find solutions within the framework of tensions and obstacles, and does not come from (proverbially speaking) "throwing spaghetti against the wall and hoping something sticks."

Armed with our new awareness of how the intellectual, moral, and creative impulses of future Reform rabbis are at stake, we will study one final instructive example: B. Berachot 47b-48a. There, the *gemara* dismisses a series of suggestions about who or what may be counted in a quorum for *zimmun* (inviting diners to join together to recite the Blessing over the Meal ["*birkat hamazon*"]) or in communal prayer (*t'fillah*). These suggestions include counting a child in a crib, a slave freed expressly for the

purpose of being counted, and even an Ark containing a Torah scroll. After dismissing all these suggestions the *gemara* makes a key point.

B. Berachot 48a

- The *halacha* is not in accordance with any of these oral traditions. Rather, [the crucial point] is like this [statement], which was stated by R. Nachman: a child that knows to Whom we are blessing is included in making a *zimmun*.
    - Abaye and Rava used to sit in the presence of Rabba [when they were children]. Rabba said to them: to Whom do we bless? The said to him: to the Merciful One (*Rachamana*). And the Merciful One, where does He dwell? Rava pointed up toward the ceiling. Abaye went outside (lit. out to Creation) and pointed toward the heavens. Rabba said to them: both of you will be sages. We have [a saying] that people say: a pumpkin, a pumpkin from its stem is known.

According to R. Nachman, the deciding factor for inclusion in a *zimmun* or prayer quorum is possession of a religious sensibility. The Torah scroll, not being human, lacks that, as does the baby in the crib and, (in the ancient sensibility), the newly-freed slave. The charming story about Abaye and Rava's childhood illustrates how childlike wonder points toward the transcendent in the everyday. Despite being only children, they exhibit the crucial sensibility that R. Nachman posits is required for the completion of a community. We can take from this example the notion that the skills of the modern rabbinate— pastoral competence, facility in teaching and preaching and worship, community building— are not sufficient without a personal religious sensibility. A religious community, and its leaders, are more than what they do— how we ascribe meaning to our actions is just as important.

In truth, we must not choose between *Tanach* and Talmud in rabbinic education. We need both the religious idealism of the Hebrew Bible and the

gritty mundanity of the Talmud. But the Talmud takes time, patience, and partnership—both between students and their colleagues, and between students and their teachers. It teaches methods of thinking not only in terms of ideals but in terms of the tensions between those ideals and the realities that keep us from achieving them. It makes us better rabbis by forcing us to move beyond slogans and buzzwords, and thinking about the intersection between principles (say, human dignity and submission to Divine Authority) and even between principles and realities (like the inequality of health, wealth, or social standing). Studying Talmud pushes us to think creatively about how to live in the tension between the ideal and the reality, between ritual boundaries and human dignity, and between our obligations to the human and the Divine.

If You Will Surely See:
Hannah, Sotah, and Reading Gender in the Two Talmuds
Jordan Shaner

In his book *Carnal Israel,* Daniel Boyarin presents an argument to explain women's exclusion from rabbinic cultures of Torah study.[6] He compares Palestinian and Babylonian sources and identifies a linear development of women's exclusion. His claim is that while women's exclusion from Torah study is not taken for granted in the earlier Palestinian sources, it is so assumed in the later Babylonian sources.[7] Since medieval rabbinic culture was a direct outgrowth of the acceptance of the Bavli's authority over the Yerushalmi, Boyarin's explanation presents the patriarchal exclusion of women from Torah study as a main feature of rabbinic Judaism. Other scholars of gender in the Talmud tend to make the same assumption as Boyarin: the two rabbinic cultures were uniformly androcentric, and the exclusion of women from rabbinic religious praxis is, almost without exception, a main feature and principal offshoot of those cultures.

Boyarin's chapter on women's exclusion from Torah study focuses mainly on the way the two Talmuds treat Mishnah Sotah 3:4. There, Ben Azzai seems to support the inclusion of women in the culture of Torah study, while a conflicting statement of R. Eliezer immediately follows. Boyarin points out that Yerushalmi Sotah makes an effort to refute Ben Azzai's statement; he suggests that Bavli Sotah ignores Ben Azzai's position, scrutinizing only R. Eliezer's statement.[8]

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[6] Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (University of California Press: 1995), 167-196
[7] Boyarin, *Carnal Israel*, 169-170
[8] Ibid. 172

Mishnah Sotah 3:4[9]

- **From here Ben Azzai says: A man is obligated to teach his daughter Torah, for if she drinks [as a suspected adulteress], she will know that the merit suspends [the punishment] for her.**
- **Rabbi Eli'ezer says: Whoever teaches his daughter Torah is considered as if he taught her foolishness (*tiflut*— also licentiousness).**

Y. Sotah 3:4 15b

- **R. Eleazar b. Azariah's opinion contradicts Ben Azzai, for it is taught that there was an incident in which R. Yohanan b. B'roka and R. Eleazar Hasma were on their way from Yavneh to Lydda and they went to visit R. Yehoshua in Pek'in. He asked them: what was innovated in the house of study today? They answered: We are all your disciples and we drink your water. He said to them: For all that it is impossible that there was nothing new said in the house of study. Who gave the discourse today?**
  - **R. Eleazar b. Azariah.**
  - **And what was his text?**
  - **"Convoke the people: the men, the women, and the children" (Deut. 31:12).**
  - **And what did he say about it?**
  - **Since the men come to study, and the women to hear, for what do the children come? Indeed to provide reward for those that carry them.**
  - **Said R. Yehoshua: The generation that has R. Eleazar b. Azariah in it is no orphan!**

B. Sotah 21a

- **Mishnah: If she had merit, her merit will suspend [the punishment of the *sotah* ritual] for her.**
- **Talmud: What sort of merit? Perhaps we will say, the merit of the study of Torah, but she is not commanded to do so!**
- **So it must mean the merit of [fulfilling] commandments.**
  - **The merit of commandments can hardly protect to such an extent, for we have learned [in a *baraita*]: Thus did R. Menachem b. Yossi expound: "For a commandment is a candle and the Torah is a light" (Prov. 6:23). Scripture compared the**

[9] The translations here are based on Boyarin, *Carnal Israel,* 171-175

commandment to a candle and the Torah to a light, to say to you, just as a candle only protects for an hour, so does the commandment only protect for an hour; but as light protects forever, so does the Torah protect forever…

- **Ravina said: Indeed it is the merit of Torah, and as for what you said that she is not commanded to do so— indeed, she is not commanded, but by the merit of causing her sons to recite [scripture] and learn [oral traditions], and waiting for her husband to come home from the study-house [she is protected].**

