

Article

Shaping the Dialogue in the Talmudic Story of an Anonymous Woman's Arguments for Bearing Children versus the Legal Halakhic Law and the Context of the Story

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Abstract: This article explores a story taken from the Talmud Bavli (Yevamot 65b) which describes a dialogue between the arguments raised by an anonymous woman and a rabbinical judge, R. Ammi, with regard to her demand for a divorce and for receipt of the payment for her prenuptial agreement. The article examines aspects relating to the design of the Talmudic story, which belongs to the genre of halakhic stories containing an argument, the law, and its explanation, i.e., elements that are not always explicitly stated in the Talmudic text. The article also examines the point of encounter between the pleas of the anonymous woman who sought a divorce from her husband alleged that he was infertile and that she wished to have a child, versus the strict customary legal halakhic law that exempted her from the religious obligation to procreate and therefore did not protect her rights. In addition, the article provides the context of the woman's pleas in court and the attitudes of the judge towards the woman, as evident in two contradictory rulings with regard to the anonymous woman. Finally, the character of the anonymous woman, as reflected in the story, is described. This article joins a gradually developing trend in recent years within the study of the Talmud Bavli that addresses issues related to women's status and gender discourse. Nevertheless, it is notable that different orientations emerged in the research with regard to gender issues from the mid-1990s onwards.



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1. Introduction

Halakhic ("halakha" is the term for Jewish law) stories, in their wide context, are defined as "stories on the deeds of the sages", and are characterized by a dialogue that is nearly always present as well as by a minimalist nature that creates gaps necessarily filled by the reader (Raveh 2008, pp. 12, 25–77; Boyarin 1999, p. 34). This minimalism gives halakhic stories the structure of a "short story" (Freytag 1968, pp. 114–40; Goldberg 1963, pp. 171–73). The classic stages in the structure of short stories, to be detailed below, are: exposition, complication, climax, turning point, and unravelling and ending. Analyzing stories according to this structure facilitates content analysis while revealing the dramatic tension in each story.

A story that occurs in the court of R. Ammi (Hyman 1964, pp. 219–24; C. Albeck 1969, p. 227) in Eretz Israel contains a legal halakhic dialogue between an anonymous woman who came to the court and revealed an intimate situation between herself and her husband, intimating that her husband was infertile and therefore that she wished to receive a divorce and the payment for her prenuptial agreement so that she could remarry and bear a child. In contrast, R. Ammi, the judge, pointed to the strict legal halakhic law which determined that the plea that one's husband is infertile does not constitute justification for divorce, as it is not the woman who is obligated to fulfill the religious precept of procreation but rather only the man.¹ Therefore, it was argued that the demand for divorce should not be granted as she is not obligated to bear a child and therefore is not eligible for financial rights (such



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as the payment for her prenuptial agreement) and for a writ of divorce based on the plea that her husband is infertile.

The woman refused to adhere to the letter of the law as she wanted to bear a child and she therefore changed her plea to her need for a son who would assist her when she grew old. This alternate argument changed the legal picture in favor of the woman. The judge, R. Ammi, agreed to accept the new alternate argument and ruled in her favor, so much so that the obligation to grant her a writ of divorce and the payment for her prenuptial agreement should be imposed on the husband if he shall not do so willingly.

In doing so, he created a new different standard that considered and accepted the anonymous woman's alternate argument, all so that she would be able to bear a child.

2. Results

2.1. R. Ammi's Attitude to the First Plea of the Anonymous Woman

The halakhic give and take that appears in Tractate Yevamot before this story contains the question: What is the law when there is a disagreement between the husband and wife concerning who is the infertile one? R. Ammi states that the woman is to be trusted, and if she says that her husband is infertile, she is believed because only she can know while he himself cannot attest to himself.² R. Ammi's opinion may have been well known and that was why the anonymous woman chose to come to his court specifically, in the expectation that R. Ammi would rule that she is entitled to a divorce and to the payment for her prenuptial agreement in her case too.

The story was written in the sugya following the controversy in the Mishna (65b) with regard to the clarification regarding who is commanded to procreate, the man or perhaps also the woman, and not because the words of R. Ammi were brought previously (65a) before the Mishna.

