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## THE OBLIGATION OF TALMUD ON WOMEN ACCORDING TO MAIMONIDES

For my five-year-old daughter, Noa Eve.

### I

“A man should never cast his reason behind him,” writes Maimonides in his Letter on Astrology, “for the eyes are set in the front not behind.”<sup>1</sup> Indeed, I think it should strike every student of *The Guide of the Perplexed* that Rabbi Moses ben Maimon was one of those rare heroes of the human mind who are staunchly committed to unprejudiced, forward-looking reason. Moreover, Maimonides’ freedom of prejudice is very much evident in his halakhic writings. Suffice it to mention his ruling on the status of the convert. Despite the explicit statement of the Mishnah (*Bikkurim* 1:4), and despite the testimony of the Babylonian Talmud (*Makkot* 19a), and despite popular prejudices, Maimonides — on the basis of a text in the Jerusalem Talmud (*Bikkurim* 1:4) — ruled unhesitatingly and unequivocally that the convert, like any other Jew, may pray to “our God and the God of *our* fathers.” He explained pointedly that all who unite the Name of the Holy One in accordance with the Torah are children of Abraham, and Abraham is *their* father.<sup>2</sup>

Given Maimonides’ zealous commitment to reason and his admirable capacity to resist prejudice, his rulings with regard to women in *Hilkhot Talmud Torah* have been disheartening to many of those who are concerned about advancing the education of Jewish women, and they have been especially rattling to recent Jewish feminists who have been fighting for access to *talmud torah*, that weighty commandment which, as Maimonides reminds us, is balanced against all the other commandments of the Torah (*Talmud Torah* 3:3; cf. Mishnah, *Pe’ah* 1:1). As if to rub salt into female wounds, Maimonides begins his discussion of the commandment of *talmud torah* with — of

all things! — the blunt observation that women are exempt from it (*Talmud Torah* 1:1; cf. *BT Kiddushin* 29b). He later (1:13) writes:

A woman who has studied Torah has a reward, but it is not like the reward of a man. For she was not commanded, and the reward of anyone who does a thing concerning which he is not commanded is not like the reward of him who is commanded and has done it, but is less than it [cf. *BT Kiddushin* 31a]. Yet even though she has a reward, the Sages commanded [*Mishnah, Sotah* 3:4] that a man not teach his daughter Torah, for the mind of the majority of women is not adapted to be taught, rather they turn the words of the Torah into words of nonsense according to the poorness of their mind. The Sages said: "Anyone who teaches his daughter Torah is as if he taught her lasciviousness!" [*ibid.*]. With reference to what are these words said? With reference to the Oral Torah. But with reference to the Written Torah, he ought not to teach her before the fact, though if he has taught her he is not as if he teaches her lasciviousness.

Maimonides thus rules in accordance with the opinion of Rabbi Eliezer in the tannaitic dispute (*Mishnah, Sotah* 3:4) about whether a man is *obligated* to teach his daughter Torah (Ben Azzai) or whether if he teaches her Torah he has taught her lasciviousness (Rabbi Eliezer). Moreover, whereas in the *Mishnah* Rabbi Eliezer's opinion is cited as his own individual view,<sup>3</sup> Maimonides represents it as the blanket *command* of "the Sages" in general! One may wistfully entertain the thought that the status of women with regard to the study of Torah would be quite different today if Maimonides had ruled in accordance with Ben Azzai instead of ruling with Rabbi Eliezer; that is, had he written decisively: "The Sages commanded that a man is obligated to teach his daughter Torah . . ." For just as Maimonides' ruling on the status of the convert clarified an issue which had been in dispute, and served as precedent for virtually all subsequent halakhic decisions on the issue, so Maimonides' ruling on the status of women with regard to the study of Torah clarified an issue which had been in dispute, and served as precedent for virtually all subsequent halakhic decisions on the issue.<sup>4</sup> Maimonides, it would seem, was more sensitive to the plight of the convert than he was to the plight of women with regard to the study of Torah. Could it be that the Great Eagle, who proved himself capable of soaring above almost every conceivable theological and popular prejudice, was incapable of rising above the prejudice of androcentrism? Could it be, in other words, that Maimonides is but one more corroboration of the rule which according to the midrash was stated by the learned daughters of Zelophehad, that *men have true empathy only for men*? The words of the daughters of Zelophehad are recorded in the *Sifre* on Numbers, 133:

