A Contextual Examination of Maimonides's Attitudes Towards Women

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master thesis

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A Contextual Examination of Maimonides’s Attitudes Towards Women

by

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Abstract

This thesis explores Maimonides’s attitudes towards women. The thesis focuses on Maimonides’s philosophical treatise, his medical works, and his works concerning ethics. An accurate and more comprehensive analysis of Maimonides’s position on women is the primary objective of this thesis. In the end, this thesis demonstrates that Maimonides’s attitudes towards women can be best understood within the contexts of the respective works in which they appear and with an awareness of their historical setting.
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Introduction

This thesis will analyze Maimonides’s attitudes towards women. The first chapter will establish a methodological framework that guides the research of this thesis.

The second chapter will briefly examine Maimonides’s ruling on women and Torah study. The third chapter of this thesis will examine how strongly gender figures in Maimonides’s philosophical treatise, the Guide of the Perplexed. The chapter clarifies Maimonides’s position on women in the Guide and demonstrates that although he had a negative view of women’s intellectual capabilities, he confined himself to a general assessment.

The fourth chapter of this thesis will explore Maimonides’s position on women according to his medical works on sexuality and gynecology. The chapter highlights Maimonides’s neutral attitude towards women.

The fifth chapter of this thesis will analyze Maimonides’s attitude towards women according to his legal rulings on family law and ethics. I will clarify some of Maimonides’s rulings on women and demonstrate that Maimonides had a reasonable attitude towards women.

The main objective of this thesis is to analyze Maimonides’s attitude towards women accurately and more comprehensively. Ultimately, this thesis will demonstrate that Maimonides’s attitudes towards women can be best understood by reading his relevant statements within the contexts of the respective works in which they appear and with an appreciation of their historical settings.
Chapter 1: Methodology

In this thesis, I will read and interpret Maimonides’s statements and discussions of women as they appear and according to the specific contexts in which they were written. Throughout this thesis, I will, whenever possible, provide the original sources from which Maimonides’s statements are derived and examine Maimonides’s interpretation or presentation of it, thereby distinguishing between his perspective and the perspective of the original works.

I will be employing one of the dominant themes in Maimonides’s works to guide the research of this thesis.

1.1 Methodological Framework

The methodological framework for this thesis is based on Maimonides’s discussion of intellectual perfection in the *Guide of the Perplexed*. Basically, Maimonides describes four levels of perfection possible: perfection of one’s property, perfection of one’s body, perfection of one’s character, and most importantly, perfection of one’s intellect. In essence, intellectual perfection is to become rational in actu; this would consist in his knowing everything concerning all the beings that it is within the capacity of man to know in accordance with his ultimate perfection. It is clear that to this ultimate perfection there do not belong either actions or moral qualities and that it consists only of ideas toward which speculation has led and that investigation has rendered compulsory (GP 3.26:511).

Maimonides further asserts that

one should take as his end that which is the end of man qua man: namely, solely, the mental representation of the intelligibles⁴, the most certain and the noblest of which being the apprehension, in as far as this is possible, of the deity, of the angels, and of His other works (GP 3.8:432).

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⁴ In the *Guide*, Maimonides positions human beings in the world hierarchically. At the top of the hierarchy is God, followed by incorporeal, angelic intelligences, the celestial spheres, and then finally sublunar entities including human beings, animals, and plants. In this context, Maimonides is stating that perfection consists in the acquisition of rational virtues, or the conception of intelligibles, which teach true opinions concerning the divine things. In cognizing these, one receives knowledge of some type of apprehension of God.
The former three levels of perfection are described as a means to an end in attaining intellectual perfection. Maimonides emphasizes that an individual must perfect the body before perfecting the soul. That is, every man must have access to basic necessities in life: he must have access to shelter and food so that he is healthy (perfection of property and perfection of the body). Only then can a man begin to grow and learn to become an ethical individual by observing and following the commandments (ethical perfection). If a man successfully attains all these levels of perfection, then he will be able to devote himself to study, eventually becoming rational and comprehending everything to the best of his ability (intellectual perfection).

In this thesis, I will adopt Maimonides’s discussion of intellectual perfection as a framework to answer the following questions: in the event that men are to be pursuing intellectual perfection, what are women to be doing? Are women capable of intellectual perfection? Are women simply “enablers” to their husbands in their quest for intellectual perfection? Is intellectual perfection also the ultimate goal for women? In the next chapter, I will discuss Maimonides’s ruling on Torah study and women as an introduction to Maimonides’s perspective of women in the Guide.
Chapter 2: Torah Study

2.1 Commandments

In Judaism, commandments guide the life of every Jewish male and female in their daily lives\(^2\). Scrupulous observance of the commandments, positive and negative, is a way to show devotion to the covenant established during the revelation of the Torah at Mount Sinai. Positive commandments define permissible actions while negative commandments define prohibited actions. Negative commandments are binding on men and women. Positive commandments that are not time-bound are binding on men and women. However, positive commandments that are time-bound are binding on men only. In addition, there are commandments linked to gender that apply only to men (circumcision for instance), or only to women (menstruation for instance).

While women are required in prayer\(^3\) and Torah reading\(^4\), they are exempted from Torah study\(^5\).

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\(^2\) In English, the word “law” is generally defined as the rules enforced by a state. In Judaism, Jewish Law, or Halakhah (literally: to walk), is a comprehensive set of rules and practices central to the life of every individual. The most essential component of Jewish Law is the 613 commandments God gave to the Jewish nation in the Torah (while academic scholars believe that the Torah was completed from a number of separate documents written and edited by different groups, the traditional view of Judaism holds that the current version of the Torah was revealed by God through Moses at Mount Sinai). In this thesis, the word law refers to Jewish Law.

\(^3\) Women are exempted from reciting the Shema, which is a prayer that contains admonitions to remember God and follow the law, since it is a time-bound mitzvah. However, other forms of prayers, including prayer for divine mercy and reciting grace after meals, are also time-bound in that the prayer for divine mercy calls for prayer evening, morning, and noonday and food is elsewhere associated with set times, respectively. Ultimately, while most commentators hold that women are obligated in prayer as are men, Biale suggests that women did not perform the duty of prayer in the same way as men. In fact, what is evident is that women’s prayers remained private and personal (Biale 1984:17-29).

\(^4\) In Deuteronomy 31:9-12, women are explicitly included among those who have a duty to hear the Torah read. While some authorities included women given that they are specifically mentioned in biblical legislation, most halakhic authorities after the Talmud tend to rule that as Torah reading is essentially part of the studying of Torah, women should be exempt from it. Fundamentally, Torah reading is a time-bound positive commandment.

\(^5\) There is no explicit formulation in the Bible of principles of exemption or exclusion of women. In the Mishnah, Kiddushin 33b is perhaps the only explicit statement about the difference in obligations between men and women. Ultimately, modern writers began justifying the principle of exemption based on practical considerations of women’s domestic role in society: since Jewish women were traditionally
2.2 Torah Study

Along with prayer, the study of Torah is a central religious activity as it is perhaps the highest form of worship of God. Women are exempt from studying the Torah despite the fact that Torah study is a positive commandment not bound by time. The Mishnah stipulates:

All obligations of the son upon the father, men are bound and women are exempt. But all obligations of the father upon the son, both men and women are bound (Kiddushin 29a).

The meaning of “all obligations of the son upon the father” is: all obligations of the son which lie upon the father to do to for his son, men are bound, but women are exempt. Specifically, a father is bound in respect of their son to circumcise him, redeem him (if he is a firstborn), take a wife for him, and teach him a craft or skill.

The text also reads that since it is written that Abraham who circumcised his son and God commanded him and not her (the mother), women have no obligation to perform circumcision. Similarly, it is written that “all the firstborn of man among thy sons shalt thou redeem.” If the father did not redeem his firstborn son, he is bound to redeem himself. One who is charged with redeeming oneself is charged to redeem others; whereas one who is not charged to redeem oneself is not charged to redeem others. Therefore, it is not the responsibility of the mother to redeem her firstborn son, and she does not redeem herself; nor do others redeem her because it is written thy sons and not thy daughters (Kiddushin 29a).

_bound to the demands of their family and household, time-bound positive commandments would only interfere with this domestic timetable and place an unreasonable burden on women (Biale 1984:13)._
With regard to the study of Torah, it is written that a father must teach his son Torah. If a father did not teach him, he must teach himself for it is written “and ye shall study.” Evidently, the mother has no duty to teach her children since it is written “and ye shall teach” (the word teach also reads as “study”). Anyone who is commanded to study is commanded to teach, and since a woman is not commanded to study, she is not commanded to teach.

The next part of the passage explains that one who does not teach is not commanded to teach. And it is written “and ye shall teach them to your sons” and not daughters. Evidently, a woman is not to teach herself nor are others commanded to teach her (Kiddushin 29b).

Other justifications for women’s exclusion from Torah study are based on more personal views of women and a suspicion of women’s intellectual capabilities.

Rabbi Eliezer ben Hyrcanus, a prominent first and second century rabbi, says that whoever teaches his daughter Torah teaches her tiflut⁶ (this statement is found in the Babylonian Talmud in Sotah20a). Basically, a sotah is a woman who is suspected of committing adultery (although there is no evidence that she transgressed). She is therefore ordered to drink the bitter water to determine whether or not she has committed adultery. The passage then describes the effects of the bitter water: “she had scarcely finished drinking when her face turns green, her eyes protrude and her veins swell⁷” (Babylonian Talmud, Sotah 20a). However, if she possesses

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⁶ The Hebrew word “tiflut” is often translated as obscenity. Basically, Ben Azzai believes that a man must therefore teach his daughter Torah because if she commits adultery later in life and is commanded to drink the bitter water to determine if she has transgressed, and coincidentally, she has studied Torah, she must acknowledge that no immediate effect on her does not imply that she is not guilty; her merit simply shielded her from the effects of the bitter water temporarily. It is in this regard that Rabbi Eliezer objects to men teaching their daughters Torah. Biale writes that the ordeal was abandoned by the second Temple period and so the discussion of the ordeal is really theoretical. So, Ben Azzai is not actually thinking of a need to know the rules regarding the sotah and this ordeal and Ben Azzai’s point can be understood as a general principle: he believes that a father must teach his daughter Torah so that they can follow the law and have an understanding of it and deduce what lies beneath the surface (Biale 1984:34).

⁷ According to the footnotes in an English translation (by Rev. A. Cohen), this literally means that she becomes filled with veins.
merit (from studying Torah), the effects of the bitter water will be suspended\(^8\) (sometimes for one year, two years, or even three years). Consequently, Simeon ben Azzai (also known as Ben Azzai) says that it is precisely for this reason that a man is obligated to teach his daughter Torah so that if she is required to drink the water of bitterness, she will know that her merit, as a result of her studying Torah, has suspended the effects of the bitter water for some time.

The Sefer Hasidim, an ethical work composed by Judah He-Hasid in the late 12\(^{th}\) century, presents an alternative perspective. The Sefer Hasidim explains that the point “he who teaches his daughter Torah teaches her tiflut,” is in regard only to the depths of learning. While a man does not teach a woman or a minor the reasons for the commandments or the secrets of the Torah,

> the halakhah concerning the [commandments] he must teach her, for if she does not know the halakhot of Shabbat how can she properly keep it? And the same goes for all the commandments, in order that she be careful in their performance” (Sefer Hasidim, Paragraph 313).

Joseph Karo, the author of the authoritative Shulhan Arukh\(^9\), not only believes in the uselessness of teaching women Torah, but maintains that there is a real danger in teaching women or allowing them to study Torah since women do not desire to be learned and are believed to have a limited understanding. The Shulhan Arukh believes that if women studied Torah, they would misinterpret and misconstrue its teachings, turning it into tiflut.

> A woman who has studied Torah gains a reward, but not like the reward of a man, because she is not commanded to study but does it [of her own will]. Yet even though she

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\(^8\) According to the footnotes in an English translation (by Rev. A. Cohen): if an adulterous woman is ignorant of the fact that her merit has suspended the effects of the bitter water and she passes the test unharmed, she would most likely doubt the effectiveness of the bitter water and would probably indulge further in immoral practices. However, by realizing that merit has suspended the effects, a woman would pause and be constantly dreading the fate hanging over her.

\(^9\) The Shulhan Arukh was an influential law code composed in the 1500s. It became the authoritative law code in almost all Jewish communities.
does gain a reward, the Sages\textsuperscript{10} have commanded that a man should not teach his daughter Torah, because most women do not have the intention of truly learning and they turn the teachings of the Torah into \textit{tiflut}, in accordance with their limited understanding (Shulhan Arukh, Yoreh De’ah, Hilkhot Talmud Torah 246:6).

### 2.3 Maimonides’s View

Rabbi Eliezer clearly forbids teaching women Torah. According to Shlomo Yitzchaki, also known as Rashi, a medieval French rabbi, the word \textit{tiflut} should be understood in the context of the ordeal of the sotah: Torah study would ultimately make a woman more sophisticated and cunning, which might lead her to exploit her knowledge to avoid legal repercussions of immoral behaviour (Sotah 21b). That is, R. Eliezer’s statement can be understood as a prohibition of teaching women Torah lest they exploit their knowledge and their merit to avoid punishments. Evidently, R. Eliezer’s statement is not necessarily intended to be understood as a normative legal discussion, yet some legal authorities have ruled in accordance with the opinion of R. Eliezer and forbid teaching women Torah.

In general, Maimonides rules according to Rabbi Eliezer’s view of women studying Torah. Maimonides’s ruling also became accepted as the normative ruling by subsequent authorities. In the \textit{Mishneh Torah}, Maimonides writes that

A woman who studies the Torah has a reward but not the reward of a man because she is not commanded to do it. One who does something which is not mandatory has not the reward of one who obeys a command, but a smaller reward. Notwithstanding that she is recompensed, the Sages commanded that a man should not teach his daughter the Torah because most women have not the capacity to apply themselves to learning; they change the matters of the Torah into \textit{tiflut} because of their poor understanding. The Sages said of anyone who taught his daughter the Torah that it was as if he taught indecency and, according to tradition, this applies to teaching of the oral law. As regards the written Torah, he should not start to teach her at all, but if he does, there is no impropriety in that (\textit{Mishneh Torah}, Talmud Torah 1:13).

\textsuperscript{10} The Mishnah was published at end of the Tannaitic era (from about 10-220 CE). The term \textit{Tannaim} refers to those memorizers or teachers who recalled and recited the oral texts. A \textit{Tanna} (singular of \textit{Tannaim}) is a sage whose views are cited in the Mishnah or other works from the first to early third centuries.
There are a few points of departure in Maimonides’s ruling. First, while Rabbi Eliezer’s prohibition applies to all women, Maimonides does not prohibit women nor does he write that all women are incapable of applying themselves to learning; he writes that most women are incapable of doing so.

In any case, he clearly adopts the position of the Sages in principle. This ruling is evidently based on a negative assessment of women’s intellectual capabilities. However, Maimonides is not really that strict in his ruling: he distinguishes between oral and written law, and writes that although a woman must not be taught the written law, there is no impropriety if it happens. Although Maimonides writes that the distinction is based on tradition, the distinction is not found in the Mishnah, which might mean that this distinction could be original to Maimonides.

Evidently, Maimonides did not issue a strict prohibition on teaching women Torah. Nevertheless, Maimonides appears to have a negative assessment of women’s intellectual capabilities. Is this attitude towards women consistent in his other texts?

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11 Avraham Grossman (2004) writes that even though Maimonides accepted Rabbi Eliezer’s ruling in principle, his own ruling is a definite demurral from the opinion of R. Eliezer, especially since Maimonides interprets R. Eliezer’s ruling narrowly.
Chapter 3: Intellectual Perfection

3.1 The Guide: purpose, audience, and style

Talmudic literature speaks of secret teachings that were known in ancient times, specifically the account of the beginning and the account of the chariot. The account of the beginning is evidently referring to the creation story in Genesis and account of the chariot details the experience of the vision of Ezekiel in the Bible. In the vision, Ezekiel describes the vision of a moving chariot composed of angels that had human and animal features. At the height of the vision, Ezekiel witnessed a human-like figure on a throne, which he believed to be the appearance of the likeness of the glory of the Lord. When Ezekiel saw this, he fell on his face and heard a voice speaking.