The relevance of this point is that if women are indeed obligated to observe the commandment of propagation, then the woman has a legal halakhic "case", and not only an emotional one, in support of her demand for a divorce and for receiving her *ketubah*.

At the beginning of the story, R. Ammi did not ask the anonymous woman why she came, but when she presented her first plea "Give me a *ketubah*!", it was clear to him that she had come to demand her divorce and her *ketubah* due to her infertile husband. According to R. Ammi's reply to the first plea of the anonymous woman ("You are not commanded"), it seems that he assumed that the woman thought that she too is obligated by the religious precept to procreate and therefore sought a divorce. That is why she came to his court in order to demand a divorce and her *ketubah*, so that she could remarry and observe the precept.

R. Ammi contended, however, that the plea of divorce from an infertile husband is not a justified cause for divorce by a woman because it is not the woman who is obliged to procreate according to the legal halakhic law, but rather the man.³ Therefore, as he saw it, according to the legal halakhic law, there is no room to accept the woman's request for divorce and payment for her prenuptial agreement on the claim that "her husband is infertile" since, as stated, she is not commanded and is not obliged to bear children.

As R. Ammi understands things, if he were to clarify to her unequivocally that women are not commanded to procreate, she would return home and her demand for a divorce based on her plea would end with a rejection of her request for divorce.

The opening phrase in R. Ammi's response to the anonymous woman: "Go away" (*zil* in Aramaic) gives the impression that he replied to her in an angry tone or in a tone that required her to obey his "you are not commanded" instruction. Namely, "Go away! The commandment does not apply to you!" suggests that she was not entitled to a divorce and to payment for a prenuptial agreement. Thus, she could return home to her husband or leave home with no rights. R. Ammi thought that this would be the end of the matter.

The words *zil* or *zili* pronounced by a sage or person to a woman appear in the Talmud Bavli another seven times in seven different stories⁴, in addition to the current story. These eight stories have a common element based on different recurring components.

For example, most of the stories included an anonymous woman,⁵ as they are connected to different matters related to women, such as marriage, spousal relationships, and fertility. The tone in all the stories is one of an instruction that obliges the woman, or is angry or disparaging. In all the stories, the matter discussed at the beginning, regarding whether *zil* or *zili* was said, eventually changed or turned out to be wrong. In all the stories, there is a negative context of separation, failure, or non-observance of the precept.

The story described here, as well as the additional examples brought (in the footnotes), can be characterized, in light of the words *zil* or *zili* as “type-scenes”. In other words, the narrator intentionally chose to use these words in order to illustrate to the reader the experience contained in the scene described in the story so that the reader would sense the experience of anger or contempt evident from these words, including the insinuation within stories of this type that the scene in the story might be reversed (Alter 1981, pp. 47–62).

Accordingly, here too, after R. Ammi’s response to the woman, which begins with the word *zil*, there is an impression of anger at the woman or of an instruction that obliged the woman to unequivocally accept R. Ammi’s ruling.

2.2. R. Ammi’s Attitude to the Second Plea of the Anonymous Woman

R. Ammi’s manner in his rulings in the Talmud Bavli (based on the phrase “before R./R. Ammi” (×33)) shows that, in regular cases with no legal complications, he was inclined to rule formally, according to the letter of the law and following the customary legal halakhic law (although it may be said that this is how the Talmud Bavli mentions the Eretz Israel Amora, R. Ammi (Hauptman 1998, pp. 137–38)).

Namely, as a rule, R. Ammi does not ask the litigant’s questions of his own initiative (as do R. Johanan⁶ or R. Hiyya bar Abba⁷) and does not offer them words or ideas; rather, he rules according to what he perceives by following the claims of the litigant and his own knowledge and understanding of the legal halakhic law.

