**Introduction**

**The Significance of *Netiv Moshe:* *Maamar Mehkari ‘al Mishaps haNashim baEmunah***

It is generally agreed that Rachel Adler's short 1971 article "The Jew who Wasn't There,"[[1]](#footnote-2) heralded the birth of Jewish religious feminism. In that article, Adler claimed that Jewish women's existence takes place away from the heart of Judaism, being defined mostly by prohibitions rather than by the performance of positive commandments. This imposed passivity turns women into *peripheral Jews* with *a peripheral commitment* to Judaism. At the time of its publication, Adler and her like-minded companions were young women who imbibed the liberal ideas of post-war American campuses. This is at least how the appearance of Jewish feminism has been explained, both by its supporters and opponents. Critics of religious feminism added a more specific source of influence: Jewish feminists were aping the burgeoning Christian feminism!

During the years that passed since the publication of Adler's article, many things have changed, but the gender-exclusive politics of the more conservative parts of Jewish Orthodoxy have remained the same, and perhaps have become even more restrictive. We regularly hear of women being denied positions in religious organizations, banned from serving as representatives of ultra-orthodox parties in the Knesset, denied the right to read, or even touch, a Torah scroll, sacked from educational institutions for being too independently minded, prevented from speaking at religious gatherings, relegated to separate sections during public events, etc. These practices have been regularly explained by their proponents as reflecting both the letter and the spirit of the Torah.

Back in 1971, neither Adler nor the critics of Jewish feminism could have known that those same claims defiantly stated in Adler's article had been made more than seventy years before by an obscure Hungarian rabbi named Mózes Salamon in his little essay *Netiv Moshe: Maamar Mehkari ‘al Mishpat haNashim baEmunah* (*The Path of Mózes: A Scholarly Enquiry into the Case of Women in Religious Faith*)*.*[[2]](#footnote-3) It is particularly interesting that just like Adler in her academic feminist article written at the end of the 20th century, Salomon did not focus on the social aspects of gender inequality in Judaism, such as inheritance rights, divorce, *'aginut*, which one would expect to bother a socially sensitive modern man. Instead, just like Adler, Salamon was disturbed by the exclusion of women from the Jewish public sphere and from the ritual parts of Judaism, such as communal prayer, the performance of positive commandments limited to time, and Torah learning. To these, Salamon added other practices that he viewed as shameful: the ban on women witnesses and judges, gender separation in the synagogue and daily life, and hurtful gender stereotypes. All these practices, claimed Salamon in his essay, degraded women and turned them into passive, ignorant, and alienated bystanders (or *peripheral Jews?*). Standing on the threshold of a new era, full of new opportunities, Salamon feared for the future of Judaism that was harming itself by driving away its female followers.

Reading Rabbi Salamon's essay renders it more difficult to dismiss the basic arguments of Jewish religious feminism as a pathetic attempt to impose Western feminist values on Judaism by ill-informed female academics, as has been maintained by the Orthodox establishment.[[3]](#footnote-4) The essay and its provenance show that the claims of Jewish religious feminism ought to be recognized as truly weighty. Writing in Hebrew, and clearly intending his essay for internal use, Mózes Salamon felt no need to defend Judaism. Instead, he went straight to the root of the tradition’s problematic treatment of women.Critical of the traditional acceptance of complementary gender roles, he called to establish a religious community committed to partnership and equality. A religious Jew, who by his own words, gave "half of his life to God and half - to the love of human beings,"[[4]](#footnote-5) Salamon was driven by the desire to restore the principle of equality that, according to him, defined biblical Judaism. Speaking to his fellow rabbis, he sought to sound the alarm before it was too late.

Salamon's surprisingly "modern" arguments did not affect his contemporaries, but today they give a seal of legitimacy to women who seek to reclaim their due place in religious life. More than that, Salamon's learned critique of the traditional biased interpretation of the Torah and his rejection of what is now called *gender essentialism* pull the rug from under the authoritarian rhetoric of Orthodoxy's gender discourse.

Those of the *Maamar*’s readers who have accumulated the “mileage” of religious feminist literature may feel at first a sense of déjà vu. What is so special about it, they may wonder, this is exactly what we have been claiming for years. Well, while reading the *Maamar* it must be kept in mind that some of the arguments that have become trite over the years were stated by Salamon some 70 years before the pioneer religious feminists started claiming their rights.

**Historical Background**

In recent years it has become evident that well before the emergence of religious feminism, the status of women in Judaism had become an issue within the Orthodox community. While in the more distant past the question of gender inequality in Judaism was raised by Christian authors as part of their polemics against Judaism,[[5]](#footnote-6) with the arrival of the Jewish Enlightenment, the position of women began to bother Jewish authors themselves. However, these authors felt that things needed some updating, not a real change. Just like Zionism a hundred years later, Jewish Enlightenment was set to create a new Jewish man. It had no plans for a new Jewish woman.[[6]](#footnote-7)

 On the contrary, Jewish intellectuals in nineteenth-century Europe, both Western and Eastern, were rather apprehensive at the thought of Jewish women discovering modernity.[[7]](#footnote-8) The prospect of their crossing the line into the public sphere as independent individuals was perceived by these liberal minded intellectuals as a real threat to the future of the Jewish people.[[8]](#footnote-9) Early modern attempts to deal with the position of women in Judaism, such as those of Samson Raphael Hirsch in Germany and Isaac Baer Levinsohn and Eliezer Zweifel in Russia, were apologetic in their essence, and centered specifically on the need to improve women’s general education.[[9]](#footnote-10) However, even women’s education was not seen as important per se, but as necessary for the upbringing of the new [male] Jew. As a result, as much as those writers were critical of the self-alienation of the Jewish collective from modern life, they remained strong advocates of the traditional home.[[10]](#footnote-11) While the man was urged to explore new horizons, the responsibility for the integrity of the Jewish people was entrusted to women, who now became the “guardians of Jewishness.”[[11]](#footnote-12) Even the next generation of intellectuals, that of Adolf Jellinek, Moritz Gudemann and Joseph Samuel Bloch, remained faithful to the traditional concept of women as complementary to men.[[12]](#footnote-13) Instead of criticizing women’s alienation from Jewish spiritual life and its incompatibility with the new social reality, they insisted that Judaism did not have to update its views as it had cleverly solved its gender problems long before the rise of modernity.[[13]](#footnote-14) Even Reform Judaism, which from the outset was aware of the problematic position of women, was quick to point out the problems but slow to respond to its own critique.[[14]](#footnote-15)

 To return to Jellinek, Gudemann, Bloch and others: their position on the situation of women in Judaism may seem disappointing from the feminist standpoint, but the context in which they acted and the audience they targeted must be borne in mind. Written in German, their works were not intended for Orthodox rabbis but, rather, for acculturated German-speaking Jews, who often had critical views of their Jewish heritage.[[15]](#footnote-16) Incidentally, these writings were also read by non-Jewish readers, whose attitude to Judaism oscillated between patronizing criticism and unabashed anti-Semitism.[[16]](#footnote-17) In this atmosphere of self-loathing on the one hand and venomous hatred on the other, if these authors did have some doubts about the treatment of women in Judaism, they kept them to themselves.

 Toward the end of the nineteenth century, pioneer Jewish feminists were not particularly agitated by the question of women’s status in Judaism either. Like other feminists of their time, they had more pressing causes to fight for, such as women’s civil rights, education, employment, sexual exploitation and so on. Within the scope of Judaism, feminists were struggling against those peculiarities of the halakhah that resulted in social inequality, such as divorce, the right of inheritance or ***‘***aginut.[[17]](#footnote-18) Moreover, at this early stage, just like in the case of Jewish Enlightenment, feminists did not consider the improvement of women's life as a cause in itself but as society’s best interest in its endeavor to achieve progress and prosperity.[[18]](#footnote-19) As the winds of secularism and modernity were carrying European minds away from traditional religiosity, Jewish women struggling for their basic rights did not concern themselves with the subtleties of religious practice. Instead, these early feminists, eager to act beyond the boundaries of the private sphere, usually sought self-realization in charitable or social organizations.

Such is the case of Bertha Pappenheim, who remained an Orthodox Jew all her life. It is characteristic that in her polemical writings she did not criticize the women’s place in traditional Judaism but the rabbis’ negative attitude toward feminism as a movement.[[19]](#footnote-20) Others, like the assimilated Rózsika Schwimmer, dedicated their lives to women’s causes in general.[[20]](#footnote-21) Emma Goldman, the boldest and most radical of all, did not fit either pattern. She was a political activist, a self-proclaimed atheist, and a visionary, busy charting the map of future feminism. One way or the other, at that early stage, women’s religious rights that did not affect their social rights were low on feminists’ list of priorities.[[21]](#footnote-22) It is only logical that religious feminism, both Christian and Jewish, emerged in the 1970s, once these rights had more or less been achieved.[[22]](#footnote-23)

 As Mózes Salamon’s *Netiv Moshe: Maamar Mehkari ‘al Mishpat haNashim BaEmunah* was written in post-Schism Hungary,[[23]](#footnote-24) special attention must be given to the doctrinal position of the Neolog movement and the place it allocated to women. It would be a mistake to characterize Neolog Judaism as the Hungarian version of Reform Judaism. Neolog Judaism, which emerged toward the end of the first half of the nineteenth-century, represented a moderate response to emancipatory processes and modernity.[[24]](#footnote-25) Vigorously distancing itself from Reform Judaism, which failed to acquire a true following in Hungary, it did not feel any need to change either religious practices or beliefs. As Leopold Löw, one of the more prominent figures of Neolog Judaism stated, the difference between Neolog Judaism and Orthodoxy was one of “culture” not of “cult.”[[25]](#footnote-26) It certainly did not intend to make changes in the religious status of women. Thus, despite its impressive scholarly output, neither the Rabbinical Seminary of Budapest, its renowned academic institution, nor *Magyar Zsid*ó*Szemle*, its scholarly review, showed any interest in the position of women in Judaism.[[26]](#footnote-27) While the male adherents of the Neolog Judaism were making their way up the social ladder of society, the women were expected to be moderately educated housewives actively engaged in the preservation of [gender biased] Jewish practices and values.[[27]](#footnote-28)

Although most of its followers were not practicing Jews, Neolog Judaism did stick to the halakhic corpus, restricting its changes to the esthetics of the synagogue and the liturgy. It is symbolic that it did not hesitate to make its synagogues look strikingly similar to churches and to introduce the organ; however, it did not dare to abolish gender separation. The latticework was removed, but women were still confined to the gallery high above the prayer hall.[[28]](#footnote-29) The Great Synagogue of Pest, whose construction was finished in 1859, would become a silent, yet eloquent, reminder of the esthetical mores and social conservatism of Neolog Judaism.

 All the above was not peculiar either to the Neolog movement or to any other Jewish religious or social structure at the end of the nineteenth century. Recent research has shown that the halakhic position of women in Judaism was not part of specific public discussion or the scholarly investigation of European Jewry. It became a problem only toward the end of the second decade of the twentieth century.[[29]](#footnote-30) Even then, the debate was not a spontaneous one, as it was generated by Rabbi Kook’s responsum to the Mizrahi party concerning women voting in the prospective elections in Palestine. As important as it was, the heated discussion it triggered focused on certain halakhic aspects of social equality and leadership. It did not address either the roots of gender inequality in Judaism or their broad manifestations, such as women’s systematic alienation from significant parts of Jewish life.[[30]](#footnote-31) It would take another 50 years and the birth of religious feminism to begin a serious discussion of these issues.

**Rabbi Mózes Salamon (1838–1912)**

Before I discuss the book, let me relate what little is known about the author.[[31]](#footnote-32) Since the information about him is rather basic, I shall have to rely mostly on indirect sources, hints scattered in his polemical essays, newspaper articles and his short rhymed autobiography.[[32]](#footnote-33)

 Rabbi Mózes (Moses) Salamon modestly signed all his books “the youngest among the sages, Mózes Salamon the lowly of Khust.”[[33]](#footnote-34) He was born on 7 Adar 5598 (2 April 1838) in Khust,[[34]](#footnote-35) into a poor Jewish family. The family was so poor that as a young child he began working as a pedlar. However, encouraged by his mother, he did not abandon the *cheder*. Later, his father, a hardworking man with a natural propensity for learning, sent him to a local yeshivah. Judging by Salamon’s testimony, his first encounter as a young boy with the yeshivah world, especially with the rabbi of his first yeshivah, Rabbi Yaakov Katina,[[35]](#footnote-36) was traumatic. Salamon humorously describes in his autobiography the atmosphere of the yeshivah, his terror at the sight of the rabbi, the rabbi’s violent pedagogical methods, his own counterattack on the rabbi and the ensuing punishment. Probably as the result of this negative experience, Salamon left Khust for good after his bar mitzvah, but he did not leave the realm of Orthodoxy altogether. In the years to come, he would study at several yeshivahs. Again, some of these would leave him with better memories than others. All this changed when he arrived in Liptovský Svätý Mikuláš[[36]](#footnote-37) and became a favorite student of Rabbi Yisakhar Ber Sinai of Mikulaš,[[37]](#footnote-38) an ultra-Orthodox rabbi and *av beit din* (presiding judge of the Jewish court).[[38]](#footnote-39) Salamon proudly tells his readers that Rabbi Yisakhar, who gave him his rabbinic *semicha*, loved him like a son.[[39]](#footnote-40)

 Following his marriage in 1860, Salamon who had spent days and nights studying the Torah, opened up to general culture.[[40]](#footnote-41) He explains in his autobiography that his father-in-law's personal example taught him that one may be, both a pious Jew and an intellectual versed in Western culture.[[41]](#footnote-42) The marriage was childless. Beginning in 1867, he served for 45 years as the first and last rabbi of the small Jewish community of the town of Turdossin not far from Liptovský Svätý Mikuláš.[[42]](#footnote-43) After the Schism, Salamon’s congregation remained for some time unaffiliated (Status Quo) but later joined Neolog Judaism, like most of the communities in that part of Hungary.[[43]](#footnote-44) In this respect it should be remembered that the Orthodox and the Neolog communities in this part of Hungary were far from feuding, on the contrary, they cooperated in everyday life.[[44]](#footnote-45)

