



Mishnah Yevamot 6:5

The status of female converts and freedwomen in marriage

Date: 200 CE to 220 CE

Place: Syria Palaestina

Language: Hebrew

Category: Jewish

Literary genre: Legal text

Title of work: Mishnah

Reference:

Yevamot 6:5

Commentary:

This mishnah discusses restrictions on women whom priests are eligible to marry and seeks to define the term *zonah*. Leviticus 21:7 presents the limitations for priests: “They shall not marry a *zonah* or a woman who has been defiled; neither shall they marry a woman who has been divorced from her husband. For they are holy to their God” (based on NRSV). In English editions of the Bible, *zonah* is usually rendered as “prostitute,” “whore,” or “harlot.” In rabbinic texts, including our source, however, the rabbis hold no consensus regarding the meaning of this word (see, Matthew J. Perry, *Gender*, p. 29-30, for the legal definition of “prostitute” in Roman law). Since one of the opinions in our text states that a female convert and a freedwoman may each be referred to as a *zonah*, this source pertains to our study of converts and freed slaves as “new citizens” within the people of Israel.

In Section A, this mishnah states in an anonymous voice that a priest should not marry an *'ayylonit*. According to Mishnah Niddah 5:9, an *'ayylonit* is a woman who never exhibited signs of puberty and, therefore, is incapable of reaching sexual maturity. This prohibition is then qualified with statement that a priest may marry such a woman if he already “has a wife and sons.” This law is compatible with the following mishnah, which states:

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“An individual (*'adam*) should not idle from [the commandment to] ‘Be fruitful and multiply’ (Genesis 1:28, NRSV) unless he [already] has sons ... the man is commanded to ‘Be fruitful and multiply,’ but the woman is not” (Mishnah Yevamot 6:6)

While this mishnah speaks of Jewish men in general terms, our text focuses on priests. Since Section A stipulates that a priest who has fulfilled the obligation to father sons may then marry a woman who is known to be infertile (possibly as a second wife), this passage makes clear that the prohibition against priests marrying an *'ayylonit* is related to reproduction, for sons were needed to continue the priesthood.

Section B cites an opinion from Rabbi Yehudah, who was active in the second century CE, which asserts that even a priest who already has a wife and sons should not marry an *'ayylonit* because such a woman is the *zonah* mentioned in Leviticus 21:7. Rabbi Yehudah seems to define a female partner in marital intercourse who cannot bear children as a *zonah*. The Jerusalem Talmud 6:5, 7c, which discusses this mishnah, challenges Rabbi Yehudah’s claim by citing other circumstances that could prevent pregnancy within marriage – a wife may be barren or grow old – yet she would not be defined as a *zonah*.

Section C presents the opinion of the sages for whom the *zonah* mentioned in the Torah may refer to a female convert, a freedwoman, and any woman who engaged in *zenut* (illicit sexual relations; but, see discussion below). According to this view, the category *zonah* applies to both female converts and freedwomen; therefore, these women are precluded from marrying priests (on the subject of whether a priest may marry a daughter of converts, see the commentaries on [Mishnah Qiddushin 4:1](#); Jerusalem Talmud, [Bikkurim 1:5, 64a](#); however, lineage is the central concern of those sources, more than women’s sexual histories). In this context, Christine Hayes explains that “The female convert, regardless of her status in fact (and the rabbis are not saying that every female convert is a *zonah* in fact) is assigned the status of *zonah* in law ... primarily to clarify and classify her relation to the priesthood – a relation of prohibition” (*Gentile Impurities*, p. 172 [italics in original]; Hayes discusses the status of

the female convert but not the freedwoman). The implicit reason for classifying female converts and freedwomen as *zonot* is that both are suspected of having had sexual liaisons in the past: the convert may have had non-marital sexual relations before becoming a member of the people of Israel; and, as a slave, the freedwoman may have been sexually exploited (on the “sexual duties” of female slaves, see Perry, *Gender*, p. 8).