The Mishnah stipulates that the account of the beginning and the account of the chariot cannot be taught publicly. The Talmud stipulated that the account of the chariot cannot be expounded in the presence of one, unless that individual were a Sage and capable of understanding it himself (this is in the Babylonian Talmud, Hagigah 11b-13a). Even then, only the chapter headings (or: the name of the chapter, which is usually derived from one or a few words related to the content of the chapter) were to be taught to such an individual. The explication of the account of the chariot is prohibited because of the dangers involved (the Talmud includes the case of one student who was consumed by a fire upon expounding the text in Hagigah 13a). In general, it is believed that expounding it could cause serious harm and injury to a person if they were not prepared spiritually and mentally.

In his Commentary to the Mishnah, Maimonides identifies the account of the beginning with natural science and the account of the chariot with divine science (which provides an understanding of existence, God, angels, the soul and intellect of man, and finally, what transpires after death). He concludes that these two sciences – the natural and the divine – owing
to their superiority, was forbidden to be taught in the same manner as the physical sciences (which were usually studied before subjects such as theology, ethics, and metaphysics).

In the Guide, Maimonides also identifies account of creation with natural science and account of the chariot with divine science and he makes clear that he intends to explicate the truth of these secret teachings (while also following the stricture of the Mishnah by not explaining them beyond their chapter headings). These secret teachings are also not arranged in any coherent fashion in the Guide, but are scattered and entangled with other subjects. Maimonides deliberately organizes the topics related to the two works so that the truths may be glimpsed, and then concealed. He explicitly writes that all Sages possessing knowledge of God the Lord, knowers of the truth, spoke only in parables and riddles when teaching the greatest subjects and their secrets.

Consequently, the key to understanding all that the prophets have said is to understand the parables, their import, and the meaning of the words occurring in the parables (GP 1963:10). Ultimately, the external meanings of the words of the Torah may contain wisdom useful in many respects, but it is the internal meaning of the words of the Torah that contain the truth of the law.

Evidently, such a complex treatise is not dedicated to an ignoramus or someone who has just begun studying the law and the sciences, and certainly not to those who have not at all studied the relevant subjects. The purpose of the Guide is to explain the words of the Torah as they should be understood and guide a religious man who has a strong foundation in the validity of the law and the sciences of the philosophers. When a learned man reads the Torah, he can encounter great perplexity in the external meanings of the words, which seem contradictory to everything he has read in the philosophical sciences. Maimonides’s treatise guides the perplexed individual by pointing out that certain words contain an internal meaning and/or by explicating
the meaning of certain terms occurring in the Torah (in other words: the real truth of those words).

He emphasizes that through explaining parables (i.e. by pointing those words that seem obscure and must be interpreted beyond their external sense) to men of virtue, they will be freed from perplexity, accepting both the truths of the law and the logical truths of reason (GP 1963:6-11). Clearly, Maimonides chooses to interpret certain words of the Torah as parables when they seem to contradict logic and science. This kind of interpretation allows him to establish that the truth of the Bible is a philosophical truth and that the words of the Torah can be reconciled with the science of philosophy.

Maimonides then explains that there are two kinds of parables in the Guide: in some, each word has a specific meaning; in others, the parable as a whole indicates the intended meaning (in this case, not all of the words are intended to convey meaning – rather, they serve either to make the parable more coherent as a whole or more secretive). Maimonides gives an example of the second kind of parable when he explains Proverbs 7:6, which describes how a man is seduced by a woman. Maimonides clarifies that the truth of Proverbs 7:6 is to warn one against pursuing bodily pleasures and desires.

In any case, Maimonides explicitly states that one should not hope to find meaning in other parts of the text of the parable for all of the words are used only to construct the external meaning of the parable. In Proverbs 7:6, words such as “I have decked my couch with coverlets” and “come, let us take our fill of love, and so on” “for my husband is not at home” are typical words that adulterers use and while the external meaning of this passage (and other passages of this nature) may contain some wisdom related to the welfare of human societies, the internal meaning contains wisdom that is useful for beliefs concerned with the truth as it really is (in
other words: the secrets of the Torah). Any individual who reads these parables should always aim to know the parable as a whole and not attempt to assume an interpretation or inquire into all the details of the parable (GP 1963:12-14).

I will briefly introduce the distinction between parable and allegory and explain how Maimonides distinguishes between them.

When Maimonides designates Proverbs 7:6 as a parable, it is clear that to him, a parable is a text that contains two layers of meaning where the external meaning might or not be useful, but the internal meaning is the actual intended lesson of the text. To him, a parable is any text that contains a moral or religious lesson and is therefore related to more practical matters.

Later on, Maimonides points out that Solomon’s likening of matter to a married harlot constitutes an allegory. To Maimonides, an allegorical interpretation also involves interpreting the words of the Torah to reveal a meaning beyond its immediate, external meaning. Unlike a parable, the “hidden” meaning in an allegory is related to more abstract teachings (in this case: the secrets of the Torah). For instance, Maimonides commits to an allegorical interpretation of the story of Adam and Eve in Guide 2:30 when he explains how man is subject to his desires and passions and will inevitably stray from their intended path.

**Esoteric and Exoteric**

As Maimonides writes: the explanation of an obscure parable will relieve a man, trained in the law and the science of philosophy, from perplexity. Presumably, if one understands the parables and their meaning according to Maimonides’s explanation, one should be able to understand Maimonides’s teachings and perspectives. But according to Leo Strauss (1952), a far more serious effort is required to understand the Guide correctly.
Strauss writes that first, the Guide is not a philosophical book, nor is it a book on theology or religion as Maimonides identifies theology with metaphysics and excludes religion in the Guide; rather, it is a treatise or speech that explains the secrets of the Bible (1952:38-46). Second, the situation was inevitably complicated the secret teachings were prohibited to be taught; even explaining the other secrets would mean that the text and the truth would be revealed to thousands of men (in regards to this point: Maimonides writes that it is sometimes incumbent upon the philosopher to conceal his own esoteric position on certain subject matters. It follows that Maimonides seems to be saying that the truths would not necessarily be suitable for the vulgar because of their reluctance to accept any truth other than the external meanings and that the majority of people (the vulgar) would be unable or not ready to accept far-reaching ideas (particularly if these ideas contradicted traditional teachings – i.e., the external meaning of the words of the Torah).

Strauss then writes that owing to the fear that the teachings would be lost for centuries again with the decline of philosophy in the Muslim world, along with the external conditions for oral communication of the secrets of the Bible becoming increasingly precarious, Maimonides decided to commit them to writing, even if it meant going against the prohibition. But Maimonides wrote it in the form of a letter and he purposely wrote it in a way so that the truth would flash up and disappear again; this method of writing also ensured that the truth would not be revealed to the vulgar. Evidently, Maimonides became a master of revealing by not revealing and not revealing by revealing (1952:46-52).

Strauss writes that the Guide teaches the truth by consciously employing contradictions between unparabolic and unenigmatic statements. He explains that Maimonides makes contradictory statements about important subjects and reveals the truth by stating it and then
hides it by contradicting it. It is therefore up to the reader or interpreter to determine in a case where two statements contradict one another, which statement Maimonides considers to be true (ibid 1952:66-70). Strauss ultimately writes that identifying contradictions and resolving them is the most accurate way to understand Maimonides’s perspective (ibid 1952:70-74).

Fundamentally, Strauss explains that the *Guide* is an esoteric text since it is written for a specifically learned and elite audience and the teachings can only be understood by a few. Hitherto, Strauss has outlined the esoteric character of the *Guide* and has determined how it should be understood: according to the method of contradictions and the seven seals that Maimonides outlines in the introduction to the *Guide*12.

I should note that it is specifically written that the seven causes identified in the introduction are meant to account for contradictory or contrary statements to be found in any book or compilation (GP 1963:15-17): he refers to the Mishnah, the Bible, the Talmud, and others. With regards to the *Guide*, he writes that any divergences are due to the fifth and seventh

12 Ultimately, Strauss’s work has inspired others to discuss the esoteric character of the *Guide* and interpret Maimonides’s major teachings according to the method of the seven seals. I will outline some works briefly. Along with Strauss, Shlomo Pines has argued that the *Guide* uses several methods of interpretation to conceal a secret teaching or doctrine that must be hidden from the vulgar. According to Rudavsky, medieval esotericists, as exemplified by Ibn Tibbon (~12th-13th century), understood Maimonides’s secret to comprise the conformity of Torah and philosophy, of Judaism and science. Modern radical esotericists have read Maimonides as a closeted Aristotelian (Kaplan 1977; Harvey 1981) and there are those who have argued otherwise (Davidson 1987, 2005; Halbertal 2014). Some have even argued that Maimonides was a closeted Platonist (Samuelson 1991; Rudavsky 2010); he is also read as a closeted Neoplatonist, and even as a Kabbalist (Strauss thinks that Maimonides could have been the first Kabbalist). Ultimately, many positions argue that Maimonides might have departed from the views of the law, a view that he scrupulously concealed. However, all of them agree and read the text, agreeing that there is an esoteric meaning that only can be understood and shared by a few. Some scholars have minimized the importance of the esoteric/exoteric distinction and have argued that the different comments and positions in the *Guide* reflect historical, contextual developments within Maimonides's own mind (Rudavsky 2010:23-24). However, as Rudavsky points out, according to those scholars who have studied Maimonides, that it is inevitable that readers will incorporate their own biases and standpoints in reading Maimonides, which ultimately means that the process of studying Maimonides becomes an exercise in self-discovery as much as the uncovering of the real Maimonides (2010:22-23). While Strauss’s work has inspired many different readings, they have ultimately created a very convoluted discourse and none of the positions seem to be in harmony. Inevitably, I will also be approaching the text in my own way, but my method is justified since it is true that the *Guide* aims at explaining parables and their meanings.
cause. The fifth cause: that a difficult concept matter will be explained briefly, and only revealed as it truly is after an appropriate time. The seventh cause: in speaking about very obscure matters it is necessary to conceal some parts and to disclose others; some discussions may rest on one premise and others could proceed on the basis of another premise contradicting the first one (GP 1963:17-20).

After explaining the contradictions, Maimonides writes:

I shall begin to mention the terms whose true meaning, as intended in every passage according to its context, must be indicated. This, then, will be a key permitting one to enter places the gates to which were locked. And when these gates are opened and these places are entered into, the souls will find rest therein, the eyes will be delighted, and the bodies will be eased of their toil and of their labor (GP 1963:20).

In my thesis, I will attempt to understand the texts on their own terms because first, identifying and resolving contradictions is indeed a part of the Guide, but this esoteric method applies mostly to the teachings of the Account of Creation and the Account of the Chariot as well as to major topics such as Creation and prophecy. Second, while references to women are couched in more abstract topics in which methods of concealment are appropriate, the text is not confined exclusively to concealment as it is explicitly written that the Guide is devoted to explaining the parables of the Bible. Nevertheless, I will read the statements and their relevant contexts closely and as accurately as possible, relying mostly on Maimonides’s explication of the parable.

3.2 The “problem”

In Guide 3.8, Maimonides’s discussion emulates Aristotle’s discussion of matter and form. Aristotle first introduced the principle of matter in contrast to the principle of form in which matter and form are mutually necessary and interdependent. Aristotle’s discussion of matter and form necessarily privileges form over matter. In the Guide, Maimonides writes that
man’s apprehension of the Creator, his mental representation of every intelligible, his control over his desire and his anger, his thought on what ought to be preferred and avoided are all consequent upon his form. On the other hand, his desire for eating, drinking, copulation, and the deformity of his form, the fact that his limbs do not conform to their nature, the weakness, cessation, or the troubling of all his functions, the fact that he will become ill, die, be disobedient, and sin, all of these are consequent upon his matter. Maimonides writes that both form and matter cannot exist without one another, which is why God granted the human form control over matter so that matter could be subjugated, quelled, and brought to a state of equilibrium (GP 3.8:431-432).

In this discussion, Maimonides follows Plato and his predecessors in designating matter as the female and form as the male and then subsequently compares matter to an unfaithful married woman. He writes that it is extraordinary that Solomon likens matter to a married harlot for matter is in no way found without form and is consequently always like a married woman who is never separated from a man and is never free. Although she is married, she never ceases to seek out other men to substitute her husband, for this is just like the state of matter. In this discussion, Maimonides consistently identifies matter as being responsible for all of man’s imperfections and moral shortcomings (GP 3.8:432).

Scholars have analyzed Maimonides’s association of the female with matter and with various other things throughout the Guide. As I explained in the previous chapter on Torah study and women, Maimonides rules, according to Rabbi Eliezer, that women are not to be taught Torah because most women do not desire to be learned. In combination with the seemingly negative discussions of women in the form of parables in the Guide, Maimonides has been interpreted to be a misogynist in that he believes women are ultimately inferior and incapable of
attaining intellectual perfection. I will discuss what intellectual perfection is before discussing the aforementioned points.

Clearly, Maimonides adopts the Aristotelian model of intellectual perfection. The teleological worldview of Aristotelian philosophy is that it is incumbent upon human beings to perfect themselves and attain the purpose for which they were created. Aristotle writes that the human intellect is, by birth, a potential/passive intellect (though it is not always passive as a part of it is active). The human intellect can only be brought from a state of potentiality to actuality (essentially: achieving understanding of a thing) by means of the active intellect (equated with the unmoved mover: an unmoved mover moves other things but no things move it). The active intellect allows the intelligible forms (the abstract and pure form that can be grasped by the potential intellect) to become actualized knowledge. When an intelligible form is turned into knowledge by the active intellect, the human’s potential intellect becomes the acquired intellect.

Ultimately, Aristotle believes that human beings must aspire to this level of perfection not only to realize themselves fully as human beings and achieve happiness as a result of intellectual perfection in this world, but intellectual perfection renders one’s intellect immortal, allowing one to pass from a transient mode of existence in this world to eternal existence and bliss.

In the *Guide of the Perplexed*, Maimonides writes that one should take intellectual perfection as his end.

Intellectual perfection

is to become rational in actu; this would consist in his knowing everything concerning all the beings that it is within the capacity of man to know in accordance with his ultimate perfection. It is clear that to this ultimate perfection there do not belong either actions or moral qualities and that it consists only of ideas toward which speculation has led and that investigation has rendered compulsory (GP 3.27:511).
And Maimonides writes that if intellectual perfection is reached, the soul will apprehend the Creator and endure forever in the world-to-come (GP 2.8:432-433). Maimonides’s discussion highlights the fact that one’s physicality complicates the process of attaining intellectual perfection.

First, man’s physical existence is already a major obstacle as “matter is a strong veil preventing [man] from the apprehension of that which is separate from matter as it truly is” (GP 3.9:436). Essentially, a corporeal body contains both substance and form. A man is able to master his desires and passions, understand his needs versus his wants, formulate ideas and acquire knowledge of God due to his form. His matter, or his body, houses the vices, requiring man to eat, drink, and have sexual intercourse. Since form never exists without matter, man is unable to rid himself of one or the other. Thus, even if a man’s corporeal element were extremely pure, his physical existence nevertheless prevents him from understanding God completely.

Second, one must possess an exceptionally high intellectual capacity in order to effectively acquire knowledge. Maimonides writes:

> a human individual the substance of whose brain in its original constitution is extremely well proportioned because of the purity of its matter and of its particular temperament of each of its [the brain’s] parts and because of its size and position…Thereupon that individual would [naturally] acquire knowledge and philosophy until he passes from potentiality to actuality… (GP 2.36:371).

In addition, Maimonides specifies that one must possess perfection of bodily qualities. He writes that these qualities are determined at birth and cannot be modified or improved significantly:

> Now you should know that the perfection of the bodily qualities…is consequent upon the best possible temperament, the best possible size, and the purest possible matter, of the bodily part that is the substratum of the faculty in question. This is not a thing whose lack can be made good or whose deficiency can be remedied in any way by any means of a regimen. For with regard to a bodily part whose complexion was bad in the original natural disposition, the utmost that a corrective regimen can achieve is to keep it in some sort of health; it cannot bring it to the best possible condition. If the defect derives from
its size, position, or substance, I mean the matter from which it is generated, there is no means that can help (GP 3.51:627).

