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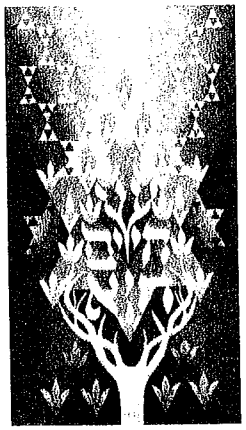

The Women's Torah Commentary

New Insights from Women Rabbis on the 54 Weekly Torah Portions

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gated by their words, but men would learn the power of their words and be prepared to accept limitations upon them from others. Numbers 30:4ff., which limits a woman's vow specifically to when she lives with her father or husband, would be understood to symbolize all persons living in relationship with others. All young people, male and female, who live in their parental home—though they may not like it all the time—are not fully independent. They need to understand that their parents have a part in all that they say and do. *Matot* teaches us that their vows cannot stand without parental approval.

The same is true for married partners. Adults who are married have committed to a partnership. Therefore, adults must share their oaths and their vows with their spouses, and their spouses are entitled to input. *Matot* teaches us that the vows of married persons cannot stand without spousal approval.

One reading of our *parashah* might suggest that it is a sexist reminder of an age when men were free to utter vows and women were not. Another reading might suggest that the time has come to cast off the limitations that were placed upon women and allow men and women both to accept the responsibility for the vows that they utter. Still a third interpretation would encourage us to consider the different ways that men and women use words to communicate. I think we do best to see a fourth possibility: men learn from women and women learn from men, and together we accept readily the responsibility entailed in uttering vows, while also sharing those responsibilities with the people close to us, with whom we live in treasured relationship.

RABBI HARA E. PERSON

מסעי
Masa'ei

Boundaries and Limits

The daughters of Tzelophechad did as God had commanded Moses. (NUMBERS 36:10)

CREATING ORDER OUT OF CHAOS is one of the primary themes in the Torah. God sets an example in the very first portion, and throughout the rest of the Torah, human beings strive to continue God's work. Chaos is frightening, dangerous, and leaves too much to chance, while order, through the establishment of boundaries, puts everything in its rightful place. *Parashat Masa'ei* is a portion about those boundaries. There are the physical boundaries of land, the social boundaries of appropriate behavior, and the boundaries defined by gender. In this portion, women represent a snag in an otherwise tight narrative seam.

The itinerary of the Israelites' trip through the desert is recounted, station by station, plotting a line across a landscape, as if across a graph. That line leads to the steppes of Moab, at the Jordan near Jericho, where the focus turns to possession and borders—what belongs to whom. Numbers 34 reads like a surveyor's map, as it lays out the physical boundaries of land in topographical detail. It is not enough that the exact borders of the land be specified,

but within the land itself, there are to be subboundaries that divide each clan from the others. Even the exceptions must be taken into account. The tribe of the Levites, who do not inherit a portion of land, are to be a communal responsibility, cared for by all the other tribes. The large groups are to be allocated greater portions than the smaller groups.

The institution of the cities of refuge (Num. 35:22–28) addresses the limits of acceptable behavior and allows for another exception to the rule. A solution is found for a situation that could potentially threaten the stability of the group. Those who have committed unintentional homicide have a place where they can belong and exist. Within those limits they are safe, while outside, they cannot be protected.

Limits are not to be pushed; risks are not to be taken. Safety is found in following rules, and staying within the parameters.

It is only the intentional murderer, a person who purposefully tears apart the fabric of civilization, who has no place at all within its borders. The text warns, *lo tachanifu et ha'aretz,* "do not pollute the land" (Num. 35:33). Blood does not belong spilled on the ground. But it is not blood itself that is a polluting agent; rather, it is the way in which blood is spilled that pollutes. Blood in its rightful place within the body is not pollution. Mary Douglas, an anthropologist who studies religious systems, writes about dirt as being a matter out of place. She writes, "Where there is dirt there is a system. Dirt is the by-product of a systematic ordering and classification of matter, in so far as ordering involves rejecting inappropriate elements."[1]

In the context of this *parashah,* Douglas's ideas are useful in understanding the importance of boundaries. The one who has intentionally murdered is that inappropriate element. No one has

the right to take anyone else's blood. The system cannot tolerate such behavior, and there is no room for that person anywhere.

It is not coincidental that the next issue dealt with in this portion is women. Women are also potentially inappropriate elements who don't fit into the system, and thus have the capacity to be agents of pollution. Thus, the matter of the daughters of Tzelophechad is preceded by a cautionary text about the danger of overstepping the boundaries, for, just as murder undermines order, so do women who push against the limits of their social and familial roles. One way to effect order is the creation of laws that limit and define appropriate behavior. Phyllis Bird writes, "One of the chief aims of Israelite law is to assure the integrity, stability, and economic viability of the family as the basic unit of society. In this legislation, however, the interests of the family are commonly identified with those of its male head."[2]

In *Masa'ei,* women surface as destabilizing elements who challenge the order that the laws provide.