However, during the court’s discussion, he found out additional details or heard new pleas or other motives that were not known to him previously in the first stage of the discussion, and he did not hesitate to rule again according to the new evidence brought and he retracted his initial ruling and ruled differently in light of the new pleas brought fourth. This pattern of action by R. Ammi during the court discussion was characteristic of him and is repeated in other places in the Talmud Bavli.⁸

This conduct of R. Ammi, who retracted his first ruling, was also present here too in the plot of the story. R. Ammi did not suggest other options or ideas to help the anonymous woman receive a divorce and payment for her prenuptial agreement. He did not ask the woman whether her wish to receive a divorce stemmed from her wish to have a son who would care for her in the future. He reached his first ruling following the woman’s first plea and following the strict legal halakhic law: “Go away, you are not commanded”.

However, here too there is a twist in the story, as he eventually retracted his first ruling (“You are not commanded”) after the anonymous woman brought a second plea, i.e., a new detail that was previously unknown when he gave the first ruling that rejected the woman’s demand. He discovered that the woman came to the court to get a divorce “based on another claim” as she needed a son who would care for her when she grew old.

R. Ammi gradually understood that the woman’s intention in her first plea for divorce had nothing to do with the religious precept of procreation; rather, it was based on a completely different plea—concern for her well-being when she grew old, for a son who would care for her in all ways and particularly financially. This was not a legal halakhic issue, regardless of whether the woman was commanded or not, but rather R. Ammi’s court was asked to decide on another new issue, a case of relief and future social welfare.

The perception of sons as a financial anchor was not new to R. Ammi’s generation as well as to R. Ammi himself, and he said in this context: “And R. Yitzhak from the school of R. Ammi says: ‘When a male comes into the world, his loaf comes into his possession’”⁹. Thus, when the sons arrange for a ‘loaf’, they become a source of further subsistence.

At the end of this story, R. Ammi retracted his first ruling that rejected the woman's plea for divorce, and in his second ruling he decided not only in favor of the woman's right to a divorce but rather also that the obligation to grant a writ of divorce should be imposed on the husband if he refuses to accept the ruling that the woman is given a divorce. R. Ammi's second ruling shows a consideration for the woman's welfare and for her right to grow old with dignity, and it contradicts his first ruling which rejected her demand based on the strict law that considered only the legal halakhic law.

2.3. *The Character of the Anonymous Woman as Reflected in the Story*

The general picture portrayed in the story by the description of the anonymous woman's character is that this is an unknown, unidentified, unnamed, and almost transparent woman who may have also been from a lower social class. She has strong feelings; however, she wants to bear a son, but her husband is infertile. The story does not contain information on how long she was married to her infertile husband. Then again, her appeal to the court insinuated that she was married for too long without producing a child. She felt that her biological clock was ticking and that she would miss the opportunity to realize her dream of having a child if she did not take further action. Therefore, she found the courage and appealed to R. Ammi's court for legal relief, bringing a personal plea related to her marriage: "Give me a ketubah!". The meaning of her request is one thing, and her desire for a divorce and for the payment for her prenuptial agreement due to the physiological problem of her infertile husband is another. She was willing to expose her intimate problem with her husband in order to gain a son after divorcing her infertile husband and remarrying. She had certain knowledge of the halakha on intimate matters. In her innocence, she thought that she could come to the court and claim that she wanted a divorce because she had no children and wished to have children with another man in order to observe the religious precept of procreation; this was a legitimate plea that eventually became accepted by R. Ammi's court because his opinion on these matters was relatively liberal and tended to favor women. However, as we can see, R. Ammi made rulings according to strict legal halakhic law, whereby she was not entitled to a divorce and to payment for her divorce contract.

In her desire to bear a child, despite lacking suitable halakhic knowledge to contend with the strict halakhic ruling, the woman changed her tactics. She brought a second new plea based on her emotions and on the call to be considerate, and she cried for help. What would happen to her when she grew old? Who would take care of her if she were to have no son? Who would support her and provide financial assistance and social welfare? R. Ammi departed from his first ruling that was based on the strict legal halakhic law and gave his second ruling in favor of the anonymous woman based on her simple rational-social plea. The simple anonymous woman who had little knowledge of halakha in order to contend with the court was victorious. She became entitled to a divorce and to payment for her divorce contract. She would be able to begin a new life. She had dared to speak up despite the court's initial rejection of her demand. She was not ashamed to display her distress and her concern for the future, and her words made a big impression on the judge and entered his heart until he ultimately reached a ruling in her favor.

