

Many of the laws reiterated and defined in our parashah concern women in a world dominated by men. It is a tragic fact that women in war and in peace have always been regarded as fair game for men. Tragically, this mentality still persists today in many parts of the world, including in the draconian anti-abortion laws now being enforced in parts of the USA. I participate in the *Daf Yomi* project, reading a page of Talmud every day, and we have just begun to study Tractate Kiddushin (betrothals), the last tractate of the section called Nashim (Women), which primarily involves contracts governing betrothal, marriage, divorce, and property settlement. Topics range from Yevamot (Levirate marriage – the obligation of a dead husband’s brother to marry the widow) through Ketubot (marriage contracts protecting the wife’s rights), Nedarim (vows – especially those made during a time of emotional stress), Nazir (vows of abstinence), Sotah (suspected adulteress), and Gittin (divorce certificates). In the world of the Mishnah (earliest part of the Talmud), where women still passed from the authority of their fathers to the authority of their husbands and independent life for women was unthinkable, the seven tractates of Nashim develop a body of laws for interpersonal relationships that was far ahead of its time. Of course I often chafe at their blatantly sexist slant, but in light of how women have been treated since the dawn of time, I admire those sages’ innovative attempts to create a code of ethics to protect women in a decidedly, and often unspeakably brutal man’s world. The opening verses of our parashah set forth rules governing the treatment of women taken captive in war. Rape is prohibited and the captive woman is given time to acclimate to her new situation, but “After that, you may be intimate with her and possess her, and she will be a wife for you.” (21:13) And she may also be summarily disposed of: “And it will be, if you do not desire her, than you shall send her away wherever she wishes, but you shall not sell her for money. You shall not keep her as a servant, because you have afflicted her.” (23:14) Women may sometimes be little more than mere chattel, but the Torah and Talmud do ensure them a modicum of dignity. We have just read in Tractate Kiddushin that an unmarried woman may be betrothed by three methods: money, a document, and sexual intercourse (with the explicit intent to consummate the marriage). Yes, you read that correctly. A woman is “acquired,” or “taken,” and Kiddushin 4 cites Abraham’s negotiation with Ephron for Machpelah, the field containing the burial cave for the patriarchal family in Genesis 23:13 as proof-text: “I will give money for the field; take it from me.” Kiddushin 4 also cites 24:1 in our parashah: “When a man takes a wife and is intimate with her, and it happens that she does not find favor in his eyes because he discovers in her an unseemly [immoral] matter, and he writes for her a bill of divorce and places it into her hand, and sends her away from his house ...” However, both our parashah (22:13-19) and Tractate Ketubot establish strict penalties for a man who unjustly accuses his wife of not being a virgin: “Then, the elders of that city shall take the man and chasten him. And they shall fine him one hundred silver shekels because he defamed a virgin of Israel, and she should give it to the girl’s father. And she shall be his wife; he shall not send her away all the days of her life.” (24:18-19) But should the man be proven right, the punishment for the woman is far more stringent: “they shall take the girl out to the entrance of her father’s house, and the men of her city shall pelt her with stones, and she shall die, for she did a disgraceful thing in Israel, to commit adultery ...” (24:21). Another verse in our parashah emphasizes the fact that the sexes are separate and unequal: “A man’s things (usually translated as attire) shall not be on a woman, nor may a man wear a woman’s garment, because whoever does these things is an abomination to the Lord, your God.” (22:5) The word used here is כְּלִי, (vessel, tool, instrument, weapon, thing, and sometimes attire.) And the word used for man is גֵּבֶר (*gever*) rather than the more common אִישׁ (*ish*). The root גבר means to gain strength or power, to overpower, to conquer. This is not simply an injunction against crossdressing; it implies strict delineation of responsibilities, another important societal building block. Tractate Nazir 59a explains: “Rather, it means that a man may not wear a woman’s garment and go sit among the women, and a woman may not wear a man’s garment and sit among the men. ... which indicates that a man may not adorn himself with the cosmetics and ornaments of a woman, and similarly, a woman may not go out with weapons to war, as those are for the use of males.” As we know, until quite recently the roles of men and women were strictly divided. I can remember when female doctors, lawyers, scientists, orchestra musicians, and conductors were the rare, often ridiculed exception. Female rabbis and cantors came on the scene even later and are still not accepted in the Orthodox world. Similar clergy restrictions still persist in other religious societies as well. But talent and suitability are beginning to override traditional gender allocation. The overwhelming success of female conductors in places like Bayreuth, and female politicians across the world are shining examples. But we gratefully acknowledge that today’s progress is grounded in modern interpretation of basic Torah values, some of which are outlined in our parashah.

Shabbat shalom!