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Michael L. Satlow: Jewish Marriage in Antiquity

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Chapter One

WHY MARRY?

"THERE ARE TWELVE good measures in the world, and any man who does not have a wife in his house who is good in [her] deeds is prevented from [enjoying] all of them. He dwells without good, without happiness, without blessing, without peace, without a help, without atonement, without a wall, without Torah, without life, without satisfaction, without wealth, [and] without a crown."[1] So begins a beautifully calligraphied page found in the Cairo Geniza, which then continues with proof texts for each of these twelve assertions. The nucleus of this "sermon in praise of a wife," as S. D. Goitein calls it, is found in a single talmudic *sugya*.[2] For the *darshan*, marriage to a good wife is an unqualified good; he goes as far as to embellish the core of his sermon with laudatory aspects of marriage found outside of his base *sugya* and even of classical rabbinic literature as it has reached us.[3] This obscure, nameless *darshan*'s interpretation of B. Yevamot 62b has been particularly enduring. Yet while such an interpretation of this *sugya* makes a good sermon, it makes poor history. The *sugya* as a whole is in fact an attempt to answer the question, Why should a man marry?, and the answer that it gives is far more complex than recognized by our *darshan*.

For any society that supports marriage as a social institution—which is to say virtually every society—the question, Why marry?, and the answers to it, are crucial. On the one hand, they serve the concrete function of convincing people to marry, thus physically reproducing the institution. Thus societies, like those of Jews and non-Jews in antiquity, that offer quite distinct social roles to men and women frequently deploy different persuasive means to convince men and women to marry. On the other hand, within a given society's justification of marriage can also be found an articulation of how that society understands marriage, which in turn is a key to understanding more complex issues of group values and identity. When, for example, modern Americans say that one should marry for love, they are also reflecting the value placed on the individual and his/her "happiness," and are thus also reinforcing other social institutions (e.g., democracy) that depend on this same value.

Our *darshan* states clearly that a man should marry because it brings him twelve "goods," some abstract and some quite concrete. The full *sugya* upon which he bases himself, B. Yevamot 61b–64a, does not provide nearly as clear, nor as positive, an answer. But what this *sugya*, like the many classical works upon which it appears to have been modeled, does reveal are the tensions of the culture that created it. Hence, this chapter has two primary goals.

First, by closely reading and placing this *sugya* within two larger contexts, that of contemporary non-Jewish views of marriage and that of themes found elsewhere in the Babylonian Talmud, I will try to recover the function of this *sugya*, that is, how it might have been read and used as an argument for marriage. Second, beginning from the justifications for marriage given by the traditions that comprise this *sugya*, I will thematically survey how, and why, the varied Jewish communities in antiquity answered the question, Why marry?

Babylonian Talmud: Yevamot 61b–64a

According to the Mishnah, "A man should not cease from [attempting to fulfill the commandment] of procreation unless he has children. The School of Shammai says, '[In order to fulfill the commandment to procreate he must have] two boys.' The School of Hillel says, 'A boy and a girl, as it is written, "Male and female he created them" [Gen. 5:2].' "[4] The Babylonian Talmud's discussion of this mishnah is composed primarily of two intertwined, but independent, commentaries. One of these commentaries is on the mishnah proper (i.e., the obligation to procreate), the other is on marriage. Because, as we shall see, there are fundamental differences between the ways that Palestinians and Babylonians discussed marriage, I have italicized dicta attributed to Palestinians.

The Talmud begins its commentary thus:

> (I) But if he has children, he may abstain from procreation, but he may not abstain from having a wife.
> This is a help to Rav Naḥman who said in the name of Shmuel,[5] "Even if a man has several children, he is forbidden to live without a wife, as it is said, 'it is not good for man to be alone' [Gen. 2:18]."[6]
> But some say that if he has children, he may abstain both from procreation and from having a wife.
> You could say that this is an objection to the saying of Rav Naḥman in the name of Shmuel!
> No. If he has no children he marries a woman capable of bearing children.[7] But if he has children, he [can] marry a woman not capable of bearing children.
> What is the practical difference? That he may sell a Torah scroll [in order to contract a marriage only] in order [to marry a woman capable of bearing] children.

If the reason that a man marries is to bear "legitimate" children, then once he has borne the number of children legally required of him, he no longer has any reason, or at least obligation, to marry. Not so, the redactor argues, following the opinion of the single amoraic authority (Shmuel) that he cites. Marriage is in itself an obligation. Because, though, marriage to a woman incapable of procreation is of a lesser "level" than marriage to a fertile woman, a man is not permitted to sell a holy object (Torah scroll) in order to raise the money needed

to contract such a marriage. The redactor cites this originally Palestinian *halaka* as part of his attempt to reconcile two seemingly conflicting statements.[8]

After a long discussion (omitted here) of the scriptural foundations of the views of the Schools of Hillel and Shammai, the *sugya* returns to the topic of marriage, enumerating the benefits of a wife:

> (II) Rabbi Tanḥum ben R. Ḥanilai said,[9] *"Any man who lives without a wife lives without happiness, without blessing, and without good.*[10] *'Without happiness,' as it is written, 'And you shall . . . rejoice with your household' [Deut. 14:26]. 'Without blessing,' as it is written, 'that a blessing may rest upon your home' [Ezek. 44:30]. 'Without good,' as it is written, 'It is not good for man to be alone' [Gen. 2:18]."*
>
> In the West [i.e., Palestine] they say,[11] *"Without a help, without wisdom, without Torah, without a wall, without a dwelling. 'Without a help,' as it is written, 'I will make a fitting helper for him' [Gen. 2:18]. 'Without wisdom,' as it is written, 'Truly I cannot help myself; I have been deprived of resourcefulness' [Job 6:13].*[12] *'Without a wall,' as it is written, '. . . a woman encircles a man' [Jer. 31:21]. 'Without a dwelling,' as it is written, 'You will know that all is well in your tent; when you visit your home you will never fail' [Job 5:24].*"

This is the basis for the "sermon in praise of a wife" cited above. Eight laudatory aspects of marriage, all somewhat abstract, are ascribed to Palestinians, and nearly each one is given a proof text.[13] The choice of proof texts is not arbitrary. Almost every proof text is based on the appearance of some word for "house," thus tacitly identifying a man's "house" with his "wife." That is, the assumption underlying the use of these proof texts is that marriage is not only about procreation, but also is about the creation of a household.

The introduction of Job 5:24 serves as a pivot that allows the redactor to insert the following brief exchange:

> (III) Rabbi Yehoshua ben Levi said, *"Any man who knows that his wife is a 'fearer of heaven' and does not visit her is called a sinner, as it is written, 'You will know that all is well in your tent. . . .' "*
>
> Rabbi Yehoshua ben Levi said, *"A man is required to visit his wife before he goes on a trip, as it is written, 'You will know that all is well in your tent. . . .' "*
>
> But is it from here [Job 5:24] that we learn [that a man should have sex with his wife before going on a trip]? Rather, it is from the verse "your urge shall be for your husband . . . " [Gen. 3:16], which teaches that a woman desires her husband when he sets off on a journey.[14]
>
> R. Yosef said, "This [i.e., visiting] is only necessary near her period."[15]
>
> How near?
>
> Rabbah[16] [said,] "A phase."
>
> These words apply only to a voluntary journey, but for a journey done for the sake of a *miṣvah*, [the obligation to visit one's wife does not apply because] he is preoccupied.

Read as a whole, this section reduces a husband's sexual obligation to his wife. According to a *baraita* attributed to Rabbi Yehoshua ben Levi, a man should have sex with his wife whenever he sets out on a journey.[17] The *sugya* then twice limits the obligation. First, the husband's obligation to have sex with his wife before beginning a journey is limited to the time when her "desire" is strong, which was thought by the rabbis to be near to her period. Now an additional limitation is imposed: not only is a man no longer obligated to have sex with his wife *whenever* he begins a journey, but he is not even obligated when his wife actually experiences sexual desire if this desire does not occur at the time thought by the rabbis to be most appropriate for female sexual desire.[18] According to Rashi's interpretation of Rabbah (which is based on a discussion in B. Nid. 63b), this sexual obligation is limited to the twelve-hour period before her period is expected, yet is forbidden if her period usually begins during that "phase," i.e., day or night.

At the end of the section this redactor further limits a man's sexual obligation. The obligation applies only when a man is going on a "voluntary" journey, one made not for the sake of a commandment. Overall, then, the redactor limits a husband's obligation to have sex with his wife before departing on a journey to the cases when he is leaving for a "voluntary" journey twelve hours before his wife expects her period. This is not the only place where the redactor of the Babylonian Talmud attempts to limit a man's sexual obligations to his wife.[19]

The *sugya* continues with a *baraita* also based on Job 5:24:

> (IV) Our Rabbis taught: *One who loves his wife like himself, and honors her more than himself, and raises his sons and daughters along the straight path, and marries them close to their reaching puberty, about him Scripture says, "and you will know that your tent is in peace."*
> *One who loves his neighbors, and draws his relatives close, and marries the daughter of his sister, and loans a selaʿ to a poor person in need, about him Scripture says, "Then when you will call, the Lord will answer; When you will cry He will say, 'Here I am'" [Isa. 58:9].*

This *baraita* is unattested in any Palestinian document.[20] In chapter 10 I discuss the marital ideals expressed in the first part of the *baraita*. In this *sugya*, at least the first part of the *baraita* appears to have been included for its germane exposition of Job 5:24. In any case, it is a fitting conclusion to the first discussion of the merits of marriage.

The second discussion of the merits of marriage opens with a mnemonic and then continues:[21]

> (V) R. Eleazar said, *"Every man (ʾadam) without a wife is not a man, as it is said, 'When God created man, He made him in the likeness of God; male and female He created them. [And when they were created, He blessed them] and called them Man' [Gen. 5:1–2]."*

> And R. Eleazar said, *"Every man who does not have land is not a man, as it is said, 'The heavens belong to the Lord, but the earth He gave over to man' [Ps. 115:16]."*[22] And R. Eleazar said, *"Why is it written, '. . . I will make a fitting helper for him' [Gen. 2:18]? If he merits, she will help him, but if he does not merit, [she will be] against him."*
>
> And some say: R. Eleazar objected, *"It is written 'against him' but we read 'for him'—if he merits, [she is] for him, but if he does not merit, she opposes him."*
>
> *Rabbi Yosi found Elijah and said to him, "It is written, 'I will make for him a helper'—how does a wife help a man?" He said to him, "A man brings wheat—is the wheat ground? [A man brings] flax—can he wear flax?*[23] *When she is present, she causes his eyes to shine, and causes him to stand on his feet."*
>
> *And R. Eleazar said, "Why is it written, 'This one at last is bone of my bones and flesh of my flesh' [Gen. 2:23]? This teaches that Adam had intercourse with every beast and living creature and his mind was not cooled until he had intercourse with Eve."*

With the exception of a single interpolation ("and some say"), this is a collection of four dicta attributed to R. Eleazar, a third-generation Palestinian amora. In the first, he seems to advance a kind of argument from nature for marriage: the first human (Adam) was created both male and female; hence a man's attainment of complete being as a "man" (*adam*) depends on recreating this unity, through the social institution of marriage. R. Eleazar appears to be expressing a similar idea in his last dictum, which implies that Adam and Eve were "naturally" made for each other.[24]

R. Eleazar's other two dicta, and the story about R. Yosi attached to the second one, connect marriage and household more explicitly than the cited verses. R. Eleazar's stress on owning land at first glance appears out of place, for it is the only one here that neither mentions marriage explicitly nor cites a verse from Genesis. The continuation of this section, though, clarifies the logic of its inclusion: together, a wife and land create a household, and only through the household does a man attain "manhood."