The heads of one of the clans approach Moses to discuss a problem concerning the daughters of Tzelophechad and their right to inherit. This is the second time these five daughters are mentioned in the text, having been previously discussed in *Parashat Pinchas,* chapter 27. Because their father died leaving only daughters, they asked to be given his portion. Moses brought their case before God, and their wish was granted. This event caused new laws of inheritance to be created, among which is a law that daughters can inherit from fathers if there is no son. The daughters of Tzelophechad set a significant precedent. They stepped outside the boundary and survived.

The overriding concern in the second part of their story appears, however, not to be the daughters themselves, their welfare,

or their rights, but rather, the disposition of the sum of the tribe's holdings if they are allowed to inherit. The question raised here is not their question, but that of the men of their tribe. If the daughters marry, the land that they possess would become the property of the tribe into which they marry, and their family's possession would be diminished. So it is decided that they may marry anyone they wish, as long as it is someone from within the tribe.

This second part of their story must be read in light of the previous chapter. In Num. 27, it is the daughters who approach Moses and direct him toward their situation: *va-tikravnah b'not Tzelophechad,* "And the daughters of Tzelophechad came forward" (Num. 27:1). They are the active participants in this encounter. In contrast, in Num. 36, *yikravu roshei ha-avot,* "The family heads came forward" (Num. 36:1). In this second piece of the story, it is the male leaders who bring the problem to Moses. In Num. 27, each of the daughters is clearly named at the outset: "The names of his daughters were Mahlah, Noah, Hoglah, Milcah, and Tirtzah" (Num. 27:1). They are still "his daughters," but they are named, and thus are individuals. In Num. 36, however, eleven lines intervene between the time they are mentioned and the time they are called by their individual names. The whole time that their case is being discussed, they are simply the daughters of Tzelophechad. It is only in Num. 36:11, once the case has been decided, that their names appear in the text.

Throughout the discussion of the dilemma, the daughters are passive observers while the men, together with God, try to create a system of order that will enable them to retain control over the women and over the land. But once a resolution has been reached, the daughters act as they have been told to do. In contrast to Num. 27, their actions here are actually reactions: "The daughters of

Tzelophechad did as God had commanded Moses" (Num. 36:10). They became wives to the sons of their uncles; in other words, as Sforno points out in his comment on this verse, not only did they marry within their tribe, but they married their closest relatives. The language used in these lines reveals that even the actions they do take are passive. The expression *ken asu,* "so they did," is an expression often used to denote action taken in response to a command from God,[3] sometimes even against one's will or better judgment.[4]

An implied sense of resignation can be read into this phrase. The daughters did so, because they really had no other choice. As Jacob Milgrom points out, by marrying their first-cousins, in effect they do not really inherit, but simply pass the portion on to the family of their father's brother, who would have inherited if they had not been allowed to.[5]

In this conclusion to the story of the daughters of Tzelophechad, their power is diminished and their victory is dampened. Now that they are wives, they have been woven back into a familiar role, and their inheritance is safely back in male hands. These sisters had the potential to pollute—to be matter out of place. But they are put back into their place, and danger is averted. Order prevails; chaos has been controlled.

These five sisters are generally regarded in a positive light by the rabbinic tradition. In a discussion on Num. 27:4 about the order of their names, Rashi mentions the intelligence of the sisters. After all, as Rashi also points out, unlike most other laws in the Torah, Moses waited to give an answer on this issue until he was addressed by the sisters. Because these daughters had so much merit, the law was written through them. Today, their victory might not seem like a victory at all. Yes, they gain the right to inherit, but only temporarily, and they are restricted in their ability to choose

marriage partners. Is Rashi right in attributing intelligence to these sisters? In the context of a world with extremely limited options for women, they truly did act with remarkable intelligence. It is not them but their kinsmen who bring the issue of their marriages to Moses, for that is not their main concern. They have achieved the right to inherit land and continue their father's name. But once a decision is reached about whom they can marry and the future of their land, they act quickly. Sforno wonders why they chose to marry their first-cousins, when they had some choice about whom they could marry. He suggests, again in his comment on Num. 36:10, that it was exactly because they were the closest: once they saw that God did not want their inheritance to be removed from the tribe, it made sense to keep the land in the family as much as possible. But perhaps there is another angle. Though the language about their marriages leaves them in the passive role, stating that "they became wives to the sons of their uncles" (Num. 36:11), the text presumes that the sisters chose their husbands, and not the other way around. They have been commanded directly by God to become wives to those who appealed to them (Num. 36:6). The choice, albeit limited, has been left in their hands.