They said: Not like the mercies of flesh and blood [sc., the males] are the mercies of the Omnipresent! The mercies of flesh and blood are *over the males more than over the females*, but He Who spoke and the world came into existence is not thus. Rather, His mercies are over the males *and* over the females. His mercies are over *all*, as it is said . . . "The Lord is good to all, and His mercies are over all His works" [Psalms 145:9].<sup>5</sup>

Apparently Moses our Teacher not only agreed with this rule of the daughters of Zelophehad, he did not exempt himself from it; for he did not presume to decide on their claim to inheritance, but rather he "brought their cause *before the Lord*" (Numbers 27:5). If even Moses our Teacher was not willing to claim for himself immunity to androcentrism, then perhaps we ought not to be surprised if the second Moses was not able to rise above this prejudice.

## II

Whatever impression one may have of the above cited rulings of Maimonides on the status of women with regard to the study of Torah, Rabbi Arthur Silver in his very fine essay "May Women be Taught Bible, Mishnah and Talmud?" has shown that their precise implications are not unambiguous, and that "[i]t may . . . be incumbent upon us, possibly even according to the Rambam, to give a woman a solid background in all the religious studies, including Talmud. . . ."<sup>6</sup> An examination of Maimonides' statements in the *Mishneh Torah* indicates that not only is Rabbi Silver's somewhat surprising conclusion well-founded, but that *it is an understatement*. There is, according to Maimonides, a clear obligation of Talmud upon women, even though this obligation is not within the framework of the commandment of *talmud torah*.

The obligation of "Talmud" or "Gemara" on women, according to Maimonides, appears in connection with the five commandments of the Pardes: viz., to know God, not to entertain thoughts of other gods, to know God's Unity, to love God, and to fear Him (*Yesode ha-Torah* 1-4). These five commandments are defined by Maimonides as part of *gemara* (*Talmud Torah* 1:12), and women are *not* exempt from them (cf. *Sefer ha-Mitsvot*, pos. coms., end). Put simply, the obligation of the five commandments of the Pardes on women constitutes an explicit *obligation* of Talmud or Gemara.

It might be objected that Maimonides' odd use of the term "gemara" to designate the commandments of the Pardes is entirely equivocal, and that what Maimonides means here by the term is not the rabbinic tractates which are known to us as "Talmud" or "Gemara," but rather nothing other than physics (*Ma'aseh Bereshit*)

and metaphysics (*Ma'aseh Merkavah*). It might be objected, in other words, that Maimonides is not in the least obligating women to study the Gemara, but rather he is obligating them solely to study physics and metaphysics, and he just happens to use the term "gemara" to designate these disciplines. However, this objection is not easily maintained. It is true, of course, that for Maimonides the "Pardes" refers to physics and metaphysics, i.e., to the intellectual contemplation of creation and Creator. It would, however, be farfetched to say that Maimonides considered the Six Orders of the Talmud to be wholly irrelevant to this intellectual contemplation. Moreover, Maimonides states explicitly that it is "not proper to walk about in the Pardes" unless one first has "filled his belly with bread and meat," which is to say, with knowledge of "what is forbidden, permitted, and the like, with regard to the other commandments [i.e., the 608 commandments which are not in the Pardes]" (*Yesode ha-Torah* 4:13). Maimonides does not say that it is not proper *for men* to walk about in the Pardes until they know "what is forbidden, permitted, and the like, with regard to the other commandments"; and thus it is clear that, according to Maimonides, *women too* ought to acquire this knowledge before entering the Pardes. Furthermore, Maimonides remarks that the knowledge of "what is forbidden, permitted, and the like, with regard to the other commandments" is readily available to "all," including both "men and women" (*Yesode ha-Torah* 4:13). Evidently, Maimonides wanted women to acquire knowledge not only of physics and metaphysics (i.e., the Pardes), but also of "what is forbidden, permitted, and the like, with regard to the other commandments."

### III

What, then, about Maimonides' rulings (in *Talmud Torah* 1:13), against teaching one's daughter the Written Torah and the Oral Torah? If indeed there is according to Maimonides an obligation of *gemara* on women, how can it be squared with these rulings?

