“Skirting” Society: How Women in Late Antique Persia Used Religious Pluralism to Subvert Gender Boundaries

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Introduction

Late Antiquity created the environment for the transmission of ideas between groups of people who were quite certain their beliefs were right. With this in mind, there was great potential for both conflict and advancement within any given society. While these religions were interacting, so were their notions of what was right for women and the domains of life traditionally ascribed to them: marriage, divorce, child-rearing, feminine purity, and sexuality. This transmission of ideas allowed women to explore these differing ideas and live on the borders of two different religions or even on the border of a conflict of ideas within their own religion. This thesis argues that through these interacting and sometimes conflicting gender boundaries (both between and within religions), women were able to assert their autonomy in opposition to social norms. While in some cases these conflicting gender boundaries could cause or result from violence, in many cases it allowed women to traverse their societies beyond their assigned roles as caregivers and passive recipients.

Geographically, this thesis concentrates on the region of the Persian Empire of the Late Sasanians and its successor states in the Islamic Umayyad (661-750 AD) and Abbasid (750-1258 AD) Caliphates. Late Antique Persia was home to a multitude of religions such as Zoroastrianism, Christianity, Judaism, Islam (after the mid-7th century), Buddhism, Manichaeism, and other smaller religions. This thesis is concerned with the first four of these religions. While it is difficult to get quite enough source material on any topic in Late Antiquity in general, and certainly difficult for gender studies, the intersections of these four religions offers an opportunity to understand how gender boundaries conflicted and interacted with one another. Beyond that, these four religions reciprocated (whether purposefully or not) heavily with one another despite their different expectations of gender.

Of course, not every aspect was opposite, and these four often shared similar outlooks on the roles of women as wives, mothers, and the weaker or less powerful sex.

Religious Plurality in Persia During Late Antiquity

Late Antique Persia was a place of great religious diversity which makes it a prime place and time to study the relations and boundaries between multiple religions. Zoroastrianism, Judaism, and Christianity had long come into Persia before the Sasanian Period, the era where our inquiry starts.[1] By the time of the Sasanians, Jews and Christians were much of the population of Mesopotamia.[2] While the Sasanian Kings themselves were Zoroastrians, each wavered in how much they tolerated other religions.[3] For example, Yazdegerd I (399-420 AD) both ended and began a persecution of Christians, after Christians destroyed a fire temple during the reign of the Catholicos Yahbalaha I (also called Abdas).[4] Although in general he was regarded as having been peaceful to the Christians, and it was during his reign that the Church of the East had their first synod.[5] By the same token however, he was said to have been friendly to the Jews.[6] In fact, although Neusner rejects the vignette suggesting that Yazdegerd I took a Jewish wife, he nonetheless argues that it was usual Sasanian policy to keep friendly relations with religious minorities unless they posed some kind of threat to the state, like converting Zoroastrian nobles or

[1] Richard C. Foltz, *Iran in World History*, The New Oxford World History (New York, NY: Oxford University Press, 2016), 31.
[2] Ibid., 35–36.
[3] Ibid., 33–42; Martin E. Marty, *The Christian World: A Global History*, 1st ed., Modern Library ed., Modern Library Chronicles 29 (New York: Modern Library, 2007), 33.
[4] Jacob Neusner, *A History of the Jews in Babylonia*, vol. V. Later Sasanian Times, USF Studies in the History of Judaism (Atlanta, GA: Scholars Press, 1999), 4. Neusner is likely talking about Yahbalaha I who was Catholicos from 415-420 AD, although I cannot find an exact date for the fire temple destruction. See Jeanne-Nicole Mellon Saint Laurent, David Michelson, and Nathan P. Gibson, "Yahbalaha I — ܝܗܒܐܠܗܐ ܩܬܘܠܝܩܐ," Qadishe: A Guide to the Syriac Saints, accessed March 13, 2021, https://syriaca.org/person/809.
[5] Touraj Daryaee, "The Sasanian Empire (224-651 CE)," in *The Oxford Handbook of Iranian History*, ed. Touraj Daryaee, Oxford Handbooks (Oxford: University Press, 2012), 195.
[6] Neusner, *A History of the Jews in Babylonia*, V. Later Sasanian Times:9–10.

destroying fire temples like in the case of the Christians.[7] Indeed, it seems in the spirit of stability, the sixth century King Hormizd IV acknowledged that if the other religions in the Empire were in opposition to the state, then the Empire would fall.[8] Even though this social and political stability hypothesis is probably correct in many circumstances, we must also note that some Sasanian emperors were influenced by those around them. For example, Khusrow II was usually thought of as friendly to the Christians due to his having a Christian wife and because a Roman Christian emperor, Maurice, put him back on his throne after deposition.[9] In addition, we cannot ignore that the Zoroastrian Kings were often influenced by Zoroastrian priests to enact persecutions. For example, a Zoroastrian priest, Kerdir, influenced King Bahram I (reign beginning in 270 AD) to enact persecutions on Manicheans.[10]

Michael Morony and Haleh Emrani both argue that these different religious communities were largely independent within the Sasanian context. Morony argues that in Late Sasanian Iraq, Jews had perhaps the most organized community since they had their own "religious law, urban institutions, schools, and synagogues."[11] Meanwhile, Christians were split into two different theological camps of the Church of the East and the Syrian Orthodox Church, whose different religious laws presided over "marriage, property, and inheritance."[12] At the same time, Zoroastrians, being the ruling class, had their own

[7] Ibid., V. Later Sasanian Times:31. Generally I agree with Neusner in that it was a concern of the Sasanians if they felt any religion was interfering with their political control, however I would also posit that the Sasanians had conflicts with religious minorities over perceived social irregularities from their own like marriage and child-rearing, that do not have to do with political control.
[8] Foltz, *Iran in World History*, 38.
[9] Ibid., 41–42; Neusner, *A History of the Jews in Babylonia*, V. Later Sasanian Times:119.
[10] Foltz, *Iran in World History*, 36.
[11] Michael G. Morony, "Religious Communities in Late Sasanian and Early Muslim Iraq," *Journal of the Economic and Social History of the Orient* 17, no. 2 (1974): 114.
[12] Ibid., 115. Note that the Church of the East has historically been called the "Nestorian Church", however as recent scholarship has shown this is incorrect terminology as the Church of the East existed before Nestorius, as well as the

religious law and practices.[13] The result of these types of separate religious communities was that they were indeed isolated in some ways.[14] Emrani also notes that these communities tried to shield their adherents from possible influence from external religious communities another.[15] However, we must note the evidence of the intermarrying of Jewish and Christian women into Sasanian nobility and the various persecutions of converts to Christianity by the Zoroastrian rulers which militates against the idea of strict isolation.[16]

After the Islamic conquest of Persia, another religion became intermixed into the already diverse religious population: Islam. At first, since the new Muslim rulers needed taxes, they did not force most "People of the Book"(Christians, Jews, or Zoroastrians) to convert and instead just extracted extra taxes from them.[17] Conversion to Islam was a slow process in the former Persian Empire.[18] Indeed, at first Islam was thought of a purely Arab religion because originally to convert, one had to have the backing of an Arab clan.[19] Only in the eighth century AD did Islam start to effect the numbers of Zoroastrians in Persia.[20] Similarly, Christians began declining in the early Abbasid Period, but not to the extent that

fact that they do not follow his teachings. See Sebastian P. Brock, "The 'Nestorian Church': A Lamentable Misnomer," *Bulletin of the John Rylands University Library of Manchester* 78, no. 3 (1996): 23–35.

[13] Morony, "Religious Communities in Late Sasanian and Early Muslim Iraq," 115–16.

[14] Ibid., 116.

[15] Haleh Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire: An Indicator of Cultural Sharing" (Ph.D. Dissertation, Los Angeles, CA, University of California, Los Angeles, 2011), 45.

[16] Daryaee, "The Sasanian Empire (224-651 CE)," 205.

[17] Foltz, *Iran in World History*, 47; Johnathan Porter Berkey, *The Formation of Islam : Religion and Society in the Near East, 600-1800*, Themes in Islamic History (New York: Cambride University Press, 2003), 91–92; Jamsheed K. Choksy, "Muslims and Zoroastrians in Medieval Iran and Western Inner Asia: Cultural Transition and Religious History" (Ph.D., United States -- Massachusetts, Harvard University, 1991), 141–43; Abd Al-Husain Zarrinkūb, "The Arab Conquest of Iran and Its Aftermath," in *The Cambridge History of Iran*, ed. Richard Nelson Frye, vol. 4 (Cambridge: Cambride University Press, 1975), 27–30.

[18] Zarrinkūb, "The Arab Conquest of Iran and Its Aftermath," 29; Choksy, "Muslims and Zoroastrians in Medieval Iran and Western Inner Asia," 141–43.

[19] Foltz, *Iran in World History*, 46.

[20] Choksy, "Muslims and Zoroastrians in Medieval Iran and Western Inner Asia," 143.

Zoroastrianism did.[21] Jews also converted to Islam, but due to their tighter community rules and their being more rural, were able to perhaps experience less conversions to Islam.[22] However, as we see in the last chapter of this thesis, all of these communities continued to interact with one another well after the Islamic conquest.

Who Do We Mean by Women?

Scholarship on gender and sex in any field, specifically in history and religious studies, has seen an increased debate on the differences between these concepts. Is it possible to define such a thing as womanhood, and can we as scholars truly understand the experiences of women, whomever they may be? In addition to that, is "woman" a term to describe someone's mental state, the state of their submission in society, or their bodily anatomy? Elizabeth Clark and Judith Butler are two scholars notable for their discussions on these topics. Clark's "The Lady Vanishes: Dilemmas of a Feminist Historian after the 'Linguistic Turn' addresses much of the debate surrounding gender and sex in historical and religious studies. At the start of her article, Clark discusses a "post-structuralism" that discusses the "figurative nature of all ideology"[23], but that for some scholars this way had taken too extreme of a turn:

> …categories were so fractured that historians could not even speak of "women" anymore; the decentering of the male subject eventually annihilated the female subject as well. As many feminists have queried, why were we told to abandon "subjectivity" just at the

[21] Berkey, *The Formation of Islam : Religion and Society in the Near East, 600-1800*, 166, 171. For detailed study of Conversion to Islam in Iran see Richard W. Bulliet, *Conversion to Islam in the Medieval Period* (Cambridge: Harvard University Press, 1978), especially chapter 3 and 5.
[22] Berkey, *The Formation of Islam : Religion and Society in the Near East, 600-1800*, 164–65. It may also be possible that, because the Jewish community of Iran had existed for several more centuries than the Christians or Zoroastrians under a regime of another religion, they had the advantage of experience surviving in tumultuous times.
[23] Elizabeth A. Clark, "The Lady Vanishes: Dilemmas of a Feminist Historian after the 'Linguistic Turn,'" *Church History* 67, no. 1 (1998): 3, https://doi.org/10.2307/3170769.

historical moment when women had begun to claim it? Why, Nancy Miller asks, was the "end of woman" authorized without consulting her?[24]

It seemed then that by removing men from the center of study, woman had also lost her place to be studied as well. In the process of making historical study more inclusive had we completely thrown away any definition of womanhood?

Clark proceeds to explore various possibilities to how scholars can study women. One suggestion would be to use "women's experience".[25] However, there are many problems with this outlook. For one, according to Clark, going down this avenue of thought only analyzes certain women's experiences, particularly elite women.[26] Clark concludes that this idea of "experience" leaves out the fact that one's experience is less created by being a woman and more by oppression.[27]

Another possibility would be to focus on the body as a solid foundation. However, Clark argues that there are various definitions of the body. On one hand one can analyze how the body comes to be viewed as dictated by society, how the body is sexualized by society, and what parts of the body are deemed important. However, in contrast one can see the body as a strict anatomically deemed category, and only study those who sexually (meaning anatomically) fit the definition of a woman.[28] At the end of the article Clark concludes that the future works should consist of scholars studying how women are displayed or described in these texts.[29]

Judith Butler's *Gender Trouble: Feminism and the Subversion of Identity* is perhaps one of the most field-changing sources on gender and sex. Butler's argument is not that women

[24] Ibid.
[25] Ibid., 5.
[26] Ibid., 6.
[27] Ibid.
[28] Ibid., 9.
[29] Ibid., 31.

cannot be analyzed in scholarship, or women don not exist, but that "woman" in and of itself is socially constructed and the individuals who act in that construction become women through their acts. [30] She further elaborates that even our basic identities are governed by and structured around the norms of gender roles and heterosexuality.[31]

Butler also argues for the idea that while there may be a difference between gender and sex, the body is still affected by cultural and society norms:

> …within the sex/gender distinction, sex poses as "the real" and the "factic," the material or corporeal ground upon which gender operates as an act of cultural inscription. And yet gender is not written on the body as the torturing instrument of writing in Kafka's "In the Penal Colony" inscribes itself unintelligibly on the flesh of the accused. The question is not: what meaning does that inscription carry within it, but what cultural apparatus arranges this meeting between instrument and body, what interventions into this ritualistic repetition are possible?[32]

In all, Butler argues that sex is also a construct and that analyzing womanhood through these lenses is restrictive.[33]

As shown through these arguments by Clark and Butler, gender and even sex cannot merely be seen as the traditional categories of past times, but instead we must account for the complexities of these categories themselves, and also the gray areas between them. Furthermore, I would agree that gender and sex must be looked at in their specific historical contexts and that we should not place our modern understandings of the term on women in Antiquity, nor can we

[30] Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 1st edition (New York: Routledge, 2006), 181.
[31] Ibid., 185.
[32] Ibid., 186.
[33] Ibid., 187.

apply their notions of who a woman was onto our modern sense. I also agree that gender and sex cannot be thought of as a "this or that" category but rather we must explore the gray areas that have always existed in some form or another. Gender and sex can almost not be thought of as what used to be or even what is now, but rather two ever-changing and constantly socially contextualized identities.[34]

So what do the debates on who women are mean for the value of the category of "woman" for Greco-Roman, Persian, and early Islamic Antiquity? While modern audiences may believe that gender roles were much stricter in Antiquity than now, it is not necessarily so. Ross Shepard Kraemer has argued how gender and sex in Antiquity were thought of more as the result of one's sexual role, and not about one's societal role or anatomy:

> Parker has even proposed that the definition of a *femina/puella* is precisely a person who is sexually penetrated in the vagina (Parker 1997, using somewhat coarser language). Persons liable to such penetration who refuse or renounce it may then no be longer female, but 'male'. These ancient connotations have ramifications for early Christian studies. For instance, the possibility that virgins constitute a separate category distinct from 'women' undergirds certain early Christian discourse about 'women' holding office and exercising masculine authority.[35]

Beyond one's gender being determined by "penetration", this example also shows that what type of power one exercised was more important than one's anatomical structure. However, this

[34] For the approach of the well-known scholar Michel Foucault, whom many of these authors seem to be inspired by see: Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, trans. Colin Gordon (New York, N.Y: Pantheon Books, 1980); Michel Foucault, *The History of Sexuality*, trans. Robert Hurley, Vintage Books ed. (New York: Vintage Books, 1988).
[35] Ross Shepard Kraemer, "Women and Gender," in *The Oxford Handbook of Early Christian Studies*, ed. Susan Ashbrook Harvey and David G. Hunter (Oxford University Press, 2008), 466. http://oxfordhandbooks.com/view/10.1093/oxfordhb/9780199271566.001.0001/oxfordhb-9780199271566-e-024.

theory does leave questions. If these women had an almost "male"-like power, did they receive greater respect from men or were they still treated as subordinates in the social hierarchy? Perhaps, there is room in these questions for the work of future scholars.

While keeping in mind the debates on the study of women and gender, and while also attempting to be as inclusive as possible, by the term "woman" I generally mean an individual who has been identified in a primary source as a "woman", and who exhibits through their sexuality[36] and/or role in society[37] the qualities that religions in Late Antiquity would have assigned to a "woman". Of course, as Kraemer mentioned above, there is some difficulty in understanding if a virgin would be considered a woman, or if woman who felt she was not a woman would have been considered a woman. I will continue, like other scholars, to wrestle with these questions throughout my future scholarly writing. However, of interest to this study and perhaps also to other scholars of gender will be to consider how we identify a "woman" with multiple religions and cultures in mind. As in, what do we do if someone is considered a woman in one culture or time period but not in another?

What is Agency and the Question of Late Antique Women's Identity?

The question of agency is a difficult one because it is difficult to measure. By the term itself, I generally mean when a woman has the ability to undercut, defy, or get around social norms. While not a source on women's agency in Late Antiquity, a still tremendously useful analysis of female agency is Saba Mahmood's *Politics of Piety: The Islamic Revival and the Feminist Subject*. Mahmood studies agency through the lens of women involved in an Islamic

[36] By sexuality, I do not mean they had to be heterosexual. I am more referring to my previous discussion of Ross Kraemer Shepard's argument that of a woman in Late Antiquity was one who was "penetrated". I also think that in many sources women's sexuality is portrayed as dangerous and sinful. For example, the Sinful Woman in the New Testament (Luke 7:36-50).

[37] Women usually had the roles of wife, mothers, caretakers, etc. Women in general usually had a subordinate role to men, with some exceptions in the ruling classes, *e.g.* Cleopatra of Egypt, Queen Boran of Sasanian Persia.

revival movement in Egypt.[38] She challenges the assumption that people have an intrinsic need for "freedom", and that acts are analyzed as resistance in hopes for that goal.[39] She also questions if people in all times and all places will always assert their independence and free will when given the opportunity to do so.[40] Feminist scholars often view women's agency as a form of resistance to whatever form of domination when in fact, as Mahmood argues, women can have agency in these social realms of domination, and can use these systems as part of their agency.[41] Mahmood furthers her argument, writing:

> "Put simply, my point is this: if the ability to effect change in the world and in oneself is historically and culturally specific (both in terms of what constitutes "change" and the means by which it is effected), then the meaning and sense of agency cannot be fixed in advance, but must emerge through an analysis of the particular concepts that enable specific modes of being, responsibility and effectivity. Viewed in this way, what may appear to be a case of deplorable passivity and docility from a progressivist point of view, may actually be a form of agency."[42]

So agency is time and place sensitive and furthermore cannot be predetermined but must be thought of as a woman's ability to achieve a certain existence even if it disagrees with modern definitions on feminism and agency.

Mahmood also generally agree with Foucault's analysis on agency:

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[38] Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005).
[39] Ibid., 5.
[40] Ibid.
[41] Ibid., 10.
[42] Ibid., 14–15.

> Instead of limiting agency to those acts that disrupt existing power relations, Foucault's work encourages us to think of agency: (a) in terms of the capacities and skills required to undertake particular kinds of moral actions; and (b) as ineluctably bound up with the historically and culturally specific disciplines through which a subject is formed.[43]

Agency then is more about the skills one enacts and how one's identity is connected to the context around them. In addition, it seems that one's opportunity to act in an agential way matters in that agency might function differently from place to place. For Mahmood, it is essential to consider one's own perception of actions and the time and place around them versus whether these actions conform to a traditional feminist approach. Therefore, what might be defined as agency in one place and time, might not be to another. This observation is central to my thesis because we must acknowledge that women's agency in this time period may or may not look like a modern conception of agency and independence. For example, in the first chapter we explore how martyrdom allows for agency of women, when to some modern readers death is by no means an expression of independence and freedom, especially not to women. Furthermore, place and time being interwoven with our understanding of agency is vital since these women lived in a time much different than our own. What they may have valued as a means of creating agency, may not be thought of in our time or place, or even a different place in their own time. Context is key.

In fact, a focus in much current scholarship on gender in Late Antiquity has been that scholars and readers cannot use our modern perceptions of gender and sex to analyze how agency and rebellion affected women (or men) in Antiquity. For example, Carrie Elaine Duncan

[43] Ibid., 29.

in her dissertation, “The Rhetoric of Participation: Gender and Representation in Ancient Synagogues” argues that we cannot think of independence in women in Antiquity as a feminist action.[44] Duncan gives an example of a woman named Plancia who in her town of Perge becomes a high priestess, a magistrate, and held many other governmental duties.[45] She explains that Plancia is held up as an example of a woman in Antiquity acting independently, but argues in opposition that since Plancia’s father and brother were away as senators in Rome, she had to take their place at home, and that thus Plancia was acting for her family’s interests, not her own.[46] Duncan argues this does not take away meaning from Plancia’s life work, but rather shifts the intent to empower away from the individual and to the family.[47]

Furthermore, on scholars analyzing from a modern feminism outlook in their writings Duncan writes: "In other words, it was no more possible to be a feminist in the ancient world than it was to be a Protestant. This conclusion does not render Plancia as a victim or lacking in agency, but as an individual operating from a world view entirely distinct from our own."[48] Thus, no matter how much one wants to see an ancient woman as a feminist, that truly cannot be the case because the intellectual preconditions did not exist in this time period. One cannot put modern conceptions onto historical actors, and must imagine these individuals as the actors imagined themselves.

Mona Tokarek LaFosse similarly reminds readers that one cannot look at history through the lens of contemporary thought.[49] She argues that while we may have our own opinions and

[44] Carrie Elaine Duncan, “The Rhetoric of Participation: Gender and Representation in Ancient Synagogues” (Chapel Hill, NC, University of North Carolina: Chapel Hill, 2012), 222–24.
[45] Ibid., 228.
[46] Ibid., 228–29.
[47] Ibid., 229–30.
[48] Ibid., 231.
[49] Mona Tokarek LaFosse, “Women, Children and House Churches,” in *The Early Christian World*, ed. Philip Francis Esler, Second edition, The Routledge Worlds (London: Routledge, 2017).

feelings about women's experiences as related in the sources from Antiquity, we must use what the sources tell us to uncover what women's lives were truly like.[50] Much like Duncan, Tokarek LaFosse shows that feminism cannot truly exist in this period because society granted men a role of social and even biological superiority, and though modern readers may find that offensive it is nevertheless the case.[51] Duncan also points out that we need to put aside our modern beliefs not just about gender but also the difference between how we understand our world and how historical figures understood theirs.[52] Our ideas on how family should function, our modern scientific understanding, and the rights we assume all individuals should have, did not exist for these historical women.[53] Therefore, we cannot analyze any of these aspects of ancient life through our modern lenses.

Although this thesis focuses on gender and women, we cannot forget that these women also had other aspects of their identities beyond their gender. One that comes about often in scholarship is that of class since we have many more sources about elite women than we do from those women who would be commoners or enslaved. Elizabeth Clark in "Women, Gender, and the Study of Christian History" discusses how class need to be considered when discussing influential women of Late Antiquity, and that if a woman's gender worked against her, her class status could bring her respect and influence could grant her rights her gender did not.[54] Women in and of itself is a broad category which contains people of many different groups of ethnicity, class status, and sexualities. Both today and in the past, one woman does not live the same life as other women. Clark sums this idea up nicely when she writes: "Women's agency, in other words,

[50] Ibid., 386–87.
[51] Ibid.
[52] Ibid.
[53] Ibid.
[54] Elizabeth A. Clark, "Women, Gender, and the Study of Christian History," *Church History* 70, no. 3 (2001): 398–99.

has varied considerably with the workings of class, law, social custom, generational difference, and religious hierarchy; 'the fact of being a female' in and of itself has not affected historical change."[55] How women act independently and enact their agency is therefore dependent upon the intersections of class, society, age, and religion.[56] Being female may have not been the only category that women were specifically restricted and other categories, especially class, would have increased a woman's status. Thus being a woman is not the only category that influenced how a woman experienced her life, but rather how being the category of woman interacts with these other social categories.

In the same spirit, Catherine Chin and Caroline Schroeder write in their edited volume *Melania: Early Christianity Through the Life of One Family*:

> Melania's paternal and spousal networks, as assemblages that act to elevate and identify her as part of themselves, push Melania toward what would be the expected activity for her, namely dressing aristocratically and using slaves for labor. That is, Melania with these other human and nonhuman parts is a different agent, and part of a different system of activity, than she is without them.[57]

That is, without their aristocratic status, the Melanias (Elder and Younger) would be different actors. Their grand lives would not have played out if it were not for their aristocratic status and wealth. Schroeder also argues that without the complex intersections between multiple identities within a given culture, one cannot exist. She states that this was true of Late Antiquity in that

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[55] Ibid., 400.
[56] See on this topic: Laurel Schneider, "What Race Is Your Sex?," in *Queer Religion: LGBT Movements and Queering Religion*, ed. Donald L. Boisvert and Jay Emerson Johnson, vol. II (Santa Barbara: ABC-CLIO, LLC, 2011), 125–41.
[57] Caroline T. Schroeder and Catherine M. Chin, "Introduction," in *Melania: Early Christianity Through the Life of One Family*, ed. Caroline T. Schroeder and Catherine M. Chin (Berkeley, CA: University of California Press, 2016), 14.

class, religion, citizenship status, and gender were all factors that determined how one experienced their identity.[58] For example, Melania's class status trumps her gender status and saves her.[59] Although gender was still a determining factor in Melania's life, especially as an example of representation for women in history, it may be argued her life was equally defined by her wealth and status. A woman of lower status might not have been respected by a guard, and could have been raped or abused instead. This does not make women of high status less important to study, but we must acknowledge that the intersections of identity form a whole new experience. In addition, we must also note that women were more than their gender identity.

What Was Religious Identity?

Before moving on to the bulk of this thesis, I must expand upon the concept of religious identity for the readers. An individual's cultural, political, social, and religious identity all come together to create one's identity, and their specific experience. We touched on the importance of the intersection of social groups briefly in the section on women's identity. But beyond gender, I also want to put forth the idea that religious identity was not always as simple as "Christian", "Jewish", "Zoroastrian", or "Muslim". In his book *Christianity, Empire, and the Making of Religion in Late Antiquity*, Jeremy Schott questions the traditional view that identities are set, and instead argues that identities are formed in a process.[60] Indeed he writes that identity is "the product of constant negotiation and renegotiation."[61] So identity is in constant formation not a created thing that is automatically applied to someone. Similarly, Daniel Boyarin argues that, in the case of Late Antique Christians and Jews, their identities were more of a reaction to separate

[58] Caroline T. Schroeder, "Exemplary Women," in *Melania: Early Christianity Through the Life of One Family*, ed. Caroline T. Schroeder and Catherine M. Chin (Berkeley, CA: University of California Press, 2016), 41.
[59] Ibid., 44.
[60] Jeremy M. Schott, *Christianity, Empire, and the Making of Religion in Late Antiquity* (Philadelphia: University of Pennsylvania Press, 2008).
[61] Ibid., 9.

out the other, especially for Christians towards Jews.[62] Identity then is not only about one's own identity but how to identify those around you as the "other". The seemingly fickle nature of religious identity then may leave us with several questions. One being: if religious identity is only an attempt to solidify who is a part of a group or not, what importance does it hold for the members of the group itself?

There was also much tension between political, social, and religious identities. For example, Christine Shepardson has presented the issues of identity in late antique Syria. She argues that while Syrian authors such as John Chrysostom have been incredibly influential on scholarship about and from the Western European Christian world, others like Ephrem have remained obscure due to the various identities scholars have put on West and East Syria.[63] She writes that Syria was either thought of as close to heretical sects such as Marcionism and Manichaeism or considered to have a "Jewish-Christian" type of Christianity.[64] Instead, she argues that Syrian Christianity was actually quite close to Greek/Roman Christianity, and that scholars tend to overemphasize the differences in Syrian Christianity while underplaying its "orthodox" and "imperial" characteristics.[65] In fact, Ephrem himself hoped to combine these Syrian and imperial characteristics.[66] Because of Syria's invasions by Persian and Arab forces, its history was separated from Roman history by later historians.[67] Shepardson's article warns us

[62] Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity*, Divinations: Rereading Late Ancient Religion (Philadelphia: University of Pennsylvania Press, 2010). For similar discussion especially in relation to Islam and Muslim identity see: Fred McGraw Donner, *Muhammad and the Believers: At the Origins of Islam* (Cambridge, MA: The Belknap Press of Harvard University Press, 2010); Jack Tannous, *The Making of the Medieval Middle East: Religion, Society, and Simple Believers* (Princeton, New Jersey: Princeton University Press, 2018).
[63] Christine Shepardson, "Syria, Syriac, Syrian: Negotiating East and West," in *A Companion to Late Antiquity* (John Wiley & Sons, Ltd, 2009), 455.
[64] Ibid., 458.
[65] Ibid., 460.
[66] Ibid.
[67] Ibid., 465.

that our own modern histories can obscure the realities of how the people in Late Antiquity actually thought of themselves and lived. In her examples from Syria, it seems that Christians there generally believed similarly to the rest of the Roman Empire, but any differences was later exaggerated notably because of their association with Persian and Islamic history.

Returning to the focus of this thesis on Persia, the story of the martyr Anahid also illustrates the conflict between identities. She was from a Zoroastrian noble family, but she and her father both converted to Christianity.[68] When she was on trial, the official continued to treat her as a noble lady at first, and tried to get her to return to her Zoroastrian faith.[69] Here we can see the tensions between political and religious identities. On one hand, the official recognizes her as a respectable lady, but on the other she is a criminal for being a Christian. This conflict will be further explored in Chapter 1, but as we see here, we cannot ignore one of her identities over another in her story, because they both matter.

Religious adherents in Late Antiquity also engaged in constantly changing or unclear identities which we must also acknowledge. Scholars cannot always know for sure what certain groups believed about themselves in this period, since source material is sometimes lacking. For example, Touraj Daryaee notes that it is almost impossible to know what Sasanians believed about their own historical past.[70] Thus, we may not be able to have a good idea of how the Sasanians, especially Zoroastrian Sasanians, constructed their own identity. We can also face this question of identity with the children of Jewish apostates under Muslim rule. Uriel Simonsohn

[68] Sebastian P. Brock and Susan Ashbrook Harvey, *Holy Women of the Syrian Orient*, The Transformation of the Classical Heritage 13 (Berkeley: University of California Press, 1987), 84–86.
[69] Ibid., 90–91.
[70] Touraj Daryaee, "Refashioning the Zoroastrian Past: From Alexander to Islam," in *The Zoroastrian Flame: Exploring Religion, History and Tradition*, ed. Alan Williams, Sarah Stewart, and Almut Hintze, vol. 51, Library of Modern Religion (London: I.B. Tauris, 2016), 137.

reveals how children of one apostate (a convert to another religion) parent and one Jewish parent were a problem for the Jewish law-making elite living before the modern age. While some were able to be circumcised, others were considered illegitimate. Regardless, it seems the Jewish community was still very involved in deciding how these identities or Jew and apostate worked with one another.[71] We can see in this example the complexity of one being considered Jewish either by religion, by birth, or both.

Similarly, conversion to Islam outside Arabia and the Levant posed many questions. At first, Islam was thought to be the "Arab religion", especially since a non-Arab at first needed the backing of an Arab person and Arab clan to convert.[72] Even though one might have been Persian, if one converted to Islam and got the backing of an Arab clan, did this mean one was now Arab? Furthermore, could one truly identity as Muslim without being Arab during the Arab Conquests? Within Syria and Persia, one had to have an Arab patron to have a high ranking official job, so with this in mind, did Arab Muslims in the Umayyad Period really consider their Persian Muslim counter-parts true Muslims?[73] Further ignoring the religious aspect of Islam, Lena Salaymeh argues for a type of Muslim citizenship where identity was created through paying the charity tax.[74] She argues that we cannot separate the religious and political law motivations here, but instead she describes it as "for the divine" versus "for the polity".[75] She argues that this tax was more "for the polity", but that we cannot truly know nor can we assume those who paid the tax nor those who did not pay it followed this certain identity.[76] In a sense, one cannot say the

[71] Uriel Simonsohn, "The Legal and Social Bonds of Jewish Apostates and Their Spouses According to Gaonic Responsa," *The Jewish Quarterly Review* 105, no. 4 (2015): 417-439,523.
[72] Foltz, *Iran in World History*, 46.
[73] Ibid., 48.
[74] Lena Salaymeh, "Taxing Citizens: Socio-Legal Constructions of Late Antique Muslim Identity," *Islamic Law and Society* 23, no. 4 (2016): 334–37.
[75] Ibid., 334–35.
[76] Ibid., 366–67.

payment of this charity tax, although religious, was only religious in nature, and instead also came to note a political or citizenry identity as well. Through this example, we see that the political and religious identities cannot be treated as separate, but also that sometimes we can describe the specific identities that may have motivated people to complete their religious or civilian duties. Regardless, one can see that in this time period, religious identity was not the only factor at play, and other identities sometimes conflicted within the so-called "religious" identity of an individual.