So why, indeed, this particular choice?

Phyllis Bird writes, "One consequence of patrilineal organization is that women are to some extent either aliens or transients within their family of residence. Married women are outsiders in the household of their husband and sons, while daughters are prepared from birth to leave their father's household and transfer loyalty to a husband's house and lineage."[6]

The wisdom to which Rashi referred is a subtle intelligence. Though the daughters have taken the risk of pushing limits, they also know that limits are not infinitely elastic. They understand that

there is a time for creating new paradigms, and a time for working within existing systems. They do not want to be like the example of the intentional murderer, who has pushed the limits so far that there is no longer any place for him. By choosing to marry within such a closed circle, they are most likely marrying people who know them, and who know their father. There is no need to prove themselves, and no need for the kind of transfer of loyalty that Bird speaks about. They will be neither aliens nor transients within the households of their first-cousins, and thus they have a greater chance for some level of authority. Within the circle of their extended family, they are not matter out of place, but at home. What is more, by all marrying cousins, there is a greater chance that they will stay close to one another. That they acted twice in union implies a sense of closeness between the sisters. This way, they will be able to maintain their relationships and call on each other for strength and support. As a group, they are clearly a force with which the Torah must contend. Sisterhood is indeed powerful.

and Roman Law (Oxford: Clarendon, 1960).

5 See, for example, *Mishnah Baba Batra* 8:5 which portrays the disdain that the Rabbis held for anyone who transgressed the biblical law of inheritance.

6 References to this document can be found in *Shulchan Arukh: Hoshen Mishpat* 281:7; *Eben Ha-ezer* 89:1; 108:3.

Matot · *Rabbi Stacy K. Offner*

1 Abraham Hasdai, Ben Hamelek Vehanazir (Barcelona: c. 1230), ch. 26.

2 Elizabeth Cady Stanton, *The Woman's Bible* (Seattle: Coalition Task Force on Women and Religion, 1974), 117.

3 M. Rosenbaum and A. M. Silbermann, eds., *Pentateuch and Rashi's Commentary* (Jerusalem: Silbermann, 1929), 144.

4 Carol Gilligan, *In a Different Voice* (Cambridge: Harvard University Press, 1982), 8.

Masa'ei · *Rabbi Hara E. Person*

1 Mary Douglas, *Purity and Danger* (New York: Routledge, 1966), 35.

2 Phyllis Bird, *Missing Persons and Mistaken Identities: Women and Gender in Ancient Israel* (Minneapolis: Fortress, 1997), 23.

3 See, for example, Gen. 6:22; Exod. 7:6; Exod. 12:28; Exod. 12:50.

4 See, for example, Gen. 42:20; Exod. 7:6; Exod. 12:28.

5 Jacob Milgrom, *Numbers*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989), 298.

6 Bird, *Missing Persons and Mistaken Identities*, 55.

Devarim/Deuteronomy

Va'etchanan · *Rabbi Rochelle Robins*

1 Deut. 11:9; 26:9; 15; 27:3; and 31:2.

2 Jeffrey H. Tigay, *Deuteronomy*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1996), 438.

3 Ibid., 75.

4 See, for examples, Lev. 15:1–2 and 25, Lev. 15:1-2; Lam. 4:9.

5 The laws of family purity and *Niddah* (the menstruant woman who is forbidden to have sexual contact with her husband) are based on the following biblical citations: Lev. 15:19–33; 18:19; and 20:18. The *Arba'ah Turim* and the *Shulchan Arukh* in the section of *Yoreh De'ah* are examples of rabbinic legal codes developed around the subject. For feminist analysis, see the essays in this book on the Leviticus sections.

6 Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest* (New York: Routledge, 1995), 23.

7 Ibid.

8 Pamela Gordon and Harold C. Washington, "Rape as a Military Metaphor in the Hebrew Bible" in *The Feminist Companion to the Latter Prophets*, ed. Athalya Brenner (Sheffield, England: Sheffield Academic Press, 1995), 308–09.

Shoftim · *Rabbi Susan Fendrick*

1 Babylonian Talmud, *Sotah* 46a.

2 See Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder, Colo.: Westview, 1999), regarding the way that rabbinic law of concern for women developed over time.

3 *Pirkei Avot* 5:26.