 When the Budapest Neolog community began looking for a rabbi, after the death in 1897 of its longstanding leader, Samuel Löw Brill, Salamon applied for the position. He was recommended by the head of the Rabbinical Seminary, Rabbi Moses Loeb Bloch, who held him in high esteem as a Talmudic scholar. However, he was not the only applicant, and in order to make a decision, the Budapest community put Salamon’s rhetoric skills to the test: first, he was requested to lecture in Hungarian, then, in German.[[45]](#footnote-46) While his command of German was found adequate, the Pest congregation reckoned that his Hungarian could not match that of his Budapest born university-educated predecessor, and mainly for this reason his candidacy was rejected.[[46]](#footnote-47) Salamon was probably humiliated by this rejection, which disregarded his long experience as a rabbi and his impressive halakhic knowledge.[[47]](#footnote-48) He returned to his community and remained with it until his death in 1912. The dwindling community of Turdossin did not seek a new rabbi and eventually disappeared.[[48]](#footnote-49)

 After having remained silent for most of his professional life, between 1896 and 1901, Salamon published five essays on diverse halakhic subjects, all following the same literary pattern.[[49]](#footnote-50) Some of these writings met with severe criticism by his fellow rabbis,[[50]](#footnote-51) and he engaged in acrimonious argument with some of his critics.[[51]](#footnote-52)

 Salamon’s disappointment with the cold shoulder the Pest community gave him, did not deter him from publishing an article entitled “The Jewish Woman and Jewish Culture” in Magyar-Zsidó Szemle in 1904.[[52]](#footnote-53) Postulating that the status of women in a society is an indicator of the society’s cultural and moral level he gives a brief overview of the traditional Jewish attitude toward women in antiquity and in the Middle Ages. Adopting a somewhat playful tone, he gently criticizes the cavalier behavior of some of the rabbis toward women as opposed to the kindness and respect of others. He praises the sages for their lack of hypocrisy and prudishness. Toward the end of the article, he humorously compares the gallant European manners which let women go first, to the rabbis’ claim that only an ignoramus would follow his wife.[[53]](#footnote-54)

 It is difficult to position Salamon’s worldview within the ongoing controversy of the period between ultra-Orthodoxy, mainstream Orthodoxy and Neolog Judaism. It is obvious that his upbringing and education were ultra-Orthodox, that he received his *smichah* from an ultra-Orthodox rabbi. However, it seems that during his lifetime, he shifted from the ultra-Orthodoxy of his childhood and youth[[54]](#footnote-55) to the mainstream Orthodoxy[[55]](#footnote-56) of his early rabbinic service. When the community he was serving in post-Schism Hungary hesitated between ultra-Orthodoxy and Neolog Judaism, he led it to the mainstream Orthodoxy of Status Quo Judaism. Later when his congregation decided to embrace Neolog Judaism, he forged personal ties with its prominent members, Bloch and Goldziher.[[56]](#footnote-57) The publication of “Jewish Woman and Jewish Culture” in a Neolog review proves that toward his old age he came to identify with this movement. Once again, it must be kept in mind that for a rabbi crossing the line from mainstream Orthodoxy to the Neolog movement was not a dramatic move from the halakhic point of view, but rather, an acceptance of European cultural values. At a personal level, he remained all his life a strictly observant Jew.[[57]](#footnote-58)

It may be claimed that some of Salamon’s arguments reflect his zeitgeist and, more specifically, that they are marked by the Wissenschaft des Judentums’ critique of the Oral Law. Seen from a different perspective his acquaintance with academic scholarship speaks for Salamon’s intellectual courage: an Orthodox Jew, he was an autodidact, an open-minded seeker of knowledge. Love of knowledge alone does not guarantee the courage to speak one’s mind, especially when it contradicts established opinion within one's social circle. Some of the earlier mentioned intellectuals were secular university-educated Jews, but this did not prevent them from wholeheartedly defending the marginalization of women in Jewish religious practices. Without any doubt, the ideas that Salamon was promoting in the *Maamar*, his critique of the process of canonization of the Oral Law and the sages’ attitude to women, were nothing less than daring and unorthodox.

 Like many Orthodox rabbis of his time,[[58]](#footnote-59) Salamon was acquainted with a considerable measure of the prevailing culture, which made him part of the so-called *rabbinic* *Haskalah*.[[59]](#footnote-60) His adherence to the spirit of the Haskalah is salient, both in his literary style and in his choice of polemic as his preferred genre. His texts, full to the brim with biblical expressions and fragments of verses, reflect the so-called *maskilic* *biblical purism* which was characteristic of the 19th century Haskalah*.*[[60]](#footnote-61) While at first glance, this intensive use of biblical language may appear as a sort of personal preference, the reason for this stylistic peculiarity becomes clear upon reading Salamon's autobiography. Throughout his autobiography, Salamon criticizes the curriculum of the yeshivahs of his youth for being based solely on the study of the Talmud and halakhic literature. As a result, he claims, the entire community of Talmudic scholars lacked basic knowledge of the Bible and the Aggadah.[[61]](#footnote-62) Seen from this perspective, Salamon's literary style reflects an ideological effort to prioritize the Bible as the embodiment of authentic Hebrew over the rigidity of the rabbinic language.[[62]](#footnote-63)

Salamon's critical attitude toward the oral character of Jewish learning of his time, aimed at discouraging students of the yeshivahs from acquiring writing skills, represents another trait of his *maskilic* sympathies.[[63]](#footnote-64) Modern scholarship has shown that this conscious distancing of the learning community of Central and Eastern Europe from writing, which produced generations of semi-literate men, was probably motivated by the fear of the subversive power of writing and of written texts.[[64]](#footnote-65) On several occasions, Salamon expresses disdain toward the narrow-mindedness of his teachers and proudly emphasizes his command of the writing skills which he acquired as an autodidact. Salamon values his ability to express himself in writing, exhibited in his polemical essays, as one of the most important, if not the most important, achievement of his life.[[65]](#footnote-66)

***Netiv Moshe: Maamar Mehkari ‘al Mishpat haNashim baEmunah***

The *Maamar* is dedicated to Rabbi Doctor Mózes Loeb Bloch, who served for 30 years (1877–1907) as the first head of the Budapest Rabbinical Seminary. It is clear from the opening remarks of his book, that Salamon held both Bloch and the seminary in very high esteem.

 In a letter sent on 22 November 1899 to Ignaz Goldziher, shortly before the publication of the *Maamar*,[[66]](#footnote-67) Salamon expresses his bitterness toward the *‘edah* (the congregation).[[67]](#footnote-68) Presumably, he alludes to the Pest Neolog community which rejected his candidacy for the position of its rabbi. However, the main subject of the letter is the work he is sending to Goldziher, probably the *Maamar*. Salamon seeks Goldziher’s opinion on this work; he also expresses concern about the effects it will have on the community. But, he adds, he cannot keep silent because “at this hour it is needed.” Bearing in mind that Goldziher was very critical of the lack of true leadership and vision of Neolog Judaism,[[68]](#footnote-69) it is clear why Salamon was interested in his opinion. There is no record of Goldziher’s reply.

 When reading Salamon’s essays, it is necessary to get used to their style and odd structure. Thus, the main text of the *Maamar* is replete with fragments of biblical verses, to the point that, at times, Salamon’s loyalty to the biblical text affects the clarity of his arguments. It is possible that Salamon's style was less challenging to his contemporaries than it is for the modern reader, as they were equipped with the so-called *simultaneous reading* technique which has practically vanished since.[[69]](#footnote-70)

 The main text is not very informative and even rather trivial in its content. His radical ideas are often relegated to footnotes, which account for over half the essay. As he intends the work for his fellow rabbis, the footnotes are full of abbreviations, technical halakhic terms, and departures from the main subject that only a Talmudic scholar can fully understand. It is not clear why the author decided to design his book in a way that reveals its importance only to those who take the trouble to read the “small print.” These formal and stylistic peculiarities demand considerable effort from his readers, but in the end they make them admire Salamon’s vast knowledge and careful handling of the sources. It seems that Salamon relied on his memory for references to the Talmudic material, which caused him to make some little mistakes.

 In his short introduction to the essay (*A Word to the Readers*), woven, like the rest of it, from fragments of biblical verses and rabbinic sayings, the author explains that he is no longer a young man, and he does not write for personal gain. He writes out of shame for the unfair treatment of women in Judaism. He deplores “the ruin of the daughter of my people”,[[70]](#footnote-71) who is humiliated and mistrusted at every step. The Jewish woman is vilified by her religious community, he says, which claims that God Himself is so repulsed by her that He excluded her from His holy community. But women are not “light-headed”[[71]](#footnote-72) and are serious in their striving for justice. This struggle, he warns, may cause them to leave Judaism for peace and satisfaction elsewhere.[[72]](#footnote-73) That is why he has decided to look for the roots of Judaism’s shameful attitude to women, which condemns them without rhyme or reason. The author wonders whether he will succeed in restoring the Jewish woman to her original status or his effort will be fruitless. He concludes his introduction by imploring his readers to believe him when he says that he does not want to destroy Judaism, only to restore peace.[[73]](#footnote-74)

One of the important characteristics of Salamon's worldview is his total dedication to traditional Judaism. Although he is aware of the discipline of biblical criticism,[[74]](#footnote-75) his faith in the divine provenance of the Torah was rock solid. One is tempted to characterize his biblical approach as a *naïve* one. In fact, his total certitude in the Torah being God's revealed truth is at the basis of his argument against the situation of women in Judaism in his time. Despite Salamon's critique of the sages' attitude toward women, the *Maamar* is a traditional halakhic book, both in its form and its essence. Salamon's command of the Talmud and later halakhic sources is virtuosic and small mistakes in his references indicate that he was probably citing most of those sources by heart. Although he is aware of the deteriorating situation of the Jewish communities around him, he is in no way calling to reform Judaism in order to save it from disappearance, but rather advocates restoring it to its initial glory.

**The Roots of Gender Inequality in Judaism**

The central thesis of the *Maamar* is that the Torah, as the faithful reflection of divine revelation, is based on the principles of strict gender equality. This initial equality, claims Salamon, was undermined by the sages who adjusted the God-given Law to the historical and social realities of their time. In other words, the Mishnah, as the compendium of the Oral Law, is tainted by the gender-exclusive misogynist views of the sages of the fourth and fifth generations of Tannaim.[[75]](#footnote-76) The Talmudic scholars, and all of the following generations of rabbinic scholars, he argues, only upheld and deepened this legal and social injustice. This is a rather bold claim, certainly for a traditional rabbi, because it questions the legitimacy and rationale of the sages’ interpretation of the Torah, and accuses them of interfering, for some unholy reasons, with God’s creational design.[[76]](#footnote-77) Furthermore, Solomon's stand contradicts the established opinion claiming that the sages improved women’s status compared to that in the Torah. By pointing at the later generations of the Tannaim as the culprits behind Judaism’s gender inequality, Salamon somehow deflates the modern debate over the misogynist tendencies of the medieval and early modern commentators. Not that the medieval and early modern halakhic scholars were innocent of biased rulings, but they were working within the guiding lines drawn by their predecessors.

**The Main Arguments**

Salamon begins his work by stating that God created men and women equal, and the Torah reflects this equality. The midrash states that the first woman was created as the first man’s twin.[[77]](#footnote-78) So how is it possible, he wonders, that the first woman has been stripped of the equal rights the Torah promises to both?[[78]](#footnote-79) It happened, he answers, because the sages placed all of the blame for the original sin on her, while it was clear that the first man made her the culprit in order to save himself. By blaming the woman and taking the first man’s side, Salamon claims, the sages broke the halakhic rule: “We do not plead on behalf of an inciter [*mesit*].”[[79]](#footnote-80) Moreover, the sages denied the woman her equal rights by intentionally misinterpreting the words “fill the earth and subdue it [*vekhivshuha*]”.[[80]](#footnote-81) While God’s command addressed both man and woman as masters of the Creation, they interpreted it as referring to the man alone who would master the earth and subdue the woman.[[81]](#footnote-82)

 Salamon reminds his readers that before Man wrongly accused Woman, deprived her of personal freedom[[82]](#footnote-83) and turned her into a “toiling serf” laboring at endless domestic duties, that is, before the halakhah was sealed, the woman had been a warrior in her own right. Even after the sages declared women weak and incapable, he argues, they still married them to support them financially and provide for their children while they were studying Torah.[[83]](#footnote-84)

 Although Salamon clothes his deliberations in a “naïve” rhetoric, it becomes clear from the start that he is critical of the halakhah as the reflection of a certain social reality, where women were deprived of their personal freedom and subjected to men.[[84]](#footnote-85) He constantly blames the sages for the deplorable situation of women in Judaism: “Why did our ancient sages of blessed memory decide to push her away with both hands from the Sanctuary of Faith,” he wonders, “to the point that today she has almost no part in the worship of God, blessed be He? And who was responsible for this great evil?”[[85]](#footnote-86) The reason for this inequity, answers Salamon, is that the Law was shaped by men for their needs.[[86]](#footnote-87) The sages’ gender bias, he continues, is obvious in their interpretation of the Law in a way that limits women’s rights, on the one hand, and burdens them with duties, on the other. Thus, the sages exempted women from the commandment to procreate in order to strip them of their share of power and authority, but they obliged them to give birth, on the basis of “He did not create it a waste, but formed it for habitation.”[[87]](#footnote-88)

 How is it possible, Salamon wonders, that the sages promised to judge people according to their deeds and not according to their social position or gender,[[88]](#footnote-89) but, in reality, women are always found guilty. The sages themselves answer this question when they “quote” the daughters of Zelophehad: “God’s mercy is not like the mercy of humans. Humans’ mercy is more on males than on females; God’s mercy is different, it is on men and women alike, and it is on everyone, as it is said: "Who gives food to every creature.”[[89]](#footnote-90)