Boyarin claims that the absence from Bavli Sotah of Ben Azzai's statement advocating for women to learn Torah reveals a difference in the understanding of gender roles between Palestinian and Babylonian rabbinic cultures. He argues that the effort the Yerushalmi expends to refute Ben Azzai's statement points to a rabbinic culture in Palestine that was more open to women's Torah study than that of Babylonia. Boyarin argues that the absence of Ben Azzai's voice that the Bavli has no anxiety about women's Torah study. That lack of anxiety bespeaks a Babylonian rabbinic culture (vis-a-vis Torah study) that is less threatened by women's participation than that of Palestine. To Boyarin, this indicates that Babylonian rabbinic culture was more fully closed off to the possibility of women studying Torah. By ignoring Ben Azzai's statement, Boyarin claims, Bavli Sotah does not "allow even the meaning of his statement to stand, not even as a rejected minority opinion."[10]

Boyarin looks mainly at Y. Sotah 3:4 15b-16a and B. Sotah 21a-b. He argues that the Yerushalmi refutes Ben Azzai's position that "a man is obligated to teach his daughter Torah, so that if she drinks [the *sotah* waters] she will know that merit suspends

[10] Boyarin, *Carnal Israel*, 174

[any punishment]."[11] The *stam* voice of the Yerushalmi frames Ben Azzai's position as being contradicted by R. Eleazar b. Azariah, who interprets the verse: "Convoke the people, the men, the women, and the children" (Deut. 31:12) to mean that "the men come to study and the women to hear...the children come to provide reward for those that carry them."[12] Boyarin clarifies the contradiction between Ben Azzai and R. Eleazar: "[according to R. Eleazar ben Azaryah] no merit accrues to women for the study of Torah."[13] Comparing the Yerushalmi's dismissal of Ben Azzai's statement with the Bavli, Boyarin writes that in Bavli Sotah, "the possibility that it is the merit of the study of Torah [which suspends punishment] is simply discarded out of hand."[14] However, Boyarin overlooks the fact that Bavli Sotah does deal with the notion of Torah study protecting a woman from the *sotah*'s effects, although he is right that it does not quote Ben Azzai explicitly. On B. Sotah 21a, the *gemara* asks explicitly which merit it is that protects a woman, and presents an argument that ends with Ravina's unrefuted statement: "indeed, it is the merit of Torah!"[15] That is to say, the Bavli posits that what Ben Azzai sees in the Mishnah as suspending punishment is indeed the merit of Torah study. The fact that the Bavli does not quote Ben Azzai directly does not necessarily mean it is silencing his point of view. It is possible that the Bavli's silence might even indicate that

[11] M. Sotah 3:4
[12] Y. Sotah 3:4 16a
[13] Boyarin, *Carnal Israel,* 173
[14] Ibid.,174
[15] Ibid., 175. cf. Lisa Grushcow, *Writing the Wayward Wife: Rabbinic Interpretations of the Sotah*, (Boston: Brill 2006), 213. Grushcow points out that Ravina's statement "leaves open the possibility that she might be commanded...but [also] suggests that a woman can acquire merit through enabling Torah study for which others are commanded." Though Ravina's point is hardly the last word in the Bavli's discussion on the topic, the *sugya* does not reject Ravina's point.

Ben Azzai's position that women should study Torah was commonplace in talmudic Babylonia, and that this view did not require much justification or rationalization.

While Boyarin admits that the "evidence alone is not self-interpreting, because the suppression of [Ben Azzai's] voice in Babylonia could mean two opposite things,"[16] he sides unequivocally with the interpretation that the Bavli does not even see women's participation in Torah study as a possibility. Other writers have expressed similar arguments about women's exclusion from Torah study in rabbinic Judaism.[17] Talmudic literature does undoubtedly emerge from an androcentric culture, and, as Boyarin points out, women's historic exclusion from participation in Torah study has been justified on the basis of such primary sources as these. But reception history is not necessarily a foolproof guide to what these sources may mean in their literary contexts. Viewing these texts solely through the lens of attempting to deconstruct their patriarchal assumptions and how these assumptions were deployed later may somewhat distort our perspective. Also, by focusing solely on Bavli and Yerushalmi Sotah (and particularly on M. Sotah 3:4), Boyarin overlooks other, related texts that nuance his claim that Palestinian rabbinic culture was more open to women's scholarship than that of Babylonia. This omission allows him to claim that there was a direct and linear path of women's exclusion from rabbinic Judaism's central religious act from the time of the Babylonian Talmud onward.

One such omitted text that could provide greater nuance is found on Bavli Berachot 31a-b. An entire *sugya* constructs Hannah, the prophet Samuel's mother, as a model of rabbinic prayer. The Bavli turns to Hannah's prayer to conceive a child in I

[16] Boyarin, *Carnal Israel,* 169
[17] see Tal Ilan, Dvora Weisberg, Lisa Grushcow, Judith Hauptman, Judith Plaskow.

Samuel 1:10-11 as a source for halachic details regarding the obligatory, thrice-daily prayer of rabbinic Judaism (the "*Amidah*" or "*sh'moneh esrei*," the "eighteen benedictions"). The Bavli turns from those details to an exploration of Hannah's attitude and motivation in making the petition. This exploration is an aggadic text that frames her prayer as an argument to God based on her interpretation of the *sotah* ritual. Here the rabbis portray Hannah as a master of rabbinic Torah study: she quotes the Bible, *midrash halacha*, and even the Mishnah.[18] B. Berachot 31b relates closely to the arguments about women's participation in Torah study that form the basis of Boyarin's chapter in *Carnal Israel*, and it represents a direct dismissal of the anxieties and attitudes that appear in Yerushalmi and Bavli Sotah, as well as their tannaitic source material. This *sugya's* inclusion in the redacted Talmud Bavli alongside Bavli Sotah challenges Boyarin's narrative that Palestinian rabbinic culture was more accepting of women's Torah study than Babylonian. This paper will demonstrate that Hannah's depiction on B. Berachot 31a-b reflects some acceptance of—and even identification with—the possibility that women can participate in the rabbinic culture of Torah study. Such a depiction can only nuance our understanding of alleged Talmudic anxieties about women's participation in rabbinic culture.

Hannah's complex role as rabbinic model in Bavli Berachot

[18] Ishay Rosen-Zvi, "'The Standing Woman': The Prayer of Hannah in Rabbinic Homilies," in A. Sagi and N. Ilan, eds, *Jewish Culture in the Eye of the Storm*, (Ein Zurim: Jacob Herzog Center 2002 [Hebrew]): 683-684

The two Talmuds often turn toward the Bible as a way of grounding the rabbinic laws of the Mishnah.[19] Thus, we find several attempts to find biblical roots for the *Amidah*'s specific practical details as well as its conceptual origins. This goal is a principal preoccupation of the fourth and fifth chapters in particular of Bavli Berachot: *T'fillat HaShachar* ("the morning prayer") and *Ein Omdin* ("they do not rise in prayer"). Each begins with mishnaic attempts to "hang the foundation of obligatory prayer on a biblical cord."[20] In chapter 5 of Bavli Berachot, one goal of the opening *sugyot* is to determine how much if any comparison may be drawn between rabbinic and biblical prayer, and whether biblical narratives may be made to yield halachic details about how to approach rabbinic prayer. This inquiry begins with an attempt to define the mishnaic term "*koveid rosh*" — intellectual and emotional seriousness— through comparison to biblical characters' emotional state in offering prayer.