To be sure, if one were to ignore our comments at the end of the preceding section, and to suppose that the Pardes can, according to Maimonides, be entirely isolated from the rest of the Torah, then there would be no difficulty at all in explaining how Maimonides might prohibit the teaching of Written Torah and Oral Torah to women, and at the same time hold that women have an obligation of *gemara*. For as Rabbi Silver has pointed out, Maimonides distinguishes carefully between three branches of *talmud torah*: (1) Written Torah, (2) Oral Torah, (3) Talmud or Gemara (see *Talmud Torah*

1:11; cf. BT *Kiddushin* 30a);<sup>7</sup> and his statements with regard to the prohibition of teaching Torah to women explicitly concern *only* the Written Torah and the Oral Torah, and *not* Talmud or Gemara.<sup>8</sup> Thus, one might be tempted to reason as follows: according to Maimonides, women are to be taught neither Bible nor Mishnah nor the rabbinic tractates called “Gemara” (for these tractates obviously presuppose knowledge of Bible and Mishnah), but nonetheless they do have an obligation to study “gemara” where the term is understood as designating physics and metaphysics, i.e., the Pardes.

Tempting as the above interpretation may be, it does not seem tenable to me for the two reasons mentioned above (in section II): namely, (1) the Six Orders of the Talmud are not wholly irrelevant to the Pardes, and (2) a prerequisite for entrance into the Pardes is knowledge of “what is forbidden, permitted, and the like, with regard to the other commandments”; and this knowledge is clearly knowledge of the Oral Torah.<sup>9</sup>

Our question, therefore, remains unanswered. How can Maimonides’ prohibitive rulings concerning the teaching of Written Torah and Oral Torah to women be squared with his opinion that women are obligated with the *gemara* of the Pardes? What appears to me as the only way to resolve this (apparent) contradiction is to suppose that, according to Maimonides, women are in *one* sense required to study the Written Torah and the Oral Torah, but in *another* sense they are not required to study them. What these two different senses are, I am not certain. In order to determine them, a careful analysis would have to be made of Maimonides’ use of the terms “Written Torah,” “Oral Torah,” and “gemara.” In addition, full and precise definitions would have to be given to the five commandments of the Pardes. These tasks are certainly far beyond the bounds of this essay. However, I do wish to allow myself to speculate on a possible solution to our problem. This possible solution was suggested to me by the beautiful and profound comments of Rabbi Joseph B. Soloveitchik in his “A Tribute to the Rebbetzin of Talne.”<sup>10</sup>

#### IV

According to Rabbi Soloveitchik, there is in Judaism not “one massorah and one massorah community,” but “two massorot, two traditions, two communities, two *shalshelot ha-kabbalah*—the massorah community of the fathers and that of the mothers.” Allusions to these two communities are found by Rabbi Soloveitchik in Exodus 19:13: “Thus shalt thou say to the house of Jacob [the women] and

tell to the children of Israel [the men]”; and in Proverbs 1:8: “Hear my son the instruction of thy father [*mussar avikha*] and forsake not the teaching of thy mother [*torat immekha*].”<sup>11</sup>

The tradition of the fathers is, according to Rabbi Soloveitchik, an “intellectual-moral” tradition of law and discipline (*mussar*): the *intellectual* discipline of how to read a biblical or talmudic text, how to comprehend, analyze, conceptualize, classify, infer, apply, etc., and the *moral* discipline of “what to do and what not to do, what is morally right and what is morally wrong.” As opposed to this tradition of the fathers, Rabbi Soloveitchik explains, the tradition of the mothers is an *experiential* tradition. In describing the *torah* he learned from his mother, as opposed to the *mussar* he learned from his father, Rabbi Soloveitchik writes:

Most of all I learned that Judaism expresses itself not only in formal compliance with the law but also in a living experience. She taught me that there is a flavor, a scent and warmth to *mitsvot*. I learned from her the most important thing in life—to feel the presence of the Almighty . . . Without her teachings . . . I would have grown up a soulless being, dry and insensitive.<sup>12</sup>

It seems almost as if Rabbi Soloveitchik is intimating that the tradition of the fathers is the tradition of the *mitsvot*, while the tradition of the mothers is that of *‘ta’ame ha-mitsvot* (the “flavor,” “scent,” and “warmth” of the *mitsvot*). Most provocatively, it is the tradition of the mothers which, according to Rabbi Soloveitchik, seems to be responsible for a person’s becoming soulful and sensitive, and for his attaining “the most important thing in life—to feel the presence of the Almighty.” Rabbi Soloveitchik continues:

The laws of *Shabbat*, for instance, were passed on to me by my father . . . The *Shabbat* as a living entity, as a queen, was revealed to me by my mother . . . The fathers *knew* much about the *Shabbat*; the mothers *lived* the *Shabbat*, experienced her presence, and perceived her beauty and splendor.