 As already mentioned, Salamon’s central claim throughout his essay is that the present halakhic situation is the result of a change that occurred in the sages’ attitude toward women during the later generations of the Tannaim.[[90]](#footnote-91) Although Salamon does not explain what caused this change or why they should be held responsible for the worsening of the situation of women, he probably based his words on a well-known responsum by Sherira Gaon (10th cent.). In it, Sherira Gaon explains that Rabbi Meir, Rabbi ‘Akiba’s closest surviving student, was the primary source of the material collected by Rabbi Yehudah HaNasi for the *Mishnah*.[[91]](#footnote-92) It can be assumed that Salamon understands Rabbi Meir’s interpretation of the Oral Law as gender biased.[[92]](#footnote-93) Furthermore, his scattered remarks hint to his critical evaluation of Rabbi Meir’s character, which finds some support in the scholarship of recent years.[[93]](#footnote-94)

 Salamon is especially ashamed of the saying: “R. Meir used to say, a man is bound to say the following three blessings daily: ‘Blessed are You, who has made me an Israelite … who has not made me a woman and … who has not made me a boor [a gentile].’”[[94]](#footnote-95) Rabbi Meir, Salamon explains, lived after women had been stripped of their dignity.[[95]](#footnote-96) Salamon tries to put this misogynistic saying into historical perspective. The original reason for women being excluded from most religious practices, he explains, was ostensibly their illiteracy. But one has to remember, he continues, that in those days, most of the people, even kings, were illiterates who could not read or write or utter a benediction.[[96]](#footnote-97) The literacy level was so low that one of the preconditions for being made a judge was the ability to sign one’s own name.[[97]](#footnote-98) Nowadays, when “the majority of women know how to pray and to recite blessings, to read, to write, and to sign their name, it is possible that even R. Meir… would admit that this is an unnecessary blessing.”[[98]](#footnote-99) It is interesting that Salamon refutes the blessing “who hast not made me a woman” as shameful, while to this day generations of well-minded commentators, women and men alike, try to accord it a positive explanation.[[99]](#footnote-100)

 Salamon’s critical approach to the opinions of the sages is quite unusual for a religious Jew deeply rooted in tradition, but he is not alone in suspecting that they were responsible for the alienation and humiliation of women. It is even possible that he found inspiration from some like-minded thinkers. Elsewhere Salamon mentions Samuel David Luzzatto, albeit in a different context,[[100]](#footnote-101) so it can be assumed that he had read some of his writings. He might have seen Luzzatto’s comment on “but the seventh day is a Sabbath of the Lord your God: you shall not do any work—you, your son or daughter, your male or female slave, or your cattle, or the stranger who is within your settlements”.[[101]](#footnote-102) Luzzatto says that the commandment “includes without any doubt the man and the woman, because the minors are mentioned in “your son or daughter” and the slaves in “your male or female slave,” which means that the woman is equal to the man, and she is independent like her husband. If the woman were enslaved to her husband like a female slave, it would be necessary to warn her husband about her rest, as in the case of his children and slaves, since they are not independent; and thus in all the commandments of the Torah the text speaks in the masculine and the woman is included; and the sages [b. Berakhot 20b] exempted her from the positive commandments limited to time because in their days women's condition had changed, as men tightened the yoke around their neck.”[[102]](#footnote-103)

 Even if Salamon was aware of Luzzatto’s words, his critique of the sages is more severe. Luzzatto’s uneasy position between his traditional heritage and his secular intellectual background led him to seek a middle ground that would not harm a Jewish tradition that was already under attack.[[103]](#footnote-104) Salamon, a small-town autodidact rabbi with no intellectual pretentions, had only the world of Judaism before his eyes.

 Instead of fearing secularization, which should have represented at first sight the greatest threat to Judaism, Salamon time and again expresses his fear that Jewish women would prefer Christianity to Judaism.[[104]](#footnote-105) While Jewish women do not attend synagogues, because they feel unwelcome there, he claims, the churches are filled with women.[[105]](#footnote-106) It should be said that in Hungary, the rate of Jewish conversion to Christianity was negligible at the end of the nineteenth century,[[106]](#footnote-107) but it rose to some 10 percent of the total Jewish population in the following decades.[[107]](#footnote-108) While the number of women within this group was higher than men before the First World War, after the war the number of males who converted exceeded the number of the females.[[108]](#footnote-109) However, contrary to Salamon’s misgivings, both women and men converted to Christianity mostly for social reasons, not doctrinal ones. Still, although his fears proved groundless in the case of twentieth-century Hungary, it is possible that in some periods in the past, Jewish women did turn to religious movements that promised them equality.[[109]](#footnote-110)

**Examples of gender inequality**

*a)* Minyan *(quorum)*

Salamon considers the exclusion of women from the *minyan* as an unfounded, hurtful, and harmful practice. In so doing he runs counter to a long line of halakhic authorities who justify the exclusion of women from the *minyan*.[[110]](#footnote-111) When the best and the brightest Jewish men are leaving religion in droves in search of a better life, he laments; when only the poor and uneducated stay behind; when synagogues are emptying of worshipers and it becomes difficult to form a *minyan* even on the Sabbath, Judaism continues to ignore women who should be part of it.[[111]](#footnote-112) He argues that in ancient times, women did complete the *minyan*. The commandment for the quorum of ten, he explains, is based on two verses.[[112]](#footnote-113) One of them— the one that is relevant here, says: “You shall not profane My holy name, that I may be sanctified in the midst of the Israelite people”.[[113]](#footnote-114) The sages deduce from this verse that only Israelites can complete a *minyan*. At the same time, according to the Talmud, Rabbi Eliezer even freed a Canaan slave so that he could complete the quorum, although it was against the law of slavery of the Torah. He did so because the importance of the prayer prevails over the law of slavery.[[114]](#footnote-115) How is it possible, Salamon wonders, that the sages were ready to transgress the law of the Torah for the sake of prayer, but would not count women as the people of Israel for the same purpose?[[115]](#footnote-116) It goes without saying, he adds, that women are eligible to complete the quorum of seven for the reading of the Torah and may read from the weekly portion of the Torah in the synagogue or make *aliyot*, although they are prevented from doing so “out of respect for the congregation.”[[116]](#footnote-117)

 In the *Maamar* special attention is afforded to the *zimmun*.[[117]](#footnote-118) Salamon sees in the exclusion of women from the *zimmun* when both men and women are present an offensive act. This is even more aggravated, he adds, when a woman is barred from saying the *zimmun* with her husband, because “women’s company does not look good [*einah naah*]”![[118]](#footnote-119)

 In all of these cases, women are barred from their rightful participation in religious life because of social conventions, just for the sake of appearances, claims Salamon.[[119]](#footnote-120)

*b) Exclusion from the Community of Learners*

As mentioned, Salamon’s main thesis is that the Torah was originally based on equality, until the sages, aligning with the norms of their time, clothed it in a “new garment” that changed its meaning.[[120]](#footnote-121) One such case is study of the Torah. Salamon quotes the exegesis of Rabbi El’azar ben ‘Azariah, a third-generation Tanna, to the verse “Gather the people—men, women, children, and the strangers in your communities—that they may hear and so learn to revere the Lord your God”.[[121]](#footnote-122) Rabbi El’azar ben ‘Azariah, known for his saying “The words of the Torah should be burned, rather than entrusted to women,”[[122]](#footnote-123) said: “‘Gather the people—the men and the women and children.’ If the men came to learn, the women came to hear.”[[123]](#footnote-124)Salamon objects that while the Torah explicitly commands both men and women to listen and to learn, Rabbi El’azar ben ‘Azariah reversed the order of the words in his exegesis to give priority to men, and to create a link between men and learning.[[124]](#footnote-125) In doing so, he concludes, he excluded the women from the community of learners, turning them into passive listeners in order “to belittle their value.”[[125]](#footnote-126)

 The modernity of Salamon’s egalitarian gender concepts is truly amazing. His understanding of the importance of learning within Jewish society, as the instrument of power, was certainly innovative for his time. The claim that women’s exclusion from the community of learners was a conscious strategy designed to marginalize them, to strip them of their rights, and to turn them into passive believers, sounds somewhat Foucauldian. Despite the existence of several examples of women versed in halakhic learning throughout Jewish history, which are produced every time the question of women and learning is raised, these examples are usually considered a curiosity, a deviation from the norm.[[126]](#footnote-127) The clearly articulated claim to open the realm of halakhic learning to women was made by religious feminists only in the last quarter of the twentieth century and, even then, not as a reclamation of a due right, as Salamon argues, but as the result of social changes.[[127]](#footnote-128) The first public schools for girls had been established in Salamon's hometown less than a decade before he wrote the *Maamar.* In most European countries, including Hungary, women were still barred from universities at the end of the nineteenth century.[[128]](#footnote-129) Where did Salamon draw his certitude that women could be equal members of the learning community? Perhaps his egalitarian stance can be attributed to an innate sense of justice.

*c) Rabbi Yehudah HaNasi’s Role in the Exclusion of Women*

Although the tendencies existed even earlier, claims Salamon, the final exclusion of women from most of the religious practices was sealed in the days of Rabbi Yehudah HaNasi, whom the tradition sees as the editor of the Mishnah. According to Salamon, when editing the Mishnah, Rabbi Yehudah HaNasi deliberately dispersed commandments concerning women throughout different tractates so as to blur the logic behind them.[[129]](#footnote-130) To make his point, Salamon analyzes a *braita* from t. Sotah 2:8*.* He shows that while the braita there states a cluster of commandments, in the Mishnah these same commandments are dispersed in ten different places.[[130]](#footnote-131)

 Further Salamon specifically compares the text dealing with the positive precepts limited to time in m. Kiddushin 1:7 and t. *Sotah* 2:8. The wording in the Mishnah that exempts women from the positive precepts limited to time is clearly negative: women are unequivocally exempted (which is understood as not allowed[[131]](#footnote-132)) from performing positive precepts limited to time:

“All obligations of the son upon the father, men are bound but women are exempt, but all obligations of the father upon the son, both men and women are bound. All positive precepts limited to time, men are bound but women are exempt. All negative precepts, whether limited to time or not limited to time, are binding upon both men and women excepting you shall not round off, and you shall not destroy, and he shall not defile himself to the dead.”[[132]](#footnote-133)

 In t. Sotah2:8, on the other hand, claims Salamon, women are not exempted from the positive precepts limited to time, they are just not punished when they do not perform them: “A man is subject to [punishment for] the transgression of a commandment which has to be performed at a particular time, which is not the case with a woman.”[[133]](#footnote-134) As it is obvious from this passage, Salamon explains, it was meant to give the individual woman the choice to decide whether in a certain situation she may or may not undertake a certain religious obligation: “but the precepts were said to both of them here too. The tradition meant only to make things easier for her, to always leave her life in her hands to do or to desist, not to belittle her dignity, God forbid!”[[134]](#footnote-135)

 To sum up Salamon’s egalitarian vision of the halakhah, it was originally given equally to men and women. The Torah as a faithful reflection of God's will did not intend to exclude women from religious life, which happened after the sealing of the Mishnah. Furthermore, while the Tosefta represents the authentic transmission of the Oral Law, the Mishnah is a political document.[[135]](#footnote-136)

 Salamon shows how the ostensibly compassionate exemption of women from most of the religious practices comes with a price: those who do not have obligations have no rights.[[136]](#footnote-137) He also recalls that, although the ban on the performance of positive precepts limited to time by women has been accepted, at least as a formula,[[137]](#footnote-138) it also became the subject of controversy: whereas Rashi decided that the positive precepts limited to time performed by women should not be encouraged and should not be accompanied by a benediction, Rabbenu Tam held a different position on this matter.[[138]](#footnote-139)

 While Salamon’s argument concerning the seniority of the Tosefta over the Mishnah is fascinating, it is grounded in a controversial claim. The traditional view, based on the above-mentioned Rabbi Sherira Gaon’s responsum, states that the Tosefta was edited after the Mishnah, as its supplement.[[139]](#footnote-140) This view has been upheld by the majority of modern scholars, beginning with the Wissenschaft des Judentums. Modern scholars may have some doubts regarding the initial importance, uniqueness and reception of Yehudah HaNasi’s Mishnah by his contemporaries, but they do not question the order of appearance of the Tosefta and the Mishnah.[[140]](#footnote-141) Those Talmudic scholars who think that Yehudah HaNasi’s Mishnah was preceded by older halakhic anthologies find in the Tosefta proofs of their view, but they usually do not claim that the Tosefta as a corpus was completed before the Mishnah.[[141]](#footnote-142) However, some modern scholars would agree with Salamon.[[142]](#footnote-143)

 What is intriguing is whether Salamon reached this conclusion independently or had access to critical works claiming that the Tosefta was older than the Mishnah. Although he does not mention it, it is possible that his assumption was somehow inspired by Samuel David Luzzatto’s hypothesis. In a letter of 12 March 1840, addressed to his friend and student Joshua Heschel Schorr, Luzzatto wrote: “And the great rule that everything depends on is that *Sifra*, and *Sifrei*, and the *Tosefta*, and the beraitot were not written to gloss the *Mishnah* (as Maimonides reckoned) but were *mishnat harishonim*, out of which Rabbi made his compendium.”.[[143]](#footnote-144) Furthermore, Salamon may have been aware of a similar view held by Moses Samuel Zuckermandel, a student of Zechariah Frankel and an expert on the Tosefta.[[144]](#footnote-145)

 Salamon’s examples of the Mishnah’s ostensibly tendentious redaction of the above passage might have been brushed aside, if the same claim had not been made more than 90 years later by Judith Hauptman, a respected scholar of rabbinic thought.[[145]](#footnote-146) Since Hauptman does not mention Salamon’s essay, there is every reason to believe that as a Talmudic scholar with feminist sensibilities, she came across the same examples independently and reached a similar conclusion.[[146]](#footnote-147)

 I will forgo a discussion of women’s performance of positive precepts limited to time, which continues to generate disagreement to this day even within the Orthodox community itself.[[147]](#footnote-148) One thing is certain, Salamon’s gender concepts were unusual for his time and cultural background. It stands in stark contrast to the traditionalists’ tendency in general, and that of Orthodox Judaism in particular to remain within the comfort zone of gender essentialism, claiming that “women are separate people.”[[148]](#footnote-149) To this day, the Orthodox rhetoric, of both female and male writers is predominantly essentialist, although it has become these days politically correct and sophisticated.[[149]](#footnote-150) Salamon, by contrast, exhibits an egalitarian “Platonic” approach: not all women and not always are able to fully commit themselves to the halakhah, but they must be given the choice to do so.