As a consequence of man’s matter distancing him from achieving intellectual perfection, God granted man’s form the power to over the substance. That is, man’s form allows him to subjugate and his their impulses and bring their states of matter to equilibrium. However, Maimonides understood that nevertheless, not all men were capable of guarding against their wants and needs. He describes ignorant men (the majority) as those who eat, drink, and copulate for purposes of pleasure. On the other hand, intelligent men submit to their bodily vices only when necessary. These men are able to form ideas and understand God, angels, and the rest of Creation according to their individual capacity. They are successfully able to guard against their wants and needs and understand that through intellectual perfection, they will always be with God (GP 3.8:433).

In the last chapter of the Guide, Maimonides lists four types of perfection according to the ancient and modern philosophers and maintains that intellectual perfection is the only perfection that truly belongs to man.

The first kind, “the lowest,” is the perfection of possessions: money, garments, tools, slaves, land, and other things of this kind (GP 3.54:634). According to Maimonides, the perfection of possessions has no union with the individual acquiring it (only a certain external relation exists in that these things are external and their qualities are independent of the possessor). Consequently, any pleasure derived from this relation is purely imaginary and has no real permanence (GP 3.54:634).

The second kind of perfection is preferred over the first as it involves the perfection of man’s temperaments and maintenance of the equilibrium of bodily fluids by means of perfecting
the body’s shape, constitution, and form. Nonetheless, Maimonides maintains that this kind of perfection merely leads to increased strength and stamina.

The third kind of perfection is perfection of one’s morality or character, which is highly sought after. However, “this species of perfection is likewise a preparation for something else and not an end in itself” (GP 3.54:635). Basically, possessing principles of moral character are a means to an end.

The fourth kind of perfection is intellectual perfection. “This is in true reality the ultimate end; this is what gives the individual true perfection, a perfection belonging to him alone; and it gives him permanent perdurance; through it man is man” (GP 3.54:635).

Maimonides’s discussion\(^\text{13}\) highlights the fact while some men may acknowledge the ultimate value of intellectual perfection and pursue it, some men may confuse the perfection of

\(^{13}\) Rudavsky writes that Maimonides added a fifth kind of perfection, which emphasizes the importance of imitating God’s actions. That is, one glories in the apprehension of God’s attributes and actions, namely loving-kindness, judgment and righteousness (2010:193). Menachem Kellner points out that while the consensus is that Maimonides had intended for humans to pursue intellectual perfection, Maimonides’s discussion of the “fifth perfection” actually errs on human perfection as practical perfection. That is, the ultimate goal is not apprehension of God but instead, the ultimate goal is being like God in terms of loving-kindness, righteousness, and judgment. Evidently, the fact that the discussion shifts from describing a latter type of perfection as practical rather than theoretical indicates a dramatic shift in Maimonides’s thinking (1990:1-10). Shlomo Pines wrote an influential essay contributing to this discussion and he argued that Maimonides’s presentation in this passage represented a radical break with the Aristotelian ideal. Pines maintains that Maimonides overturns his initial meaning and that in the end, it is the practical way of life (being able to emulate God through one’s actions) that is superior to the theoretical way of life in which there is only contemplation and intellectual perfection (1979:100). As Rudavsky points out: Maimonides writes that when we utilize the terms such as the mercy of God and of humans, they are to be interpreted differently. Since humans cannot understand or know what loving-kindness, judgment, and righteousness mean when applied to the deity, is the practical perfection even attainable to any degree (2010:193)? Further, it is also unclear whether or not humans are capable of knowing about God in Maimonides works. Rudavsky writes that since in Maimonides’s “exhortation,” there is no certainty for either end of the debate,” it is unlikely that this description constitutes a fifth kind of perfection. Ultimately, one must understand this discussion according to Maimonides. He writes that to the Sages, the noblest ends are not limited only to the apprehension of the Creator since it is not written “\textit{But let him that glorieth glory in this, that he understandeth and knoweth Me}, and have stopped there” (GP 3.54:637). In fact, it is written that one should glory in the apprehension of God and have knowledge of his attributes, or his actions, which ought to be known and imitated: loving-kindness, judgment, and righteousness. Maimonides ends the discussion by saying that it is clear that the perfection of man that may truly be gloried in is the one acquired by him who has achieved, in a measure corresponding to his
wealth and property, of the body, or moral perfection as being the ultimate perfection or worse, 
equate the former three kinds of perfection with intellectual perfection. However, except for 
intellectual perfection, none are “a perfection of which one should be proud” (GP 3.54:636).

I will now examine the way that scholars have interpreted Maimonides’s parables and 
discussions of women in the Guide. I will argue that any discussion involving women in the 
Guide must be seen in its proper context. Ultimately, I will demonstrate that Maimonides was 
not misogynistic.

3.3 Maimonides’s View of Women in the Guide

Daniel Boyarin (1993) briefly argues that Maimonides’s negative perception of women 
was misogynistic in comparison to his contemporaries. Boyarin writes that Maimonides 
essentializes all women into an ontological whoredom when he remarks how extraordinary it is 
that Solomon likens matter to a married harlot and that matter (women) is in no way found 
without form (men) and that due to the inherent nature of a married woman and her lack of 
capacity, apprehension of God. Ultimately, the way of life of such an individual, after he has achieved 
this apprehension, will always have in view loving-kindness, righteousness, and judgment. It is written 
that the way of life of an individual who has achieved intellectual perfection should always have in mind 
(or in view) loving-kindness, righteousness, and judgment through assimilation of God’s actions. 
Therefore, these qualities do not necessarily constitute a fifth level of perfection.

Susan Shapiro (1977) offers a similar interpretation based on the metaphor of the married harlot (the 
term “married harlot” may be a bit unfamiliar – Sara Klein-Braslavy mentions that a married harlot is a 
woman who, instead of serving her husband, pursues other men and does not maintain the household 
(2011:140)). Although Shapiro refrains from labeling Maimonides a misogynist, she believes that this 
metaphor, and Maimonides’s usage of it, justifies and perpetuates modern day violence against women. 
He writes: “how extraordinary is what Solomon said in his wisdom when likening matter to a married 
harlot [Prov. 6:26], for matter is in no way found without form and is consequently always like a married 
woman who is never separated from a man and is never free. However, notwithstanding her being a 
marrried woman, she never ceases to seek another man to substitute for her husband, and she deceives and 
draws him on in every way until he obtains from her what her husband used to obtain. This is the state of 
matter. For whatever form is found in it, does but prepare it to receive another form” (GP 3.8:431). In 
 essence, when women are likened to matter, and matter is the sole cause of corruption, “the figuration as 
the harlot wife of form further feminizes and sexualizes this corruption” (Shapiro 1977:162). Ultimately, 
Shapiro is implying that the metaphor is no mere metaphor but implies very clearly that men must, by all 
means, govern women because women are incapable of containing their overtly powerful and sexual 
passions.
freedom, she is constantly seeking out other men for her own pleasure. Furthermore, that Maimonides’s exposition of the relation of matter to form in which he concludes that matter causes man every imperfection and corruption (Boyarin 1993:58) illustrates his horror of matter and by extension, his hatred of women (ibid 1993:58-59).

Boyarin points out that Maimonides actually reifies matter as woman and his use of real human beings and not individual fictional characters can lead to dramatic and devastating results. Evidently, Boyarin reads too much into this passage, as does Hava Tirosh-Samuelson, discussed below.

Proverbs

In the third section of the Guide, Maimonides refers to the book of Proverbs, which aims at instilling wisdom and an understanding of right and wrong. It also warns of giving into sinful men, adulterous, wicked, strange or foolish women, and advises the young and the learned on how to live a peaceful and happy life. Specifically, Maimonides focuses on explicating the whole of Proverbs chapter 31. Proverbs 31 identifies characteristics of a wife of noble character: she is a fortune to her family in that she is productive, thoughtful, compassionate, caring, wise, and she fears the Lord.

Maimonides writes: “as for Solomon’s dictum, A woman of virtue who can find?” and this whole parable, it is clear. For if it so happens that the matter of a man is excellent, and suitable, neither dominating him nor corrupting him nor corrupting his constitution, that matter is a divine gift” (GP 3.8:433). Evidently, Maimonides interprets “A woman of virtue who can find?” as matter in man. That is, if a man possesses a body that is excellent and suitable, neither dominating him nor corrupting his constitution, he possesses a divine gift. He writes that even if
a man does not possess a body that is excellent and suitable, he possesses the ability to control his matter for it is not impossible for someone trained to quell it (GP 3.8:433).

Hava Tirosh-Samuelson (2011) writes that the purpose of Maimonides’s philosophical interpretation of Proverbs, in which he juxtaposes two types of male-female relations, one negative, the “married harlot” of Proverbs 7:6 who seduces the young student of wisdom, and one positive, the “woman of virtue” of Proverbs 31, who industriously labours for the sake of her family, is to highlight the potential danger of women to the male pursuit of happiness. Samuelson proposes that the latter (a woman of virtue) represents an ideal situation in which matter (woman) is properly controlled by form (man), facilitating the attainment of happiness as the ultimate end of human life.

Clearly, Tirosh-Samuelson misinterprets Maimonides’s exposition of “a woman of virtue who can find?” as Maimonides specifies that the whole portion of “a woman of virtue who can find?” is a parable.

Since Maimonides specifies that the whole portion of “a woman of virtue who can find?” is a parable, then it must be understood as such. Maimonides’s intended meaning is: men must not allow their body, or their vices, to dominate them. In any case, if a man’s body dominates him, he must quell it. Evidently, Maimonides’s discussion of a “virtuous woman” in the Guide is philosophically and figuratively understood as matter in man in its most stable condition (Birnbaum 1997:14). Clearly, his exposition of “a woman of virtue who can find?” was not used to represent an ideal situation in which men govern women. Yet, Tirosh-Samuelson argues that Maimonides’s association of the female with the faculty of imagination is but another instance of misogyny.

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15 Throughout her essay, Tirosh-Samuelson refers to Maimonides’s conception of intellectual perfection as happiness. That is, happiness, or intellectual perfection, is the ultimate aim of human life.
Imagination and Rationality

Maimonides writes that imagination is a deficiency (GP 1.47:105). For Maimonides, the imagination apprehends only that which is individual and composite as a whole, as it is apprehended by the senses; or compounds things that in their existence are separate, combining one with another; the whole being a body or a force of the body. Thus someone using his imagination imagines a human individual having a horse’s head and wings and so on. This is what is called a thing invented and false, for nothing existent corresponds to it at all (GP 1.73:209).

Basically, imagination is in no way able to hold itself aloof from matter, even if it turns a form into the extreme of abstraction. For this reason, there can be no critical examination in the imagination (GP 1.73:210). In GP 2:12, he writes the foolish things imagined by the multitude are a result of the imaginative faculty, which is also in true reality the evil impulse (GP 2.12:280).

In comparison, the intellect is capable of analyzing and dividing the components or parts of a thing, forming abstractions of a thing, representing a thing in its true form (including its causes), and producing several understandings or notions from one object. The intellect also distinguishes between the characteristic of a class or type of thing (a universal) from an individual (a particular) and no demonstration is valid except by means of the former; the intellect can also discern essential predicates (essential qualities of a thing) from accidental ones (non-essential qualities of a thing) (GP 1.73:209).

Tirosh-Samuelson writes that Maimonides associates women with the imaginative faculty and explains that when Maimonides writes that the imaginative faculty is in true reality the evil impulse, it must mean that he is ambiguous towards women (2011:64-65). Tirosh-Samuelson clearly misinterprets Maimonides: the immediate sentence following “all this follows imagination, which is also in true reality the evil impulse” is “for every deficiency of reason or character is due to the action of the imagination or consequent upon its action” (GP 2.12:280).
The context does not include women. Maimonides is merely pointing out that imagination is responsible for every deficiency of reason or character.

Tirosh-Samuelson develops this argument further: she argues that in Maimonides’s discussion of Adam and Eve in Guide 2:30, Maimonides is implying that Satan and Sammael are parts of Eve’s inner psychic life: the serpent is the appetitive power that was controlled by the imagination that tempted Eve to irrationally desire, even lust, after the fruit of the forbidden tree of Knowledge Good and Evil. Tirosh-Samuelson asserts that these psychic powers are linked to Eve rather than Adam because Eve is the body and Adam is the intellect. This connection implies that imagination is always associated with women, which Maimonides explains: “the things you ought to know and have your attention aroused to is the fact that the Serpent had in no respect direct relations with Adam and that it did not speak to him, and that such a conversation and relation only took place between him and Eve” (GP 2.30:356).

Tirosh-Samuelson posits that since Maimonides equates Eve (and consequently all women) with the faculty of imagination, women are therefore intellectually deficient in his opinion. Although Maimonides emphasizes women and identifies the feminine with the faculty of imagination, his objective is not to explain that women are intellectually inferior to men (Birnbaum 1997:22-23).

Maimonides discusses angels and imagination twice in the Guide: one from midrash (literature and teachings related to the Bible) and the other being the prophecy of Zechariah (ibid 1997:18-19).

In Guide 1:49, Maimonides explains that the angels are not endowed with bodies but are intellects separate from matter. He expounds on the midrash to Genesis 3:24: after the expulsion of Adam, God placed at the entrance to the Garden of Eden “the flaming sword which turns
every way” to guard against those who try to take from the tree of life. He writes that the Sages say that the expression “which turns every way” refers to the fact that sometimes they turn into men, sometimes into women, sometimes into spirits, and sometimes into angels. And through this dictum, the Sages have made clear that the angels are not endowed with matter and that outside the mind, have no fixed corporeal shape. The angel’s shape is perceived in the vision of prophecy as a consequence of the action of the imaginative capacity (GP 1.49:108).

Maimonides then writes that the dictum “sometimes into women,” which implies that prophets sometimes see angels in the vision of the prophecy in the form of women, refers to the prophetic vision of Zechariah (GP 1.49:108-109).

True, Maimonides emphasizes that the angels appear in the form of women, and he associates angels with the faculty of imagination by stating that angels appearing in the prophetic visions are a consequence of the imaginative faculty. However, Maimonides’s designation of the feminine with the faculty of imagination is merely a part of his explication that angels, which are not creatures endowed with reason, are inferior to God.

In the Guide 1:49, Maimonides writes that it is very difficult for a man to apprehend, except after strenuous training, what is pure of matter and absolutely devoid of corporeality. He explains that it is difficult for one who does not differentiate between that which is cognized by the intellect and that which is imagined and who tends mostly toward imaginative apprehension alone. These individuals never understand the true reality of a notion nor does a difficulty ever become clear to them.

Maimonides proposes that since God is described in anthropomorphic terms, in that he is a living, mobile body, having the form of a man, the unsophisticated masses would mistakenly believe that the essence of angels is the same as the essence of God (GP 1.49:109).
In order to show that angels are a lower form of animals, an animal shape is attributed to them by the attribution of wings. Since angels have wings and can fly, and the motion of flying was chosen in order to point to the angels being living beings, angels are therefore inferior to God. For the notion of flying is not in any way ascribed to God since flying is a motion pertaining to an animal not endowed with reason (GP 1.49:109-110).

Finally, Tirosh-Samuelson argues that Maimonides’s association of the faculty of imagination with Eve implies that all women are responsible for leading men astray from the rational pursuit of intellectual perfection. However, Maimonides never wrote this.

**Garden of Eden**

Genesis 3 begins with the serpent enticing Eve to eat the fruit from the tree in the centre of the garden (despite that God has commanded not to do so). The serpent explains to Eve that if she eats it, her eyes will be opened and she would be like God, knowing good and bad. After noticing that the tree was good for food and pleasing to the eyes, and thinking she would become wise afterwards, she took its fruit and ate it. She gave some to Adam and he also ate it. When the Lord enters the garden in the evening, he discovers Adam, who appears naked. The Lord asks Adam if he has eaten from the tree from which he was forbidden. Adam replies that Eve gave him the fruit and he ate it.

The Lord said to the woman that she will experience severe pain in giving birth and will give birth to children in pain. Her desire will be for her husband and he will rule over her. The Lord says to Adam that because he transgressed, that Adam will return to the ground from which he was taken. After they are clothed in skins, the Lord says that man has become like us in knowing good and bad. Since Adam might take from the tree of life and eat and live forever, the Lord sent him out of the Garden of Eden to work the ground from which he was taken.
Guide 1:2 begins with Maimonides clarifying an objection that a learned man propounded to him as a challenge. The questioner was confused how Adam’s intellect – the intellect that he gained that allowed him to distinguish between good and evil – was a punishment, since man was originally devoid of intellect, of thought, and of the capacity to distinguish between good and evil. The questioner believed that this capacity contributed to the great perfection peculiar to man (GP 1.2:23-24).