The fathers taught generations how to observe the *Shabbat*; mothers taught generations how to greet the *Shabbat* and how to enjoy her twenty-four hour presence.<sup>13</sup>

The halakhah of the Sabbath, thus, seems to be part of the tradition of the fathers, while the experience of the Sabbath is part of the tradition of the mothers.

Notwithstanding his perception of the tradition of the mothers as an experiential tradition, Rabbi Soloveitchik insists that the woman who properly bears this tradition must be “a wise woman,” an *ishah hakhamah*:

A guardian of *torat immekha* must be *ishah hakhamah*. Regardless of the fact that the maternal massorah is charged with the transmission of living experiences, it cannot succeed in discharging its task if the experiences are not nurtured by wisdom.<sup>14</sup>

Rabbi Soloveitchik defines “wisdom” (*hokhmah*) as connoting (1) innate intelligence, (2) erudition or accumulation of knowledge, (3) intellectual curiosity.<sup>15</sup> In describing the late Rebbetzin of Talne as an example of an *ishah hakhamah*, he refers to her “wonderful mind . . . sensitive to ideas and to abstract problems,” and he states that her “remarks about theoretical matters [the Pardes?] were always weighty and to the point.” He refers also to her expert knowledge of Bible [Written Torah] and of “Jewish customs and observances” [Oral Torah], and to her curiosity “to know about every aspect in Judaism.”<sup>16</sup> At the conclusion of his eulogy, Rabbi Soloveitchik suggests that the requirements for eternal life (*olam haba*) are the same for women as for men: “he [or she] who is meek and humble, enters quietly and leaves quietly, *studies the Torah constantly*, and does not claim credit for himself [or herself]” (BT *Sanhedrin* 88b).<sup>17</sup>

In the light of these insights of Rabbi Soloveitchik, we may try to speculate in what sense Maimonides does not require women to study Written Torah and Oral Torah, and in what sense he does require women to study them. He does *not* require them to study Written Torah and Oral Torah with the purpose of carrying on the *legal* tradition of the halakhah, for that tradition is *mussar avikha*. However, he *does* require them to study Written Torah and Oral Torah (and even perhaps to be “expert” in these disciplines) with the immediate purpose of attaining *hokhmah*, that is with the immediate purpose of entering the Pardes, and with the ultimate purpose of carrying on the *experiential* tradition of *torat immekha*. Accordingly it seems evident why according to Maimonides women would not be obligated with the study of Torah as part of the commandment of *talmud torah* (which presumably refers to the legal tradition of *mussar avikha*), but would be obligated with the study of Torah as part of the commandments of the Pardes (which refer to *hokhmah*). In sum, Maimonides would agree that the woman who would attain eternal life (*bat ha-olam ha-ba*), like the man who would attain eternal life (*ben ha-olam ha-ba*), “studies the Torah constantly.”

V

Needless to say, the point of my remarks in this essay has not been to exonerate Maimonides, or to try to prove that he was—in

contradiction to the insight attributed by the *Sifre* to the daughters of Zelophehad – immune to the prejudice of androcentrism. Rather this essay was written to call attention to a clear fact which is generally overlooked: namely, that Maimonides does obligate women with five commandments requiring that they study Talmud. This fact, it seems to me, should be important for halakhists who must rule concerning questions of education for women.