*d) Prohibition of Testifying and Judging*

Salamon raises objections to the prohibition of women acting as judges, as he does not see anything wrong with female judges. It is interesting that Salamon was disconcerted by this question in late nineteenth-century Hungary, when women were only beginning their struggle for equality. Even the boldest suffragettes did not dare to dream then that one day women would preside over a court! Again, one can only wonder at what drove Salamon to question not only his religious heritage but also the social order of his day.

 In the years to come the question of the prohibition of women serving as judges or political leaders would become one of the most salient examples of halakhic bias. Moreover, it would be raised in almost every debate over women’s status in Judaism. The differences between Salamon’s clear and unambiguous stand and that of his younger contemporaries Yakov Levinsohn and Haim Hirschensohn,[[150]](#footnote-151) whose well-meaning meticulous analysis of the question falls into apologetics and indecisiveness, are clear. While Salamon’s stand is a restorative one, others are at most trying to create some modus vivendi between the halakhah and modernity.

 The starting point in almost every halakhic debate over the legitimacy of female judges and political leaders is the case of Deborah. It is said that “she sat under the palm tree of Deborah, between Ramah and Beth-el, in the mountain of Ephraim, and the children if Israel came up to her for judgment.”[[151]](#footnote-152) Deborah’s story is certainly one of those cases where the halakhic prohibition seems to be at odds with the biblical story.

 Since this prohibition is deduced from the prohibition against women testifying in court, Salamon draws up a list of the halakhic material, beginning with the Torah and ending with the Rishonim, which deals with both women’s witnessing and judging.[[152]](#footnote-153) His brief remarks concerning the way the ban on female witnesses was deduced from the Torah reveal that in his opinion the rabbinic sages and the Rishonim[[153]](#footnote-154) were a priori gender-biased when they learned that women could not testify in court.[[154]](#footnote-155) Salamon is certain that when the Torah says “a case can be valid only on the testimony of *two witnesses* or more”[[155]](#footnote-156) it implies both women and men. Furthermore, the usual explanations for the ban, which adduce examples of men who cannot testify either,[[156]](#footnote-157) is inadequate, claims Salamon: the ban on men holds as long as they remain in a specific line of business, whereas women are categorically banned from witnessing. From the halakhic viewpoint, Salamon posits, the sages’ arguments for prohibiting women from testifying in court are tortuous and hardly convincing, and the sages themselves were aware of it.[[157]](#footnote-158)

 Salamon suggests an interesting explanation for such an unconditional ban on women witnesses.[[158]](#footnote-159) Though the first generations of Tannaim did not have positive views about women, they were not as hostile to them as later generations. It all changed with the coming of Christianity. It is well known, he explains, that most of Jesus’s followers were *‘am-haaretz* and women.[[159]](#footnote-160) The *‘am-haaretz*’s support for Jesus,[[160]](#footnote-161) Salamon suggests, may explain the sages’ extreme hostility to them.[[161]](#footnote-162) After Jesus died, it was women who bore witness to his resurrection. The upshot was that the sages resolved to ban woman once and for all from testifying. Henceforward the sages “turned into her enemies” and began their work, “until the measure of transgression is filled and that of sin complete.”[[162]](#footnote-163)

They stripped her of her position as the mistress and pushed her far down the ladder [from the place] she occupied from ancient times. In their haste they did not distinguish between the sacred and the profane. They slandered her testimony, so that she could never again stand before God to affirm or deny anything and they proclaimed her light-headed so that nobody would ever again believe her word or sing its praise.[[163]](#footnote-164)

 In other words, after women claimed that Jesus had been resurrected, the sages once and for all excluded them from public activities and abolished their right to be witnesses on the pretext of their lightheadedness.[[164]](#footnote-165) Alas, the idea of women’s lightheadedness is not restricted to legal matters, Salamon adds. He quotes passages from the Talmud that interpret lightheadedness as a sign of women’s inherent insatiable sexual drive.[[165]](#footnote-166) It should be pointed that there are grounds for Salamon’s explanation of the sages’ hostilities to the *‘am-haaretz* whom they may have associated with Christianity,[[166]](#footnote-167) but there is no such connection in the case of women witnesses. The ban on women witnesses seems to be in force already in the first century CE, under the pretext of their unstable character.[[167]](#footnote-168)

 Even if we accept that women cannot be witnesses, Salamon continues, the ban on female judges is flawed. Salamon believes that the Torah did not impose a ban on female judges,[[168]](#footnote-169) as Deborah was a judge before the sages barred women from being witnesses.[[169]](#footnote-170) Accordingly, the rabbinic ban on female judges based on “a woman may not be a witness, consequently a woman may not be a judge,”[[170]](#footnote-171) represents a case of retroactive, unfair, and shortsighted ruling.

*e) Gender Separation*

Salamon deals specifically with the subject of gender separation in the synagogue. He differentiates the early Israelite period, when there was no “separation curtain” between men and women in the Land of Israel, from the rabbinic period. Women had not been denigrated and demonized in the earlier period, he claims, as they were in the rabbinic times. Back then, men and women communicated freely among themselves and could appreciate each other’s beauty.[[171]](#footnote-172) However, even in the days of the sages, Salamon reminds his readers, there were two specific days in the year when young men and women could mingle socially: 15 Ab and Yom Kippur.[[172]](#footnote-173) These two days gave young women an opportunity to find a husband. This was especially important for poor young women, he continues, because, at an early stage, the sages abolished the biblical *mohar* (bride price), and institutionalized the dowry (*nadan*) instead.[[173]](#footnote-174) Salamon feels that the dowry is a shameful practice still going on in his day. It compels men to use marriage for financial purposes. He expresses hope that in the Days of the Messiah the gender restrictions imposed after the destruction of the Second Temple will be annulled.[[174]](#footnote-175)

 Salamon is not calling for a reform of Judaism. He accepts whole-heartedly the halakhic rules laid down in the Torah, which in his opinion do not harm women, such as prohibition of *yichud* (seclusion of a woman and a man)[[175]](#footnote-176) and the laws of *niddah* (the menstrual cycle).[[176]](#footnote-177) However, the total gender separation initiated at the end of the Second Temple period,[[177]](#footnote-178) due to which women were banned from most religious activities, is harmful, in his opinion. In its zeal to eradicate lustful thoughts this prohibition turned “happiness into sadness.”[[178]](#footnote-179) Still, even in those ancient times, Salamon claims, women could complete the quorum of ten for the daily prayer, the quorum of seven for the weekly portion of the Torah, as well as the quorum of three for the *zimmun* before grace after meals.

 Salamon reminds his readers that despite the restrictions imposed by the rabbinic sages, as late as in the time of the Geonim, women would pray in the same space as the men and not in a gallery above, and the Torah scroll was shown to women and men alike.[[179]](#footnote-180) Even later, in the age of the late Rishonim, strict gender separation in the synagogue did not exist.[[180]](#footnote-181) The initial gender separation, he reminds his readers, was introduced by the sages specifically for *Simhat Beit Hashoevah* during Sukkoth festivities, but eventually it evolved into a permanent one. Salamon assumes that the reason for the exclusion of women is the belief that they are seducers,[[181]](#footnote-182) while in reality it is the other way around.

 It is possible that when speaking of the gender separation in the Orthodox synagogue, Salamon reflects the pioneering archeological findings of his time that did not find any proof for the existence of a women’s gallery in ancient synagogues.[[182]](#footnote-183) Decades later, after the publication of Bernadette Brooten’s paradigm-shifting research, doubt only deepened: was the women’s gallery of the modern Orthodox synagogue a faithful preservation of an ancient tradition or a product of the gender-exclusive wishful thinking of medieval and early modern rabbis?

 Salamon advocates an egalitarian planning of the synagogue’s space that will turn women into active members of the congregation. Why separate people who come to the synagogue because of their faith, he wonders, when in the church men and women may sit together? Why not include women in religious practices nowadays, when they have other options in life? Why not make them feel that they belong, that they are important?[[183]](#footnote-184) Nowadays when the dams have been breached anyway, all these restrictions have become useless, he concludes.

**Outstanding Women**

Salamon makes an honest effort to praise the Jewish women who appear in the Bible and the rabbinic literature. Due to the scarcity of such women, his list of outstanding Jewish women is no different from the traditional one, but even then his attitude is.

 He admires Deborah, the judge and leader, who “charged into the battle leading the heroes, while Barak, the one from Kedesh Naftali, followed her only as her armor bearer.”[[184]](#footnote-185) Salamon specifically decries Rabbi Nahman’s words about Deborah and Huldah.[[185]](#footnote-186) How could Rabbi Nahman dare to be resentful of “two prophetesses that saw the vision from the Almighty,” he wonders.[[186]](#footnote-187) He is equally disturbed by Rabbi Shimon Bar Yochai’s famous declaration that “women are lightheaded,”[[187]](#footnote-188) which sounds especially hurtful when the story of Hannah and her seven sons is recalled.[[188]](#footnote-189)

 When speaking of Jewish women who contributed to knowledge of the Law, together with Beruriah, who is probably the most famous female rabbinic scholar of the period,[[189]](#footnote-190) Salamon mentions Yaltha.[[190]](#footnote-191) Yaltha, who has become the heroine of the feminist alternative reading of traditional sources thanks to her confrontation with Ulla,[[191]](#footnote-192) is habitually ridiculed by male commentators as a vain, pampered matron.[[192]](#footnote-193) Salamon, by contrast, deplores Ulla’s behavior in Yalta’s house. He sees it as an example of the sages’ general tendency to degrade women, and of Ulla's own vision of them as essentially different from men. Moreover, while most of the commentators tend to explain Ulla’s words quoted by Rav Joseph “women are a separate people”,[[193]](#footnote-194) as addressing a specific halakhic question, Salamon sees in them one more proof of Ulla’s misogyny. He judges them “a shocking statement that is unmatched in world literature.”[[194]](#footnote-195) Once again, one can only admire his brave position as a precursor of religious feminism.

 Toward the conclusion of his essay, Salamon raises an argument that has won a central place in Orthodox discourse since the middle of the twentieth century: Orthodoxy cannot survive in the modern world without making women feel part of Knesset Israel. What is striking is that Salamon senses this threat to the future of Judaism in late nineteenth-century Hungary, where Jews were only beginning their acculturation process, lagging behind their co-religionists in Germany and Austria.[[195]](#footnote-196) At that point, Jewish men began to leave their provincial communities for booming Budapest, but young Jewish women stayed behind.[[196]](#footnote-197) Being part of traditional communities and lacking a proper education, Jewish women in Hungary at the end of the nineteenth century had no strong role models to look to. They certainly could not find them in Hungarian feminism, which was slow to start in a traditional society whose values on the whole were not very different from the Jewish ones.[[197]](#footnote-198) From the late 1860s, Hungary did provide primary education for girls, and, by the 1890s, such schools were to be found in Salamon’s town of Turdossin. However, it was to take time until appropriate secondary schools for women were established, and even more time until women would be admitted to universities.[[198]](#footnote-199) This is probably the reason why Salamon fears that Christianity, not modernity, would entice Jewish women.

 Salamon makes an emotional call to his brothers in faith to act promptly, before it is too late. Since they alienated the Jewish woman from the faith, her heart is empty and it is easy to convince her to leave Judaism.[[199]](#footnote-200) If his fellow rabbis indeed want to strengthen and revive the Jewish faith, he concludes, they must be less strict and abandon some of their principles to win Jewish women back.

**Closing Remarks**

*Netiv Moshe: Maamar Mehkari ‘al Mishpat haNashim baEmunah* is a summation of a lifetime of learning and observation of a congregation torn between its commitment to an ancient tradition and the irresistible appeal of modernity. Its author, Rabbi Mózes Salamon, had no literary or scholarly ambitions, although lengthy footnotes may hint at his scholarly pride and a secret hope to impress his fellow rabbis. The fact that he decided to speak up at the age of 60, after more than 30 years of rabbinic service, tells us that he could not remain silent. He was driven by his innate sense of justice and his genuine and justified fear for the future of Judaism in a changing world.

 Unlike Rabbis Kook, Hirschensohn, Levinsohn and others, who would 20 years later be confronted by pressing questions in a totally different world, Rabbi Salamon stood at the threshold of this world. His time was what Stefan Zweig called the “Golden Age of Security”*.* “A single life from beginning to end,” Zweig wrote about the generation of his father, “without ascent, without decline, without disturbance or danger, a life of slight anxieties, hardly noticeable transitions. In even rhythm, leisurely and quietly, the wave of time bore them from the cradle to the grave.”[[200]](#footnote-201) In this slowly swaying world Salamon had no specific problem to address, no trends to cope with. The women he saw around him were still clad in long dresses and impossible hats. They ventured out of their homes to visit cafes and charitable gatherings, they read books and even wrote some, but their lives were delineated by rules and conventions set by their fathers and husbands. They could not imagine that within a few years this old world would be gone, that along with the loss and the distress, the new century would bring a real change to the lives of their daughters and granddaughters. Seen from that perspective Salamon’s little book was truly ahead of its time.

 With the benefit of hindsight, we know that the *Maamar* did not get any attention. We can only guess what the reasons for such neglect were. First, it was self-published. Probably Salamon himself or some local benefactor paid for its printing. A respected publisher would automatically ensure some attention; instead, Salamon had to provide publicity himself. He did not belong to any intellectual circle or hold a prominent public position. He obviously hoped that Ignaz Goldziher’s public support would help. It did not happen. Second, it was written in Hebrew. This was not a defect in itself, as *maskilim* in this period did write in Hebrew, they even wrote about women and their place in Jewish society. The problem was that the *Maamar* was written in an old-fashioned style, full of allusions and understatements, with lengthy exhausting, not always relevant, footnotes. In other words, it was not captivating reading material. Third, it was too radical for the audience which Salamon was targeting. No Orthodox or Neolog rabbi watching in terror his crumbling community would be pleased with Salamon’s interpretation of the Oral Law, the very heart of Jewish existence, as a product of an alien cultural environment and as an instrument of subjugation.