The first hint of discord in the *sugya* is found in the next dictum (which is reported in two different versions). The midrash plays on the Hebrew word (*kngdo*) in Gen. 2:18, which, depending on vocalization, can mean either "for him" or "against him."[25] This same midrash is found elsewhere, and taken alone is an ambivalent endorsement of marriage.[26] The succeeding story about R. Yosi smooths over this ambivalence and brings us back again to the theme of the importance of a wife for establishing a household. Because the *sugya* continues with a number of other statements attributed to R. Eleazar, it is likely that these dicta, probably in this order, "traveled" together. That is, the Palestinian who composed the collection of sayings of R. Eleazar understood the topics "wife" and "land" to go together, and the redactor of the Babylonian Talmud then included it in the *sugya*. It is unclear who spliced in the story about R. Yosi (although I believe it is Palestinian), or the origin of

this story (it is otherwise unattributed), but whoever did so also linked a wife to a household.

Most of the statements attributed to R. Eleazar that follow emphasize either that other nations are blessed through Israel, or that agriculture is difficult and unprofitable work. After this brief digression the *sugya* returns to marriage. Perhaps the discordant dictum of R. Eleazar was meant to prepare us for the dropping of the other shoe:

> (VI) R. Pappa said: ". . . Be quick to sell land, but wait to marry a wife. One should marry a wife one degree lower, but should choose a groomsman one step up."[27] R. Eleazar bar Abina[28] said, "Punishments come into the world only on account of Israel, as it is said, 'I wiped out nations: Their corner towers are desolate; I have turned their thoroughfares into ruins . . . ' [Zeph 3:6], and it is written, 'And I thought that she would fear Me, would learn a lesson . . . ' [Zeph. 3:7]."
>
> Rav left from before Rabbi Ḥiyya. He said to him, "May God save you from something harsher than death." Is there anything harsher than death?[29] He went out, examined and found "Now I find woman more bitter than death . . . " [Eccl. 7:26].
>
> Rav was troubled by his wife. When he said to her, "Make me lentils," she made him peas, [if he said, "Make me] peas," she would make him lentils. When his son Ḥiyya grew, [the son] would [tell] to [his mother] the reverse [of what his father really wanted]. He said to him, "Your mother has improved." He said to him, "I am the one who [tells] to her the reverse." He said to him, "That is like the proverb that 'Reason will come out of your offspring.' But do not do this, as it is said, '. . . they have trained their tongues to speak falsely' [Jer. 9:4]."
>
> [Although] Rabbi Ḥiyya was upset with his wife, when he would find something he would wrap it up in his turban and bring it to her. Rav said to him, "But does she [not] trouble the master?" He said to him, "It is enough that they [f. pl.] raise our children and save us from sin."

The end of R. Pappa's statement returns the topic of the *sugya* to marriage. R. Eleazar bar Abina's statement, I think, serves as the crucial segue from one half of the *sugya* to the next. Through its attribution (almost certainly understood by the redactor as simply R. Eleazar) and its symmetry to R. Eleazar's statement that blessings come into the world only on account of Israel, it links to the previous part of the *sugya*. But its intimations of "punishments" clearly points to this second half of the *sugya*, in which the evil wife is discussed.

These stories about Rav, his son Ḥiyya, and Rabbi Ḥiyya (no relation to Rav's son) introduce the "evil wife." Although out of spite she does exactly the reverse of what her husband wants, Rabbi Ḥiyya suggests that one should not divorce such a woman because (1) she raises the children, and (2) she serves as a licit sexual outlet for her husband. This is not, as we shall see, the dominant attitude of the *sugya*:

(VII) Rav Yehudah recited to Rav Yitzḥak his son, "Now I find woman more bitter than death. . . ." He said to him, "Like who?" He said to him, "Like your mother." But Rav Yehudah taught to Rav Yitzḥak his son,[30] "A man finds tranquility only with his first wife, as it is said, 'Let your fountain be blessed; find joy in the wife of your youth' [Prov. 5:18]." And he said to him, "Like who?" And he said to him, "Like your mother."

She is irascible, but easily appeased with a word.

Who is an "evil woman"?

Abayye said, "She prepares a tray [of food] for him, and then directs her mouth to him." Rabba said, "She prepares a tray [of food] for him, and then turns her back to him." Rabbi Ḥama bar Ḥanina said, *"When a man marries a woman his sins are stopped off, as it is said, 'He who finds a wife has found happiness and has won the favor of the Lord' [Prov. 18:22]."*

In the West when a man marries a wife they say to him, does "find" or "finds" apply? "Finds"—as it is written, "He who finds a wife has found happiness and has won the favor of the Lord" [Prov. 18:22]. "Find"—as it is written, "Now I find woman more bitter than death . . . " [Eccl. 7:26].[31]

This, in my opinion, is the heart of the *sugya*. The wives of rabbis such as Rav and Rabbi Ḥiyya are not unique, or even rare: *All wives, to some extent, are evil*. In Palestine, according to the tradition at the end, a wife is *either* "find" (bad) *or* "finds" (good), and the one Palestinian amora cited here gives a favorable opinion of marriage.[32] But for Rav Yehudah and the redactor (who tries to reconcile Rav Yehudah's statements with the answer "she is irascible, but easily appeased with a word"), a wife can be *both* good and evil. Marriage in the abstract might be a God-given good, but in reality it involves actual people (wives) who frequently seem to do the wrong thing. For Abayye and Rabba, bad table manners can define a wife as "evil."[33] Now a series of statements attributed to Rabba illustrate the evil wife:

(VIII) Rabba said,[34] "It is a *miṣvah*[35] to divorce an evil wife, as it is written, 'Expel the scoffer and contention departs, quarrel and contumely cease' [Prov. 22:10]."

Rabba said, "In the case of an evil wife who has a large *ketubba* [i.e., marriage settlement] he should marry another [in addition], as they say, 'With a rival and not with thorns [should one deal with his wife].' "

Rabba said, "A bad wife is as difficult as a stormy day, as it is said, 'An endless dripping on a rainy day and a contentious wife are alike' [Prov. 27:15]."

Rabba said, "Come and see how good is a good wife and how bad is a bad wife. How good is a good wife? As it is written, 'He who finds a wife has found happiness. . . .' If Scripture is referring to the woman, how good is a good woman that Scripture praises her! If Scripture is referring the Torah, how good is a good woman that Torah is compared to her! How evil is an evil wife? As it is written, 'Now I find woman more bitter than death. . . .' If Scripture[36] is referring to the

woman, how evil is a evil woman that Scripture derides her! If Scripture is referring to Gehenna [i.e., Hell], how evil is an evil woman that Gehenna is compared to her!"

Unlike Rabbi Ḥiyya, Rabba advises divorce of an evil wife. But what if a man cannot afford to divorce his wife? Then he should marry another, Rabba says, apparently in order to scare her into proper behavior.

Rabba's mention of the possibility of having an evil wife whom one cannot afford to divorce raises the following discussion:

(IX) "[Assuredly, thus said the Lord:] I am going to bring upon them disaster from which they will not be able to escape [lit.: they will not be able to escape from it/her]" [Jer. 11:11]. Rav Naḥman said in the name of Rabbah bar Abuha,[37] "This is an evil wife with a large *ketubba*."
". . . The Lord has delivered me into the hands of those I cannot withstand" [Lam. 1:14]. Rav Ḥisda said in the name of Mar Ukba bar Ḥiyya, "This is an evil wife with a large *ketubba*."

In the West they say that this is one whose food depends on his hand.[38]

"Your sons and daughters shall be delivered to another people . . . ," [Deut. 24:32]. Rav anan bar Rabba said in the name of Rav, "This is the wife of one's father."[39] "[I'll incense them with a no-folk,] vex them with a nation of fools," [Deut. 32:21]. Rav Ḥanan bar Rabba said in the name of Rav, "This is an evil wife with a large *ketubba*."

Rabbi Eleazar says, *"These are the Sadducees . . . "*

The *sugya* cites a number of biblical verses that are, by and large, interpreted by Babylonian amoraim as referring to evil women (including one's stepmother) whom one cannot escape. Although this interpretive line is not absolutely consistent (the dicta from "the West," i.e., Palestine, and the short discussion that follows Rabbi Eleazar's statement have nothing to do with evil wives), its hyperbolic thrust is clear. An "evil" wife whom a husband cannot escape is as bad as any destruction that has befallen the people Israel.

After some discussion of the correct interpretation of Deut. 32:21, this part of the *sugya* concludes with some quotations from Ben Sira:

(X) It is written in the Book of Ben Sira, "A good wife is a gift to her husband," [Ben Sira 26:3] and it is written, "a good wife will be given to the bosom of God-fearing man. An evil wife is a scab to her husband" [cf. Ben Sira 26:3, 7].

How is this fixed? He should divorce her and be healed from his grief.

"A pretty wife, happy is her husband! His days will be double" [Ben Sira 26:1].

"Avoid looking at a beautiful woman, lest you become trapped in her snares" [Ben Sira 9:8].

"Do not turn to her husband to mix wine and drink, because through a pretty woman many have been ruined and many mighty [have been] her slain" [cf. Ben Sira 9:8, 9].

> "Many are the wounds of the perfume salesman for sex, like a spark that lights the coals" [Ben Sira 11:29].

These verses, a selective anthology of Ben Sira's view of women, express a clear ambivalence about marriage.[40] Sex and marriage are potential traps, although they also contain the possibility of happiness. After this long discussion of marriage, the *sugya* returns to the topic of the mishnah, and concludes with several exhortations on the importance of procreation.

The Tensions of Marriage

Our *sugya* is a well-edited and coherent composition. Only a relatively small part of the *sugya* comments on the mishnah proper. Two passages, neither cited above, directly engage the mishnah. The first, after unit (I), discusses the positions of the Schools of Hillel and Shammai articulated in the mishnah. In the Palestinian Talmud, this topic accounts for nearly the entire discussion of this mishnah.[41] The second passage, at the very end, again returns to the issue of procreation. Most of the *sugya* is, instead, about marriage.

Nowhere in the Mishnah (not to mention the Bible) is the commandment for a man to have a wife articulated. The redactor has taken advantage of the similarity of our mishnah's topic to that of marriage to insert a composition on the pros and cons of marriage. The redactor does not attempt to trick us: the very beginning alerts us that marriage, not procreation, is going to be the topic for discussion. Nor is the redactor unclear about his final, or normative, position, that a man should marry. Again, this is stated clearly at the beginning of the *sugya*, and strongly suggested toward the end, in the discussion on procreation.

The first half of the *sugya* (I–V) articulates the reasons why a man should marry. Unit (II), composed entirely of dicta attributed as Palestinian, lists with scriptural proof texts the abstract goods that come upon a man who marries. The Palestinian dicta in (III) and (IV) advise men to treat their wives properly. It is also a Palestinian amora in unit (V) who provides two more arguments for marriage: it "naturally" completes a man and it is socially necessary in order to establish a household.

The second half of the *sugya* stands in contrast to the first half. The discussion moves from the abstract good of marriage to both the abstract and all-too-real potential of its deficiencies. Evil wives are not abstract; we are provided with several examples of actual bad wives (VI, VII). It is also in (VII) that we are clearly presented with the dilemma of marriage, that at least from a male perspective has both a good and a bad side. Not only the stories, but also Rabba's four dire statements in (VIII), demonstrate that the bad side of marriage is indeed quite bad. To make matters potentially worse, a man might not only find himself in a bad marriage, but he might also, for financial reasons (IX), be unable to escape it! This is the "nightmare scenario" presented by the

sugya. Then, to conclude and recap the argument, the *sugya* cites relevant (and not so relevant) verses from Ben Sira (X). Nearly all of this "negative" material in the second half of the *sugya* is attributed to Babylonian amoraim.