Maimonides clarifies that Adam had possessed an intellect before his disobedience. Through this intellect, Adam understood true and false perfectly, but he did not understand things that were good or evil because those concepts were not cognized by his intellect (for example: Adam simply could not understand that nudity was bad) (GP 1.2:24-25).

Maimonides then explains that after his disobedience, Adam lost his intellectual apprehension and he became absorbed in judging or understanding things to be either good or bad. Only then was Adam aware of the loss he had incurred. He was then banished from the Garden of Eden and entered into a lower epistemic level that no longer dealt with absolute evaluations of the intellect, but instead, involves subjective desires and passions (GP 1.2:25-26).

In this chapter of the Garden of Eden, Maimonides does not really discuss gender. Similarly, in 2:30 of the Guide, where Maimonides commits to an allegorical interpretation of Genesis, he also does not discuss gender.

In Guide 2:30, Maimonides explains that Adam and Eve were created as one, and then later divided (the one half of it, namely, Eve, was taken and brought up to Adam). Basically, Adam and Eve were two in a certain respect and they were also one, which is why she is called woman because she was taken out of man.
In this chapter, Eve is the one who is subject to temptation while Adam is the intellect. Maimonides writes that through the intermediation of Eve, Adam was harmed and destroyed by the Serpent. However, Maimonides does not equate Eve with any faculties, but in fact, Maimonides makes explicit that the serpent and Sammael/Satan stand for the faculty of imagination and the faculty of desire, respectively, (although there is disagreement over which is which) as opposed to Eve (Stern 2013:177-180; Birnbaum 1997:20). Eve was led astray by her imagination that controlled her appetites, desires, and will. However, she does not really have a major role in Maimonides’s recollection of events.

It seems that while Eve is inherently linked to desire and therefore to blame, the point of the overall story is not to recapture how, through the intermediation of Eve, Adam was destroyed, or highlight that all women have a proclivity to be led astray by their imagination (Slifkin 2006:347-348). Rather, along with 2:30 of the Guide, Maimonides’s intended meaning is that, as humans, we are all subject to our desires and predisposed to stray from the intended aim. In any case, gender does not appear to figure strongly in Maimonides’s interpretation of the Garden of Eden story.

3.4 Prophecy and Miriam

Evidently, while the discussion hitherto has explained how gender does not really figure in the Guide, I have not really accounted for Maimonides’s view of women’s intellectual capabilities. Most scholars refer to the case of Miriam as discussed in the Guide when they examine Maimonides’s view of women’s intellectual capabilities. In the final part of the Guide, Miriam, who is female, is listed as a prophetess who died in a state of pleasure of love of God (along with Moses and Aaron). In the following passage, Maimonides describes how the soul becomes separated from the body upon attaining intellectual perfection:
The philosophers have already explained that the bodily faculties impede in youth the attainment of most of the moral virtues, and all the more that of pure thought, which is achieved through the perfection of the intelligibles that lead to passionate love of Him, may He be exalted. For it is impossible that it should be achieved while the bodily humors are in effervescence. Yet in the measure in which the faculties of the body are weakened and the fire of the desires is quenched, the intellect is strengthened, its lights achieve a wider extension, its apprehension is purified, and it rejoices in what it apprehends. The result is that when a perfect man is stricken with years and approaches death, this apprehension increases very powerfully, joy over this apprehension and a great love for the object of apprehension become stronger, until the soul is separated from the body at that moment in this state of pleasure (GP 3.51:628).

Maimonides writes that according to the Sages\textsuperscript{16}, three individuals died in a state of pleasure of apprehension: Moses, Aaron and Miriam.

The Sages have indicated with reference to the deaths of Moses, Aaron, and Miriam that the three of them died by a kiss. They said that the dictum of [Scripture], and Moses the servant of the Lord died there in the land of Moab by the mouth of the Lord, indicates that he died by a kiss. Similarly it is said of Aaron: By the mouth of the Lord, and died there. And they said of Miriam in the same way: She also died by a kiss. But with regard to her it is not said, by the mouth of the Lord; because she was a woman, the use of the figurative expression was not suitable with regard to her. Their purpose was to indicate that the three of them died in the pleasure of this apprehension due to the intensity of passionate love (GP 3.51:628).

Evidently, Miriam, as a prophet, achieved perfection of the intellect and the imaginative faculties. Before I begin my discussion, I would like to clarify the difference between intellectual perfection and prophecy. To Maimonides, intellectual perfection is the goal of human existence. Essentially, an overflow that overflows into the rational faculty is necessary for intellectual perfection.

Prophecy is a term for one who has attained the highest degree of man and is the ultimate perfection that exists. Prophecy is dependent on perfection of the rational and imaginative faculty. One can become a prophet only if their brain is extremely well proportioned, allowing them to achieve intellectual, imaginative, and moral perfection. A potential prophet would also

\textsuperscript{16} The Sages refers to the sayings of Rabbi Elazar ben Azariah (not to be confused with Rabbi Eliezer ben Hyrcanus) (the source is in Babylonian Talmud, Baba Batra 17a).
possess incredibly strong self-control and would not easily give into corporeal desires (GP 2.36:372).

In *GP* 2:37, Maimonides writes that in the class of the prophet and the philosopher (there is also a third class: the statesman, who only receive an overflow into the imaginative faculty and not the rational faculty due to an inherent deficiency), there follows two kinds as well. For the prophet: sometimes the prophetic revelation that the prophet receives only renders him perfect and has no other effect; sometimes, the prophetic revelation will compel him to address a call to the people, instructing them, and allowing his own perfection overflow toward them. For the philosopher: sometimes, the overflow will produce a man who is endowed with reasoning but is not moved to teach or compose works (either as a result of having no desire for composing them or not having the ability to do so); other times, a philosopher’s overflow will compel him to compose works and to teach (374-375).

In the next chapter, Maimonides further distinguishes between the philosopher and the prophet: he writes in every man there is a faculty of courage and a faculty of divination. Both these faculties will inevitably be different in every man. But both faculties must necessarily be very strong in prophets (GP 2.38:376). When the overflow overflows into the prophet, these faculties become greatly strengthened (GP 2.38:377).

Finally, Maimonides writes that a true prophet will grasp speculative matters without difficulty. For the very overflow that affects the imaginative faculty – with a result of rendering it perfect so that its act brings about its giving information about what will happen and its apprehending those future events as if they were things that had been perceived by the senses and had reached the imaginative faculty from the senses – is also the same overflow that perfects the

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17 A strengthened faculty of divination allows one to give information regarding future events in the shortest time.
rational faculty. Consequently, the prophet achieves apprehension of anything as if they had apprehended it by starting from speculative premises (GP 2.38:377).

If an individual meets all of these characteristics outlined above, they belong to the class of a prophet\textsuperscript{18}. Such was the case with Aaron and Miriam. \textit{“Moses our Master}, on the other hand, received prophecy without action on the part of the imaginative faculty (GP 1.45:103).

Evidently, in order for the human intellect to pass from potentiality to actuality, it must have something (outside of it) that causes it to pass into potentiality. The medieval Aristotelians believed that between the outermost sphere, the home of the fixed stars (the majority of stars that are visible in the sky at night), and our world extends a series of separate intellects. These separate intellects are identified with the moon, the sun, and the planets. The Active Intellect is actually identified with the tenth separate intellect, or the last intellect in a chain of spheres. As Rudavsky mentions: Maimonides clearly follows the Arabic philosophers when he writes that the Active Intellect serves as the link between God and humans and between the superlunar (celestial) and sublunar spheres (Rudavsky 2010:97).

In the \textit{Guide}, Maimonides identifies the Active Intellect as being responsible for causing the human intellect to pass from potentiality to actuality. Ultimately, the intellect in actuality existing in humans derives from an overflow of the Active Intellect (or is intermediated by it), which evidently has a first cause as well.

In \textit{Guide} 2:12, Maimonides clearly attributes prophecy to God, as he writes that the world derives from the overflow of God, who has caused to overflow to it everything in it that is

\textsuperscript{18} However, it is important to note that the imaginative faculty is indubitably a bodily faculty, and the prophecy of a prophet can cease if they become sad or angry or a similar mood (GP 2.37:372).
produced in time (GP 2.12:279). This overflow allows humans to intellectually cognize, receive correct guidance, draw inferences, and apprehend the intellect\(^{19}\).

The fact that Maimonides wrote that Miriam achieved intellectual perfection has been interpreted differently. Abraham Melamed (1998) argues that Maimonides’s inclusion of Miriam among those who have achieved prophecy is quite remarkable. Melamed’s principal argument involves a detailed examination of the above passage in the Guide. First, he reminds readers that Maimonides was absolutely clear about everything he selected to appear in the Guide and thus, his selection of this midrash on Miriam and the interpretation that he gave it is no mistake.

Melamed writes that Maimonides consciously selected and interpreted the midrash on Miriam (1998:103) when Maimonides could have easily left out Miriam as the general discussion includes mainly the patriarchs.

Second, Miriam’s death is originally described in very vague terms (it is written “Miriam died there” in Num. 20:2\(^{20}\)), compared to the detailed description for Moses and Aaron (by the mouth of the Lord) so it is interesting that he included her as a prophetess. And finally, Maimonides’s deliberate selection of this atypical midrash (as Miriam is not always favourably described by the Sages)\(^{21}\) is obscure since in other midrashim, there is a tendency to separate

\(^{19}\) Maimonides writes that it is clear that God is an intellect in actuality: He is never sometimes apprehending and sometimes not but always intellect in actuality. Therefore, He and the thing apprehended are one thing, which is His essence. Therefore, God is always the intellect as well as the intellectually cognizing subject and the intellectually cognized object. Ultimately, God is the absolute intellect (GP 1.68:165-166).

\(^{20}\) The text reads: “And the people of Israel, the whole congregation, came into the wilderness of Zin in the first month, and the people stayed in Kadesh. And Miriam died there and was buried there” (Num. 20).

\(^{21}\) As Melamed mentions: “the Sages generally related to Miriam with a great deal of criticism. She is often stereotypically described as a gossip, chattering, quarrelsome, rebellious, and trouble-making female who was justly punished for her sin. The Sages accordingly ascribed to her name the etymological meanings of rebelliousness and bitterness (Melamed 1998:104). Nevertheless, Miriam is not discussed unfavourably in the Bible entirely. In Exodus 2:1-10, Miriam saves her brother, Moses: “we have already noticed how Miriam watched by the infant Moses on the borders of the Nile, and how she called her mother to be her infant brother’s nurse in the employ of Pharaoh’s daughter.” Exodus 15:20-21

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Moses’s prophecy from that of his brother and sister to present it as being unique. Essentially, Melamed proposes that Maimonides’s use of this atypical midrash is radical, especially when one realizes that Maimonides subscribed to the naturalistic explanation of prophecy (that prophecy is not miraculous but occurs as a natural phenomenon in which the achievement of moral and intellectual perfection are necessary prerequisites), which means that Miriam achieved the highest degree of prophecy through intellectual perfection.

Melamed’s main point is to demonstrate that to Maimonides, women possess the potential to achieve intellectual perfection\(^\text{22}\). However, that Maimonides includes Miriam is not necessarily radical. Evidently, Maimonides included Miriam because she was at a comparable prophetic level to her brothers and she had attained intellectual perfection\(^\text{23}\). Furthermore, the case of Miriam does not necessarily mean that all women possess the same potential.

demonstrates Miriam’s influence: Miriam, the prophet, took a timbrel in her hand and all the women followed her with timbrels and dancing. Miriam sang to them. In Numbers 20:1-2, it is written: “then the sons of Israel, the whole congregation, came to the wilderness of Zin the first month; and the people stayed at Kadesh. Now Miriam died there and was buried there.”

\(^{22}\) Maimonides wrote a lengthy commentary on the rabbinic statement “All Israel has a portion in the world to come,” which is in his Commentary to the Misnah. Melamed posits that when Maimonides writes that all of Israel will have a portion in the world-to-come that he necessarily means women are included as well (1998:112).

\(^{23}\) Tamar Rudavsky and Menachem Kellner have offered similar conclusions based mostly on Melamed’s thesis so I will include their arguments in a footnote instead. Tamar Rudavsky (2004) argues that if we assume that Miriam is corporeal, then it is not surprising that Maimonides would have been reluctant to say that God endowed Miriam with a full kiss. As such, while Maimonides may have “followed in the long line of philosophers who, identifying the female with corporeality, have removed women from the achievement of perfection,” it is not impossible to rule out that women are capable of achieving intellectual perfection (Rudavsky 2004:198). That is, if intellectual perfection or the love of God can only be achieved through intellectual and scientific pursuit and it is precisely the study of nature as a whole that yields knowledge of the divine, then matter does not pose problems to women only since both men and women are limited by the veil of matter since they are both rooted to this material essence. Thus, women would be no more or less excluded from the domain of spiritual perfection than are men (ibid 2004:200). Menachem Kellner (2010) writes that Maimonides never stipulated that women were by nature inferior to men. While Maimonides had indicated that women, by nature, have weaker souls than men and are more prone to developing depression and despondency as a result of this, he ultimately believed that both women and men were created in the same divine image; his main argument is that Maimonides had never even insinuated that women were inferior to men when it came to inborn intellectual abilities (2010:294). Kellner suggests that Maimonides does not attach importance to one’s gender; he seems to values one’s inborn talents (2010:295). Kellner argues further that Maimonides’s
On the contrary, Tirosh-Samuelson believes that the case of Miriam, in which she is singled out as the prophet who was not kissed by the mouth of the Lord affirms her sexual otherness, her femaleness, and her materiality, all of which are important to Maimonides. Tirosh-Samuelson concludes that as a consequence of her gender, Miriam cannot be said to have been a prophet.

First, Tirosh-Samuelson points out that the actualization of the rational potential is only possible through education, that is, Torah study. She then writes that since Maimonides does not believe that women should be taught Torah because of the feebleness of their intellects, his perception of women as feeble minded pertains to all women, Jewish or not (2011:68-69).

Second, Tirosh-Samuelson writes that Maimonides’s description of the ideal knower in the Guide was indebted to Muslim sources: a Sufi sensibility and conception of passionate love forms the basis of Maimonides’s depiction. While it may seem like the love of God is like a man obsessed with a particular woman, the love of a woman is merely a metaphor for the total commitment to God by one who reached perfect knowledge (note: the erotic language of love always had God as its object of love and worship, and never a woman). Since Sufi mystical inclusion of Miriam implies that at least 33.3% of all humans who achieved the highest possible level of human perfection were women. Furthermore, Kellner suggests a point already put forth by Melamed: when women are compared to children and ignoramuses it suggests that intellectual infancy is a result of a lack of education because women, like children, will eventually be able to learn and achieve knowledge if they are given the opportunity.

24 The study of Torah is indeed important, but according to the educational curriculum of Maimonides’s time and place, young boys usually learned the Torah first. Afterwards, they would begin to study logic, mathematics, physics, and other related subjects. With a solid foundation in the physical sciences, they would then begin to study more abstract subjects such as theology, ethics, and metaphysics. All of this culminates in the ability to form ideas, especially of “God, angels, and the rest of creation,” (GP 2:8) and leads to intellectual perfection. Tirosh-Samuelson’s argument is overly dependent on the fact that Maimonides ruled that women should not study Torah.

25 In particular, Avicenna’s Treatise on Love, the Brethren of Purity’s (a group of secret Islamic philosophers in Iraq sometime between the 8th and 10th century) Epistle on the Essence of Love, and Ahmed Muhammad Miskawayh’s Refinement of Character.

26 Note that Tirosh-Samuelson is saying that it is Maimonides who uses the metaphor of a woman because of his commitment to the heterosexual norms of Judaism, and not the Sufi mystics.
associations were for men only and Maimonides’s discussions are always male-centred, Miriam cannot be described as the perfect lover of God, which means that she cannot be said to have attained the highest form of knowledge of God (Tirosh-Samuelson 2011:69-70).