3. Method and Discussion

3.1. *The Story in the Printed Version (Yevamot 65b)*

An anonymous woman once came to R. Ammi and asked him to authorize the payment of her [lit., 'give me'] *ketubah* [prenuptial agreement]. When he replied, 'Go away, the commandment [of the propagation of the race] does not apply to you' [hence divorce in her case was unnecessary and consequently she can lay no claim to her *ketubah*], she exclaimed 'What shall become of a woman like myself [lit., 'this'] in her old age! [if there will be no children to provide for her]'. 'In such case', the Master said, 'we certainly compel' [the husband to give a divorce and to pay also the *ketubah*] (Epstein 1936, p. 439).

3.2. *Shaping the Structure of the Legal Halakhic Dialogue in the Story*

The exposition is the first stage in the story which describes an anonymous woman who appeared before R. Ammi's court of law. It appears from this exposition that this was an unidentified woman who had been married for several years and had no children. She came to R. Ammi's court and asked to receive a divorce from her husband as well as the payment for her prenuptial agreement.

Then comes the second stage in the story—the complication. The anonymous woman appealed to the judge and asked him to reach a ruling and to confirm that she was entitled to the payment for her prenuptial agreement, but she used the problematic phrase “Give me”, which was not customary or common among contemporary women. Although this sentence is indeed missing in several manuscripts such as Munich 95, Munich 141, Oxford 367, and Vatican 111, we chose to present it based on the version of the Vilna edition, MS. Ginsburg 594 and the Venice edition, where it appears, center the entire story on the woman's request for payment for her prenuptial agreement. Only in two other places in the Talmud Bavli (Ketubot 104b; Gittin 35a) from among dozens of women's legal appeals in different areas does the phrase “Give me” appear. This phrase expresses a demand or even an order rather than a question or request, as would have been expected of an anonymous woman appearing before a judge at the time. In these two places that contain the phrase “Give me”, the woman did not receive her full plea. In Ketubot, the woman asked for alimony and the amount of her *ketubah*, and received only her *ketubah* after complex negotiations. In Gittin, the woman received neither alimony nor the *ketubah*.

The choice of the Vilna and Venice print and of the Ginsburg 594 manuscript, which includes the phrase “Give me”, is clear and convenient compared to the manuscripts that lack it, because the entire story centers on the demand for the *ketubah* which clarifies the dialogue between the anonymous woman and the judge.

The phrase is problematic because it was utilized by women in their appeals to a judge here and in two other places in the Talmud Bavli¹⁰ in a demand to receive payment for their prenuptial agreement as well as alimony. In addition, a woman who came to the court and immediately demands her *ketubah*, i.e., money, was suspected of being motivated by foreign considerations or presenting a false claim, while she was only interested in her husband's money in truth.¹¹

In the third stage, the story reaches its climax when the same woman expected the judge to comply with her request/plea. Her request was rejected, however, in light of the legal halakhic law which determined that women were not commanded to procreate, which R. Ammi (the judge) used as justification against her plea.

The story could seemingly have ended at this point, but the woman understood that she could leave the verdict as it was.

Indeed, the story does not end by accepting the judge's rejection; rather, at this stage, the fourth stage, there is a turning point in the story. The woman brought a second alternative plea against the rejection of her request. She appealed to the judge's sense of compassion, to his emotions, rather than to his proficiency in the strict law, and raised a simple direct emotional plea: When she grows old, what will happen to her? To this woman? Who would care for her in her old age if she were to remain alone with no child to support her and nurse her? Who would provide her with social support and welfare if she were to remain childless in her old age?

There is certainly room for emotional and legal halakhic claims capable of supporting the woman's plea to the judge to receive a divorce, as evident from the next story in the sugya, which is very similar. The next story takes place in R. Nahman's court. There too an anonymous woman presented a social and not necessarily legal halakhic claim, and R. Nahman ruled that she was indeed entitled to a divorce following this social claim. This is also the actual ruling in the legal literature.¹² In this way, the story that occurred in R. Nahman's court supports the ruling of R. Ammi in the current story, which was in favor of the woman, and not necessarily for a legal halakhic reason but rather for an emotional reason. The two stories that occurred in the courts of these two sages reveal the

narrative of the Talmudic sages' worldview, namely their halakhic interpretation, as the two sages—R. Ammi and R. Nahman—perceived it, each according to his personality and personal understanding, as well as the disparity between dry legal halakhic law and the life circumstances reflected in these two stories (Wimpfheimer 2011, pp. 19, 55–56).