Bavli Berachot 30b

- **From where are these words [which the Mishnah stated, that one doesn't pray except in a state of emotional gravity (*koveid rosh*)]?**
    - **R. Eleazar stated that scripture says: "and she [Hannah] felt bitterness of spirit, [...and she prayed to the Eternal and wept continuously" (I Samuel 1:10)].**
        - **From what [did he draw this conclusion]? Perhaps Hannah is different, since her bitterness of heart was an extreme case (*m'rira liba tuva*)!**
    - **Rather, R. Yose b. R. Hanina stated from here: "As for me, in Your abundant love I will enter Your house, at Your Holy Temple (*heichal*) I will bow in awe of You" (Psalms 5:8)**

[19] Azzan Yadin-Israel, *Scripture and Tradition: Rabbi Akiva and the Triumph of Midrash*, (Philadelphia: University of Pennsylvania Press 2015), 203
[20]Rosen-Zvi, "'The Standing Woman,'" 676

        - **From what? Perhaps David is different, since he would afflict himself in prayer excessively (*d'hava m'tza'eir nafsheih b'rachamei tuva*)!**
    - **Rather, R. Yehoshua b. Levi stated from here: "Bow to the Eternal in the glorification of the Sanctuary (*qodesh*)." (Psalms 29:2).**
        - **Do not read, "in the glorification," (*b'had'rat*), rather, "in trembling" (*b'cheir'dat*).**
        - **From what? Perhaps I could say to you, "in the glorification" (*b'had'rat*) really, just like Rav Yehuda, who would adorn himself, and glorify (*hadar*) prayer.**

Although it attempts to join them, this opening *sugyah* of the fifth chapter of B. Berachot actually distances rabbinic prayer from biblical narrative.[21] Each time the *gemara* attempts to define the Mishnah's "*koved rosh*" by means of a biblical example, the attempt is rejected either because of the biblical example's perceived extreme nature or the interpretive creativity that must go into making the comparison work. This section of the *sugya* is a perfect example of the slippery relationship between biblical and rabbinic prayer. It typifies the tension between the desire to locate the *Amidah* in biblical history because of its religious centrality, and the anxiety that the comparison with exalted biblical characters will make the prayer religiously impossible for "mere mortals" to do. The exceptional nature of biblical narratives makes modeling religious practices on them challenging.[22] Yet the Talmud is always desirous of rooting rabbinic Judaism and its central acts on the religious lives of biblical figures, with whom it strongly identifies.

While there are several characters in the Hebrew Bible who engage in prayer, it is telling that Bavli *Ein Omdin* begins its examination of the attitude and intention required of the reciter of the *sh'moneh esrei* with Hannah, the mother of the prophet Samuel.

[21] Rosen-Zvi, "'The Standing Woman,'" 679
[22] Ibid.

Hannah is among only a handful of women who are portrayed in *Tanach* as engaging in prayer. Although her prayer stands out for its "curious combination of assertiveness and humility,"[23] its goal of overcoming her infertility is typical of the way the Hebrew Bible portrays women in prayer.[24] Hers is a prayer that is particularly gendered: a prayer to conceive and bear a child. She offers her prayer not at the time of a public offering but in a personal moment of grief; it is entirely particular.[25] Yet this is the model Bavli Berachot chooses to use in its very first attempt to define and generalize "*koved rosh*," the necessary emotional seriousness for engaging in the rabbinic expression of obligatory, ritualized, public prayer. Although, as we have seen, this suggestion is rejected ("*m'rira liba tuva!"*), the rejection is not on the grounds of her prayer's gendered goal, and personal language. The Bavli rejects Hannah as a model for the same reasons it rejects David in the exchange immediately following: Hannah's level of sincerity and emotional engagement is too unattainable for most people; reaching that level may not be possible. Her prayer is too powerful, too righteous, too holy to be put forward as a quotidian model for rabbinic daily prayer. But only a few *sugyot* later, Bavli Berachot returns to Hannah as a model for the *sh'moneh esrei*, revealing its continuing powerful sense of identification with her prayer.[26]

While the introductory *sugya* of this fifth chapter of Bavli Berachot makes quick work (in one sentence!) of Hannah as a model for rabbinic prayer, the chapter shortly

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[23] Leilah Bronner, "Hannah's Prayer: Rabbinic Ambivalence" *Shofar* 17, no. 2, (1999): 37
[24] Ibid. 38-39
[25] Rosen-Zvi "'The Standing Woman,'" 692- 693. Rosen-Zvi points out that the rabbinic mode of prayer and the biblical mode of prayer are not necessarily compatible.
[26] Bronner, "Hannah's Prayer," 43. "the Babylonian Talmud portrays Hannah as the petitioner *par excellence*."

after presents an entire *sugya* (31a-31b) devoted to interpretations of her biblical story. In this *sugya*, the Bavli *does* present Hannah as a model for rabbinic prayer. The *sugya* begins by deriving halachic details about the way individuals should recite the *sh'moneh esrei* from the biblical description of Hannah's prayer, elaborating on a passage from T. Berachot 3:9: "how many significant laws are derived from these verses of Hannah!...one who prays must focus his heart...his lips should move...it is forbidden to raise his voice...one who is drunk is forbidden from prayer…"[27] Although it begins with these practical details, the *sugya* quickly transitions into aggadic elaborations of Hannah's attitude and the meaning of her prayer. One of these aggadic elaborations stands out as particularly striking and important because of its engagement with the particular and gendered nature of Hannah's prayer. In this aggadah, Hannah is described as not only supplicating God for a child, but as debating with God, using the language of scripture to hold God accountable, even threatening that the entire system of Torah will become meaningless if her request is not granted.

B. Berachot 31b

- [the Talmud quotes Hannah's vow in I Sam. 1:11]: **"If You will surely see (*im ra'oh tir'eh*)." R. Eleazar said: Hannah said in the presence of the Holy One: "Master of the Universe, if you see [to my ability to conceive] (*ra'oh*), then good. But if not, then you shall see (*tir'eh*)-- I'll go and seclude myself [with another man] in the face of my husband Elqanah. Because of the seclusion, they will force me to drink the waters of the *sotah* ritual, and then You are making your Torah a forgery (*plaster*), as it says: '[if the woman did not defile herself and is pure], she is acquitted; she shall conceive and bear seed (*v'nizrah zeira*— Num. 5:28).'"**
    - **Is this satisfactory?— for one who says: "if she were barren, she will conceive (*nifqedet*)" it works;**

[27] B. Berachot 31a-b. A simpler statement of this passage appears in Y. Berachot 4:1

- **but for one who says: "if she used to give birth in pain, she will give birth easily; [if she bore] females, she will bear males; [if] dark ones, she will bear fair ones; [if] short ones, she will bear tall ones." What is there to say to them?**
  - **As it was taught [in a *b'raita* from Sifrei Numbers 19]: "she is acquitted, she shall conceive and bear seed" (Num. 5:28) [this] teaches that if she was a barren woman, she will conceive (*nifqedet*)-- the words of R. Yishmael. R. Akiva said to him: if so, then all barren women will go and seclude themselves [with men, and be suspected of committing adultery]; and this one who did not corrupt herself will conceive? Rather, it teaches that if she used to give birth in pain, she will give birth easily, etc."**
- [The answer to **"what is there to say to them?"]: What is [meant by] "If You will surely see" (*im ra'oh tir'eh*) (I Samuel 1:11) [according to the system of R. Akiva]?**
  - **The Torah speaks in the language of human beings.**

This aggadah is striking for a number of reasons. First, Hannah's boldness here is completely inconsistent with her portrayal in I Samuel. There, her prayer begins with the words *im ra'oh tir'eh,* meaning, "if You will surely see" (I Sam. 1:11). The use of emphatic doubling there reads as a particularly demure request.[28] Here in Bavli Berachot, the doubling is broken down into a two-part ultimatum— "if You see, fine; if not, there will be consequences."