Hence, as a united composition our *sugya* clearly articulates two tensions. First, for a man marriage is a risk. A man is never quite sure whether the woman he is bringing into his home will be a blessing or a curse. Second, at its best, marriage is a mixed bag. Even a fantastic wife will have her faults, thus ruining the peace of her husband. Finally, as I argue below, there is a third tension lurking behind these two: How can one balance marriage, and especially the domestic and social obligations that attend it, and Torah study?

What is the *sugya* doing? When the normative stance is stated so definitively (i.e., men should marry), why does the rest of the *sugya* seem so ambivalent? And why are nearly all of the "pro-marriage" dicta attributed to Palestinians and the "anti-marriage" dicta to Babylonians? The answers to these questions lie in the wider contexts in which this *sugya* functioned. The most important of these contexts are the Greek ideology of marriage and the cultural concerns of the Babylonian Talmud's redactor. Only when interpreted within these contexts will the full force of our *sugya* emerge.

THE JEWISH *OIKOS*

The Palestinian dicta within our *sugya* come into sharper focus when seen within their Greek and Roman background. Greeks, from their earliest writings, had seen the fundamental purpose of marriage as the creation of an *oikos*, which might loosely be translated as "household." This ideology not only survived into late antiquity, but even flourished precisely at a time when the power and significance of the real *oikos* had weakened.[42] The classical notion that the primary purpose of marriage for a man was to form an *oikos*, within which he could gain respectability and a place in the wider society, provides a compelling context for the Palestinian statements on marriage in our *sugya*.

Hesiod, writing around 700 BCE, succinctly articulated the importance of the *oikos*: "First a house, a wife, and an ox for ploughing."[43] A man must establish himself physically, marry, and acquire the means for cultivation and production. Later Greek writers approvingly echo this line and further develop the idea of the *oikos*.[44] The *oikos* was seen as the basic institution for reproduction, production, and consumption. As a unit of reproduction, the *oikos* was seen as the ideal institution for creating and forming new citizens and soldiers.[45] As a unit of production, the *oikos* was seen as a small business, typically based in agriculture.[46] The *oikos* itself was typically seen as consuming most of what it produced, and Greek writers developed an elaborate "science" of household management.[47] According to the "Athenian Stranger" in Plato's *Laws*, who here was undoubtedly expressing a common assumption, the *oikos* was the

fundamental unit of a society, the collection of which forms larger and more complex political institutions (e.g., cities). "Does not the starting-point of generation in all cities lie in the union and partnership of marriage?" he rhetorically asks.[48] For a man or woman to be located within the society, he or she must be attached to an *oikos*. An *oikos* conferred both identity and respectability to its members. For both the Greeks and the Romans, marriage involved much more than emotions and personal relationships; for a man it was the initiation into full membership to the social body.[49]

The heavy responsibilities that attended to marriage of upper-class men, and the relatively carefree life that these same men could afford to live as bachelors, naturally created a tension. This tension was expressed in the voluminous production in antiquity of books that addressed themselves precisely to the question, Why (should a man) marry? Seeds of this literature can be found in the discussions on the nature of love in Plato's *Symposium*, and in the "handbooks" on household management by Aristotle and Xenophon.[50] By the Hellenistic period, though, "marriage" had become a topos. Fragments of several ancient, mainly philosophical, tracts titled "about marriage" survive, and these probably represent only a fraction of what must have existed.[51] In his tract *On Love* (*Erotikōs*), for example, Plutarch strongly affirms the value of marriage.[52] Musonius Rufus, a first-century Roman aristocrat, answers the central question of his composition "Is Marriage a Handicap for the Pursuit of Philosophy?" with a resounding no.[53] Marriage was not only a topic for philosophers and moralists, but also for rhetors. The first-century CE Quintilian uses the following topos of marriage to illustrate the difference between "indefinite" (general scope) and "definite" (specific scope) questions for debate: "The question 'Should a man marry?' is indefinite; the question 'Should Cato marry?' is definite."[54] At the turn of the era marriage was a hot topic.[55] As marriage became increasingly contested and defended within the early Church, patristic writers too began composing works "on marriage."[56] This topos was so popular and persistent that it appears as late as the eleventh century in the writings of al-Ghazali, who mounts a meticulous defense of the institution.[57]

The substance of this topos, as it crystallized in the late Hellenistic period, alternated between two poles that would become identified, very roughly, with "Stoics" and "Cynics." These writings are somewhat monotonous, and a passage by Antipater of Tarsus, writing in the second century BCE, nicely captures the flavor of the "Stoic" position:

> The well-born and high-minded youth, being, moreover, a product of civilization and a political being, perceiving that one's home or life cannot otherwise be complete except with a wife and children (for like a city-state it is incomplete, not only one composed [just] of women, but also one composed of single men: just as a flock is not good when it has no increase, nor a herd when it does not thrive, even more so neither a city nor a household)—having observed these things, and, being

> by nature political, that he must increase the fatherland, the well-born youth ‹will marry and have children›. For the city-states could not otherwise survive if the children best in nature, being of noble citizens, their predecessors withering and falling off, as it were, just as leaves of a good tree—if these children would not marry in due season, leaving behind, as it were, some noble shoots. . . .‹Thus› endeavoring both while alive and after having passed away to protect the fatherland and aid it, they consider joining with a woman in marriage to be among the primary and most necessary of those things which are fitting, being eager to complete every task laid upon them by nature, most especially the duty that concerns the safekeeping and growth of the fatherland, and even more so, the honor of the gods—for if the race dies out, who will sacrifice to the gods? . . . Further, it so happens that he who has not experienced a wedded wife and children has not known the truest and genuine goodwill. For the other friendships and affections of life resemble juxtaposed mixings of beans or other similar things; but those of a husband and wife resemble complete fusions, as wine with water—indeed, this is mixed completely.[58]

According to Antipater of Tarsus, the purpose of marriage was to establish an *oikos* that would produce and raise children. This, Antipater argues, is good for two reasons. First, it is part of a man's responsibility to his community (*polis*) and to the gods: it is a duty. Second, it is in accordance with "nature." A man can only realize his true nature and potential in legitimate marriage to a woman.[59] These themes reappear in a number of Stoic writings on marriage from this time through the second century CE.[60] For the Stoics, marriage was not "an entity in itself, but . . . an important component in a larger system of morality. The act of marrying was a sign of allegiance to a higher metaphysical order; it was the equivalent of acquiescing to the divine will."[61] Roman law itself actually contains a social hierarchy that descends from married men with children, to those without children, to men who are not married.[62]

The striking parallels of this material to the Palestinian dicta in our *sugya*, in both form and content, should by now be clear. The Palestinian presentation of marriage as an unqualified good mirrors in many respects the classical defenses of marriage. These Palestinian rabbinic statements, like near-contemporaneous (and more ancient) Greek and Latin writings, sought to encourage men to marry. The consistency of this Palestinian tone emerges clearly in our *sugya* when it is seen against that of the Babylonian amoraim. More significantly, the *content* of the Palestinian dicta in our *sugya* and the Stoic defenses of marriage are virtually identical. Palestinian rabbis emphasize the larger social aspects of marriage; the formation of a household as a unit of reproduction and production; and marriage as a divine and natural institution, through which a man completes himself.

The rationale that a man should marry in order to create a household is also pervasive in other Jewish Palestinian sources. Nearly all Jewish writings from

the Second Temple period share this view. Ben Sira, for example, writes that "as beautiful as the sunrise in the Lord's heaven is a good wife in a well-ordered home" (26:16).[63] One of the problems of the adulterous wife is that she bears "bastard children" (23:38), thus corrupting the lines of estate inheritance.[64] Pseudo-Phocylides, probably an Alexandrian Jew who wrote in the first half of the first century CE, presupposes that marriage was strongly linked to the establishment of a household when he concerns himself sequentially with the topics of labor, marriage, the education of children, and the treatment of slaves.[65] For his contemporary Philo, the purpose of marriage is to establish a household: "Why," Philo rhetorically asks, "does Scripture call the likeness of the woman 'a building'?" (Gen. 2:22):

> The harmonious coming together of man and woman and their consummation is figuratively a house. And everything which is without a woman is imperfect and homeless. For to man are entrusted the public affairs of state; while to a woman the affairs of the home are proper.[66]

Philo also emphasizes the connectedness of the home to the *polis*, stating that "a house is a city compressed into small dimensions, and household management may be called a kind of state management."[67] Elsewhere he states that "Parents pray that they may leave behind them alive the children that they have begotten to succeed to their name, race and property."[68] Because marriage necessarily entails the domestic concerns of running a household, it hinders the pursuit of wisdom, he states, echoing contemporary Cynic arguments.[69] For Philo, one should have sex according to the law of nature, that is, only for the purpose of procreation.[70] At least one strain of Philo's thought, then, can be seen as (1) linking marriage to a much wider set of social relationships that (2) function according to some law of nature. A man must marry in order to set up a household and to do his duty to the state and to God.[71]

For Josephus as well, the point of marriage was to produce legitimate children for the good of "the state and the household."[72] Retelling the story of the marriage of Isaac and Rebekkah (Gen. 24), Josephus has Abraham's slave say to Rebekkah, "May [your parents] marry you to their hearts' content into the house of a good man to bear him children in wedlock," and concludes this story with the line, "And Isaac married her, being now master of his father's estate."[73] Respectable marriage is very much linked to estates and children. In his apologetic tract *Against Apion*, he explains the Jewish "laws concerning marriage" as geared toward procreation and education of children and the establishment of the proper place of the wife within the household.[74] He also praises the Essenes for having sex only for procreation.[75]

Ben Sira, Pseudo-Phocylides, Josephus, and Philo all shared similar assumptions of the nature of marriage. All agree that marriage is generally a good thing, and that a man should marry in order to establish a household, not simply to enjoy sex with his wife: the *oikos* was fundamentally a unit of

physical and social reproduction.[76] Although these authors were all highly Hellenized aristocratic Jews, the differences between them indicate that their views are not just limited to a single narrow class. Ben Sira and Josephus were Palestinians while Pseudo-Phocylides and Philo were Egyptians. Ben Sira wrote in Hebrew, Josephus's native tongue was Aramaic, and the other two wrote in Greek. Each of their writings belongs to a different literary genre. Their correspondence on this issue suggests that this rationale for marriage was pervasive.

Similarly, Palestinian rabbinic sources outside of our *sugya* assume that the purpose of marriage is for a man to achieve social respectability through the establishment of an *oikos*. According to one Palestinian amora, for example,

> "[And God saw everything that he had made and] behold, it was very *good*" [Gen. 1:31]—this is the good inclination. " . . . behold, it was *very* good"—this is the evil inclination. How can the evil inclination be "very good"? Were it not for the evil inclination, a man would not build a house, marry a wife, and bear children.[77]

House, wife, children: these are the key ingredients in living according to the divine plan. According to the Tosepta, should a male orphan request to marry,

> they rent him a house, prepare for him a bed, and afterwards they marry him to a woman, as it is said, "lend to him sufficient for whatever he needs" [Deut. 15:8]—even a slave, even a horse. "to him [*lō*]"—this is a wife, as it was written before, "I will make a fitting helper for him [*lō*]" [Gen. 2:18]. Just as there it refers to a wife, so too here it refers to a wife.[78]

A man, even an orphan, must establish a household at the same time that he takes a wife. The Mishnah presupposes that the primary, or basic, unit of the economy is the household, that is, a family that owns land and is headed by a male Jew.[79] The Tosepta elsewhere clearly states that a man should make some money, buy some land, and then marry; after citing this tradition, the redactor of the Babylonian Talmud strings together several alternative interpretations of one of the key proof texts of this assertion as referring to the acquisition of Torah-knowledge.[80] The Palestinian Talmud, at least hermeneutically, suggests that there is a similarity between a wife's and a female slave's household roles, again emphasizing the purpose of marriage as the creation of a household.[81] Genesis Rabba understands Isaac's marriage to Rebekkah within the wider context of her role within his new household, and a passage in Leviticus Rabba recounts the woe of a man who does not own land.[82] A contemporary midrash that periodizes a man's life into seven stages compares marriage to "a donkey carrying a load," clearly alluding to household duties.[83]

"Who is counted as an adult male? Rabbi Zeira said, 'Any man who has a wife and children.' Rabbi Abbahu in the name of Rabbi Yoḥanan said, 'Any man who has a wife.'"[84] The essence of adulthood, these Palestine amoraim both assert, is marriage. While this tradition is attached to a particular legal

problem, it reflects the broader Palestinian view that marriage causes a man to enter society as an adult. Comparison with a parallel tradition in the Babylonian Talmud buttresses this claim: in the Babylonian Talmud's version, possession of a wife is erased from the definition of male adulthood.[85] Babylonian rabbis, as I will argue below, do not understand marriage within the *oikos* framework of Palestinians.

