



Women Are a Separate People

Part One

BEN SIRA 42.9.11

A daughter is to a father a treasure of sleeplessness,
And the care of her banisheth slumber...
Over thy daughter keep a strict watch
Lest she make thee a name of evil odour
A byword in the city and the accursed of the people
And shame thee in the assembly of the gate

Talmud Bava Batra 16b

It is reported that **a daughter was born to Rabbi Shimon, son of Rabbi Yehuda HaNasi, and he was upset** that he did not have a son. **His father said to him: Propagation has come to the world** through the birth of a daughter. **Bar Kappara said to Rabbi Shimon: Your father has consoled you with meaningless consolation, as it is taught in a baraita: The world cannot endure without males and females, as both are needed for the perpetuation of humanity. But fortunate is he whose children are males and woe to him whose children are females.**

Genesis Rabbah Parshah 17

Rabbi Joshua was asked: Why does a man come forth at birth with his face downward while a woman comes forth with her face turned upwards?

...Why does a man go out bareheaded while a woman goes out with her head covered?

She is like one who has done wrong and is ashamed of people, therefore she goes out with her head covered.

Why do women walk in front of the corpse at a funeral?

Because they brought death into the world, therefore they walk in front of the corpse...

Why was the precept of menstruation given to her?

Because she shed the blood of Adam by causing his death, therefore was the precept of menstruation given to her.

And why was the precept of dough given to her?

Because she corrupted Adam who was the dough of the world, therefore was the precept of dough given to her.

And why was the precept of the Sabbath lights given to her?

Because she extinguished the soul of Adam, therefore was the precept of the Sabbath lights given to her.



Rebbetzin Leah Kohn

.....The obligation of family purity ("nidah"), simply stated includes the laws that govern the physical relationship between husband and wife, elevating this relationship to a spiritual dimension. The obligation of candles ("nerot") involves kindling lights before Shabbat. And the mitzvah of challah obligates a woman to separate a small portion of her challah dough, burn it and throw away.... **These three mitzvot enable each Jewish woman to bring purity, light and blessing into her surroundings.... Since our job as Jewish women is to bring Godliness into this world by acknowledging that Hashem pervades every facet of our lives, the more we connect to this reality, the more blessing Hashem bestows....** Women in Judaism,
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Part Two

<p>Shemot Rabbah 28</p> <p>Thus shall you say to the House of Jacob (Exod. 19:3) refers to the women; and declare to the children of Israel (ibid.) refers to the men. Why were the women addressed first? Because they are more diligent in the performance of mitzvot.</p> <p>Another explanation: so that they should direct their children to the Torah. R. Tahlipha of Caesarea said, "The Holy One Blessed be He said, 'When I created this world, I first commanded Adam and only afterwards was Eve commanded. However, she disobeyed and brought ruin to the world. Now, if I do not call upon women first they will render the Torah void. Therefore, the passage opens, Thus shall you say to the House of Jacob.'"</p>	<p><u>שמות רבה (וילנא) פרשה כח</u></p> <p>כה תאמר לבית יעקב, אלו הנשים, א"ל אמור להם ראשי דברים שהם יכולות לשמוע, ותגיד לבני ישראל, אלו האנשים, א"ל אמור להם דקדוקי דברים שהם יכולין לשמוע, ד"א למה לנשים תחלה שהן מזדרזות במצות, ד"א כדי שיהו מנהיגות את בניהן לתורה, א"ר תחליפא דקיסרין אמר הקב"ה כשבראתי את העולם לא צויתי אלא אדם הראשון ואחר כך נצטוית חוה ועברה וקלקלה את העולם עכשיו אם איני קורא לנשים תחלה הן מבטלות את התורה לכך נאמר כה תאמר לבית יעקב...</p>
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<p>Genesis Rabbah 17:</p> <p>It once happened that a pious man was married to a pious woman and they did not produce children. Said they, 'we are of no use to the Lord', whereupon they divorced each other. The former went and married a wicked woman and she made him wicked while the latter married a wicked man and made him righteous. This proves that it all depends on the woman.</p>	<p><u>בראשית רבה (וילנא) פרשה יז</u></p> <p>מעשה בחסיד אחד שהיה נשוי לחסידה אחת ולא העמידו בנים זה מזה, אמרו אין אנו מועילים להקב"ה כלום, עמדו וגרשו זה את זה, הלך זה ונשא רשעה אחת ועשתה אותו רשע, הלכה זאת ונשאת לרשע אחד ועשתה אותו צדיק, הוי שהכל מן האשה.</p>
<p>The promise that the Holy blessed be He made to women is greater than that which He made to men, as we read, Tranquil women, arise, hear my voice, confident ladies, give ear to my speech (Isaiah 32:9). Rav said to R. Hiyyah, "By virtue of what deeds do women merit reward? By taking their children to the classroom, by sending their husbands to the house of study and by waiting for them until they return."</p>	<p><u>תלמוד בבלי מסכת ברכות דף יז עמוד א</u></p> <p>גדולה הבטחה שהבטיחין הקדוש ברוך הוא לנשים יותר מן האנשים, שנאמר +ישעיהו ל"ב+ נשים שאננות קמנה שמענה קולי בנות בטחות האזנה אמרת. אמר ליה רב לרבי חייא: נשים במאי זכיין? באקרויי בנייהו לבי כנישתא, ובאתנויי גברייהו בי רבנן, ונטרין לגברייהו עד דאתו מבי רבנן.</p>
<p>Genesis Rabbah 17</p>	<p><u>בראשית רבה (וילנא) פרשה יז</u></p>