Contribution of This Thesis

This thesis demonstrates how the social, legal, and religious gender boundaries between four major religions offered women the opportunity to divert or get beyond social norms. The first chapter explores how Christian women used martyrdom to reject the Zoroastrian social norms of marriage and reproduction. Next, the second chapter studies how Syriac Christians considered the title of "the Bride of Christ" as the most important marker of holiness for women instead of virginity. This means that women who were married or sexually active could also be considered holy, as well as virginal women. The third chapter reveals that Jewish women worked inside of the rulings of the Babylonians Talmud to subvert social norms such as rules against women engaging in law, sexual restrictions, and obedience to one's husband. Finally, in chapter four I argue that Jewish, Christian, and Zoroastrian women used Islamic courts and law to subvert the social norms of their religion. These legal disputes mostly take the form of the use of Islamic courts on the issues of marriage, divorce, and inheritance.

These examples reveal how women could use the gaps that were forming between and within these religions and choose to go against or work within their religious restrictions as needed. These religions of late antique Persia, while focused in on their own specific community,

were not isolated with one another, and, in fact, were constantly interacting with one another. This interaction offers scholars a way to look at gender and agency as a big part of that conversation. Beyond that, this study shows how the gender boundaries of a religion were not always solid. Identity was fluid enough that women could avoid actively rebelling against the religious regulations of their religion, and instead embrace them to enact agency. In addition, the length of time this study spans allows for a *longue durée* analysis of the ways in which male religious elites and politicians attempted to use religious regulations to control women's lifestyles, but that yet women evolved in their identities as well to create a lifestyle that both embraced their religion, yet exercised their agency in the gaps between the sometimes tumultuous interactions of these four major religions and societies.

Chapter 1: Zoroastrian Gender Boundaries Conflicting with Christian Women: Christian Martyrdom as an Example

Introduction

This chapter deals primarily with conflicting gender boundaries between Zoroastrian society and its Christian minority. The religion of the majority in Late Sasanian Persia was Zoroastrianism and it permeated the ways in which the Empire ruled. Zoroastrianism contained many rules for women to follow, but perhaps most important for this case study was the importance of marriage and reproduction for women. At the opposite end of the spectrum, Christianity espoused perpetual virginity as a highly praised option, with even the apostle Paul stating that marriage was acceptable but to remain celibate was the better option.[77] Through the lens of Syriac stories of female Christian martyrs during Sasanian rule, this chapter explores how these two opposing viewpoints, or conflicting gender boundaries, interacted and resulted in violent deaths for Christian women. While we will certainly see that these boundaries created violence, I am mainly arguing that this offered a path of agency for these Christian women. Through denial of marriage and thus also of male authority, Persian Christian women remained intent on practicing their values, even if it meant their own death. Furthermore, by denying the Zoroastrian rules for women, they were also denying the social order that had been formed through these Zoroastrian rulings.

However, we must keep in mind that these stories may be fictitious, and certainly that they are told entirely from a Christian perspective to most likely a Christian audience. Perhaps in this way we cannot truly get a full picture of how these types of martyrdoms occurred. But even if these accounts are fictitious, we must ponder what it can mean for the history of Christianity in

[77] See 1 Corinthians 7:1-11.

Persia, that at very least, Christians are perceiving their acts as rebellious against their Zoroastrian government. Even if these stories are fictitious we might ponder what type of events they were inspired by, and how they would have been received by Christian women, who may have been inspired by the agency created by these martyrs.

How Could Martyrdom Be a Way for Women to Create Agency?

Brent Shaw, in his article "Body/Power/Identity: Passions of the Martyrs," studies the topic of sexualized violence against women.[78] He focuses on the endurance of acts of violence against the body as a form of resistance, and on the sexualized imagery that is often used in these stories.[79] One of the examples from the Christian tradition he uses is some of the writings of Jerome.[80] Jerome recounts the story of a woman who had falsely been accused of adultery by her husband, so the officials tortured the supposed lover who lies and admits to the affair because he cannot bear the torture.[81] Thus they also concluded that the woman was guilty of adultery and tortured her.[82] Shaw explains that the woman endured the tortures as expected of a man:

> As horrendous tortures were vented on her body, she had only her body left as a mode of resistance. It is seen as being in competition, pitted against the failed strength of the male body of her supposed lover, the adulterer, and tested against the bodily strength of the executioner himself. As a final, desperate stratagem, she could have some hope of reversing the normal map of power by exploiting her own body. In her world, those who ruled, adult male citizens who held formal power, were expected to exemplify an economical control of

[78] Brent D. Shaw, "Body/Power/Identity: Passions of the Martyrs," *Journal of Early Christian Studies* 4, no. 3 (1996): 269–312.
[79] Ibid.
[80] Ibid., 272; St. Jerome, "Letter I," in *Select Letters*, trans. F. A. Wright, Loeb Classical Library 262 (Cambridge, MA: Harvard University Press, 2014).
[81] Shaw, "Body/Power/Identity," 272; St. Jerome, "Letter I."
[82] Shaw, "Body/Power/Identity," 272.

> the self, a mastery over the slavery of the passions, a rule of the cool of the mind over the heat of the body—a special problem given prevalent views of the physiology of the male body.[83]

This piece exemplifies the idea that a woman could transcend her gender, and thus the expectations of her gender, if she acted with the strength expected of a man.[84] In this woman's case, torture was what she endured to show her strength and own truth. The resistance against her torturers is apparent when she invites them to inflict more pain on her:

> "The "adulteress" finally reached a point where she felt…that she could openly challenge her torturers to do whatever they could to her: "strike me, burn me, cut me in pieces. I did not do it." She defeats her torturer with her body."[85]

So according to authors such as Jerome, women could show resistance to authority in tales of martyrdom as opposed to their role in everyday society. Through this resistance, this woman created her own path and followed her own rules. As Shaw mentions, the woman defeats the attempts of her torturers to force her to do what they wanted her to do with the pain of her body. While again we might consider the question of whether this story is fact or fiction, we might also consider its effect on the women interacting with it. Here is a story (from Latin Christianity) promoting martyrdom over the shame of confessing to having sexual relations outside of marriage, would Christian women in the Persian Empire have felt this was the right path to follow?

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[83] Ibid.
[84] For examples of this in other Early Christian literature see: Thomas J. Heffernan, *The Passion of Perpetua and Felicity* (New York: Oxford University Press, 2012), 130; Bart D. Ehrman, "The Acts of Thecla," in *Lost Scriptures: Books That Did Not Make It into the New Testament* (Oxford: University Press, 2003).
[85] Shaw, "Body/Power/Identity," 273.

Zoroastrian Attitudes Towards Women

Zoroastrianism during the Sasanian Period, like other religions, deemed that women were rooted in evil. In some Zoroastrian texts, sexually unfaithful women are depicted as being tortured in the afterlife.[86] In addition to that, in their creation myth Ahura Mazda (the good god) did not even want to have created women in the first place.[87] There was also a demoness called Jahika described by the Avesta and the Bundahishn (creation story) as a "whore" or "harlot" who caused men to go astray from their religion.[88] But women did not have to be associated with this demoness if they were good wives and behaved according to their social roles.[89] One can see some themes that run through many religions present here, specifically the importance of sexual control for women and the attempt to ensure social order by using the threat of divine punishment in the afterlife to ensure that women play their assigned social roles.

The Importance of Marriage in Zoroastrian Persian Society

Marriage and reproduction were essential to Zoroastrian Persian beliefs and lifestyle. In fact, marriage for the Zoroastrians was not about the partnership of two people so much as it was a way to ensure the lineage of the male guardian.[90] There were several different types of "marriage" based off of who the guardian of the wife was and whose lineage her children fell under.[91] Perhaps the reason having a child was so important is because one needed a son in order to continue to practice religious customs like keeping up the fire alter and performing services

[86] Foltz, *Iran in World History*, 37.
[87] Ibid.
[88] Jamsheed K. Choksy, *Evil, Good and Gender: Facets of the Feminine in Zoroastrian Religious History*, Toronto Studies in Religion 28 (New York: Peter Lang, 2002), 39–40; Arthur Henry Bleeck and Fr Spiegel, *Avesta: The Religious Books of the Parsees* (Hertford: Muncherjee Hormusjee Cama and Stephen Austin, 1864), 29–30; Domenico Agostini and Samuel Thrope, trans., *The Bundahišn: The Zoroastrian Book of Creation* (New York, NY: Oxford University Press, 2020), 79–80.
[89] Choksy, *Evil, Good and Gender*, 40.
[90] Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire," 115.
[91] Ibid.

that surrounded the soul of one's father and ancestors.[92] This was so important that if one's husband or father died, the wife or daughter would have to still make an heir for this deceased man through one of the types of marriage that would allow the lineage to go through the deceased man and not the biological father.[93] Thus because the line of descent was so important, if a person (men especially) lived or died without an heir it was seen as potentially detrimental to their legacy and spiritual existence. To purposefully intend to live without an heir would be unimaginable to Zoroastrians. Continuation of one's earthly line as a man seems to coincide with one's continuation beyond earthly means.

Zoroastrian Conflict with Sexual Renunciation in Christianity

In contrast, early Christians were less concerned with producing heirs and even encouraged virginity and the avoidance of marriage. In Matthew 10:37-39, Jesus does not explicitly say that people should not marry, but he does say that his followers should not love their families more than him.[94] Paul, in 1 Corinthians 7:1-11, seems to say that to be celibate and unmarried is the best case scenario but to be married is better than to sin.[95] This debate over whether it is okay to marry or if one should stay celibate was a matter of much importance for early Christians, with some theologians, like Gregory of Nyssa and Augustine, determining that it was okay to be married, but also arguing that to remain a virgin was better.[96] While for Christians in the Roman Empire this could be practiced, celibacy would become a problem for Christians in the Sasanian Empire. The problem with the encouragement of virginity is

[92] Ibid., 116.
[93] Ibid., 122.
[94] Teresa M. Shaw, "Sex and Sexual Renunciation I," in *The Early Christian World*, ed. Philip Francis Esler, Second edition., The Routledge Worlds (London ; Routledge, 2017), 362.
[95] Ibid., 364.
[96] Ibid., 366–67.

evidenced later by a Christian canon introduced in Persia that abolished celibacy of the clergy and promoted marriage for clergy.[97]

The Persian Martyr Acts and their Reflection of Religious and Social Violence

In this section I analyze three different female martyrs whose martyrdom occurred in Persia. We cannot know for sure how historically accurate these accounts are, but they can still tell us the social views of those who wrote them. Since the writers are coming from a Syriac Christian perspective, we may not have the Zoroastrian perspective of how this violence occurred. Nevertheless, I still argue that these hold evidence of how Zoroastrian society was experienced or perceived by Christians. What stands out are the repeated incidences of marriage being offered to these women in exchange for their lives. It seems then that these martyr accounts show us how Christians in the Persian Empire were cognizant the social conflict between their view of marriage and the role of marriage for Zoroastrians. Thus, the social problems that the different ideologies on marriage and celibacy between Zoroastrianism and Christianity created may have been the key the ideological issues between the two religions as the reasons for the martyrdoms and violence perpetrated against Christian women.

Dates of these Accounts

The earliest manuscript of *The Martyrdom of Tarbo* is from the 5th or 6th century.[98] However, Tarbo's martyrdom is said to have occurred in the 4th century under the reign of Shapur II, since that too is when her brother, the bishop Simeon, was martyred.[99] *The Martyrdom of Thecla and her Companions* takes place in 347, also under the reign of Shapur II.[100] *The Martyrdom of*

[97] Wilhelm Baum and Dietmar W. Winkler, *The Church of the East: A Concise History* (London: Routledge-Curzon, 2003), 32.
[98] Brock and Harvey, *Holy Women of the Syrian Orient*, 188.
[99] Ibid., 64–65.
[100] Paul Peeters, "Le Passionnaire d'Adiabene," *Analecta Bollandiana* 43 (1925): 275; Brock and Harvey, *Holy Women of the Syrian Orient*, 64–66.

Anahid is later than these previous two, according to the date of her death. The death of Anahid is said to have occurred in the persecutions from 446 to 448, during the reign of Yazdegerd II.[101]

The Martyrdom of Tarbo

Tarbo is put to death because she, her sister, and her servant are accused of practicing witchcraft against the Persian queen in retaliation for the execution of their brother.[102] Tarbo is described as extraordinarily beautiful and is offered marriage several times by the mobed (Zoroastrian priest or official) and officials who are in charge of her trial.[103] The mobed and officials notice Tarbo's beauty upon meeting her and think about rescuing her so she can be their wife.[104] This incident is followed up shortly with another request from the mobed once Tarbo is in prison:

> After this they sent the three women off to prison, to be detained there. The next day the Mobed sent a message to Tarbo, saying, "I will intercede with the king and I will save the three of you from death—on the condition you become my wife." On hearing this the glorious woman was greatly shaken, replying, "Shut your mouth, you wicked man and enemy of God; don't ever again utter anything so disgusting. Your filthy words make no impression on ears that are pure, and your foul proposition does not have any effect on my mind, which is chaste and holy: for I am the betrothed of Christ. In his name I am preserving my virginity…[105]

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[101] Brock and Harvey, *Holy Women of the Syrian Orient*, 66.: However, on page 189 Brock and Harvey note that the manuscript we have for Anahid is from the 19th century.
[102] Ibid., 73.
[103] Ibid.
[104] Ibid., 74.
[105] Translation from Ibid. In Syriac: ܘܒܬܪ ܗܠܝܢ܆ ܫܕܪܘ ܠܒܝܬ ܐܣܝܪ̈ܐ ܠܬܠܬܝܗܝܢ ܕܢܬܢܛܪ̈ܢ. ܘܠܝܘܡܐ ܐ̄ܚܪܢܐ ܫܠܚ ܠܗ̇ ܡܘܗܦܛܐ܆ ܕܐܒܥܐ ܡܢ ܡܠܟܐ܆ ܘܐܦܨܐ ܢܦܫܟܝܢ ܡܢ ܡܘܬܐ ܠܬܠܬܝܟܝܢ܆ ܒܪܡ܆ ܬܗܘܝ ܠܝ ܐܢܬܬܐ. ܗܝ ܕܝܢ ܟܕ ܫܡܥܬ ܢܨܝܚܬܐ ܗܕܐ܆ ܐܬܬܙܝܥܬ ܘܐܡܪܬ܆ ܣܟܘܪ ܦܘܡܟ ܓܒܪܐ ܒܝܫܐ ܘܒܥܠܕܒܒܗ ܕܐܠܗܐ܆ ܘܠܐ ܬܘܣܦ ܬܘܒ ܦܬ̈ܓܡܐ ܗܢܐ ܣܢܝܐ ܠܡܡܠܠܘ. ܡܠܠ ܕܠܐ ܬܢܦ ܩܠܝܟ ܠܐ ܥܠܝܢ ܒܐܕܢ̈ܐ ܕܟ̈ܝܬܐ܆ ܘܠܐ ܚܟܝܠܐ ܡܠܝܟܘܬܟ ܦܣܝܠܬܐ ܒܪܥܝܢܝ ܢܟܦܐ ܘܩܕܝܫܬܐ. ܐܢܐ ܓܝܪ ܡܟܝܪܬܐ ܐܢܐ

In this case, Tarbo's reaction is reported in the text and we see the conflict between the Christian and Zoroastrian views on marriage. The mobed will only save Tarbo if she becomes his wife, while Tarbo finds the offer disgusting because she is preserving her virginity as a "betrothed of Christ." This interaction paints the Zoroastrian mobed as lustful and immoral, while Tarbo is portrayed as heroic from the Christian perspective. Here we see evidence of the view in which Christians saw Zoroastrians' marriage customs as sinful, but we also see how the Zoroastrian marriage customs play into Christian perceptions of the violence against them. Tarbo would not marry so she is executed, so too Christians felt they were being executed for not partaking in this social practice. But within this oppression is also the opportunity to resist and create agency. Tarbo refuses the advances of the mobed, thus rejecting marriage, the Zoroastrian expectation for women, and instead prefers martyrdom with the result that she creates her own path and makes her own decision. For Christian women in Persia, martyrdom created a way to reject control by men. Not only were they being released from this world, but also from the societal mechanisms of another religion to force them into the gendered social roles that religion (Zoroastrianism) expected of them.

Then, the mobed once again asks as soon as Tarbo is about to be executed:

> Once again, as the women were being taken out for execution, the Mobed sent a message to the glorious Tarbo to the effect that, if she listened to his proposal, neither she nor her companions would be put to death. The chaste woman, however, cried out with a loud voice, reviling him: "Foul and perverted man, why do you crazily rave after something that is

ܕܟܝܪ ܟܝܠܐ ܡܫܡܫ ܕܒܗܠܒܗ ܕܡܒܫܬܐ ܕܒܥܝܬ (Paul Bedjan, *Acta Martyrum et Sanctorum Syriace.* (Hildesheim, 1968), 256–57.)

neither proper nor permissible? I shall die a heroic death, for thus shall I obtain true life; I will not live in an ignominious way and then eventually die."[106]

Once again we see Zoroastrians reflected in the Christian text as obsessed with marriage while Christians are painted as more concerned with the afterlife. The fact that this proposition occurs right before Tarbo is to be executed once again shows how Christians perceived this violence as a rejection of the social norms of marriage present in Zoroastrian society. If Tarbo had said yes she would have been saved, and this echoes the case that if Christians had tried to fit in to the ways marriage worked in Zoroastrian society then they may have been spared the multiple rounds of religious persecution they experienced. However, as much as Christians perceived these executions as violence against them, so too was martyrdom perceived as a heroic way to die, and a death that they believed brought a Christian to heaven. In this story, a woman, Tarbo, is portrayed as the hero while the male official is portrayed as the agent of evil. Tarbo is intent on her plans to die this "heroic death" and refuses to allow the mobed to stop her. Once again, Tarbo establishes her autonomy against the oppression found at this conflicting gender boundary.

The Martyrdom of Thekla and the Daughters of the Covenant

Another martyr story of the reign of Shapur II, *the Martyrdom of Thekla and the Daughters of the Covenant* echoes the views expressed in the *Martyrdom of Tarbo*. Thekla and four other Christian women get arrested by a Persian official along with a priest who is very wealthy.[107] In this story, the Persian official tricks the priest into killing the women by promising

[106] Translation from Brock and Harvey, *Holy Women of the Syrian Orient*, 75. In Syriac: ܗܵܟܹܝ ܥܲܒܕ ܟܠ ܡܫܝܚܵܐ ܕܠܐ ܫܦܝܪ ܘܠܐ ܡܬܩܒܠ ܐܝܟ ܐܢܐ ܐܡܘܬ ܡܘܬܐ ܕܫܘܒܚܐ ܕܒܗ ܐܚܝܐ ܐܩܒܠ ܘܠܐ ܐܬܪܓܙ ܒܚܝܐ ܕܠܐ ܫܦܝܪ ܘܒܗ ܐܡܘܬ ܒܣܘܦ ܐܡܝܢ ܐܢܐ ܐܡܘܬ ܡܘܬܐ ܕܫܘܒܚܐ ܕܒܗ ܐܚܝܐ ܐܩܒܠ ܘܠܐ ܐܬܪܓܙ ܒܚܝܐ ܕܠܐ ܫܦܝܪ ܘܒܗ ܐܡܘܬ ܒܣܘܦ ܐܡܝܢ (Bedjan, *Acta Martyrum et Sanctorum Syriace.*, 258.)

[107] Brock and Harvey, *Holy Women of the Syrian Orient*, 78.

his riches back but in the end the priest is also executed, dying in shame.[108] Before the women are executed by the priest, the official tells them:

> "Do the king's will, worship the sun, and get married. If you do this, you will avoid beating, and you will save yourself from the sentence of death by the sword, which has been decreed for you. If you fail to obey, I will carry out my orders and no one will be able to deliver you from my hands."[109]

Interestingly, the official does not entice anyone to marry him but instead issues a general order to these women to get married, in other words to fulfill their social role like another political duty of a citizen. Thus in the eyes of the Zoroastrians, or at least in how the Christians perceived the Zoroastrians, marriage was both a political duty and a religious one. It was another way one showed obedience to the King. Similar to Tarbo, this martyr act shows us one of the reasons Christians felt they had been persecuted was in response to their denial of marriage. The way this account portrays it, if these women had gotten married they may not have faced execution. Once again, however, through these women's rejection of marriage, they move beyond the control of society. They decide that they will not marry, and instead decide to take death as their preferred path. The story tells us that the women prefer death not only to deny orders from the Zoroastrian official, but also so they can speed up their departure to Christ.[110] Not only do they deny the Zoroastrian expectations of women, but, whether intentional or not they are also denying the control of a male political authority, the King. Like previously stated, it seems that the political

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[108] Ibid., 79–81.

[109] Translation from Ibid., 79. In Syriac: ܚܕܝ ܕܓܢܟ ܕܡܠܟܐ ܘܣܓܕ ܠܫܡܫܐ ܘܬܬܚܬܢ ܐܢ ܗܕܐ ܬܥܒܕܝܢ ܘܬܫܬܙܒܝܢ ܡܢ ܩܛܠܐ ܕܣܝܦܐ ܕܐܬܓܙܪ ܥܠܝܟܝ ܘܐܢ ܠܐ ܬܫܡܥܝ ܐܢܐ ܐܥܒܕ ܦܘܩܕܢܝ ܘܠܐ ܐܝܬ ܕܢܫܙܒ ܡܢ ܐܝܕܝ (Bedjan, *Acta Martyrum et Sanctorum Syriace.*, 309.)

[110] Brock and Harvey, *Holy Women of the Syrian Orient*, 79–80.

and religious in Persia are intertwined, and thus these women are creating both their own religious, social, and political agency by denying the wishes of the King and his officials.

Perhaps also interesting here is when the official tells the women that "no one will be able to deliver you from my hands". This quote seems to be the opposite ideologically of Christians since in the Christian perception it is Jesus Christ who delivers one out of pain. Thus we see that again these women are rejecting the Zoroastrian society by still believing they will be delivered from this official, regardless of what he does to them. Their outlook on it echoes the discussion from earlier in this chapter from the works of Jerome that even though a political or religious official could enact tortures on the body, to the martyrs this does not mean anything as their ascent to God is the goal rather than the avoidance of bodily pain. Again we may think of these women as displaying the attitude that the Persian official can torture their body, but can never have their soul.

The Martyrdom of Anahid

The Martyrdom of Anahid is later than the previous two, supposedly taking place in the fifth century under the reign of Yazdegerd II. Anahid is described by the text as the daughter of a noble Zoroastrian man, who converts to Christianity after she is healed by a Christian holy man.[111] She is arrested, but instead of being treated like a criminal, the crowd and officials describe her as being extremely beautiful and worthy of a noble marriage. This is shown when a high official questions her:

> I hear that you too are wanting to go off after the magic practices of the utterly despicable Christians. Is not whomsoever you should want to marry from among all the Magians and

[111] Ibid., 82–86.

> nobles held in great favor and honor? No, my daughter, do not pay any attention to the misguided opinions of your distracted father; do not lose the position of great honor and reputation that your noble birth holds. If you are willing to accept me, I will raise you above all the noble women in the realm; if, however, you refuse me, here is my son, Adursroshay, who is the king's own *dronya*[112]; he has 170 special soldiers. Marry him and do not destroy your life, led astray by Ahriman. I too will honor you above all my sons and daughters, making you mistress in charge of everything in my household.[113]

In this instance, the official only mentions the problem of her being a Christian once. Instead, most of his speech is spent beseeching her to marry, either him or his son. As with the other two martyrdoms, if Anahid marries (and thus returns to her proper social role) it seems she can escape harm. The texts posits that to not marry causes a woman to be led astray in life by evil, which is in line with the Zoroastrian beliefs regarding women's ability to escape being led astray by Jahika by being a good wife.[114] This ideology is portrayed by the official telling Anahid to marry and not be led astray by Ahriman, the evil god. Here again, it is evident that marriage for the Zoroastrians has both social meaning and religious meaning here. If Anahid will marry, and fulfill her womanly role, then she will be saved spiritually according. This is again in direct

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[112] According to Brock and Harvey this title is connected with *dron* see Ibid., 90, footnote 9; As for what the *dron* is see Jamsheed K. Choksy, "Dron," *Encyclopaedia Iranica Online*, 2011, https://iranicaonline.org/articles/dron. According to Choksy a *dron* is a portion of a sacrifice offered to the god/gods. However, he also notes that the *dron* can also be unleavened bread used in regular offerings. We might then assume this title has some kind of religious role for the king.

[113] Translation from Brock and Harvey, *Holy Women of the Syrian Orient*, 90–91. In Syriac: ܕܗܳܐ ܝܕܥܬ ܕܐܳܦ ܐܢ̄ܬܝ، ܒ̈ܢܬܐ ܐܢ̄ܬܝ، ܠܚܐܪ̈ܐ ܪ̈ܘܪܒܐ ܫܒܝܚܝܢ ܕܐܝܬ ܐܝܟ ܕܫܦܝܪ ܡܢ ܟܠ. ܐܝܡܬܝ ܟܕ ܒܝܩܪܐ ܒܚܝܠܗܘܢ ܡܩܒܠܝܢ ܐܘܪ̈ܚܬܐ܆ ܕܐܢ̄ܬܝ، ܕܡܘܗܝ ܠܗ܆ ܘܠܐ ܗܘܝܐ ܒܠܒܘܫܬܐ ܪ̈ܒܬܐ ܘ ܒܫܘܒܩܢܐ ܠܒܝܬ؟ ܠܐ ܒܪܬ ܒܪܬܝ، ܬܬܠܚܡܝܢ ܠܬܚܘܒܬܗ ܕܐܒܘܟܝ ܐܟܪܝܐ܆ ܘܬܦܠܝܢ ܡܢ ܐܝܩܪܐ ܪ̈ܒܐ ܘܡܫܡܗܘܬܐ ܕܪ̈ܒܘܬܟܝ. ܘܐܢ ܒܪܬܝ ܕܒ ܨܒܝܐ ܐܢ̄ܬܝ، ܡܪܢܡܢܐ ܐܢܐ ܠܟܝ ܡܢ ܟܠܗܝܢ ܢܫ̈ܐ ܚܐܪ̈ܬܐ ܕܐܝܬ ܒܡܠܟܘܬܐ. ܘܐܢ ܕܝܢ ܠܐ ܨܒܝܐ ܐܢ̄ܬܝ܆ ܗܐ ܒܪܝ، ܐܕܘܪܣܪܘܫܝ ܕܪܘܢܝܐ ܕܡܠܟܐ ܐܝܬܘܗܝ܆ ܘܡܐܐ ܘܫܒܥܝܢ ܦܪ̈ܫܐ ܓܒ̈ܝܐ ܐܝܬ ܠܗ܆ ܗܘ، ܬܣܒܝܢ ܠܗ܆ ܘܠܐ ܬܘܒܕܝܢ ܚܝ̈ܝܟܝ ܒܛܘܥܝܬܗ ܕܐܗܪܡܢ. ܐܦ ܐܢܐ ܡܝܩܪ ܐܢܐ ܠܟܝ ܡܢ ܟܠܗܘܢ ܒܢ̈ܝ ܘܒܢ̈ܬܝ܆ ܘܡܥܒܕ ܐܢܐ ܠܟܝ ܡܪܬܐ ܘܫܠܝܛܬܐ ܥܠ ܟܠ ܕܐܝܬ ܒܒܝܬܝ. (Bedjan, *Acta Martyrum et Sanctorum Syriace.*, 589–90.)

[114] Choksy, *Evil, Good and Gender*, 40.

contrast to how Christians would see marriage, where instead it is better to stay single and obtain salvation that way.

This portion of the story is also interesting for analyzing women's agency for two reasons. First, Anahid is again rejecting marriage and instead choosing her own path of martyrdom like in the past two accounts. However, in addition to her decision to stay Christian despite the calls from the Zoroastrian officials, also interesting is her actions being somewhat separated from those of her father. Anahid's father had converted to Christianity and been martyred, but she is given the choice to convert back to Zoroastrianism. She chooses not to convert back to Zoroastrianism on her own without male guidance (outside of the guidance of God, perhaps). Not only is she creating her own social power and moral authority to stay celibate, but also a freedom to practice the religion she desires. In the chaos of being arrested for transgressing Zoroastrian gender roles, she is able to enact her own agency perhaps more than at any other time. While Zoroastrianism and Christianity were at odds over how women should live, these women decided for themselves when submitted to the test of trial and execution.

On this latter point in Anahid's story, we might be able to see some semblance of the agency that this rift in gender boundaries gave to Zoroastrian women. The reader is told that Anahid converted from Zoroastrianism, the religion she grew up in.[115] Later in the story, after her father had converted to Christianity and was martyred, the Persian officials begin looking for Anahid:

> A short time, however, after the saint's martyrdom, while Adurfrazgard the Magian and the rest of the notables of the region were still in a state of dismay at what had happened to the

[115] Brock and Harvey, *Holy Women of the Syrian Orient*, 82–84.

> Mobed Adurhormizd, they soon started inquiring after his daughter. Some people had spoken in their presence of the girl's beautiful looks and high intelligence. They had said, furthermore, that her parents had left her a considerable fortune. When those gathered around Adurfrazgard heard things of this sort, many of them, on discussing the matter, were desirous of seeing whether they might succeed in converting her back from the religion of the Christians and returning her to themselves.[116]

The officials went looking for Anahid because they had heard of her beauty, intelligence, and the possibility of her great fortune. Furthermore, they were hoping to convert her back to Zoroastrianism. Coupled with the previous evidence from the text where they attempt to get Anahid to marry during her trial, I would argue that they go searching for her and want her to convert back to Zoroastrianism in order so that someone might marry her and gain her fortune. Of course, she does not marry and is able, until her death, to retain her own fortune, even though this is seemingly not a focus of Anahid's conversion or beliefs. Indeed, the theme of renunciation of wealth in Christianity is an interesting contrast on its own against Zoroastrianism. However, since Christianity promoted virginity over marriage, it seems that if a Zoroastrian woman wanted to avoid marriage and a handing over of her assets to her husband, she could perhaps convert to Christianity to avoid this, if she chose not to follow the Christian ideal of wealth renunciation.[117]

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[116] Translation from Ibid., 86. In Syriac: ܐܠܐ ܡܢ ܒܬܪ ܢܘܟܪܝܐ ܩܠܝܠ ܕܝܢ ܫܢܝܗ ܕܦܪܢܣܐ܆ ܟܕ ܒܡܘܬܒܗ ܕܟܠ ܗܡܪܟܪ̈ܐ ܗܢܐ ܐܬܚܦܛܘ ܗܘܘ ܐܕܘܪܦܪܙ ܓܪܕ ܡܚܒܫܐ ܘܡܫܪܟܐ ܕܒܢܝܢܐ ܕܟܐܬܘܬܐ܆ ܕܟܡ ܠܒܪܬ ܠܗ ܠܐܕܘܪܗܘܪܡܙܕ ܡܘܗܦܛܐ܆ ܗܘܬ ܡܢ ܩܠܝܠ ܐܦ ܒܟܬܒܐ ܘܡܫܐܠܐ ܐܦ ܡܛܠ ܫܘܦܪܗ. ܒܗܘ ܕܡܫܬܥܝܢ ܗܘܘ ܩܕܡܝܗܘܢ ܥܠ ܫܘܦܪܗ ܕܛܠܝܬܐ ܘ ܥܠ ܝܕܘܥܬܗ܆ ܘܐܦ ܥܠ ܟܡܝܘܬܗ ܘ ܐ̈ܒܗܬܗ ܡܫܒܩܬܗ܆ ܘܐܦ ܚܝܪ ܡܢܬܝܗ ܦܠܚܬܝܐ ܐܡܪܝܢ ܗܘܘ ܕܢܫܒܩܘ ܠܗ ܐܒܗܬܗ. ܘܟܕ ܡ̈ܠܐ ܕܐܝܟ ܗܠܝܢ ܫܡܥܘ ܟܠ ܐܢܫܝܢ ܕܚܒܝܫܝܢ ܗܘܘ ܠܘܬ ܐܕܘܪܦܪܙ ܓܪܕ܆ ܦܠܚܬܝܐ ܐܫܬܐܠ ܓܪ ܒܗ ܗܘܘ ܟܕ ܡܬܪ̈ܥܝܢ ܘ ܡܬܪ̈ܥܝܢ ܟܡ ܫܪ̈ܕܝܐ܆ ܕܢܗܘܢ ܡܨܝܢ ܕܢܗܦܟܘܢܗ ܡܢ ܕܚܠܬܐ ܕܢܨ̈ܪܝܐ܆ ܘܢܦܢܘܢܗ ܠܘܬܗܘܢ. (Bedjan, *Acta Martyrum et Sanctorum Syriace.*, 583–84.)