## NOTES

1. *HUCA*, 3 (1926), p. 356; trans. in R. Lerner and M. Mahdi, eds., *Medieval Political Philosophy* (Glencoe, Ill.: 1963), p. 235; cf. *Tradition*, 13 (Summer 1972), p. 141.
2. *Responsa*, ed. Freiman, no. 42; ed. Blau, no. 293. Cf. *Mishneh Torah*, Bikkurim 4:3; and *Sefer ha-Mitsvot*, pos. com. 207. Cf. the discussion in Tosafot, BT *Bava Batra* 81a, s.v. "lema'ute admat kuti."
3. On Rabbi Eliezer's view of women (which surely was not shared by all the Sages), see JT *Sotah*, loc. cit.; cf. BT *Yoma* 66b.
4. Cf. Saul Berman, "The Status of Women in Halakhic Judaism," *Tradition*, 14 (Fall 1973), p. 14. According to Rabbi Berman's historical summary, there were during the tannaitic period "three distinct positions" on the status of women concerning the commandment of *talmud torah*: (1) Ben Azzai's obligation, (2) Rabbi Eliezer's prohibition, (3) and "an intermediate position in which women are not obligated to study Torah, but would not be prohibited from doing so" (see Tosefta, *Berakhot* 2:12). Whereas the amoraic discussion, according to Rabbi Berman, "reflects only [the] intermediate stance," the *rishonim*, beginning with Maimonides, "gave full effect to the prohibitive statement of Rabbi Eliezer, but limited it to teaching the Oral Law, permitting for women the study of the Written Law, though hesitating to allow men to teach even that to women."  
It perhaps should be mentioned here that the well known historical questions concerning the *original* meaning of the dispute in Mishnah, *Sotah* 3:4, are not relevant to our present discussion. (e.g., What is the precise meaning of *tiflut*? Does "torah" here refer to the Torah of Moses or to *torat ha-kena'ot*?).
5. I have taken the expression "flesh and blood" to refer to "the males." If, however, it is taken to refer to both males and females, then the mildrash would be saying that *even women* tend to be prejudiced in favor of men.
6. Rabbi Arthur Silver, "May Women be Taught Bible, Mishnah and Talmud?" *Tradition*, 17 (Summer 1978), p. 83.
7. According to Maimonides, the "Written Torah" refers to the Bible (cf. *Talmud Torah* 1:12); the "Oral Torah" refers to the normative interpretation (sc., "what is forbidden, permitted, and the like") of the Written Torah, as codified in the Mishnah and, later, in Maimonides' own *Mishneh Torah* (see Isadore Twersky, "Some Non-Halakhic Aspects of the *Mishneh Torah*," in A. Altmann, ed., *Jewish Medieval and Renaissance Studies* [Cambridge, Mass.: 1967], sec. III, pp. 106-111; *idem*, *Introduction to the Code of Maimonides* [New Haven, 1980], pp. 488-493; and see below, n. 9); and *gemara* or *talmud* refers to that discipline in which "one understands and intellectually cognizes conclusion from premise, and infers one thing from another, and compares one thing to another; and one understands the [hermeneutic] rules by which the Torah is interpreted, and how one infers the forbidden, the permitted, and the like, from things he had learned from the mouth of the [rabbinic] tradition" (*Talmud Torah* 1:11). Cf. Maimonides' interpretation of BT *Shabbat* 31a in *Guide of the Perplexed*, III, 54, trans. S. Pines (Chicago, 1963), pp. 633-634.
8. Silver, pp. 74, 77-78. Rabbi Silver deduces that, according to Maimonides' halakhic position, "if a woman was able to teach herself or happened to be taught Bible and Mishnah, she may then also be taught Talmud" (p. 78, cf. p. 82).



9. See above, n. 7. In his Introduction to the *Mishneh Torah*, Maimonides explains that his composition concerns "the forbidden and the permitted, the unclean and the clean, together with the rest of the laws of the Torah," and that from it "one knows the Oral Torah in its entirety."
10. Rabbi Joseph B. Soloveitchik, "A Tribute to the Rebbetzin of Talne," *Tradition*, 17 (Spring 1978), pp. 73-83.
11. Soloveitchik, p. 76.
12. Soloveitchik, p. 77.
13. Soloveitchik, p. 77. Students of Rabbi Soloveitchik's thought will want to compare his distinction between the tradition of the fathers and the tradition of the mothers with his distinction between man's relationship to God as Father and his relationship to God as Mother (see Lawrence Kaplan, "The Religious Philosophy of Rabbi Joseph Soloveitchik," *Tradition*, 14 (Fall 1973), pp. 45, 54).
14. Soloveitchik, p. 79.
15. Soloveitchik, pp. 78-79.
16. Soloveitchik, p. 79.
17. Soloveitchik, p. 83. (The italics are mine.)