In addition to female converts and freedwomen, the sages add a third category: women who had engaged in *zenut*. This term usually refers to intercourse between a woman and a man whom she is not permitted to marry. However, the Jerusalem Talmud adds:

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“A tannaitic tradition teaches: Rabbi Eleazar (or Rabbi Eliezer) says: Also [in a case when] an unmarried man has intercourse with (lit. enters) an unmarried woman without intent of marriage, behold this is intercourse [defined as] *zenut*.” (Jerusalem Talmud Yevamot 6:5, 7c)

According to this baraita, for this sage – either Rabbi Eleazar, who was active in the second century, or Rabbi Eliezer, who was active in the first century, after the destruction of the Temple (transmissions of this text vary) – sexual intercourse without the intention to marry is also considered *zenut*. This stance is also stated in a parallel passage from the Sifra that discusses Leviticus 21:7:

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"A woman who is a *zonah*" (Leviticus 21:7). Rabbi Yehudah says: "A '*zonah*,' this is an '*ayylonit*.'" But the sages say "A '*zonah*' refers only to a *giyoret* (female convert), a *meshu?reret* (female freed slave), and a woman who had intercourse [defined as] *zenut*." Rabbi Eliezer says: "Also [in a case when] an unmarried man has intercourse with (lit. enters) an unmarried woman without intent of marriage." (Sifra Emor, parasha 1 chapter 2, 94b)

Whereas Rabbi Yehudah and the sages' views are presented in our mishnah, Rabbi Eliezer's opinion is not included. Nonetheless, each of these passages features the freedwoman and the female convert, and the additional pairings of these two categories is highly significant.

Rabbinic legal texts tend to link the convert and the freed slave. The procedure for converting to Judaism was developed during the Second Temple period, and had become “a fully established institution among the Jewish people by the time of the Rabbis” (Novak, “Gentiles in Rabbinic Thought,” p. 660; for more on this term and its meanings in the Bible and rabbinic texts, see the commentary on [Mishnah Bikkurim 1:4-5](#)). In rabbinic sources, a freed non-Jewish slave holds a status similar to a *ger* (convert), for circumcision was a prerequisite to his service in a Jewish household; and, for female slaves, ritual immersion was required (see, for example, Tosefta Pesahim 8:18). The rabbinic process of manumission resembles Roman practices, where former slaves of Roman citizens received Roman citizenship after becoming freedmen. In Jewish contexts, a freed slave was generally considered a new member of the people of Israel, for servitude in a Jewish household was considered an opportunity for non-Jewish slaves to join Judaism. Yet, this process of conversion was only completed after manumission (Hezser, *Jewish Slavery*, p. 36-39). Thus, converts and freed slaves are often paired in rabbinic texts and, with few exceptions ([Mishnah Horayot 3:7-8](#); [Tosefta Horayot 2:5-10](#)), their status is analogous. The sources that discuss the marriage of female converts and freedwomen reflect this pattern. However, the rabbinic assumption that a female convert – a freeborn woman, possibly from noble lineage – had been sexually unguarded contradicts Roman views, which differentiated female slaves from freeborn women (see Perry, *Gender*, p. 8-9).

However, other texts, such as [Tosefta Horayot 2:11](#) and Jerusalem Talmud Horayot 3:8, 48b, distinguish between the status of female converts and freedwomen, thus providing insights on Jewish society in the land of Israel: men wanted to marry female converts, but were reluctant with respect to freed female slaves. Their previous sexual experience is cited as the reason for this differentiation since, as mentioned above, the masters of female slaves often demanded their sexual attention. Thus, a female slave was assumed to have been sexually available; the Hebrew term for this status, *mufqeret* or *muvqeret*, is often used in regard to property that is declared “free for all.” As Catherine Hezser points out: “The suspicion of the slave girl’s sexual promiscuity was of course well grounded, since female slaves had no protection against their masters’ sexual assaults and exploitations” (“The Social Status of Slaves,” p. 115). According to [Tosefta Horayot 2:11](#) (and its parallel in the Talmud), a female convert was assumed to be sexually guarded, having been raised in a society that protected daughters’ virginity and valued sexual restraint among women; thus, Jewish men were eager to marry such a woman.