[117] If we were to use a Roman counterpart here, we see that wealthy Roman women did not reject their wealth even if they were Christians. For example, the Empress Theodora was still wealthy, as well as the famous Melanias. Even though Christianity encourages wealth renunciation, like in modern times, this was seemingly only practiced by a few, or at least not by the elite. On these women see: Lynda Garland, "Theodora, Empress," in *The Encyclopedia of Ancient History* (Hoboken, NJ: John Wiley & Sons, 2013); Catherine M. Chin and Caroline T. Schroeder, eds.,

In a sense then, martyrdom on account of Christianity and conversion to Christianity itself might also have helped Zoroastrian women create a sense of agency. They could use the interacting gender boundaries of Zoroastrianism and Christianity, like Anahid did, to avoid the loss of their own wealth to a husband. This is not to discount any woman's religious beliefs in this time, surely if one is willing to die for a religion, one is serious about it. However, it seems that in this way, this gender boundary of Zoroastrian marriage versus Christian virginity could have also assisted women in shedding Zoroastrian financial laws.

Implications

Thorough these martyrdom accounts, we can see that Christians were aware of the importance of marriage to Zoroastrian religion and society. They understood the violence they experienced as in some part a reaction to the difference in beliefs. What I want to demonstrate through these accounts is that while such violence is horrific and gendered in nature, it also reveals that women were able to exercise agency in the space between two conflicting religious ideals. While both late antique Zoroastrianism and Christianity established expectations for the marriage and sexuality of women, these women—when faced with death—chose what they thought was right in God's eyes in the end. Of course, we cannot ignore that these martyr acts are from the perspectives of Christians and that these cases are all Christian women deciding to follow Christian gender expectations. However, what is interesting about these stories is that in these execution trials they are given the option to follow Zoroastrian standards or to face death. In an act of rebellion against the Zoroastrian ruling elite, they choose death as the ultimate defiance against their expected norms. Even if we decide that these are entirely fictitious

Melania: Early Christianity Through the Life of One Family, 1st ed., vol. 2, Christianity in Late Antiquity (Berkerley: University of California Press, 2016).

accounts, I argue that the Christian authors, whether purposefully or not, are promoting Christian women to rebel in the context of Persian society.

I acknowledge that this chapter focuses on Christian stories and perceptions, and would be heavily assisted by some Zoroastrian sources in the time period.[118] Regardless, we can see that these differences were not taken lightly, and people were willing to kill and be killed to defend their own thoughts on what was right and wrong. We can also see that women did not passively experience the conflict between these religions, but were engaged participants in this history.

[118] An interesting addition to have for this section would be any stories of Zoroastrian women reacting against Christian norms in a society like that of Post-Constantinian Rome and Byzantium. I am not sure of any stories that exist like this, but it would be interesting to know if there was a reverse perspective on the conflict between Zoroastrian and Christian gender boundaries.

Chapter 2: The Virginity (or Not) of the Bride of Christ: Comparisons Between 4th to 6th Century Syriac Writings

Introduction

This chapter seeks to explore the outlook on the coupling of virginity and being the Bride of Christ in the works of Syriac Christian writers in the 4th through 6th centuries. While a woman's virginity was described as a key to holiness in many Syriac Christian writings of Late Antiquity, not all works by Syriac Christians and/or known to Syriac Christians agreed on the absolute need of virginity for holiness in women, and instead describes the Bride of Christ as a woman who was not a virgin yet still a faithful, determined woman of God. In this issue, we see an internal gender boundary inside Christianity which women could choose to cross. How did Syriac Christians deal with the ideas of holiness in women, and how did the idea of the holiness of virginity play into that? This thesis argues that the concept of "the Bride of Christ" is the highest ideal, being more important than virginity, in several Syriac writings of the 4th through 6th centuries AD, even though there were mixed perceptions on the topic in general among many Christians. While virginity in several writings is the preferred path to holiness, other texts show that it is not a requirement for all holy women in this period. Instead to give one's life to Christ, regardless of sexual status, is held up as the ultimate marker for holiness. The fact that these pieces which portray married or sexually promiscuous women as Brides of Christ were read and well known in this time period suggests that the idea of holy virginity was not an absolute qualification for female sanctity in the Syriac churches. This fact might have allowed women to skirt the boundary of what was considered "holy" regardless of their marital or sexual statues, allowing for agency in one's spiritual life as a Christian. Perhaps this highest ideal of a Bride of Christ allowed for women who were married or not virgins to achieve a status of similar holiness to virgins who were also considered to be holy. As evidence, this chapter compares the women

previously considered from the *Persian Martyr Acts* (Tarbo, Anahid, and Martha) with several other texts including the *Life of Mary, niece of Abraham of Quidun*, the poem "The Sinful Woman and Satan" by St. Ephrem, a similar hymn on the "The Sinful Woman and Satan" by an unknown author, another anonymous hymn called "Marriage: Anonymous Marriage Hymn", Ephrem's "Hymns on Virginity", the *Martyrdom of Candida*, and the *Acts of Thomas*.

To be clear, we must acknowledge the many Syriac writings on the exaltation of virginity in the 4th to 6th centuries, but I posit that virginal status is not an essential prerequisite to the highest spiritual state, "The Bride of Christ." In a sense, if one were to imagine a flow chart, I argue that Bride of Christ is on top and then that virginity might be a second or third level in the flow chart. The woman who aspires to be the Bride of Christ can be a virgin, that is not debated, but this thesis also shows that a Bride of Christ could be a married woman or a woman that is not a virgin. As mentioned before, there are mixed perceptions on the theological perceptions of who this Bride is, but the very fact that these complexities exist, I think show that the "Bride of Christ" is the highest ideal, rather than virginity.

Ideas of the Bride of Christ

First we must discuss what "The Bride of Christ" is and the discourse around it. This concept was not only a symbol for the Church, as in the Church itself being a bride to Christ, but also could be a relationship between a woman and God, with Christ being the heavenly groom.[119] The idea that one could be wed to a god was not new, however. The Greeks had a similar idea about virginal women being married to the god Hades.[120] Neither is the idea of the positive

[119] See Robert Murray, *Symbols of Church and Kingdom: A Study in Early Syriac Tradition*, 1st Gorgias Press ed. Rev. ed. (Piscataway, NJ: Gorgias Press, 2004), 131–58.
[120] Abbe Walker, "Bride of Hades to Bride of Christ: The Virgin and the Otherworldly Bridegroom in Ancient Greece and Early Christian Rome" (Ph.D Dissertation, Bryn Mawr College, 2017).

effects of virginity. Some Greeks in Antiquity believed it was healthy for the body to refrain from sexual activity.[121] However, the theme of the Bride of Christ is present in much Christian writing, especially in hagiographies of female martyrs.[122] In these stories, women are often described as exceptionally beautiful virgins, and their death is their entrance into the kingdom of their husband to meet their groom. The idea of these "brides" staying virgins is much like the idea of a woman staying a virgin until she marries her earthly husband, indeed the bride is usually seen as virgin in the eyes of society.[123]

Was Virginity as Important in Antiquity as Usually Thought of?

However, the importance of virginity for the Church and its holy status did not go unquestioned. It important to look at debates on virginity from those other than the "victors" of Roman Church elites. For example, in the 4th century Roman context because of a so-called "heresy" formed by the monk Jovian.[124] According to Jovian, those who were virgins and those who were married were seen as equals in the eyes of God, and that regardless of the fasting and abstinence from sex one does, all who are faithful would receive the same reward from God in heaven.[125] Quickly, Jovian was condemned by the Church authorities of the time (Ambrose of Milan, Jerome, Siricius of Rome) as a heretic who was trying to lead Christians astray.[126] While Augustine in the 5th century tried to find a middle ground between Jovian and his contemporaries' thoughts on marriage and virginity, still to this day modern Protestants and

[121] Teresa M. Shaw, "The Virgin Charioteer and the Bride of Christ: Gender and the Passions in Late Ancient Ethics and Early Christian Writings on Virginity," in *A Feminist Companion to Patristic Literature*, ed. Amy-Jill Levine and Maria Mayo Robbins (London: T & T Clark International, 2008), 193–210.
[122] See Brock and Harvey, *Holy Women of the Syrian Orient*. See also Ephesians 5: 22-32, and Revelation 21:9-10.
[123] Dyan Elliott, *The Bride of Christ Goes to Hell: Metaphor and Embodiment in the Lives of Pious Women, 200-1500*, The Middle Ages Series (Philadelphia: University of Pennsylvania Press, 2012), 1–3, 13.
[124] David G. Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity: The Jovinianist Controversy*, (Oxford: Oxford University Press, 2007).
[125] Ibid., 1.
[126] Ibid.

Catholics have conflicting views on Jovian's beliefs.[127] While there may not be a figure similar to Jovian associated with the complex view of virginity and holiness in Syriac Christianity, several important pieces of writings in this period bypass virginity as an absolute qualification for heavenly rewards and holiness. Instead, these writings, like Jovian, argues that one's level of faithfulness determines one' heavenly reward.

Historiography

The theme of Bride of Christ and virginity has largely been explored in a Roman context. It has also been studied by scholars in terms of its meaning and origins. Elizabeth Clark, in her article "The Celibate Bridegroom and His Virginal Brides: Metaphor and the Marriage of Jesus in Early Christian Ascetic Exegesis", argues that the idea of Bride of Christ is a way for Christians to permit both virginity and marriage coexist, and to mimic the expected gender roles for women within their society.[128] Dyan Elliot discusses the complexities of the Bride of Christ imagery and virginity noting how there was a question of whether or not a woman who was married could be Bride of Christ, because she was not a virgin, even though she may have been very involved in the church and a faithful believer.[129] Whereas Elliot explores the idea of Bride of Christ developing forward in time, Abbe Walker, in her dissertation titled "Bride of Hades to Bride of Christ: The Virgin and the Otherworldly Bridegroom in Ancient Greece and Early Christian Rome," notes that this theme of virginity and being married to a divine person was also present in Greek religion.[130] She presents to her audience that this idea was not unique to

[127] Ibid., 1, 5-12.
[128] Elizabeth A. Clark, "The Celibate Bridegroom and His Virginal Brides: Metaphor and the Marriage of Jesus in Early Christian Ascetic Exegesis," *Church History* 77, no. 1 (2008): 1–25.
[129] Elliott, *The Bride of Christ Goes to Hell*.
[130] Walker, "Bride of Hades to Bride of Christ."

Christianity and had been in Greco-Roman society for a long time before it was developed into Christian practice.[131]

Susanna Elm has also written extensively on virginity in the Roman context. In her book, *Virgins of God the Making of Asceticism in Late Antiquity*, she discusses the Church elites' ideas on these Church virgins, the rules on how they should live their lives, what their punishments should be for falling from their positions, and even some complex female roles in the Church like those of widows and deaconesses.[132] She also mentions this tension between Christian writers exalting virginity, but that they never really condemn marriage, although she does mention this the marriage discussed is marriage lived in chastity.[133]

A few authors have also analyzed the "Bride of Christ" from a Syriac Christian perspective. Robert Murray includes a discussion of the symbolic meaning of Bride of Christ in his book *Symbols of Church and Kingdom: A Study in Early Syriac Tradition*. In chapter four "The Church: Bride and Mother", Murray describes how in Syriac traditions the collective whole of the Church is described as the Bride of Christ.[134] He also goes into the details of how in some Syriac texts the Church would be described as a harlot being saved by Christ.[135] In addition, Murray argues that there is not much evidence from the Syriac authors on the Church's stance on marriage and virginity, although the church leaders had their own particular opinions.[136]

Peter Brown discusses some of the tensions between virginity and marriage for the Christians of the Middle East in his book *The Body and Society: Men, Women, and Sexual*

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[131] Ibid.
[132] Susanna Elm, *Virgins of God the Making of Asceticism in Late Antiquity*, Oxford Classical Monographs (Oxford: Clarendon Press, 1996). See especially Chapters 1 and 5.
[133] Ibid., 35.
[134] Murray, *Symbols of Church and Kingdom*.
[135] Ibid., 136.
[136] Ibid., 154–58.

Renunciation in Early Christianity. He notes that the Church was sometimes criticized for its over-production of virgins instead of married women, and that this large group of virgin women in the Church may be due to families thinking it was easier to give their unwanted daughters to the Church rather than pay a dowry for them.[137] Upon this commitment to lifelong virginity, women had to participate in the language of the "Bride of Christ" and encompass a sacred role for the Church.[138] He notes in his chapter on Syria that one women, the mother of Theodoret, a Bishop of Cyrrhus, became pregnant, and dedicated her child in the womb to a holy life in the Church so as to make up for her own loss of their virginity.[139] Brown also discusses the impact of St. Thecla, an infamous (but fictitious) disciple of Paul, on women, because of her ability to "give her blessing" on her feast day "in which every category of woman was expected to strive to maintain the purity appropriate to her state."[140] Brown gives examples of these purity states for every woman where the widow must stay faithful to her dead husband, a married woman must resist committing adultery, and a non-married woman must control her sexual urges with marriage.[141]

We can further explore the Bride of Christ and its hierarchy with virginity in writings from the Syriac Christian Tradition. Syriac sources show that the theological idealization of the Bride of Christ was separate from the idealization of virginity. These terms seem to form different categories of necessity and absoluteness. Specifically, one can be married and be a Bride of Christ since the qualification for this level of the hierarchy are different from those of virginity. However, virgins are often described as a Bride of Christ because this term includes

[137] Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity*, Lectures on the History of Religions, No. 13 (New York: Columbia University Press, 1988), 260–61.
[138] Ibid., 260.
[139] Ibid., 324–25.
[140] Ibid., 329. Note that this Thecla is a different woman than the martyr we discussed in Chapter One.
[141] Ibid.

the hierarchical level of virginity. This is analogous to a square-rectangle categorization: every square (virginity) is a rectangle (Bride of Christ), but not every rectangle (Bride of Christ) is a square (virginity).

Furthermore, we can view the difference between these two ideals in Christianity as a way for women to create some sort of agency as a way for women to have multiple routes to pursue holiness regardless of their marital or sexual status. If married women could also be holy, then Christian women who had been unable to escape the social demands and pressures of family, marriage, or sexualization of women could still have a path to rejection of the world and union with Christ. Of course, this is not to say that virgins did not exercise agency as well. Certainly, female virgins may have been able to avoid marriage and also create an autonomous of religious life for themselves by claiming a celestial husband. Hence, we can see that both these groups of women could benefit from this bifurcated gender boundary within Syriac Christianity.

Importance of Virginity for Early Christians and Debates over the Value of Marriage

From the beginning of Christianity onward, there were always complex notions of whether marriage or virginity was the best way of life. Jesus himself was seen as a lifelong, ascetic virgin.[142] The New Testament also provides different outlooks on marriage and virginity. Jesus speaks of one's true family as those that are his faithful (Mark 3:31-35), and also on those during the resurrection day not being married (Mark 12:25).[143] He also approved of people who made themselves virgins for the sake of heaven (Matt. 19:10-12), but at the same time reassured

[142] Mark Ellison, "Visualizing Christian Marriage in the Roman World" (Ph.D. Dissertation, Nashville, TN, Vanderbilt University, 2017), 31.
[143] Ibid., 32.

the value of marriage (Matt. 19:4-6).[144] Jesus disapproved of divorce though, and also mandated the importance of monogamy within marriage, due to its symbolic representation of the union of Adam and Eve.[145] Likewise, Paul thought that remaining unmarried was the preferred state (1 Cor. 7: 6-40), but he did not believe in sexual abstinence in marriage unless specifically agreed upon (1 Cor. 7:1-5).[146]

By the 4th century, when Christianity had been accepted in Rome, promotion of virginity and ascetic life were becoming more popular.[147] With this new rise in monastic and virginal lifestyles in the Roman world, there was also some push back because many married people from traditional society did not want to be treated as lesser than those practicing the ascetic lifestyle.[148] As mentioned in the introduction, the monk Jovian believed that all Christians were equal in their baptism and that virgins were not above married people in God's eyes.[149] However preposterous Jovian's beliefs were to some, it seems many others identified with some of his points. For example, when Jerome argued against Jovian's beliefs, many in Rome felt he went too far with his idealization of virginity and that it overly insulted marriage.[150]

Other 4th century theologians in the Greek East, like John Chrysostom and Gregory of Nyssa praised virginity.[151] John Chrysostom wrote on the pains of marriage that women would

[144] Ibid.
[145] Ibid.
[146] Ibid., 33.
[147] Ibid., 37.; Please note that this section focuses on the history of Roman Christianity since that is what much scholarship has focused the most on. While we may not have similar evidence for Syriac Christianity, we can use the Roman experience as a possible parallel.
[148] Ibid., 38.
[149] Ibid., 40; David G. Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity: The Jovinianist Controversy*, The Oxford Early Christian Studies (Oxford: Oxford University Press, 2007).
[150] Ellison, "Visualizing Christian Marriage in the Roman World," 40.
[151] Elizabeth A. Castelli, "Virginity and Its Meaning for Women's Sexuality in Early Christianity," in *A Feminist Companion to Patristic Literature*, ed. Amy-Jill Levine and Maria Mayo Robbins (London: T & T Clark International, 2008), 79.

face, and the avoidance of these by virgins.[152] He noted that married women have to face the possibilities of being controlled by their husband, of having to deal with constant problems of family life, that women might die from childbirth, the pains of childbirth being excruciating, and the possibility of her children being born unhealthy.[153] Gregory of Nyssa adds in his writings that with marriage came constant arguing and suspicion, but that virgins enter into a marriage with God which is to serve as the highest of all forms of marriage.[154]

In the early 5th century, Augustine took on the argument against Jovian's ideas, with his argument allowing for a more inclusive space for married people.[155] Augustine maintained that there existed a "hierarchical merit" for those in the ascetic life, but he also argued that there were attributes more important than virginity and monasticism.[156] These attributes were, "obedience, humility, and willingness to face martyrdom," which married people could embody just as much as virgins.[157] Augustine also later argued that reproduction was originally intended for humans by God through marriage.[158] While this evidence focuses on the Roman context, the remainder of this chapter focuses on Mesopotamia and Syriac Christianity.

Dates for Syriac Sources for the Bride of Christ

A number of relevant Syriac sources on the theme of the Bride of Christ can be dated to the 4th through 6th century.[159] These sources describe a period of time with both tumultuous persecutions as well as a time that many Christian writers, like Ephrem, were producing classic texts. One of our sources, the Martyrdom of Candida, Brock describes to be likely composed in

[152] Ibid., 78–79.
[153] Ibid.
[154] Ibid., 79–80.
[155] Ellison, "Visualizing Christian Marriage in the Roman World," 41.
[156] Ibid.
[157] Ibid.
[158] Ibid.
[159] Although some of them have rather unclear dates of composition.

either the 4th or 5th century, depending on if one believes that the author is writing during the reign of Shapur II (as the introduction to the text would have us believe) or in the century after as the phrasing of the text might point to.[160] However, he also notes that the manuscript containing the martyrdom is from the sixth century.[161] The earliest manuscript of The Martyrdom of Tarbo is from the 5th or 6th century.[162] The Martyrdoms of Martha and Ahahid have much more unclear dates. While Harvey and Brock note that the manuscript for the Martyrdom of Martha is from the 11th or 12th century, her actual death occurred around 341 (4th cen.) in the wave of persecution under Shapur II.[163] About a century later came the martyrdom of Anahid, which took place in the persecutions from 446 to 448, during the reign of Yazdegerd II.[164] As for the date of the story of Mary, niece of Abraham of Quidun, Harvey and Brock tell us that the earliest manuscript is from the fifth or sixth century, although Abraham and Mary are said to have lived in the mid-4th century.[165]

Two of the poems this thesis analyzes, "The Sinful Woman and Satan" and "Marriage: Anonymous Marriage Hymn", have unknown authors and time periods, but Brock mentions that these poems are likely from the 5th or 6th centuries.[166] The poem "The Sinful Woman Who Anointed Christ" is attributed to Ephrem of the 4th century.[167] Ephrem's Hymns on Virginity

[160] Sebastian P. Brock, *Syriac Perspectives on Late Antiquity*, Variorum Reprint: CS199 (London: Variorum Reprints, 1984), IX: 171.
[161] Ibid., IX: 167.
[162] Brock and Harvey, *Holy Women of the Syrian Orient*, 188.
[163] Ibid., 187, 64.
[164] Ibid., 66.: However on page 189 Brock and Harvey note that the manuscript we have for Anahid is from the 19th century.
[165] Ibid., 27.
[166] Sebastian P. Brock, *Treasure-House of Mysteries: Explorations of the Sacred Text Through Poetry in the Syriac Tradition*, Popular Patristics Series, No. 45 (Yonkers, N.Y: St Vladimir's Seminary Press, 2012), 13.
[167] Ibid., 185, 12.

have a more precise date as scholars believe they were composed in what they term the Edessan Period of his life, which was from 362-373 (his death).[168]

The Acts of Thomas were most likely originally composed in Syriac, although there are two different manuscripts to pinpoint the earliest date.[169] The Wright Manuscript containing the Acts of Thomas (BL Add. 14,645) is dated to 936 AD, however some of the sections of this manuscript have used pages of another, earlier manuscript (Sinai 30) which is dated to the 5th or 6th century.[170] Now that these dates have been established to give the readers a timeline, the remainder of the chapter focuses on the sources themselves and what we can analyze from them.

Syriac Sources That Point to Virginity Being a Qualification of a "Bride of Christ"

The Martyrdom of Martha

The Martyrdom of Martha positions virginity as a key qualification for holiness. Martha is brought to trial after her father, Posi, is martyred for his Christian beliefs.[171] When the mobed questions Martha, he tells her to go get married, and forget this "covenant", which Brock and Harvey note likely means her vow of virginity.[172] Martha and the mobed continue their conversation about marriage where her being a virgin remains central:

> The wise virgin Martha replied, "If a virgin is betrothed to a man, does the natural law order that someone else should come along, attack her fiancé, and snatch away this girl who has already been betrothed? Or does it say that such a virgin should give herself up to marry a

[168] E. Michelle C. Weedman, "Mary's Fertility as the Model of the Ascetical Life in Ephrem the Syrian's 'Hymns of the Nativity'" (Ph.D., United States -- Wisconsin, Marquette University, 2014), 10; Philip McCosker, "Ephrem the Syrian (c. 306-373)," in *The Student's Companion to the Theologians*, ed. Ian S. Markham (West Sussex, UK: Wiley, 2013), 118–19; St. Ephrem, *Ephrem the Syrian: Hymns*, trans. Kathleen E. McVey, Classics of Western Spirituality (New York: Paulist Press, 1989), 40.
[169] Albertus Frederik Johannes Klijn, *The Acts of Thomas Introduction, Text, and Commentary*, 2nd rev. ed., Supplements to Novum Testamentum v. 108 (Leiden: Brill, 2003), 1.
[170] Ibid., 1–2.
[171] Brock and Harvey, *Holy Women of the Syrian Orient*, 67–68.
[172] Ibid., 69–70.

> man who is not her fiancé?" "No," answered the Mobed. The betrothed of Christ, Martha, then said, "So how can your authority order me to marry a man to whom I am not betrothed when I am already betrothed to someone else?" To which the Mobed said, "Are you really betrothed, then?" And the blessed Martha replied, "I am in truth betrothed." "To whom?" asked the Mobed. "Is not your honor aware of him?" said the glorious Martha. "Where is he?" asked the Mobed. Wise in our Lord, she replied, "He has set out on a long journey on business; but he is close by and is on the point of coming back." "What is his name?" inquired the Mobed. "Jesus," replied the blessed Martha.[173]

At the core of Martha's argument is that one would not force a virgin to marry another man if she is already engaged to another, so why would this mobed ask her to marry someone else when she is already betrothed to Christ? Not only then does it seem that the author of the Martyrdom expresses that virginity is essential before marriage between humans but also in a spiritual marriage, one between a woman and Christ. It is interesting that the author seems to be of the opinion that if a woman is engaged to a man it is wrong to make her enter another marriage, but specifically it is wrong if that woman is a virgin. Of course, this could be symbolic of the societal expectation that a woman should be a virgin before marriage, but I would argue this reinforces the view that it was important to all marriages, physical and spiritual.

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[173] Translation from Ibid., 70. In Syriac: ܐܘ ܕܝܢ ܒܬܘܠܬܐ ܬܬܠ ܢܦܫܗ ܠܘܬ ܓܒܪܐ܆ ܠܓܒܪܐ ܐܚܪܢܐ ܠܐ ܐܝܬܘܗܝ ܡܟܝܪܗ؟ ܐܡܪܐ܆ ܐܡܪ ܠܗ ܡܘܗܦܛܐ܆ ܠܐ. ܡܟܝܪܬܗ ܗܟܝܠ ܕܡܫܝܚܐ ܡܪܬܐ ܐܡܪܐ܆ ܘܐܝܟܢܐ ܠܝ ܕܡܟܝܪܬܐ ܐܢܐ ܠܐܚܪܢܐ܆ ܦܩܕ ܠܝ ܫܘܠܛܢܟ ܕܐܗܘܐ ܠܓܒܪܐ܆ ܕܠܗ ܠܐ ܐܬܡܟܪܬ؟ ܐܡܪ ܠܗ̇ ܡܘܗܦܛܐ܆ ܒܩܘܫܬܐ ܡܟܝܪܬܐ ܐܝܬܝܟܝ؟ ܛܘܒܢܝܬܐ ܡܪܬܐ ܐܡܪܐ܆ ܫܪܝܪܐܝܬ ܕܡܟܝܪܬܐ ܐܝܬܝ. ܐܡܪ ܠܗ̇ ܡܘܗܦܛܐ܆ ܠܡܢܘ؟ ܢܨܝܚܬܐ ܡܪܬܐ ܐܡܪܐ܆ ܠܐ ܡܦܩܦܐ ܒܗ ܡܬܝܩܪܘܬܟ؟ ܐܡܪ ܠܗ̇ ܡܘܗܦܛܐ܆ ܐܝܟܘ؟ ܚܟܝܡܬܗ ܕܡܪܢ ܒܐܘܪ ܘܐܡܪܬ܆ ܒܐܘܪܚܐ ܢܓܝܪܬܐ ܢܦܩ ܕܢܬܬܓܪ. ܒܪܡ ܩܪܝܒ ܗܘ܆ ܘܡܛܝܒܐܝܬ ܡܛܝܒ ܕܢܐܬܐ. ܐܡܪ ܠܗ̇ ܡܘܗܦܛܐ܆ ܡܢ ܫܡܗ؟ ܛܘܒܢܝܬܐ ܡܪܬܐ ܐܡܪܐ܆ ܝܫܘܥ ܫܡܗ. (Bedjan, *Acta Martyrum et Sanctorum Syriace.*, 236–37.)

The Martyrdom of Tarbo

Like in Martha's case, virginity is explicitly pointed out in Tarbo's martyrdom. Tarbo, her maid, and her sister are brought to trial for casting a spell on the queen to make her ill in vengeance for their brother's execution.[174] The officials in charge all notice Tarbo's beauty and seek to get her to marry them in exchange for her group's freedom.[175] In one of her refusals to an official's marriage proposal, the author of the martyrdom specifically positions Tarbo's virginity as a major component of her promise of betrothal to Christ:

> The next day the Mobed sent a message to Tarbo, saying, "I will intercede with the king and I will save the three of you from death—on the condition you become my wife." On hearing this the glorious woman was greatly shaken, replying, "Shut your mouth, you wicked man and enemy of God; don't ever again utter anything so disgusting. Your filthy words make no impression on ears that are pure, and your foul proposition does not have any effect on my mind, which is chaste and holy: for I am the betrothed of Christ. In his name I am preserving my virginity, and upon my hope in him I am hanging my sure conviction…"[176]

Tarbo explicitly connects her saving of her virginity to the idea of being betrothed to Christ. Once again in this piece, the idea of a women being a virgin before marriage exists, and in Tarbo's case this is a lifelong promise since she will have to wait until death to meet her betrothed. She tells the mobed offering marriage that he is disgusting, as is the idea he is giving her, so it seems the author of her story wanted to show just how negatively sex and marriage

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[174] Brock and Harvey, *Holy Women of the Syrian Orient*, 73.

[175] Ibid., 73–75.

[176] Translation from Ibid., 74–75. In Syriac: ܘܒܬܪ ܗܠܝܢ܆ ܫܕܪܘ ܠܘܬ ܐܡܘܒܕܐ ܠܬܠܬܝܗܝܢ ܕܢܬܒܢܝܢ. ܘܠܬܘܗܬܐ ܐܚܪܢܐ ܫܕܪ ܠܗ̇ ܡܘܗܦܛܐ܆ ܕܐܒܥܐ ܡܢ ܡܠܟܐ܆ ܘܐܦܨܐ ܐܢܝܢ ܡܢ ܡܘܬܐ ܠܬܠܬܝܟܝܢ܆ ܒܪܡ ܗܘ، ܠܝ ܐܢܬܬܐ. ܗܝ ܕܝܢ ܢܨܝܚܬܐ ܟܕ ܫܡܥܬ ܗܕܐ܆ ܐܬܬܙܝܥܬ ܘܐܡܪܬ܆ ܣܟܘܪ ܦܘܡܟ ܪܫܝܥܐ ܘܒܥܠܕܒܒܗ ܕܐܠܗܐ܆ ܘܠܐ ܬܘܣܦ ܬܘܒ ܬܡܠܠ ܗܕܐ ܡܣܪܝܬܐ ܠܡܬܡܠܠܘ. ܡܛܠ ܕܠܐ ܬܐܠܦ ܡܠܝܟܝ ܣܢܝܐ ܒܐܕܢܐ ܕܟܝܬܐ܆ ܘܠܐ ܒܬܪܥܝܬܐ ܡܬܠܒܟܐ ܦܣܝܩܬܐ ܒܥܘܬܟ ܛܢܦܬܐ، ܢܟܦܬܐ ܘܩܕܝܫܬܐ. ܐܝܬܝ ܓܝܪ ܡܟܝܪܬܐ ܐܢܐ ܕܡܫܝܚܐ܆ ܘܒܬܘܠܘܬܝ ܒܫܡܗ ܢܛܪܐ ܐܢܐ܆ ܦܝܣܐ ܫܪܝܪܐ ܒܣܒܪܗ ܬܠܝܐ ܐܢܐ܆ (Bedjan, *Acta Martyrum et Sanctorum Syriace.*, 256–57.)

were viewed from this early Christian context. Even if we assume this story is not real, we can say that the author was expressing the idea that sex and marriage were not the highest ideal of connection to God. And in this case, sex and marriage being portrayed, in a sense, as adultery against the heavenly husband.

It is also interesting that this martyrdom largely ignores Tarbo's married sister, and does not include anything about her being a betrothed of Christ even though the text mentions her abstaining from sexual activity in her marriage.[177] If virginity was not of key importance to this author or if this author was not trying to exemplify virginity as being holy, then the married sister would have been more included in the story. However, we only hear of the sister a few times and mostly just for context of the situation. The sister is never "tempted" in the sense that Tarbo is, showing us that her status of holiness from renouncing sex after marriage was not to be perceived as much of a sacrifice or abstinence than Tarbo's virginity was. Thus, it seems that Tarbo's sister is a less ideal martyr because of her marriage status, in the eyes of the Christian writer. However, this woman fits in with our critique of gender boundaries in that she is somehow rejecting and engaging both Zoroastrian and Christian norms here. She is married, thus engaging with Zoroastrian gender norms, yet remaining celibate in her marriage, thus engaging with Christian norms. Perhaps she is not focused in on in the story because she is neither in line with one extreme or the other, so the option to completely reject the gender norms of Zoroastrian Persian society are not as possible as they are with the unmarried, virginal Tarbo.