Among Palestinian Jews the connection between marriage and *oikos* was not limited to rabbis. An undated Jewish inscription in Greek from the Northern Galilee thanks the "one God" for helping to build a home and establish a marriage.[86] A synagogue donation inscription commemorates a husband and wife, their two sons-in-law, and two grandsons.[87] This inscription reinforces a patriarchal ideology that traces itself only through the male line (the daughters are missing) and accrues all honor back to the patriarch of the family. A late-fourth-century synagogue inscription from Syria records the donations of ten women, several of whom contributed for the welfare of their households.[88]

One of the primary functions of the *oikos* was reproduction.[89] Classical sources, especially from the second century BCE through the first few centuries CE, emphasize the duty of procreation. As Antipater of Tarsus said, procreation was the contribution that the *oikos* made to both the city and the gods, "for if the race dies out, who will sacrifice to the gods?" Hellenistic and Palestinian Jewish writers subscribed to a similar, albeit somewhat modified, notion.

Jewish authors from the Second Temple period were quite comfortable subscribing to this classical conception. Josephus and Philo, as we have seen, articulate sentiments identical with those of their non-Jewish contemporaries. Josephus explicitly states that procreation was a duty to the state. Pseudo-Phocylides writes, "Remain not unmarried, lest you die nameless. Give nature her due, beget in turn as you were begotten."[90] Playing off the old classical theme and fear of dying "without a name," Pseudo-Phocylides argues that nature demands that humans procreate within marriage. Procreation is the payment of one's debt to nature.

The early rabbis continued to regard procreation as a duty. The locus classicus for the *halakic* obligation to procreation is the mishnah to our *sugya*. This text and the talmudic commentaries on it have been extensively discussed.[91] Certainly by the time the Mishnah was redacted, and probably somewhat before that, the tannaim thought that procreation was a duty incumbent (at least) on men.[92] The Tosepta is far more pointed than the Mishnah on the duty of both men and women (!) to procreate, forbidding both men and women to marry infertile partners and then condemning those who do not procreate.[93] Whenever procreation had become a *halakic* duty, by the tannaitic period it had become central to the argument for marriage.

Several attempts have been made to explain the transformation of the biblical blessing of procreation into a legal obligation. David Daube links the

rabbinic obligation to procreate to "Hellenistic inspiration," the Augustan marital legislation, and the "desperate" population situation in Judaea following the Jewish revolt of 66 CE.[94] There is, in fact, not a single rabbinic source that justifies the commandment to procreate as a solution to a perceived Jewish population shortage.[95] Jeremy Cohen notes that rabbinic interpretation of Gen. 1:28 mirrors the tension between the universal and particularistic tendencies in rabbinic Judaism. "Briefly put, the rabbinic restriction of the law of procreation to free Jewish males bespoke the contention that *they* were the full-fledged partners of God in his divine covenant."[96] Whereas the early and Palestinian sources reflect significant disagreement on the scope of the commandment to procreate, the Babylonian Talmud consistently restricts the obligation to Jews, and frames it as a matter of covenantal significance.[97] A third explanation for the rabbinic understanding of the duty to procreate has recently been offered by Yair Lorberbaum, who has argued that some tannaim (Rabbi Akiba and his students) took Gen. 1:27 ("And God created man in His image, in the image of God He created him") literally: because human beings are actual physical manifestations of God, procreation is good because it creates "more" God in the concrete world.[98] This explanation accords with the universal justification of procreation noted by Cohen.

This controversy is relevant to our discussion in two respects. First, that procreation was perceived as a *duty*, and that this duty appeared in Jewish sources at the same time that it was flourishing in non-Jewish philosophical, moral, and legal tracts. Daube is probably mistaken to date its appearance as early as he does, and to ascribe it to a population crisis, but his instinct to link these phenomena is surely correct. Moreover, in the amoraic period Palestinian rabbis continue to justify procreation as a duty far more than their Babylonian counterparts. The mishnah, for example, cites one tanna (Yoḥanan ben Beroqa) as dissenting from the view that only men are required to procreate; women too, he argues, have this *halakic* obligation. Both the Tosepta and other Palestinian amoraim accept this position, whereas the Babylonian amoraim reject it.[99] In a dispute recorded in the Babylonian Talmud over whether a man whose children had died has fulfilled the duty to procreate, the Babylonian amora (R. Huna) rules affirmatively while the Palestinian amora (R. Yoḥanan) demurs.[100] The Talmud then cites a string of Babylonian amoraim attempting to show that one's grandchildren "count" toward fulfillment of the duty to procreate. Only a *baraita* brought in the name of R. Yehoshua attempts to set no limit on the number of children that a man is obligated to produce: "If a man married a woman in his youth, he should marry a woman in his old age. If a man had children in his youth, he should have children in his old age."[101] Babylonian amoraim, to be sure, do not challenge the *halakic* status of procreation. Ultimately a late Babylonian amora (Rav Matnah) accepts R. Yehoshua's ruling as binding. On the other hand, the Babylonian amoraim also do

not seem to put the same *halakic* weight on procreation as do the tannaim and Palestinian amoraim. Both talmuds, for example, affirm a mishnaic ruling that if a man and woman live together for ten years without a child, they should divorce and the husband must pay his wife her *ketubba* money.[102] In the Babylonian Talmud's discussion we find the following three statements:

> Rav Yehudah son of Rav Shmuel bar Shilat said in the name of Rav, "They only taught this [mishnah] for the earlier generations, who lived a long time. But for the later generations, it should be two and a half years, corresponding to three periods of pregnancy."[103]
> Rabbah said [that] Rav Naḥman said, "Three years for the three 'visitations,' as the Master said, on Rosh HaShanah Sarah, Rachel, and Hannah were 'visited' [and became pregnant]."[104]
> Rabbah said, "Don't follow these principles. Who compiled our Mishnah? Rabbi. And already in the days of David the length [of life] were shortened, as it is written, ' . . . the span of our life is seventy years' [Ps. 90:10]."[105]

Rav was a transitional figure, who lived both in Palestine and Babylonia, and was among the first amoraim.[106] If attributed accurately, his view, decreasing the amount of time that a couple should spend without children before divorcing, might well reflect a Palestinian attitude. The next two comments appear to try to counter this view. Rav Naḥman's statement, read alone, appears to argue that *at least* three years must pass before a man can divorce his wife on the grounds of infertility, for God's typical time for visiting infertile women is once each year, and among biblical women he did this three times. Nothing in his statement suggests that this was intended to *reduce* the ten-year period. Perhaps this too is how Rabbah understood it, for when he gives his own opinion he rejects Rav's argument. It would be a little odd if he thought he was disagreeing with Rav Naḥman that after reporting his statement he records his own rejection of it. Similarly, a discussion in the Babylonian Talmud that attempts to determine how many children are necessary, in the views of the Schools of Hillel and Shammai, to fulfill one's obligation to procreate ends with the suggestion that a single child, male or female, is sufficient.[107] In these cases there is a Babylonian tendency to reduce the "burden" of procreation.

Palestinian rabbinic views of the purpose of sex mirror their emphasis on the procreative goals of marriage. As we saw, the Jewish Hellenistic writers, following Stoic models, thought that one should only have sex within marriage for procreation. Nonprocreative sex is simply lustful, a sign of loss of self-control.[108] Palestinian amoraim appear to have shared this opinion. In contrast to their Babylonian counterparts, who had a more lenient attitude toward sex within marriage, the Palestinian rabbis emphasized that nonprocreative sex within marriage serves no good purpose.[109] In brief, while accepting the earlier

Palestinian traditions regarding the duty to procreate, Babylonian authorities tend to contextualize and justify this duty differently. We will return below to the Babylonian contextualization.

The second aspect of the rabbinic discussion of procreation that is important for our purposes is its universal justification in earlier and Palestinian sources. As Jeremy Cohen has noted, there is a shift in rabbinic justifications for procreation from the universal to the particularistic. Earlier rabbis, and some later Palestinian rabbis, assume that the reason for procreation is that it is for the good of the world. God's grand plan is to fill the earth (or, in Lorberbaum's reconstruction of some rabbinic views, to increase His own presence in the world), and humans—all of them—participate in and benefit from this plan through procreation. Hence, one justification for marriage in this scheme is procreation, and the reason for procreation is that it is a duty not only to God, but also to the rest of humanity. By limiting the scope of application of the commandment to procreate, as well as the number of children needed to fulfill it, Babylonian amoraim reflected a different understanding of the purpose of procreation.

In sum, Jewish writers during the Second Temple period had entirely conventional assumptions about the purpose of marriage, assumptions that they shared with much of the Greek and later Roman intelligentsia. The purpose of marriage was to create an *oikos*, through which (1) its members gained identity; (2) a man achieved respectability and "manhood"; and (3) new members of the state and household were reproduced and raised. Marriage was by no means an end in itself, but carried many social expectations, obligations, and privileges.

This justification for marriage also makes sense when seen within the larger economic context of ancient Palestine. For the most part, our sources are predominantly written by and for the relatively wealthy, and these individuals were most likely to have made their living as landowners. Prior to the Bar Kokhba revolt, Judaean landowners frequently lived on their estates in villas or manor houses.[110] In the Galilee, both before and after the revolts, landowners more commonly lived in cities or big towns and left the daily administration of their lands to others.[111] The difference between Judaean and Galilean practice was to some extent due to the nature of the landholdings, which was in turn dependent on topological differences between Judaea and the Galilee. Whereas Judaean landowners could own large contiguous tracts of land, a typical Galilean landholder most likely held several small and noncontiguous tracts, thus obviating the need of living on an "estate."[112] For both, though, the *oikos* worked. An *oikos* ideology reinforced the self-conception of the resident Judaean household as a family business that was tightly bound to and dependent on the land. But even the Judaean and Galilean landowners who did not live on their own land found in the *oikos* a suitable ideology that linked them both to the past and to their land. An implication of this economic logic is that

as a society's dependence on agriculture decreases, the strength of its *oikos* ideology should also weaken. I will return to this point toward the end of the chapter.

In most respects, Palestinian rabbinic justifications for marriage were similar to those of the earlier Jewish writers. They differ in their justification for procreation. Palestinian sources never suggest that a couple should procreate for the good of the *oikos* itself, or even for the good of the state (i.e., Jewish people). Rather, their justification is universal.

Not all Palestinian or Hellenized Jews subscribed to this understanding of marriage. Yet a brief discussion of two of the best documented of these dissident groups—the Essenes/Dead Sea community and the early Christians—only highlights the pervasiveness of this common Palestinian understanding of marriage.