The story ends with the fifth stage of unravelling and ending. R. Ammi understood the woman's distress and empathized with her honest feelings. He did not hesitate to retract his initial ruling and permitted the woman to divorce and to receive the payment for her prenuptial agreement. Moreover, he also included a future conditional warning that if the husband would not comply with his ruling, he would be subject to the sanction of a compulsory divorce and payment for the prenuptial agreement (Weinstein 2001–2002; Weinstein 2004; Cf. Alster 2008; Sharlin 1999). The ruling changed; this time, it was in favor of the anonymous woman.

3.3. *The Desire to Be a Mother and to Bear a Child under the Context of the Woman's First Plea for Divorce*

The longing for a child is present in Jewish culture as early as the biblical book of Genesis and subsequently in rabbinical literature as well. The first religious injunction in the scriptures is to bear children and to procreate: "Be fertile and increase, fill the earth" (Gen. 1:28). The scriptures tell us about the infertile matriarchs and their challenges, including Sarah who required a miracle to become pregnant, Rebecca who had trouble giving birth, and Rachel who appealed to Jacob: "Give me children—or I shall die" (Gen. 30:1). When Rachel gave birth to her eldest son, she cried out: "God has taken away my disgrace" (Gen. 30:23). There are other women whose infertility is stressed in the scriptures such as: the wife of Manoah (Jud. 13:2), Hannah the wife of Elkana (1 Sam. 1:2), Michal the wife of King David (2 Sam. 6:23), and the Shunammit woman (2 Kings 4:14).

The sages describe the difficulties of the infertile women mentioned in the scriptures. For instance, infertile women are described as fallen and even as hated (BrR. 71, 29:31, p. 821), which gave them a sensation of being different and alienated from the community (Boyarin 1999, p. 103).

It is important to note that the woman herself does not explicitly state that her initial claim is a desire to have children (though this is alluded to in the following story that took place in R. Nachman's court), rather it is R. Ammi who assumes this to be the case. The only explicit claim that the woman makes is her concern about being taken care of in her old age (in ancient times, it was the children who took care of their parents in old age). Particularly as this episode is brought to illustrate the case of a woman who brings a claim other than being commanded, the *sugya* itself foregrounds her explicit claim rather than the claim R. Ammi assumes to be her motivation. Thus, it is not clear whether the woman changed her claim or not; this ambiguity is perhaps relevant for the literary reading of the very terse anecdote.

3.4. *The Desire for a Child in Talmudic Times*

In Talmudic times, women's status was often determined by their husband's status and by the number of male children she bore (Rubin 1995, pp. 13–29; Boyarin 1999, pp. 53, 77–82; Schremer 2003, pp. 302–4; Feldman 1995, p. 21; Ilan 1995, pp. 107–11). In addition, society naturally tended to associate a couple's infertility with the wife (Garland 1990, pp. 24, 36–41; Lefkowitz and Fant 1982, p. 81).

In Talmudic times, a child was perceived as an economic source of support as well as one who would maintain the family's assets and support his parents in their old age (S. Albeck 2010, p. 194). The sages saw the child as giving life to his parents, so much so that the Talmud Bavli likens a person who has no sons to a dead man.¹³

The anonymous woman in the current study lived in a culture where society had a significant impact on the individual's desire for a child (Birman and Witztum 2010, pp. 140–42). The anonymous woman had no children and therefore had no one to care for her in her old age. Naturally, this lack generated concern and a wish to change the

situation. While the solution for a man whose wife was infertile was to divorce her or take another wife, the wife had no such option. If the husband was infertile, the woman had to appeal to the court and ask that she be permitted to receive a divorce from her husband and to realize her rights. Such a step, which included coming to the court and exposing her intimate life before a court that is fundamentally patriarchal, might have deterred the woman. This also rang true in the case of an anonymous woman who normally had no connections with the social rank of Torah scholars and judges.