<p>It is not good that the man should be alone: It was taught: He who has no wife dwells without good, without help, without joy, without blessing, and without atonement.....</p>	<p>בלא טוב, תני רבי יעקב כל שאין לו אשה שרוי בלא טובה בלא עזר, בלא שמחה, בלא ברכה, בלא כפרה, בלא טובה, לא טוב היות האדם לבדו.....</p>
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Part Three

<p>Talmud Horyaot 13a</p> <p>The man precedes the woman – when it comes to choosing which will live and returning lost articles and the woman precedes the man when it comes to clothing/support and redeeming her from captivity. When both are in danger of becoming debased sexually – the man precedes the woman.</p>	<p><u>תלמוד בבלי מסכת הוריות דף יג עמוד א</u></p> <p>מתני'. האיש קודם לאשה - להחיות ולהשב אבדה, והאשה קודמת לאיש - לכסות ולהוציא מבית השבי. בזמן ששניהם עומדים בקלקלה - האיש קודם לאשה.</p>
<p>Mishna Kiddushin 1:1</p> <p>A woman is acquired in three ways and acquires herself in two ways. She is acquired through money, contract or intercourse....and she acquires herself back through a <i>get</i> (divorce document) or through the death of her husband. The <i>yevama</i> (the woman who is subject to levirate marriage) is acquired through intercourse and acquires herself through <i>haliza</i> and the death of the <i>yavam</i>.</p>	<p><u>משנה מסכת קידושין פרק א משנה א</u></p> <p>[א] האשה נקנית בשלש דרכים וקונה את עצמה בשתי דרכים נקנית בכסף ובשטר ובביאה בכסף בית שמאי אומרים בדינר ובשוה דינר ובית הלל אומרים בפרוטה ובשוה פרוטה וכמה היא פרוטה אחד משמנה באיסור האיטלקי וקונה את עצמה בגט ובמיתת הבעל היבמה נקנית בביאה וקונה את עצמה בחליצה ובמיתת היבם:</p>
<p>Mishna Kiddushin 1:7</p> <p>All of the mitzvot that a father is commanded to do for his son, women are exempted from and all of the mitzvot the son is commanded to do for the father, both women and men are equally obligated and all of the positive time bound commandments, men are obligated and women are exempt and all of the positive non-time bound commandments, both women and men are obligated and in all of the negative commandments, men and women are obligated except for the prohibition to shave one's corner of the head and for priests (male) to incur impurity of the dead.</p>	<p><u>משנה מסכת קידושין פרק א משנה ז</u></p> <p>[ז] כל מצות הבן על האב אנשים חייבין ונשים פטורות וכל מצות האב על הבן אחד אנשים ואחד נשים חייבין וכל מצות עשה שהזמן גרמה אנשים חייבין ונשים פטורות וכל מצות עשה שלא הזמן גרמה אחד אנשים ואחד נשים חייבין וכל מצות לא תעשה בין שהזמן גרמה בין שלא הזמן גרמה אחד אנשים ואחד נשים חייבין חוץ מכל תשחית ובל תקיף ובל תטמא למתים:</p>

Why are women exempt from time bound commandments?