Second, the name of Hannah's husband, Elqanah (which can be read as two words: "El qanah," or "God is Jealous"), is a clever if oblique allusion to the *sotah* ritual, which is called the "Instruction of Jealousy" (*torat haq'naot*; Num. 5:29). The bible's tacit linkage of Hannah and the *sotah*— in which a woman is accused of improper acts and undergoes an ordeal before a priest, not unlike the priest Eli's accusing Hannah of

[28] Bronner, "Hannah's Prayer," 36. cf. Rosen-Zvi, "'The Standing Woman,'" 685

drunkenness—is amplified and made explicit here as a tool for Hannah to use to force God to give her a child. She makes this connection explicit and quotes the language of the Torah with rabbinic exegetical skill, showing that she is not only a pious model of prayer, but also a bold model of rabbinic Torah study.

Hannah threatens that God's inaction will overturn the entire halachic system. She claims that God's inattention to her will make God's Torah a "forgery," using the word *plaster*. "*Plaster*" is based on the Greek *emplastron*— literally, an empty shell. Here "*plaster*" means that the Torah will go unfulfilled; it will be turned into a forged document, a fake and a fraud. This language evokes a contract that is declared null and void because it is proven false, freeing the contracting parties from the obligation to adhere to its terms.[29] Importantly, the ultimatum Hannah gives God in this passage is not only allowed to stand, but it even becomes the structural hook that links this *sugya* to the rest of the chapter. When we arrive at the bottom of B. Berachot 31b, Hannah is identified as the first of a series of biblical figures who directed words of prayer subversively against God [lit. "against upwards," the latter being a name for God] (*hiticha/hitiach d'varim k'lapei ma'alah*). Each of these figures (Hannah, followed by Elijah, and then Moses) argue against a Divine decree. Since the biblical text does not portray Hannah in this way explicitly, it must refer to the aggadic portrayal of Hannah's ultimatum.[30] "R. Eleazar says: Hannah directed her words against the Heavens (*hiticha d'varim k'lapei ma'alah*). As scripture stated: 'she prayed upon (*al*) the Eternal' (I Sam. 1:10). This [use of the preposition *al*] teaches that she directed her words against the

[29] Marcus Jastrow, sv. "פלסטיר," in *A Dictionary of the Targumim, the Talmud Babli, and Yerushalmi, and the Midrashic Literature*, vol. II, 1184
[30] Rosen-Zvi, "'The Standing Woman,'" 691

Heavens." Note that both the aggadic elaboration of Hannah's prayer on B. Berachot 31b and this observation toward the end of the same page are both attributed to R. Eleazar, the second even being an interpretation of the first. It is this observation that makes Hannah sound most like a rabbinic sage: she manages to outwit even Heaven with her exegesis.[31] Moreover, the Bavli connects this striking depiction of Hannah directly to a tannaitic argument about the *sotah* ritual, and that source's anxiety about the potential of women to have agency over it.

Immediately following Hannah's prayerful ultimatum, the *gemara* quotes a version of a *baraita* from Sifrei Numbers on the *sotah* ritual and how to interpret the biblical phrase "*v'niqtah, v'nizrah zeira*" (Num. 5:28), the very same phrase that underlies Hannah's argument. This *baraita* highlights the way her argument takes the biblical text at its word, rather than relying on oral traditions about the *sotah* ritual. It also highlights some of the assumptions of Hannah's interpretation: that an *aqarah* is not excluded from the *sotah* ritual, that the ritual's outcome depends upon the guilt or innocence of the suspected adulteress, and that seclusion and suspicion is enough cause for the ritual. The *gemara* wishes us to see the *baraita* as support for the aggadic elaboration of Hannah's prayerful ultimatum. The *gemara* directs us to the tannaitic interpretation that Hannah's ultimatum contradicts: "Is this satisfactory? For one who says, 'if she were barren, she will conceive;' it works. But for one who says: 'if she used to give birth in pain, she will give birth with ease, [etc.]...' what is there to say?" The *gemara* positions Hannah's argument as one side of the interpretive argument between R.

[31] ibid., 693-4

Akiva and R. Yishmael.[32] If we follow the interpretation of R. Akiva, that *v'niqtah, v'nizrah zeira* means that barren women who are tried by the *sotah* ritual will become capable of having children, then Hannah's argument is plausible. But if we follow the interpretation of R. Ishmael, which excludes barren women from the *sotah* ritual and worries that the first interpretation even incentivizes adulterous behavior, Hannah's argument to God simply doesn't work. The *gemara* handily deals with this problem by retorting: "the Torah speaks in the language of human beings" — that is, if you interpret "if you will surely see" (*im ra'oh tir'eh*, I Sam. 1:11) as simply a linguistic expression, then the *baraita* and its attendant anxieties about the *sotah* are of no import, and Hannah's argument based on the phrase from Numbers stands. The *gemara* uses the tannaitic source against itself: if you aren't worried that the *sotah* ritual allows a barren woman to conceive, then you have no grounds to object to Hannah's argument.

The Sifrei Numbers *baraita* that the *gemara* uses in an attempt to counter Hannah's argument appears to deal with the question of whether or not the *sotah* ritual affects women's ability to conceive children. However, *that baraita* is also part of a larger Talmudic argument about the biblical *sotah* ritual and its effects. This argument is about, notably, whether the *sotah* ritual is meant as a *test* to determine a suspected adulteress's guilt or as a *punishment* for her secluding herself with other men and thereby

[32] Compared with Sifrei Numbers and b. Sotah 26a, here the argument is flipped; R. Yishmael is presented as interpreting Num. 5:28 as support for the position that an *aqarah* can conceive through the *sotah*, while R. Akiva takes the moderating position. This change cannot be attributed to a printing mistake— it is present in all extant manuscript versions. This often happens between Palestinian sources and the Bavli; positions are "flipped" in the Bavli. It's a well-known and remarked-upon phenomenon.

arousing her husband's suspicion.[33] The question is also raised as to who is subject to the *sotah* ritual? Does "*v'nizrah zeira*" (Num. 5:28) exclude barren woman (*aqarot*) or elderly women past child-bearing age? What underlies all these questions is the anxiety that women will manipulate the ritual to their own benefit, especially if they, like Hannah, have a command of the Torah's text and an ability to interpret. This anxiety shapes the talmudic debate about women's Torah study, including the questions that arise from Ben Azzai's statement in M. Sotah 3:4. The portrayal of Hannah in Bavli Berachot may well be seen as a response to these very anxieties.