The Martyrdom of Anahid

Throughout Anahid's martyrdom account, virginity is again seen as qualification for holiness and being a Bride of Christ. The beginning of the text discusses her father trying to

[177] Brock and Harvey, *Holy Women of the Syrian Orient*, 73.

marry her off, but because she became ill again, he could not.[178] Later, when soldiers have come to take her to trial they are contemplating what to do because they cannot bring themselves to take this virgin to be killed.[179] Her conversation with the official in charge of her trial greatly echoes the sentiment in Martha's martyrdom:

> Then the holy woman opened her mouth and addressed him [the official]: "I am telling you, greatest and most famed of the Magians, that I have once and for all been betrothed to Christ, and so I cannot belong to anyone else; I have already received from him the pledge of the Spirit, and I cannot leave him. Nor indeed will my Lord and my King who has betrothed me allow me to be taken off by anyone else to marry, for he is extremely powerful and strong, and no one can take anything from him. So, if you have something else to say, or if there is some other action to take, carry it out; it is no use wasting time with empty words."[180]

Once again, the idea that one cannot marry when one has already been betrothed is evident in this text. While Anahid's speech does not explicitly connect her virginity to her betrothal of Christ, the fact that the author repeats throughout the story that Anahid is a virgin sets the reader up to assume that virginity is a prerequisite for her holiness and marriage to Christ. Of particular interest is when Anahid says that she is already betrothed and her groom will not let her be taken by anyone else. This part of the speech seems to mimic earthly marriage, where once one is

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[178] Ibid., 83.

[179] Ibid., 89.

[180] Translation from Ibid., 91. In Syriac: ܗܝܕܝܢ ܦܬܚܬ ܦܘܡܗ ܩܕܝܫܬܐ ܘܐܡܪܬ ܠܗ: ܠܟ ܐܡܪܢܐ ܐܢܐ: ܐܘ ܪܒܐ ܘܡܫܡܗܐ ܕܡܓܘܫܐ: ܐܢܐ ܓܝܪ ܚܕܐ ܙܒܢ ܐܬܡܟܪܬ ܠܡܫܝܚܐ ܡܟܝܠ: ܘܠܐ ܡܫܟܚܐ ܐܢܐ ܕܐܗܘܐ ܠܓܒܪ ܐܚܪܝܢ. ܗܘ ܕܢܣܒܬ ܠܝ ܡܢܗ ܪܗܒܘܢܐ ܕܪܘܚܐ: ܘܠܐ ܡܫܟܚܐ ܐܢܐ ܕܐܫܒܘܩ ܡܢܗ. ܐܦܠܐ ܓܝܪ ܗܘ ܡܪܝ ܘܡܠܟܝ ܕܡܟܪܢܝ ܫܒܩ ܠܝ: ܕܢܕܒܪܢܝ ܐܢܫ ܠܙܘܘܓܐ. ܗܘ ܓܝܪ ܚܝܠܬܢ ܘܥܫܝܢ ܛܒ ܘܡܬܘܡ: ܘܠܐ ܐܢܫ ܡܫܟܚ ܕܢܣܒ ܡܢܗ ܡܕܡ. ܐܢ ܕܝܢ ܐܝܬ ܠܟ ܡܠܬܐ ܐܘ ܥܒܕܐ ܐܚܪܢܐ ܠܡܥܒܕ ܥܒܕ: ܘܠܐ ܬܬܗܐ ܒܡܠܐ ܣܪܝܩܬܐ ܕܠܐ ܡܘܬܪܢ. (Bedjan, *Acta Martyrum et Sanctorum Syriace.*, 590–91.)

taken one cannot marry again. It seems similar to ideas about virginity where once it is taken it cannot be regained. Because Anahid is married to her "bridegroom" Christ, she cannot marry in an earthly way or, like in Tarbo, it would be perceived as adultery.

Also it is interesting to note the phrase "I have received from him the pledge of the Spirit". This quote seems like it would be parallel with the vows of marriage. It also could be seen as a consummation or seal of the marriage, much like the giving of one's virginity to their earthly spouse would be perceived as such. Anahid concludes that sentence with "I cannot leave him", meaning the marriage is final and there is not a possibility of annulling or canceling her marriage to Christ.

Syriac Sources That Do Not Make Virginity a Qualification for Being a "Bride of Christ"

The Story of Mary, Niece of Abraham of Quidun

The story of Mary, niece of Abraham of Quidun is about a woman whose uncle, who acts as her father since his brother is dead, commits the both of them to a life of asceticism.[181] Mary, took on the way of life of her uncle, and also took care of his needs through a window between his and her room, which was outside of his.[182] A friend of Abraham's, a monk, came to visit him regularly and upon seeing Mary strove to have relations with her.[183] At the time Satan was also attempting to make Mary sin so as to bring harm to her uncle.[184] At one of these visits of the monk, he succeeded in getting Mary outside, although it is unclear whether she consents to sexual relations or if, as posited by Virginia Burrus, Mary is raped by the monk.[185] After this

[181] Brock and Harvey, *Holy Women of the Syrian Orient*, 29.
[182] Ibid., 29–30.
[183] Ibid., 30.
[184] Ibid.
[185] Ibid.; Virginia Burrus, *The Sex Lives of Saints an Erotics of Ancient Hagiography*, Divinations : Rereading Late Ancient Religion (Philadelphia, Pa: University of Pennsylvania Press, 2004), 133.

episode, Mary cries out in grief over her "sin", and as part of her speech mentions being a "Bride of Christ":

> What has become of this saintly man's instruction, what has happened to the wise Ephrem's warnings? They told me to be careful of myself and preserve my virginity spotless for the immortal Bridegroom. 'Your Bride groom is holy and jealous,' they said. No longer do I dare look up to heaven, for I have died to God and to men.[186]

In her speech, Mary is ashamed of her act and reflects on holy men, such as her uncle and St. Ephrem the poet, telling her that she needs to protect her virginity. With this passage in mind, one might think that this story does require virginity to be a Bride of Christ since Mary is ashamed of the loss of hers and vowing to no longer look up to God. However, later in the story she gains her redemption from her uncle. She disappears and is later found to have become a prostitute.[187] Abraham goes to save her, and while at first she does not recognize him, later he takes a hold of her and convinces her to resume her monastic life.[188] Abraham reassures her that he has "taken upon myself your wrongdoing: God will require this sin at my hands."[189] Once she returns to their monastic home, she begins asking God for forgiveness daily, and returns to her former ascetic life.[190] By the end of the story, the author affirms that God had accepted Mary

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[186] Translation from Brock and Harvey, *Holy Women of the Syrian Orient*, 30–31. In Syriac: ܡܪܝ ܡܢܐ ܫܡܥ ܗܠܝܢ ܡܠܦܢܐ ܩܕܝܫܐ ܐܘ ܡܢܐ ܐܬܪܚܫ ܠܐܦܪܝܡ ܚܟܝܡܐ ܕܐܡܪܘ ܠܝ ܕܐܬܛܪ ܐܢܐ ܥܠ ܢܦܫܝ ܘܐܢܛܪ ܒܬܘܠܬܝ ܕܠܡܪܝ ܥܠܡܐ ܕܐܡܪ ܠܝ ܚܬܢܟ ܩܕܝܫ ܘܩܢܝܐ ܗܘ ܐܠܗܟ ܐܡܪ ܠܝ ܕܠܐ ܐܫܬܟܠ ܠܫܡܝܐ ܕܡܝܬ ܐܢܐ ܠܐܠܗܐ ܘܠܒܢܝ ܐܢܫ ... (Thomas Joseph Lamy, *Sancti Ephraem Syri Hymni et Sermones,Quos e Codicibus Londinensibus, Parisiensibus et Oxoniensibus Descriptos Edidit, Latinitate Donavit, Variis Lectionibus Instruxit,* vol. 4 (Mechliniae, H. Dessain, 1882), 55–56.)

[187] Brock and Harvey, *Holy Women of the Syrian Orient*, 31–32.

[188] Ibid., 32–34.

[189] Translation from Ibid., 35. In Syriac: ܐܡܪ ܐܒܪܗܡ ܐܠܐ ܐܢܐ ܐܫܬܘܦ ܥܠ ܢܦܫܝ ܚܛܝܬܟ ܗܘ ܢܬܒܥ ܡܢ ܐܝܕܝ (Lamy, *Sancti Ephraem Syri Hymni et Sermones,Quos e Codicibus Londinensibus, Parisiensibus et Oxoniensibus Descriptos Edidit, Latinitate Donavit, Variis Lectionibus Instruxit,* 4:69.)

[190] Brock and Harvey, *Holy Women of the Syrian Orient*, 35–36.

back, writing: "In order to provide a visible sign that God, the compassionate and the lover of mankind who receives the prayers of the penitent, accepted her back, a healing was effected through her prayer," and "At the time of her death everyone who saw her face gave praise to God for its radiance. In this way she completed her life. She left the world having made a good end, being reconciled with God."[191] Mary was accepted by God again and had completely reconciled with him by the end of her life. While the text does not explicitly mention her again being a "Bride of Christ", the language used about reconciling with God seems to suggest that she had returned to her former status of bride once she had repented. This shows readers that a woman whose sins included prostitution could be brought back to God, the heavenly bridegroom, as long as she repented for her sins. Originally, Mary discusses how she did not protect her virginity for her heavenly groom, and so she must never turn to him again. But by the end of the story, she has returned to him, and so in a sense, has returned to that divine marriage.

Also interesting is the concept that her uncle could take her sin upon himself. With this in mind, it seems that the sin was no longer Mary's and so she could return to God in full sanctity since her sin was now the sin of her uncle's. I find a similar echo to this idea of a father defending the "virginity" of his daughter in Ephrem's *Hymns on Virginity* (which is later discussed in this chapter). This is also something to note since Ephrem appears multiple times in this story. Ephrem wrote that "It is written that if a husband renounces his wife, her father should bring out her proof of virginity…"[192] With this in mind, Abraham is bringing out Mary's

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[191] Translation from Ibid., 36. In Syriac First quote: ܡܛܠ ܕܝܢ ܕܬܬܚܙܝܐ ܠܗ ܐܬܐ ܕܡܩܒܠܗ ܐܠܗܐ ܡܪܚܡܢܐ ܘܪܚܡ ܐܢܫܐ ܘܩܒܠ ܒܥܘܬܐ ܕܬܝܒܘܬܗ̇ ܐܣܝܘܬܐ ܡܬܚܙܝܢܝܬܐ ܗܘܬ ܒܗ̇ ܒܨܠܘܬܗ̇. (Lamy, *Sancti Ephraem Syri Hymni et Sermones,Quos e Codicibus Londinensibus, Parisiensibus et Oxoniensibus Descriptos Edidit, Latinitate Donavit, Variis Lectionibus Instruxit,* 4:73. And the second quote: ܘܒܙܒܢܐ ܕܫܘܢܝܗ̇ ܟܠܗܘܢ ܐܝܠܝܢ ܕܠܦܪܨܘܦܗ̇ ܚܙܝܢ ܗܘܘ ܡܫܒܚܝܢ ܗܘܘ ܬܫܒܘܚܬܐ ܠܐܠܗܐ ܥܠ ܐܘܝܐ ܕܦܢܝ ܦܘܡܗ̇. ܗܟܢܐ ܫܠܡܬ ܚܝܝܗ̇ ܘܢܦܩܬ ܡܢ ܥܠܡܐ ܒܫܘܠܡܐ ܠܛܒܐ ܘܒܫܝܢܐ ܕܐܬܪܥܝܬ ܠܐܠܗܐ. (Ibid., 4:77–79. Note: Latin translation is on pg. 78)

[192] St. Ephrem, *Ephrem the Syrian: Hymns*, 274.

goodness and devotion to God before God. I hesitate to argue that Abraham is bringing out Mary's virginity before God since her sin is still discussed throughout the story, but instead argue that he, as her father, is bringing out her good nature to God so she can return to this "heavenly marriage".

Virginia Burrus also notes the meaning of a dream of Abraham's in this tale. Abraham has a dream about a serpent's belly being ripped apart to show a dove, who is still unharmed and is taken by Abraham's hand.[193] Burrus comments that the symbolism in this dream may mean, "Perhaps, having "lost" her [Mary's] virginity, she is more intact than ever."[194] I understand Burrus' analysis to mean that perhaps the author of "Mary" is suggesting to his or her audience that Mary becomes even more holy after her fall and subsequent return to God. It is her act of sinning and then asking for repentance to God that marks her as a holy woman, not her sexual status. Thus this outlook provides a strong claim to that fact that in order for a woman to be considered a holy Bride of Christ, she did not necessarily have to be a virgin, and thus that Bride of Christ was higher ideal than virginity.

The Martyrdom of Candida

The Martyrdom of Candida is unique amongst the Persian Martyrs because she is an already married woman, not a virgin unlike the other martyr acts which make virginity a priority.[195] Justin David Strong notes though of how the author of the text describes Candida's modesty as being still preserved even though she was the wife of the king.[196] So even though

[193] Brock and Harvey, *Holy Women of the Syrian Orient*, 31; Burrus, *The Sex Lives of Saints an Erotics of Ancient Hagiography*, 134.
[194] Burrus, *The Sex Lives of Saints an Erotics of Ancient Hagiography*, 134.
[195] Justin David Strong, "Candida: An Ante-Nicene Martyr in Persia," *Journal of Early Christian Studies; Baltimore* 23, no. 3 (Fall 2015): 397–99.
[196] Ibid., 398–99.

Candida is not a virgin, at the end of the text when she is headed to her execution, she still talks of being headed to her wedding, presumably to Christ:

> [as she is being paraded in the streets, naked and in chains]…the face of this disciple of Christ was radiant with joy, and her mouth was full of laughter and praise. She said in a loud voice: "I am going to (my) wedding feast…sing for me with songs of thanksgiving…and with hymns…today, but in the world which does not pass away I have been betrothed."[197]

Even though Candida is the king's wife, and therefore not a virgin, she is described by the author as traveling to her wedding and being betrothed in heaven. In this way, the author ignores the narrative of virginal martyrs, and the idea of a married woman not being able to be spiritually married. The author encourages the idea that any woman, virgin or wife, can be betrothed to Christ, and that being married in the human world does not stop one from being married to Christ in the next world.

The Sinful Woman Who Anointed Christ

Ephrem's poem, "The Sinful Woman Who Anointed Christ" goes beyond martyrdom acts we have already discussed in throwing out the need for virginity for a woman to be betrothed to Christ. Instead Ephrem encourages the idea that even the woman society perceives as lowest of women, a prostitute, can be a bride of Christ if she chooses to turn to him. In this poem, a prostitute (the sinful woman) is on her way to meet Christ at the house of Simeon.[198] On her way there, Satan tries many times to persuade her back into her life of prostitution and that Jesus will not even speak to her if she goes to him, but she rebukes Satan and invokes the

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[197] Translation from Brock, *Syriac Perspectives on Late Antiquity*, IX: 181. In Syriac: ܡܫܡܪ ܡܫܝܚܐ ܡܫܚܠܠܐ ܒܝ ܘܐܬܐ ܡܒܘܫܢܐ ܡܠܐ ܠܐ (...)ܡܝܬ(ܐ) (ܐ)ܠܥܠܡ ܕܠܐ ܥܒܪ ܗܘ ܕܐܬܝܪܫ ܡܠܟܐ (...) ܐܡܪ ܡܠܟ ܡܒܘܫܢܐ ܒܗ ܡܫܝܚܐ ܕܟܝ ܡܫܒܚܘ ,ܥܡܝ ܠܝ ܒܫܝܪ ܬܫܒܘܚܬܐ ܒܥܕ ܡܠܟܐ ܕܫܠܡܐ .ܡܫܝܚܐ (...) ܡܠܟ (...) ܘܐܢ ܠܐ (...) ܡܫܬܒܚܐ (...) (Ibid., 177.)

[198] Brock, *Treasure-House of Mysteries*, 185.

rhetoric of being betrothed to Christ.[199] First however, she is admonished by the perfume seller who tells her to get a single husband, and she replies: "As for what you said to me about a husband/ I have acquired a Husband on high/ whose authority endures forever,/ whose kingdom will never come to an end'"[200] She again invokes this notion when she is next harassed by Satan not to go to Jesus: "I have been widowed as far as you are concerned, sir [Satan];/ you are no longer my lover,/ for I have acquired a Husband on high/ who is God above,/ whose authority lasts forever,/ in a kingdom that never comes to an end."[201] Again, like the author of Candida, Ephrem either rejects or ignores the qualification of virginity to be a bride of Christ. Even a woman who is deemed repulsive and sinful by society can be betrothed to Christ as long as she wishes to be one of the faithful. Ephrem depicts holiness as having more to do with unwavering faith in Jesus and his miracles rather than one's own state or actions.

The Sinful Woman and Satan

Inspired by Ephrem, an unknown author wrote a narrative poem between Satan and the Sinful Woman.[202] The same woman is in the poem and largely the same story of her seeking out Christ at Simeon's house takes place. In an argument with Satan where he tries to convince her of her unclean and despised state, the woman talks again of being betrothed to Christ: "Woman: I am indeed brazen and impudent,/ and debauched men have loved me,/ but Christ the Bridegroom

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[199] Ibid., 185–201.

[200] Translation from Ibid., 190. In Syriac: ܘܐܡܪܬ ܠܝ ܡܠܬ ܒܥܠܐ ܒܥܠܐ ܩܢܝܬ ܠܝ ܒܡܪܘܡܐ ܕܫܘܠܛܢܗ ܠܥܠܡ ܩܐܡ ܘܡܠܟܘܬܗ ܠܐ ܡܫܬܪܝܐ (Sebastian P. Brock, *Luqqate D-Memre d-'al Ktabay Qudha (Eight Syriac Mimre on Biblical Themes)* (Holland: Monastery of St. Ephrem, 1993), 71.)

[201] Translation from Brock, *Treasure-House of Mysteries*, 192. In Syriac: ܕܐܪܡܠܬ ܠܝ ܡܪܝ ܒܥܠܐ ܘܪܚܡܐ ܬܘܒ ܠܐ ܗܘܝܬ ܠܝ ܕ ܒܥܠܐ ܩܢܝܬ ܠܝ ܒܡܪܘܡܐ ܕܐܝܬܘܗܝ، ܐܠܗܐ ܕܥܠ ܟܠ ܕܫܘܠܛܢܗ ܠܥܠܡ ܩܐܡ ܒܡܠܟܘܬܐ ܠܐ ܡܫܬܪܝܐ (Brock, *Luqqate D-Memre d-'al Ktabay Qudha (Eight Syriac Mimre on Biblical Themes)*, 73.)

[202] Brock, *Treasure-House of Mysteries*, 201.

has betrothed me,/ and He has made me holy, to be with Himself."[203] What sets this poem apart from Ephrem's is that the woman's dialogue openly admits her sexual impurity and sexual relations but, at the same time, argues that she is holy because she is betrothed to Christ. Again, the author does not consider virginity essential as evidenced by this woman having had multiple partners in her life, and yet the author has still given her a status of holiness because of her faith in Christ.

Marriage: Anonymous Marriage Hymn

This anonymous marriage poem is interesting compared to all the others in that it does not mention sexual status at all. Rather it only discusses the importance of being betrothed to Christ. Particularly stanzas 2 and 3 discuss the benefits of being a bride of Christ:

> (2) I am your betrothed, Lord,/ the bride who has been betrothed in Your name;/ O Bridegroom of truth and reality,/ have pity on me for in You I have taken refuge/ (3) On your cross You put a seal on my dowry/ and by Your sufferings You have freed me;/ a Bridal Chamber on high have You set up for me/ and invited me that I should be Yours.[204]

These lines do not mention virginity as a prerequisite for one to be betrothed to Christ, rather they express the importance of being a bride of his because this protects the believer and delivers the bride from their sins. While it is possible one line of this poem could be symbolic of one's virginity, I do not think it denotes virginity as a qualification for being betrothed to Christ.

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[203] Translation from Ibid., 207. In Syriac: ܡܚܡ ܒܪܡܕ ܠܟ ܒܪܢ ܡܟܥܫ ܡܢ ܐܢܬ ܠܝ ܡܢ ܫܒܥܐ ܡܠܠܐ ܡܢ ܚܡܝܬ ܡܕܥ (Sebastian P. Brock, "The Sinful Woman and Satan: Two Syriac Dialogue Poems," *Oriens Christianus* 72 (1988): 37.)

[204] Translation from Brock, *Treasure-House of Mysteries*, 280. In Syriac: ܒܚܥܕ ܡܠܟ ..ܚܢ ܒܚܢܢ ܡܢ ܡܢ.2 ܡܚܝܬ ܡܕܥ ..ܒܫܪܝ ܐܡܬ ܒܥܫܐ ..ܒܫܪܢ ܠܥܠܡ ..ܫܒܚܢ ܒܚܠ ܐܝ .3❊ ..ܒܚ ܕܚ ܚܠ ܐܡ ܒܚ ❊ ..ܡܪܝ ܡܠܟ ܒܪܝܢ ܠ. ܡܝܠ (Sebastian Brock, email message to the author, February 10, 2021; also found in *Teksa da-'mada, d-zuwagga, d-'upaya* (Pampakuda: Mar Julius Press, 1979).)

Stanza 4 says “Robbers fell upon me/ and wanted to destroy my beauty/ but in Your love You drove them away”.[205] It could be possible that “beauty” is meant to be symbolize virginity, but even so the author only describes it as being under attack and as being saved by their betrothed, or even possibly as a threat of sexual violence, and does not seem to give it any importance as a qualification of the betrothed herself.

Syriac Sources That Contain Mixed Perceptions on Whether or Not Virginity is a Qualification of the Bride of Christ

The Acts of Thomas

The *Acts of Thomas* contains some stories and hymns that do perpetuate the idea of virginity being a qualification for the Bride of Christ and others that do not. For example, in one section Judas/Thomas sings a song which includes talking about “My church is the daughter of light”[206] and later:

> Her bridal chamber is lighted up, and full of sweet odour of salvation…Her groomsmen surround her, all whom she has invited and her pure bridesmaids (go) before her uttering praise. The living are in attendance upon her, and they look to their Bridegroom who shall come, and they shall shine with his glory, and shall be with Him in the kingdom which never passes away.[207]

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[205] Translation from Ibid. In Syriac: ܠܓܝ̈ܣܐ ܢܦܠܘ ܗܘܘ ܥܠܝ ܘܒܥܘ ܕܢܚܒܠܘܢ ܫܘܦܪܝ. ܘܒܚܘܒܟ ܫܦܩܬ ܐܢܘܢ..4 (Sebastian Brock, email message to the author, February 10, 2021; also found in *Teksa da-ʻmada, d-zuwagga, d-ʻupaya*)

[206] Translation from Klijn, *The Acts of Thomas Introduction, Text, and Commentary*, 28–30. In Syriac: ܟܢܫܬܝ ܒܪܬ ܢܘܗܪܐ. (William Wright, *Apocryphal Acts of the Apostles* (Amsterdam: Philo Press, 1968), ܩܡܗ.)

[207] Translation from Klijn, *The Acts of Thomas Introduction, Text, and Commentary*, 28–30. In Syriac: ܟܠܬ ܓܢܘܢܗ ܢܗܝܪ. ܘܪܝܚܐ ܕܦܘܪܩܢܐ ܡܠܐ...ܫܘܫܒܝܢ̈ܝܗ ܚܕܪܝܢ ܠܗ. ܟܠܗܘܢ ܕܠܗܘܢ ܩܪܬ. ܘܫܘܫܒܝܢ̈ܬܗ ܩܕܝ̈ܫܬܐ ܩܕܡܝܗ ܡܫܒܚܢ ܩܠܠ. ܡܫܡܫܝܢ ܩܕܡܝܗ ܚܝ̈ܐ. ܘܚܝܪܝܢ ܠܚܬܢܗܘܢ ܕܐܬܐ. ܘܢܗܪܘܢ ܒܫܘܒܚܗ. ܘܢܗܘܘܢ ܥܡܗ ܒܡܠܟܘܬܐ ܗܝ ܕܠܥܠܡ ܥܠܡܝܢ ܠܐ ܥܒܪܐ. (Wright, *Apocryphal Acts of the Apostles*, ܩܡܗ-ܩܡܘ.)

While initially this seems to be similar to the *Marriage Hymn*, in that it does not mention the sexuality of the "bride". However, it is interesting that the bride's bridesmaids are described as "pure". If a bride's bridesmaids are pure then it could be implied that she is also "pure". Also the term "daughter of light" seems to have connotations of purity and that one is child of God, who we might assume is "pure". We must keep in mind this section seems to be explicitly about the church which has no sexual status to it, however it also does use gendered language when referring to the bride which we associate with femininity.

In contrast to the uncertainty in the previous section, the next section from the Acts of Thomas is strict in how it couples virginity with holiness and marriage and sex with sin:

> …and know that as soon as you preserve yourselves from this filthy intercourse, you become pure temples, and are saved from…the heavy care of children…And if they [their children] be healthy, they come to ill either by adultery or theft, or fornication…But if you will be persuaded by me and keep yourselves purely to God…you shall be hoping (for the time) when you shall see the true wedding feast; and you shall be in it praisers (of God), and shall be numbered with those who enter into the bridal chamber.[208]

The first argument about keeping one's virginity is that a virgin does not have to deal with the pain of having children and seeing them become corrupt with sin, of which one includes fornication. The second argument has to do with the "wedding feast" and "bridal chamber". The author of the *Acts of Thomas* argues that only if one keeps oneself pure can one see their

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[208] Translation from Klijn, *The Acts of Thomas Introduction, Text, and Commentary*, 52–53. In Syriac: ܡܫܡܫܢܝܬܐ ܕܐܠܗܐ ܗܘ ... ܐܝܟ ܕܡܢ ܕܬܬܢܛܪܘܢ ܡܢ ܗܕܐ ܙܢܘܬܐ ܡܣܐܒܐ ܬܗܘܘܢ ܗܝܟܠܐ ܕܕܟܝܐ ... ܘܐܢ ܒܢܝܗܘܢ ܢܗܘܘܢ ܒܪܝܐܝܢ ... ܐܠܐ ܐܢ ܬܫܬܡܥܘܢ ܠܝ ܘܬܬܢܛܪܘܢ ܠܐܠܗܐ ܒܕܟܘܬܐ ... ܬܗܘܘܢ ܒܣܒܪܐ ܠܥܕܢܐ ܕܬܚܙܘܢ ܐܢ ܡܫܡܫܢܝܬܐ ܕܫܪܪܐ ܘܬܗܘܘܢ ܒܗ ܡܫܒܚܢ ... ܘܬܬܡܢܘ ܥܡ ܐܠܝܢ ܕܥܠܝܢ ܠܒܝܬ ܚܕܪܐ ܕܡܪܝܐ (Wright, *Apocryphal Acts of the Apostles*, ٥٦-٥٥.)

wedding feast in heaven and enter into the bridal chamber in the next life. In this way, this piece is strict in its code for who will see heaven, who is holy, and who is not. It does not consider marriage a path to holiness, nor does it consider having children God's intent for humans. Instead, this author portrays sex and reproduction as the ultimate sin that restricts one from entering heaven.

Although the past section of the *Acts of Thomas* seems to be absolute in its decision on virginity and the Bride of Christ, another section includes a situation where a married woman, who has decided to convert to Christianity, is described as going to her marriage-feast in the next life. It seems at the start of the text, her husband is offended by her conversion and her prayer to this new God, and asks her to remember when they were wed, and to choose between him or Jesus as to who is dearer to her.[209] In her response, she discusses what true marriage is and how this is in heaven with God:

> That was a marriage-feast of corruption; this is a marriage-feast of life everlasting…That (union) was founded upon the earth [where] there is an unceasing press; this was founded upon the bridge of fire, upon which is sprinkled grace. That was a bridal-chamber which was taken down; this is a bridal-chamber which remains forever. That was a bed which was covered with goodly clothes that decay; this is a bed which is covered with love and faith and truth. You are a bridegroom who passes away and is changed; Jesus is the true bridegroom who endures forever, and never dies, and is never subject to corruption.[210]

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[209] Klijn, *The Acts of Thomas Introduction, Text, and Commentary*, 209.

[210] Translation from Ibid. In Syriac: ܗ̇ܝ ܡܫܬܘܬܐ ܕܚܒܠܐ. ܘܗܕܐ ܡܫܬܘܬܐ ܕܚܝܐ ܕܠܥܠܡ...ܗܘ ܩܝܡ ܥܠ ܐܪܥܐ ܕܐܬܕܪ̈ܝ ܒܗ ܫܓܝܐ. ܘܗܕܐ ܩܐܡ ܥܠ ܡܥܒܪܬܐ ܕܢܘܪܐ ܕܐܬܪܣܣ ܒܗ̇ ܚܢܢܐ. ܗܘ ܒܝܬ ܓܢܘܢܐ ܕܡܫܬܪܐ. ܘܗܢܐ ܒܝܬ ܓܢܘܢܐ ܕܠܥܠܡ ܩܿܘܐ. ܗ̇ܝ, ܥܪܣܐ ܕܡܬܦܪܣܐ ܬܟܣܝܬܐ ܠܒ̈ܫܐ ܕܒܠܝܢ. ܘܗܕܐ ܥܪܣܐ ܕܡܬܦܪܣܐ ܒܚܘܒܐ ܘܒܗܝܡܢܘܬܐ ܕܫܪܪܐ. ܐܢܬ ܚܬܢܐ ܕܥܒܪ ܘܡܬܚܠܦ. ܘܝܫܘܥ ܚܬܢܐ ܕܫܪܪܐ ܕܠܥܠܡ ܡܩܘܐ. ܘܡܘܬ ܠܐ ܡܐܬ ܘܠܐ ܡܬܚܒܠ. (Wright, *Apocryphal Acts of the Apostles*, ܪܝܕ-ܪܝܗ.)

Since she is comparing the earthly married life to the heavenly one, it seems she has experienced the earthly married life but sees the ultimate death of it, while her heavenly marriage will remain forever. This woman seems to have been married for a long time and even discusses the marriage bed after her earthly wedding, which suggests she is not a virgin. However, because of her newfound faith and acknowledgement that Jesus is eternal, she is still considered worthy of being betrothed to Christ by this author. Her current marriage, like in the case of Candida, does not prevent her marriage to Christ. She remains a Bride of Christ so long as she is faithful to her beliefs.

What we might take from this complex narrative of whether or not virginity is needed for heavenly marriage is that this was a complex issue with no set rules. While it seems the author of the Acts of Thomas might prefer virginity as a lifestyle for believers, as evidenced by the last example, faithful believers are the true desire for the Apostle Thomas and/or the author of his Acts. Converting a non-believer into a follower of Christ seems to trump the virginal lifestyle. As in the case of the woman from the last example, being currently married did not make women exempt from the ability to be faithful to God, nor did it make people who wanted to convert others avoid married women.

The Hymns of Ephrem

The *Hymns of Ephrem* also confirm the complexity of this issue, as his Hymns on Virginity also offer mixed views on the necessity of virginity for spiritual marriage. With a title like *Hymn on Virginity*, one might assume Ephrem only focuses on virginity's inherently holy status, and while he does do a fair amount of that, he also comments on married women as well. First, I address where Ephrem praises marriage and women who partake in it. In "Hymn 1" from

McVey's translation of Ephrem's hymns, he talks often about how to avoid Satan and evil, as well as cautioning virgins about rape and men stealing their virginity.[211] However, he does also provide a section on the evils of not being married:

> "The Evil One stole the weak from marriage in the name of conversion/ And when they were in the midst, he placed behind them the disgrace of the offense,/ and before them he again placed beauty that is a snare of hateful desire./ Ashamed to assume the condition of marriage, they fell into the snares of sin."[212]

Ephrem suggests that not being married, assumingly in the context of having sexual relations, causes people to sin and to become entrapped in the Devil's "snare". McVey comments in the footnotes of her book that the line beginning with "The Evil One" is a response to a group called the "Encratites" that did not allow marriage because they wanted everyone to be celibate, and were criticized for making people sin because of this.[213] So in Ephrem's eyes perhaps virginity is a good thing, but even more importantly is to stay within the law of God, and if one is going to have sex then it is only proper in the confines of marriage. Therefore, I think it is so that Ephrem's hymns are also reflective of his poetry where the main concern is the practice of being faithful to God and to follow his command, with sexual status coming in as a lesser concern. To Ephrem, a woman is holy as a virgin but furthermore a woman is holy, whether married or virgin, for following the course God set out for Christians.

