

**NEJS 29a. Feminist Sexual Ethics within Judaism,
Christianity, and Islam
Brandeis University**

Syllabus

Instructor: Bernadette J. Brooten

Meeting Time: Monday, Wednesday, Thursday 1:00–2:00

Meeting Place:

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Office Hours: Mondays 4:00-5:00, Thursdays 2:00-3:00. Sign-up sheet on office door.

In this course, students will dialogue, debate, and create sexual ethics based on the full human rights of both adults and children. Considering equality between women, men, boys and girls, we will examine problematic traditional concepts--especially as found in religious teaching-- that women and children should be subordinate to husbands/fathers and to other male authorities.

As a society, we have made some progress toward developing specific policies concerning sexuality and bodily inviolability that depart from such subordinationist teachings. Still, the incidence of the rape of adult women, the sexual abuse of children, wife battering, and the physical abuse of children remains high and conviction rates low.

We have not yet sufficiently examined the impact of religiously based subordinationist teachings on our legal system and on deeply-rooted societal assumptions about gender, sexuality, and the family that shape our public policies. Feminist theory and critique concerning such religious teachings has not been integrated into our discussions of law and public policy or brought it to bear on religious practice in an effective way.

Learning goals:

In this course, I want you to learn: to analyze and critique arguments used within heated debates; to understand and appreciate positions other than your own and, on that basis, to critique and alter your own positions, where necessary, or to present your own arguments more persuasively in debates; close textual analysis of ancient and modern texts; to understand policies concerning sexuality within the context of a religious group's organization, authority structures, traditions concerning the relative authority of classical texts, and teachings concerning ethics more generally; to recognize and evaluate religious influence on law and public policy; to correlate religious teachings on sexual ethics with a specific religious group's traditions and regulations concerning women; and to apply feminist and—in the case of Christianity—womanist and mujerista—theory to analyze teachings and policies concerning sexual expression.

The Feminist Sexual Ethics Project:

Students in the course can interact with this research project in various ways: use the project's website to find print and e-resources for research papers, post queries and comments on the website, and attend activities sponsored by the project. The project also provides research assistantship opportunities for students.

Course requirements:

1. Active class participation (class attendance, preparation of the readings, thoughtful comments in class). You are able to participate actively when you have read the required reading for the day and the student handout (if there is one), and when you have formulated questions on the readings before class and developed your own position. **From time to time, I may assign additional readings.** [15% of final grade]
2. One class presentation, twenty minutes in length, prepared with one other student. Rather than speaking for twenty minutes, I want you to lead a class discussion, to organize a debate, to assign questions for small groups to discuss, or to devise some similar format. Prepare a handout to help shape the class discussion and pre-distribute it to the students and teachers at the session prior to your presentation. The handout may include a summary of the readings along with questions for discussion, an outline of points to debate, or

similar material that will help students to prepare for the class. I encourage students to read beyond the required readings for the day (e.g., by selecting additional readings from the bibliography). The handout and your oral contributions can raise the level of discussion by focusing it. [10% of final grade]

3. One research paper, based on multiple primary and secondary sources. Each paper must be organized around an original thesis or interpretation, for which you provide persuasive evidence. If you wish to revise your paper, you may hand in a draft for comments by [date], which I will hand back to you by [date]. Paper due in class on [date]. [50% of final grade]
4. Final examination. [25% of final grade]

Students with Disabilities:

If you are a student with a documented disability on record at Brandeis University and wish to have an accommodation made for you in this class, please see me immediately.

Policy on Sexual and Racial Harassment:

As a means of preventing sexual and racial harassment, I add to the final student evaluation forms the following question: "Has the instructor sexually or racially harassed you during the semester?" I do this to give students an anonymous means of reporting such behavior and to make public my commitment not to engage in it. Beyond this, I hope that you will feel free to tell me about any problems in the sexual or racial dynamics of the course so that I can address them--to the best of my ability.

Policy on Incompletes and Late Papers:

Planning ahead can mean that you are better able to cope with the crises that will arise during the semester. Please be aware that I do not normally grant incompletes. Only a very major emergency can result in an incomplete. Please also be aware that late papers will receive lower grades. These policies exist out of fairness to all of the students who, in the face of similar crises and overloads, nevertheless complete their work on time.

Sources on and about Judaism are plentiful at Brandeis, sources on and about Christianity and Islam less so. In order to obtain what you need on the latter, as well as on Biblical Studies in general, you may have to order books and articles on inter-library loan, which takes time. This makes starting your papers early even more essential. Please come early to discuss a topic for your research paper.