 And so, the *Maamar* became one of those books that have been written in every generation: it was doomed to be forgotten even before leaving the printing press. The *Maamar*’s misfortunes did not stop there. In today’s academic reality where everything is researchable and, at times, it seems that everything has already been researched, it remained overlooked. I attribute it to its small size.

 *Netiv Moshe: Maamar Mehkari ‘al Mishpat haNashim baEmunah* is a very special little book. It is a rare example of personal courage and integrity. It claims that the exclusion of women from the religious community is not the implementation of God’s creational will, but the result of a male-oriented halakhic program which adapted itself to the norms and beliefs of an alien culture. The result of this swerve from God’s original design that took place sometime before the completion of the Mishnah, was the rejection of the egalitarian ideal of the biblical Judaism. This change led to women’s systematic alienation from pivotal parts of the Jewish experience, such as positive precepts limited to time, leadership, communal prayer, and learning.

 The *Maamar*, as Rabbi Salamon sees it, is a book with a mission. He means to open his fellow rabbis’ eyes to the damaging results of this attitude. He hopes that his book will convince them to renounce the hurtful gender bias of the rabbinic sages, cast in iron by following generations, and restore Judaism to what it was meant to be, the religion of truly all the people of Israel.

**Notes on the Translation**

The Hebrew text of *Netiv Moshe: Maamar Mehkari ‘al Mishpat haNashim baEmunah* isfull of biblical expressions and quotations from the Mishnah, the Tosefta, the Talmuds, and many other sources. When translating the book into English I mainly used the following translations:

*Tanach: The Holy Scriptures*, New JPS Translation (Philadelphia and Jerusalem: Jewish Publication Society, 1985).

*The Bible*, New International Version (London: Hodder & Stoughton, 1989).

*The Judaica Press Complete Tanach with Rashi*, trans. Avroham Yosef Rosenberg (Chicago: Davka Corp, 1998).

*The Tosefta*, trans. Jacob Neusner (New York: Ktav, 1977–1986).

*The Jerusalem Talmud*, ed. and trans. H.W. Guggenheimer (Berlin and Boston, Mass.: De Gruyter, 2014).

*The Babylonian Talmud*, ed. Isidore Epstein (London: Soncino Press, 1961). (Spelling has sometimes been modified in quotations from the *Soncino Talmud*.)

For other sources quoted in the book, whenever possible I used published translations (see Bibliography). Where no translation was available, the translations are my own.

Since the text of the *Netiv Moshe: Maamar Mehkari ‘al Mishpat haNashim baEmunah* is very dense and at times enigmatic I have added some endnotes. The footnotes that accompany the main text and represent a good part of the book too are rather complex. In order to make the reading less challenging, I added my comments to them under the title *Translator’s Notes*.

1. Rachel Adler, "The Jew who Wasn't There: Halacha and the Jewish Woman," *Davka* *Magazine* (1971). It was later reprinted in *Response;* *a Contemporary Jewish Review* 18 (1973), 77-82. [↑](#footnote-ref-2)
2. Mózes Salamon, Netiv Moshe: *Maamar Mehkari ‘al Mishpat haNashim BaEmunah* (Vienna, 1899). Hereinafter it will be called *the Maamar*. [↑](#footnote-ref-3)
3. Ferziger, “Feminism and Heresy,” 508–515; Hershel Schachter, “Ze’i Lakh be-ikvei ha-Zon,” *Beit Yitzchak* 17 (1985), 132–133; Mendel Shapiro, “Qeri’at ha-Torah by Women: A Halakhic Analysis,” *Edah Journal* 1/2 (2001), 34; Aryeh Frimer, “Guarding the Treasure,” *B.D.D.* – Journal of Torah and Scholarship (2007), 1–40. [↑](#footnote-ref-4)
4. Mózes Salamon. Netiv Moshe: Maamar Mehkari uMusari ‘al Otot haEmunah (Vienna, 1901), 40. [↑](#footnote-ref-5)
5. Jewish women’s alienation from religious activities has been raised regularly in anti-Jewish polemics. A classic example appears in Luther’s *On the Jews and Their Lies*. For a more recent, nineteenth-century, example, see Alexander McCaul, *The Old Paths* (London, 1837), ch. 3. [↑](#footnote-ref-6)
6. Shmuel Feiner, “The Modern Jewish Woman: A Test Case in the Relationship Between Haskalah and Modernity” (Hebrew), *Zion* 58 (1993): 456. [↑](#footnote-ref-7)
7. Ibid., 453–499. [↑](#footnote-ref-8)
8. Ibid., 473. [↑](#footnote-ref-9)
9. Tova Cohen, "Reality and its Refraction in Descriptions of Women in Haskalah Fiction," Shmuel Feiner, David Sorkin, (eds.) *New Perspectives on the Haskalah* (London and Portland, Oregon: The Littman Library of Jewish Civilisation, 2001), 163-165. [↑](#footnote-ref-10)
10. Shlomo Chertok, *The Portrait of the Jewish Woman in the Writings of Rabbi Samson Raphael Hirsch* (Hebrew) (Jerusalem: Leo Baeck Institute, 2006); Feiner, “The Modern Jewish Woman,” 456, 459–460, 463–464; Ephraim Chamiel, *The Middle Way: The Emergence of Modern Religious Trends in Nineteenth-Century Judaism* (Brighton, Mass.: Academic Studies Press, 2014), 152–181. [↑](#footnote-ref-11)
11. Paula Hyman, *Gender and Assimilation in Modern Jewish History* (Seattle and London: University of Washington Press, 1995), 146–154. [↑](#footnote-ref-12)
12. Alison Rose, *Jewish Women in Fin de Siècle Vienna* (Austin: University of Texas Press, 2008), 57–79. [↑](#footnote-ref-13)
13. Ibid., 85; see also Feiner, “The Modern Jewish Woman,” 477. [↑](#footnote-ref-14)
14. #  While the program dealing with women’s status in Reform Judaism was made public in 1846, the changes were gradual. Thus, the first female rabbi of the movement was officially ordained only in 1972! (Riv-Ellen Prell, “The Vision of Woman in Classical Reform Judaism,” *Journal of the American Academy of Religion*, 50 (1982), 576, 580–581; Chamiel, *The Middle Way*, 135–138).

 [↑](#footnote-ref-15)
15. Hyman, Gender and Assimilation in Modern Jewish History, 144–145; Rose, Jewish Women in Fin de Siècle Vienna, 58. [↑](#footnote-ref-16)
16. Bloch, for example, was engaged in a continuous and bitter polemic with August Rohling, a shamelessly anti-Semitic professor of theology. Agatha Schwartz, *Shifting Voices:* *Feminist Thought and Women’s Writing in Fin-de-Siècle Austria and Hungary* (Montreal: McGill-Queen’s University Press, 2008), 72–79. [↑](#footnote-ref-17)
17. Margalit Shilo, “Feminism and Orthodoxy: The Council for the Amelioration of the Legal Position of the Jewess,” *Zion* 71 (2006), 203–224; Haim Sperber, “The Agunot Phenomenon from 1851 to 1914: An Introduction,” *Annales de démographie historique* 136/2 (2018), 107–135. [↑](#footnote-ref-18)
18. Schwartz, *Shifting Voices*, 31–34, 40. [↑](#footnote-ref-19)
19. Bertha Pappenheim, *A Woman’s Right: Writings of Feminism and Judaism* (Hebrew), trans. Jonathan Nirad, Natalie Naimark-Goldberg (ed.) (Ramat Gan: Bar Ilan University Press, 2019), 215–217; Marsha Rozenblit, *Reconstructing a National Identity: The Jews of Habsburg Austria during World War I* (Oxford: Oxford University Press, 2001), 71–73). [↑](#footnote-ref-20)
20. ###  Schwartz, *Shifting Voices*, 35–36; Hyman, *Gender and Assimilation in Modern Jewish History*, 27–44.