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[211] St. Ephrem, *Ephrem the Syrian: Hymns*, 261–65.
[212] Translation from Ibid., 263. In Syriac: 6.ܒܝܫܐ ܠܟ̈ܫܝܠܐ ܗܘ ܓܢܒ ܡܢ ܙܘܘܓܐ ܒܫܡ ܬܘܠܡܕܐ ܘ ܡܐ ܕܐܬܡܨܥܘ ܒܗ ܣܡ ܗܘܐ ܠܗܘܢ ܡܢ ܒܣܬܪܗܘܢ ܒܗܬܬܐ ܕܬܘܩܠܬܐ ܘ ܡܢ ܩܕܡܝܗܘܢ ܬܘܒ ܣܡ ܗܘܐ ܫܘܦܪܐ ܕܐܝܬܘܗܝ, ܦܚܐ ܕܪܓܬܐ ܣܢܝܬܐ ܒܗܬܘ ܠܡܣܒ ܐܣܟܡܐ ܕܙܘܘܓܐ ܢܦܠܘ ܒܦܚ̈ܐ ܕܚܛܝܬܐ (St. Ephrem and Edmund Beck, *Hymnen de Virginitate* (Louvain, 1962), 2.)
[213] St. Ephrem, *Ephrem the Syrian: Hymns*, 263. See footnote 9.

Ephrem again mentions marriage in "Hymn 2" of McVey's translation. This hymn especially has mixed perceptions, while it definitely prizes virginity, it does not leave out room for married women to be considered holy. In this hymn, Ephrem writes on the value of virginity, and how rape, or the theft of one's virginity, renders it unable to be sought after again.[214] He gives varying biblical examples of women who had had their virginity stolen from them, and their reactions afterward.[215] While disturbing to modern readers, there is also much discussion of death being that reaction.[216] Towards the end of the hymn, Ephrem discusses death as holiness in a sense:

> Jephthah poured out his daughter's blood,/ but your Bridegroom shed His blood for love of you./ Therefore that Only-Begotten blood bought that blood by which your gate is sealed./ A married woman willed to die to put an end to adultery./ A virgin died to fulfill her father's vow./ A married mother of offspring willed to die/ lest she receive a stolen seed whose sowing is cursed.[217]

In a rather complex way, Ephrem both writes of the sacrifice of Christ annulling all sins, but also of women, married and virgin, who died to put an end to their sins. McVey notes that the married woman and "married mother of offspring" both refer to Susana from the book of Daniel. The virgin here being discussed is assumed to be Jephthah's daughter. Although, McVey comments that Ephrem misunderstood this story, that in the Bible the daughter is a type of sacrifice to God because her father won against the Ammonites, and that she was given two months to "mourn

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[214] Ibid., 266–70.
[215] Ibid.
[216] Ibid., 269.
[217] Translation from Ibid. In Syriac: (11) ܟܕ ܐܡ ܬܕܥ ܠܟܡ ܡܢ ܕܚܕܝܢ ܒܥܐ ܬܕ ܒܝ ܚܬܝܢܬܐ ܒܬܠ ܚܕ ܡܬܝ ܟܕ (12) ܚܕ ܒܬܠ ܐܡ ܬܕ ܟܕ ܐܡ ܠ ܢܣܒ ܕܚܕ ܒܬܠ ܐܡ ܕ ܚܕ ܒܝ ܚܬܝܢܬܐ ܒܬܠ ܐܡ ܕ ܚܕ ܒܝ ܚܬܝܢܬܐ ܒܬܠ ܐܡ ܕ ܚܕ ܒܝ ܚܬܝܢܬܐ (St. Ephrem and Beck, *Hymnen de Virginitate*, 7.)

her virginity" in the "wilderness".[218] However, with Ephrem's own perspective in mind, he puts a married woman on the same par of holiness with a virgin because they both gave their lives to appease God for their or their relatives' sins. This shows again how sexual status was not necessarily the highest level of concern when it came to the holiness of women, but it was their devotion to God.

Also of note is his phrasing in the second line "but your Bridegroom shed His blood for love of you"[219] Ephrem does not seem to point to who this "your" refers to. Is it only virgins? Or is it directed at all of the Christian faithful? It certainly contrasts the Old Testament sacrifices to God versus Jesus' one sacrifice for all his sheep. But even if "your" here refers only to virgins, with the rest of the verse in line, this does not directly exclude married women from being part of this spiritual marriage.

Next, we must explore how Ephrem, in his Hymns on Virginity, does point to virginity being a qualification for Bride of Christ. First of all, in general all of Ephrem's Hymns on Virginity seem to either address virginity itself, virgins, or in general address the reader on how virginity is an exalted state.[220] Ephrem is in agreement that virginity is holy, and makes one close to God. One particular passage in which we see his acknowledgement of virginity as equal to the Bride of Christ is from Hymn 3 of McVey's translation. In this hymn, he is explaining the necessity for protecting one's virginity as well as discussing the will to keep one's virginity.[221] As formerly mentioned in the section on Mary, niece of Abraham, Ephrem writes:

[218] St. Ephrem, *Ephrem the Syrian: Hymns*, 268.
[219] Ibid., 269.
[220] Ibid., 261–74.
[221] Ibid., 271–74.

> "It is written that if a husband renounces his wife, her father should bring out her proof of virginity,/ but since your Betrothed is the High One Who sees in secret,/ show the hidden proof of virginity in secret to your hidden Lord - / not on your cloth but on your body./ Rejected women show proof of virginity on a cloth;/ let you show your proof of virginity to your Betrothed./ Will you lose your Betrothed and acquire instead of Him a false/ betrothed…"[222]

Ephrem suggests that a virgin does not need to make her virginity public, but instead only needs to show or prove it to her divine Betrothed, who sees all. At the end of this section he also discusses how "rejected" women show theirs on a cloth which I think means that a woman who is not truly a virgin but wants to show that she still is shows it on a cloth (from my prior knowledge I took this to be from the marital bed), because she cannot show it to God since he sees all. Furthermore, Ephrem writes of a false betrothed, who we might assume to be an earthly betrothed. This false betrothed is of course described as lesser than the heavenly Betrothed. With these last two verses in mind, I find that they exclude married women from truly being a "Bride of Christ" since they cannot prove their virginity to their bridegroom like virgins can. Also, married women's act of marrying a lesser or earthly groom puts them below the status of a bride of Christ, since this status seems to only be obtained here by virgins, who cannot be accused of marrying a "false" betrothed.

Implications

The authors of each of these stories either seems to perpetuate the idea that virginity was key to holiness or that is was sign rather than the only path, and that instead sincere devotion to

[222] Translation from Ibid., 274. In Syriac: ܐ ܟܬܝܒ ܕܒ ܓܒܪܐ ܕܫܠܚ ܐܢܬܬܗ ܐܒܐ ܢܦܩ ܒܬܘܠܬܗ ܐ ܗܘ ܕܒܓܠܝ ܒܛܝܪ ܕܒ ܐܬ ܒܬܘܠܬܟ ܓܠܝ ܒܣܬܪ ܐ ܒܓܠܝ ܒܣܬܪ ܠܡܪܟ ܒܣܬܪ ܐ ܒܦܓܪܟ ܐ ܒܟܣܝܐ ܢܫܐ ܓܠܝ ܒܟܣܝܐ ܠܡܪܟ ܐ ܠܟ ܐ ܒܥܠ ܕܬܐ ܒܬܘܠܬܟ ܘܬܩܒܠ ܠܟ ܒܬ ܕܠ ܐ ܗܘ (15) ܒ ܠܒܬܘܠܬܐ (St. Ephrem and Beck, *Hymnen de Virginitate*, 12.)

Christ was the key to holiness. This idea of who is most holy is representative of the author's own thoughts, but also representative of what the conversation was around female saints and holy women of the time. Their ideas of holiness provide us insight into Syriac Christianity's theology of the "Bride of Christ". If virginity is the most holy thing a woman can be then we would assume a "Bride of Christ" must also be a virgin. However, if we assume the holiest ideal is this "Bride of Christ" then the bride does not always have to be virgin but the opposite must be true.

As mentioned previously, this mix of perceptions by these Late Antique authors on the topics of "Bride of Christ" and virginity shows that these terms had a complex, yet necessary theological place in early Syriac discourse. As debates on the holiness of marriage and virginity abounded in Rome, did these Syriac authors and everyday Christians have the same debate? With the previous sources in mind, I would argue that in Syriac writings the "Bride of Christ" and virginity were not necessarily in debate with one another but instead formed a hierarchy amongst themselves, and represent a somewhat blurry gender boundary within Christianity as to whether marriage or celibacy is the intended state for human beings (especially for women) in God's eyes. The very fact that there are sources that do not make virginity a qualification as a "Bride of Christ" amongst other sources that both do make virginity a requirement and contain both ideas, shows that the theological term "Bride of Christ" is the top tier of the hierarchy. This bride can be a virgin, but she also may not be, and what seems to be important is her devotion and faithfulness to Christ. Following that, virginity would be on a level below "Bride of Christ" in said hierarchy. In the sources that describe virgins, it seems to be a given that these women are betrothed to Christ. Every virgin is a "Bride of Christ", but not every "Bride of Christ" is a virgin. "Bride of Christ" seems then more an umbrella term including virgins and virginity, but,

as this thesis argues, the "Bride of Christ" is not exclusively virgins in Syriac writings in this time period (4th-6th centuries AD).

Robert Murray mentions in his book, *Symbols of Church and Kingdom* that there does not seem to be an overall certainty that virginity or marriage is best for Christian practice in the Syriac tradition in this era, although certain theologians had their own opinions.[223] This complex outlook and mixed view of the "Bride of Christ" from these Syriac authors may be representative of that lack of decision on virginity's status. It seems that each author, and believer, had their own opinions and views on the holiness of virginity and if married women could obtain the same holiness as virgins. Something else to acknowledge on why these Syriac Christians, specifically those that resided in the Persian Empire, may have had less of a commitment to maintain the overall holiness of virginity over marriage in their writings was that Christians in the Persian Empire had been persecuted for their rejection of marriage.[224] In response to a persecution brought on by Vahram III because of the Christian's rejection of marriage, the Bishop of Seleucia-Ctesiphon argued that Christians only reject marriage for clergy.[225] Eventually, this was not enough of a reassurance to the Zoroastrian rulers, who believed marriage was an absolute must, and in 486 a synod required the marriage of even clergy.[226] With this in mind, we can imagine how those Syriac Christians that had lived in Mesopotamia and Central Asia would have been more averted to publicly accepting virginity as the top hierarchical term for holiness. In a sense, an acceptance of the "Bride of Christ" being holy no matter of marital or sexual status, and still being the highest ideal for holiness in women, was reflective of the society many of

[223] Murray, *Symbols of Church and Kingdom*, 154–58.
[224] Christoph Baumer, *The Church of the East: An Illustrated History of Assyrian Christianity*, New edition (London: I.B. Tauris, 2016), 61–62. See also Chapter 1 of this master's thesis.
[225] Ibid.
[226] Ibid., 62.

these Syriac Christians lived in. If even the clergy were not virgins, then perhaps the theological idea of virginity being the highest ideal could not stick with Syriac writers or the laity since there was no one at the top of the Church hierarchy practicing this virtue.[227]

Did Bride of Christ Symbolism Offer Agency to Syriac Christian Women?

While for the majority of this chapter we have explored Syriac Christian authors' interpretations on whether or not virginity was the most holy characteristic of a holy woman, we must ask did this translated into agency or the ability to traverse gender boundaries? The theological hierarchy of "Bride of Christ" and virginity shows us a broader gender boundary the could be crossed. It seems that since Syriac Christians had not come to as much of a consensus on the holiness of virginity and rejection of marriage, women could choose to be in either group and yet still be viewed as holy. In this way, women could create a type of spiritual agency that may have allowed them to have freedom in how their personal lives interacted with their religion and its theological ideas of holiness. If one was married, sexual relations with a husband did not preclude becoming the "Bride of Christ." A woman could even have been sexually active as a prostitute and yet also, after repentance, attain the holiest rank of "Bride of Christ". Meanwhile, a virgin could choose to remain unmarried and also be considered a holy "Bride of Christ". Instead of being forced to either marry or remain celibate to be considered "worthy" in the eyes of God and/or the religious elite, a woman in either category would have Christian tradition supporting her choice and her commitment to God regardless of status.

Furthermore, some of these sources also encourage women to enact agency in the sense of protecting their "Bride of Christ" status. For example, in the *Acts of Thomas*, the married

[227] However, I must note that this argument may only be true for Persian Syriac Christians, and that for Syriac Christians in the Levant, this may not have been the case since their history is much different.

woman who had converted but whose husband had not, rebuked her husband for wanting her to choose him over Christ, and furthermore she chose Christ anyway![228] So in this sense, a woman is holy and faithful to Christ by stating she is a true Bride to Christ over an earthly husband. Similarly, Candida rejects her husband, the King, for her heavenly Bridegroom Christ.[229] In this sense, either the author of the martyrdom or even Candida herself encourages women to create their own religious and spiritual agency outside of their husband's in order to protect their heavenly union with God.

Even outside of married women, these sources use the characterization of the "Bride of Christ" to enable virginal women to enact agency. Certainly, in the martyr acts of Martha, Tarbo, and Anahid, these women are creating a type of spiritual agency away from their persecutors in order to protect their status as a betrothed to Christ. They chose to die rather than lose that status, and furthermore the authors of those sources certainly seem to encourage believers to follow in their paths if needed. While these women are trying as well to protect their vows of chastity, they are also protected their dedication to their faith, as evidenced by their refusal to marry because they are already betrothed to Christ. In this sense, they are creating a type of independence in a choice of whether or not to keep adhering to Christianity as well as choosing to not lose what in their minds is what allows them to be a bride to Christ, their virginity.

Conclusion

As evidenced by various sources from Syriac authors of the 4th-6th centuries, the theological concept of "Bride of Christ" was the highest ideal for holiness in women. This term was not in debate or conflict with virginity, as many authors accepted virginity as proof of a

[228] Klijn, *The Acts of Thomas Introduction, Text, and Commentary*, 209.
[229] Brock, *Syriac Perspectives on Late Antiquity*, sec. IX.

woman being betrothed to Christ. However, since our sources show not all authors make their respective "Brides of Christ" virgins, this chapter argued that "Bride of Christ" was the highest status of holiness for women while virginity was one of multiple paths to that height. In sum, all virgin women in these sources are "Brides of Christ", but not all "Brides of Christ" from these sources are virgins. Syriac theology in this period crowned women who were betrothed to Christ as the holiest, but did not undermine the traditional Christian respect for virginity as a theological marker of holiness, nor did they reject married and sexually active women as those who could be holy companions to Christ. We have also seen this may be a product of past persecutions of Syriac Christians and debates amongst the theologians on the role of virginity and marriage in Christianity. Furthermore, I argued that this hierarchy is evident of a blurry gender boundary in Syriac Christianity. Women were able to enact a sort of spiritual agency and agency in the choice of lifestyle because of the uncertainty and confusion that existed in this hierarchy and the boundaries within it.

Chapter 3: Babylonian Bypassing: Women Diverting Social Norms in Late Antique Judaism

Introduction

As we have seen Zoroastrian and Christian women do in earlier chapters, so too did Persian Jewish women subvert legal and social norms with their religion. While it is debated whether or not the Babylonian Talmud is representative of the everyday lives of Babylonian Jews, it does give us insight into some expectations of them and perhaps how they lived their spiritual lives.[230] Some might recognize the Talmud as a source of oppression for women, especially parts concerning menstruation and marriage. For example, Simcha Fishbane argues that:

> …the Talmud, because it represents a patriarchal society which perceives women as being liminal in its social order or on the fringe of the male centered society and thus excluded from most central rituals, regards them as a threat to the patriarchal social structure. For example, the woman may be admitted to a religious ceremony only for a function characteristic of her status, as in the case of purification after her menstrual period. Therefore, as long as she does not deviate from her assigned role or cross her constrained boundary; the woman, being of liminal status, is not a threat. She becomes a threat, even while retaining her role as mother or wife, if she adopts roles not in accordance with the Talmud's ideal social order.[231]

In other words, the Talmud reflects the patriarchal society in which it was created in. It therefore limits women in that these men believed that if a woman was outside of her controlled social roles, she would create social chaos, and a looming threat to the male-

[230] Talmud: a type of Jewish law book that had versions from Palestine and Babylonia (Iraq/Persia).
[231] Simcha Fishbane, *Deviancy in Early Rabbinic Literature: A Collection of Socio-Anthropological Essays* (Boston/Netherlands: Brill, 2007), 68–69.

centered state.[232] Thus for the patriarchal state to endure, women must be controlled through religious-backed law.

While we cannot deny that women were oppressed by men in this period, I wish to direct my historical focus on how women, even though men attempted to limit women's agency, were able to navigate around their expected social norms through religious laws such as these in the Talmud. Women were not just passive actors in their lives, with men at the forefront, instead they attempted to stretch the social patriarchal limits as much as they were able. This chapter argues that Jewish women worked within the talmudic rulings to enact their agency and thus created a way for them to subvert the social expectations of their religion. This means that Jewish women in the Talmudic Era were not actively rebelling against many of the rulings from the Talmud, yet they were still enacting their independence and agency through either a different interpretation of the rules or even using the rules to their own advantage.

This chapter explores various rulings from the Babylonian Talmud, which in and of themselves give a broad spectrum of practice for women to claim.[233] To begin, I present some established scholarship in the field on the topic in order to support my thesis. Once I have established that women were able to use the Talmud to enact their agency in the social order, I examine several talmudic rulings on topics such as temporary marriage, women learning Talmud, beneficial sexual transgression, and divorce that have great possibility to

[232] See Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*, Routledge Classics (London: Routledge, 2003), 4, 49. Douglass argues that laws of purity and taboo usually have to do with humanity's need to organize society, and place anomalies in a category. For our purposes this is a useful way of analyzing how men ordered society so as to keep women from doing things anomalous to their gender roles.
[233] The Babylonian Talmud does indeed contain the rulings of many Babylonian sages, however, please note that it too contains rulings that represent the opinions of Palestinian/Israeli sages.

have given Jewish women the ability to subvert social expectations of them, while giving these women a religious backing to do so.

Prior Scholarship on Women and the Talmud

Various scholars of the Babylonians Talmud have taken on the topic of how the Talmud deals with women and negotiates their position in society. As these scholars show, this can take its effect in different areas of women's life from practical problems like menstruation and marriage to more theoretical problems like how women view themselves in the Jewish religion. This section is organized by these two categories, and seeks to establish that women had the potential to subvert social norms through the Talmud.

Practical Problems for Women

Perhaps the most studied instances of controversial gender relations in the Talmud are Babylonian Talmud Yoma 18b and Yevamot 37b. These two talmudic sections discuss, rather shockingly to some readers, the possible temporary marriages of two rabbis.[234] According to Yaakov Elman, this was shocking indeed because the book of Deuteronomy ruled against this practice since a divorced woman cannot return to her former husband, and also due to the reported sexual morality of these rabbis.[235] In Yoma 18b, Rav and Rav Nahman go to a town and ask "Who will be mine for a day?", after which the Talmud brings up concerns about marrying a woman in one town and then another for fear that the children that might emerge from such a union might marry and commit incest accidentally.[236]

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[234] Lena Salaymeh and Zvi Septimus, "Temporalities of Marriage: Jewish and Islamic Legal Debates," in *Talmudic Transgressions: Engaging the Work of Daniel Boyarin*, ed. James Adam Redfield et al., Supplements to the Journal for the Study of Judaism, Volume 181 (Leiden: Brill, 2017), 201–39; Yaakov Elman, "The Torah of Temporary Marriage A Study in Cultural History," in *A Thousand Judgements: Festschrift for Maria Macuch*, ed. Almut Hintze, Desmond Durkin-Meisterernst, and Claudius Naumann (Wiesbaden, Germany: Harrassowitz Verlag, 2019); Yehezkel Margalit, "Temporary Marriage: A Comparison of the Jewish and Islamic Conceptions," *The Journal of Law and Religion* 33, no. 1 (2018): 89–107.
[235] Elman, "The Torah of Temporary Marriage A Study in Cultural History," 84.
[236] Salaymeh and Septimus, "Temporalities of Marriage," 204.

Furthermore, the Talmud also brings up concerns about the woman having a purity waiting time before her marriage.[237] After a marriage proposal but before a marriage was to be consummated, a woman had to wait 7 days to ensure she was free of any genital bleeding which was believed to possibly come about out of the excitement of an impending marriage.[238] The Bavli questions how a Rabbi could seek a temporary marriage since the woman could not have waited the full seven days.[239] Yevamot 37b, a parallel text to Yoma 18, relays the same story when it mentions these same men going and asking the same question and bringing up the same concerns.[240] In these instances the answer to the first concern is that these rabbis are well known individuals and therefore these children and women would acknowledge the association with these men, and thus this would avoid incest.[241] As Yaakov Elman notes: "…rabbis' travels and doings are well-known…the offspring of such marriages were presumably proud of their heritage and presumably no stigma attached to it, and so there was no danger of such *mamzerut* [illegitimate children]".[242] For the next concern of marrying a woman before the completion of the 7 days period before consummation, both claim that either the rabbis' messengers contacted these women earlier, that the rabbis only "secluded" with these women and did not have intercourse, or in the case of Yevamot 37b there is a ruling from another rabbi that one should not marry with the intention to divorce a woman.[243] As Elman has noted, this was a practice situated within the broader Zoroastrian Persian context, in which temporary

[237] Ibid.
[238] Ibid., 207.
[239] Ibid., 204.
[240] Ibid., 204–5.
[241] Ibid.
[242] Elman, "The Torah of Temporary Marriage A Study in Cultural History," 92.
[243] Salaymeh and Septimus, "Temporalities of Marriage," 204–5.

marriage was regularly practiced.[244] While many of these studies focus on the men themselves or how this type of marriage came to be practiced, for the purposes of this study we are concentrating on the women who were affected by this law, not the rabbis.

While we cannot deny that for these men's wives this practice could have been damaging to their personal relationships with their husbands, we may also view temporary marriage a type of normalized sexual union in Late Antiquity that these women may have expected of their husbands.[245] The effect of temporary marriage on women's agency may be seen in two ways: One, the wives of these men were freed of their sexual "duties" to their husbands for this time, and two, such marriages could have been an opportunity for other women to express their sexuality outside of permanent marriage. While the first outlook is perhaps speculative, since women were generally expected to be sexually subservient to their husbands, this could have given the wives a chance to be freed from possible reproduction.[246] The second outlook is perhaps the most interesting prospect of women subverting social norms. Elman suggested that this practice would have been considered sinful because Deuteronomy ruled that a divorced woman could not return to her former husband, and that this temporary marriage could facilitate that, so that perhaps it was non-

[244] Elman, "The Torah of Temporary Marriage A Study in Cultural History," 84–85.
[245] Since temporary marriage was practiced in Zoroastrianism, Judaism, and Islam in Late Antiquity we might say it had some sort of normal place in Iranian and Near Eastern societies.
[246] A related topic to this is Jewish women avoiding taking the bath in the mikveh after menstruation or giving birth so to avoid sexual relations with their husbands. See: Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder, Colo: Westview Press, 1998), 158, 161–62; Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing Unto Others*, 2nd ed. (London ; Routledge, 2012), 97; Abraham Cronbach, "Social Thinking in the 'Sefer Ḥasidim,'" *Hebrew Union College Annual* 22 (1949): 59; Tova Hartman and Naomi Marmon, "Lived Regulations, Systemic Attributions: Menstrual Separation and Ritual Immersion in the Experience of Orthodox Jewish Women," *Gender and Society* 18, no. 3 (2004): 400–402; Jonah Steinberg, "From a 'Pot of Filth' to a 'Hedge of Roses' (And Back): Changing Theorizations of Menstruation in Judaism," *Journal of Feminist Studies in Religion* 13, no. 2 (1997): 5–26; Tirzah Meacham, "An Abbreviated History of the Development of the Jewish Mentstrual Laws," in *Women and Water: Menstruation in Jewish Life and Law*, ed. Rahel Wasserfall (Waltham, MA: Brandeis University Press, 2015), 31.

married women that were involved in these unions with the rabbis.[247] However, it must have been noted, as evidenced by the last part of Yevamot 37b that it was expected for this marriage to be ended in the matter of a few days.[248] Therefore, this could have provided a way for unmarried women to explore the sexuality that comes with marriage, but at the same time not having to commit to a long marriage that might entail continual tasks of caring for one's husband. We can thus look at these marriages not only as a way for these rabbis to have sexual companionship throughout their travel, but also as a way for women to have sexual companionship without the domestic duties otherwise assigned to them in marriage. While it is possible these women had to care for the rabbi for a few days, a few days is certainly different than several years.

The next practical problem for women from within the Talmud is the debate over whether a woman should learn Jewish law and Torah or not. Judith Hauptman, a notable scholar of Jewish women, argues that women would have learned some Jewish practices and laws, even though the Talmud ruled that they should not.[249] She argues that this is evidenced by the fact that women had to learn these rules to do their duties in the household that involved Jewish rituals such as baking and cooking meals for religious holidays, preparing mustard for the Sabbath, enabling their sons to study halakha, learning prayers, and knowing the limits of their marital duties during their menstrual period.[250] Importantly, Hauptman points out that while women could not be religious leaders in the public sense, they could in the private sense in that their homes were religious centers in a way.[251] If we

[247] Elman, "The Torah of Temporary Marriage A Study in Cultural History," 84.
[248] Salaymeh and Septimus, "Temporalities of Marriage," 205.
[249] Judith Hauptman, "The Talmud's Women in Law and Narrative," *Nashim: A Journal of Jewish Women's Studies and Gender Issues*, no. 28 (2015): 30.
[250] Ibid.
[251] Ibid., 45.

agree with Hauptman, we see that the rabbis perhaps primarily intended for the rule against women learning Jewish law to keep women out of the religious elite who made decisions for the community, not to keep them from hearing the law or abiding by it. Furthermore, this may be evidence that Jewish law was indeed important to those outside of the Jewish elite, and known by those outside of the Jewish elite, in contrast to the idea that everyday people were not familiar with talmudic law.

Regardless of the rabbis' intentions, we see how women were able to get around restrictions against their learning Jewish law, even by just engaging in their domestic duties. This is an important observation because we see that women did not have to do necessarily extraordinary acts to enact their agency in learning about their religious rituals, but instead were able to work within their societal expectations to subvert what society ruled was right for them! Therefore, we must note that women always have agency, but in some cases they can enact it and in others they are refused the opportunity to. Women could engage in their religious community, work within their home, and still maintain a sense of independence from the perhaps intentional misogynistic rulings of the Talmud against their religious education.

Daniel Boyarin also examines women learning Torah and Jewish law through the Talmud. Specifically, he discusses the Talmudic response to a Mishnah that encouraged men to teach their daughters Torah so that in the case that she has to be tested for infidelity, she will have "merit", or knowledge. [252] This Mishnah states:

[252] Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley, CA: University of California Press, 1995), 170–71.

> If she had merit, her merit will mitigate [the punishment] for her. On this basis Ben-Azzai said, "A man is obligated to teach his daughter Torah, so that if she drinks [the bitter water], she will know—for merit mitigates." Rabbi Eliezer says, "Anyone who teaches his daughter Torah, teaches her lasciviousness." (Mishna Sota, ch. 3, para. 4)[253]

Boyarin states that while the Palestinian Talmud acknowledges the Ben-Azzai opinion as correct, the Babylonian Talmud interprets this to be only that father should teach their daughters that "merit mitigates", assumingly that merit mitigates the effects of the bitter water that a woman must drink to prove her innocence.[254] Instead, the Babylonian Talmud does not directly engage with the Mishnah that fathers should teach their daughters Torah at all, and just engages with the opinion of Rabbi Eliezer that if a father teaches his daughter Torah then he is teaching her "lasciviousness".[255] This evidence suggests to us that indeed Simcha Fishbane is correct in arguing that the Talmud constantly seeks to restrict women so that they will not be displaced from their expected roles and thus, in the patriarchal religious elites' opinion, cause social chaos.[256]

However, this whole debate also seems to suggest that indeed the issue of women learning the Talmud was indeed a problem if it was being brought up to these religious elites. Perhaps, fathers truly did worry about their daughter's knowledge of religious rituals and duties, but that this was looked down upon in that it was giving women a certain religious power. This is not to suggest that because women were learning Torah they were

[253] Ibid., 171.
[254] Ibid., 170–72.
[255] Ibid., 176.
[256] Fishbane, *Deviancy in Early Rabbinic Literature*, 68–69.

trying to become rabbis – but instead – as Hauptman argues, perhaps women were learning to better enable their duties to their children or household. In this specific case Boyarin mentions, women were perhaps being taught by their fathers to avoid the daughter's marital strife. While this may be more seen as the father acting, the daughter must be involved in her own study to learn and would have possibly been knowledgeable that not all members of the Babylonian Jewish community would approve of such learning. Therefore, these women were enacting their own agency and again subverting social norms by being involved in this teaching or learning.

Spiritual Problems for Women

In a sense, the following text and the scholarship evaluating it presents us with both a practical and spiritual problem in the sense that it concerns both marriage and the very meaning of being a woman. Through it we will see that Jewish women in Late Antiquity could both express their independence and agency while also not actively rebelling against the rules laid out for them by Jewish law. Judith Hauptman analyzes a certain Talmudic story about an interaction between a daughter of Rabban Gamliel and an "apostate".[257] In it, the two are debating about the Biblical story of the creation of Eve from Adam's rib.[258] The apostate claims that the Jewish God is a thief for stealing Adam's rib, while the daughter of Rabban Gamliel argues that this is false since by taking Adam's rib God gave him the gift of a "handmaiden to serve him."[259] Hauptman rightly asks whether the daughter truly thinks of

[257] Hauptman, *Rereading the Rabbis*, 2.
[258] Ibid.
[259] Ibid.

women as servants to men or independent actors?[260] She then provides an excellent quote that seemingly sums up the tension of studying women in this time period:

> The irony here is that the daughter of Rabban Gamliel is not a self-effacing maidservant but a self-confident, intelligent, and aristocratic woman. What she is and what she stands for are diametrically opposed what she says women are meant to be. It is even possible that she has in mind the now-famous contradiction about the nature of woman found in the first two chapters of Genesis: In chapter 1, woman is portrayed as equal to man; in chapter 2, she is created from his rib, as secondary.[261]

Hauptman acknowledges the odd place that women have been in throughout history: while many women have participated in, even in this case encouraging, the sexist view that women are the weaker sex, they themselves are not exemplary of this and instead are the opposite of the prototype of woman they encourage. So here we see a tension in agential[262] women acting within their religion. While Rabban Gamliel's daughter is seemingly encouraging women to be subservient to men, she herself is a learned woman who is escaping her social role to defend and debate her religion with a man, and in which she wins the argument! This complexity aligns with our discussion in the last section of women working within their expected roles subvert social roles by learning Jewish law in their households. In both these cases, it is not about being actively rebellious against the religious rules, but rather about acting as an independent being which women were (and are) regardless of patriarchal oppression put on them. The debate is encompassed in Rabban

[260] Ibid.
[261] Ibid.
[262] By this term I mean acts that express agency, acting in a way that denotes one has agency, both intentional and non-intentional.