Finally, Samuelson points to the fact that Miriam’s death is described as “she also died by a kiss” but without the figurative expression “by the mouth of the Lord.” She writes that this statement means that gender ultimately defined Miriam’s life (as well as all other women) and consequently, gender is central in Maimonides’s conception of happiness.

However, Maimonides clearly states that the figurative expression “by the mouth of the Lord” is not included because it was not suitable (GP 3.51:628). Nevertheless, Miriam did die in the same way as Moses and Aaron and ultimately, achieved intellectual perfection: “the three of them died in the pleasure of this apprehension due to the intensity of passionate love” (GP 3.51:628).

Clearly, Tirosh-Samuelson misinterprets and misrepresents the source since Maimonides explicitly states that Miriam attained the highest form of knowledge of God, a fact that should not be disputed or misrepresented to serve a particular feminist agenda, which is one of the central aims of Tirosh-Samuelson’s essay “Gender and the Pursuit of Happiness”.

However, scholars remain controversial over Maimonides’s attitude towards women in the context of intellectual perfection is.

3.5 Maimonides’s Attitude

In regards to Maimonides’s assessment of women’s intellectual capabilities in the Guide, I am not prepared to say that Miriam meant that Maimonides implied that all women are potentially prophets as it does not even appear to be the point of the discussion. At any rate, all

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27 Rudavsky (2004) also seems to be misinterpreting the source when she concludes that it is not surprising that Maimonides was reluctant to grant Miriam the figurative expression. See note 23.
that is possible of being said is that Maimonides’s negative assessment of the intellectual capabilities of women in the *Mishneh Torah*, in which he stipulates that a man should not teach his daughter Torah because *most* women do not have the capacity to apply themselves to learning and will turn the words of Torah into *tiflut*, is consistent with the relevant statements in the *Guide*.

In his discussion of intellectual perfection, Maimonides writes that with regard to Moses, Aaron, and Miriam, their deaths are in true reality salvation from death and “the other prophets and excellent men are beneath this degree” (GP 3.51:628). In Maimonides’s presentation, the figurative expression “by the mouth of the Lord” is not said with regards to Miriam, but Maimonides nonetheless recognizes Miriam as a prophet. Therefore, Miriam did achieve intellectual perfection and became a prophet. As a prophetess, Miriam is clearly not in the category of most women who do not have the capacity to apply themselves to learning. She falls into the minority of those who do have the capacity to learn and most women are evidently incomparable to her.

More simply: since Maimonides writes that most women do not have the capacity to apply themselves to learning, and Miriam achieved intellectual perfection and became a prophet, it follows that indeed, some women (in this case: Miriam) have the capacity to apply themselves to learning.

Elsewhere in the *Guide*, Maimonides writes:

Now it is known that it is the nature of men in general to be most afraid and most wary of losing their property and their children. Therefore the worshippers of fire spread abroad the opinion in those times that the children of everyone who would not *make his son or his daughter to pass through the fire* would die. And there is no doubt that because of this absurd belief everybody hastened to perform this action because of the strong pity and apprehension felt with regard to children and because of the trifling character of the action and its ease, for it simply consisted in making them pass through fire.
Maimonides concludes: “this was more particularly so because care for children is generally entrusted to women, and it is well known how quickly they are affected and, speaking generally, how feeble are their intellects” (GP 3.37:546). Evidently, “speaking generally” of the feebleness of women’s intellects is very similar to the ruling in the Mishneh Torah, which writes that “most women” have not the capacity to apply themselves to learning.

In the end, it seems that Maimonides commits to a generalization of a negative assessment of women’s intellectual capabilities in both the Mishneh Torah and Guide of the Perplexed.

3.6 Conclusion

This chapter has been concerned with explaining Maimonides’s attitude towards women in his philosophical treatise, the Guide of the Perplexed. In general, Maimonides does not seem to be concerned with the concept of gender and his assessment of women’s intellectual capabilities seems to match the one in his ruling in the Mishneh Torah. In the next chapter, I will examine his perspective of women according to his medical works.
Chapter 4: Sexuality and the Body

4.1 Chapter Overview

In this chapter, I will present Maimonides’s view of women according to the following medical works: the *Preservation of Youth, Regimen of Health*, and Treatise 16 in *Medical Aphorisms*, Maimonides’s sole treatise on gynecology. I will demonstrate that Maimonides’s attitude towards women in his medical works contain no sign of misogyny.

4.2 A Note about Maimonides’s Medical Works

In her brief discussion of Maimonides’s contribution to healthcare and his influence on the Hebrew gynecological corpus, Carmen Caballero-Navas writes that while Maimonides’s ideas appear in Hebrew treatises, they are rarely mentioned in major works. Caballero-Navas proposes that the lack of explicit reference to Maimonides’s works is mostly due to the fact that Maimonides’s writings, though they were contemporary to the shift that gynecology experienced within the Jewish communities, did not contain original ideas of his own (2009:47).

According to Gerrit Bos, Maimonides stated that most of his medical works are based on the works of Galen (Aelius Galenus) a Greek physician (129BCE ~ 200CE). Some of these medical works are no longer available in the original Greek. Furthermore, Maimonides’s sources are somewhat obscure: he occasionally quotes from treatises ascribed to Galen, though their authenticity is sometimes doubtful (for instance, a quote from *On the signs of death* does not feature in the lists of works composed by Galen nor is it ascribed to him); sometimes, Maimonides quotes from a pseudo-Galenic treatise preserved in an Arabic translation in which Maimonides himself adduces that certain passages are missing in the original translation\(^{28}\); In

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\(^{28}\) According to Gerrit Bos, Maimonides quotes a pseudo-Galenic commentary on Hippocrates’s *De humoribus* on many occasions (2002).
addition, he quotes from other ancient and medieval physicians (such as Asclepius, the mythic founder of medicine according to Greek legend) (Bos 2002:143-145).

However, Maimonides did have some original ideas: when he references Galen, he abbreviates, summarizes, and omits information he finds unnecessary, convoluted, or inaccurate. Consequently, some of the texts in Medical Aphorisms are verbatim of Galen’s works while others are partly in Galen’s words, and there are other parts that are completely reformulated. In several cases, Maimonides scrutinizes Galen’s texts and arrives at certain conclusions regarding their validity. In addition to abbreviation and summarization, he changes the texts and their meaning by adding explanations, opinions, and practical advice based on his professional experience as a physician.

In some instances, Maimonides’s abbreviation of the Galenic texts and his specific adaptations of the Galenic material make it “very difficult to retrace and identify the original text, especially when the original Greek text has been lost” (ibid 2002:151). Nevertheless, I will, whenever possible, present the original source that Maimonides consulted and examine what he included and omitted.

In Maimonides’s letter to his student, Joseph Ben Judah Ibn Shim’on, Maimonides makes explicit that in his medical works, he did not say or write anything without first knowing its proof, its source, and the type of reasoning involved. In other words, he does not randomly recite

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29 According to Bos, Maimonides remarks that Galen’s statement that the cause for laughing when the armpits are tickled or when one sees funny things cannot be known is correct because laughter is a specific characteristic of human beings. In other instances, Maimonides criticizes Galen for his inconsistency in his sources (for instance, Maimonides remarks that the voluntary activities which are performed by one who is asleep and by one who is absent-minded have been extensively verified by Galen but that Galen has not given a reason for it: “How can the will of someone who is asleep or absent-minded be abolished and yet he carries out voluntary movements?”). Maimonides also points out: “In his commentary to De aere et aquis II he says ‘one should not cauterize a part of the body except for the hands, feet and loins.’ But in book VII of his commentary on Epidemics VI, he says ‘Those who suffer from lung ulcers should be quickly cauterized on their chests. These are his very words and they annul his previous statement. Consider this” (Bos 2002:151).
or include information from Galen. Furthermore, in the introduction to his major medical work, *Medical Aphorisms*, he claims that in general, all of his medical works reflect his perspective.

Kraemer writes that most of Maimonides’s medical works were composed around the 1190s. Similar to the *Mishneh Torah*, he sought to reduce complexity to system and order: he reduced the Roman physician’s massive literary output to a single book, *Extracts from Galen*, which a physician could carry around in his pocket (2008:451). He also wrote *Medical Aphorisms*, a compilation of nearly 1500 passages mainly written by Galen. Basically, he prepared for his fellow physicians and medical students the following books: *Extracts from Galen, Medical Aphorisms, Commentary on Hippocrates’ Aphorisms*, and *Glossary of Drug Names* (2008:451). Maimonides’s other medical works, such as his *Regimen of Health, Treatise on Poisons and Their Antidotes, Treatise on Asthma, Treatise on Cohabitation, Treatise on Hemorrhoids*, were written for Muslim men of nobility and royalty in Egypt (Rosner 2008:61-64).

Ultimately, Maimonides’s medical works were written for a specific audience, but they are not esoteric works containing esoteric teachings. While the previous chapter dealt with an esoteric work, this chapter deals with more practical issues related to women.

### 4.3 Maimonides’s View of Sexual Intercourse?

Abraham Melamed (1998) mentions that while Maimonides’s view of sexuality was ambivalent, it was definitely not negative. To Maimonides, as long as sexuality is expressed in the proper circumstances and in due measure, with the ultimate intellectual purpose of human existence always in mind, sexual intercourse is regarded as a natural, legitimate, and pleasurable human activity for males and females (Melamed 1998:124-125).
Melamed adds that, following the allegorical tradition of the *Song of Songs*, Maimonides created a distinct connection between sexuality and rationality by presenting the quest of knowledge of God and His love as being directly associated with abundant sexual desire. That sexuality was used as a metaphor for the passion to know God is but one instance in which Maimonides does not reject sexuality (ibid 1998: 124-125).

In contrast to Melamed, Daniel Boyarin (1993) mentions that Maimonides’s doctrine of sexuality differs sharply from the Talmudic Rabbis:

With regard to copulation, I need not add anything to what I have said in my Commentary on Aboth about the aversion in which it is held by what occurs in our wise and pure Law, and about the prohibition against mentioning it or against making it in any way or for any reason a subject of conversation (GP 3.8: 434).

Boyarin maintains: “where the Rabbis had showed an easy acceptance of contained, married sex and the body and indeed had conversed about these subjects freely, for Maimonides they became subjects of shame and repression” (1993:59). In addition to concluding that Maimonides was misogynistic in his essentialization of women as matter, Boyarin suggests that Maimonides’s negative view of sexuality translates into a negative view of women.

In general, it would be a mistake to argue that Maimonides rejected sexuality and the body. I disagree with Boyarin’s contention that a negative attitude towards sexuality meant a negative attitude towards women. In this chapter, I will show that Maimonides’s seemingly negative discussion of sexuality was based partly on his medical views. However, he did not reject sexuality as a whole. Moreover, Maimonides’s negative discussion of sexuality does not translate into a negative view of women at all.

4.4 Sexuality

In general, Maimonides’s discussions of sexuality are very brief. In *Laws of Personal Development* 5:4, Maimonides discusses sexual intercourse in the following way:
Although a man’s wife is always permitted to him, a scholar should conduct himself with sanctity, and should not be frequently with his wife, like a rooster; but on Sabbath nights, if he has power. When he converses with her, he should not do so at the beginning of the night, when he is sated and his belly full, nor at the end of the night, when he is hungry, but in the middle of the night, when the food is digested in his intestines. And he should not be exceedingly lightheaded; nor should he profane his mouth with vulgar talk, even if only between him and her…The two may not be drunk, lethargic, or sad; nor may even one of them be so. She must not be asleep. And he may not force her, if she is not willing. Rather, it must be in accord with the will of the two of them, and in their joy. He should converse and play with her a little, so that she be content, and should have sexual intercourse modestly, without impudence, and withdraw immediately.

In this passage, Maimonides regarded sexual intercourse as a biological necessity like eating or drinking (GP 3.8:261-262). He recognized also the necessity of coitus in the Regimen of Health: “Nevertheless coitus is very beneficial, because it cleans the body when it is full, diminishes its superfluities, gladdens the soul, removes anger, sighs and oppressive evil thoughts from the heart and satisfies the strong lust of the lover” (Bos 1994:229)\(^30\). Evidently, as a physician, Maimonides did not see sex as being irregular or shameful. Maimonides may not have praised the act of coitus but he did write that sex should happen regularly (though not frequently) and that it should be carried out in a modest way. In general, he seemed to have a reserved attitude towards sex, which is reflected in other passages in the Preservation of Youth.

According to Hirsch Gordon, Maimonides composed the Preservation of Youth in 1198 for Sultan Al Afdal (son of Saladin), who complained of poor digestion, chronic constipation, and depressive moods. In this treatise, Maimonides briefly covers the topic of sexual intercourse in the last chapter of the work.

\(^{30}\) This recognition of the positive and negative aspects of sex can already be found in the works of Galen. Galen declared that coitus is necessary and beneficial for those in whom the viscous phlegm is abundant, as well as the ardent vapour, which if allowed to infest the temperament of the body, could damage the organism. “If, however, someone’s temperament is deficient in phlegm or weak in vital force, the sexual act is dangerous; it brings both cold and weakness; in those who have a tendency to it, the effect can only be disastrous” (Bos 1994:230). Ultimately, Galen wanted to stress that those with a dry temperament should avoid sex (ibid 1994:230) and Maimonides agreed with this contention.
In his treatment of the topic, Maimonides concludes that although regular coitus is beneficial, it is in general bad because it kills the sick and harms individuals with dry temperaments (mainly older-aged individuals). It is particularly harmful to those who have sex without considering its negative effects (*Preservation of Youth* 1958:80-81).\(^3\)

Specifically, in Treatise 7 of *Medical Aphorisms*, Maimonides mentions that if a person is very fond of sexual intercourse, a black bile will accumulate and dominate his body (*Medical Aphorisms* 2007:29). In Treatise 9, he mentions that it is unsurprising to find individuals who overindulge in sexual intercourse to be weak because their bodies are free from seminal fluid and that pleasure weakens and extinguishes the animal faculty. He writes that he observed some people who died as a result of too much sex (*Medical Aphorisms* 2007:39).\(^3\)

He also witnessed that individuals who had a lot of sex and then suddenly stopped suffered from ailments including cold bodies, bodily movements becoming more burdensome, and one being more susceptible to sad and evil thoughts for no reason.\(^3\)

In general, Maimonides understood that regulated coitus was necessary, but he discouraged, based on his experience as a physician, indulging in sex or engaging in it strictly for pleasure. He seems to have had a reserved attitude towards sex but nevertheless, one should not

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\(^3\) This opinion was articulated by Galen but Bos writes that Maimonides stated it. Bos writes: this harsh statement about indulgence in sexual pleasure and its detrimental effect probably reflects Maimonides’s experience as a physician at the court of Sultan and in his own residence, Fustat (1994:229).

\(^3\) Maimonides is quoting Galen’s *In Hippocratis Epidemiarum* 6.4. There is no significant difference between Maimonides’s text and the original text.

\(^3\) This observation is taken from Galen’s *De semine* 1.16. There is no significant difference between Maimonides’s text and the original text.

\(^3\) This observation is taken from Galen’s *De Locis Affectis* 6.5. There is no significant difference between Maimonides’s text here and the original text. The harmfulness of sex to those with a dry temperament is expressed also in Treatise 3 of *Medical Aphorisms*. Harry Fox (1990) maintains that Maimonides’s opinion about the permissibility of sex became more negative as he grew older, especially since old men have the primary task of purifying their bodies so that they may strive for perfection by the activation of their intellects (319-403). Furthermore, Maimonides writes in *Treatise on Asthma* to his patient: “In short, Your Highness may carry on this regard (coitus) more or less as you are used to but would do well to diminish your coitus little by little, as I said before, which is fitting (…), and, depending on one’s age, salutary for all people” (1963:53).
be celibate either. As a whole, Maimonides’s discussion of sex indicates that he was not averse to discussing the subject as a medical physician.

At any rate, Maimonides’s discussion of sex is best understood within the framework of intellectual perfection\textsuperscript{35}. That is, Maimonides discouraged sex because it is a hindrance to the attainment of intellectual perfection. Warren Harvey (1993) has suggested that Maimonides’s discussions of sexuality should be understood in the context of the rational pursuit of intellectual perfection. My idea is that we can analyze Maimonides’s views of women in his discussions of sexuality if we see these statements within the framework of intellectual perfection.