Introductions to Judaism, Christianity, and Islam:

In order better to understand feminist sexual ethics within the context of each tradition, please read these brief introductions alongside the other readings (unless you have taken equivalent courses):

[Judaism: find intro. that includes significant focus on Bible, Mishnah, Babylonian Talmud, Rambam, Shulchan Arukh, halakhic process, and Jewish movements in U.S.]

Weaver, Mary Jo, with David Brakke and Jason Bivins. *Introduction to Christianity*. 3d edition. Belmont, CA: Wadsworth, 1998.

Schimmel, Annemarie. *Islam: An Introduction*. Albany: SUNY Press, 1992.

Outline of Topics:

[Some of the following readings will be required and other recommended.]

Session 1 Introduction to Course

Session 2 Feminist Sexual Ethics: Public or Private?

Readings: **Dorothy E. Roberts** [law professor, critical race feminist]. *Killing the Black Body* (1997).

Kathleen M. Sands [professor of religion, Roman Catholic feminist theologian]. "Public, Pubic, and Private: Religion in Political Discourse." In *God Forbid* (2000) 60–90.

PART I. What do Feminists, Womanists, and Other Creators of Women-Centered or Women-Sensitive Sexual Ethics Include under Sex and Why?

Session 3 Judaism

Sylvia Barack Fishman [professor of contemporary Jewry and American Jewish sociology]. *A Breath of Life: Feminism in the American Jewish Community*. Hanover, NH: Brandeis University Press, 1993, 1–60.

Rebecca T. Alpert [professor of religion and of women’s studies, feminist Reconstructionist rabbi]. *Like Bread on the Seder Plate: Jewish Lesbians and the Transformation of Tradition*. New York: Columbia University Press, 1997 [selections].

Naomi Graetz. *Silence is Deadly: Judaism Confronts Wifebeating*. Northvale, NJ: Aronson, 1998) [selections].

Session 4 **Christianity**

Janet R. Jakobsen [professor of women’s studies; religious studies; and lesbian, gay and bisexual studies]. “Why Sexual Regulation? Family Values and Social Movements.” In *God Forbid* (2000) 104–123.

Rita Nakashima Brock [academic administrator, Christian feminist theologian]. “Politicians, Pastors, and Pimps: Christianity and Prostitution Policies.” In *God Forbid* (2000) 245–261.

Traci West [professor of ethics and of African American Studies]. “The Policing of Poor Black Women’s Sexual Reproduction.” In *God Forbid* (2000) 135–154.

Session 5 **Islam**

Leila Ahmed [professor of women’s studies in religion, Muslim feminist]. *Women and Gender in Islam*. Chapter 8 “The Discourse of the Veil” (1992).

Asifa Quraishi [Muslim lawyer]. “An Islamic Critique of the Rape Laws of Pakistan from a Woman-Sensitive Perspective.” In *Windows of Faith* (2000) 102–135.

Riffat Hassan [professor of religion, specialist in Muslim women’s studies]. “Is Family Planning Permitted by Islam? The Issue of A Woman’s Right to Contraception” In *Windows of Faith* (2000) 226–237.

PART II. Feminist, Womanist, and Other Sexual Ethics Created by Women to Improve the Lives of Women and Children

Session 6 **Christian Theological Ethics**

Reading: **Kelly Brown Douglas** [professor of theology, Episcopal priest, womanist theologian]. *Sexuality and the Black Church* (1999).

Session 7 **Christian Theological Ethics**

Reading: **Christine Gudorf** [professor of religion]. “The Social Construction of Sexuality: Implications for the Churches.” In *God Forbid* (2000) 42–59.
Mary Hunt [co-director, Women’s Alliance for Theology, Ethics, and Ritual]. “Just Good Sex: Feminist Catholicism and Human Rights.” In *Good Sex: Feminist Perspectives from the World’s Religions* (2001) 158–173.

Session 7 **Jewish Theological Ethics**

Reading: **Judith Plaskow** [professor of religion, feminist theologian]. “Decentering Sex: Rethinking Jewish Sexual Ethics.” In *God Forbid* (2000) 23–41.

Session 8 **Jewish Theological Ethics**

Reading: **Rachel Adler** [professor of Judaism, feminist theologian]. *Engendering Judaism: An Inclusive Theology and Ethics*. Philadelphia: Jewish Publication Society, 1999 [selections].

Session 9 **Jewish Law as Ethics**

Readings: **Gail Labovitz** [feminist talmudist]. “Yihud—Rabbinic laws of Gender Segregation.” www.brandeis.edu/departments/nejs/fse. Go to “Special Focus: Judaism.”