Gamliel's daughter herself because through her we see that a woman is not defined by what religion deems her to be but rather is defined by how she acts and lives. This creates a spiritual problem in that while the rabbis (among other religious elites) may have argued that women were secondary to men, and defined women's loyalty to God by how loyal she was to the men in her life, women themselves may have believed this to be true, but nonetheless acted as independent beings much like Rabban Gamliel's daughter.

The Talmud also provides other instances of spiritual complexity for women. Ruth Kaniel explores a Talmudic concept called "*Gedolah averah lishmah mimitzvah shelo lishmah*".[263] She translates this concept as: "transgression committed for the sake of a commandment" or "for the sake of God." …the precise meaning of the term is "transgression with good intention," or "a sin done [committed] for its own sake"…"[264] However, specifically she analyzes this term in its gendered context that she draws from the rabbis: "a seductive act bordering on sexual transgression performed for the sake of the people of Israel—a role in the drama of national salvation which is assigned to women only."[265] Kaniel goes on to examine this term through stories of the Bible such as Lot's daughters, Tamar, Yael, and Ruth.[266] Kaniel argues for a "subversive female empowerment", and that in the Babylonian Talmud that Rabbis seek to use these expressions of "foreign" women's sexuality and seduction as empowerment while they do not do so for men's sexuality.[267] Indeed, this echoes Judith Hauptman's argument that as

[263] Ruth Kara-Ivanov Kaniel, "'Gedolah Aveirah Lishmah': Mothers of the Davidic Dynasty, Feminine Seduction and the Development of Messianic Thought, from Rabbinic Literature to R. Moshe Haim Luzzatto," *Nashim: A Journal of Jewish Women's Studies and Gender Issues*, no. 24 (March 2013): 27–53.
[264] Ibid., 27.
[265] Ibid.
[266] Kaniel, "Gedolah Aveirah Lishmah."
[267] Ibid., 44.

much as the Rabbis of the Talmud did indeed uphold the patriarchal society, we must also acknowledge that they also enacted rulings that helped women and eliminated some restrictions on them.[268] These arguments make the idea of a talmudic-enforced male dominated society even more complex. While of course we might question if a "talmudic-enforced" Jewish society ever existed, but regardless of the answer to that question we can certainly claim that women were subverting the norms of the talmudic system even if it was not technically normative. Likewise, we can question if women actually knew these talmudic rulings, but like discussed in the section on Hauptman's analysis of women following Jewish law in the home, I would argue that it was known to them to some degree.

However, returning to this idea of sexual transgressions for the benefit of the Jewish people, this concept gave women a type of religious backing when going out of their sexual roles. As Kaniel mentions, if a woman committed a sexual sin, it could be redemptive for the people, just like in the Bible.[269] However, this was not the case for men's sexual impropriety.[270] Kaniel argues that for women a sinful transgression could be redemptive if she had good intentions in a time of need whereas men's sexual transgression would fall under the case of "*yehareg ve'al ya'avor*, "let him be killed rather than transgress"", and thus would not be considered redemptive .[271] Therefore, this gave women some ability to act outside of sexual restrictions and express their sexuality more so than men. While this is certainly an interesting concept, I want to warn readers of taking this idea too far. While surely rabbis may have noted the redemptive roles of Ruth, Tamar, and other biblical women, women were certainly still oppressed by a patriarchal society that restricted their

[268] Hauptman, *Rereading the Rabbis*, 4.
[269] Kaniel, "Gedolah Aveirah Lishmah," 44.
[270] Ibid.
[271] Ibid., 34–35.

actions. However, the point here is that this spiritual concept of transgressing for a good cause gave women a certain spiritual and religious freedom to enact their agency and subvert social norms. Women in this capacity could have the freedom to commit a sexual sin if it came to benefit the lives of the Jewish people or nation. But it is doubtful that this would have been a defense of a woman accused of sexual deviancy. However, instead this concept may have helped them receive a less harsh punishment, as Kaniel suggests, or have a least a biblical heroine to relate to.[272]

Passages of the B.T. that Enabled Women to Subvert Social Norms

The first part of this chapter was dedicated to analyzing already established scholarship on gender norms in Judaism and their occurrences in the Babylonian Talmud. Now we move to specific passages of the Talmud that I argue have the potential to have been used by Jewish women to subvert social norms within their religion. We have already seen several instances where this has occurred in Late Antiquity, usually in situations where there are multiple opinions on a topic. This theme is repeated as the Talmud seems to have varying outlooks on the duties and roles of women. Furthermore, we will continue to explore how women were likely not acting a rebellious, shocking way to the men in their society, but instead were enacting their agency in religious law that had either not been solidified or had varying meanings.

Divorce – Giṭṭin 5a

The Mishnaic/talmudic tractate "*Giṭṭin*" generally concerns divorce proceedings for a Jewish couple. It is important to note that under Jewish law, women cannot initiate a divorce, and this must be done by the husband as described in Deuteronomy 24:1.[273] In the

[272] Ibid., 44.
[273] Dan Cohn-Sherbok, *Judaism: History, Belief, and Practice* (London: Routledge, 2003), 544.

case of this talmudic tractate, what is of focus is the specific rulings and debates of the rabbis about who can be a witness to a divorce document (a *geṭ*) signing, and what they are supposed to say when presenting a divorce document to the rabbis.[274] *Giṭṭin 5a* gives us interesting details about women being able to bring their own divorce documents:

> The Gemara asks: But the case of a woman who brings her own bill of divorce is also an uncommon matter, and yet we learned in a Mishnah (23a): The woman herself may bring her own bill of divorce, provided that she too is required to say: It was written in my presence and it was signed in my presence. Why do the Sages obligate her to state this declaration when it is uncommon for a woman to be the agent of delivery for her own bill of divorce? The Gemara answers: The Sages instituted this ordinance so that you will not distinguish with regard to different types of agency. To avoid confusion, the Sages decreed that all agents who bring a bill of divorce must state the declaration, even the woman herself.[275]

This section of the Talmud gives us two pieces of information regarding women and divorce proceedings in Late Antique Persia. First, a woman was able to bring her own divorce document to the rabbis. Secondly, she was also required to say the formula that the bill of divorce was written in her presence, like other witnesses to the divorce. This means that women could be involved in her own divorce, beyond just accepted the *geṭ*. She was also taken as a credible witness to it, as shown by the fact that she was required to say the same thing that other witnesses were. The document being signed in her presence was allowed, which shows that the rabbis trusted her testimony to some extent. The line "…The Sages

[274] B. Gittin 5a, trans. Adin Steinsaltz (Jerusalem: Koren, 2017).
[275] Ibid.

instituted this ordinance [to say that the document was signed in one's presence] so that you will not distinguish with regard to different types of agency," shows that the "sages" were concerned that if they did not make a woman say that the document was signed in her presence that others may not trust her testimony upon bringing the document.[276] These debates on the woman being involved in her own divorce document prove to us what Hauptman noted which is that while the rabbis were certainly not interested in achieving equality between the sexes, they did sometimes institute rulings that benefitted women and protected them.[277] Furthermore, this section of the Talmud shows that women were subverting the social expectation of them being passive figures in the divorce proceedings, and that they could certainly be involved, while not going against their religious restrictions. Women could be independent actors in their divorce proceedings, even though they could not initiate the divorce.

Monetary Concerns of Marriage and Labor – Kiddushin 3b and 4a

The rabbis of Late Antiquity were also concerned with the monetary issues that a family might experience. In *Kiddushin 3b* and *4a*, this concern is primarily with the money received through a marital agreement and money from a woman's own labor. The question is over whether these types of money belonged to a daughter (who is under her father's care before marriage) or to her father. *Kiddushin 3b* seemingly introduces the reasoning between a father receiving his daughter's earnings in the situations of her marriage and labor, while *Kiddushin 4a* gives some alternative reasons that hint at reasons when a woman would receive her own earnings. *Kiddushin 3a* asks the question of why a woman can be

[276] Ibid.
[277] Hauptman, *Rereading the Rabbis*, 4–5.

"acquired"[278] through money and why a father gains the money from his daughter's marriage.[279] Then it goes on to answer:

> "Rav Yehuda said that Rav said: The reason is that the verse states with regard to a Hebrew maidservant acquiring freedom from her master: "Then shall she go out for nothing, without money" (Exodus 21:11). The extraneous phrase: Without money, indicates that there is no money for this master, i.e., in this case the master she leaves loses the money he paid for her, but there is money for a different master, i.e., another master receives money for her when she leaves his authority. And who is the other master who can transfer her to someone else and receives money for her? This is her father."[280]

Therefore, the rabbi decides that the money is given to her father because it is likened to a situation where a servant leaves her master, with the master giving the servant to someone else (her father). Thus, the rabbi reasons, just like the master would get money for the servant's freedom so too does the father get money for his daughter. Further explaining the situation *Kiddushin 3b* continues:

> "The Gemara asks: But why not say that this money is given to her? The Gemara rejects this: How can one suggest this? Her father receives her betrothal, i.e., the money or document of betrothal, when he marries her off to her husband, as it is written: "I gave

[278] Even though this translation uses the term "acquired" this is a problematic understanding of what is meant here. See Phillip I. Lieberman, "Partnership, Equity, and Traditional Jewish Marriage," *Jewish Law Association Studies* XXVIII (2019): 74, for a discussion on this. Specifically, Prof. Lieberman describes the Hebrew *qinyan* as "anything but 'acquisition', and should instead be seen as a performative act effecting a change in status between the parties to an agreement."
[279] B. Kiddushin 3a, trans. Adin Steinsaltz (Jerusalem: Koren, 2017).
[280] Ibid.

my daughter to this man" (Deuteronomy 22:16), and shall she take the money? Since he is the one who marries her off, he is certainly entitled to the money of her betrothal."[281]

Interestingly, here the Talmud asks the question many modern readers may ask themselves: Why does the daughter not get the money? The Talmud goes on to explain that this is because the father gives the daughter in marriage and thus he receives the money. The patriarchal notion of "giving" one's daughter is not of concern to this chapter, but rather, why would the Talmud continue to ask this question of why the daughter does not get her marital gift? I submit that religious sources will not address something if it is not a concern for the religious elites. Was this a question that Jewish women were asking? Were these women starting to demand their money from their marriage? Certainly, this questioning of the social norm could reflect a change in the social structure of how marriage was thought of. It could reflect that women were starting to ask questions and beginning this process of social change in women's monetary gain. Perhaps women were beginning to ask this same question of their fathers or husbands.

Then the Talmud goes on to address various situations in which a woman's earnings from her marriage go to her father and why. In *Kiddushin 4a*, further explanations are given for this as well. As we will see, the Talmud here seems to contradict itself in an attempt to play its own "devil's advocate". *4a* states:

"The Gemara comments: And it was necessary to write a verse that teaches that her betrothal, i.e., the money or document of betrothal, belongs to her father, and it was necessary to write another verse that teaches that her earnings belong to her father, as

[281] B. Kiddushin 3b, trans. Adin Steinsaltz (Jerusalem: Koren, 2017).

> one could not derive one halakha from the other. As, if the Merciful One had written only that her betrothal money belongs to her father, I would say that this is because she did not toil for it and therefore is not entitled to this sum. But with regard to her earnings, for which she toiled, say that they are hers. Therefore, it is necessary to state that her earnings also belong to her father."[282]

The Talmud explains that it was necessary for a verse to be written stating that a woman's marital money was her fathers, and another one that states that her work earnings are her fathers. Otherwise one might assume that the marital money was the father's because the daughter did not work for it, while in the other case she did work for the money and thus it should be hers. Seemingly then this text admits that it would make sense for a woman to earn her own money that she works for, but that there had to be a verse to establish rule. Again, this could be proof that women were questioning the social norm and enacting their agency to gain their own money. This possibility would go against the idea that women were acting inside of their established role to subvert social norms, but it also shows that women were willing to engage with these rules set in their religion and question them to improve their lives. *Kiddushin 3b* and *4a* also show the more patriarchal nature of the Talmud, and an instance where the rabbis are unwilling to benefit women through change. However, that the rabbis were unwilling to provide change for women does not mean that women were not attempting to seek change. The fact that the Talmud spent such an amount of writing debating women's monetary gain shows that women's finances were a concern

[282] B. Kiddushin 4a, trans. Adin Steinsaltz (Jerusalem: Koren, 2017).

for the community, perhaps because of women's questioning of the rule that was threatening the established societal framework.

Kiddushin 4a continues to discuss the issues with women's monetary gain for their work, and goes on to examine the opposite of the last verse. It states:

> "And conversely, if the verse had taught us only the halakhah of her earnings, one would have said that they belong to her father because his daughter is sustained by him through his property. But with regard to her betrothal, i.e., the money or document of betrothal, which comes to her from an external source, I would say that it is hers. Therefore, it is necessary for the verse to teach both halakhot."[283]

This part explores the opposite of the last that if the verse had only mentioned a woman's labor earning that a person might assume this is because her father supports her living condition, whereas that the woman would indeed receive her marital gift because in that case another man would be supporting her, not her father. The Talmud establishes that these multiple possible interpretations are the reason both rules must be established. Like in the previous verse, one wonders if women were demanding not only their labor earnings but also their marital gift because both rules are having to be re-discussed and examined by this chapter. The elites may have been facing some pressure to change the established situation, if indeed we accept that they were using and facing the legal system the Talmud had created. They acknowledge that because her father is not supporting a woman during her marriage, then the money should be hers. Both of these verses we have explored seem to give logical reasons to why women should get their money, and one wonders if these

[283] Ibid.

reasons were given by individuals seeking women to gain more monetary opportunities, because the Talmud goes out of its way to try to go against these reasons. To reiterate my main point, this may show that women were acting as agents to subvert social norms regarding their monetary status, although in this case working against religious norms but at the same time trying to engage with them. We must read against the grain of this text to see this possibility because sources from women themselves are difficult to find in this era.

Women's Duties During Menstruation and Mourning – Ketubbot 4b

In the first chapter of *Ketubbot* in the Babylonian Talmud, on *4b*, some regulations of the relations between husband and wife, and her domestic duties for him are discussed. Specifically, the section more so discusses the possibility of a conflict between wedding rituals and mourning rituals. In this case, the restrictions between menstruations and mourning are compared**:**

> **"**The Gemara continues: But didn't Rav Yitzḥak bar Ḥanina say that Rav Huna said: All tasks that a woman typically performs for her husband, a menstruating woman performs for her husband, except for pouring his drink into the cup; arranging his bed; and washing his face, hands, and feet, as these actions are particularly intimate. Whereas with regard to mourning, it is taught in a baraita: Although they said that a man may not compel his mourning wife, to paint her eyes blue or to rouge [*pokeset*] her face, in truth they said that she may pour his drink into the cup; arrange his bed; and wash his face, hands, and feet. Apparently, the concern lest they come to engage in relations while in mourning is less pressing than the concern while she is menstruating."[284]

[284] B. Ketubbot 4b, trans. Adin Steinsaltz (Jerusalem: Koren, 2017).

The Talmud discusses how a menstruating woman may not pour her husband's drink, arrange his bed, or wash him because this may encourage sexual relations between them, which would be considered impure, but that these actions are permissible during a mourning period. The Talmud concludes that there was less concern about a sexual union during the mourning period than during the menstruation period. What is notable for our case is not so much the comparison but rather the restrictions on what the husbands can ask of their wives in these two situations. Notice, a woman does not have to do basic domestic duties because of her menstrual cycle like washing or serving her husband. Furthermore, while a woman may have to do this during a mourning period, her husband cannot make her alter her appearance, thus limiting his control over her in both situations. Again, we see instances where the rabbis could potentially indirectly have made life better for women. While certainly the thought that menstruation was impure can be considered a sexist attitude towards female bodily functions, we might also be able to see how women could take breaks from their domestic duties during this time.[285] Because of their religion, women could reject their husbands' demands of basic domestic work. In the mourning case, women could reject their husbands' demands on their appearance. In these instances, women may have had the ability to enact their agency in how they chose to spend their time. Surely these breaks in having to obey their husbands provided some sort of free space. They also were not acting against their religion if they refused to do these forbidden acts for their husbands during this time, since this is what they believed God demanded. While this avoidance of "duties" to their husbands may have not been a cognitive action for these women, in a sense they were

[285] Note here that male sexual impurity does exist in the Mishnah, but it basically disappears subsequent to the Talmud. See Steinberg, "From a 'Pot of Filth' to a 'Hedge of Roses' (And Back)," 8–9; Judith Reesa Baskin, *Midrashic Women: Formations of the Feminine in Rabbinic Literature* (Hannover: University Press of New England for Brandeis University Press, 2002), 24–25.

subverting the social norm of obedience to their husband by following the restrictions their religion placed on them in these specific cases of menstruation and mourning.

Conclusion

This chapter demonstrated that Persian Jewish women in Late Antiquity were able to express agency and subvert social norms even within the confines of a religious text, the Babylonian Talmud. Previous scholarship on temporary marriage, women studying Jewish law and religious text, women's religious beliefs versus their lifestyles, and redemptive transgression show how women could be more free to express their sexuality, learn from their parents, and become more involved in their religion. In addition, four more sections from the Babylonian Talmud suggest how women were enacting agency and subverting social norms. In *Giṭṭin 5b* and *Ketubbot 4b*, we saw women acting within religious restrictions to enable themselves, and have more control on their lives. While in *Kiddushin 3b* and *4a* we saw how women may have influenced religious elites to be concerned with women's monetary gain, and how this may reflect women trying to change their social and religious situations. To be clear, I am not suggesting that women were not oppressed by men and their religion in Antiquity, nor am I suggesting that women did not face serious violence from men in this period. However, what I do want my readers to note is that women were not simply passive figures in their lives in Late Antiquity and that religion, in this case Judaism, did not always limit women and could indeed help them enact their independence. Of course, not every religious restriction frees women, in fact many limit women compared to men. But this does not mean we must ignore the progress women have made throughout time, even before our modern age. While men attempted to control women, especially

through religion, we can see that this was not always successful. Women were able to manipulate religious debates and rules to benefit their own conditions.

Chapter 4: Pluralism in Persia: Non-Muslim Women's Use of Islamic Law and Courts in Persia in Late Antiquity

Introduction

Starting in 636, Sassanid Persia experienced a surprising political fall which was completed within a decade. The residents of the former empire had to face new rulers, a new elite class, and even a new religion taking over the once-Zoroastrian dominated former world power.[286] This new government consisted first of the four Rashidun or Rightly Guided Caliphs and then of the Umayyad and early Abbasid Caliphates. Their challenge was to figure out how to rule this vast geographic area and the diverse groups within it. Persia was home to many different religious faiths, perhaps foremost known of these were Zoroastrianism and Manichaeism, but it was also home to sizable minorities of Christians and Jews that thrived in its borders. The latter two had interacted as minority subjects of the ruling Zoroastrian class for centuries before the arrival of Islam. Now that the ruling class was Muslim, Christians and Jews had to figure out anew how to navigate the laws of a religion closely related to their own. Moreover, for the first time Zoroastrians had to interact with a ruling class from which they became increasingly estranged.

While these various religious communities ostensibly kept separate from one another, the sources of this period show that indeed the religious communities of Zoroastrians, Jews, and Christians interacted with the communities of everyday and ruling Muslims. Beyond the religious exchange of ideas that took place, there were also social, cultural, and legal exchanges. This chapter argues that the legal interactions between these religious communities can show us the inter-religious dialogue and interactions between the Jewish, Zoroastrian, Christian, and

[286] Foltz, *Iran in World History*, 46. The Arabs had basically taken control of Persia by 641/642 with their victory over Nihavand, but the Sasanian King was not killed until 651. See Zarrinkūb, "The Arab Conquest of Iran and Its Aftermath," 18–25.

Muslim communities. While also acknowledging that legal discourse in this period was owned by men who wrote the sources and held important governmental positions, I explore the example of how non-Muslim women in the previously mentioned religious groups navigated Islamic law and courts to receive better results than they would have in their own religious law and courts. How did Islamic law and courts affect these women, their communities, and what were some of the outcomes of going outside of one's own religious community? Beyond that, what were the perceptions of the religious elites of Christian, Jewish, and Zoroastrian communities on this practice of using outside courts?

I argue that women of various religions used Islamic law and courts to curb the restrictions of their own religious communities and to obtain better protection under the law. I also show how women initiated religious change in going to these religious courts, and also navigated to their advantage the religious elites' fears of their congregants interacting with Islamic law and courts.[287] It is particularly interesting to study women within this legal domain because their bodies are often put forward as a topic of main concern by elite men, especially when a major period of civil tumult occurs.[288] In this case, we see how the religious elites wrote on the "misdeeds" of these women going to Islamic courts and thus this exemplifies the way

[287] While I acknowledge that this response is not unique to Persia, the reason I want to explore this topic in this geographic period is the religious diversity present in this region and also the interaction between a former ruling class interacting with a new ruling class that can be more explored in this area than other parts of the caliphates.
[288] For interesting discussions on this topic in other areas of history and disciplines see: Bronwyn Winter, "Women, the Law, and Cultural Relativism in France: The Case of Excision," *Signs* 19, no. 4 (1994): 939–74; Aisha Anees Malik, "Gender and Nationalism: Political Awakening of Muslim Women of the Subcontinent in the 20th Century," *Strategic Studies* 37, no. 2 (Summer 2017); Darlene M. Juschka, *Political Bodies/Body Politic: The Semiotics of Gender* (London: Taylor & Francis Group, 2014); Shakuntala Rao, "Woman-as-Symbol: The Intersections of Identity Politics, Gender, and Indian Nationalism," *Women's Studies International Forum* 22, no. 3 (May 1, 1999): 317–28; Azza M. Karam, "Political-Social Movements: Islamist Movements and Discourses: Mashriq, Egypt, and North Africa," in *Encyclopedia of Women & Islamic Cultures*, ed. Suad Joseph (Leiden: Brill, 2006).

women became a source of tension between communities and symbolized the conversions of their communities to Islam.

Historiography

Recent scholarship has focused on the ways in which Christian, Jewish, and Zoroastrian communities interacted with each other and Muslims communities and rulers. The religious elites in these communities preferred their congregations to stay within their own religious legal system and courts, and were afraid of the loss of their membership to Islam.[289]

Several scholars, including Haleh Emrani[290], Oded Zinger[291], and Jamsheed Choksy[292] have greatly expanded the narrative of women in this time period. Emrani and Choksy have

[289] On the topic of religious communities interacting with one another in this era see: Uriel Simonsohn, "Overlapping Jurisdictions: Confessional Boundaries and Judicial Choice among Christians and Jews under Early Muslim Rule" (ProQuest Dissertations Publishing, 2008); Uriel Simonsohn, "Communal Boundaries Reconsidered: Jews and Christians Appealing to Muslim Authorities in the Medieval Near East," *Jewish Studies Quarterly* 14, no. 4 (2007): 328–63; Uriel Simonsohn, "Seeking Justice among the 'Outsiders': Christian Recourse to Non-Ecclesiastical Judicial Systems under Early Islam," *Church History and Religious Culture* 89, no. 1 (2009): 191–216; Uriel Simonsohn, *A Common Justice: The Legal Allegiances of Christians and Jews Under Early Islam*, 1st ed., Divinations : Rereading Late Ancient Religion (Philadelphia: University of Pennsylvania Press, 2011); Uriel Simonsohn, "The Introduction and Formalization of Civil Law in the East Syrian Church in the Late Sasanian–Early Islamic Periods," *History Compass* 14, no. 5 (2016): 231–43; Morony, "Religious Communities in Late Sasanian and Early Muslim Iraq"; Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire"; Jamsheed K. Choksy, "Conflict, Coexistence, and Cooperation: Muslims and Zoroastrians in Eastern Iran During the Medieval Period," *Muslim World* 80, no. 3-4 (1990): 213–33; Jamsheed K. Choksy, *Conflict and Cooperation: Zoroastrian Subalterns and Muslim Elites in Medieval Iranian Society* (New York: Columbia University Press, 1997); Oded Zinger, "'She Aims to Harass Him': Jewish Women in Muslim Legal Venues in Medieval Egypt," *AJS Review* 42, no. 1 (April 2018): 159–92; Oded Zinger, "Women, Gender and Law: Marital Disputes According to Documents of the Cairo Geniza" (PhD Dissertation, Princeton, N.J., Princeton University, 2014).

[290] Haleh Emrani, argues that there is no evidence of the use of the Sasanian courts like this in Sasanian times, but that Jewish law was changed from the Talmudic laws of not allowing women to initiate divorce and instead the new law addressed allowing women to get divorced from their husbands like the Islamic courts let them do. According to their own religious law, only husbands could get the divorce, but according to the Muslim law they lived under, women could also divorce without getting punished for it (in terms of property rights). See Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire."

[291] Oded Zinger argues that Muslim courts could be useful for women seeking better inheritance situations, and how Jewish authorities treated men and women differently for going to these courts. Zinger also argues that women used Islamic courts to resist pressure they received when interacting in their own Jewish courts. While Zinger's work is focused on Egypt and not Persia, it is still immensely useful for me to look at evidence from the Egyptian data from the Geinza Documents as it is has evidence of the life of everyday women that is difficult to find in sources of Late Antiquity and the early Middle Ages. See Zinger, "'She Aims to Harass Him'"; Zinger, "Women, Gender and Law."

[292] Jamsheed Choksy explains that particularly women may have turned to Islam because Zoroastrian law forbade members to marry and have children outside of the faith due their fear of losing members. However, Islamic law forbade Muslims from converting out of the faith so if one wanted to marry a Zoroastrian, the Zoroastrian partner

focused on Persia, while Zinger writes on Egypt. While in previous scholarship women were often left out of this period often associated with conquest, current scholarship has attempted to bring them back in to the view of scholarship. In my work I expand the narrative to take into consideration women from Christianity, Judaism, and Zoroastrianism and to explore the roots of legal conflict and pluralism that run throughout all three.[293] I also want to emphasize that women were active in their decisions to use these courts, and exerting their own agency when doing so, differentiating them from the stereotypical image of a passive, uneducated woman, typical of this period in the public eye. I confirm for women what scholars like Uriel Simohnson have already confirmed in general which is that the religious elites did not want their followers to engage in outside law for fear that they might lose their community. [294] In fact, I show that women even used these religious elites' fear of them leaving to their advantage. I show that women were also

would have to convert to Islam. He also argues that women may have converted to Islam to avoid being secluded during their menstrual cycle. While Zoroastrian law forced women to be secluded by themselves during their menstrual cycles, Islamic law did not. A supposed Hadith (saying of the Prophet) from A'isha, the Prophet's wife, stated that Muhammad did not make women isolate themselves during menstruation, and thus it was not followed in Islamic tradition. See Choksy, "Conflict, Coexistence, and Cooperation"; Choksy, *Conflict and Cooperation*; Choksy, *Evil, Good and Gender*; Choksy, "Muslims and Zoroastrians in Medieval Iran and Western Inner Asia."

[293] One scholar who has worked with several of these religion is Michael Morony. Morony argues that while these communities were distinct and acted largely on their own, there was never a point when Christians, Jews, and Muslims (and Zoroastrians in the Sasanian Period) would not have interacted with each other. He gives the example of a Jewish woman seeking a divorce in Islamic courts, evidenced in the changing of Talmudic law. He also discusses Kharajite Muslims letting a non-Muslim go after killing his companion who had said Ali was the rightful caliph, since the Quran says non-Muslims should be allowed to have their own laws. See Morony, "Religious Communities in Late Sasanian and Early Muslim Iraq."

[294] Uriel Simonsohn argues that Christians and Jews living under Early Islamic rule were not isolated in their distinct communities but instead interacted with, and competed with, the Muslim authorities. Another consistent main point in his work is that religious elites were the ones concerned with their adherents going outside of their courts to seek other judicial rulings. Simonsohn describes the responses of these elites to Jews and Christians going to Muslim courts, which leads him to conclude that it was the non-Muslims who appealed to the Muslim courts (not Muslims infringing on the law of these religions). In addition, he argues that these responses were complex and varied, thus not the same in every community or situation. Simonsohn writes that the response of elites to Christians using outside courts was a reaction to a fear of a fading distinct Christian community, not just a fear of outside rule. Simonsohn concluded that the interactions between Christians and Jews with Muslims may have helped maintain the existence of their communities because of the ability to function within this changing society. See Simonsohn, "The Introduction and Formalization of Civil Law in the East Syrian Church in the Late Sasanian–Early Islamic Periods"; Simonsohn, *A Common Justice*; Simonsohn, "Seeking Justice among the 'Outsiders'"; Simonsohn, "Communal Boundaries Reconsidered"; Simonsohn, "Overlapping Jurisdictions"; Simonsohn, "The Legal and Social Bonds of Jewish Apostates and Their Spouses According to Gaonic Responsa."

at the center of this fear from the elites since control of women is often symbolic of tumultuous times in history. And as Choksy especially has focused on Persia, I want to continue his work on this geographic area, especially for the Christians and Jews of Persia.

Methodology

My primary sources come from Syriac, Arabic, and Hebrew. My focus is on the 7th through 9th centuries, though some material is as late as the 1100s.[295] Primary source material on women is rather difficult to obtain from this period, especially for Zoroastrian sources. We must acknowledge that this study does not reflect the experiences of all women who could have had varied experiences based on class, geographic area, personal wealth, race, family line, and sexuality. In order to properly express who I mean by "women", I employ Ross Kraemer's definition of the term; I use "women" as people who are adults by terms of their culture, who would have been identified as women by their bodily anatomy within their societies.[296] While, like Kraemer, I want to be as inclusive as possible, it seems the ways of perceiving gender in Antiquity and the Middle Ages are opaque since we have so few sources written by women in this period. Generally, I agree that these women would have been deemed female due to their bodily appearance, but I also note that there were instances in Antiquity where women become "men" because of religious virtue.[297]

[295] Please note that I will primarily use the AD dating system, but that occasionally I will also offer the AH dating system as I have available. AH is the Islamic Calendar, Anno Hijra, beginning after the Prophet Muhammad's hijra to Medina. This calendar is approximately 622 years apart from the AD/CE calendar. 1 AH=622/623 AD.
[296] Kraemer, "Women and Gender," 466.
[297] For evidence on this phenomenon of religious women identifying or being described as men see: Benedicta Ward, trans., *The Sayings of The Desert Fathers: The Alphabetical Collection*, Rev. ed., Cistercian Studies Series ; v. 59 (Kalamazoo, Mich: Cistercian Publications, 1984), 229–30; Brock and Harvey, *Holy Women of the Syrian Orient*, 40–62, 143–49.

Women's Legal Issues and Early Islam – Inheritance and Divorce

Two of the legal issues that became specifically important to women in this time period were inheritance and divorce, but I want to clarify the early Islamic perspective of these topics. First, I will discuss inheritance law. Islam provided women with more power in one's family property and inheritance than some other religions at the time. A woman could be in some way economically independent if she owned her own land, without her husband taking it over.[298] Women also had a right to inheritance although this was limited to receiving a half of what men would inherit.[299] A woman could inherit land from her father, or from her husband since she would inherit some of her husband's estate at his death.[300] The Qurʿan states in chapter 4: "Men shall have a share in what their parents and closest relatives leave, and women shall have a share in what their parents and closest relatives leave, whether the legacy be small or large: this is ordained by God."[301] On inheritance for women, the Qurʿan also instructs:

> "Concerning your children, God commands you that a son should have the equivalent share of two daughters. If there are only daughters, two or more should share two-thirds of the inheritance, if one, she should have half. Parents inherit a sixth each if the deceased leaves children; if he leaves no children and his parents are his sole heirs, his mother has a third, unless he has brothers, in which case she has a sixth. [In all cases, the distribution comes] after payment of any bequests or debts. You cannot know which of your parents or your

[298] Leila Ahmed, "Women and the Advent of Islam," *Signs* 11, no. 4 (1986): 680.
[299] Yasmin Hilloowala, "Women's Role in Politics in the Medieval Muslim World" (master's thesis, The University of Arizona, 1993), 20.
[300] Ibid.
[301] M. A. S. Abdel Haleem, *The Qur'an* (Oxford: Oxford University Press, 2005), 51. Chapter 4, v. 7; (Surah an-Nisa 4:7) لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ ٱلْوَٰلِدَانِ وَٱلْأَقْرَبُونَ وَلِلنِّسَآءِ نَصِيبٌ مِّمَّا تَرَكَ ٱلْوَٰلِدَانِ وَٱلْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۚ نَصِيبًا مَّفْرُوضًا

children is more beneficial to you: this is a law from God, and He is all knowing, all wise."[302]

So while the Qurʿan does restrict how much inheritance a woman can receive, at the same time she has the rights to be eligible for two-thirds or a half of her parent's inheritance, and one-sixth or one-third from her son. In addition, a woman may leave her husband some inheritance, she may receive one-fourth or one-eighth from her husband's estate, depending on if she has a child, or she may also be left one-sixth of her brother's inheritance.[303] Regardless of the situation then, it seems that a woman under Islamic law is assured some kind of inheritance from her relatives.