4.5 The Framework of Intellectual Perfection

At the very end of the \textit{Laws of Reciting Shema} 4:8, Maimonides writes that Ezra the Scribe and his court (his colleagues) decreed that a man who had a seminal emission should not

\textsuperscript{35} In the previously quoted passage from \textit{Laws of Personal Development} 5:4, Warren Harvey (1993) is trying to emphasize that while Maimonides remains concerned about sex and physical health and he continues to discuss sex from the standpoint of the male, he includes women in the discussion and shows that he is concerned about the sensibilities and desires of the female (e.g., she must be willing, and should be contented), which may suggest that his attitude towards women may have been quite egalitarian given that her wishes are also given consideration and must be respected. Harvey writes that it is significant that Maimonides writes that “sex must be in accord with the will of the two of them and in their joy” as it is “of particular importance in his general thinking about sex” (1993:35). Harvey explains further: that Maimonides’s views on sex and health must be understood in the light of his zealously teleological ethics in which human beings should have only one ultimate telos: the intellectual knowledge of God. This telos necessarily means that everything one might do should be done if and only if it leads one to that telos. These activities toward the knowledge of God include: conducting business negotiations, sleeping, and even when one is having sexual intercourse. Therefore, if one is having sexual intercourse with God in mind, then it is viable. Harvey utilizes the story of Adam and Eve to illustrate what Maimonides potentially thought about sexual intercourse: in the Garden of Eden, before their sin of irrationality, Adam and Eve enjoyed a sexual relationship that was always wholly voluntary and joyful. After their sin, they fervidly and feverishly sought after erotic pleasure but were unable to attain anything they had previously enjoyed as perfectly rational beings. Harvey concludes: “as the act of sexual intercourse is part of those deeds that advance one toward the knowledge of God, so the erotic love attendant on sexual intercourse (when performed for the sake of knowledge of God) is part of the all-consuming love of God. If this is so, then the erotic love of the Maimonidean lover will be decidedly greater than that of the lover who pursues sex for its own sake, for it is part of the very mighty, exceedingly great love of God, which ravishes the truly rational human being with an all-consuming passion” (ibid 1993:36-39). In general, Harvey attempts to present a more positive view of Maimonides’s view of sexuality by showing that sex was very important to Maimonides when seen as a deed that advances one towards to the goal of intellectual perfection and the knowledge of God.
study Torah. However, “this ordinance was not universally accepted among the Jewish people. Most were unable to observe it and it was therefore negated”. In _Laws of Prayers_ 4:4, Maimonides mentions this ordinance again:

We have already explained that Ezra decreed that one who has had a seminal emission is prohibited from Torah study until he has immersed himself. The Rabbinical Court decreed that even to prayer, such a person alone should not pray until he immerses himself.

Berger points out that commentators have been befuddled by Maimonides’s presentation of a separate ordinance aimed at all those who prayed, especially since everyone prays and there is no ordinance mentioned in the Talmud (Berger 2005:165-166).

According to Berger, Maimonides’s extension of the ordinance is an expression of Maimonides’s insistence that the goal of intellectual perfection is universal and not limited to men. Maimonides continues in _Laws of Prayer_ 4:5:

Therefore, at the time of this decree, [one] who had a seminal emission, a menstruating woman who emitted semen, and a woman who saw traces of menstrual blood after relations, required immersion to recite the _Shema_ and to pray because of the seminal emission (…).

According to Berger, Maimonides widens the ordinance to include women, which ultimately implies that regardless of their status or their obligation, all Jews are subject to Ezra’s ordinance for the purpose of attaining intellectual perfection (2005:166).

At any rate, there are two major points that merit attention in his discussions of sexual ethics. First, Maimonides considers women’s rights in the statement “sex must be in accord with the will of the two of them and in their joy;” second, Maimonides explicitly extended Ezra’s ordinance to include women. Evidently, these points are in contrast to Maimonides’s seemingly negative discussion of women in the _Guide_. I will illustrate this fact further with the use of another medical work.
4.6 Regimen of Health

The Regimen of Health was written in 1198 for Sultan al-Malik al-Afdal (the eldest son of Saladin the Great), a frivolous and pleasure-seeking man subject to constant fits of melancholy and depression due to his excessive indulgence in wine and women (Rosner 2003:64).36

Maimonides mentions women once in this treatise. He writes that women, like children and the ignorant, are unable to escape the strong effects of passions because they have not been taught the philosophy of morals or the disciplines and admonitions of the law. Along with their weak souls, their lack of education leads them to be irresolute and fearful. “When some harm comes to them, and there falls upon them a calamity from the adversities of this world, their grief is great, and they cry out and weep, slap their cheeks, and beat their breasts, and often the affliction is so great upon them that some die” (Regimen of Health 1964:25-26). In this instance, women are believed to be vulnerable to passions not because of their lack of intelligence but because they have not been taught the required subjects.37

36 According to Jason Kalman (2008), this is the authentic medical advice of Maimonides. Once Maimonides diagnoses the son of Saladin with depression, he recommends studying as a form of treatment in the Treatise of Asthma.

37 Besides Melamed (1998), this idea is supported by Kalman: “in Maimonides’ view, the ignorant do not suffer simply because they are not intelligent enough to find a cure but because their spirits are weaker than those of the intelligentsia” (2004:139). That is, Maimonides does not negate the possibility that if women or ignorant men were taken out of their current state of ignorance and were educated in the philosophy of morals, then they would not be so vulnerable. Ultimately, this reading is based on Melamed’s interpretation (1998). Nevertheless, it is interesting that Maimonides’s attitude towards women seems consistent in his medical works and the Guide in that their lack of knowledge appears to be a result of sociological factors – that is, when scholars argue that Maimonides’s understood women’s inferiority to be sociological in nature, their arguments are not entirely unfounded. I am simply confirming what Kellner has wrote: that Maimonides never states that women are inherently deficient intellectually. Curiously, Prudence Allen (1987) writes that Maimonides believed that women have no authority over themselves and the excessive tenderness and weakness of their soul leads to them being more prone to anger and being more easily affected in general (103). This statement is rather odd. As a young man and adult, Maimonides admitted how he was particularly prone to anger and being easily affected. He explicitly warned his pupils not to give into their anger as he had done so himself. Ultimately, it is very dubious that all men are transcendent in this regard by any means. In any case,
Maimonides then contrasts these individuals’ with those who have learned the philosophy of morals or the disciplines and admonitions of the law:

But people nurtured in the philosophy of morals, or in the disciplines and admonitions of the Law, acquire strength of mind, and they are truly strong. Their psyche does not change and is affected as little as possible. The more a person is disciplined, the less is his agitation in both these states, namely, in the state of prosperity and in the state of adversity. So, when acquiring a great good from the good of this world, and this is what the philosophers call imaginary good, he is not affected by it, and this good is not magnified within him. Likewise, when there falls upon a great evil from the evils of this world, and this is what the philosophers call imaginary evil, he is neither dismayed nor disheartened, but bears it in good spirit (Regimen of Health 1964:26).

In his comparison, Maimonides explicitly writes that wealth and vain possessions are the evils that afflict men and they corrupt the body and the soul since they alienate man from the Creator (Regimen of Health 1964:26). Clearly, Maimonides does not write that women are responsible for alienating men from the Creator\textsuperscript{38}. He asks:

How often has a man been deprived of wealth, or property torn from him, yet this has become the cause of the improvement of his body, the adornment of his soul with virtues of character, and the prolongation of his life, drawing him near his Creator and turning his face toward His worship? (Regimen of Health 1964:26).

In the previous chapter, I discussed Hava Tirosh-Samuelson’s position on Maimonides. In her article, she includes a detailed explication of Maimonides’s position on women within the institution of marriage. Tirosh-Samuelson argues that while Maimonides’s view of the conduct

\textsuperscript{38} Kellner compares Maimonides to Gersonides, who was truly misogynistic. He was convinced that women are inferior to men. He expresses his position concerning the inherent weakness of the female intellect in many different contexts. For instance, women are not obligated to wear fringes on four-cornered garments because the scientific message hinted at by that commandment (the doctrine of the four elements) is too difficult for them to comprehend. Second, Gersonides saw women as being the greatest evil in the world. Specifically, Gersonides writes: “I have found that being engrossed by women is the most despicable of evils, for woman is more bitter than death, her heart is snares and nets” (Kellner 2010:290). Clearly, Gersonides believed that women are responsible for ensnaring men and for preventing men from achieving intellectual perfection. On the other hand, Maimonides makes no such statement.
of sexual intercourse, which must be free of coercion and must be undertaken when both sexes are fully aware of their actions and that conversation prior to intercourse should be about conjugal matters, may strike as us a very modern and advanced view, it nevertheless represents a “vicious, circular reasoning regarding women” (2011:66). In brief, Tirosh-Samuelson maintains that for Maimonides, any conversation with a woman, especially with one’s wife, leads to lust.

Tirosh-Samuelson writes:

the vicious circle is inevitable: because the female is the symbol of matter, she is viewed as inherently related to material desires; hence, interaction with her pertains exclusively to sex with all the dangers it entails, further emphasizing the association of women with materiality. Even within the institution of marriage, the nature of woman is a threat to the pursuit of happiness (2011:67).

Basically, Tirosh-Samuelson concludes that it is not only in the Guide where Maimonides view of women is misogynistic, but also in Maimonides’s sex ethics, which is clearly male-centred. She argues that to Maimonides, the sexual act of intercourse is a necessary, unfortunate evil, inherently related to the materiality of the human composite represented by the female (ibid 2011:67). However, Maimonides’s attitude towards women in his discussion of sexual ethics is actually neutral. In other words, women are not a threat to the pursuit of happiness.

Maimonides regards total devotion to Torah study to be ideal, but he also understood that humans are not disembodied intellects, able to cognize God continuously and exclusively, but that they are animals with material bodies with needs: biological, psychological, political, and so on. “These animal needs must be satisfied as a necessary means to the attainment of the one true human goal, the knowledge of God; and they must be satisfied in due measure, neither in deficiency nor in excess” (Harvey 1993:36).

In the biblical Garden of Eden story, Maimonides clearly points out that all men are subject to their desires. Specifically, the biblical Garden of Eden story illustrated for Maimonides
the difference between a purely rational society and the kinds of societies we have in the real world (ibid 1993:36). It illustrates also for Maimonides the origin of the political problem:

When living purely rationally before eating the forbidden fruit, they would have regulated their sex *in accord with the will of the two of them, and in their joy*. Adam would not have been able to imagine raping Eve, and so there would have been no need for laws or customs designed to protect the weak from the strong: Adam and Eve were free to be nude. They were free from the coercion of laws and norms, free from heteronomy […] Adam and Eve ate the forbidden fruit of the Tree of Knowledge of Good and Evil; that is, they abandoned the rational life and strayed after their subjective, egocentric fantasies; for such, according to Maimonides, is inevitably the human condition. From now on, sex – like everything else – would be regulated by laws and customs […] With the victory of imagination over reason, the political problem had arisen (ibid 1993:37)\(^\text{39}\).

Evidently, Maimonides understood that humans are ultimately subject to desires and will inevitably stray. This is the ultimate nature of all humans. Both sexes are equally responsible for controlling their impulses. When individuals give into their vices, they become solely responsible for leading themselves away from the rational pursuit of intellectual perfection. In other words, women are not a threat to the pursuit of happiness.

Moreover, Maimonides’s sex ethics are not completely male-centred: he explicitly writes that sexual intercourse must be conducted and enjoyed by both sexes and he shows concern for women in his extension of Ezra’s ordinance. In the end, Maimonides recognized that the frequency of intercourse is a woman’s biblically mandated right. Ultimately, Tirosh-Samuelson’s assertion that in Maimonides’s sexual ethics, a misogynistic and male-centred attitude is present is unsubstantiated.

\(^{39}\) This paragraph is a paraphrase of *GP* 1:2 as understood by Harvey.
**4.7 Treatise 16 of Medical Aphorisms**

In *Medical Aphorisms*⁴⁰, treatise 16 discusses menstruation, pregnancy, and sexual differentiation (other aphorisms are related to the former two topics)⁴¹. Maimonides’s treatise, dedicated to gynecology, differs markedly from the gynecological treatises written by medieval Jewish physicians who favoured the methods of experimental and magical medicine, as they were popular in all of the Abrahamic religious societies. Typically, these physicians were recognized and their texts were exclusively dedicated to gynecology but none made any attempt to include diagnoses or theories concerning the female body. Instead, these magical and experimental texts contain “appropriate” receipts or incantations for a given illness or problem. Occasionally, some of these remedies were attributed to well-known authorities to reinforce their credibility (Barkai 1998:81-82).

Although Maimonides’s treatise is merely a compilation of various statements from numerous sources, his treatise is sophisticated in that he believes in including only the most accurate and essential information on diagnoses and theories concerning the female body and proper treatments for specific diseases. Carmen Caballero-Navas (2013) suggests that Maimonides’s lack of medical works pertaining to women indicates that he did not care about women and that he had a limited amount of knowledge on gynecology. However, this is not surprising given Maimonides’s time and place. Besides his treatise on gynecology, his medical

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⁴⁰ *Medical Aphorisms*, also known as *Medical Aphorisms of Moses*, is the lengthiest medical work of Maimonides. Comprised of 25 chapters, or 1500 aphorisms, based on Greco-Persian medical writers, each chapter deals with a different area of medicine (Rosner 2003:61). Treatise 16 was originally written in Arabic under the title “Moses’ Chapter,” and then translated into Hebrew in the 13th century (Barkai 1998:64-66). While Barkai generalizes that every aphorism in treatise 16 is either from Galen or Hippocrates, Werner Steinberg and Sussman Muntner more accurately and conscientiously trace the exact source of every aphorism in the treatise in their English translation, published in 1965. However, I will be mostly relying on a more accurate translation published in 1970 and 1971.

⁴¹ Specifically, treatise 16 contains 38 aphorisms, of which approximately 18 are on menstruation, 10 on pregnancy, and 3 on sexual differentiation (Caballero-Navas 2009:37-40).
works, written in the generic masculine, could very well reflect that he was addressing other conditions that in general, can be suffered by both sexes.

Caballero-Navas also argues that Maimonides’s explicit focus on menstruation is a sign that he was very concerned with topics of female impurity and sexual differentiation as only women menstruate. However, given Maimonides’s time and place, it is not surprising at all that a treatise dedicated to gynecology would focus on anything other than matters related to gynecology: menstruation.

Segal (2009) writes that Judaism has traditionally manifested an ambivalent attitude towards menstruation: biblical law decreed that women are impure and sexually unavailable for one week after the onset of menstruation; however, Talmudic texts led to a normalization and acceptance of menstruation as a natural and healthy biological process and no longer carried a taboo status (264). With regards to Maimonides: his concern with menstruation is limited to the sphere of the Temple.

In Guide 3:47, Maimonides writes that the matter of cleanliness and uncleanness concerns only the Holy Places and holy things and nothing else. Maimonides identifies the customs of the Sabians as follows: a menstruating woman would remain in the private domain; the places she treads are burnt; and whoever speaks with her is unclean. He writes that with regards to “our dictum”: a menstruating woman is forbidden to have coitus with her husband, but she may perform all other regular duties in her household (595). In comparison to the medieval literature that largely emphasizes the pollution theme, found in the text of the Zohar, and the opinion of Nahmanides, in which a menstruating woman is disgusting and polluted and all contact with her must be limited, Maimonides perspective is markedly more neutral.
Ultimately, a specific treatise dedicated to gynecology demonstrates the need to differentiate conditions pertaining to women and at least an attempt to care. It also reflects that Maimonides was not averse to topics of female sexuality and the body.

In the treatise, most of the aphorisms discuss a range of complications arising from menstruation and the proper treatments for it. For instance, aphorism 2, taken from Chapter VI in *De Venesectione*, reads:

Four or five days prior to the time of menstruation, it is proper that the woman consume a bland diet; then one phlebotomizes from the legs to divert the menstrual blood. (...) That which is seven times as potent as the aforementioned is the consumption of drugs that stimulate [menstrual] blood at the time when the woman exits from a bath, after drying herself (Medical Aphorisms 1971:32).