However, it must be noted that a quarter of the cases that appeared before the courts in Eretz Israel in the Amoraic period involved people with high status, who were not anonymous and had family ties with the scholars or were scholars themselves. In the second to fourth generation of Eretz Israel Amoraim, this percentage was even higher, where more than one third of the cases that reached the courts were of people of high status with connections to the scholars. Some of the researchers raise the hypothesis that the many stories about people with connections to the sages who appeared before them in court reflects a redaction trend intended to enhance the scholars, their status, and their segregation from the lower classes who lacked such connections (Lapin 2012, pp. 109–13). This hypothesis regarding a redaction trend in this story in the Talmud Bavli is possible but it differs from the redaction trend in the Talmud Yerushalmi, although the story centers on R. Ammi, an Eretz Israel Amora. Nonetheless, it is not inevitable that this Eretz Israel story was changed and adapted to fit the trend of the sugya redactors in the Talmud Bavli.

3.5. *The Socioeconomic Context of the Anonymous Woman's Second Plea for Divorce*

The anonymous woman did not give up. The primary purpose of her marriage was to bear a child. When she understood that this purpose would not be realized in the current circumstances (an infertile husband), she tried to achieve this through other means. On the one hand, she had to receive a divorce from her current husband and, on the other, to remarry. In her current conundrum, her chances of marrying were gradually diminishing; she had no family lineage and no connections with the social rank of Torah scholars. She had no children, such that people might suspect her of being infertile rather than her husband, and she also had no financial resources. Even if she wished to try and support herself, this would be very hard for her in a society where most women did not do so. She had nothing that could promote her chances of starting a new life and bearing a child who would care for her when she grew old.

Women in her society had almost no part in the business world (Valler 2000, pp. 116–17). Until their marriage, women were financially dependent on their father, and after the marriage, on their husband (Valler 2000, p. 103).¹⁴ The man of the family usually managed the finances and even if a woman received an inheritance or gift or participated in commerce, the husband profited from this and had rights to these assets,¹⁵ all in return for caring for the woman's complete financial security.¹⁶

The anonymous woman understood that she could not accept the first ruling (ineligibility for divorce and for payment of the prenuptial agreement as a result of the husband's sterility, because she is not commanded to procreate). Nevertheless, she was aware that the law is the law and that it obligated her as well. Nonetheless, she assumed that the legal halakhic law contained exceptions.

From her point of view, she was willing to do everything, even to change her first plea (of "infertile husband") if necessary in order to convince the judge, R. Ammi, that she was right and convince him to change his ruling. Lacking any other choice, she displayed resourcefulness and found the courage to offer a second (Valler 2000, p. 117) alternate plea, one with a social foundation ("In her old age, what shall become of her?") as a final act in order to overcome the legal halakhic obstacle so that she will be able to remarry and bear a child. This was a desperate call for help, a true emotional cry coming from the bottom of her heart, a final cry that stemmed from despair and attempted to explain her distress: "In her old age, what shall become of her, of this woman?". Who will care for her?

How could she remain alone with no child to nurse her? She strongly wished not to remain alone, so much so that even her cry regarding herself was formulated in the third person so that it would not happen to her.

4. Conclusions

This article began with a description of the various stages in the shaping of the Talmudic story. Further on, we presented the points of encounter between the customary and strict legal halakhic law and the everyday reality as evident from the story. It seems from the story that the anonymous woman was not concerned with coming alone to the court to reveal her intimate life and voice her pleas, of which the first was an insinuated plea allegedly based on the law whereby her husband is infertile; therefore, she asked to receive a divorce and the payment for her prenuptial agreement. Once her first plea was rejected based on the legal halakhic law, she was not concerned with presenting a second new plea based on her strong natural feelings. What would happen to her when she grew old if she were to have no son who would nurse her and support her financially? The judge, R. Ammi, was considerate of her feelings and issued a second verdict in favor of the woman, as well as her entitlement to a divorce and to receive the payment for her prenuptial agreement. In fact, R. Ammi departed from his first ruling that was based on the legal halakhic law. He preferred to rule in favor of the woman's welfare in the incident she cited rather than remaining with the first ruling that followed the letter of the law which rejected her first plea for a divorce and the payment for her prenuptial agreement.