Islamic divorce law was something that non-Muslim women appealed to in Islamic courts. According to the Qurʿan, women and men have the same divorce rights[304]:

"Divorce can happen twice, and [each time] wives either be kept on in an acceptable manner or released in a good way. It is not lawful for you to take back anything that you have given [your wives], except where both fear that they cannot maintain [the marriage] within the bounds set by God: if you [arbiters] suspect that the couple may not be able to do this, then there will be no blame on either of them if the woman opts to give something for her release. These are the bounds set by God: do not overstep them. It is those who overstep God's bounds who are doing wrong."[305]

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[302] Ibid. Ch.4, v. 11. (Surah An-Nisa 4:11), يُوصِيكُمُ ٱللَّهُ فِيٓ أَوۡلَٰدِكُمۡۖ لِلذَّكَرِ مِثۡلُ حَظِّ ٱلۡأُنثَيَيۡنِۚ فَإِن كُنَّ نِسَآءٗ فَوۡقَ ٱثۡنَتَيۡنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَۖ وَإِن كَانَتۡ وَٰحِدَةٗ فَلَهَا ٱلنِّصۡفُۚ وَلِأَبَوَيۡهِ لِكُلِّ وَٰحِدٖ مِّنۡهُمَا ٱلسُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُۥ وَلَدٞۚ فَإِن لَّمۡ يَكُن لَّهُۥ وَلَدٞ وَوَرِثَهُۥٓ أَبَوَاهُ فَلِأُمِّهِ ٱلثُّلُثُۚ فَإِن كَانَ لَهُۥٓ إِخۡوَةٞ فَلِأُمِّهِ ٱلسُّدُسُۚ مِنۢ بَعۡدِ وَصِيَّةٖ يُوصِي بِهَآ أَوۡ دَيۡنٍۗ ءَابَآؤُكُمۡ وَأَبۡنَآؤُكُمۡ لَا تَدۡرُونَ أَيُّهُمۡ أَقۡرَبُ لَكُمۡ نَفۡعٗاۚ فَرِيضَةٗ مِّنَ ٱللَّهِۗ إِنَّ ٱللَّهَ كَانَ عَلِيمًا حَكِيمٗا

[303] Haleem, *The Qur'an*, 51. Ch.4, v. 12. (Surah An-Nisa - 4:12) ۞ وَلَكُمۡ نِصۡفُ مَا تَرَكَ أَزۡوَٰجُكُمۡ إِن لَّمۡ يَكُن لَّهُنَّ وَلَدٞۚ فَإِن كَانَ لَهُنَّ وَلَدٞ فَلَكُمُ ٱلرُّبُعُ مِمَّا تَرَكۡنَۚ مِنۢ بَعۡدِ وَصِيَّةٖ يُوصِينَ بِهَآ أَوۡ دَيۡنٖۚ وَلَهُنَّ ٱلرُّبُعُ مِمَّا تَرَكۡتُمۡ إِن لَّمۡ يَكُن لَّكُمۡ وَلَدٞۚ فَإِن كَانَ لَكُمۡ وَلَدٞ فَلَهُنَّ ٱلثُّمُنُ مِمَّا تَرَكۡتُمۚ مِّنۢ بَعۡدِ وَصِيَّةٖ تُوصُونَ بِهَآ أَوۡ دَيۡنٖۗ وَإِن كَانَ رَجُلٞ يُورَثُ كَلَٰلَةً أَوِ ٱمۡرَأَةٞ وَلَهُۥٓ أَخٌ أَوۡ أُخۡتٞ فَلِكُلِّ وَٰحِدٖ مِّنۡهُمَا ٱلسُّدُسُۚ فَإِن كَانُوٓاْ أَكۡثَرَ مِن ذَٰلِكَ فَهُمۡ شُرَكَآءُ فِي ٱلثُّلُثِۚ مِنۢ بَعۡدِ وَصِيَّةٖ يُوصَىٰ بِهَآ أَوۡ دَيۡنٍ غَيۡرَ مُضَآرّٖۚ وَصِيَّةٗ مِّنَ ٱللَّهِۗ وَٱللَّهُ عَلِيمٌ حَلِيمٞ

[304] Ahmed, "Women and the Advent of Islam," 678–79.

[305] Haleem, *The Qur'an*, 26. Ch. 2, v. 229. (Surah Al-Baqarah 2:229) ٱلطَّلَٰقُ مَرَّتَانِۖ فَإِمۡسَاكُۢ بِمَعۡرُوفٍ أَوۡ تَسۡرِيحُۢ بِإِحۡسَٰنٖۗ وَلَا يَحِلُّ لَكُمۡ أَن تَأۡخُذُواْ مِمَّآ ءَاتَيۡتُمُوهُنَّ شَيۡـًٔا إِلَّآ أَن يَخَافَآ أَلَّا يُقِيمَا حُدُودَ ٱللَّهِۖ فَإِنۡ خِفۡتُمۡ أَلَّا يُقِيمَا حُدُودَ ٱللَّهِ فَلَا جُنَاحَ عَلَيۡهِمَا فِيمَا ٱفۡتَدَتۡ بِهِۦۗ تِلۡكَ حُدُودُ ٱللَّهِ فَلَا تَعۡتَدُوهَاۚ وَمَن يَتَعَدَّ حُدُودَ ٱللَّهِ فَأُوْلَٰٓئِكَ هُمُ ٱلظَّٰلِمُونَ

This Qurʿanic verse also allows for a woman to keep what she had in a marriage in terms of perhaps property or monetary value. Not only that, but each partner is directed in the same responsibilities under the Qurʿan. Beyond this, it seems there is no sin in obtaining a divorce, and that the sin in divorce is in doing something against what God has directed in the Qurʿan for the divorce proceedings. This same sentiment is echoed in chapter 4 verse 128 of the Qurʿan as well, and also seems to suggest the right of the woman to initiate divorce from her husband.[306]

Non-Muslim Women's Usage of Islamic Law and Courts

My approach to the issue of scarcity of sources on ancient and medieval women has been to take the documents and information that survive and comb it for evidence that women were in fact using some types of outside courts or even just using Islamic law to create their own agency.[307] For example, some of the Christian canons I have found do mention women and others do not, but when one looks at them all together, we can see a picture of elites being fearful of those women who were exerting their agency by appealing to Islam and its practices. We can take some documents that might allude to the whole of a community and other documents that apply to women and see what the combination of these rules had for women in this society.

[306] Haleem, *The Qur'an*, 62–63. Ch. 4, v. 128. (Surah An-Nisa 4:128) وَإِنِ ٱمۡرَأَةٌ خَافَتۡ مِنۢ بَعۡلِهَا نُشُوزًا أَوۡ إِعۡرَاضٗا فَلَا جُنَاحَ عَلَيۡهِمَآ أَن يُصۡلِحَا بَيۡنَهُمَا صُلۡحٗاۚ وَٱلصُّلۡحُ خَيۡرٞۗ وَأُحۡضِرَتِ ٱلۡأَنفُسُ ٱلشُّحَّۚ وَإِن تُحۡسِنُواْ وَتَتَّقُواْ فَإِنَّ ٱللَّهَ كَانَ بِمَا تَعۡمَلُونَ خَبِيرٗا

[307] The sources that I present may seem incomplete or not as diverse as one might hope, especially to scholars of more modern history. Unfortunately, most of what was written in Late Antiquity was written exclusively by men, so much of women's everyday history in this period is lost. Thankfully for those studying Jewish social history, there are the Geniza documents that represent daily proceedings from Jewish Egyptians of the early Middle Ages. However, similar documents do not seem to exist either for Jewish women in the former Persian Empire, or for women in Late Antiquity. Much of the source base we have for law and judicial proceedings of Christianity in the Middle East comes from the Syndicon Ortientale, a law book of canons from Catholicos of the Church of the East, and others. Women are mentioned in some of these canons, but of course they do not give us much insight into women's everyday lives. Even with the challenges the former two bring to me, Zoroastrianism continues to be the most difficult of the three religions for me to obtain any kind of resources on women's everyday dealings. Zoroastrians were mostly concerned with the reproductive capabilities and marriage prospects of women in their law books rather than their everyday lives, so please note that that section has far less of a certainty in how women interacted with Islamic law.

Jewish Women under Islamic Law

The story of Jewish women using Islamic law is seen very early on when the Talmud was still a source of law, but at the time when these Geonims (rabbis who issued legal opinions from the pulpit of the academies of Babylonia and the Land of Israel) were beginning to acquire their power in Jewish law. [308] Rabbis made an amendment to the Babylonian Talmudic law that changed the ability of women to initiate a divorce from their husbands.[309] As discussed in the previous chapter, originally the Talmud mandated that women had to be served a divorce by their husband.[310] If she wanted the Jewish courts to force her husband to divorce her, she had to release her husband from giving her "delayed marriage gift", a type of monetary gift set up in their marriage agreement, which deprived her of a great deal of personal wealth.[311] However, the new Jewish divorce law, made in the mid to late 7th century, stated that women could initiate the divorce, and not lose their money or rights to this "marriage gift".[312] The Rabbis were pressured into making this change by outside courts, Islamic course, and even acknowledged this pressure.[313] They wanted to try to persuade women to stop visiting Muslim courts to resolve their divorces, because under Muslim law a woman was permitted the right to initiate her divorce

[308] Rabbis who gave response to questions posited by community members, the Geonic Period in the Middle East where these scholar Rabbis were at the forefront of Jewish law seems to have begun around the 8th century, and the Abbasid Caliphate.
[309] Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire," 234; Morony, "Religious Communities in Late Sasanian and Early Muslim Iraq," 123.
[310] Zinger, "Women, Gender and Law," xviii.
[311] Ibid., 137. See also Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven: Yale University Press, 1998).
[312] Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire," 234.
[313] Michael Levi Rodkinson, Isaac Mayer Wise, and Godfrey Taubenbaum, *New Edition of the Babylonian Talmud Original Text*, 1st ed., rev.corr. by Isaac M. Wise. 2nd ed., re-ed.rev.enl., vol. 5 (13), The Making of Modern Law: Foreign, Comparative and International Law, 1600-1926 (Boston: New Talmud Pub. Society, 1916), 119–20; Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire," 234.

from her husband.[314] Unlike in Jewish courts, these women did not have to undergo the monetary penalties in the Islamic courts.[315]

This evidence suggests that there must have been many Jewish women seeking the Muslim courts to gain their divorce so that they did not have to face the monetary penalties that came with seeking a forced divorce from the Jewish courts. It is interesting that the rabbis changed the law to allow women to initiate their own divorces as a way to compete with this wave of women from the Muslim courts. It seems women flocked to these courts not only because the laws suited them better, but also to be able to have their divorces enforced by the ruling powers.[316] Women certainly used this exceptional time to exercise their own agency in this multi-religious environment. The number of women doing this must have been so large that it pressured the rabbis to make a change. Were the rabbis trying to limit the recourse to outside courts, or the women's agency? This we may not be able to know for certain, but it is interesting how these two issues always seem to coincide. On one hand, this was a religious community fearing for its cohesion in a rather tumultuous time, however in contrast, it is interesting that they chose to attempt to bring back people to Jewish courts once women began to use them. But we must acknowledge that these women's agency not only affected their personal lives but also the whole of Jewish law.

The responsa of the Geonim are also a source that tell us more about Jewish women's agency in the courts and in Islamic law. [317] Simonsohn notes a case where a woman became

[314] Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire," 234.
[315] Ibid.
[316] Simonsohn, "Overlapping Jurisdictions," 87–88.
[317] As I understand responsa: these are commentaries or decisions made by these Geonim rabbi scholars on various questions posited to them about Jewish law.

impregnated by her brother-in-law, which was illegal under Jewish law.[318] She and either the brother-in-law or her husband (the text is unclear) flee to the "gentiles" to escape the Jewish community's judgement.[319] While this case does not apply specifically to Persia, nor does it specify who this woman seeks refuge with, it is interesting to wonder how women could have used the protection of another law system against their own. It is possible these "gentiles" mentioned that she fled to would have been the ruling Muslims. According to Simonsohn, in many cases where a Jewish person fled to outsiders, they would seek a Muslim judge to clear them of whatever crime.[320] Women could have potentially used Muslim courts to their advantage if they had been convicted of a crime that was not a crime under Islamic law. It could also have been the case that a woman felt she would be less judged by a more "secular" court than a court full of her own community. With the woman who was impregnated by her brother-in-law in mind, perhaps crimes that had shame (including shame related to family relationships) attached to them were felt to be better solved by a judge that had no connection to their familial or community life.

Perhaps the most prominent source for women using the Islamic courts is the Egyptian Geniza Documents. While these documents are not within our geographic focus on the former Persian Empire, they give us unprecedented insight into common women's lives because they contain court and law dealings between everyday members of a synagogue. Another thing to note is that many of these documents are from the Fatimid Empire of Egypt, a successor to the Abbasids there (who were ruling at this time in Persia, Syria, Iraq, and the Islamic East). These differences aside, I suggest we examine these documents because they are still cases of medieval

[318] Simonsohn, *A Common Justice*, 177.
[319] Ibid.
[320] Ibid.

Jewish women using Islamic courts to have agency against Jewish law. While geographic areas often have different customs and understandings even within the same religion, for this time period these documents are the closest thing one can access to understand women's normal lives in the larger Middle East. In addition, Egypt is a comparable to Persia in terms of religious diversity. Persia was home to Jews, Christians, Zoroastrians, and several minor Persian religions. Egypt was also home to historic minorities of Jews and Christians alongside the Muslim population.

One theme that appears often in these documents is Jewish women threatening to leave their home courts for the Muslim courts if they do not get their desired outcome or fair treatment. For example, in one case two orphan girls appeared in their community court regarding their father's inheritance.[321] They beg those present to not leave them "empty-handed" especially because the Synagogue will excommunicate them if they go to Muslim courts.[322] However, the girls tell the judges that this sin [of going to Muslim courts] will be upon those listening to their case if they are not treated "according to the law of the Torah in matters of inheritance."[323]

Another example appears in 1085 AD in Fustat, Egypt, where one woman threatens to take matters to the Muslim courts when her husband prosecutes her for entering his house and attacking him.[324] While the husband claimed they had divorced, the woman argued the court had taken a bribe in order to divorce him from her.[325] Since she did not see her marriage as validly dissolved, she continued to live in their house.[326] In both of these cases we see women exhibiting

[321] Ibid., 175.
[322] Ibid.
[323] Ibid.
[324] Zinger, "Women, Gender and Law," 22.
[325] Ibid.
[326] Ibid.

their agency not just by challenging the Jewish court system and threating to go to another, but also by engaging with the fear of the loss of the community that Jewish leaders felt when dealing with their constituents avoiding their religious institutions. All of these women insinuate that these Jewish judges do not want to lose their jurisdiction to another religion and that an Islamic court would likely follow these women's preferred outcome if the Jewish court did not. While at the same time, if the Jewish courts rejected their desired outcome and forced them to go to Islamic courts, they put the fault on the Jewish leaders. The orphans also seemed to argue that if their desired outcome was rejected by the Jewish courts then the judges were not strictly following the law of the Torah. Meanwhile, the wife in Fustat blamed the judges for taking bribes in her husband's attempt to divorce her thus putting this issue in their hands to make right. This moral shift allows these women to maintain their own separate moral authority, since the blame or sin is on another, while also being able to choose between two different legal systems to get what they consider just. Using the threat of the Muslim court, they seem to say to these judges that if they, the Jewish court, will not give them, the Jewish women, what the outcome they are looking for then they will go elsewhere but at the cost of having to stray from their community. Interestingly, Oded Zinger found that women of higher social status were more likely to actually use Muslim courts, but that women from lower social statuses were more likely to only threaten to use the Muslim courts.[327] Perhaps this class difference is because women of lower status could not afford to go to Muslim courts or were not educated enough to understand the Muslim laws enough to truly appeal to them. Either way, it seems that women, whether elites or everyday citizens, were able to use the threat of the Muslim courts to get what they desired in legal outcomes.

[327] Zinger, "'She Aims to Harass Him,'" 170.

The Geniza documents also show us again that women's rights pertaining to money was a major factor in Jewish women going to Muslim courts. Women frequently went to Muslim courts to handle disputes with men and family over inheritance, gifts, real estate, and debt.[328] Zinger argues that often these dealings in Muslim courts were meant to protect women from male relatives like brothers and husbands, especially in cases like inheritance.[329] Sometimes the women were not present in the courts, but their families represented them.[330] Especially in cases of inheritance, Muslim courts were used by women and their families to ensure their brothers or other male relatives could not later take away their money in a more patriarchal Jewish court. There is even a case of a Jewish man, in 1034, asking the community to pressure his sister into letting go of her claim to the inheritance of their father.[331] The community threatened to cut her off from them.[332] She then went to a Muslim judge who had her brother "seized" by soldiers and "humiliated".[333]

With this type of case in mind, perhaps Jewish women knew this type of greed from their male relatives would take away from their own wealth. The Muslim rulers seemed to be willing to help Jewish women keep their inheritance, even going so far as to take action against those men who dared to try to stop the women by intimidation. Zinger makes an important argument that women were pressured by their communities and they [the women] used these courts to reject this pressure.[334] However, within these examples I also find it interesting that women's families used these courts for them. Perhaps not only were women using these courts for their

[328] Ibid., 164–65.
[329] Ibid., 165–66.
[330] Ibid., 165.
[331] Ibid., 159.
[332] Ibid.
[333] Ibid.
[334] Zinger, "'She Aims to Harass Him.'"

own interests, but also their daughter's or sister's interest. This was a family bid to allow women to have their own freedom. Perhaps this signals an evolution in Jewish inheritance law where women were the ones at the forefront. They not only threatened to use the Muslim courts to get what they wanted, but also used the courts to ensure their female family members could obtain something, in this case inheritance, that otherwise they would not have received under Jewish law or would have been intimidated out of it by the Jewish community. In a later example from 1101, a son used a Muslim court against his father in an inheritance bid for his mother's property which his father would have gained all of at her death.[335] However, it is unsure if the mother was dead at this time as the document never mentions her being dead.[336] This begs the question: did the mother send her son to the Islamic courts to ensure her child would be supported by her property? Since as Zinger mentioned, many times women did not go to the courts themselves, did the mother send her son on her behalf to ensure his inheritance rights? Once again, this case points to the same idea that Jewish women were not only using these courts for their own advantage but also for their children, and family's advantage.

While acknowledging that these sources are not from Persia and are chronologically later, it is still interesting to speculate that perhaps the same things could have happened in Islamic Persia. Certainly it seems most of these women interacted with the Islamic courts and laws because they found it difficult to get the justice they desired from the Jewish courts and law due to the civic and legal constraints put upon them. If Jewish women in Persia also made use of Islamic courts, it seems likely women there would have used them to ensure their own divorce and monetary rights, as well as their family's rights. Regardless, the Geniza documents present

[335] Jessica M. Marglin, "Jews in Sharia Courts: A Family Dispute from the Cairo Geniza," in *Jews, Christians and Muslims in Medieval and Early Modern Times: A Festschrift in Honor of Mark R. Cohen*, ed. Arnold E. Franklin et al. (Leiden: Brill, 2014), 207–8.
[336] Ibid.

women in the Late Antique to early Middle Ages as women with their own interests to advance and not women who were submissive and accepting of patriarchal institutions. The evidence also shows that these women, regardless of status, had the intelligence to navigate multiple law systems in order to get the best results for their interests.

Christian Women

Who are the Christians of Persia?

Since Christianity has many sects of varying beliefs within it, we must identify which group made up the majority of Persian Christians. This chapter mainly examines evidence of The Church of the East's interactions with Islamic law and courts. The Church of the East was the centered in Seleucia-Ctesiphon (south of modern day Baghdad), a part of the former Sasanian Empire.[337] It is sometimes mistakenly called the Persian Church, but this is incorrect given that it expanded outside of the former Persian Empire, especially after the Arab Conquests.[338] In the time of the Sasanians, The Church of the East formed separately from the Roman Church. They were persecuted due to the Zoroastrian rulers believing the Christians were spies for Persia's Christian enemy, the Roman Empire.[339] These Christians were often called the Nestorian Church because they were believed to be heretical by other churches (Western churches).[340] However, recent scholarship has shown that this term should be avoided.[341]

[337] Dietmar W. Winkler, "The 'Apostolic Church of the East': A Brief Introduction to the Writing of Church History and to Terminology," in *The Church of the East: A Concise History*, ed. Dietmar W. Winkler and Wilhelm Baum (London: Routledge, 2003), 3; Thomas A. Carlson, "Seleucia-Ctesiphon," The Syriac Gazetteer, May 25, 2016, http://syriaca.org/place/2615.html.
[338] Winkler, "The 'Apostolic Church of the East': A Brief Introduction to the Writing of Church History and to Terminology," 4.
[339] Baumer, *The Church of the East*, 3–4.
[340] Winkler, "The 'Apostolic Church of the East': A Brief Introduction to the Writing of Church History and to Terminology," 3–4.
[341] See especially: Brock, "Lamentable Misnomer."

Christian Women's Usage of Islamic Law and Courts

While there are no sources that are written by Christian women of the Church of the East on any topic, let alone how they used Islamic law, we do have texts written by Christian elites describing their fears regarding women's interactions with the Islamic governing system. One might expect the Christian outlook on Islam to be completely negative, but as we shall see the outlook is far more complex. For example, some letters from the mid-7th century Catholicos Ishoʿyahb III describes the Muslim Arabs as people who respect the Christian religion. In his "Letter 48", he writes to a group of bishops or priests who it seems have written to Ishoʿyahb of the decrease of their faithful.[342] In response, Ishoʿyahb tells them not to blame the Arabs for this and that the Arab Muslims "do not help those who attribute suffering and death to God."[343] At the end of the letter it also seems that Ishoʿyahb tells the writers to appeal to their new Muslim rulers for help on the matter.[344] Ishoʿyahb adds that one should "Give what is Caesar's to Caesar and what is God's to God."[345]. It seems that Ishoʿyahb thought that giving the Arabs what they wanted in terms of taxes or following of governmental decrees was the right thing to do in this case.

Ishoʿyahb repeats this sentiment to another bishop in Persia who had apparently written and sent a messenger who told the Catholicos of the same issue. He tells the bishop that it cannot be the Arab Muslims' fault that his parish has diminished because they (the Muslims) respect and support Christianity.[346] It also seems that Ishoʿyahb sees the coming of Arab rule as a test of faith

[342] Ishoʿyahb III, "Letters, Ishoʿyahb III," in *When Christians First Met Muslims : A Sourcebook of the Earliest Syriac Writings on Islam*, trans. Michael Philip Penn (Berkeley, CA: University of California Press, 2015), 33–34. For the Syriac version of this letter see: R. Duval, *Iso'yahb Patriarchae III Liber Epistularum*, vol. 11, Corpus Scriptorum Christianorum Orientalium Scriptores Syri (Louvain: Imprimerie Orientaliste L. Durbecq, 1955), 92–97.
[343] Ishoʿyahb III, "Letters, Ishoʿyahb III," 33.
[344] Ibid., 33–34.
[345] Ibid.
[346] Ibid., 36. For the Syriac version of this letter see: Duval, *Iso'yahb Patriarchae III Liber Epistularum*, 11:247–55.

for the communities of the Church. He argues that the Muslims allowed people to keep their faith for a price, and instead of getting rid of their worldly things to keep their faith, they rid of their faith.[347] He believed instead that these people lost from the faith were not true believers or that they did not leave because of the Arabs but because of their own straying.

While these letters do not mention women directly, they do address issues of the community as a whole. They also show the disagreements on the effect of the Arab Conquest between local leaders and elites at the top. This may exemplify that the local Church officials were already seeing the issues that the change of governance would bring them, and the issues a religion so close to their own would bring them in keeping their population, while the Catholicos was more concerned with the symbolic or spiritual meaning of the Arab invasion. Or as Simohnson argues, Ishoʿyahb saw the Muslims' governance as a potential advantage for the Church of the East in the inter-religious conflict between rival Christian groups.[348] Perhaps, as well, major legal issues with Islamic courts were not happening at this early stage. Women do not come up in his letters. While women are often put forward by elites as being problematic in turbulent times, here they are not mentioned at all, furthering the idea that perhaps these legal issues were not a problem at the time of Ishoʿyahb. While Ishoʿyahb was mainly writing to men, monks and clergy, if women going to the courts was problematic at this time, we would still expect them to be brought up in some form to address the issue.

However, by the time that Ishoʿyahb III's successor, George, becomes Catholicos the sources show that the usage of Islamic law and courts had become a major issue for Christians in the Church of the East. By 676 AD, when George held a synod, it appears the usage of Islamic

[347] Ishoʿyahb III, "Letters, Ishoʿyahb III," 36.
[348] Simonsohn, *A Common Justice*, 100.

courts had become such an issue that an official canon had to be given restricting this practice. In the introduction to these canons he states that some of these rules had been given before but that they needed to be repeated and made known.[349] Canon Six is where the law against using Islamic courts is reinstated:

> Concerning the lawsuits of Christians: that they should take place in [the] church before those designated by the bishop with the community's consent, [namely] priests and [other] believers, and that those who are to be judged should not go outside the church and [be judged] before pagans or [other] unbelievers… They should be judged before judges who have been designated by the bishop with the community's consent, priests who are known for [their] love of truth and fear of God and who possess knowledge and competency in [such] affairs. They should not [do] otherwise and, on account of the [litigants'] vehemence of their opinion, take their affairs outside the church. But if there is something that has been concealed from those who have been appointed for the judgment of lawsuits, [the litigants] should bring their petition before the bishop, and from him they will receive an answer regarding what disturbs them. For, in accord with our Lord's word, none of the believers is permitted to take up the judgment of believers' lawsuits on his own authority without the bishop's command and the community's consent, unless necessity arises [through] the commandment of secular rulers.[350]

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[349] George I, "Canons, George I," in *When Christians First Met Muslims : A Sourcebook of the Earliest Syriac Writings on Islam*, trans. Michael Philip Penn (Berkeley, CA: University of California Press, 2015).

[350] Translation from Ibid.; In Syriac: ❖ܘ❖ܥܠ ܕܝ̈ܢܐ ܕܟܪ̈ܣܛܝܢܐ: ܕܒܥܕܬܐ ܢܗܘܢ ܩܕܡ ܦ̈ܬܝ ܘܦܩܐ ܦܪ̈ܝܫܝ ܡܢ ܐܦܝܣܩܘܦܐ ܒܫܠܡܘܬܐ ܕܓܒܐ: ܡܢ ܟܗ̈ܢܐ ܘܡܢ ܡܗܝ̈ܡܢܐ: ܘܠܐ ܕܠܒܪ ܡܢ ܥܕܬܐ ܢܦܩܘܢ: ܘܩܕܡ ܚܢ̈ܦܐ ܐܘ ܠܐ ܡܗܝ̈ܡܢܐ ܐܝܠܝܢ ܕܗܘܢ ܢܬܬܕܝܢܘܢ ❖ ܕܝ̈ܢܐ ܘܬ̈ܒܥܐ ܕܗ̇ܘܝܢ ܒܝܬ ܟܪ̈ܣܛܝܢܐ: ܒܥܕܬܐ ܢܬܬܕܝܢܘܢ: ܘܠܐ ܢܦܩܘܢ ܠܒܪ ܐܝܟ ܐܝܠܝܢ ܕܕܠܐ ܢܡܘܣܐ ܐܝܬ ܠܗܘܢ. ܩܕܡ ܕܝ̈ܢܐ ܕܝܢ ܕܡܢܗ ܕܐܦܝܣܩܘܦܐ ܡܬܦܪܫܝܢ ܒܫܠܡܘܬܐ ܕܓܒܐ ܡܢ ܟܗ̈ܢܐ ܗܘ̈ܝܢ, ܒܪܚܡܬ ܫܪܪܐ ܘܕܚܠܬ ܐܠܗܐ ܘܩܢܝܢ ܝܕܥܬܐ ܘܡܫܘܚܘܬܐ ܕܠܨܒܘ̈ܬܐ ܢܬܬܕܝܢܘܢ. ܘܠܐ ܕܐܚܪܢܐܝܬ ܘܠܦܘܬ ܚܣܝܦܐ ܕܬܪܥܝܬܗܘܢ ܢܦܩܘܢ ܨܒܘ̈ܬܗܘܢ ܠܒܪ ܡܢ ܥܕܬܐ. ܐܢ ܕܝܢ ܢܗܘܐ ܡܕܡ ܕܡܬܟܣܝܐ ܡܢ ܐܝܠܝܢ ܕܡܬܦܪܫܝܢ ܠܦܘܣܩܢܐ ܕܕܝ̈ܢܐ: ܠܩܕܡܘܗܝ, ܕܐܦܝܣܩܘܦܐ ܢܩܪܒܘܢ ܒܥܘܬܗܘܢ: ܘܡܢܗ ܢܩܒܠܘܢ ܥܢܝܐ ܕܐܝܠܝܢ ܕܡܬܫܚܩܝܢ ܠܗܘܢ. ܕܐܝܟ ܕܝܢ ܡܢ ܡܗܝ̈ܡܢܐ ܒܫܘܠܛܢܐ ܕܢܦܫܗ ܢܫܠܘܦ ܠܗ ܦܘܣܩܐ ܕܕܝ̈ܢܐ ܕܡܗܝ̈ܡܢܐ ܠܒܪ ܡܢ ܦܘܩܕܢܗ ܕܐܦܝܣܩܘܦܐ ܘܫܠܡܘܬܐ ܕܓܒܐ ܐܠܐ ܢܬܠܨܝ: ܒܡܠܬܗ ܕܡܪ̈ܢ: ܒܡܠܟܐ ܕܐܢܫܝܐ

The very fact that George wrote this passage shows the worry of the elites. It seems they felt they were losing control over Christians to a "secular" or non-Christian authority. The discussion of the knowledge and truth-seeking power of the priest seems to be a way to try to draw people back to asking the priests/religious elites about their legal issues, and thus restoring power to the leadership of the Church from the Muslim authorities. At the same time, George is trying to trying to establish the priests' credibility, which suggests that people felt their issues were not being addressed by these priests in their own courts, and thus some of the congregants instead went to "secular" Islamic courts to resolve the issue. When the text says that they should not take their issues outside of the Church just because they do not like the opinion of the priest, it seems as though the parishioners were indeed coming to the Church first for legal troubles and then going to the Islamic courts if rulings did not turn out the way they wanted. Although in the Christian context, we do not have direct examples of women going to Islamic courts to get a better inheritance or divorce outcome, as we saw previously with Jewish women, it was common to go to Muslim courts to get better outcomes in these areas. Using the Jewish evidence comparative may suggest, coupled with the fact that George is acknowledging his faithful are going to these outside courts, that Christian women may have done the same thing. The very fact that George acknowledges this practice of court shopping in such a large setting shows that large groups must be using these secular courts, not just a few individuals.

