Women’s Obligations to Fulfill Biblical Precepts

4.1 Introduction

The issue of women’s obligations to fulfill scriptural precepts has attracted wide scholarly interest within the general frame of gender discrimination in Jewish law, both ancient and contemporary, because it had and still has an impact on women’s status in society.¹ This chapter attempts to clarify the legal aspect of this question as far as can be deduced from scriptural, Qumranic, and rabbinic texts. I do not take a position on the real circumstances in the periods under discussion, which may differ from the intentions of the writings’ authors or redactors.² I begin by scrutinizing the biblical texts and considering what we can deduce from them, insofar as we are able to detach ourselves from ideas about this topic gleaned from other interpretive sources. I then deviate from chronological sequence by discussing the rabbinic viewpoint, since we possess ample material on this topic in their writings, whereas the extant Qumran texts contain few explicit halakhic rules on the subject and, in particular, lack explanations or motivations for their decisions. Insights into the stance of scriptural and Talmudic writings on this topic should facilitate our comprehension of the Qumran authors’ perspectives.

¹ Leonard D. Gordon “Toward a Gender-Inclusive Account of Halakhah,” in Gender and Judaism: The Transformation of Tradition (ed. T.M. Rudavsky; New York: New York University Press, 1995), 3–12 at 3, states “Women have been the objects rather than the subjects of laws, and hence women have been unequal to men under the law.”

² Susan Niditch, “Portrayals of Women in the Hebrew Bible,” in Jewish Women in Historical Perspective (ed. Judith R. Baskin; 2d ed. Detroit: Wayne State University Press, 1998), 25–45 at 41, states that she “faced the challenge that even the so-called historical books of the Bible and the legal texts are not simply reflections of historical fact or verifiable data.” Conversely, Ross Shepard Kraemer, in Her Share of the Blessings: Women’s Religions among Pagans, Jews, and Christians in the Greco-Roman World (New York: Oxford University Press, 1992), 93, specifies that the study “explores the portrait of Jewish women’s religious lives that emerges from these sources.”
4.2 Scriptural Attitudes towards Women’s Obligations

4.2.1 Scriptural Commands That Lack Precision about Gender

Scripture leaves open the issue of which precepts women are obligated to fulfill and from which precepts they are exempted. Most scriptural commands are androcentric—that is, directed to men, in singular and sometimes plural masculine mode. This grammatical feature, however, does not in itself exclude women, as some scholars have argued, since in Hebrew, the masculine mode can also include women.3 On the other hand, Scripture has implicitly taught us that there are differences between the sexes with respect to the fulfillment of its precepts. The equalizing phrase ליגר חנה לברך “to you and your sons and daughters,” permitting the daughters of a priest to eat the priestly allotment of the fellowship offering (Lev 10:14 and Num 18:19) and the priestly vegetal tithes Terumah (Num 18:31, in which the term ביתכם appears), does not habitually appear in commandments; it appears in other grammatical forms in Exod 20:10 and Deut 5:13 regarding their common obligation to keep the Sabbath rest and in Deut 16:14 regarding the holiday rest and enjoyment. With respect to women’s permission to eat sacrificial food, the difference between sons and daughters is striking; the priestly allotment of the lower type of sacrifices (fellowship offering) is granted by God exclusively to the males (Lev 7:34 and 10:15), but the unwed daughters may profit from their father’s genealogical rank and eat them, as displayed above.4 On the other hand, they are not permitted to eat the קדשים קדש “most holy” sacrifices; Scripture decrees כל זכר יאכל אתו “every male shall eat it” (Num 18:10). A woman may not enter the Temple precinct, where these most holy foods may be eaten; only male priests are permitted to enter: הוא אשתו והך יאכלו בקabilidade “because it is your share and your sons’ share” (Lev 10:14; 13 in NIV. See also Exod 28:43 and 29:44, Num 3:10). General commands, such as teaching the Torah, are directed to sons only (Deut 6:7); admonitions to fulfill these commandments are also explicitly directed to men (Deut 4:9), as is the promise to reward them with a long and good life (Deut 4:40). Yet women, who do not seem to be included in the commandments or in the promise of a good and long life, are punished for the transgressions of men.

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4 Wives, unquestionably, may eat them, like their obligation to rest on Sabbath, although they are not explicitly mentioned. See deliberation about this topic in Chapter 5 pp. 182–184.