Both of the woman's pleas in court fit the context of her time, in relation to the natural desire and longing to be a mother, the significance of childbearing at that time, and the social context of the period. The woman's pleas are discussed versus the considerate attitude of R. Ammi the judge who was willing to rule in her favor, although this ruling was based not on the legal halakhic law but rather on the welfare of the woman when reaching old age.

The article ends with a description of the anonymous woman's character, as reflected in the Talmudic story. Hers is a nameless colorless character who does not have full halakhic knowledge, but has a strong natural desire to bear a child. All these make her a brave woman who is compelled to come to court, reveal her intimate feelings, and daringly present the judge with pleas regarding her entitlement for a divorce and for payment of the prenuptial agreement in order to remarry and bear a son. This includes her first plea with its alleged legal halakhic impact which is rejected, and her second plea, the request for social relief and financial welfare which is ultimately accepted.

One of the ways used by the Talmud Bavli to construct gender is, as described in the current story, by describing anonymous and non-anonymous women who came to court, confronted the judges in various manners, and found different ways of manipulating the verdict in their favor in the process of the court debate.

In the context of the current story, researchers are conflicted by the conduct of the anonymous woman during the debate which led to a successful result that was compatible with the woman's wishes. Some of the researchers are uncertain whether the outcome (the verdict) that was concluded in favor of the woman was incidental, after the woman's emotional outburst, or whether this beneficial outcome derived from the woman's manipulation based on familiarity with the law and its diversion in her favor (Labovitz 2013).

Other researchers unequivocally contend that the anonymous woman in the story was indeed resourceful and knowledgeable, as she subtly changed her views in the process of the court debate when she understood that the judge did not accept her initial claim (Valler 2000, pp. 116–17).

A unique conclusion stemming from the story described in the article is that it can be used to learn about the ancient Jewish outlook on the attitude to women appearing in the court in the period of the Talmud Bavli. In this case, a woman was no longer treated as the "silenced" or the "other", even though women were often presented with no voice or influence; rather, on the contrary, the story describes and emphasizes a woman as someone

who managed to change the verdict in her favor. It is important to understand the story in the article based on the message that emerges from it. In other words, although there is a discrepancy between the formal legal halakhic law and the actual circumstances in the court, the judge will not necessarily rule according to the strict letter of the law; rather, there is also room for other claims, such as that of the woman's well-being. Therefore, there is room for the woman's request to divorce because she has a strong desire for a child who will care for her in old age. The outcome in the court, i.e., the verdict in favor of the woman in Judaism, based on her claim of well-being, may also have an impact on other religions. This signifies mobility or a need to embrace the outlook that is considerate of the woman and not necessarily the approach based only on legal halakhic law. For instance, this phenomenon and its impact are known in Talmudic law and in the laws of the Ancient East (Freidman 1975).

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Notes

- 1 Yevamot 65b.
- 2 Yevamot 65a.
- 3 Yevamot 65b.
- 4 Yevamot 106a; Gittin 39b; Moed Katan 16b; Nedarim 66b (×2); Bava Metzi'a 84b; Sanhedrin 67b.
- 5 Except Yevamot 106b; Bava Metzi'a 84b.
- 6 Sotah 22a.
- 7 Yevamot 106a.
- 8 Ketubot 80a; Gittin 46b; Bava Metzi'a 40a; Hullin 48b.
- 9 Nida 31b.
- 10 Ketubot 104b; Gittin 35a.
- 11 Yevamot 117a.
- 12 Maimonides, Hilkhos Kiddushin 15:10; Shulchan Arukh, Even ha-Ezer 154:6.
- 13 Avoda Zara 5a; Nedarim 64b.
- 14 Ketubot 4:4–5; Ketubot 65b.
- 15 Ketubot 2:1–2.
- 16 Ketubot 47b.

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