Tannaitic Anxieties Regarding the *Sotah* Ritual

Before we can understand how the Bavli's depiction of Hannah relates to talmudic arguments about women's Torah study, more tannaitic context is required. Whereas Boyarin divorces M. Sotah 3:4's statements about women's Torah study from their larger literary and conceptual context, we will join them all back together. Women's Torah study appears in M. Sotah 3:4 in the context of how Torah study can protect women from the effects of the *sotah* ritual. Tannaitic discussions of the ritual center around questions about its purpose and the possibility that women will exercise agency over its outcomes. In Numbers 5:11-31, the *sotah* ritual is a test applied to determine the guilt or innocence of a woman suspected of adultery. If a woman is guilty, "her belly shall swell and her thigh fall away; the woman shall be a curse to her people" (Num. 5:27). If she has committed no wrong, "she is acquitted; she shall conceive and bear seed" (Num. 5:28). The tannaitic sources, however, tacitly raise the possibility that

[33] Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender, and Midrash*. tr. Orr Scharf, (Boston: Brill 2012), 128

innocence cannot be determined definitively and unequivocally. The woman's status may remain ambiguous, and this ambiguity is directly related to tannaitic ambivalence about women's Torah study. Apropos, the *tannaim* display ambiguity about whether the ritual is a test or a punishment. If her status cannot be definitively adjudicated then the ritual cannot quite be a test; what remains is that it might be a punishment for her having put herself in this situation to begin with. We begin with M. Sotah 3:4.

Mishnah Sotah 3:4[34]

- **She barely finishes drinking before her face becomes green, her eyes bulge, and she [seems] filled with sinews (or "veins"), and they [the priests] say, "remove her, remove her!" so she does not defile the courtyard.**
    - **If she has merit, it [the punishment described above] would be suspended for her.**
        - **There is merit that suspends for one year, there is merit that suspends for two years, there is merit that suspends for three years.**
    - **From here Ben Azzai says: A man is obligated to teach his daughter Torah, for if she drinks [as a suspected adulteress], she will know that the merit suspends [the punishment] for her.**
    - **Rabbi Eli'ezer says: Whoever teaches his daughter Torah is considered as if he taught her foolishness (*tiflut*— also licentiousness**[35]**).**
    - **Rabbi Yehoshua says: A woman desires a [single] *kav* [of food—reflecting a meagre amount of wealth] and foolishness (*tiflut*) more than nine kavs and abstinence.**
        - **He would say: A foolish pious man (*hasid shoteh*), a cunning evil man, an [excessively] abstinent woman, and the self-flagellations of ascetics, all these destroy the world.**

M. Sotah 3:4 follows its vivid and brutally violent description of the *sotah* ritual's punishing effects on the suspected adulteress with the suggestion that her punishment

[34] tr. after Rosen-Zvi, *Mishnaic* 102-104
[35] Boyarin, *Carnal Israel*, 171

may not manifest immediately. The Mishnah's basic claim is that the lack of physical manifestations may not indicate innocence; rather, the lack may indicate that an actual adulteress is being temporarily protected by her *merit*. As a response to this claim the *mishnah* quotes two opposing views about women's Torah learning—Torah learning is a principal source of "merit." First comes Ben Azzai's view that "a man is obligated to teach his daughter Torah" so that she will be aware that her merit may suspend the *sotah* ritual's effects. R. Eliezer follows: "Whoever teaches his daughter Torah is considered as if he taught her licentiousness (*tiflut*)." R. Eliezer's statement is a pointed critique of Ben Azzai; he equates women's Torah study with sexual impropriety.[36] Both sages link women's Torah study to their exercising agency over the *sotah* ritual. In Ben Azzai's opinion, a woman who studies Torah acquires either knowledge or merit to protect her from the *sotah*. In R. Eliezer's, the concern is that such knowledge will enable adulterous behavior. Moreover, Ben Azzai may mean one of two things: It could be that a woman should learn, through study, the oral tradition about suspending merit in order to see the *sotah* ritual as a serious punishment even when its effects are not immediate; this knowledge would lead her to avoid suspicion.[37] Or, it could be that the merit that they accrue from studying Torah will protect them from the Mishnah's punishing effects.[38] R. Eliezer's opinion takes the notion of "suspending merit" as a reason to exclude women from learning Torah, believing that such knowledge will lead women to manipulate the ritual and its outcomes.

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[36] ibid.,
[37] Grushcow, *Writing the Wayward Wife*, 202
[38] Boyarin, *Carnal Israel* 172

On their own Ben Azzai and R. Eliezer's statements focus on deterring women from adulterous behavior in the first place; but by juxtaposing their views to a graphic description of the *sotah* ritual's effects, the Mishnah suggests that women might be able to exercise agency over its outcome. This is especially so since the Mishnah seems to lean toward a construction of the *sotah* ritual as a punishment, a ritual that is not about testing innocence.[39] Ishay Rosen-Zvi illustrates this by pointing out contradictions in this mishnah's composition, which he compares to a parallel passage in Sifrei Numbers 8:14-15. "The Mishnah is joining two opposing views;" it reports that the fatal punishment of the *sotah* is an immediate sign of wrongdoing, "but then adds a discussion of 'suspending merit' which contradicts the authorial voice."[40] Ben Azzai's position, then, may be interpreted as follows: if the woman's guilt is established and the *sotah* ritual is a punishment for her,[41] her study of Torah (and the merit she thereby accrues) reopens the possibility that she may overcome the fatal effects attendant upon the ritual.

