

Bracketing the body of this double parashah is a series of old and new decrees that pertain to establishing a society based on justice for all. For all? Not quite, since women then, and today, are not completely autonomous. Our ancestors lived in a patriarchal society, with the householder ruling over his house, the tribal chieftain over his tribe, and later, the king ruling over everyone. The individual was always subject to the whole, and the woman was always subject to the man. But compared to women in the surrounding cultures, Israelite women were far better off, enjoying many unique rights and privileges that were woven into the body of laws that governed all of life. Nevertheless, history has taught us that at best, progress for women has usually been in the form of two steps forward and one step backward, as is eloquently illustrated in the final chapters of *Sefer Bamidbar* (Numbers). At the beginning of our reading, Moses instructs the tribal leaders on the laws concerning the making and breaking of vows. Men are bound by their vows (“... he shall not violate his word; whatever came out of his mouth, he shall do.” 30:3). But for women, unless they are widowed or divorced, there is an “escape clause” in the form of a veto by the male relative who has authority over her: her father, her betrothed, her husband. But for him too, there is a caveat. He must annul her vow on the day he hears it, or it will be binding upon her. In addition, if the man does force the woman to annul her vow, he will “bear her iniquity” i.e., become obligated before HaShem. Moses has his own problem with vows at the end of our reading when he is forced to amend the vow made to the daughters of Zelophechad. Two steps forward for the brotherless daughters of Zelophechad last week in Parashah Pinchas when they are allowed to inherit their father’s lands, a step backward now after a challenge from the paternal heads of the sons of Gilead from their tribe of Manasseh. Because Moses had made a vow to these women in the name of HaShem (27:6-11), he is bound to uphold it, but he is equally obligated to prevent a possible revolt by the tribal leaders, whose critique is understandable considering the legal rights of women in general. Should a female landowner marry outside of her tribe, her land would become part of her husband’s holdings and thus lost to her ancestral tribe. As a result, it is decreed that “Every daughter from the tribes of the children of Israel who inherits property, shall marry a member of her father’s tribe, so each one of the children of Israel shall inherit the property of his forefathers. Thus, the inheritance of the children of Israel will not be transferred from tribe to tribe ...” (36:6-7) On the surface, it appears that by marrying within their tribes, women forfeit their holdings to their husbands, essentially rendering the gains made by these 5 brave women null and void. However, without their achievement, a woman whose father had died without leaving a male heir would have become an orphan, dependent upon the charity of others. The ruling in their favor not only saved countless women from this humiliation, it also removed an entire group of people from the ranks of the needy, thus saving money for society as a whole. But as the tribal leaders point out, it had overlooked a serious flaw. How could tribal boundaries be maintained if women brought their lands into the holdings of other tribes? The potential chaos would be overwhelming. In the name of sheer rationality, Moses had to amend his vow. Balancing the wants and needs of individuals, families, communities, and society is a daunting and perpetual task. Then, and now, adhering to the status quo at all costs is both illogical and dangerous. Democracies must amend their constitutions according to the requirements of new situations and new knowledge. Similarly, *halacha* – the body of Jewish law – is constantly being amended to fit the needs of our present time and place. Moses leads the way by adjusting his original vow. The Shulchan Aruch (Chapter 67) discusses the gravity of making vows, outlining the strict obligations they impose. Judges Chapter 12 recounts the tragic story of Jephthah, who rashly vowed to HaShem that for a victory over the Ammonites he would present as burnt-offering the first thing that came out of his house to meet him upon his return. Tragically, it was his own daughter. Our sages roundly condemn this vow, portraying Jephthah as an arrogant ignoramus. “The Holy One, blessed be He, is angry with Jephthah and tells him: ‘If a camel, or an ass, or a dog had come out, would you offer it to Me as a burnt offering?’ Jephthah’s vow reflects impulsive and ostentatious behavior, without any thought and without considering possible consequences. The Holy One, blessed be He, also responded to Jephthah in an “unfitting” manner, and arranged for his only daughter to greet him on his victorious return from battle.” (Midrash Genesis Rabbah 60:3). Midrashim portray his daughter quoting passages from Leviticus concerning sacrifices that would nullify the vow. Unsuccessful as she is against the ignorant stubbornness of her father, she still emerges as a strong woman. Establishing and maintaining equitable laws for all members of a society is indeed difficult, especially regarding women in a world that stubbornly holds on to patriarchal ideas. Zelophechad’s daughters had the courage to speak up for themselves and other women, and the wisdom to compromise in the interest of all. With two steps forward and only one step back, we are indeed making progress, slowly but surely.

Shabbat shalom!