Yet, when legal issues are discussed, such as the marriage of female converts and freedwomen to priests, rabbinic texts tend to bind these two groups of women together. I would suggest that Roman manumission often provides the paradigm for the rabbinic legal model of conversion since, in several respects, rabbinic law treats them as a single category (or, at least, discusses them as proximate categories). Thus, as Roman freedmen and freedwomen were not permitted to marry into the senatorial order, so Jewish freedwomen were barred from marrying priests, who represented the upper stratum of Jewish society; female converts were similarly banned from such marriages (however, according to Rabbi Yehudah's opinion in Tosefta Qiddushin 5:1-2, male converts and freedmen were eligible to marry the daughters of priests [*kohenot*; sing. *kohenet*]).

Moreover, the legal tendency to group converts and freedmen together affects rabbinic rulings on female converts. Since, as a former slave, every freedwoman was suspected of prior sexual activity, each female convert was legally placed under the same suspicion. The sole opinion that allows a converted woman to marry a priest appears in the [Jerusalem Talmud, Bikkurim 1:5, 64a](#). Rabbi Shimon, who was active in the second century CE, is said to have approved of such a marriage if the woman in question had converted before the age of three. In his view, in the first three years of life, a girl's virginity (hymen) is still developing so, if she had converted during those years, she could be regarded as "a virgin of the seed of the house of Israel" (Ezekiel 44:22), despite being a convert. Many tannaitic sources echo this claim that, up to the age of three, a girl's hymen could regenerate even if it had been damaged (Kahana, *Sifre on Numbers*, vol. 4, p. 1279). Nevertheless, no tannaitic compositions permit a female convert or, by logical extension, a freedwoman to marry a priest.

While it could be argued that these sources (our text and the passages from Tosefta Horayot) offer contrasting views on the sexual conduct of female converts prior to joining Judaism, the contrast between legal texts and other teachings on this subject is noteworthy. In legal discussions, neither freedwomen nor female converts are permitted to marry priests, based on analogous assumptions regarding their sexual past; however, other types of rabbinic teachings differentiate between these two groups of women (see a detailed discussion in [Wilfand, "Did Roman Treatment of Freedwomen Influence Rabbinic halakhah"](#)).

Keywords in the original language:

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Thematic keywords in English:

- [citizenship](#)
- [conversion](#)
- [convert](#)
- [female convert](#)
- [freedman](#)
- [freedwoman](#)
- [manumission](#)
- [marriage](#)
- [priest](#)
- [priesthood](#)
- [prostitute](#)
- [Rabbi Yehudah](#)
- [ritual immersion](#)
- [Roman citizenship](#)



- [slave](#)
- [slavery](#)
- [son](#)
- [virginity](#)

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[“The Social Status of Slaves in the Talmud Yerushalmi and in Graeco-Roman Society”](#)

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[“Did Roman Treatment of Freedwomen Influence Rabbinic halakhah on the Status of Female Converts in Marriage?”](#)

Wilfand, Yael article-in-a-journal 182-20240 “Did Roman Treatment of Freedwomen Influence Rabbinic halakhah on the Status of Female Converts in Marriage?” *The Journal of Legal History* 2019

Other sources connected with this document: Text

[Mishnah Qiddushin 4:1](#)

The convert and the freedman – the status of newcomers in Judaism.



- [Read more about Mishnah Qiddushin 4:1](#)

Text

[Jerusalem Talmud Bikkurim 1:4, 64a](#)

Can a convert recite the declaration for first fruits and the liturgical phrase “O God of our fathers” – are converts full members of the Israelite community?

- [Read more about Jerusalem Talmud Bikkurim 1:4, 64a](#)

Text

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Text

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[Tosefta Horayot 2:5-10](#)

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Text

[Tosefta Horayot 2:11](#)

The social status of a female convert and a freedwoman in marriage

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Text



[Tosefta Yevamot 6:6](#)

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