Essenes/Dead Sea Community

Josephus famously observes that there were two groups of Essenes. One order "disdained marriage," because they "wished to protect themselves against women's wantonness."[113]

> There was yet another order of Essenes, which . . . differs from them in its views on marriage. They think that those who decline to marry cut off the chief function of life, the propagation of the race, and, what is more, that, were all to adopt the same view, the whole race (*genos*) would very quickly die out. They give their wives, however, a three years' probation, and only marry them after they have by three periods of purification given proof of fecundity. They have no intercourse with them during pregnancy, thus showing that their motive in marrying is not self-indulgence but the procreation of children.[114]

Philo and Pliny also report the existence of an ascetic order of Essenes, although the former links this asceticism to the incompatibility of philosophy and domestic life, and the latter locates them in the desert, against Josephus's report that they lived throughout the cities.[115] Those in Josephus's first group of Essenes show great attachment to each other, adopt other men's children, "and regard them as their kin."[116] He reports that for the second group, the sole purpose of marriage was procreation, and thus the men did not marry a woman until she has been through three menstrual cycles.[117] "Race" probably refers generally to the "Jews."[118]

The correspondences between Josephus's general description of the Essenes and the picture of the group that emerges from the Dead Sea scrolls make it likely that Josephus—even if he may have erred or modified his sources—had the Qumran community in mind when writing his description of the Essenes.[119] Yet the Dead Sea documents offer no evidence at all for the practice of celibacy in this community. These documents, in fact, offer compelling

evidence that their members married.[120] I will discuss this evidence in different contexts throughout the remainder of this book.

In a programmatic essay, Joseph Baumgarten attempts to reconcile the testimonies of Essene celibacy with the Dead Sea documents themselves. He concludes "that celibacy at Qumran was never made into a universal norm. It was confined to those who emulated a 'perfection of holiness' requiring uninterrupted purity, and even for them perhaps only in the later stages of their lives."[121] His strongest evidence for this assertion is (1) a passage from the Damascus Document that *suggests* (but never explicitly states) that there were those who did not dwell in camps, take wives, and have children, and (2) the utopian ritual purity laws in the Temple Scroll, which bans sexual relations in the "city of the Sanctuary."[122] The problem with Baumgarten's interpretation of the passage from the Damascus Document is that it would require that it was written by the "normative" group (the unstated celibate "we" who set themselves against those who dwell "in the camps"). Given the concern with and implicit acceptance of marriage elsewhere in the Damascus Document, as well as Baumgarten's own acknowledgement that celibacy could hardly have been the norm in the community represented in the Dead Sea documents, his interpretation of this passage is hardly compelling.[123] Elisha Qimron has more extensively argued Baumgarten's second point, extrapolating from these purity laws (also found elsewhere in the Dead Sea scrolls) to communal practice.[124] Such a movement from ideal to descriptive or normative is equally unpersuasive.

In fact, the only evidence outside of the Greek sources that the Qumran community did not marry is archaeological. In the first centuries BCE and CE, wealthier Jews from Jerusalem and Jericho preferred to be buried in family tombs. I will discuss these tombs more fully in chapter 10, but for now it is important to note that these tombs reflect a value placed on the family, especially as traced through the male line. That is, they reinforce the literary evidence that these married couples organized themselves, or wanted to give the impression of having organized themselves, in *oikoi*. The graveyards found at Qumran differ in two crucial respects from these family tombs. The primary graveyard, at least, was almost certainly used by the members of the adjoining settlement. It contains about 1,100 graves.[125] Most of the tombs, which are well ordered and marked with an oval pile of stones, contain a single individual oriented north-south. There are no inscriptions and few grave goods. All except three of the (relatively few) excavated graves from the primary cemetery contain the remains of men.[126] In the extensions of the cemetery a few women and children were found. About fifteen kilometers south of Qumran a cemetery at ʿEn el-Ghuweir contains a similar design and orientation of graves, but this graveyard contained twelve men and six women.[127] The (apparent) absence of women from the main cemetery at Qumran lends credence to the view that the community at Qumran really was composed of celibate

men. The women and children found in the ancillary gravesites, it appears, post-date the Qumran community.[128]

More important, the occupants of Qumran, unlike (upper-class) Jewish families from Jerusalem and Jericho, did not bury in families. Rachel Hachlili comments,

> The individual burial should be stressed, it proves that the community did not follow the old Jewish tradition of burying the dead with their ancestors which seems to indicate that the residents of Qumran were not families. Thus the importance of the individual rather than the family is indicated by the burial customs at Qumran.[129]

Hachlili's two observations should be untangled. Her first conclusion, that the residents of Qumran were not families, does not necessarily follow from the evidence. They may have been families who were simply not buried together. But it is precisely the fact the community chose this burial method that is ideologically significant. Qumran burial practices deemphasized the family; they reflected a non-, perhaps even anti-, *oikos* orientation. Hachlili ascribes these burial customs to an emphasis on the individual, but I think that these burial customs instead emphasize group adherence, in accord with Josephus's account that the first group of Essenes created fictive kin. Unadorned, nameless graves, neatly and uniformly ordered, indicate equality in death and subordination of the individual to the group, an ideology that is very much in accord with the writings of the community. The community, at least for men, was more important than one's biological family. Men were buried with their "brothers."[130]

I am suggesting that the sectarian community at Qumran was not, at least in any significant way, antimarriage. They were, however, antifamily. When the Dead Sea documents mention marriage, they, according with Josephus's description of the second order of Essenes, primarily discuss the regulation of sexual conduct and reproduction. Marriage remains a reproductive unit, but there is no hint here of the importance of *oikos*, biology (aside from the priesthood), and family.[131]

The origins of the Dead Sea community remain obscure, but it almost certainly began as, and appeared to remain, a sectarian group opposed to conventional social and power structures. Because the family is typically a conservative institution, sectarian groups throughout history have tended to attack it as part of their protest against the status quo.[132] In Palestine during the Hellenistic period, a society that largely conceived of itself as composed of *oikoi* rather than individuals, the attack on "family values" by a disgruntled sectarian group is predictable. Josephus claims that the Essenes generously gave to the destitute, "but it is not permitted [for them] to give gifts to relatives without [assent] of the overseers [*epitropōn*]."[133] This restriction only makes sense in a community that is trying conciously to rip the bonds that tie individuals to their

biological families. Albert Baumgarten has proposed that the first members of the Dead Sea community came from disaffected aristocratic (maybe priestly) backgrounds, a plausible if not provable assertion.[134] If this is correct, then by restructuring their own community along more egalitarian lines—except for the priests, whose prestige was recognized and perhaps even increased over the life of the community—these aristocrats launched a critique of the power system from which they felt excluded.[135]

The Dead Sea community is one exception that highlights the rule. The community rejected the idea that the primary function of marriage was the establishment of an *oikos* and social respectability. This rejection served social as well as ideological purposes. By favoring and reinforcing communal loyalties over familial and biological ones, the Qumran community sought to solidify group cohesion. In the process they were also, perhaps, implicitly attacking the "corrupt" power order, in which family played a large role. As the community moved toward an increasingly more dualistic and eschatological stance, the rejection of biological family reinforced their belief that the end time was just around the corner: procreative couples continue to be necessary in the here and now, but families will lose relevance in this next stage of history.

The Early Christians

The Dead Sea scrolls never explicitly connect their rejection of the prevalent understanding of marriage and importance of forming an *oikos* to group or ideological goals. The early Christians, on the other hand, do.

Although he had little to say about marriage, Jesus himself, it appears, rejected the value of family and *oikos*.

> You must not think that I have come to bring peace to the earth; I have not come to bring peace, but a sword. I have come to set a man against his father, a daughter against her mother, a daughter-in-law against her mother-in-law; and a man will find his enemies under his own roof. No one is worthy of me who cares more for father or mother than for me; no one is worthy of me who cares more for son or daughter; no one is worthy of me who does not take up his cross and follow me.[136]

Elsewhere Jesus is reported to have counseled a man to leave his dead father unburied in order to follow him: "Leave the dead to bury their dead; you must go and announce the kingdom of God."[137] For Jesus, the "family" are those who do his will.[138] Where Jesus does evoke the image of marriage, the "marriage" is between himself (the groom) and those who anticipate the kingdom of God.[139]

Untangling Jesus' original words from those of the Gospel writers is, of course, a notorious problem. Gerd Theissen has convincingly argued that the

synoptic Gospels reflect communities that eschewed social respectability, and hence the establishment of households; they lived in anticipation of Jesus' imminent return.[140] Among the synoptic Gospel writers, Luke rejects the value of the *oikos* most stridently.[141] Yet here these writers appear to be following Jesus' own trajectory. Whatever else Jesus was and said, he preached that the kingdom of God was *now*.[142] Marriage was at best irrelevant, and households and family networks hindered both the individual who wished to join God's kingdom as well as the establishment of the new social order.

Paul, as usual, is somewhat difficult to pin down on his view of marriage and family. On the one hand, Paul rejects the value of marriage for the same reason of Jesus and the Gospel writers: "What I mean, my friends, is this: the time we live in will not last long. While it lasts, married men should be as if they had no wives" (1 Cor. 7:29). Better, Paul says, to be unmarried than married.[143] Marriage is a "concession," lest "through lack of self-control you may be tempted by Satan" (1 Cor. 7:6, 5). Paul, then, would appear to understand the purpose of marriage as the legal ordering and channeling of sexuality. Men and women should marry not in order to establish a social unit, or even reproduce, but to channel their sexual desires. This understanding, one might expect, would leave Paul free to restructure the conventional view of marriage more in line with his idealized elimination of gender roles (Gal. 3:28).

Remarkably, despite his ambivalence about marriage and his own understanding of its purpose, Paul articulates an entirely conventional code for household behavior. To the Corinthians he expresses shock that a woman would talk in public rather than ask her husband at home; to the Colossians he gives a lesson in household management.[144] The Pseudo-Pauline letters consistently advocate a conventional view of the household and the roles of its members.[145] These Christian household codes have been discussed extensively by scholars and need not detain us here.[146] My point is that whatever Paul really thought about the purpose of marriage, when he operated in the real world, addressing household churches whose members subscribed to highly conventional views of marriage and *oikos*, he echoed their own values.[147]

The bulk of Jews in the Hellenistic and Roman cultural orbits subscribed to a fundamentally Greek understanding of the purpose of marriage. Because this understanding of marriage was intrinsically linked to the larger social order, it is no surprise that those Jewish groups that rejected this social order also rejected the ideology of marriage that reinforced it. Sectarian understandings of marriage take their force only when seen against the views to which they are reacting. That is, how one understood marriage had repercussions well beyond the bedroom walls: it spoke to how the individual perceived his or her place in the world at large.

Babylonian Jewish Views of Marriage

When seen against the volume of Palestinian rabbinic material, scattered as it may be, on the purpose and defense of marriage as the establishment of an *oikos*, the lack of such a stance attributed to Babylonian amoraim and the Babylonian Talmud's redactor is striking. Babylonian rabbis nowhere justify marriage as the establishment of a household tied to larger social networks. Nor do they offer the kind of univocal and stylized defense of marriage attributed to Palestinians. As our *sugya* demonstrates, the Babylonian rabbinic ideology of marriage was more complex and ambivalent. Babylonian rabbis, I will argue, saw the purpose of marriage as legitimately channeling male sexual desire and seed for the purpose of procreation, which they saw as an individual, rather than social, good. They did not subscribe to an ideology of the *oikos* as a social and productive unit. This Babylonian understanding gains comprehensibility when seen in its cultural context of Sassanian Babylonia. After examining this Babylonian ideology, I will return to the Babylonian ambivalence toward (but never rejection of) marriage expressed in our *sugya*.

Sex and Salvation

In our *sugya*, only Rabbi Ḥiyya, a Palestinian, is credited with the argument that a man should marry in order to contain his sexual desires: "They save us from sin," he replies to Rav (VI). The form and language of the dictum alone makes the attribution problematic. Many stories found in the Babylonian Talmud that contain Palestinian protagonists are Babylonian inventions.[148] The language of the dictum itself is suspicious, as the term "save us from sin" never appears in any Palestinian document. And the justification for marriage, that it channels sexual desire, is nowhere else attributed to Palestinian rabbis.