Aphorism 5, taken from Chapter X in *De Locis Affectis*, reads:

Retention of menses in most instances results in one or more serious complications. These are: a [sensation of] heaviness in the body with a loss of appetite, shivering, pain in the small of the back, or in the neck of scalp, or on the head, or in the roots of the eyes, high fever, change in the appearance of the urine to black and red, and the flow of the milk from the breasts (Medical Aphorisms 1971:33). Aphorisms on pregnancy detail treatments related to complications as well as signs and symptoms of a miscarriage. Evidently, Maimonides includes medical advice and lists precautions to ensure an uncomplicated pregnancy. Aphorism 1, taken from Galen’s Commentary *De Morbis Mulierum*, reads:

one should not believe that the discomforts of pregnancy and the cessation of menses in the first month, are clear indications [of the existence of a pregnancy]. The certainty [of

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42 Aphorism 5 is very close to what Galen originally said but is missing a lot of the original text: “When milk does not appear in the breasts but the menstrual flow is suppressed, we find the following symptoms: The whole body feels heavy; there is nausea, lack of appetite and irregular chills. However, when the patient is not suffering from an irregularity and is without chills but has nausea and craves for strange things, you should ask a midwife to manually examine the neck of the uterus. When the uterus is closed without any indurations, the diagnoses of pregnancy is certain. Some patients also vomit their food, and eat earth or cold ashes or similar things. But when the neck of the uterus is closed and hardened, it indicates a disease of the womb. A midwife should investigate in which direction the uterus has been displaced, laterally or upward, since the disease of the uterus has its seat in that area. In some women this part displays a heavy feeling with pain extending to the hip joint; in walking she limps with the leg of the same side” (De Locis Affectis VI 1976:433-434).
the diagnosis] remains hidden in the second month and in the third month, and thereafter, the pathology becomes greater. Thus, menstrual blood which flows in the first month can fill the [entire] uterus. Then, if the latter distends due to [additional] flow in [succeeding months], and if this flow finds no more room, then it will rise upward and putrefy, causing great afflictions to develop therefrom (Medical Aphorisms 1971:32)43.

Furthermore, Maimonides references Chapter VI in De Loci Affectis and includes the following: “if a woman is pregnant and if her breasts wither so that they appear shriveled, then this heralds an abortion. If there are twins [in her womb] and [only] one of her breasts withers, then one of her fetuses will be aborted" (Medical Aphorisms 1971:38)44.

Besides diagnoses and prescribing treatments, Maimonides discusses the function of menstruation. In Aphorism 20 (taken from Commentary to the De Morbis Mulierum45), he notes: “menstruation contributes to the rapidity of growth in women [which] demonstrates that their

43 This sentiment is very similar to the original text of Hippocrates: “Some persons imagine themselves pregnant when it is not the case, and persevere in the mistake for many months. The menses disappear, the belly enlarges, motions are felt, headache and pains of the neck and hypochondria attend; but little or no milk [accumulates] in the breasts, or if any, of an aqueous nature. When the belly subsides and becomes soft, if nothing else prevents, conception may occur; for such a state is calculated to promote a change in the uterus favourable thereto. All the above-mentioned pains are not felt in true pregnancy, unless from being previously accustomed to them” (Predictions or Prognostics II 2011:104). The sentence “if this flow finds no more room, then it will rise upward and putrefy, causing great afflictions to develop therefrom” in Maimonides’s treatise seems to reflect the original text: “in long-continue uterine fluxes, we should inquire if headache, and pains of the loins and pelvis are present; and also if there are toothache, dimness of sight, and humming of the ears” (ibid 2011:104).

44 The original text reads: “When the breasts of a pregnant woman suddenly become thin you should expect an abortion. If she is pregnant with twins and one breast becomes flabby, it indicates the abortion of one child. In most instances the male child is on the right, the female on the other side, since the male child is carried mostly in the right part of the uterus; the female however in the left; only rarely are they in the opposite position. This is likewise so in other animals who by nature bear two young ones, as goats, sheep and many other quadrupeds. When a woman conceives easily but loses the fetus after two, three or four months, a mucous fluid accumulates around the cotyledons [of the placenta]. This results in a weakness at the junction between the veins and arteries developing in the chorion [on the fetal side] and the openings of the uterine [maternal] vessels. Therefore, their connections become unable to carry the weight of the fetus and tear easily” (De Loci Affectis 1976:436-437). While Galen’s work seems to be much more inclusive (involving animals, too), Maimonides’s text demonstrates that he omitted information that was unimportant to him.

45 According to Hanson (2004), while portions of Galen’s commentaries to De natura pueri and De octimestri partu survive in Arabic translation, no certain fragments of a commentary to De morbis mulierum have come to light and the consensus is that this latter commentary may never have been written (281). Steinberg and Muntner were simply able to trace it back to this source in their English translation of treatise 16 (1965).
bodies contain adequate warmth and sufficient humours. Testifying to this is [the fact] that menstrual blood flows from their body every month because abundance of blood increases warmth" (*Medical Aphorisms* 1971:37).

Aphorism 22 (taken from Chapter II in *Ad Glauconem*): reads "the inflammation known as cancer develops mostly in the breasts of women, if their bodies are not cleansed by menstruation. If this [menses] occurs adequately as necessary, then the woman will always remain healthy without any gynecological illnesses overtaking her" (*Medical Aphorisms* 1971:37). Besides the prevention of cancer, regular menstruation will prevent an over-accumulation of superfluities in the body, which stimulate the uterus and arouse the desire for intercourse, which is something that is generally harmful.

Aphorism 5 ends with: but "in women (...) whose blood flow and whose menses are of a regular and adequate nature none of those [complications] will occur" (*Medical Aphorisms* 1971:33).

**Discussion**

According to Caballero-Navas, in aphorism 7, Maimonides discusses differences in the appearance of the emission and introduces the possibility that a genital discharge might be due to causes other than menses, such as erosion in the neck of the uterus, and recommends investigating the origin of the flow. "By doing so, he shows a concern with ritual purity and the Laws of *niddah* shared by other medieval halakhists" (Caballero-Navas 2013:81).

Yet, this concern with ritual purity is really only found in one aphorism. From a strictly medical perspective, Maimonides recognizes that menstruation is a natural physiological process (ibid 2013:81). Throughout the treatise, menstruation is never identified with notions of evil or impurity (of course, this is because the treatise is a part of his medical work.
In the entire treatise, menstruation, pregnancy, and the complications arising from them, is never once discussed negatively. Yet, Caballero-Navas maintains that Maimonides was nevertheless misogynistic because Maimonides followed the Greco-Arabic gynecological tradition that emphasized sexual differences between men and women. However, if Maimonides was misogynistic, and treatise 16 is the only treatise dedicated to gynecology, in which case one would expect that the topic of sexual differentiation would be significantly discussed, why is Maimonides’s treatise not concerned with sexual difference? First, a discussion of the aphorisms on sexual differentiation to set the context is in order.

The aphorisms on sexual differentiation constitute a very small part of the treatise, as only 3 aphorisms briefly mention sexual differentiation.

Aphorism 8 mentions that like some men who resemble women in their physical structure, some women resemble men as well. When a woman physically resembles the appearance of a man, it is the result of a menstrual disturbance. Aphorism 10 describes the similarity between the vessels and arteries, including the number of each, the kind, the structure, function, and the location as being the same in both sexes. Aphorism 25 reads: “Male [fetuses], in the majority of instances, are conceived by the woman on the right side [of the uterus] whereas the female [fetus is conceived] on the left side (Medical Aphorisms 1971:38).

I cannot really comment on aphorism 8, but aphorism 10 seems to reduce the significance of sexual differentiation, as Maimonides agrees with Galen that male and female sexual organs differ only in their positioning: that the male sexual organ is positioned outwardly while the female sexual organ is positioned inwardly.

As for aphorism 25: according to Samuel Kottek (2009), it was Hippocrates who wrote

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46 I wish to add that after reviewing all of Maimonides’s major medical works, I have not seen one single reference that suggests Maimonides was misogynistic. Although menstruation differentiates the sexes, it is nevertheless discussed as a condition, and not as a form of sexual differentiation in the treatise.
that the male embryo is usually conceived on the right while the female on the left. Maimonides commented that: “This has been explained, for the right side is warmer. And Galen mentioned that the female seed that comes from the right side, from her ovary, has more substance and warmness. And what comes from the left side is tenuous, watery and colder than (what comes) from the other. I have no idea whether this came to his knowledge by prophecy or by syllogism, indeed a striking syllogism” (10).

Kottek mentions that in this case, Maimonides becomes sarcastic, which is a rare occurrence (2009:10). According to Kottek, it is also remarkable that Maimonides expresses doubt on a generally accepted concept of Galenic medicine. Even Caballero-Navas, who argues that Maimonides was misogynistic, writes:

This concept was not new to Maimonides, even though he appears somewhat skeptical in his remark (…) for he had already written on the opposition between the right and left chambers of the uterus, and the preference of the male fetus for the right side (…) (2013:82).

Caballero-Navas argues that this observation contradicts Maimonides’s general physiology. In fact, it would appear that Maimonides’s doubt on such a widely accepted notion regarding sexual differentiation represents a departure from the ancient tradition.

Furthermore, in his discussion of the condition of hysteria (the spasm of the uterus), Maimonides believes that when the uterus projects upward it will press upon the diaphragm, which necessarily impacts respiration and exacts pressure on the stomach. The condition will lead to retention of female seed and to sterility. Galen questions this:

how could it arrest respiration, induce fainting, contractures of the extremities or coma? When a person overeats it is evident that the overfilled stomach pushes the diaphragm, this may increase the rate of respiration but no other symptoms develop. Similarly, the enlargement of the uterus during pregnancy may cause faster breathing but causes no other harm. This idea of an uterus going upward because of its desire for moisture is absurd…” (De Locis Affectis 1976:425-427).
In his discussion, Galen also pointed out that hysteria was caused by the retention of female semen and he ends his discussion with “the female semen is a burden to them…” (*De Locis Affectis* VI 1976:417). Maimonides omits this statement in his treatise. This omission seems rather deliberate since 11 aphorisms (out of a total of 38) in treatise 16 are based on *De Locis Affectis*, which suggests that he was quite familiar with the work and that most of the information in it was significant and accurate enough to be included in his own gynecological treatise.

Finally, Caballero-Navas points out that Maimonides excludes midwives in medical situations that require their assistance. In addition, Maimonides condemns patients who believe in the traditions of older women in medical practice. According to her, Maimonides is deliberately excluding women from medical practice because he was misogynistic and did not believe that women could ever be proper physicians. However, this point is not accurate either. Maimonides writes in a letter to one of his pupils that the art of medicine is based on experience and rational speculation. He believes that a man should rely only on the physicians who have acquired the theoretical and scientific aspects of medicine. In his *Treatise on Asthma*, he also remarked that “a sick man who puts himself in the hands of an experienced practitioner, who does not possess medical theory but does as he has observed, is like a seafarer who may accidentally be saved or drowned” (1963:112-113). Evidently, Maimonides’s discouragement of the traditions of older women and his exclusion of midwives arguably stems from his uncompromising standards of medical practice and not from a personal or misogynistic stance.

In any case, treatise 16 does not emphasize the sexual differences between men and women, nor does it contain any seemingly negative attitude towards menstruation, women, or their sexuality in general. Instead, Maimonides’s treatise appears to be a treatise concerned only
with essential topics related to gynecology. Since no statement in the treatise is “misogynistic,” it cannot be argued that Maimonides was misogynistic in his medical works.

4.8 Conclusion

In conclusion, Maimonides’s medical works reflect a demonstrated care and consideration towards women’s health and physiology. In fact, there is no explicit reference to women’s inferiority in his discussion of sexual ethics and his gynecological treatise.
Chapter 5: A Woman and her Husband

5.1 Chapter Overview

This chapter will examine Maimonides’s legal code, the *Mishneh Torah*, with a focus on the *Book of Women*. The *Mishneh Torah*, written between 1168-1177, is a codification of Jewish law. Maimonides’s code is a comprehensive code that combines all legal rulings (even those irrelevant to his own time). His main aim in writing it was to systematically codify the law. From then on, it would suffice for one to read only the written law and his code. The fourth book of the code, the *Book of Women*, contains laws specific to women.

In this chapter, I will briefly discuss the Talmudic perspective of female modesty and then state Maimonides’s perspective. Then, I will clarify Maimonides’s ruling on corporeal punishment in the case of a woman who refuses to perform her household duties. Afterwards, I will focus on his peculiar ruling on divorce, which is undoubtedly a departure from the normative tradition. While some of Maimonides’s legal rulings towards women are strict, his legal rulings on divorce demonstrate that he had a reasonable attitude towards women. As in the previous chapter, this chapter deals with more practical issues related to women and not metaphysical or theological topics.

5.2 Historical and Social Context

In medieval Jewish and Muslim societies, women were subordinated to men: they first lived under the control and authority of their fathers before living under the control and authority of their husbands. A married woman was obliged to perform the following duties for her husband: making ready his bed, filling his cup, and washing his face, hands, and feet (Biale 1984:159). Besides these duties, women committed to other primary tasks such as cleaning,
laundering, preparing and cooking food, fetching water, grinding flour, baking bread, spinning yarn, and making clothes.

If a woman wanted to go outside of the home, she would be required to wear a veil covering her head. She was also expected not to adorn herself, speak to other men, or behave promiscuously around other men. Ultimately, Talmudic tradition believed that a modest woman was one who stayed in the home and did not go out into the public.

While these norms were expected of women, not all women necessarily followed these norms of modesty. According to documents from the Cairo Geniza, a collection of manuscripts that outline a period of Jewish Middle-Eastern and North African history from approximately 870 CE to the 19th century, not all women were necessarily in the home.

Shlomo Goitein (1967) writes that women were the workers par excellence: each married woman was expected to engage in some work in addition to her household chores, such as the elaborate combing and dressing of the bride during a wedding and in childbirth, young mothers were taken care by experienced women of her own family as well as by professional midwives. Goitein writes that outside of these female-related roles, women were employed also as doctors (of course, most had not gone through the expensive apprenticeship of scientific medicine, but were practitioners whose knowledge and skill had come to them by tradition). Also, female teachers are referred to in these documents, and they often taught little girls the female art of embroidery and needle work; some document teachers working in schools. Of course, textile industries were the main field of employment (1967:127-128).

Moreover, Geniza documents reveal that the products of the female industries were sold by female brokers and it was always practical to have a female broker who visited houses and collected and traded threads and textiles made by women. Unmarried (or free) women worked
sometimes in domestic households as slaves but this is found only in wealthy families.

Oftentimes, free women cleaned synagogues or schools (1967:128-130). Gail Labovitz (2007) mentions also that women worked in the productive, retail, and service economies as shopkeepers and merchants. Finally, women worked also as bakers, hairdressers, innkeepers, and professional mourners (9-10).

Nevertheless, while these documents highlight the many professions that some women engaged in, it is evident that not all women had participated in these roles according to the marriage contracts in the Cairo Genizah. Mordechai Friedman writes that “an important indication of the inequality of two partners in marriage is the husband’s power to restrict his wife’s egress from her apartment, her right to freedom of movement” (1974:88). While the Mishnah praised a woman who observed modesty by remaining in the home, the Sages do not really provide any clear-cut prohibitions against the free movement of women (Grossman 2004:102). If a wife were ordered not to visit her father’s house for one month, this vow would be reasonable. However, were a husband to forbid her for two months, she could demand a divorce with a full ketubah payment. Likewise, were he to forbid her, by a vow, from fulfilling basic social obligations, such as visiting a household in mourning or from attending celebrations, she could demand immediate divorce and receive her ketubah payments (Friedman 1974:88).

The marriage contracts from the Cairo Genizah show that most men felt strongly that their wives should not leave the house freely. In several cases, a wife, as part of a settlement of a marital dispute, would obligate herself not to go out of her home without her husband’s explicit consent. Sometimes, a wife would be permitted out for specific purposes. In some cases, visiting certain members of the wife’s family was permitted. Friedman concludes that most marriage
contracts found in the Geniza texts indicate that many women accepted such restrictions without a special contractual undertaking (1974:89-91).