 [↑](#footnote-ref-21)
21. For an exhaustive overview of the early European feminism, see Natalie Naimark-Goldberg, Preface to Pappenheim, *A Woman’s Right*, 15–76. [↑](#footnote-ref-22)
22. Adam S. Ferziger, “Feminism and Heresy: The Construction of a Jewish Narrative,” *Journal of the* *American Academy of Religion* 77 (2009), 500–505. [↑](#footnote-ref-23)
23. Following the reinstatement of Hungary’s sovereignty in 1867, Hungarian Jews were urged by the government to establish a representative body. This governmental initiative, which was perceived by some Orthodox factions as an attempt to force assimilation upon them, resulted in a lengthy and bitter argument between Neolog and Orthodox Judaism, which led between 1869 and 1871 to ‘the Schism’ and the establishment of three separate religious structures: Neolog, Orthodox and Status Quo. [↑](#footnote-ref-24)
24. Howard Lupovitch, "Neolog: Reforming Judaism in a Hungarian Milieu", *Modern Judaism* 40 (2020), 327-354. [↑](#footnote-ref-25)
25. Tamás Turán and CarstenWilke, “Wissenschaft des Judentums in Hungary: Introduction,” in eid. (eds.), *Modern Jewish Scholarship in Hungary: The Science of Judaism Between East and West* (Berlin and Boston, Mass.: Walter de Gruyter, 2016), 26, see also 24–28. [↑](#footnote-ref-26)
26. A list of articles that appeared in *Magyar Zsid*ó*Szemle* during the first 20 years of its existence includes three dealing with women in Judaism—one of which was written by Mózes Salamon! (see http://mek.oszk.hu/13000/13036/13036.pdf). [↑](#footnote-ref-27)
27. Krisztina Frauhammer, “The Jewish Mother’s Prayer: Mothers in Late Nineteenth-Century Hungarian Jewish Women’s Prayer Books,” in Marjorie Lehman, Jane L. Kanarek and Simon J. Bronner (eds.), *Mothers in the Jewish Cultural Imagination* (Oxford and Portland: Littman Library of Jewish Civilization, 2017), 41–58. [↑](#footnote-ref-28)
28. Raphael Patai, *The Jews of Hungary* (Detroit: Wayne State University Press, 1996), 297. [↑](#footnote-ref-29)
29. “The Halakhic Debate over Women in Public Life: Two Public Letters of Rav Abraham Ha-Kohen Kook and the Responsum of Rav BenZion Uziel on Women’s Suffrage and Representation,” *Edah Journal* 1/2 (2001), 1–14. One of the most honest analysis of this problem in the Orthodox world is without any doubt that of Rabbi Haim Hirschensohn. Haim Hirschensohn, *Sefer Malki baMikdash* (St. Louis, 1919), vol. 2, 171–209; see also Yakov Levinsohn, *Shivion haNashim miNekudat haHalakhah* (New York, 1920); Margalit Shilo, *Etgar haMigdar: Nashim ba‘Aliyot haRishonot* (Tel Aviv: Sifriat Poalim, 2007), 241–257. [↑](#footnote-ref-30)
30. Rabbi Kook did address this issue, but only to reaffirm the conservative Orthodox position and the traditional gender stereotypes. Hannah Kehat, “Nashim: Mahutan, Ye‘udan veDerech Hinukhan beMishnat haRav Kook,” *Akdamot* 22 (2009), 39–60. [↑](#footnote-ref-31)
31. Shmuel Y. Gross and Y. Yosef Cohen, *The Marmaros Book* (Tel Aviv: Beit Marmaros, 1983, 1996), 69 (introductory section), 210–211. [↑](#footnote-ref-32)
32. Salamon, Netiv Moshe: Divrei Yamim, Hegionim, Shirim, Meshalim veSippurei Limmudim, 2–8. [↑](#footnote-ref-33)
33. The nickname “the youngest of the sages” (*ze‘ira demin hevraya*) is probably inspired by that of Rabbi Oshayah, an Amora from the Land of Israel. It seems that the reason for this nickname should be sought in his childhood in Khust, where he was the youngest (and the extremely miserable) student of the *dayan* (judge) Rabbi Yakov Katina. [↑](#footnote-ref-34)
34. At the time in Austria-Hungary; now in Ukraine. It is worth mentioning that Khust is part of the Marmaros region, the cradle of the Central European ultra-orthodoxy. [↑](#footnote-ref-35)
35. Rabbi Yakov Katina (d.1890) was the author of numerous books, the most famous of them being the *musar* book *Rahamei haAv* (Warsaw, 1874). Salamon, *Divrei Yamim, Hegionim, Shirim, Meshalim veSippurei Limmudim*, 3–4. [↑](#footnote-ref-36)
36. At the time, in Austria-Hungary; now Liptovský Mikuláš in Slovakia. [↑](#footnote-ref-37)
37. Rabbi Yisakhar Ber Sinai of Mikulaš (1794–1862) was a close student of the Hatam Sofer (Rabbi Moshe Sofer; 1762–1839) and author of the halakhic writing *Minhat ‘Ani.* In 1843 he became involved in a public controversy with members of his congregation concerning the positioning of the *bimah* (podium) in his new synagogue. Rabbi Yisakhar, who defended the traditional view (probably, placing the bimah in the center facing the ark and not near the ark), was defeated in this controversy by a committee of three liberal minded rabbis, one of whom was Shmuel David Luzatto. Yehoshua Robert Buchler (ed.), *Pinkas haKehilot: Slovakia* (Jerusalem: Yad Vashem, 2003), vol. 11, 30. [↑](#footnote-ref-38)
38. Yisakhar Ber Ben Sinai Lamdan, *Minhat ‘Ani* (Vienna, 1857). [↑](#footnote-ref-39)
39. M. Salamon, Netiv Moshe: Maamar ‘al haKabbalah veMishpat Talmidei Hakhamim (Vienna, 1897), dedication. [↑](#footnote-ref-40)
40. Gross and Cohen, *The Marmaros Book*, 69 (introductory section). [↑](#footnote-ref-41)
41. Salamon, Divrei Yamim, Hegionim, Shirim, Meshalim veSippurei Limmudim, 7-8. [↑](#footnote-ref-42)
42. Turdossin or Thurdossin, Árva county, Hungary; now Tvrdošín, Orava county, Slovakia. [↑](#footnote-ref-43)
43. Buchler, *Pinkas haKehilot: Slovakia*, vol. 11, 235. [↑](#footnote-ref-44)
44. Menachem Keren-Kratz, “The Politics of Jewish Orthodoxy: The Case of Hungary (1868–1918),” *Modern* *Judaism* 36 (2016), 218, 226; Sinai (Támas) Turán, “Leopold Löw and the Study of Rabbinic Judaism: A Bicentennial Appraisal”, *Jewish Studies* 48 (2012), 44 n. 7. [↑](#footnote-ref-45)
45. Hungarian Jewish scholars were expected to be trilingual. Turán and Wilke, “Wissenschaft des Judentums in Hungary,” 20. [↑](#footnote-ref-46)
46. Egyenlőség, 24 Sept. 1899, pp. 9–10 (https://www.nli.org.il/en/newspapers/egy/1899/09?e=-------en-20--1--img-txIN%7ctxTI--------------1). [↑](#footnote-ref-47)
47. See Salamon’s letter to Goldziher cited in n. 67 below. [↑](#footnote-ref-48)
48. The synagogue built by the congregation in the 1880s functions nowadays as a pub. [↑](#footnote-ref-49)
49. Netiv Moshe: Maamar Mehkari ‘al Netivot haTorah uveIhud ‘al Kal vaHomer (Vienna, 1896); Netiv Moshe: Maamar Mehkari ‘al Kabbalah ve‘al Mishpat Talmidei haHakhamim (Vienna, 1897); Netiv Moshe: Maamar Mehkari ‘al Koah haHakhamim (Budapest, 1898); Netiv Moshe: Maamar Mehkari ‘al Mishpat haNashim baEmunah (Vienna, 1899); Netiv Moshe: Maamar Mehkari uMusari ‘al Otot haEmunah (Vienna, 1901). In addition to these halakhic essays he published a book of poetry which contains his autobiography - Netiv Moshe: Divrei Yamim, Hegionim, Shirim, Meshalim veSippurei Limmudim (Turdossin, 1910). [↑](#footnote-ref-50)
50. Yair B. Horowitz, Yair Nativ: LeNetivot haTorah Umishpat Talmidei Hachakhamim (Nagy-Mihaly, 1897). [↑](#footnote-ref-51)
51. He responds to both friends and critics at the end of *Netiv Moshe: Maamar Mehkari uMusari ‘al Otot haEmunah*. [↑](#footnote-ref-52)
52. M. Salamon, “A Zsidó nö és a Zsidó Kultura”, Magyar-Zsidó Szemle, 1904, 19–25 (https://adtplus.arcanum.hu/hu/view/MagyarZsidoSzemle\_1904). [↑](#footnote-ref-53)
53. b. Berakhot 61a. [↑](#footnote-ref-54)
54. Menachem Keren-Kratz, “Maramaros, Hungary--The Cradle of Extreme Orthodoxy,” *Modern Judaism* 35 (2015), 151-156. [↑](#footnote-ref-55)
55. Menachem Keren-Kratz, “The Campaign for the Nature of Jewish Orthodoxy: Religious Tolerance Versus Uncompromising Extremism in Interwar Czechoslovakia,” *Modern Judaism* 38 (2018), 2. [↑](#footnote-ref-56)
56. While Bloch was a Talmudist and an Orthodox Jew, Goldziher was not a strict Orthodox (Turán and Wilke, “Wissenschaft des Judentums in Hungary,” 10). [↑](#footnote-ref-57)
57. In another letter to Goldziher shortly before the autumn festivals Salamon writes that he plans to visit him on the first day of Sukkoth on condition that there will be a sukkah in his house. The letter is available in the Repository of the Library of the Hungarian Academy of Sciences (<http://real.mtak.hu>). [↑](#footnote-ref-58)
58. Joseph Salmon, "Enlightened Rabbis as Reformers in Russian Jewish Society," Shmuel Feiner, David Sorkin, (eds.) *New Perspectives on the Haskalah* (London and Portland, Oregon: The Littman Library of Jewish Civilization, 2001), 166-183. [↑](#footnote-ref-59)
59. Michael K. Silber, “The Historical Experience of German Jewry and Its Impact on Haskalah and Reform in Hungary,” in Jacob Katz (ed.), *Toward Modernity: The European Jewish Model* (New Brunswick, NJ: Transaction Books, 1987), 114. [↑](#footnote-ref-60)
60. Iris Parush, "Mabat Aher 'al "Haiei ha'Ivrit haMetah'": Haba'arut Hamekhuvenet baLashon ha'Ivrit baHevrah haYehudit haMizrah Eiropit baMeah ha-19 ve Hashpa'atah al haSifrut ha'Ivrit veKoreha," *Alpayim* 13(1996), 93-101. [↑](#footnote-ref-61)
61. Salamon, *Netiv Moshe: Divrei Yamim, Hegionim, Shirim, Meshalim veSippurei Limmudim* (Turdossin, 1910), 2,4,7*.* The autobiography is dated 1887, some ten years before he began publishing his polemical books. [↑](#footnote-ref-62)
62. Yaacov Shavit, Mordechai Eran, *Milhemet Haluhot* (Tel Aviv: Am Oved, 2003), 35-45. [↑](#footnote-ref-63)
63. Iris Parush, *Reading Jewish Women*, trans. S. Sternberg (Waltham, Mass.: Brandeis University Press, 2004), 67-69. [↑](#footnote-ref-64)
64. Iris Parush, *Hot'im Bikhtivah* (Jerusalem: Carmel, 2017), 31-49. [↑](#footnote-ref-65)
65. Salamon, Netiv Moshe: Divrei Yamim, Hegionim, Shirim, Meshalim veSippurei Limmudim, 6. [↑](#footnote-ref-66)
66. Judging by Salamon’s preface to the *Maamar*, after he completed it on 4 Kislev 5600 (6 Nov. 1899), he sent it to the publisher and then on 20 Kislev (22 Nov. 1899) to Goldziher. By the end of 1899 the book was published. [↑](#footnote-ref-67)
67. "Certainly, since the day I have parted from you all, not a word has reached me of what is going on in the counsel of the upright in the congregation there, and what can I hope for? Thus, in order that I not come to blame myself in the future and say, you are the one who brought trouble upon yourself when you did something without confiding in your friends who supported you—I am addressing his Honor now, as a man would address someone who loves him and wishes him well, and l seek your wise counsel. Regarding this pamphlet that I am sending to you today, I took great pains to prepare to put it under the printing press and to spread it in Israel, because I feel that it is needed at this hour. And now, please do me a favor, read these words and be so kind as to tell me whether it is right to make it public, without having it cause me damage in his congregation that I will regret, or whether it is better to desist and do nothing. Because I personally am not afraid of anything and I am ready to act according to my judgement. So do not withhold good from me and give me a full answer, whether I should do it or refrain. And if, perhaps, I no longer have a portion with you and my hopes are worthless, please inform me also of this, frankly, so I will know. For I am not the most ignorant of men and I have common sense and will not behave impulsively. Also, pardon me if I ask you to return the letter I drafted to the heads of the congregation the other day.

Please accept wishes of everlasting peace to you and to your assistants, and to all your companions, from someone who respects and admire you."

"הן אמת מיום היפרדי מעליכם אף דבר אלי לא יגונב מכל אשר נעשה בסוד הישרים בעדה אתכם שמה ומה איחל עוד. אכן למען אשר לא אשים אשם נפשי לעת מצא לאמר אתה היית בעוכריך כי עשית דבר ולא גלית אוזן ידידיך אשר תמכו בימינך. אפנה אל מעלת כבודו הרמה כאשר יפנה איש אל אוהבו ומבקש טובתו ואשאלה את פיו לקחת עצה נבונה. הנה את המחברת הזאת אשר אני שולח לו היום הכינותי בעוני לתתה תחת המכבש ולהפיצה בישראל, כי ראיתי את השעה צריכה לכך. ועתה יהי נא חסדו גומר עלי לקרוא את הדברים ולהגיד לי בטובו אם יכונו לשלחם החוצה מבלי אשר יהיו לי לפוקה ולמכשול בעדתו שם, או שב ואל תעשה עדיף. כי כשאני לעצמי לא אחת מבלי כל באשר רצוני ירצה לפי היודע ועד. על כן אל ימנע הטוב מעלי להשיבני מלא דבר. ואם לעשות או לחדל. ואם אולי אין לי עוד חלק עמכם ותקותי מאפע, יודיעני נא גם את זאת פה מלא ואדע. כי לא בער אנכי מאיש וגם בינת אדם לי הבדיל בין אומר ועושה. וגם ימחל להשיב לי את מכתבי אשר ערכתי לפני ראשי העדה ביום המעשה, והיה זה שלום לו שלום ועוזריו ולכל הנלוים אליו עד עולם כחפץ מוקירו ומכבדו."

The letter can be found in the Repository of the Library of the Hungarian Academy of Sciences --- <http://real-ms.mtak.hu/11239/1/000759518.pdf> (See the autograph of the letter p.????. The autograph is published with the kind permission of the Oriental Collection of the Library of the Hungarian Academy of Sciences.) [↑](#footnote-ref-68)
68. Tamás Turán, “Academic Religion: Goldziher as a Scholar and a Jew,” in Turán and Wilke (eds.), *Modern Jewish Scholarship in Hungary*, 223–270. [↑](#footnote-ref-69)
69. *Simultaneous reading* technique enabled readers who were rooted in Jewish learning to make a mental distinction between the literary canvas of the text they read, and the biblical connotations used in it. Tova Cohen, "HaKryiah haSimultanit: Technikat haMafteah leHaganat ha'Imut 'im HaTaNaCh beShirat Adam HaCohen," *Mehkere Yerushalayim beSifrut Ivrit* 7 (1985): 71-85. [↑](#footnote-ref-70)
70. Lam 3:48. [↑](#footnote-ref-71)
71. b. Shabbat 33b. [↑](#footnote-ref-72)
72. See Shaul Stampfer, “Gender Differentiation and Education of the Jewish Woman in Nineteenth-Century Eastern Europe,” *Polin* 7 (1992), 78. [↑](#footnote-ref-73)
73. Salamon, Maamar, A word to the Readers. [↑](#footnote-ref-74)
74. Salamon, Netiv Moshe: Divrei Yamim, Hegionim, Shirim, Meshalim veSippurei Limmudim, 2. [↑](#footnote-ref-75)
75. ###  Salamon's claim that women did read from the Torah until the ban on their reading was imposed by the sages has been upheld by scholars since the dawn of the modern Jewish Studies. Ismar Elbogen, [*Jewish Liturgy : a Comprehensive History*](https://haifa-primo.hosted.exlibrisgroup.com/primo-explore/fulldisplay?docid=972HAI_MAIN_ALMA2190579900002791&context=L&vid=HAU&lang=iw_IL&search_scope=books_and_more&adaptor=Local%20Search%20Engine&tab=default_tab&query=any%2Ccontains%2CElbogen%20Ismar&offset=0) translated by R.P. Scheindlin (Philadelphia : Jewish Publication Society, 1993), 139. Daniel Sperber, Darkha shel Halakhah (Jerusalem: Rubin Mass, 2007), 21-22. See also David Baras, "Hakol 'Olin le-Minyan haShiv'a," Netu'im 20 (2016), 33-55.