Chana Safrai [professor in Jewish Thought, talmudist and historian of Judaism]. “Beauty, Beautification, and Cosmetics: Social Control and Halakha in Talmudic Times.” In *Jewish Legal Writings by Women* (1998) 38–51.

Norma Baumel Joseph [professor of religion]. “Hair Distractions: Women and Worship in the Responsa of Rabbi Moshe Feinstein.” In *Jewish Legal Writings by Women* (1998) 9–22.

Tirzah Meacham [professor of Near and Middle Eastern Civilizations, talmudist]. “Marriage of Minor Girls in Jewish Law: A Legal and historical Overview.” In *Jewish Legal Writings by Women* (1998) 23–37.

Session 10 **Muslim Law as Ethics**

Reading: **Azizah al-Hibri** [professor of corporate law and of Islamic jurisprudence]. [long article on marriage and divorce in Islamic Law]

Session 11 **Muslim Feminist Thought**

Reading: **Leila Ahmed** [professor of women and religion, Muslim feminist]. *Women and Gender in Islam* (1992) and *A Border Passage* [selections]

PART III. How Do Feminists, Womanists, and other Women Interpret Normative Texts Relevant to Sexual Ethics?

Session 12 Judaism: Marriage

Readings: Gen 1–3 (creation); Exod 22:16–17 (seduction of a virgin); Deut 24:1–4 (divorce, important basis of rabbinic teachings on marriage); *Mishnah Ketubot* 1:2, 4:4, 5:5,8,9; *Babylonian Talmud Ketubot* 10a, 82b; *Mishnah Kiddushin* 1:1–5; *Babylonian Talmud Kiddushin* 6b–7a, 9a

Judith Hauptman [professor of Talmud]. *Rereading the Rabbis: A Woman's Voice*. Chapter 3 “Marriage” (1998).

Judith Romney Wegner [talmudist, lawyer]. *Chattel or Person? The Status of Women in the Mishnah*. Chapter 3 “The Wife” (1988).

Session 13 Judaism: Seduction, Rape, and Adultery

Readings: Gen 34 (rape of Dinah); Num 5:11–31 (wife accused of adultery); Deut 22:22–30 (adultery, rape); [add early rabbinic sources]

Judith Hauptman [professor of Talmud]. *Rereading the Rabbis: A Woman's Voice*. Chapter 4 “Rape and Seduction” (1998).

Judith Romney Wegner [talmudist, lawyer]. *Chattel or Person? The Status of Women in the Mishnah*. Chapters 2 “The Minor Daughter,” 3 “The Wife” (1988).

Session 14 Judaism: Same-sex Sexual Relations

Readings: Lev 18:22; 20:13 (prohibiting sexual relations between males); *Sifra Leviticus* [prohibiting marriage between women and between men]; *Jerusalem Talmud Gittin* 8:10, 49c.70–71 (debate on whether female homoerotic acts disqualify such women from eating priestly offerings or from marrying priests); *Babylonian Talmud Yevamot* 76a (same debate).

Alpert, Rebecca T. “Coming to Terms with Leviticus.” In *Voices of the ReligiousLeft: A Contemporary Sourcebook*. Philadelphia: Temple University Press, 2000, 215–222.

Bernadette J. Brooten [professor of Christianity, specialist on Judaism and Christianity in the Roman world]. *Love Between Women: Early Christian Responses to Female Homoeroticism*. Chicago: University of Chicago Press, 1996, 61–70.

Session 15 Christianity: Marriage and Divorce

Readings: Eph 5: 21–6:9 [and parallels]; Augustine. *On the Good of Marriage*; Matt 5:32 [and parallels]

Sarah J. Tanzer [feminist historian, professor of the Christian Testament].

“Ephesians.” In *Searching the Scriptures: A Feminist Commentary: A Feminist Commentary*. Vol. 2. New York: Crossroad, 1994, 325–348.

Bernadette J. Brooten [professor of Christian studies, specialist in Judaism and Christianity in the Roman period]. “*Nature, Law, and Custom in Augustine’s On the Good of Marriage.*” In *Festschrift for Elisabeth Schüssler Fiorenza* (forthcoming).

Session 16 **Christianity: Virginit**

Readings: 1 Cor 7, 9; Acts of Paul and Thekla; John Chrysostom [selections]

Session 17 **Christianity: Sexual Relations Between Women**

Readings: Rom 1:18–32; Clement of Alexandria. *Paidagogos*; John Chrysostom. *Homilies on Romans 4*

Bernadette J. Brooten [professor of Christian studies, specialist in Judaism and Christianity in the Roman period]. *Love Between Women* (1996) [selections].