Rather, it is Babylonian amoraim and the redactor of the Babylonian Talmud who commonly express this concern:

> Rav Huna . . . said, "If he is twenty years old and still unmarried all of his days are spent in sin."
>
> In sin? Rather, I can say that all of his days are spent in the thought of sin. Rabba said, and thus taught those of the School of Yishmael, "The Holy One, blessed be He, sits and waits for a man to marry until he is twenty. When he is twenty and still unmarried, He says, 'Cursed be his bones!' "
>
> Rav Ḥisda said, "I was better than my colleagues because I married when I was sixteen, but had I married at fourteen, I would have said to Satan, 'An arrow in your eye!' "[149]

According to the two amoraic statements attributed to Rav Huna and Rav Ḥisda, men marry in order to avoid sexual sin. Should a man not find a licit outlet for his sexual urge, it threatens to overwhelm him.[150] The redactor is

slightly uncomfortable with Rav Huna's statement and so interprets it differently: an unmarried man will think constantly of fornication, although he will not necessarily engage in it.[151] Rav Ḥisda sees early marriage as a foil to the temptations laid by Satan.[152] It is also interesting to note here that the tannaitic statement attributed to the School of Yishmael, taken by itself, recommends early marriage but says nothing about sexual temptation. Only its contextualization in this *sugya* allows it to be read as referring to sexual temptation.

The redactor of the Babylonian Talmud recontextualizes several Palestinian amoraic statements in line with the assumption that the purpose of marriage is to provide a licit sexual outlet. R. Yoḥanan, for example, is (probably correctly) attributed with the position that a man should first study and then marry.[153] Yet in another *sugya*, the Babylonian Talmud's redactor ascribes to him the opposite position, that for a man to study Torah in purity he must be married.[154] The redactor also glosses a statement attributed to Rabbi Ḥiyya, namely that one should study Torah in purity, to mean that one should marry before studying Torah.[155] In both of these examples, the underlying assumption is that the purpose of marriage is to serve as a sexual outlet for men, protecting them against their evil inclination. Another Babylonian tradition interprets Ps. 144:12 ("For our sons are like saplings, well-tended in their youth; our daughters are like cornerstones trimmed to give shape to a palace") as referring to "the young men of Israel who never tasted sin" and "the daughters of Israel who bind up their openings for their husbands"; Palestinian interpretations of this verse tend to apply it to the Temple.[156] This function of marriage has value independent of the goal of procreation.[157]

Procreation is the second goal of marriage, but Babylonians interpret the "good" of procreation as being individual rather than societal. As we have seen, Palestinian sources emphasize the *duty* of procreation, and the common good to which it contributes. One should procreate because it is a good thing to do, an activity in harmony with the divine plan.[158] Only rarely do Palestinian traditions make a *negative* argument concerning procreation, that is, that bad things will happen should one restrain from it. Telling is a midrash that states that one of the sins of Nadav and Avihu, whom in the cryptic biblical account God kills because they brought a "strange fire" before the altar (Lev. 10:1–7), was that they were too proud of their aristocratic status to marry.[159] Even here the concern is with their abdication of their duty due to their haughtiness. One of the few Palestinian sources to make this argument is a single, remarkable, if hyperbolic, tannaitic passage that compares restraint from procreation to murder.[160]

Babylonian *aggadah*, on the other hand, frequently makes the argument that one should procreate in order to avoid punishment. Attributed to Babylonian amoraim are the statements that Hezekiah was denied life in the next world because he did not procreate;[161] one is asked on judgment day if one engaged

in procreation;[162] a Jew who does not procreate is banned from heaven;[163] and Joshua was punished for preventing Israel from procreating for a single night.[164]

For Babylonian rabbis, procreation has national and salvific significance: it causes God to dwell amidst Israel, and can even bring the Messiah, as the following *baraita* and its gloss demonstrate:

> Our Rabbis taught:[165] " 'Return, O Lord, You who are Israel's myriads of thousands' [Num. 10:36]. This teaches that the Shekina [i.e., divine presence] does not dwell amidst less than 22,000 Israelites, and should there be 22,000 Israelites less one, and he did not engage in procreation, does he not cause the Shekina to depart from Israel?"
> Abba Ḥanin said in the name of R. Eliezer, "He deserves death, as it is said, 'they left no sons' [Num. 3:4], but if they had had sons they would not have died."
> Others say, "It is the cause of the Shekina departing Israel, as it is said, 'I will maintain My covenant between Me and you, and your offspring to come . . . ' [Gen. 17:7]. When your seed comes after you, the Shekina dwells, [but] when your seed does not come after you, on whom should the Shekina dwell? On trees and rocks?"[166]

According to the parallel tannaitic versions of the *baraita*, should there have been 21,199 Israelites at Mt. Sinai, Israel "would not have been worthy to receive [the Torah]."[167] The Babylonian Talmud has modified this *baraita* in order to stress the national goal of procreation. R. Eliezer's comment, if genuine, was most likely a general condemnation of one who does not procreate, using the deaths of Nadav and Abihu as an example. Originally, that is, it was independent of the *baraita*. The midrash attributed to the "others" also occurs only in the Babylonian Talmud. The redactor appears to have modified the first *baraita*, a Palestinian source, in line with the Babylonian idea expressed in the last midrash that procreation is necessary for the presence of God, and linked the two through R. Eliezer's statement.

A second example of how the redactor appropriated tannaitic sources and modified them to reflect his own view of the importance of procreation can be found in a tradition about the "body of souls." According to this tradition, attributed to Rav Assi, the Messiah will come when the souls in the "body" (*guf*, perhaps "treasure house") are exhausted.[168] A parallel to this tradition appears in Genesis Rabba, but there it is relatively isolated.[169] The Babylonian Talmud's redactor, however, incorporates this tradition only in discussions on procreation, and then as part of an argument for it (albeit one whose normative implications are ultimately rejected). While the messianic age has, of course, universal significance, its interest to the Babylonian amoraim was primarily limited to the salvation of Israel.

Comparing these scattered Babylonian rabbinic statements to some of the presuppositions of their Zoroastrian contemporaries can help us to understand

what might lie behind them. During the Sassanian period, Zoroastrians apparently attached great spiritual significance to childbirth. To bear children was to increase the forces of good against evil, thus contributing to the cosmic battle against evil. Men were to procreate because it achieved for them salvific merit by contributing to the cosmic battle. According to one Pahlevi text, a man should have (male) offspring because their good works are credited back to him.[170] Dastur Sanjana writes:

> [The purposes of marriage] were based or concentrated in the revealed hope of the spiritual elevation of the good creation in the end. The Zoroastrian faith aspires to a high state of spiritual progress which is to be consummated about the time of the resurrection, when the spirit of man will reach its purest or angelic stage. Humanity, according to Zoroaster, is born to fight out its struggle against evil in this world, and to adhere to and strengthen the cause of good. The principal impetus to a marriage conclusion is, consequently, the desire to contribute to the great renovation hereafter, which is promised for humanity. This renovation cannot be carried out in the individual self, but must be gradually worked out through a continuous line of sons, grandsons, and great-grandsons. The motive of marriage for the Iranians was, therefore, sacred.[171]

The purpose of marriage was to help light gain victory over darkness. Another line of argument in Pahlevi texts is that the benefit of offspring is that it ensures their father's immortality.[172] There is no hint in the Zoroastrian sources that the purpose of marriage could be strictly *social*, to form a unit that contributes to the direct (and natural) civic good.

The primary difference between the Zoroastrian and Greco-Roman justification for procreation lies in the social emphasis of the latter. While Zoroastrian works also occassionally justify procreation as increasing the "people" (i.e., Zoroastrians), the main emphasis is on personal rather than social benefit. For both Athenians in the fifth century BCE and Romans in the fifth century CE, procreation was an individual duty to the local community. For Zoroastrians during the Sassanian period, procreation was justified as accruing benefit to the individual, with failure to procreate resulting in divine punishment for that individual.

In broad terms, Babylonian rabbinic justifications for procreation are consistent with that of their Zoroastrian neighbors. Babylonian rabbis inherited a Palestinian rhetoric rich with the language of the social duty of procreation, and in their *halakic* discussions they worked within this discourse. But when it came to formulating their justifications for procreation independently, they dropped all references to household and social duty. The primary reason to procreate, according to Babylonian rabbis, is for a man to achieve individual merit through his contribution to cosmic salvation.

This Babylonian rabbinic/Zoroastrian justification for marriage and procreation logically leads to their high valuation. Zoroastrian literature fulfills this

expectation, uniformly and unambivalently praising the value of marriage. Yet although Babylonian rabbis unwaveringly advise marriage, they are not, as we have seen, unambivalent in their discussion of it. To understand why this was, we must turn back to the Talmud itself.

Marriage or Torah?

Babylonian rabbis were torn between their commitments to marriage and to the study of Torah. In their eyes, these two pursuits were irreconcilable. The very end of our *sugya* suggests this tension when it cites a tannaitic tradition found in the Tosepta:

> It is taught:
> R. Eliezer said, "Anyone who does not engage in procreation, it is as if he spilled blood, as it is said, 'Whoever sheds the blood of man, by man shall his blood be shed . . . ' [Gen. 9:6] and it is written after it, 'be fertile, then, and increase . . . ' [Gen. 9:7]."
> Rabbi Akiba said, "It is as if he lessened the divine image, as it is said, ' . . . for in the image of God did God make man' [Gen. 9:6], and it is written after it, 'be fertile, then, and increase.' "
> Ben Azzai said, "It is as if he spilled blood *and* lessened the divine image, as it is said 'Be fertile then and increase . . . ' [Gen. 9:7]."
> They said to Ben Azzai, "There is one who preaches well and conducts [himself] well, and there is one who conducts [himself] well but does not preach well, but you preach well but do not conduct [yourself] well!"
> Ben Azzai said to them, "What should I do? My soul longs for Torah. It is possible for the world to be maintained by others."[173]

This is one of the very few Palestinian rabbinic texts that addresses the issue of sexual asceticism.[174] Everyone agrees that procreation is good, but, Ben Azzai says, there can be a conflict between this good and the (better) good of Torah study. Ben Azzai feels that he can have only one erotic attachment, and "lusts" for Torah rather than women.[175] That the redactor of our *sugya* incorporates this Palestinian tradition here, I think, points toward the "problem" that really underlies our *sugya*.

From a number of texts in the Babylonian Talmud, we know that Babylonian rabbis were troubled by the (perceived) conflict between Torah study and the duties of marriage. This attitude is most clearly expressed in the following exchange:

> The sages have taught: On studying Torah and marrying a woman? He should study Torah and then marry, but if he cannot manage without a wife, he should marry and then study Torah.
> Said Rav Yehudah that Shmuel said, "The *halaka* is that he should marry and then study Torah."

> Rabbi Yoḥanan said, "A millstone around his neck and he will study Torah?!" And they do not disagree; that is for us and that is for them.[176]

The redactor has pithily posed the problem and then two solutions, one of which he locates in Palestine and the other in Babylonia: Palestinians marry after studying, Babylonians before. Although Rabbi Yoḥanan was a Palestinian rabbi, no such exchange or formulation of this "problem" appears in any Palestinian document. The "problem" itself is a Babylonian one.