Ki Tetzey · *Rabbi Judith Gary Brown*

1 Two significant questions arise from the language of the text. First, why are three different terms—*ishah*, *na'arah*, and *betulah*—used for the girl/woman? Second, why is this a capital crime (and what does this imply)? With respect to the first question, the terms *na'arah* and *betulah* refer to a girl around the age of pubescence. The term *betulim* seems to mean "(signs of) virginity" or "evidence of pubescence." Maimonides, in his *Mishneh Torah* (*Hilkhot Na'arah Betulah* 3:2), specifies that *na'arah* means a girl between the age of twelve and twelve-and-a-half years of age. The term *ishah*, however, can mean either "woman" or "wife." In this regard, the opening phrase *Ki yikach ish ishah* technically means "If a man takes a woman/wife." So, perhaps, we are getting a glimpse of at what age daughters were married off in biblical society. The second question stems from the fact that the only case where prenuptial intercourse would be a capital crime is a case of adultery. Thus, the girl/woman would have to have been already betrothed at the time she has intercourse for this to be considered adultery. It seems then that this case reflects a scenario where the husband, after having sexual intercourse with his new wife, feels that she was not a virgin (presumably because there was no bleeding), and inquires and finds out that his wife was seen with another man in the period between their becoming betrothed and the marriage ceremony. In a capital case, it would be unheard of to base the whole case on a piece of evidence and not witnesses. This difficul-

Rabbi Hara E. Person was ordained by Hebrew Union College–Jewish Institute of Religion in 1998. She has a B.A. from Amherst College and an M.A. in Fine Arts from New York University/International Center of Photography. She is editor of the UAHC Press and also of *clickonJudaism.com,* a website for Jews in their twenties and thirties. She is a co-editor of the newly revised *Introduction to Judaism: A Source Book* (UAHC Press). She lives in Brooklyn, New York, with her husband and two children.

"I am a first-generation Reform Jew, and was the first girl in my congregation to wear a tallit when I became bat mitzvah. I decided to become a rabbi when I was around eleven, because my rabbi was one of the only people I knew at that time who was proud to be Jewish and knowledgeable about Judaism. I changed my mind several times, and spent a while living in Israel and going to art school before I decided once again that I really did want to be a rabbi."

Rabbi Audrey S. Pollack received rabbinic ordination from Hebrew Union College–Jewish Institute of Religion in Cincinnati in 1994, and is the associate rabbi of Congregation Emanuel in Denver, Colorado. In addition to her congregational work, Rabbi Pollack writes feminist midrash and creative liturgy. Several of her feminist commentaries appear in *Beginning the Journey: A Women's Commentary on the Torah,* published by the Women of Reform Judaism. She is married to Phil Subeck, a social worker.

"I decided at a fairly young age, fourteen, that I wanted to become a rabbi. That I had not yet met a woman who was a rabbi was not an issue for me—as the oldest of three girls, I was raised by my parents to believe that I could do anything I wanted to do. When I was a teenager, my rabbis and cantor—Rabbi David Polish, Rabbi Peter Knobel, and Cantor Jeffrey Klepper—offered opportunities for the young adults of the synagogue to teach, lead services, and study. As I pursued my goal, I came to understand more and more that this was what God wanted me to do with my life: to become a rabbi was the best way that I could serve God and the Jewish people. As a congregational rabbi, my mission is to challenge people to discover what Judaism means for them, to encourage them to express it in their own lives, and to inspire them to have pride in their identity. My ambition is to create in our congregational community an atmosphere that nourishes growth and learning, on both an intellectual and a spiritual level. The synagogue is for me a home, a place of comfort, a place where we discover a Judaism that is deep and compelling."

Rabbi Sally J. Priesand was ordained as the first woman rabbi from Hebrew Union College–Jewish Institute of Religion in 1972, Cincinnati campus. Since 1981, she has served as rabbi of Monmouth Reform Temple in Tinton Falls, New Jersey. She has served on the board of trustees of the Union of American Hebrew Congregations and the executive board of the Central Conference of American Rabbis. Currently, she serves on the board of governors of Hebrew Union College–Jewish Institute of Religion and is Vice-President of the Rabbinic Alumni Association. She is the author of *Judaism and the New Woman* (Behrman House), and a contributor to *Women Rabbis: Exploration and Celebration* (HUC–JIR Rabbinic Alumni Association Press).

"At the age of sixteen, I decided I wanted to be a rabbi. It didn't seem to matter to me that there were no female rabbis. Fortunately, my parents gave me one of the greatest gifts that parents can give their children: the courage to dare and to dream. As a result, I never really doubted whether or not it was possible for a woman to be ordained. I am proud that today young girls grow up knowing they can be rabbis if they want to."

Rabbi Geela-Rayzel Raphael was ordained at the Reconstructionist Rabbinical College in 1997. She has also studied at Indiana University, Brandeis University, Pardes Institute, and the Hebrew University of Jerusalem. She is currently the rabbi at Leyv Ha-Ir Reconstructionist Congregation in Philadelphia. Rabbi Raphael is also a songwriter/liturgist and sings with MIRAJ, an a cappella trio, and Shabbat Unplugged, a rabbinically trained spiritual ensemble. "Bible Babes A-beltin'" is Raphael's recent recording.