Session 18 **Islam: Marriage and Divorce**

Readings: Qur’an Surah 4 (on women); Ibn Hanbal and Ibn Rahwayh (early jurists) on marriage and divorce: edited, translated, and introduced by Susan Spector sky. *Chapters on Marriage and Divorce: Responses of Ibn Hanbal and Ibn Rahwayh* (1992).

Session 19 **Islam: Marriage and Divorce (cont.)**

Readings: Qur’an Surah 4 (on women); Ibn Hanbal and Ibn Rahwayh (early jurists) on marriage and divorce: edited, translated, and introduced by Susan Spector sky. *Chapters on Marriage and Divorce: Responses of Ibn Hanbal and Ibn Rahwayh* (1992).

Azizah al-Hibri [professor of corporate law and of Islamic jurisprudence].

“Islam, Law, and Custom: Redefining Muslim Women’s Rights.”

American University Journal of International Law and Policy 12:1 (1997).

Amina Wadud [professor of Islamic studies] *Qur’an and Woman*. [selections]

Session 20 **Islam: Veiling of Women**

Sexual Relations Between Women

Readings: Qur’an 4:15 (relations between women)

Kecia Ali [scholar of early Islamic jurisprudence]. “Same-Sex Sexual Activity and Lesbian and Bisexual Women.”
www.brandeis.edu/departments/nejs/fse. Go to “Special Focus: Islam”

PART IV. Should Jewish, Christian, and Muslim Teachings on Sexuality Influence Public Policy and State and Federal Law in the United States?

Session 21 Subordination of Women and Children within Marriage

Readings: William Blackstone. *Commentaries*, 442–445 (on coverture and the husband’s to discipline his wife by means of “moderate [physical] correction”)
Balistreri v. Pacifica Police Department 901 F.2d 696 (9th Cir. 1990)
[cases in which parents and pastors have argued religious grounds that they beat children for religious reasons]

Session 22 Sodomy Statutes, Same-Sex Marriage

Readings: Bowers v. Hardwick 478 U.S. 186 (1986)
Shahar v. Bowers 114 F.3d 1097 (11th Cir. 1997)
Rebecca T. Alpert. “Religious Liberty, Same-Sex marriage, and the Case of Reconstructionist Judaism.” In *God Forbid* (2000).

PART V. How Should Sexual Ethics Relate to the Social, Natural, and Medical Sciences?

Session 23 Sexual Abuse within Religious Families and by Religious Leaders

Readings: **Daniel Brown** [professor of psychology, psychotherapist in private practice], Alan W. Schefflin [law professor], and **D. Corydon Hammond** [professor of medicine]. *Memory, Trauma, Treatment, and the Law* (1998) [selections].

Judith Lewis Herman [feminist psychiatrist]. *Trauma and Recovery: The Aftermath of Violence* (1992) [selections].

Christine E. Gudorf [professor of theology, feminist theologian]. *Victimization: Examining Christian Complicity* (1992) [selections].

Session 24 Extent of Evolutionary Determinism, of Genetic Predispositions, and of Cultural Plasticity in our Sexual Behavior

Readings: **Anne Fausto-Sterling** [professor of biology and of women’s studies, feminist]. *Sexing the Body: Gender Politics and the Construction of Sexuality* (2000) [selections].

Alice Domurat Dreger [professor of science and technology studies].
Hermaphrodites and the Medical Invention of Sex (1998) [selections].
Richard Dawkins [ethologist]. *The Selfish Gene*. Chapters 1 “Why are people?”
2 “The Replicators,” 3 “Immortal Coils,” 4 “The gene machine,” and 9
“Battle of the sexes” (1976).

Session 25 **Conclusion and Review**

Course textbooks:

Douglas, Kelly Brown. *Sexuality and the Black Church: A Womanist Perspective*. Maryknoll, NY: Orbis, 1999.

Halpern Micah D., and Chana Safrai, ed. *Jewish Legal Writings by Women*.
Jerusalem: Urim, 1998.

Jung, Patricia Beattie, Mary E. Hunt, and Radhika Balakrishnan, eds. *Good Sex: Feminist Perspectives from the World's Religions*. New Brunswick, NJ: Rutgers University Press, 2001.

Sands, Kathleen M., ed. *God Forbid: Religion and Sex in American Public Life*.
New York: Oxford University Press, 2000.

Webb, Gisela, ed. *Windows of Faith: Muslim Women Scholars-Activists in North America*. Syracuse, NY: Syracuse University Press, 2000.