In a collection of stories in B. Ket. 62b–63a, the Babylonian Talmud works this problem out in more depth. Toward the end of its discussion of the sexual obligation that a man has to his wife, the Talmud includes a series of stories about rabbis who marry and then leave their wives for extended periods of time in order to study Torah.[177] As a composition, these stories present an ambivalent view of this practice. On the one hand, when done in a particular fashion they support it, viewing this practice as a good solution to the problem of reconciling marriage and Torah study. The paradigm of this solution is told in one of the stories, that of Rabbi Akiba:

> Rabbi Akiba was a shepherd of Ben Kalba Savua. When his daughter saw how modest and noble he was, she said to him, "If I were betrothed to you, would you go to the House of Study?" "Yes," he said to her. She was betrothed to him secretly and she sent him away. Her father found out, and expelled her from his home and vowed that she not have any use of his property. [Rabbi Akiba] stayed for twelve years at the House of Study. When he returned, he brought with him 12,000 students. He heard an old man say to [his wife], "For how long will you stay as a living widow?" She said to him, "If he would listen to me, he would spend another twelve years [at the House of Study]." [Rabbi Akiba] said, "With her permission I am doing this," and he returned and spent another twelve years at the House of Study. When he returned, he brought with him 24,000 students. When his wife heard, she went out toward him. Her neighbors said, "Borrow nice clothes and put them on." She said to them, "A righteous man knows the needs of his beast" [Prov. 12:10]. When she got to him, she fell on her face and kissed his knees. [His students] were thrusting her away. [Rabbi Akiba] heard her and said to them, "Leave her. What is mine and what is yours are hers."[178]

The story goes on to relate how Akiba freed his father-in-law from his vow, thus allowing him to give half of his wealth to his daughter and son-in-law. This is the "ideal" Babylonian solution to the problem of the conflict between marriage and Torah study. Rabbi Akiba's self-sacrificing (and nameless!) wife sends her husband away to study, and all are rewarded as a result.[179]

Jonah Fraenkel and Daniel Boyarin are certainly correct that this version of the story is a Babylonian invention, created in order to promote an ideological agenda.[180] The core of the story, though, appears to be Palestinian:

> Once R. Akiba made a headdress of gold for his wife. The wife of Rabban Gamaliel saw and was jealous of her. She told her husband. He said to her, "When

> you have done for me as much as she has done for him [I will make you such a headdress]." She sold the braids from her head and gave [the proceeds] to him so he could study Torah.[181]

There seems to have been a Palestinian legend about Rabbi Akiba's wife supporting him while he studied Torah. That this legend has not been fully preserved in any Palestinian document is telling; it was not seen as particularly interesting. The Babylonian Talmud, though, reports two versions of the legend, apparently modified and expanded in accordance with Babylonian sensibilities. In the Babylonian Talmud the story of Rabbi Akiba and his wife was advanced as the "ideal solution" to the conflict between Torah study and marriage.

After analyzing this evidence, Boyarin concludes:

> A set of directly contradictory social demands was current within the culture; on the one hand, the highest of achievements was to devote oneself entirely to the study of Torah, and on the other hand, there was an absolute demand on everyone to marry and procreate. The Palestinians resolved this tension by following a common Hellenistic practice of marrying late after an extended period devoted to "philosophy"—for the Jews, Torah. The Babylonians, on the other hand, having a strong cultural model of the necessity of sexual activity for post-pubescent men, were prevented from such a pattern. They produced at some point, therefore, the impossible "solution" of men marrying young and leaving their wives for extended periods of study, creating, as it were, a class of "married monks."[182]

As far as he goes, Boyarin is compelling. But it is possible to go further: *the "problem" itself is Babylonian*. The Palestinians did not attempt to solve the problem because they never problemicized it.[183] In the Palestinian sources there are hints of an ascetic impulse that saw a conflict of erotic attachments. Only the Babylonian Talmud, though, problemicizes the conflict between Torah and marriage.

When seen in the larger context of the *sitz-im-leben* of Babylonian Talmud's redactor, this focus on Torah and its conflict with all other commitments is not surprising. The Talmud's redactor apparently worked within the context of the academy, some kind of formal structure in which men would come to study.[184] The entire thrust of the Talmud's argumentation appears targeted to an audience of students within such a setting.[185] In a series of readings of *aggadot* from the Babylonian Talmud, Jeffrey Rubenstein has shown the Babylonian Talmud's redactor's frequent concern with the dynamics of the House of Study, and the wide range of issues and conflicts that arise in it.[186] That is, the redactor tends to view issues through the lens of Torah and its institutionalized study. Marriage, when seen through this lens, could naturally appear to be in conflict with Torah study. Palestinians, who did not have the same kind of formalized academies, would not have felt the same tensions.[187]

It is worth noting that this difference between Babylonian and Palestinian rabbinic approaches to marriage is neither natural nor unique. The stalwart defense of marriage offered by Palestinian (and Stoics) does not have as its logical opposite the more ambivalent view that it conflicts with the pursuit of Torah and wisdom. Yet this very difference is also well attested in classical sources. If the Stoics so insistently pressed the value of marriage, they did so in part in response to attacks on the institution. These attacks came to be known as the "Cynic" position. The Cynics maintained that marriage was at best a distraction that was unworthy of the philosopher.[188] Musonius Rufus inveighs against those philosophers who decline to marry.[189] He no doubt has in mind the attitude expressed by Diogenes in his letter to Zeno:

> One should not wed nor raise children, since our race is weak and marriage and children burden human weakness with its troubles. Therefore, those who move toward wedlock and the rearing of children on account of the support these promise, later experience a change of heart when they come to know that they are characterized by even greater hardships. But it is possible to escape right from the start. Now the person insensitive to passion, who considers his own possessions to be sufficient for patient endurance, declines to marry and produce children.[190]

Even sex, for Diogenes, was a waste of time: "as for intemperate intercourse with women, which demands a lot of spare time, bid it farewell."[191] Or, as Callicratidas, the champion of pederasty puts it, "marriage is a remedy invented to ensure man's necessary perpetuity, but only love for males is a noble duty enjoined by a philosophic spirit."[192] In this line of thought, the (male) pursuit of philosophy and that of women were incompatible, and philosophy was the clear winner.

This Cynic position sets up a conflict between biological and disciple ties similar to the tensions found in the New Testament. Consistent with their problemicizing of the conflict between marriage and study, Babylonian rabbis—and not their Palestinian counterparts—are vexed by the priorities with which one should honor one's biological parents and one's teacher.[193] The Babylonian Talmud gives ideological preference to one's teacher over one's biological family, and to some degree, "disciple" over natal descent.[194] It is telling that a Palestinian statement that curses a man who does not leave an heir is followed by a lengthy Babylonian discussion about whether this means a true heir, or a disciple.[195]

The tension between biological and ascribed lineage is not limited to the Greco-Roman world. A Pahlevi Babylonian text that probably dates from the seventh century CE or earlier points in the same direction:

> The rule is this, that a man, when he does not wed a wife, does not become worthy of death; but when a woman does not wed a husband it amounts to a sin worthy of death; because for a woman there is no offspring except by intercourse with

> men, and no lineage proceeds from her; but for a man without a wife, when he shall recite the Avesta, as it is mentioned in the Vendidad, there may be a lineage which proceeds onwards to the future existence.[196]

Women must marry and procreate in order to participate in the cosmic battle against evil. Should they restrain from this participation by remaining celibate they incur guilt. Men, however, have an option: they can recite the proper texts, thus ensuring a "lineage." While not explicit, this text sets up a tension between biological and "religious" lineage, leaving the latter option available only to males.

Palestinians and Babylonians

Two further examples, drawn from our *sugya*, will illustrate the differences between Palestinian and Babylonian approaches to marriage more concretely. The first example is drawn from a Palestinian midrash on Gen. 2:18 that parallels R. Tanḥum ben R. Ḥanilai's statement in unit (II) that enumerates and "proves" from Scripture the benefits of marriage.

> It is taught: "Anyone without a wife dwells without good, without help, without happiness, without blessing, and without atonement. . . ."
> R. Simon in the name of R. Yehoshua ben Levi (said), "Even without peace, as it is written, ' . . . peace to you and to your household . . . ' [1 Sam. 25:6]."
> R. Yehoshua of Saknin in the name of R. Levi (said), "Even without life. . . ."
> R. Ḥiyya bar Gomdi said, "He even[197] is not a complete man. . . ."
> And some say, "He even lessens the divine image. . . ."[198]

This is a coherent composition in praise of marriage. The statements are not ordered randomly; they progressively increase their praise of marriage. Unlike our *sugya*, where the qualities are attributed to R. Tanḥuma ben Ḥanilai or to the general attitude of Palestinians, the tradition is here attributed as tannaitic. There are also some differences in the enumeration of qualities: "atonement" and "life" are missing in our *sugya*; "Wisdom," "dwelling," "Torah," and "wall" are missing in Genesis Rabba; and the concept of the "complete man" is brought elsewhere in the *sugya* (V).

Either both of these versions spring from a common source, or the Babylonian Talmud modified the Palestinian tradition. In either case, the differences are telling. The Talmud's redactor has integrated this tradition into both the thrust and the structure of the *sugya*. It no longer carries the weightier "tannaitic" attribution, and the difference in qualities also detracts from the stronger praise of marriage found in the version in Genesis Rabba. The addition of the proof text for "dwelling" in our *sugya* allows the redactor a segue into (III), in which he could lessen the marital obligation (again showing ambivalence toward marriage). Similarly, the transfer of the dictum on the "com-

plete man" to another part of the *sugya* was made because it fits better in that part of the *sugya*. "Torah" and "wall" are found in no other early Palestinian source and could well have been added by the redactor to foreground the *sugya*'s underlying tension. The "wall" means that a wife will protect her husband from sexual misconduct, a characteristically Babylonian argument. Thus, it is possible, even likely, that they did not say in the West all of the things that were attributed to them.[199]

A second example of the difference between Palestinians and Babylonians on marriage can be seen in the use of the trope, "an evil wife with a large *ketubba*," reported in (VIII) and (IX). This trope is found elsewhere in rabbinic sources, as well as in contemporary classical literature.[200] One collection of "evil wives with large *ketubba*s" stories is found in Genesis Rabba almost immediately after the section just cited above:

> "I will make a fitting helper for him." If he merits, [she is a] help, but if not, [she is] against him.
>
> R. Yehoshua bar Neḥemia said, "If he merits, [his wife will be] like the wife of Ḥanania ben Ḥakinai, but if not, [like the] wife of Yosi HaGalili."
>
> R. Yosi HaGalili had an evil wife. She was the daughter of his sister, and she would abuse him. His students said to him, "Rabbi, leave this woman who tortures you and does not pay you honor." He said to them, "Her dowry[201] is large, and I don't have [enough money] to divorce her." Once he and R. Eleazar ben Azariah were studying Torah. When they came [to R. Yosi HaGalili's house, R. Yosi] said to him, "Watch [your tongue], Rabbi, and we will go into the house." [R. Eleazar ben Azariah] said, "Sure." When they entered, her face fell and she retreated. He looked at the pot standing at the hearth and said to her, "Is there anything in this pot?" She said to him, "A vegetable stew." He went and uncovered it and found chicken. R. Eleazar ben Azariah knew what he heard. When they sat down to eat, he said to him, "Rabbi, didn't she say vegetable stew when we found chicken?" He said, "A miracle must have occurred." When they left, [R. Eleazar ben Azariah] said to him, "Rabbi, leave this woman who tortures you and does not give you honor." He said to them, "Her dowry is large, and I don't have [enough money] to divorce her." He said to him, "We will raise the dowry money so that you can divorce her." Thus they did: they raised the money and he divorced her and took another wife, better than [the first]. The sins of [his first wife] increased,[202] and she went and married a city guard. After some time, misfortune came upon them, and she went around, leading him through the whole city [begging]. She went through all the neighborhoods, but when she came to the neighborhood of R. Yosi HaGalili, she would turn away. Because the man knew the city, he said to her, "Why don't you lead us into the neighborhood of R. Yosi HaGalili, for I heard that he gives charity." She said to him, "I was divorced from him, and I am unable to see his face." Once they came begging in the neighborhood of R. Yosi HaGalili. He began to hit her and she cried out [until] they were

> despised throughout the city. R. Yosi HaGalili looked, and saw that they were despised in the markets. He took them and lodged them in one of his houses and supported them for the rest of their lives, as it is written, " . . . and not to ignore your own kin" [Isa. 58:7].[203]

There are several similarities between this story and the shorter tradition in our *sugya* on the "evil wife with a large *ketubba*." I have argued that our *sugya* alludes to the tension between marriage and Torah study, which parallels the narrative context of the story from Genesis Rabba. Unlike his students, R. Yosi HaGalili's wife does not honor him. His students also offer him a way out of his marriage; they will "pay off" (in the version in Leviticus Rabba, a word meaning "clear the debt" is used) his debt to her, thus allowing him to take a wife who is "good" (and therefore uninteresting to the storyteller) and to devote himself to his studies and teaching. This story, like our *sugya* (VI and VII), exemplifies the "evil" wife by her conduct concerning, and at, the table.