 [↑](#footnote-ref-76)
76. This is a bold claim, because the traditional view holds the Oral Law as the faithful transmission of Mosaic revelation expanded by the sages mainly through the use of logical tools (*middot*). See Maimonides, *Introduction to the Commentary to the Mishnah*. [↑](#footnote-ref-77)
77. b. Berakhot 61a. Salamon, *Maamar*, 7. [↑](#footnote-ref-78)
78. Num 15:16. [↑](#footnote-ref-79)
79. b. Sanhedrin 29a. The rule means that one cannot claim that he is not guilty because he was incited to commit a crime. [↑](#footnote-ref-80)
80. Gen 1:28. [↑](#footnote-ref-81)
81. b. Yebamot 65b; see Rashi on Gen 1:28: “it means that the male restrains the female to prevent her from being a streetwalker.” [↑](#footnote-ref-82)
82. See Tal Ilan, *Jewish Women in Greco-Roman Palestine* (Tubingen: Mohr, 1995), 128–129. [↑](#footnote-ref-83)
83. Salamon, *Maamar*, 8 n. 8*.*  [↑](#footnote-ref-84)
84. Salamon’s vision of the Mishnah not as a sacred text but as the reflection of a social and political reality brings to mind Schüssler Fiorenza’s suggestion that feminist interpretative approach should see the early religious literature not as “a timeless archetype, but as a historical prototype.” Elisabeth Schussler Fiorenza, *Bread not Stone: The Challenge of Feminist Biblical Interpretation* (London: Beacon Press, 1995), 88. "The status of the Jewish woman," argues Cynthia Ozick, "is not "theological" but sociological." Cynthia Ozick, “Notes toward finding the Right Question,” in Susannah Heschel (ed.), *On Being a Jewish Feminist* (New York: Schoken Books, 1983), 142. [↑](#footnote-ref-85)
85. Salamon, *Maamar*, 8. [↑](#footnote-ref-86)
86. Ibid., 9 n. 9. [↑](#footnote-ref-87)
87. Isa 45:18; Salamon, *Maamar*, 12–13 n. 33. [↑](#footnote-ref-88)
88. *Eliahu Rabbah* [Tanna debe Eliyahu], pt I, ch. 9; Salamon, *Maamar*, 8*,* n. 9. [↑](#footnote-ref-89)
89. Ps 136:25; *Yalkut Shimoni* Gen 15:8. [↑](#footnote-ref-90)
90. Scholars blame the gender bias of early Christianity on the influence of Aristotelian ethics and especially Aristotle’s *Politics*. Schussler Fiorenza, *Bread not Stone*, 89*.* Susan Moller, Okin. *Women in Western Political Thought*, Princeton: Princeton University Press, 2013), 73-96. Since later generations of Tannaim and the Amoraim lived in the same historical period, it can be assumed that this is true in their case too. [↑](#footnote-ref-91)
91. Sherira Gaon, *Iggeret Rabbi Sherira Gaon*, ed. B.M. Levin (HaHevrah leSifriat HaYahadut Haifa, 1921), 28. [↑](#footnote-ref-92)
92. Rabbi Meir has been discussed in midrashic scholarship in general, and specifically in connection with the so-called “Ma’aseh de-Beruriah”. He is criticized for his alleged role in Beruriah’s demise but not particularly because of his general halakhic gender bias. For recent research and updated bibliography on the subject, see Moshe Simon-Shoshan, “The Death of Beruriah and Its Afterlife: A Reevaluation of the Provenance and Significance of Ma’aseh de-Beruriah,” *Jewish Quarterly Review* 110 (2020), 383–411. [↑](#footnote-ref-93)
93. Salamon, *Maamar*, 7 n. 2; **Rachel Adler, “**The Virgin in the Brothel and Other Anomalies: Character and Context in the Legend of Beruriah,” Tikkun 3/6 (1998), 28–32, 102–105. [↑](#footnote-ref-94)
94. b. Menahot 43b. Salamon, *Maamar*, 7. Although Salamon attributes the saying to Rabbi Meir, he points out that in the Tosefta it is cited in the name of Rabbi Yehudah. Rabbi Yehudah explains there that the reason for this blessing is women’s exemption from the commandments (t. Berakhot 6:23). [↑](#footnote-ref-95)
95. It is interesting that in his response to the 1908 Vienna Supreme Court ruling Joseph Bloch blamed the same saying on Rabbi Meir being the student of Elisha ben Abuyah, who was a devotee of Greek culture that denigrated women. Rose, *Jewish Women in Fin de Siècle Vienna*, 76–77. [↑](#footnote-ref-96)
96. b. Berakhot 48a. Salamon, *Maamar*, 7 n. 2. [↑](#footnote-ref-97)
97. Rashi on b*.* Hullin 9a. [↑](#footnote-ref-98)
98. Salamon, *Maamar*, 7. Although Jewish women did not get a formal education the level of literacy among them was quite high and was constantly growing toward the end of the nineteenth century. Stampfer, “Gender Differentiation and Education of the Jewish Woman in Nineteenth-Century Eastern Europe,” 63–87. [↑](#footnote-ref-99)
99. For an insightful discussion of the traditional interpretation of this blessing, see Berel D. Lerner, “The Ten Curses of Eve”, *Women in Judaism*, 15 (2018) (https://wjudaism.library.utoronto.ca/index.php/wjudaism/article/view/32359); Tamar Ross, *Expanding the Palace of Torah: Orthodoxy and Feminism* (Waltham, Mass.: Brandeis University Press, 2004), 37–39. For an essentialist/traditional interpretation of the blessing, see Michael Kaufman, *The Woman in Jewish Law and Tradition* (Northvale, NJ and London: Jason Aronson, 1993), 146–247. [↑](#footnote-ref-100)
100. Salamon, Maamar ‘al haKabbalah veMishpat Talmidei haKhakhamim, 45 n. 1. [↑](#footnote-ref-101)
101. Exod 20:10. [↑](#footnote-ref-102)
102. Shmuel David Luzzatto, *Il Pentateuco: Esodo* (Padua, 1872), vol. 2, 223 (The translation from Hebrew is mine. J.S.); Chertok, *The Portrait of the Jewish Woman in the Writings of Rabbi Samson Raphael Hirsch*, 4–5. [↑](#footnote-ref-103)
103. Marc Gopin, “The Religious Ethics of Samuel David Luzzatto” (PhD thesis: Brandeis University, 1993), 185–252; Chamiel, *The Middle Way*, 187–188. [↑](#footnote-ref-104)
104. It seems that he was not the only one among Hungarian Jews to consider Christianity as a real threat. Jacob Katz, “The Identity of Post-Emancipatory Hungarian Jewry”; in Yehudah Don and Victor Karady (eds.), *A Social and Economic History of Central European Jewry* (New Brunswick: Transaction Publishers, 1990), 26. [↑](#footnote-ref-105)
105. Salamon, *Maamar,* 9. Jewish women’s unwillingness to attend synagogues in those days appears to be a real problem, but it is usually attributed to their intense social activities which do not leave time for religion. A. Strausz, “Nök a templomban”, Egyenlőség 8 Oct, 1899, 2–3 (https://www.nli.org.il/en/newspapers/egy/1899/10/08/01/article/6/?e=-------en-20--1--img-txIN%7ctxTI--------------1). [↑](#footnote-ref-106)
106. According to the statistics there were 323 conversions in Hungary annually before 1900. William O. MacCagg Jr., “Jewish Conversion in Hungary in Modern Times,” in Todd M. Endelman (ed.), *Jewish Apostasy in the Modern World* (New York and London: Holmes & Meier, 1987), 157. [↑](#footnote-ref-107)
107. Ibid., 143. [↑](#footnote-ref-108)
108. Ibid., 157. [↑](#footnote-ref-109)
109. Ada Rapoport-Albert, *Women and the Messianic Heresy of Sabbatai Zevi, 1666–1816*, trans. Deborah Greniman (Oxford: Littman Library of Jewish Civilization, 2011). [↑](#footnote-ref-110)
110. Salamon, *Maamar*, 24 n. 111. Salamon points out that Maimonides does not emphatically exclude women when saying that the *minyan* should consist of “at least ten grown-up free people”. Maimonides, *Mishneh Torah*, Laws of Prayer, 8:4. For the concept *benot-horin* (free women), see Ross, *Expanding the Palace of Torah*, 236–237. [↑](#footnote-ref-111)
111. Salamon, *Maamar*, 10. Salamon's description of the deserted synagogue brings to mind H.N. Bialik's poem *Alone* (1902): "All of them the wind took, all of them the light lured,/ A new song entranced the dawn of their nascence./ But I, a weak fledgling, was wholly forgotten / Under the wings of the Presence." Hayyim Nahman Bialik, *Complete Poetic* *Works* (New York: The Histadruth Ivrith of America,) 122. [↑](#footnote-ref-112)
112. Lev 22:32; Num. 16:21. [↑](#footnote-ref-113)
113. Lev 22:32. [↑](#footnote-ref-114)
114. b. Berakhot47b. [↑](#footnote-ref-115)
115. Salamon, *Maamar*, 24 n. 111. [↑](#footnote-ref-116)
116. b. Megillah23a; Salamon, *Maamar*, 24. In recent years the question of women’s participation in synagogue activities has generated numerous responses both positive and negative. See Aryeh Frimer, “Women and Minyan,” *Tradition* 23 (1988), 54–77; Shapiro, “Qeri’at ha-Torah by Women”; Aryeh Frimer and Dov Frimer, “Women, Keri’at HaTorah and Aliyyot,” *Tradition* 46 (2013), 67–238; Ysoscher Katz, “Women and Kriyat haTorah” (2016) (https://library.yctorah.org/lindenbaum/women-and-kriyat-hatorah); Tamar Ross, *Expanding the Palace of* *the Torah*, 179–184. In the meantime, around the softer edges of Orthodox Judaism changes have been taking place. See Yael Israel-Cohen, *Between Feminism and Orthodox Judaism* (Leiden and Boston, Mass.: Brill, 2012), 49–68. [↑](#footnote-ref-117)
117. *Zimmun* is a short prayer-formula said by a group of no less than three adult Jews before the grace after meals. According to the halakhah, if women ate as a group on their own, they say *zimmun*. The problem arises when men and women ate together: do women join the *zimmun*? Can women complete the quorum of three? Most of the Rishonim and the Aharonim judge against women joining the *zimmun* or completing the quorum of three even if they ate with their husbands (Yosef Karo, *Shulhan ‘Aruh*, “Orah Haim,” 199:7). The reason for this is the danger of licentiousness [*pritsut*]. [↑](#footnote-ref-118)
118. Salamon, *Maamar*, 24-25 n. 113; *Hilkhot HaRIF*, 136b; Hirschensohn, *Malkhi baMikdash*, pt II, 207. [↑](#footnote-ref-119)
119. Salamon’s claim has been reiterated many decades later by feminist scholars: “…the sages systematically excluded women from the intellectual and spiritual forms and forums of Mishnaic culture. This result is achieved, first, by arbitrarily exempting women from performance of “time-contingent positive commandments’ (M. Qid. 1:7) including the recitation of specified prayers (M. Ber. 3:3). Then the sages effectively turn that exemption into a disqualification of women from leadership roles by applying a rule, articulated elsewhere (in a totally different context), that persons not bound by a particular percept cannot validly perform it on behalf of persons who are so obligated (M. R. H. 3:8).” Judith Romney Wegner, “The Image and Status of Women in Classical Rabbinic Judaism,” in Judith R. Baskin (ed.), *Jewish Women in Historical Perspective* (Detroit: Wayne State University Press, 1991), 75. [↑](#footnote-ref-120)
120. Salamon, *Maamar*, 12. [↑](#footnote-ref-121)
121. Deut 31:12; Salamon, *Maamar*, 16 n. 57. [↑](#footnote-ref-122)
122. j. Sotah 3:4. [↑](#footnote-ref-123)
123. *b.* Hagigah3a. [↑](#footnote-ref-124)
124. Tova Hartman, *Feminism Encounters Traditional Judaism* (Hanover and London: Brandeis University Press, 2007), 32–41. [↑](#footnote-ref-125)
125. Salamon, *Maamar*, 16 n. 56. Nahmanides explains that both men and women are commanded to learn the Torah (Nahmanides on Deut 31:12). [↑](#footnote-ref-126)
126. Compare Salamon’s stand with that of one nineteenth-century *maskilim*, Isaac Baer Levinsohn: “But to make a law of the nation to teach all women whoever they are Talmud Torah and Wisdom is an unheard nonsense.” Isaac Baer Levinzohn, *Zerubavel* (Odessa, 1864), pt II, 54–55. [↑](#footnote-ref-127)
127. Israel-Cohen, *Between Feminism and Orthodox Judaism*, 81–84. Susan Handelman, ”Women and the Study of Torah in the Thought of the Lubavitcher Rebbe, “ in M.D. Halpern and C. Safrai (eds), *Legal Writings by Women* (Jerusalem: Urim Publications, 1998), 143–178. [↑](#footnote-ref-128)
128. Jewish educational system for girls will be established some thirty years later. Naomi Seidman, Sarah Schenirer and the Bais Yaakov Movement: A Revolution in the Name of Tradition, (London: Littman Library of Jewish Civilization, 2019); Debbie Weissman, ”An Historical Case Study in Jewish Women's Education: Chana Shpitzer and Ma'aleh,“ Nashim 29 (2015), 21-38. [↑](#footnote-ref-129)
129. In his critique of Rabbi Yehudah HaNasi’s tendentious redaction of the Mishnah, Salamon is not different from most of the Wissenschaft des Judentums scholars. [↑](#footnote-ref-130)
130. Salamon, *Maamar*, 11. [↑](#footnote-ref-131)
131. Modern traditional authors uphold this position: “When considering performing a mitzvah that one was not commanded and that has not been sanctioned as an optional one by Halachah, one must consider the following Jewish principle: a person’s task is to fulfill God’s will and to live one’s life in accordance with God’s will; there is no principle that takes precedence over this. Consequently, performing a mizvah that one is not commanded to perform and that has not been sanctioned as an elective mizvah is, by definition, not meritorious and might possibly fall into the category of ‘sinful arrogance’.” Kaufman, *The Woman in Jewish Law*, 211. [↑](#footnote-ref-132)
132. m.Kiddushin1:7. Incidentally, modern Talmudic scholars consider this mishnah one of the most ancient ones in the Mishnah. Jacob Nahum Epstein, *Mevoot leSifrut haTannaim* (Jerusalem: Magnes Press, 1963), 52–54. [↑](#footnote-ref-133)
133. t*.* Sotah2:8. [↑](#footnote-ref-134)
134. Salamon, *Maamar*, 12. In her now classic essay “Notes toward Finding the Right Question,” Cynthia Ozick says “compassionate exemption is transmogrified to demeaning exclusion. To exempt is to exclude. To exclude is to debar. To debar is to demote. To demote is to demean.” Ozick, “Notes toward finding the Right Question,” 126. [↑](#footnote-ref-135)
135. Rochelle L. Millen, “An Analysis of Rabbinic Hermeneutics: B.T. Kiddushin 34a,” in Tamar Rudavsky (ed.), *Gender and Judaism: The Transformation of Tradition* (New York: New York University Press, 1995), 25–37. Talya Fishman, “A Kabbalistic Perspective on Gender-Specific Commandments: On the Interplay of Symbols and Society," *The Journal of the Association for Jewish Studies* 17 (1992), 199-245, specifically 223. [↑](#footnote-ref-136)
136. Compare Salamon’s insistence on the initial egalitarian spirit of the halakhah with the well-known classic explanation of women’s exemption from the positive precepts limited to time in the fourteenth-century *Book of Abudarham* that speaks of women as being “enslaved” by their husbands. David Abudarham, *Sefer Abudarham* (Warsaw, 1878), 19. [↑](#footnote-ref-137)
137. In reality the content of this formula was not clear even in the days of the Tannaim. Shmuel Safrai, “Mehuyavutan shel Nashim baMizvot beMishnatam shel haTannaim,” *Sefer haShanah shel Universitat Bar Ilan* 26­–27 (1995), 227–236. [↑](#footnote-ref-138)
138. Rashi and the Tosafists on b. ’Eruvin 96a. [↑](#footnote-ref-139)
139. See n. 91 above. [↑](#footnote-ref-140)
140. Chanan Gafni, *“The Mishnah’s Plain Sense”: A Study of Modern Talmudic Scholarship* (Hebrew) (Tel Aviv: Hakibbutz Hameuchad, 2011), 150. This is the view held by the majority of contemporary scholars, such as Saul Lieberman, Abraham Goldberg, Jacob Neusner. [↑](#footnote-ref-141)
141. In more recent times this view is represented by Jacob Epstein. Epstein, *Mevoot leSifrut haTannaim.* [↑](#footnote-ref-142)
142. Some contemporary scholars do question the primacy of the Mishnah over the Tosefta. See Shamma Friedman, “The Primacy of Tosefta to Mishnah in Synoptic Parallels,” in Harry Fox and Tirzah Meacham (eds.), *Introducing Tosefta* (Hoboken, NJ: Ktav, 1999), 99–121; Judith Hauptman, “Does the Tosefta Precede the Mishnah? Halakhah, Aggadah, and Narrative Coherence,” *Judaism* 50 (2001), 224–240; ead., “Mishnah as a Response to “Tosefta,” in Shaye J.D. Cohen (ed.), *The Synoptic Problem in Rabbinic Literature*, Brown Judaic Studies 326 (Providence, RI: Brown Judaic Studies, 2000), 13–34. [↑](#footnote-ref-143)
143. Gafni, *“The Mishnah’s Plain Sense”*, 152. The letter was published along with all of Luzzatto’s enormous epistolary output in 1882. [↑](#footnote-ref-144)
144. Moses Samuel Zuckermandel (1836–1917) published a scholarly, though controversial, edition of the Tosefta between 1876 and 1882. His opinion regarding the seniority of the Tosefta over the Mishnah was rejected by most of his contemporaries. [↑](#footnote-ref-145)
145. Judith Hauptman, “Women’s Voluntary Performance of Mitzvot from which They are Exempt,” (Hebrew), *Proceedings of the World Congress of Jewish Studies* (Jerusalem, 1993), vol. 1, div. C, 161–168. [↑](#footnote-ref-146)
146. Hauptman raises a claim similar to Salamon’s that the Tosefta is more “feminist” than the Mishnah. Judith Hauptman, “Women and Inheritance in Rabbinic Texts: Identifying Elements of Critical Feminist Impulses,” 221–241, 227–229.Exactly one hundred years after the publication of the *Maamar* Tal Ilan wrote: “It is true that the Mishnah’s Division of Women, and much material in other Mishnaic tractates which relates to women, is coercive and was composed in order to regulate and control women’s behavior in every aspect of their life.”Tal Ilan, *Integrating Women into Second Temple History* (Tubingen: Mohr, 1999), 35. [↑](#footnote-ref-147)
147. There is an ongoing controversy between Ashkenazi and Sephardi rabbinic authorities concerning women’s performance of the positive precepts limited to time. Benjamin Lau, *From “Maran” to “Maran”: The Halachic Philosophy of Rav ‘Ovadia Yossef* (Hebrew) (Tel Aviv: Yedi’oth Ahronoth Book and Chemed Books, 2005), 202–205. [↑](#footnote-ref-148)
148. b.Shabbath 62a. Alison Stone, “Essentialism and Anti-Essentialism in Feminist Philosophy,” *Journal of Moral Philosophy* 1 (2004), 135–153. [↑](#footnote-ref-149)
149. Julia Schwartzmann, “Religious Writing by Orthodox Women: Creating a Theology,” *Journal of Contemporary Religion* 22 (2012), 485–501; Kaufman, *The Woman in Jewish Law and Tradition*; Tziporah Heller, *Our Bodies Our Souls: A Jewish Perspective on Feminine Spirituality* (Jerusalem: Targum Press, 2003); Tamar Frankiel, *The Voice of Sarah:* *Feminine Spirituality and Traditional Judaism* (San Francisco and New York: Harper, 1990). [↑](#footnote-ref-150)
150. See n. 29 above. [↑](#footnote-ref-151)
151. Judg 4:5. [↑](#footnote-ref-152)
152. Salamon, *Maamar*, 17 n. 59. [↑](#footnote-ref-153)
153. Salamon points out that the halakhic linkage between the prohibition to testify and the prohibition to judge is not mentioned in *Mishneh Torah*. Maimonides, *Mishneh Torah*, Laws of Testimony, 16:13. [↑](#footnote-ref-154)
154. The prohibition of testifying is based on Deut 19:15, 17; the main source of the ban is in *Sifrei Deut* 190. [↑](#footnote-ref-155)
155. Deut 19:15 (emphasis added). [↑](#footnote-ref-156)
156. m. Sanhedrin3:3 [↑](#footnote-ref-157)
157. Salamon, *Maamar*, 23 n. 106; b.Shevuot30a. For a detailed overview of the halakhic debate and the scholarship on the subject, see Orit Malka, “*‘*Edut shel Ishah ve*‘*Edut shel *‘*Ed Echad beTorat haTannaim,” *Dinei Israel* 3 (2020), 227–270. [↑](#footnote-ref-158)
158. Salamon*, Maamar*, 23. [↑](#footnote-ref-159)
159. The reasons for women’s alleged adherence to early Christianity have been regularly discussed in modern scholarship. The opinions greatly vary depending on the period and personal worldviews of the authors. For an overview of the scholarly material, see Ilan, *Jewish Women in Greco-Roman Palestine*, 7–13; ead., *Integrating Women into Second Temple History*, 31–34. [↑](#footnote-ref-160)
160. Either for religious reasons or for fear of censorship Salamon does not use the name Jesus. Instead, he equivocally calls him Ben Temurah. Ben Temurah is a halakhic concept with a specific meaning which does not have anything to do with Christianity. Salamon, who likes puns, uses it instead of “apostate.” [↑](#footnote-ref-161)
161. b. Pesachim 49b. [↑](#footnote-ref-162)
162. Dan 9:24. [↑](#footnote-ref-163)
163. Salamon, *Maamar*, 23. [↑](#footnote-ref-164)
164. Interestingly, the validity of Mary Magdalene’s claim concerning Jesus’s resurrection was contested by the enemies of Christianity on the basis of her being a woman. Gerald O’Collins and Daniel Kendall, “Mary Magdalene as Major Witness to Jesus’ Resurrection,” *Theological Studies* 48 (1987), 631–646. [↑](#footnote-ref-165)
165. b. Kiddushin 80b. [↑](#footnote-ref-166)
166. The identification of the *‘am-haaretz* with the early followers of Jesus was made by nineteenth-century Protestant biblical scholars. Salamon may have found it directly in German sources or in Graetz’s *History* *of the Jews*. Heinrich Graetz, *History of the Jews* (Philadelphia, 1893), vol. 2, 364–365. The scope of modern scholarly research on this subject is vast, with a variety of opinions. For an overview, see David Rokah, “Am Ha’aretz, Hassidim Rishonim, Yeshu vehaNozerim,” in Yakov Sussmann and David Rosenthal (eds.), *Mehqerei Talmud* (Jerusalem: Magnes Press, 2005), Book III, pt 2, 876–903. [↑](#footnote-ref-167)
167. Josephus, *Antiquities*, Bk 4, 8:15. Josephus explains there that the reason for the ban is “the levity and boldness of their sex.” This means that Rabbi Shimon Bar Yochai only reiterated an existing opinion. [↑](#footnote-ref-168)
168. Salamon is certain that the verse “These are the rules that you shall set before them” (Exod. 21:1) means that the rules apply to men and women alike. [↑](#footnote-ref-169)
169. The ban itself is based on the halakhic rule: “Whosoever is eligible to act as judge is eligible to act as witness” (m. Niddah 6:5). [↑](#footnote-ref-170)
170. j. Yoma6:1 32a; Salamon, *Maamar*, 17 n. 59. [↑](#footnote-ref-171)
171. b. Yoma 22b; Salamon, *Maamar*, 21. Salamon bases his claim about young men and women freely communicating in the Israelite period on a midrash in b. Yoma 22b. According to the midrash, Saul conversed with young women on his way to meet Samuel (I Sam 9:11-12). What Salamon does not say is, that according to the rabbinic chronology, Saul was at the time one year old… [↑](#footnote-ref-172)
172. b.Ta’anit26b. [↑](#footnote-ref-173)
173. Salamon, Maamar, 23 n. 102. [↑](#footnote-ref-174)
174. Salamon, *Maamar*, 22; based on Jer. 31:12. [↑](#footnote-ref-175)
175. b. ‘Avodah Zarah 36b; b. Sanhedrin21a; Salamon, *Maamar*, 24 n. 109. [↑](#footnote-ref-176)
176. Salamon, *Maamar*, 22 n. 97*.*  [↑](#footnote-ref-177)
177. b. Sukkah51b – 52a. [↑](#footnote-ref-178)
178. Salamon, *Maamar*, 24. [↑](#footnote-ref-179)
179. Tractate Soferim, 14:14. [↑](#footnote-ref-180)
180. #  Salamon, *Maamar*, 25 n. 117; Salamon quotes from *Tashbetz* the words of **MaHaraM** (Rabbi Meir of Rothenburg, 13th cent.) about women holding newborns in their lap in the synagogue during the circumcision. Samson ben Zadok, *Tashbetz* (Warsaw, 1902), **69. Just like Salamon, modern scholars take MaHaraM’s words as proof of women’s participation in ritual practices in the Middle Ages. Elisheva Baumgarten**, “‘A Separate People’? Some Directions for Comparative Research on Medieval Women,” *Journal of Medieval History* 34 (2008), 212–228; Emily Taitz, “Women’s Voices, Women’s Prayers: Women in the European Synagogues of the Middle Ages,” in Susan Grossman and Rivka Haut (eds.), *Daughters of the King: Women and the Synagogue* (Philadelphia: Jewish Publication Society, 1992), 59–67; Orah Cohen, *On Both Sides of the Divide*: *Gender Separation in Jewish Law* (Hebrew) (Elkanah, 2007), 57–70.