The two Talmuds are also ambiguous about the nature of the *sotah* ritual. Num. 5:28's phrase "*v'niqtah, v'nizrah zeira*" (she is acquitted, she will conceive) is the focus of a *baraita* that appears in different versions in both Talmuds. This *baraita* raises the possibility that a previously-barren woman exonerated by the *sotah* ritual will conceive and bear children as compensation for the ordeal. The suggestion is followed by a list of

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[39] Rosen-Zvi, *Mishnaic Sotah Ritual* 128. Rosen-Zvi establishes through comparison with several tannaitic sources that the Mishnah takes this position over the possibility that the *sotah* is a test. See also Halbertal 108-109

[40] Rosen-Zvi, *Mishnaic Sotah Ritual,* 128. Rosen-Zvi establishes through comparison with several tannaitic sources that the Mishnah takes this position over the possibility that the *sotah* is a test. cf. Moshe Halbertal, *Interpretive Revolutions in the Making: Values as Hermeneutic Considerations in the Halakhic Midrashim* (Jerusalem: Magnes 1997 [Hebrew]), 108-109

[41] In this case, it is likely that the *sotah* is a punishment for seclusion.

improved birthing conditions for an exonerated woman: "if she gave birth in pain, now she will give birth with ease, etc."[42]

The *baraita*'s suggestion raises an anxiety about the interpretation of Numbers 5:28. If the phrase "*v'niqtah, v'nizrah zeira*" is taken literally, this could suggest that the ritual is indeed a test and that women may take advantage of it. The talmudic presentations of the *baraita* articulate this anxiety more clearly, by stating openly the objection: "if so, then every woman will behave badly."[43] Just as merit can suspend the *sotah*'s punishment, the possibility that innocent women who undergo the ritual will receive a compensatory reward raises the possibility that the ritual itself can be manipulated, which entirely undermines its efficacy as a deterrent to adulterous behavior. It also implies that the *sotah* is merely suspected, not necessarily guilty of adultery, and we are back in the throes of the Mishnah's dilemma: how can the Torah bring such a brutal trial against a woman if her innocence remains a possibility?[44] Yet at the same time, how can we disregard language of the Torah that seems to imply that the ritual is in fact a test?

Yerushalmi Sotah seeks to resolve these contradictions before moving on to its refutation of Ben Azzai.

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[42] Compare T. Sotah 2:3, Sifrei Numbers 19, Sifrei Zuttah 5:28, in which several variants of this formula appear.
[43] Y. Sotah 3:4,15b
[44] Rosen-Zvi, *The Mishnaic Sotah Ritual*, 128. Rosen-Zvi summarizes the tannaitic sources' conflicting views about the possibility of the *sotah* ritual as either an ordeal or a punishment: "the possibility of innocence, made explicit in the Bible, was not ratified by all the Tannaim. Some chose to ignore it, a few blurred it somewhat, and others opposed it outright. According to this last approach, the *sotah* is not guilty of unverified adultery but of the suspicion cast upon her by hiding. This is why she deserves to be punished."

Yerushalmi Sotah 3:4, 15b[45]

- **It was taught [in a *b'raita*]: R. Yehudah [b. Peteira] said in the name of Lazar b. Matya: what is the meaning of the scripture 'Now if the woman has not been made unclean (Num 5:28)'? Now do we not [already] know that if the woman was not made unclean, then she is clean? Why does scripture say so (*mah talmud lomar*)?**
    - **Rather, in the end, the Omnipresent (*Maqom*) compensates her for her humiliation. For if she was barren, she will become pregnant (*nifqedet*):**
        - **If she used to give birth in pain, she will now give birth in comfort. If she used to produce females, now she will produce males. If she used to produce ugly children, now she will produce pretty babies. If she used to produce dark ones, now she will produce fair ones. If she used to produce short ones, now she will produce tall ones. If she used to produce one by one, now she will produce two by two.**
    - **Said to him R. Simeon b. Laqish: if so, then every woman will go and behave badly so as to be visited [in this way].**
    - **Now does R. Simeon not concur in the statement: "but if the woman has not defiled herself and is clean, then she shall be free (*v'niq'tah)* and shall conceive children (*v'nizrah zeira*)" (Num. 5:28)?**
        - **She will conceive valid offspring, not invalid offspring.**

The Yerushalmi raises the possibility from the language of the Torah itself that an *aqarah* who undergoes the *sotah* ritual and is found innocent will be compensated by bearing children, "since her humiliation was too much."[46] Yerushalmi Sotah attributes this position to R. Lazar (or R. Eleazar) b. Matya, as transmitted by his student R. Yehudah b. Peteirah (or Beteirah). Note that their interpretation is joined to a quote from the Tosefta that actually outlines an alternative interpretation: "If she used to give birth in pain, she will now give birth with ease, etc." In the parallel passages,[47] the Toseftan quote contradicts R. Eleazar b. Matya, but in Yerushalmi Sotah it is presented as support for

[45] Tr. based on Jacob Neusner, ed. *Yerushalmi: the Talmud of the Land of Israel* (Chicago: 1984), 93-94
[46] Halbertal, *Interpretive Revolutions*, 109
[47] Tosefta Sotah 2:3 and 5:4, Sifrei BaMidbar 19, B. Sotah 26a, B. Berachot 31b

him. Simeon b. Laqish's objection thus stands as a refutation, based on a different understanding of the *sotah* ritual. "She will conceive valid seed, not invalid seed," is a conclusion he draws based on an understanding that the phrase in Num. 5:28, "she is acquitted (*v'niqtah*)," means "she is clean," ritually. Rather than a supernatural reward of her innocence, it is merely the restoration of her ritual status at the conclusion of the punishment. Compare his statement to T. Sotah 2:3: "What does scripture mean to teach [by insisting the *sotah* says:] 'amen, amen' [during the ritual?] greater punishments than these were fitting to come upon her, since she brought herself into a doubtful position... 'she is acquitted' (*v'niqtah*) — cleared from all the punishments that would have been fitting."[48] In the Tosefta, "she is acquitted" means that although she was deserving of punishment, she was spared. In b. Laqish's interpretation, it implies that she was unclean during the *sotah* ritual, meaning off-limits sexually, and any children she conceived in that time would be counted as *mamzerim*.[49] Having suffered, but survived,[50] she is now "clean" and "will conceive valid offspring." In his opinion, the phrase from Numbers 5:28 indicates that her suspicious behavior has been punished sufficiently— it does not indicate that she is innocent, that her barrenness will be reversed, or that she has any agency over the outcome of the ritual. Having refuted the position of Lazar b. Matya, and affirmed the position that the *sotah* ritual is indeed a punishment and not a test, the

[48] T. Sotah 2:3
[49] Grushcow, *Writing the Wayward Wife*, 282-3
[50] The Yerushalmi does not here assume that the immediate death described in M. Sotah 3:4 is a necessary outcome, but that does not mean it accepts R. Simeon b. Yochai's position in M. Sotah 3:5 that the *sotah* is a test.

Yerushalmi then moves on to deal with the issue of suspending merit and refuting Ben Azzai's statement.[51]

The argument between R. Eleazar and Simeon b. Laqish in the Yerushalmi represents the same two conceptions of the *sotah* ritual we outlined in our discussion of M. Sotah 3:4. R. Eleazar sees in the mention of childbearing a supernatural compensation for innocent women who undergo the *sotah* ritual. The interpretation attributed to R. Simeon b. Laqish sees the *sotah* ritual as a punishment, in which there is "no possibility of reward."[52]When compared with M. Sotah 3:4 the position of R. Simeon b. Laqish accords roughly with the notion that "merit suspends" the punishing effects of the *sotah* ritual. However, in denying that the *sotah* ritual is a test, Simeon b. Laqish introduces an anxiety connected to R. Eliezer's objection that women's Torah study leads to *tiflut*. The possibility that the *sotah ritual* is a test opens up a way for women to have agency over its outcomes and diminish its power over them. "If so," that is, if innocent women are compensated for the *sotah* ritual through childbirth, "then every woman will behave badly." Women will figure out how to make the test work to their advantage, and the symbolic power of the ritual will be nullified.