Maimonides’s perspective is as follows:

For every woman has the right to leave the house and go to her father’s home and to a house of mourning and celebration to show kindness to her lady-friends and female relatives, so that they, in turn, might come to her. For she is not in prison to be prevented from coming and going. However, it is disgraceful for a woman to always be going out, sometimes in the open places and sometimes in the streets. A husband has the right to prevent her from doing this. He should not permit her to go out except about once or twice a month, as may be required (Mishneh Torah, Ishut 13:11).

Friedman writes that almost everything in this passage is derived from an interpretation of Talmudic source. Both Friedman and Grossman write that Maimonides’s ruling that a woman should only go out once or twice a month is not really found in Talmudic literature (Friedman 1974:92; Grossman 2004:105). Both scholars also suggest that this ruling was probably influenced by Muslim norms (ibid 1974:89). In any case, Maimonides clearly believes that it is

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47 Basically, Muslims were very strict about feminine modesty and recognized the husband’s right to restrict a woman’s mobility. As Friedman explains: Islamic law recognizes the husband’s right to lock his wife in and to prevent her family from visiting her: “According to Al-Quduri (d. 1039): ‘the husband may prevent her parents or child from another man or other members of her family from visiting her, but he should not prevent them from looking at her or talking to her whenever they wish to’” (Friedman 1974:89). (The source of this ruling is from Al-Quduri’s book on Islamic law according to the Hanafi school). In the name of Fatima, the daughter of Muhammad, the hadith specifies that the best thing for a woman is to see no man and to be seen by no man. In a poem commemorating Al-Malik Af-Afdal (1089-1121), it is recounted with admiration that he had one of his 700 concubines beheaded when she looked out the window. Ultimately, a woman (except in required situations) should not leave her home except with her husband’s express consent. The hadith quotes Muhammad as saying “A woman is closest to the presence of the Lord when she is in the most secluded area of her house” (ibid 1974:89-90). Sarah Stroumsa (2009) briefly outlines Maimonides’s position on women, proposing that Maimonides seems to be an heir to an ancient and solid misogynous tradition in both philosophy and medicine, especially in the following passage in which Maimonides explains the idolaters’ practice of passing children through the fire in the Guide: “The worshippers of the fire spread abroad the opinion in those times that the children of everyone who would not ‘make his son or his daughter to pass through the fire’ [Deut. 18:10] would die. And there is no doubt that because of this absurd belief everybody hastened to perform this action…This was more particularly because care for little children is generally entrusted to women, and it is well known how quickly they are affected, and speaking generally, how feeble are their intellects” (GP 3.37:546). Stroumsa writes that this passage is reminiscent of the philosophical stories composed by Islamic philosophers, Ibn Sina (~980-1037) and Ibn Tufayl (~1105-1185), in which women, perceived as a hindrance to the philosopher’s quest, are either violently eliminated or are magically wished away from
not appropriate for a woman to be outside of the home frequently. According to Friedman’s statement that an important indication of the inequality between partners is reflected in the husband’s power to restrict his wife’s freedom of movement, Maimonides’s view would certainly be an indication that Maimonides believed that a wife should be under the control of her husband. However, this ruling does not represent Maimonides’s perspective overall. An examination of Maimonides’s other legal rulings is necessary to appreciate his attitude towards women in his legal work.

5.3 A Virtuous Woman and a Virtuous Man

Maimonides expected women to be committed to their domestic responsibilities. In the *Mishneh Torah*, he rules that a wife who refuses to perform any kind of work that she is obligated to do may be compelled to do it, even by using a rod (presumably to scourge her) (*Mishneh Torah*, Hilkhot Ishut 21:10). Immediately following this, he writes:

> When a husband complains that his wife does not perform her required tasks, and the wife claims that she does, the dispute should be clarified by having a neutral woman dwell with them or by asking the neighbours. The judges shall clarify the matter in the best way they see fit.

There are varied responses and interpretations to this ruling: Abraham ben David, a 12th century Ashkenazi rabbi, rejects this ruling, explaining that it is unheard of to compel a woman by corporeal punishment. The authoritative legal code of the 16th century, the *Shulhan Arukh*, rules that a woman is compelled to perform her tasks, but omits the reference to corporeal punishment. Rabbi Kapach, a modern 20th century rabbi, emphasizes that Maimonides’s intent is not that the husband should beat his wife himself, but that he should bring her to the court to determine the appropriate action.

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the process of procreation (2009:115). See chapter 3 of this thesis for a discussion related to Stroumsa’s argument.
Klein mentions that considering Maimonides’s ethical standards, which were uncommonly high, this ruling is a surprise (1972). In response, Kraemer reminds us: the Talmudic sages never permitted a husband to beat his wife, and neither did Maimonides since it is an obvious contradiction to the teaching that a husband honors his wife even more than himself. Kraemer argues that, to Maimonides, wife beating is ultimately the custom of uncivilized gentiles (2008:345).

Clearly, Maimonides does not say that it is the husband who carries out the deed, but it is up to the court to determine the appropriate action – and presumably, it is the court that administers the corporeal punishment if applicable. Corporeal punishment is also recommended in other cases: Maimonides rules that although acts of lesbianism do not constitute a punishable transgression (since there is no specific prohibition), a court should administer corporal punishment (in the form of flogging) for the rebelliousness that it reflects (Mishneh Torah, Issurei Bi’ah 21:8). In any case, corporeal punishment was a very common judicial penalty in biblical and Talmudic law.

A basic understanding of Maimonides’s ruling on sexual intercourse, in which he emphasizes the relative freedom in sexual practices permitted by halakhah and a more ascetic attitude toward sexuality, is required to understand his ruling on compelled divorce:

A man’s wife is permitted to him. Therefore, whatever a man wishes to do with his wife he may do. He may have intercourse whenever he pleases and he may kiss any organ he wishes. And he may have intercourse in a natural or unnatural manner as long as he does not expend semen to no purpose (Mishneh Torah, Issurei B’iah 21:9).

However, Maimonides also rules that a woman who denies her husband sexual intercourse is rebellious. He writes: if a woman is asked why she has rebelled, she need only

48 Samuel Morrell notes that the domestic chores a wife must perform are of a contractual nature, but there are some obligations that transcend the status of a purely civil contract and relate to the special nature of marriage. The most basic obligation of a wife is the obligation of sexual submission to her
say that she despises her husband and that she cannot bear to have sex with him. Maimonides rules that when a woman makes such a claim, a forced divorce is necessary and justified. Biale points out Maimonides justifies the forced divorce by pointing out that a woman is a free

husband, and a woman who refuses to fulfill this obligation is called a rebellious wife. A rebellious wife is in direct conflict with the law’s expression of a wife’s dependence on her husband, namely the right vested solely in the husband to dissolve the marriage since through her expression of rebelliousness, she is ultimately expressing her independence and her free will (Morell 1982:198-199). As Morrell mentions, in the Mishnah, one is told that a woman who is rebellious is fined a fixed amount weekly (which is deducted from her ketubah) for every week of her rebelliousness. “Following this mishnah there ensues a discussion in the Talmud about the object of the rebelliousness being referred to, whether it applies solely to a refusal of sexual submission, or to a refusal to perform domestic chores as well. The debate is unresolved in the Talmud, but most authorities rule that it refers to a refusal of sexual submission. This position reflects the basic distinction drawn above, between obligations which represent a civil contract and those which are inherent in the nature of marriage” (ibid 1982:199). Further, the ensuing Talmudic discussion indicates a continuing attempt to deal with the rebellious wife. In a baraita (teachings outside the Mishnah), one is told that subsequent to the ruling laid down in the Mishnah, toward the end of the tannaitic period (10-220 CE), the sages decided that her rebelliousness should be announced publicly during a period of four weeks, and she is threatened with the loss of her entire ketubah. In a postamoraic (i.e., after 500 CE) passage, one learns of a different procedure: she must wait one year and during this time, her husband need not provide for her. If after this period she continues to be rebellious, she is divorced and not given her ketubah (but she may keep the remnants of her dowry if she is in possession of them). Following the discussion of the intermediate position (in the baraita), “the Talmud presents a remarkable definition of the rebellious wife to whom the law applies, so much so that one is inclined to interpret it as an attempt to remove the sting of this strict law by defining the rebellious wife out of existence. One is told that the law does not apply to a woman who says of her husband, ‘I can’t stand him.’ To whom does it then apply? To one who says, ‘I want him, the better to make him suffer!’ The commentators differ, however, about whether the final position – making her wait a year without maintenance is governed by this limitation” (ibid 1982:199). “Though the attempts at dealing with rebelliousness which are recorded in the Talmud generally betray an increasing severity” there is a complete reversal of attitude in the early posttalmudic period (ibid 1982:199). In a passage where Sherira Gaon (one of the most prominent Geonim of his period (906-1006 CE)) was asked about the treatment of a woman who demanded a divorce because she no longer wanted to live with her husband, he expresses: “After the time of the saboraim [about the seventh century], they saw that Jewish women were utilizing gentiles to compel their husbands to divorce them, and husbands were divorcing their wives under duress, in a manner which rendered them invalid. So they passed an enactment in the days of Rabbah and Mar Hunai [mid-seventh century] regarding a rebellious woman who demanded a divorce, that her husband repay her the entire value of her dowry, but not that part of the ketubah which he promised her of his own…and that the court compel him to divorce her immediately. This has been our practice for over three hundred years, and we urge you to do likewise” (ibid 1982:199-200). Morrell writes that this enactment is radical in nature since a divorce granted under duress is invalid, unless the duress were applied by order of a properly authorized Jewish court, and for a legitimate reason. And it is especially astounding that a divorce, which in biblical and Talmudic law is the prerogative of the husband, could be extracted against a husband’s will for no fault of his own, but simply on the whim of his wife. In his brief summary, Morrell explains how this enactment establishes a wife virtually on a par with her husband in effecting a divorce.
individual: “For she is not a captive that she should be possessed by one who is hateful to her” (Mishneh Torah, Hilkhot Ishut 14:8).

What happens when it is a man who does such a thing? Maimonides writes that in such a case, the woman may withhold sex for as long as she desires so long as they remain married:

The following ruling applies when a man rebels against his wife and says: “I will support her and provide her with her subsistence, but I will not be intimate with her, because she has become loathsome to me.” He must increase her ketubah by the equivalent of 36 barleycorns worth of pure silver each week. They may remain married without engaging in relations for as long as she desires (Mishneh Torah, Hilkhot Ishut 14:15).

In fact, what is original to Maimonides is his ruling that a man is compelled to divorce his wife if she attests that she cannot bear to have sex with him (which is considered a minority tradition). According to Biale, halakhists often adhere strictly to the standards for a compelled divorce found in the Talmud. However, Maimonides’s rulings encompass a range of situations when a husband is compelled to divorce his wife.

Furthermore, Maimonides expands the ranges of cases when a husband is compelled to divorce his wife. First, when a man makes a vow requiring his wife to tell people of the jests and frivolities that a man and his wife will speak prior to intercourse, he must divorce her and pay her the money stipulated in the ketubah (a Jewish prenuptial agreement) (Mishneh Torah,

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49 As Morrell (1982) points out: Maimonides’s justification for a compelled divorce based on rebelliousness “represents an apogee in the record of rabbinic respect for a wife’s individuality” (200).
50 For instance, in one case discussed by Rabbi Jacob ben Asher: “A question was brought before my father the Rosh (…) of blessed memory [and he ruled]: In the case of a man who acts insane (…) every day and his wife says: ‘My father was a poor man and because of his poverty he married me to this man and I had thought that I could accept [his behaviour] but it is impossible because he is crazy (…) and I am afraid that he might kill me in his rage.’ In response, Rosh said: ‘we do not force him to divorce her because we only compel those who are cited by the Sages as ones who are compelled [to divorce]. Rather, let her persuade him (…) to divorce her or let her accept him and live from his estate” (this passage is discussed by Rabbi Jacob ben Asher, the author of the Tur 1984:92). Essentially, Rosh ruled that it was impossible to force this husband to divorce his wife in order to free her from danger since the Talmud did not specify dangerous, aggressive, or insane behaviour as grounds for compelling the husband to divorce his wife.
Hilkhot Ishut 14:5). Maimonides justifies this ruling by saying that a woman may not be compelled to speak brazenly and tell others lascivious things.

Maimonides further writes that if a man makes a vow requiring his wife to take actions during marital relations to prevent conception, or if he makes a vow requiring her to act foolishly, such as requiring her to do something meaningless or foolish, he must divorce her and pay the money stipulated in the ketubah (Mishneh Torah, Hilkhot Ishut 14:5).

It is evident that Maimonides’s justification for compelled divorce and his reasoning for compelled divorce in other situations suggests that for Maimonides, even minor acts that violate a woman’s dignity are unacceptable. Maimonides is clear that such silly and useless tasks would be a violation of a marital obligation stated in the ketubah: to honour one’s wife. Therefore, while Maimonides writes that women should obey their husbands in all matters and that only men can initiate a divorce, his legal ruling suggests that he did not completely conform to this view. Maimonides ruled also that a man who refuses to divorce his wife when he is obligated to do so should be flogged until he consents (Mishneh Torah, Laws of Marriage 15:7). Clearly, he strongly believes that men should respect a woman’s dignity.51

51 This point is demonstrated also in Maimonides’s justification for prohibitions on incest. Biale writes that the most significant feature of the laws of incest is that they are seen from the perspective of a man but are applied equally to men and women (1984:179). She writes that it should come as no surprise that sexual prohibitions are addressed to men (as most biblical legislation is). However, in the case of sexual transgressions, men are presumed to be the active agents in sexual interactions since “men are the ones with greater physical power and the sanction of social conventions for initiating sex” (ibid 1984:179). In Maimonides’s summary of the laws against incest, it is clear that he acknowledges that men are the main transgressors and initiators of incestual relationships: “All illicit unions with females have one thing in common: namely, that in the majority of cases these females are constantly in the company of the male in his house and that they are easy of access for him and can be easily controlled by him – there being no difficulty in making them come into his presence; and no judge could blame the male for their being with him. Consequently, if the status of the woman with whom a union is illicit were that of any unmarried woman, I mean to say that if it were possible to marry them and that the prohibition with regard to them were only due to their not being the man’s wives, most people would have constantly succumbed and fornicated with them” (GP 3.49:606). Basically, Maimonides’s justification for prohibitions of free sexual relations within the household is twofold. First, he had a generally negative view of unregulated sex. Second, he agreed that incest is fundamentally taboo: “the second reason derives, in my opinion, from the
Based on these rulings, it is evident that Maimonides did not believe that women should be held captive nor are they obliged to be intimate with men whom they despise. To him, women can ultimately compel a divorce if their husbands request that their wives do something that is silly or useless, which is a direct violation of their marital contract. If indeed the institution of marriage was designed for men and was a primary regulator of male sexuality (Tirosh-Samuelson 2011), which would mean that women were simply enablers to their husbands, i.e., to satisfy her husband’s sexual needs so that they could achieve intellectual perfection, it is clear that Maimonides did not believe that women were the primary regulators of male sexuality. Ultimately, while it is not entirely clear, according to Maimonides, if women should also be pursuing intellectual perfection, it is very plausible to argue that he did not necessarily view women simply as enablers to their husbands.

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wish to respect the sentiment of shame. For it would be a most shameless thing if this act could take place between the root and the branch (GP 3.49:607). Biale proposes that the purpose of extensive incest prohibitions is to give females double protection: by being included in the household women are protected from sexual advances from outsiders, and through the prohibitions on incest they are protected from insiders (1984:181).
Conclusion

This thesis has hopefully clarified Maimonides’s statements regarding women. Evidently, to understand Maimonides accurately, one must understand the proper contexts in which the statements are in and not misinterpret or misrepresent Maimonides’s view based on a modern day lens or agenda. One must also be aware of the historical setting in which Maimonides was writing.

In the end, a more comprehensive examination of Maimonides’s texts allows for a better appreciation of his attitude(s) towards women. To Maimonides, not all women are incapable of cognizing ideas and understanding God. To Maimonides, women are not responsible for the fall of humanity. To Maimonides, menstruation is not an impure and abominable state, but a healthy and essential biological process. To Maimonides, women are not to be exploited by men simply because the law has traditionally been disadvantageous to them. To Maimonides, women are not simply enablers to their husbands in their quest for intellectual perfection. To Maimonides, women are not naturally inferior to men. To Maimonides, women are simply human.
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