 [↑](#footnote-ref-181)
181. Salamon, *Maamar*, 26 n. 117. Salamon reminds his readers that the story told by the Tosafists in b. Kiddushin80b has nothing to do with Jewish women. Originally it was a Greek story known as *The Widow of Ephesus*. The non-Jewish origin of the story was established by nineteenth-century scholars. See Saul Liberman, *Greek and Hellenism in* *Jewish Palestine* (Jerusalem: Bialik Institute and Yad Izhak Ben-Zvi, 1984), 117 n. 56. [↑](#footnote-ref-182)
182. Bernadette Brooten, *Women Leaders in the Ancient Synagogue: Inscriptional Evidence and Background Issues*, Brown Judaic Studies 36 (Atlanta, Ga.: Scholars Press, 1982), 103–147. [↑](#footnote-ref-183)
183. Salamon, *Maamar*, 26 n. 120; b. Hagigah 16b. [↑](#footnote-ref-184)
184. Salamon, *Maamar*, 17. [↑](#footnote-ref-185)
185. b. Megillah 14b. Salamon’s admiration for Deborah is not trivial and it stands in stark contrast to the attitude of his contemporary and friend Ish Shalom (Friedmann) (1831–1908), author of *Meir Ayin*, a commentary on Judges. [↑](#footnote-ref-186)
186. Salamon, *Maamar*, 19 n. 78. [↑](#footnote-ref-187)
187. b. Kiddushin 80b. [↑](#footnote-ref-188)
188. Salamon, *Maamar*, 20. [↑](#footnote-ref-189)
189. Ilan, Jewish Women in Greco-Roman Palestine, 197–200; ead., Integrating Women into Second Temple History, 175–194. [↑](#footnote-ref-190)
190. Ibid., 171–174. [↑](#footnote-ref-191)
191. Salamon, *Maamar*, 24 n. 108. b. Berakhot 51b; Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics*, (Philadelphia: Jewish Publication Society, 1998), 53–58; Noam Zion, *Wine, Women and the War of the Sexes* (Jerusalem: Zion Holiday Publications, 2018), 139–197; Ruhama Weiss and Avner Hacohen, *Mothers in Therapy* (Hebrew) (Tel Aviv and Jaffa: Yedi’oth Ahronoth Books and Chemed Books, 2012), 35–46. Admiel Kosman, "A Cup of Affront and Anger: Yaltha as an Early Feminist in the Talmud," *The Journal of the Society for Textual Reasoning*  6 (2011) <http://jtr.shanti.virginia.edu/volume-6-number-2/a-cup-of-affront-and-anger-yaltha-as-an-early-feminist-in-the-talmud/> [↑](#footnote-ref-192)
192. b. Beitzah 25b. [↑](#footnote-ref-193)
193. b. Shabbath 62a. [↑](#footnote-ref-194)
194. Salamon, *Maamar*, 24 n. 108. The concept of “world literature” (*Weltliteratur*), introduced originally by Goethe, made its way into the Wissenschaft des Judentums, where it was opposed to the corpus of Jewish sources, termed “Jewish literature,” that is, a national literature. See Andreas B. Kilcher, “‘Jewish Literature’ and ‘World Literature’: Wissenschaft Des Judentums and Its Concept of Literature,” in Christian Wiese and Andreas Gotzmann (eds.), *Modern Judaism and Historical Consciousness: Identities*, *Encounters, Perspectives* (Leiden and Boston, Mass.: Brill, 2007), 299–325. [↑](#footnote-ref-195)
195. Silber, “The Historical Experience of German Jewry and Its Impact on Haskalah and Reform in Hungary,” 133. [↑](#footnote-ref-196)
196. Marsha Rozenblit, “Habsburg Monarchy: Nineteenth to Twentieth Centuries,” *Jewish Women: A Comprehensive Historical Encyclopedia* (1 Mar. 2009), Jewish Women’s Archive (https://jwa.org/encyclopedia/article/habsburg-monarchy-nineteenth-to-twentieth-centuries). [↑](#footnote-ref-197)
197. Judit Acsády, “Remarks on the History of Hungarian Feminism,” *Hungarian Studies Review* 26 (1999), 59–64; ead., “The Woman of the Twentieth Century: The Feminist Vision and Its Reception in the Hungarian Press 1904–1914,” in Ann Heilmann and Margaret Beetham (eds.), *New Woman Hybridities* (London: Routledge, 2004), 190–194. [↑](#footnote-ref-198)
198. Rose, Jewish Women in Fin de Siècle Vienna, 12–13; Schwartz, Shifting Voices, 38. [↑](#footnote-ref-199)
199. Salamon, *Maamar*, 27. [↑](#footnote-ref-200)
200. Stefan Zweig, *The World of Yesterday*, trans. B.W. Huebsch and H. Ripperger (New York: Viking Press, 1943), xix. [↑](#footnote-ref-201)