We find a similar argument articulated, albeit less overtly, in a *baraita* on Bavli Sotah 26a:

Bavli Sotah 26a

- **R. Nachman can say to you: it is a dispute among *tannaim*, and I state my opinion in accordance with this tannaitic statement:**
    - **As it is taught in a *b'raita* [T. Sotah 5:2]: R. Simeon b. Eleazar says: a sexually immature woman (*aiylonit*) neither drinks [the *sotah*] nor collects her *ketubah,* as it was said [in Num. 5:28]: "she is acquitted;**

[51] Boyarin, *Carnal Israel,* 172-4
[52] Rosen-Zvi, *The Mishnaic Sotah Ritual,* 127

she shall conceive and bear seed." [Scripture refers to] one whose way is to bear seed, excluding this one whose way is not to bear seed.

- **And the sages, this "she is acquitted; she shall conceive and bear seed," what do they do with it?**
    - **They require it for this [*baraita*] that was taught: "she is acquitted; she shall conceive and bear seed" that if she were barren (*aqarah*), she shall conceive (*nifqedet*) — the words of R. Akiva.**
    - **R. Yishmael said to him: if so, all *aqarot* will seclude themselves [with men] and they will conceive; and this one because she doesn't seclude herself shall lose out? (*hef'seidah*)**
        - **If so, what does it mean to teach by saying (*mah talmud lomar*), "she is acquitted; she shall conceive and bear seed?" That if she used to give birth in pain, she will give birth in ease; if to females she will give birth to males; if to short ones she will give birth to tall ones; if to dark ones she will give birth to fair ones.**

The *gemara* attempts to refute R. Nachman by quoting a tannaitic source similar to the one quoted in the Yerushalmi, which interprets *v'niqtah v'nizrah zeira* as compensation to innocents subjected to the test of the *sotah* ritual. There are a few key differences in this version of the *baraita* as compared with the Yerushalmi's version. First, the structure: whereas the Yerushalmi construes the statement about *aqarot* and the potential improvement in birthing conditions as a single interpretation of Numbers 5:28, the Bavli sets those two components in opposition to one another and frames them both as part of one tannaitic *baraita*. The Bavli's version is reported as an argument between R. Akiva and R. Yishmael, rather than a single teaching of R. Eleazar related by his student, R. Yehuda. Notably, R. Akiva and R. Yishmael, like R. Yehudah and R. Eleazar, are both tannaim of the 4th generation— but their associations with different exegetical methods in the midrash marks them as distinctive.[53] The Bavli is doing something it

[53] M.D. Herr, s.v. "Midreshei halakhah," *Encyclopedia Judaica*, 11 (Jerusalem 1971), cols. 1521-1523

characteristically does: takes a dispute attributed to lesser-known figures and re-attributing it to better-known figures. On this reading the two interpretations are presented as an argument arising from two different schools of midrashic interpretation, rather than as a single claim drawing support from the language of a Toseftan *baraita*. The structure of the *sugya* as a whole and this *baraita*'s role in it is crucial. The Bavli still frames the argument between R. Akiva and R. Yishmael in this *baraita* as a single refutation (*v'rabanan hai...mai avdei leih?*) of R. Nachman's position. For both R. Akiva and Yishmael, the *sotah* ritual is a test of a woman's guilt or innocence.

The other major difference between the Palestinian and Babylonian presentations of this *baraita* is in how they construe the objection to the interpretation that Numbers 5:28 is about a compensating reward for barren women. The Yerushalmi's objection is that this interpretation incentivizes bad behavior, and therefore threatens the ritual's symbolic power. The Yerushalmi's underlying anxiety is that actual adulteresses will cease to see the ritual as a deterring *punishment*.[54] The Bavli is less concerned with defending the symbolism of the *sotah* ritual as a punishment; it is willing to assume that the woman's innocence remains a possibility. Therefore, B. Sotah 26a infers from the Torah's language that the woman incapable of becoming pregnant, the barren women, and the elderly woman are exempt from the ritual[55]— in order to maintain the possibility that the *sotah* ritual is a *test*.

The questions that these sources wrestle with— women's agency over the *sotah* ritual and its outcomes, whether or not *aqarot* are subject to the ritual, and the possibility

[54] Halbertal, *Interpretive Revolutions*, 109
[55] Gruschow, *Writing the Wayward Wife*, 218--221

of women engaging in Torah study—are the background of B. Berachot 31b. The aggadic portrayal of Hannah is the crystallization of the key anxiety that drives the discussion on the *sotah* ritual in Mishnah, Tosefta, Yerushalmi, and Bavli Sotah: a woman's ability to overcome the *sotah* ritual's effects through her Torah knowledge will threaten the entire halachic system. The earlier, Palestinian sources settle on a consensus that the woman's guilt is established, the *sotah* ritual is a punishment, women's ability to affect its outcome is closed, and the Torah's suggestions to the contrary are best interpreted as formal limits on the scope of the ritual (excluding non-childbearing women, or implying a change of ritual status before and after the ritual). Bavli Berachot's portrayal of Hannah challenges all of that and reopens the possibilities suggested by the Torah's own language.

"*Im ra'oh tir'eh*:" Seeing Hannah's argument clearly

Hannah's argument is a direct response to the anxieties brought forth in the tannaitic and amoraic material on the *sotah* ritual. We must be mindful that Hannah's prayer is answered in the affirmative— "The Eternal remembered her" (I Sam. 1:19). Her argument, therefore, settles the disputed claim that *aqarot* are exempted from the *sotah* ritual. She also demonstrates that innocence is rewarded and even refutes R. Eliezer's position that a woman's Torah learning is *tiflut*. B. Berachot establishes that Hannah's prayer exemplifies *koveid rosh*, the very opposite of the frivolity and licentiousness that R. Eliezer alludes to. At the very least, this passage represents an alternative to Y. Sotah 3:4 and B. Sotah 26a, not to mention T. Sotah 2:3 and M. Sotah 3:4-5. At most, it represents a conscious rejection of the tannaitic conceptions of the *sotah* ritual and a challenge to the exegetical strategies and assumptions undergirding them. Either way, we

can see that this Babylonian source does not share its predecessors' anxieties or assumptions about women's Torah study.

Some have argued that Bavli Berachot's treatment of Hannah is itself an example of the very manipulation of Torah study about which the tannaitic sources are anxious. "Normal prayer is no longer useful for her, and there is a need to force [her way] in, to protest...and even to threaten"[56] the rabbinic system. Lisa Grushcow, in her study comparing the portrayal of Jesus' birth and the *sotah* trial of Mary in the Protevangelium of James with the rabbinic *midrash* about Isaac's birth, concludes that Bavli Berachot's depiction of Hannah is negative. "For rabbinic society...even barrenness does not wreak the same havoc as adultery or even the suspicion thereof. Rabbi Akiva's view, which is the decisive one, maintains that a state of affairs in which women pretend to be adulteresses is not an option— even if it would allow them to receive divine intervention and conceive."[57] Dvora Weisberg likewise portrays this Hannah *aggadah* in terms which seem to take Akiva as the last word: "the Talmud's discomfort with [Hannah's] strategy is displayed in the comment of R. Akiva…[it is portrayed as] a dangerous ruse."[58] But taking this position requires ignoring the context of the entire *sugya* and the structure of the chapter; it requires the reader to focus exclusively on the *baraita* itself and ignore how the *gemara* engages it. The claim that "Rabbi Akiva's view...is the decisive one" ignores entirely the *gemara*'s dismissal of his view.