While in Canon Six, George does not mention women directly, we will see he does legislate about women in further canons, showing us that women were of specific concern when it came to their interactions with Islam. For example, Canon Fourteen, discusses women who

ܟܢܘܢ ܫܬ̈ܝܢ ܥܠ ܣܘܕ̈ܝ ܕܢܣܛܘܪ̈ܝܐ (Jean Baptiste Chabot, Synodicon Orientale, Ou, Recueil De Synodes Nestoriens (Paris, 1902), 219–20.)

marry non-Christians, and commands them not to marry "pagans".[351] He also tells women not to live with these same "pagans", and if a woman still persists and does so then she cannot be a part of the Church:[352]

> "[Canon] Fourteen. Concerning that Christian women should not unite with pagans,[who are] strangers to the fear of God. Women who once believed in Christ and want to live a Christian life, with all their might let them avoid uniting with pagans, as uniting with them they accustom themselves to practices that are foreign to the fear of God and they acquire a weak will. Therefore, Christian women should completely abstain from dwelling with pagans. And, in accord with our Lord's word, let any woman who dares [to do] this be far from the church and from all Christian honor."[353]

Again, as in the Jewish context, we find threats to throw the women out of the religious community, and the pressure the Christian religious community put on women who looked beyond the established religious boundaries. Non-Muslims are very concerned with limiting women's contact with men outside of their religion in this period, likely due to the fear of losing their congregants and future generations for their religion. The fact that this canon has to be specifically aimed at women marrying pagans suggests that this may have been widely occurring practice in the late 600s. While in this case it may not seem that women are exhibiting agency, in order for George to make this canon there must have been many Christian women marrying outside the faith even though they were doing so against Church law. Perhaps then this evidence

[351] George I, "Canons, George I," 75.
[352] Ibid.
[353] Translation from Ibid.; In Syriac (Chabot, *Synodicon Orientale*, pg. 223-224) ܕܫܠܝܚܐ ܕܟܪܝܣܛܝܢܐ ܠܐ ܠܗ ܠܡܬܚܡ ܥܡ ܥܡܡܐ ܕܠܐ ܝܕܥܝܢ ܡܕܡ ܕܐܠܗܐ ܘܠܐ ܡܬܚܫܒ ܠܗܘܢ ܒܝܕ ܕܐܢܬ ܐܝܬ ܠܗ ܕܚܫܒ ܠܗ ܕܡܫܝܚܝܐ ܗܘ ܘܒܥܐ ܕܢܗܘܐ ܒܚܝܐ ܕܡܫܝܚܝܐ ܒܟܠ ܚܝܠܗ ܢܫܬܕܠ ܕܠܐ ܢܬܚܡ ܥܡ ܥܡܡܐ ܕܡܬܚܡ ܥܡܗܘܢ ܠܡܢܗܓ ܕܠܐ ܝܕܥܝܢ ܡܕܡ ܕܐܠܗܐ ܘܩܢܝܢ ܠܗ ܠܒܐ ܕܚܠܫ. ܘܠܡܠܬܗ ܕܡܪܢ ܟܠ ܐܢܬ ܕܢܫ ܕܢܥܒܕ ܗܠܝܢ ܢܗܘܐ ܪܚܩ ܡܢ ܥܕܬܐ ܘܡܢ ܟܠ ܫܘܒܚܐ ܕܟܪܝܣܛܝܢܘܬܐ.

shows us that the new Muslim governance gave these women the opportunity to marry other men, outside of their religion, who could present them with other wealth and power opportunities. According to Islamic laws governing non-Muslims of the time, Christian men could not marry Muslim women, but Muslim men could marry Christian women but with the legal effect that their children would be considered Muslim.[354] Christian elites rightly feared losing the next generation to intermarriage. Canons six and fourteen were lessening the chances that a woman would convert to Islam herself (and perhaps her family) thereby leaving the Christian population. Since reproduction was the only way the faith could continue due to the laws prohibiting Christians proselytizing, controlling women's reproduction was the key to keeping the community stable. [355]

George further comments on maintaining Christian marriage law, by writing of the concern of men taking two wives:

> Canon XVI – Of those who defile themselves and transgress the law of Christianity in taking two wives. – Those who are registered in the ranks of the faithful must move away from the pagan custom of taking two wives and be careful of what is condemned by the laws, whereas they were once sanctified in the baptism of Christ and separate from the work of impurity that is accomplished by the foreigners for the fear of God. Of the sort, in effect, the benediction of God is multiplied on them by observation of the laws of the fear of his name. If done there are men who, in their madness, despise that, and, in addition to their legitimate wife, dare to take others far or near, free or slave, under the name of concubines or otherwise, and if, having been warned of converting from their impure practice, they do not

[354] Baumer, *The Church of the East*, 151.
[355] Ibid., 150–51.

obey, or if they promise to correct themself and do not, they have to be deprived of everything of Christian honor: of the word of our Lord.[356]

This reflection on the custom of marrying multiple women, given the time period, may have been reflective of Islamic practice. According to the Qurʿan one is allowed to take four wives as long as one can treat them equally.[357] However, in addition Islamic men could take as many concubines as they could afford.[358] In these Christian canons, men were prevented from marrying multiple wives, or even having non-marital relationships with other women through concubinage. If violated, the men would be excommunicated. This canon raises many questions. Was the practice of multiple marriages by Christian men so prevalent that George has to forbid it explicitly? Were Islamic marital customs starting to interfere with Christian norms? Were Christian men using Islamic law to justify multiple relationships? Were Christian women being taken as extra wives or concubines, and if so were they removed from the Church as well? Specifically, this last question is of interest for us. Were women willingly going into marriages where they were a second wife or a concubine, or were they being forced via slavery or poor economic conditions? This evidence and these questions present a challenge on the topic of agency because it is possible this is not a case of women going willingly into these marriages. However, by the same token, they could have been. Agency is not just confined to thing we think a woman should do to ensure her own freedom, but instead agency is about what a woman

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[356] My original translation from the French: Chabot, *Synodicon Orientale, Ou, Recueil De Synodes Nestoriens*, 489. In Syriac: ܗܘ܀ ܥܠ ܐܝܠܝܢ ܕܡܫܡܫܢܐ ܕܬܪ̈ܬܝܢ ܢܫ̈ܐ ܡܫܬܡܠܝܢ ܘܡܚܒܝܢ ܥܠ ܢܡܘܣܐ ܕܟܪܣܛܝܢܘܬܐ܀ ܐܝܠܝܢ ܕܒܫܡܐ ܕܡܫܝܚܝ̈ܐ ܐܬܬܣܝܡܘܢ ܘܡܬܠܒܫܝܢ܆ ܗܘܘ ܡܚܣܝܢ ܡܢ ܚܕܐ ܚܬܝܬܐ ܕܡܫܡܫܢܐ ܕܬܪ̈ܬܝܢ ܢܫ̈ܐ܆ ܘܢܦܩܘܢ ܘܐܢܫ ܐܢܬܬ ܢܣܒܘܢ ܡܢ ܣܘܓܐܐ ܕܠܡܫܩܐ. ܐܝܟ ܗܝ ܕܐܬܦܩܕܘ ܚܕܐ ܐܢ ܒܡܟܪܘܬܐ ܕܡܫܝܚܝܐ܆ ܘܐܬܦܪܫܘ ܡܢ ܦܘܠܚܢܐ ܕܙܢܝܘܬܐ ܘܡܬܟܠܝܢ ܡܢ ܚܒܫܐ ܢܘܟܪܝܐ ܠܡܠܬܗ ܕܐܠܗܐ. ܡܟܝܠ ܟܠ ܘܟܘܪܟܬܐ ܕܡܢ ܐܠܗܐ [ܗܟܢܐ] ܝܢ ܐܦܪܝܘܢ ܘܚܠܦܘܗܝ ܒܟܘܢܐ ܕܒܠܐ ܢܡܘܣ. ܐܢ ܕܝܢ ܐܝܬ ܐܢܫܝܢ ܕܒܠ ܗܕܐ ܡܟܗܢܝܢ ܡܬܢܟܪܝܢ܆ ܘܟܠ ܢܬܦܘܣ ܢܬܟܣܝܢ ܡܟܗܢܝܢ ܐܚܪܢܝܬܐ ܠܟܠܗܝܢ ܒܢܡܘܣܐ ܐܘ ܒܟܘܪܟܐ܆ ܐܘ ܚܕܢܝܬܐ ܐܘ ܐܚܝܬܐ܆ ܒܥܡ ܕܪܘܟܬܐ ܐܘ ܐܚܪܝܢܝܬܐ܆ ܘܟܕ ܬܬܪܬܬܘܢ ܠܡܩܢܐ ܡܢ ܦܘܠܚܢܐ ܕܠܡܫܢܝܬܐ܆ ܠܐ ܢܬܠܒܫܘܢ ܐܘ ܢܫܬܘܪܘܢ ܗܘܝ ܐ ܘܡܕܒܝܢ܆ ܗܘܘ ܡܟܢܝܢ ܕܐܝܟ ܗܠܝܢ ܠܟܠ ܐܢܫܝ ܕܟܪܣܛܝܢܘܬܐ܆ ܡܢ ܡܠܬܗ ܕܡܪܢ܀ (Ibid., 224.)

[357] "Surah An-Nisa - 4:3," accessed December 1, 2020, https://quran.com/4/3?translations=131. وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا۟ فِى ٱلْيَتَـٰمَىٰ فَٱنكِحُوا۟ مَا طَابَ لَكُم مِّنَ ٱلنِّسَآءِ مَثْنَىٰ وَثُلَـٰثَ وَرُبَـٰعَ ۖ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا۟ فَوَٰحِدَةً أَوْ مَا مَلَكَتْ أَيْمَـٰنُكُمْ ۚ ذَٰلِكَ أَدْنَىٰٓ أَلَّا تَعُولُوا۟.

[358] Ahmed, "Women and the Advent of Islam," 678.

chooses to do on her own.[359] So perhaps women were choosing to enter these marriages to get to higher economic status, or were looking to have a system of wives to share their duties with.

While our sources for Christian women are not as rich as our sources for Jewish women in this time period, we can see from these canons that the elites were legislating about women to express concerns about the community. We can also imagine how women might have taken the opportunity of a new government, law, and court system to do things the Church did not allow. However, similar to the rabbis in the section on Jewish women, the Church did not have power to go against the news opportunities for women, and instead perhaps these women looked to Islam to protect them. Through the eyes of George I, we see that women in the Church of the East may have threatened to marry a much wider range of candidates, even engaging in polygamy in the Islamic fashion. Also, if we stretch our data, perhaps they lived similarly to the Jewish women who used Islamic courts to get divorces and inheritance that they normally could not have.

Zoroastrian Women

This section examines how Zoroastrian women may have used Islamic law to their own advantages.[360] Much like Jewish and Christian women, Zoroastrian women seemed to ignore their religion's restrictions on marrying Muslim men. Beyond that, much of this section focuses on the agency achieved by Zoroastrian women once they converted to Islam, and that the sheer act of converting was agential.

[359] On this topic see Mahmood, *Politics of Piety*.
[360] I have yet to find evidence from Zoroastrian texts that explicitly states that Zoroastrian women used Islamic courts. If I were to posit that these women did, it would be purely speculative based off the fact that other women in the religions of the "People of the Book", Jews and Christians, used Islamic courts for their own purposes. However, it is interesting on its own to ponder why there is no evidence of Zoroastrian women using Islamic courts, and if they did not, why?

Jamsheed Choksy mentions how Zoroastrian elites were strictly against anyone marrying or having sexual relations outside of the religion, especially if that outsider refused to convert to Zoroastrianism.[361] This is also evidenced by stern rules against marriage, sex, and reproduction with an outsider in the apocryphal text the *Vaetha Nask*, and specifically against Muslims in the 9th/10th century Zoroastrian religious commentary, the *Rivayat-I Hemit-I Asawahistan*.[362] The *Vaetha Nask* includes that this rule applies to both men and women while it seems the *Rivayat* only speaks of men marrying outside the faith.[363] It seems odd that the *Rivayat* does not mention women marrying outside the faith, because Zoroastrian women were certainly married to Arabs who had moved to Persia, and also to men who had converted to Islam from Zoroastrianism.[364] Women actually had great incentive to convert to Islam if their husband did, because under Zoroastrian law the wife of a convert out of the religion lost her status and either had to become a secondary wife to another husband, or have some sort of Zoroastrian male guardian.[365] If a woman became a secondary wife, she would not have had control over her children, and she also would have had to partially support herself.[366] So it seems women would have also converted once their husbands did, and gone against their religion. This, as I see it, is agency because they are deciding to leave their religion for their own well-being even though their religious

[361] Choksy, *Evil, Good and Gender*, 96.
[362] Helmut Humbach and Kaikhusroo M. Jamaspasa, trans., *Vae[theta]ā Nask; an Apocryphal Text on Zoroastrian Problems.* (Wiesbaden: Otto Harrassowitz, 1969), 27, 31; Hemit-i Asawahistan, *Rivāyat-i Hēmīt-i Ašawahistān : A Study in Zoroastrian Law*, trans. Nezhat Safa-Isfehani, Harvard Iranian Series v.2 (Cambridge, MA: Harvard University, 1980), 282–86. Also please note that the *Vaetha Nask* is composed of several manuscripts, and the translators of this volume seem uncertain on what the actual date of this text is. The translators reject the theory by another scholar that this text was fabricated in the 19th century, and instead posit that this text is much older but still seem generally unsure about its date of composition. Richard Payne has used the text in conversation about Christian conversion into Zoroastrianism in Richard E. Payne, "Christianity and Iranian Society in Late Antiquity, ca. 500–700 CE" (Ph.D., United States -- New Jersey, Princeton University, 2010), 41–42.
[363] Humbach and Jamaspasa, *Vae[theta]ā Nask; an Apocryphal Text on Zoroastrian Problems.*, 31; *Rivāyat-i Hēmīt-i Ašawahistān : A Study in Zoroastrian Law*, 282–86.
[364] Choksy, *Evil, Good and Gender*, 96.
[365] Ibid., 97.
[366] Ibid.

authorities would consider them apostate afterwards. The option of being at best a secondary wife seems unattractive, and if a woman had been a primary wife of her converted husband it seems likely she would have preferred to stay that way.[367]

In addition, if a Zoroastrian woman converted and appealed to Islamic law, she could have received better rights to divorce than under Zoroastrianism. According to the late 9th century or early 10th century Zoroastrian text, *The Pahlavi Rivayat and Dadestan I Denig*, if a woman left her husband it was a major sin on her part.[368] However, under Islamic law women were free to initiate divorce from their husbands. In a sense, this would have allowed women to be more agential in their marriage and divorce proceedings, as well as allowing them to leave an unwanted husband without the rejection, both physical and spiritual, from the Zoroastrian community.

Beyond the appeal of converting to Islam to ensure one's status and ability to control one's marriage, women may also have been attracted to Islamic law regarding menstruation. According to Zoroastrian law, a woman had to be secluded during her menstrual cycle so as not to make anything around her impure.[369] However, traditionally in Islam women were not forced to seclude themselves during their cycles.[370] The wife of the Prophet Muhammad, Aisha, transmitted in a hadith that Muhammad did not enforce seclusion, and thus this was not practiced under Islamic law.[371] Once again a woman may exhort her agency in converting to Islam because

[367] On Zoroastrian marriage types see Choksy, *Evil, Good and Gender*; Emrani, "Marriage Customs of the Religious Communities of the Late Sasanian Empire"; Richard E. Payne, "Sex, Death, and Aristocratic Empire: Iranian Jurisprudence in Late Antiquity" 58, no. 2 (2016): 519–49; Lindsay M. Ruth, "Caught in the Crossfires: Changes for Women During the Transition Period in Iran." (Undergraduate Senior Honors Thesis, Louisville, KY, University of Louisville, 2018), https://ir.library.louisville.edu/honors/174.
[368] *The Pahlavi Rivāyat Accompanying the Dādestān Ī Dēnīg / Part 2, Translation, Commentary and Pahlavi Text* (Copenhagen: Munksgaard, 1990), 71.
[369] Choksy, *Evil, Good and Gender*, 97–98; Choksy, *Conflict and Cooperation*, 124.
[370] Choksy, *Evil, Good and Gender*, 97–98; Choksy, *Conflict and Cooperation*, 124.
[371] Choksy, *Conflict and Cooperation*, 124.

of the attractiveness of not having to be secluded during her cycle. This practice separated women from their religious community, and associated them with uncleanliness and evil.[372] To be able to free oneself from this practice upon conversion, perhaps meant these women could connect with their community better, as well as could dissociate femininity from evil.[373] This would also give these women more free-time, as surely being secluded by oneself for a week every month, or whenever one had her menses, was time consuming and inconvenient for women. While some Zoroastrian women may have appreciated the time away during seclusion from performing duties for their husbands, conversion to Islam at least provided the women who did not want to be secluded an option to reject this Zoroastrian practice. Furthermore, it is possible that some women would continue the practice of seclusion after conversion because it was common practice to do so when Persia was still a Zoroastrian majority. However, as more people converted to Islam, this possibility seems unlikely as there would have been considerably less religious and societal pressure to perform seclusion.

Zoroastrian elites also made laws restricting the land and property of those who converted to Islam. This stated that once the individual, a man, had converted that his property could then be confiscated by any Zoroastrian who claimed it.[374] However, even the *Rivayat* acknowledges that this confiscation may not be enforceable in their time.[375] Choksy notes that after the 10th century, this policy was unable to be enforced and instead any Muslim convert could rely on other Muslims in positions of power and Muslim courts to make sure their

[372] Choksy, *Evil, Good and Gender*, 98.
[373] In the Quran there is no connection between Eve and the "fall". So originally women were not theologically connected to causing evil, but later this attitude about Eve/women with humanity's fall would be appropriated by Muslims from Christianity and Judaism.
[374] *Rivāyat-i Hēmīt-i Ašawahistān : A Study in Zoroastrian Law*, 22, 182.
[375] Ibid.

belongings were safe.[376] With it in mind that Zoroastrian women were able to inherit land under their religious law, as long as stipulated in legal contract, could it have been possible Zoroastrian women could have taken advantage of this fear-reaction of their elites and received the land of converts?[377] While no materials attest to this, since this ownership of land inheritance was one of the only freedoms women had against their husbands, it seems possible that if a woman's father converted that she may have been able to claim his land as her inheritance. Although as stated before, land and belongings were easily confiscated back by the original owner. But if a woman could claim and keep land like this, this would have provided a great sense of agency for her that was really not possible in many other areas of a Zoroastrian woman's life. This is perhaps speculative, but the possibility could have enabled a Zoroastrian woman to enact agency in gaining property and/or wealth by taking part in legal situations that were a direct result of Zoroastrian elites' fears.

Conclusion

Although there are definite differences between Judaism, Christianity, and Zoroastrianism, this chapter shows that women in each minority religion used Islamic courts and law to enact agency, and benefited from appealing to the Islamic law system. Women often used the fears of the elites of their religion to get something they desired, or even a favorable outcome in their own courts. Interestingly, it seems likely that women from all three religions were interested in Islamic marital and divorce law, and often in Islamic inheritance law. Throughout all three religions, fears about women were also often used as symbols of the turbulent times by their respective religious elites. However, it seems women in Judaism and Christianity caused

[376] Choksy, *Evil, Good and Gender*, 98.
[377] A. Perikhanian, "Iranian Society and Law," in *The Cambridge History of Iran: Seleucid, Parthian, and Sasanid Periods, Part 2*, ed. E. Yarshater, vol. III Pt. 2 (Cambridge: Cambride University Press, 1983), 647–48.

more fear in the elites and used Islamic courts more than did Zoroastrian women, although this gap could be due to the lack of sources on Zoroastrian women. As this thesis shows, this time period was a period of great change and turbulence for women especially, but these late antique and early medieval women used their intelligence and opportunity to navigate across religious difference for their own benefit. This study, I hope, has focused the narrative on the social and religious lives of women more in a time period and geographic area where scholarship has largely focused on men and military and political histories. Women too were a part of this landscape, and according the religious sources, a very active player in how these religions, and religious boundaries, were navigated by the general populace.

Chapter 5: Thesis Conclusion

This thesis has argued that women in Late Antique Persia used the differences in gender boundaries between and within the religions of Zoroastrianism, Christianity, Judaism, and Islam to enact their agency in order to subvert social norms. Late Antiquity was a period of great religious plurality, and Persia was a hotspot of religious formation in this time period. While perhaps the military encounters of the Sasanians, Romans, and Arabs have marked much history of this time, the story would not be fully developed without analyzing how women have made and encountered history, both within and outside of the military episodes of this period. Gender and sex are unstable categories and women in Late Antiquity were just as complex as modern women. The gender roles and expectations of the ancients does not mean that women, whomever they may be, were any less able to go beyond what a "woman" was determined to be in their time. Religious identity was just as complex. The identities of nationality, ethnicity, and religion continually interacted with one another. Was one still a Persian in the Sasanian Age if one was also Christian? Could a Persian truly be a Muslim without an Arab family lineage? These are the types of questions that one wrestles with when trying to state if someone was "Muslim", "Christian", or "Jewish" in Late Antiquity. The same complexity is found in the concept of agency. Agency is not what we think a woman ought to do with her independence, but what she chooses to do of her own volition.[378] This is especially important because this thesis deals with practices such as martyrdom, marriage, and sex that, in some modern peoples' views, would not be agential decisions. However, our historical focus in this thesis has been on how these women controlled their social situation to their benefit.

[378] Mahmood, *Politics of Piety*.

The first chapter demonstrated how Christian women during the Sasanian Era enacted their agency through martyrdom in defiance of the social order put in place by the Zoroastrian ruling class. Martyrdom could indeed be a way for women to resist the social order, and conduct their own line of action. Furthermore, Zoroastrians considered marriage and reproduction an important part of life while Christians put a special value on virginity. Christian women became martyrs in order to keep their faith and transgress the social norm of being married and having children, as can be seen in the martyrdom of Tarbo, her sister, and her servant, the martyrdom of Thekla and her companions, and the martyrdom of Anahid. Common to all three of these Christian martyr acts are the themes of a refusal of marriage when told to do so by a Zoroastrian official, the women preserving their virginity for Christ, and the eventual execution of the women. These stories also all share the same idea that it was not so much a belief in Christ as to why they were executed, but instead their refusal to accept Zoroastrian social norms. Indeed, what we can see through all these accounts is women were able to act agentially by dying for their religious beliefs in order to subvert the social rules that Zoroastrianism had deemed appropriate for them. While in some ways these women are being influenced by Christian gender norms, we see that they are given a choice to convert to Zoroastrianism and they refuse, thus giving them a choice of their own. Of course, we must acknowledge that these could be entirely fictitious stories authored by Christians. But even in that scenario, a Christian author is encouraging women to rebel against the Zoroastrian Persian social order.

In chapter two, we questioned whether virginity was essential for a woman to be a "Bride of Christ" based on the evidence of Syriac writers in the 4th through the 6th centuries. While virginity was certainly important to women's holiness in several Syriac Christian writings, it was not the highest ideal for women's holiness. The "Bride of Christ" was considered holier than

virgins, and the "Bride" did not have to be a virgin necessarily. The sources that point to the importance of virginity as being a qualifier for the Bride of Christ are the Martyrdom of Martha, the Martyrdom of Tarbo, and the Martyrdom of Anahid. The sources that do not make virginity a qualification for being a "Bride of Christ" are the story of Mary, niece of Abraham of Quidun, the Martyrdom of Candida, the Sinful Woman who anointed Christ (by Ephrem), the Sinful Woman and Satan (by an unknown author), and Marriage: Anonymous Marriage Hymn. Then, there are also Syriac sources that include both ideas which include the Acts of Thomas, and Hymn of Ephrem (specifically the Hymn on Virginity). These sources tell us that sincere devotion to Christ was what Syriac Christians believed the key to holiness was, not necessarily through one's bodily devotion although that was an option. Some female saints in the Syriac tradition were virgins (like Martha, Tarbo, and Anahid) while others were sexually active and/or married (Mary, Candida, and the Sinful Woman). As Robert Murray suggested, Syriac Christians did not express any certainty in whether marriage or virginity was the best Christian practice, and each Church Father had their own perspective.[379] These sources are certainly representative of that as every author seems to have their own viewpoint.

What does this mean for Syriac Christian women's agency? The fact that a woman could be married or sexually active and still be considered a holy and dutiful Christian, shows that women could choose to be in either group and still not feel that they were forsaking their religion. In this way, women could create a spiritual agency by choosing their sexual status without having to consider their religion. Women could be married or a virgin and still be deemed worthy of saving by Christ, and without having to fear hell. Furthermore, women could enact their agency in protecting their "Bride of Christ" status. For example, both Candida and a

[379] Murray, *Symbols of Church and Kingdom*, 154–58.

married woman from the Acts of Thomas, rebuke their husbands in order to protect their faith and devotion to Christ.[380]

In chapter three, I argued that Jewish women worked within the Talmudic rulings to enact their agency and thus created a way for them to subvert the social expectations of their religion. While the Talmud does not give us immediate insight into everyday women's lives, we can see the religious and spiritual expectations of women in Babylonian Judaism. With the work of Elman, Salaymeh, and Septimus on Yoma 18b and Yevamot 37b, I argued that this issue of temporary marriage raised in these Talmudic verses could have allowed the wives of these rabbis to be freed of their sexual "duties" to their husbands, as well as allowed single women to express their sexuality using these temporary marriages. [381] Through the work of Hauptman, we saw that women could subvert social norms through engaging with the social expectations and rules for them. In addition I engaged with work from Danial Boyarin on women learning Torah and Jewish Law through a Talmudic response to a passage in the Mishnah encouraging men to teach their daughters Torah in order to help her if she is ever tested for "merit" in the case of infidelity.[382] While the Palestinian Talmud agrees with this, the Babylonian Talmud does not and instead insists that teaching a woman Talmud will teach her "lasciviousness".[383] I concluded that this must have been a legitimate concern of the religious elite. If fathers teaching their daughters Torah was not a concern, it seems unlikely that the Talmud would bring it up. This suggests that perhaps, as Hauptman argued, women were indeed learning the Torah and Jewish law.

[380] Klijn, *The Acts of Thomas Introduction, Text, and Commentary*, 209; Brock, *Syriac Perspectives on Late Antiquity*, sec. IX.
[381] Elman, "The Torah of Temporary Marriage A Study in Cultural History"; Salaymeh and Septimus, "Temporalities of Marriage."
[382] Boyarin, *Carnal Israel*, 170–71.
[383] Ibid., 170–76.

There were also several spiritual problems for women. We saw that Hauptman has analyzed a Talmudic story where the daughter of a Rabbi debates with an "apostate" over the creation story of Eve from Adam's rib.[384] This showed us that while women may have believed in some of the gender roles assigned to them by their religion, they often still subverted these social roles by voicing their opinions on the religion or on these roles. Like the Rabbi's daughter, women can simultaneously encourage restrictive rules, while also ironically acting out of them. Similarly, the concept of "Gedolah averah lishmah mimitzvah shelo lishmah" in the work of Ruth Kaniel was a spiritual problem that concerned women.[385] It seems that this concept may have allowed women to have some kind of religious backing when going out of their expected societal roles. However, scholars must be careful when looking into an idea like this because this type of encouragement of sexual impropriety may have been restricted to women in the Bible. Nevertheless there were also talmudic passages could have allowed women to subvert their social roles. Gittin 5a allows for a woman to bring her own bill of divorce to the rabbis as well as requires a woman to say that the bill was written in her presence.[386] This shows that women could be involved in their own divorces, and that they were also seen as credible witnesses in the divorce proceedings. This is somewhat in opposition to the ruling in Deuteronomy 24:1 that women cannot initiate a divorce.[387] Regardless of the fact that a woman could not initiate the divorce, she could still participate in it. Women were then not passive figures in the divorce proceedings, but could be involved even while working within the religious restrictions. Kiddushin 3b and 4a discuss women getting money from a marital agreement and their own

[384] Hauptman, *Rereading the Rabbis*, 2.
[385] Kaniel, "Gedolah Aveirah Lishmah."
[386] "Talmud - Gittin 5a," accessed December 12, 2020, https://www.sefaria.org/Gittin.5a.5?lang=bi&with=all&lang2=en.
[387] Cohn-Sherbok, *Judaism*, 544.

labor. 3b and 4a establish that a father gets his daughter's earnings from both her marital agreement and her labor.[388] Because these discussions were taking place, we might ponder whether or not women were asking this question themselves. Daughters could have been seeing the inequity in financial gain, and trying to exert their financial independence from their fathers. A similar dynamic could be at work when the issue of menstruation and mourning is brought up in Kiddushin 4b. 4b explains that a woman may not pour her husband's drink, arrange his bed, or wash him while she is menstruating because it may encourage sexual relations but that all of these things are permitted in a mourning period.[389] However, a husband may not force his wife to alter her appearance during the mourning period.[390] For our purposes, this shows that women could perhaps use these situations to their advantage by limiting the amount of control a husband could have over his wife. Women could thus reject their husband's demands to some extent.

Chapter four discussed how Jewish, Christian, and Zoroastrian women enabled agency through the Islamic court system during the Umayyad and Abbasid Eras. I argued that these women used Islamic law and courts to curb the restrictions of their own religious communities, and to obtain better protection under the law. Inheritance and divorce law were issues that women of outside religions particularly visited the Islamic courts for, since women could gain both financial independence somewhat and the right to initiate divorce through Islamic Qurʿanic law. Jewish women have perhaps the most documented evidence of this from the Talmud, the *responsa* of the Geonim, and especially the Egyptian Geniza (although outside of Persia it still gives us evidence to what life may have been like in the Empire). Jewish women enacted agency by going to Muslim courts to avoid punishment from Jewish courts, threatening to go to Islamic

[388] "Talmud - Kiddushin 3b," accessed December 12, 2020, https://www.sefaria.org/Kiddushin.3b; "Talmud - Kiddushin 4a," accessed December 12, 2020, https://www.sefaria.org/Kiddushin.4a.
[389] "Talmud - Ketubot 4b," accessed October 26, 2020, https://www.sefaria.org/Ketubot.4b.3?lang=bi.
[390] Ibid.

courts if they did not get their desired outcome, and engaging in outside courts to gain financially in ways they could not in their own court systems.[391] Christian women from the Church of the East, used these court systems and law. George I, the Catholicos in 676 AD, made several canons against women and Christians in general going to the outside courts of the rulers.[392] These canons reveal that the elites were using women as representative of the issues with these courts inside of the community. They also show that women were ignoring their religious courts, and like Jewish women, enacting their agency to use another court system. In both cases, women are using these courts to subvert the social norms of their given religious community.

In comparison we have much less evidence of Zoroastrian women using Islamic courts. However, it does seem they used Islamic law to their advantage, especially in conversion. Women had to become a secondary wife to another man, if their husband converted to Islam.[393] So it seems that women would have likely converted with their husbands to avoid this fate, which I argue would be an example of them enacting their agency to leave their own religion. As with Jewish and Christian women, Zoroastrian women would have also gained better divorce rights from Islam so this could potentially have encouraged women to convert as well. Zoroastrian women too could escape being secluded during her menstrual cycle if they chose to convert to Islam. It seems that some Zoroastrian women may have benefitted through conversion and after their conversion used Islamic law to their advantage. I argue that since Zoroastrians believed in confiscating the land and belongings of any man who converted out of the religion, women may have been able to take this opportunity while men were converting to Islam, to gain land from these converts since women were able to claim their own inheritance from their father

[391] Simonsohn, *A Common Justice*, 175–77; Zinger, "Women, Gender and Law," 22; Zinger, "'She Aims to Harass Him.'"
[392] George I, "Canons, George I"; Chabot, *Synodicon Orientale, Ou, Recueil De Synodes Nestoriens*, 224.
[393] Choksy, *Evil, Good and Gender*, 96–97.

in Zoroastrian law.[394] As a whole, we see that women from all three religions were interested in subverting the social norms of their respective religions by embracing the change that Islamic rule brought to Persia.

My thesis explores how women in Late Antique Persia enacted agency through the various gender boundaries between and within the religions of Zoroastrianism, Christianity, Judaism, and Islam. These religions were not isolated communities but instead interacted on an everyday basis in this time period and resulted in much development within the religious laws and populations. Furthermore, women were not passive figures in this time period of religious change and development, and instead acted within these boundaries often to the benefit of having an independent choice. As stated, this choice was not always what we may think today was their best choice, but what they may have seen as the right choice. Regardless, women subverted social norms, and caused major historical and religious development to take place.

[394] *Rivāyat-i Hēmīt-i Ašawahistān : A Study in Zoroastrian Law*, 182; Perikhanian, "Iranian Society and Law," 647–48.

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