There is, though, one major difference between the versions of this story found in Palestinian documents and in our *sugya*. The tradition in our *sugya* suggests that the solution to the "evil wife" is to neutralize her, either by divorcing her or by scaring her into submission by the addition of another wife to the family. In the Palestinian story, however, the solution is not at all clear. After his divorce R. Yosi HaGalili, according to the logic of our *sugya*, should now live happily ever after. Instead, he ends up supporting his ex-wife and her blind husband.[204] To some extent, the purpose of this narrative is to praise R. Yosi HaGalili.[205] At the same time, though, it leaves the reader conflicted: divorce may have been the correct solution, but it is not without consequences. This Palestinian ambivalence toward divorce is reflected in the application of the prooftext, Isaiah 58:7, to one's divorcée, even when she is "evil."[206]

These two examples demonstrate the different ways in which the redactor of our *sugya* and the Palestinian redactor of Genesis Rabba understood and discussed marriage. They shared material, but each appropriated it differently. These traditions in Genesis Rabba are more positive about marriage than their parallels in the Babylonian Talmud. Where Genesis Rabba strongly defends marriage, the Talmud demonstrates ambivalence.

Performing Frustration

To this point I have attempted to explain why all of the Palestinian dicta in our *sugya* strongly defend marriage, and the underlying tensions and understandings of marriage that led to the more ambivalent Babylonian contributions. Now I want to return to another question that I posed earlier in this chapter: How is one to interpret the *sugya* as a whole, as a literary composition of its redactor? Why does it combine such an affirmative normative stance that a

Jewish man must marry with such a negative portrayal of married life, especially as it progresses?

In antiquity, Talmud was not "read" as much as performed. Its sources were oral, and emerged out of the oral matrix of the House of Study. Its formal, redacted characteristics preserve the oral flavor of these sources, putting chronologically and geographically remote rabbis into "dialogue" with each other. And most importantly for this discussion, it was intended for oral use and study. To "read" Talmud in a House of Study meant to read it aloud and engage it in a group context. Group readings, that is, were *performances* of text. As public performance, the text was meant to do things, to become transformative in a wide variety of ways.[207]

When seen as a performance piece, this *sugya* clicks into focus. Our *sugya* vents frustration. Underlying our *sugya* is the perceived tension between marriage and Torah study. Its dialectical form mirrors this tension. Theologically, the redactor cannot escape the conclusion that "marriage" is good; but he also cannot ignore the feeling that in the reality and practice of the academy, marriage is a mixed bag. The "antimarriage" material in our *sugya* is not meant to be read "oppositionally," as opposing the *halakic* norms detailed in the same *sugya*.[208] It is, rather, meant to be in tension, a literary artifact of frustration.

The "conflict" between the marital (and procreative) imperative and Torah study is ultimately irresolvable. The purpose of our *sugya* is not to solve the problem, but to *gripe* about it; to release the frustration of being caught between two poles in the controlled environment in which these texts were produced and read, the House of Study.

A modern analogy illustrates how this might have worked. There is today in American culture a number of women or wife aphorisms and jokes. One such aphorism is, "Women: you can't live with them and you can't live without them," or in its more misogynistic rendering, "Women: you can't live with them and you can't shoot them."[209] These aphorisms and jokes are "performed" among groups of men in certain almost ritual contexts, such as while drinking in bars or at bachelors' parties. The purpose of these performances is not to oppose, or seek to change, social relationships with women or the institution of marriage itself, but rather to express in a controlled environment frustrations endemic to certain formations of marriage (perhaps in this case bounded by social and economic class) in modern American society.

This, I believe, is what the redactor is doing in our *sugya*. The redactor "knows" that nobody is going to use this composition to subvert marriage because the institution is too strong; it is taken for granted. This text is intended for performance in the controlled male environment of the House of Study. Through these performances, sages and their students are given an opportunity, before returning to their wives and homes, to vent the tensions that they felt between their Torah study and marital obligations.

This is why the dicta on marriage attributed to Babylonian amoraim are far harsher than those of Palestinians. Both the redactor and the Babylonian amoraim perceive a conflict between married life and Torah study, and both are free in their criticism of marriage. In the language of the Greco-Roman philosophers, they might be said to take a modified "Cynic" stance toward marriage. Like the Cynics, the Babylonians admit a conflict between marriage and study. Unlike the Cynics, however, they would never think of undermining the institution of marriage.

Women and Marriage

Little could better illustrate the androcentric nature of rabbinic sources than the preceding discussion. Babylonian rabbis articulately, and at length, express their feelings of tension between a man's married life and his study of Torah, while Palestinian rabbis attempt to persuade men that it is in their best interest to marry: neither group attempts to argue that *women* should marry. The closest that one gets to such an argument is Yoḥanan ben Broqa's position, accepted by Palestinian amoraim, that women are obligated to procreate. Yet this receives such little attention, even in the Palestinian Talmud, that it could hardly be said to constitute an argument as to why women should marry.

The rabbis, like Greek and Roman aristocrats throughout antiquity, did not attempt to persuade women to marry because it would hardly have crossed their minds that women would need to be persuaded.[210] They simply assumed that women wanted to and would marry. As the Tosepta bluntly puts it, "a woman wants to marry more than a man, and furthermore, the shame of a woman is greater than that of a man."[211] The shame here is that of remaining unmarried. After a discussion of how to establish the marriage settlement of a deaf woman so that men will want to marry her, the Babylonian Talmud raises, for the first and only time, the possibility that a woman might not want to marry a deaf man. The possibility is quickly dismissed with the citation of this tosepta.[212] Other rabbinic sources relate stories of women who possess characteristics that men desire (e.g., money), or tell men how to "spruce up" their daughters so that men will desire them.[213] A Palestinian amora is credited with the observation that for a woman, "it is better to dwell [with] grief than to dwell [in] widowhood."[214]

There thus appears to be a rabbinic unawareness of, or at least a lack of concern with, female ascetic movements.[215] Female asceticism was a growing phenomenon in Christian circles in late antiquity. As many scholars have noted, asceticism gave women a "way out" of the social structures in which they would move directly from being "daughters" to being "wives."[216] Both pagans and the Christian defenders of marriage attacked these female ascetic movements, which threatened the social order.[217]

During the Second Temple period, there appears to have been at least one ascetic group that Jewish women could join, the Theraputae.[218] Jewish literature from the Second Temple period praised female modesty, particularly of the widow who did not remarry.[219] By the rabbinic period, though, we cease to hear about Jewish female ascetics. The rabbis certainly know of, and regard ambivalently, Jewish male ascetics, but they never mention Jewish female ascetics. This silence suggests either that there were no significant Jewish female ascetic outlets in the rabbinic period, or that the rabbis were *so* androcentric and utopian that they ignored female asceticism, even while commenting on male asceticism. With the absence of any other evidence that testifies to Jewish female ascetics at this time, the former alternative seems more likely to me.

Adapting a Common Mentality

Why marry? Hellenistic Jewish writers and Palestinian rabbis offer reasons remarkably close to those articulated by the Stoics: it is a man's duty to marry in order to create a household, an essential goal of which is the reproduction of children. Together, these households comprise a "natural" social order, one that is in accordance with the divine plan. Babylonian rabbis justify marriage for men as necessary to protect them from sexual improprieties and to increase their supernatural merit through procreation. At the same time, Babylonian rabbis acutely perceive a conflict between their domestic responsibilities and their quest for Torah within the context of the House of Study.

Throughout this chapter I have drawn attention to the parallels between Jewish and proximate non-Jewish attitudes. I have done this more to elucidate than to explain. The non-Jewish sources frequently preserve an argument in more detail than its Jewish parallel, thus allowing us to "connect the dots" of our more fragmentary Jewish sources. Moreover, they offer a corroborating context that reinforces the plausibility of the reconstruction. What they do not do is offer an explanation for *why* Palestinians understood marriage in one way and Babylonians in another. The themes and ideas that are commonly ascribed to the "Stoic-Cynic debate" were part of a common mentality in the Near East from around the turn of the millennium and later. One need not posit that the rabbis had direct acquaintance with these texts to suggest that the ideas in them were commonly available for adaptation.[220]

The explanation for these Jewish differences in their justification of marriage is to be found in the different social and economic contexts of these communities. Ironically, the form of rabbinic justifications of marriage suggest an exactly opposite reality. The strong and unequivocal support of marriage in Hellenistic and Palestinian rabbinic sources indicates that there was a threat to marriage: not only among non-Jews was marriage a contested institution.

Hellenistic (elite) Jews and Palestinian rabbis both assumed a relatively high age for marriage (see chapter 5). As I will argue later, marital age provides one explanation for the Palestinian arguments for marriage. A relatively high age at marriage had two consequences. First, it gave men more freedom to question whether they really wanted to marry. Blandishments and encouragement would be particularly important in maintaining marriage. Second, by the time they married, most men would not have living fathers. This would allow them to establish their own households rather than being assimilated into those of their fathers. Continuation of the social and economic fabric of the elite Jewish community depended on the society's ability to persuade its sons to "buy in" by marrying and establishing *oikoi* of their own.

The changing economics of Roman Palestine also may have contributed to an attack on the *oikos*. From the third century CE, Palestine saw increasing urbanization.[221] Archaeological surveys of the Galilee indicate that populations increased even in smaller villages, and rabbinic sources suggest that peasants and smaller landowners were finding themselves increasingly in debt and disenfranchised.[222] The result, as I suggested above, would have been a need for a different family structure that could accommodate the new economic realities. To effectively respond to the opportunities presented by trade and commerce, a family must be mobile, unencumbered by land. The time at which this economic change was occurring, the fourth to sixth centuries, was precisely when Palestinian rabbis produced some of their strongest support for a marital ideal based on the *oikos*. Marriage, as they understood it, was under attack.

On the other hand, the Babylonian ease in complaining about marriage combined with their unwillingness to undermine it indicates that marriage was uncontested, and unlikely to be damaged by the venting of frustration. Here again social and economic considerations determined the adaption of this approach. Babylonians married when they were younger. Consequently, they had fewer opportunities to question marriage. Once married, the new couple would live with or near the husband's father's family, integrating into that family. Hence the lack of emphasis on the establishment of a household, and the concern with controlling sexual passion. An additional factor in the Babylonian understanding of marriage is the context of the House of Study. Babylonian rabbis appear to have been more internally oriented than Palestinian rabbis, and spoke more to rabbinic concerns than to common ones.[223] In the context of the House of Study, economic activity and societal responsibility mattered less than the personal pursuit of Torah and the master-disciple relationship.

When Jews in antiquity turned outside of their own tradition for understandings and justifications of marriage, they did so because they thought that those understandings worked in their own contexts. They did not, however, simply adopt these ideas out of whole cloth. Rather, they Judaized them, modifying

the "common mentality" in a way that made sense both against their traditions and within their material contexts. At bottom, the Jewish justifications for marriage in antiquity were hardly uniquely Jewish. To see what made Jewish marriage "Jewish," we must turn to the Jewish myths and metaphors of marriage, and then to its juridical structure.