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[56] Rosen-Zvi, "'The Standing Woman,'" 689
[57] Grushcow, *Writing the Wayward Wife*, 282-3
[58] Dvora E. Weisberg, "Women and Torah Study in Aggadah," *Women and Judaism: New Insights and Scholarship*, ed. Frederick E. Greenspahn, (New York University: 2009) 53-54

More convincing is Rosen-Zvi's argument that Bavli Berachot's comparison of Hannah with Elijah and Moses, each of whom "directed words [of prayer] subversively (*hiticha d'varim k'lapei ma'alah*)," overrides the particular, gendered nature of her argument in favor of a portrayal of Hannah as a biblical *tzaddik* like the men.[59] Her example, therefore, says nothing about Hannah as a model for rabbinic prayer or even as a woman. "Thus, this midrashic interpretation includes Hannah with Moses and Elijah, and in any case conceals absolutely the gendered connection."[60] Because the fifth chapter of Bavli Berachot begins with a distancing of biblical models from rabbinic prayer, Rosen-Zvi's argument makes a lot of sense. However, he focuses on the end of this *sugya* and dismisses the way Hannah's prayer is framed as a model for rabbinic prayer at its beginning. He does not address Bavli Berachot's explicit claim that "women are subject to the obligation of *tefillah*" despite the possibility that it is "a positive precept for which there is a fixed time,"[61] a category of religious obligations in rabbinic Judaism from which women are generally exempted. With this in mind, it would seem that Hannah's prayer, despite its personal, individual, and particular nature, can indeed be a model for rabbinic prayer— or at the very least, for a rabbinic conception of *women*'s prayer.[62] Moreover, Rosen-Zvi does not explore the relationship of Bavli Berachot's Hannah material to the anxieties raised in Mishnah and Tosefta *Sotah* and Sifre Numbers. Those

[59] Rosen-Zvi, "'The Standing Woman,'" 689-694
[60] Ibid. 694.
[61] B. Berachot 20b
[62] Bronner, "Hannah's Prayer" 46-47. Bronner admits that women are not exempt from *tefillah* but claims that what is meant in B. Berachot 20b is a "personal address to God," rather than the "public, communal liturgy for men." Therefore, she writes, "Hannah's story does not provide biblical precedent for women's participation in communal prayer, and it does not endanger the rabbinic philosophy on religion."

sources are relevant to the question of whether or not rabbinic Judaism is open to women's Torah study, and understanding their relationship to this *aggadah* raises the possibility that Hannah is constructed in Bavli Berachot as a model of rabbinic interpretation, that is, as a Torah scholar. On this reading, the phrase *hiticha d'varim k'lapei ma'alah* can be understood not as a model of prayer in which "biblical man...stands against God as an equal, and has no shame in protesting against" the Divine, [63] but as a model of rabbinic argument, in which the sage who exhibits a brilliant exegesis causes even God to say: "My children have defeated me, My children have defeated Me!"[64]

Conclusions

Although the patriarchal and androcentric nature of both rabbinic cultures cannot be denied, nor their suspicions of and desire to control women, feminist Talmudic scholarship has at times displayed a tendency to assume that these characteristics are monolithically displayed in the respective compilations. Even Daniel Boyarin, whose stated goal is to "recover alternate points of view and so change our understanding of the past"[65] portrays the development of women's exclusion from rabbinic culture as a linear development: the more open culture of the Yerushalmi gave rise to the narrower one of the Bavli which gave us a medieval prohibition on women's participation in Torah study. [66] More recent scholarship claims that perspectives like Boyarin's are nothing but

[63] Rosen-Zvi, "'The Standing Woman'" 691
[64] B. Bava Metzia 59b
[65] Boyarin, *Carnal Israel*, 227
[66] Ibid., 174

"interpretive gymnastics," and that "feminist scholarship will not 'correct' the androcentricity of rabbinic Judaism."[67]

A closer look at all the sources, including Bavli Berachot 31b, makes it clear that the picture painted by this scholarship is too simple. Assumptions of complete and utter androcentricity render texts like Hannah's ultimatum in Bavli Berachot 31b incomprehensible. Either B. Berachot 31b must be taken out of context, as Grushcow and Weisberg do, or its assumptions about gender must be theorized out of existence, as does Rosen-Zvi. Boyarin and Bronner simply ignore this *sugya* as they build their arguments about the role of women in the Talmud.[68] The basic assumption of this scholarship is that women were uniformly excluded from Torah study in rabbinic Judaism. .[69] While it is true that the rabbis had an androcentric outlook, the question remains as to how entirely women were indeed shut out from religious life. The practical result of such assumptions is that inclusive and egalitarian approaches to the rabbinic project are dismissed by both academic scholars and orthodox polemicists as historically or even religiously inauthentic, and that the best we can hope for from the foundational texts of rabbinic Judaism is a portrait of a religious tradition that is "disheartening and/or painful and/or infuriating."[70]

It is in fact possible to expose the patriarchal assumptions in Talmudic texts while maintaining a clear perspective and nuanced understanding of what they reflect about

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[67] Weisberg, "Women and Torah Study," 58-9
[68] Bronner, "Hannah's Prayer" 42. Bronner does bring up Hannah's ultimatum, but only comments: "this is a particularly roundabout way of forcing God to release her from her barrenness."
[69] Ilan, "Daughters of Israel," 28-30
[70] Weisberg, "Women and Torah Study," 59

rabbinic culture. With regard to the legacy of talmudic literature on women's participation in Torah study in the medieval period, Judith Hauptman points out that while some *poskim* (jurists) upheld R. Eliezer's position in Mishnah Sotah, "other rabbis moved in the opposite direction…[and] the question remains...whether rabbinic legislators first decided to oppose the education of women and then wove earlier sources together to support that position or whether the sources themselves stated a clear opposing position, thus leaving the rabbinic interpreters no room to maneuver."[71] Hauptman's larger point is that feminist rabbinics scholarship developed its own set of assumptions, many of which are correct but some of which require refining.[72] A passage like Bavli Berachot 31b can refine our assumptions about gender in rabbinic culture— if we apply ourselves to studying it, with clarity, in the context of its conversation with related texts.

[71] Judith Haputman, "Women and Jewish Law" *Women and Judaism: New Insights and Scholarship*, ed. Frederick E. Greenspahn, New York Univeristy 2009 pg. 73
[72] Ibid, 81