

## Ramses<sup>2</sup>

### "Male and female He created them" – Feature of Man and Woman in the mediterranean religions and their impact on religious matrimonial law

#### Atelier international organisé par : Christian Boudignon & Matthias Morgenstern dans le cadre du workpackage : Les racines religieuses de la Méditerranée.

27-28 septembre 2007, Maison Méditerranéenne des Sciences de l'Homme (MMSH), Aix-en-Provence, France.

The differing roles and stereotypes, forms of behavior, and values associated with women and men in the three mediterranean religions (Judaism, Christianity and Islam) are a focus of interest in the current debate on the tensions within the more and more globalized societies in the countries around the Mediterranean sea. In the public debate the tensions are often highlighted with regard to the opposition between traditional matrimonial law and habits and the modern conception of equality of the sexes. Roles and stereotypes, forms of behavior, and values of traditional societies seem to have their roots to a certain extent in concepts of religious law (canonical law of the Roman catholic church, halakha, sharia) that are linked to the basic images of Man and Woman and the question how Man and Woman are related to each other in the various religions.

„God created man in his own image, in the image of God he created him, male and female he created them" (Gen 1,27). This basic expression of biblical anthropology is mirrored in the Qoranic saying that God has created man „in couples" (e.g. Surat 78,8) and the Hadith tradition by Ibn Hanbal that „Allah created Adam in his image" („"). Due to its anthropomorphic tendency and its (seemingly egalitarian) juxtaposition of „male and female", this basic expression of biblical anthropology has led, in the history of exegesis, to much embarrassment. While some medieval Islamic as well as Jewish commentators have accepted the idea of Man being created in the likeness of God, others have argued that the possessive pronoun („his image") refers not to God but to man himself. Jewish traditional exegesis (Midrash Berechit Rabba 8,11) has pointed to the Greek translation of the Septuagint and argued that this verse is „one of the things which they altered for King Ptolemy". In order to avoid the dangerous implication that God might be „male and female" and to make the plural „them" fit, the Midrash proposes to read instead of „male and female" (sakar u-neqeva) „male with his apertures" (nequvaw). The Babylonian Talmud (Tractate Megilla 9a) corrects the biblical wording in changing the object of the verb: „male and female he created him" („him" instead of „them"). Another rabbinic reading that tries to deal with the ambiguity of the two sexes „in God's image" does not refrain from taking refuge in an old Greek (Plytonic) myth. It argues that God created man as „androgyn" and

that this primordial androgyn only later split apart. Christian exegesis has insisted that finally it was in incarnated Christ that God's image could be seen.

No wonder, the difficulty of relating „male and female" to God's image finds its reflection when the biblical verses of the first chapter of Genesis, followed by the commandment to be fruitful and multiply (Gen 1,28), have been perceived as

relating to marriage. Yet this link between the creation account and later legal concepts displays features of unegality. In the bible, „She", „wo-man" is defined in relation to „him", „man". After Adam was unable to find a suiting „helper" among the beasts of the field, Eve was created „out of his ribs". The consequence of this understanding has been lack of matrimonial equality in the laws and in the social reality in the three religions of the mediterranean. In the New Testament, Paul affirms that „wives be subject" to their husbands, „as to the Lord. For the husband is the head of the wife as Christ is the head of the church" (Eph 6,22-23). The link between the creation account of Man and Pauline anthropology is maintained in the catechism of the Catholic church until today.

Jewish legal scholars have pointed out that the Jewish reverence for marriage has its foundation in the mutual respect of husband and wife and their resultant happiness. In the rabbinic tradition the link between matrimonial law and the account of the creation goes so far that it refers to minute details: In the Talmud (Ketubbot 1,1) the first chapter of Genesis is quoted and used even in order to determine outer features of a wedding ceremony such as the halakhically correct day: bride and bridegroom should come together on a day that - according to the creation story - bears the sign of a blessing. Islamic concepts of Matrimonial law. At the same time Jewish matrimonial law stipulates in the Talmud: „In three ways a woman is acquired: through money, a contract and sexual intercourse." The performance of a marriage creates a new status for the woman. She now stands in the position of „being permitted" to the husband and „prohibited to all others". But notwithstanding apologetic endeavours commenting on this talmudic norms these texts are telling as they seem to imply that the woman is object and not subject of the marriage. Correspondingly, according to rabbinic law, it is only the husband who can take initiative for divorce. Similar questions and tensions appear in Islamic law.

The working group to be launched in 2007 will build on the results of the prior working group of Ramses 2 (The religious roots of the Mediterranean). In terms of research, the aim of the working group will be to bring together academics from a variety of disciplines, including Jewish studies, Islamic studies, church history, comparative law and comparative religious studies, to share their specialist knowledge in order to better understand the background of the differences and the shared features of matrimonial law in the three mediterranean religions.

The members of the work package will deal with a set of topics to explore the background of these questions of high relevance for today's discussion:

To what extent are antique (Greek) images of man and woman taken up and changed in the classical canonical texts, in the commentaries and in the legal documents of the three religions? What were the ideal models of women and

men (women feature in the Bible, in the Qoran, wives of the prophets, rabbis or teachers of early Christendom and Islam)?

What are the juridical features in matrimonial law, but also in other areas of law (inheritance law, women's ability to testify, their position in criminal law). How were and how are these norms implemented in various times and in various legislations in the mediterranean countries. To what extent did these norms and values reflect a theologically ideal society on the one hand or historically verifiable reality on the other? How have these concepts and norms been changed through the centuries? How can these changes help us to understand conflicts of today – such as the impact of changing family structures, the gender gap in pay and labor market participation (female unemployment), and the proliferation of women's education in the developing world. Special attention will be given to the preoccupations of Jewish, Christian and Islamic thinkers with the categories of 'female' and 'male' and to the dynamics of relations and relationships between women and men in their various societies providing an informed background for contemporary gender debates in Judaism, Christianity and Islam.

WP leader: Matthias Morgenstern, Institutum Judaicum Tübingen

(Lutz Richter-Bernburg, Orientalisches Seminar Tübingen, and Richard Puza, Institut für Kirchenrecht der Katholisch-Theologischen Fakultät have agreed to contribute)