<p>Abudraham, Section III (14th century Spain)</p> <p>Woman is exempt from Positive Precepts dependent upon a set time because she is bound to her husband, to attend to his needs. Were a woman obliged to perform such mitzvot, her husband might bid her to do something at the precise moment that she is fulfilling one of these mitzvot. Should she fulfill the bidding of her Creator and neglect her husband's demands, she faces her husband's wrath. On the other hand, should she fulfill her husband's demands and neglect the bidding of her Creator, she faces the wrath of her Creator. Consequently, the Creator exempted her from these obligations in order to promote harmony between husband and wife.</p> <p>Do we not find that even the Great Name written in sanctity and purity is effaced in order to promote harmony between husband and wife?</p>

R. Yehoshua Ibn Shuaiv (Spain 1280-1340)

“Therefore men bless every day that “He has not made me a Cuthite, that He has not made a slave and that He has not made me a woman....because the souls of Israel are holier than that of the other nations, and from Canaanite slaves and even from women, and even though women are relevant with regard to mitzvot and they are from Israelite seed, their souls are not like the souls of men.”

R. Samson Rafael Hirsch (19th century Germany), Commentary to Torah, Lev. 23:43:

Clearly women’s exemption from Positive Precepts dependent upon a set time is not a consequence of their diminished worth; nor is it because the Torah found them unfit, as it were to fulfil these Precepts. Rather, it seems to me, it is because the Torah understood that women are not in need of these Precepts. The Torah affirms that our women are imbued with a great love and a holy enthusiasm for their role in Divine worship, exceeding that of man. The trials men undergo in their professional activities jeopardize their fidelity to Torah and therefore, they require from time to time reminders and warnings in the form of time –related precepts. Women, whose lifestyle does not subject them to comparable trials and hazards, have no need for such periodic reminders.

Rabbi Emanuel Rackman (20th century New York)

“...In order that man learn to sanctify time, the Law ordains for him many commandments which are governed by a calendar and a clock. Women, on the other hand, by the very nature of their physical constitution and the requirements of the Law regarding their menstrual periods, needed little more to make them aware of the sanctity of time.”

Dr. Tamar Ross, excerpted from Expanding the Palace of Torah:

Women’s unequal obligation to perform mitzvot:

A few rabbinic sources appear to have assumed that all the commandments were at the outset addressed only to men. This would mandate examining each mitzvah separately in order to see whether it might apply to women as well...There are however, other important distinctions between the legal obligations of men and women that are not biologically based....In the course of such discussions, which display a more gender-based legislative bias, women’s obligations usually appear as an addendum or as an exception to the male norm. Even including women in the religious obligations that apply on the holiday of Purim – commemorating an event with a female protagonist – necessitates a special argument “They too were witness to that miracle”. **The net result is that women are at times classified in halakhic literature together with other marginalized groups such as slaves, children, imbeciles androgens, hermaphrodites and the deaf-mute – either because they are excluded from certain mitzvot altogether or because they are merely exempt....**

As further examples will demonstrate, men’s greater religious obligations, whether or not they are actually fulfilled, confer other legal privileges. By the same token, women’s lesser obligations disenfranchise them in many areas. As in the case of other classes situated on the hierarchical scale, difference in religious responsibility then serves as rationale for women’s diminished valuation. Under certain circumstances, the legal repercussions are significant indeed. Because greater obligation to mitzvot is translated in halakhic terms as greater worth, the Mishnah rules that a man’s right to life precedes that of a woman’s in most life-threatening situations. This consideration is explicitly stated in some sources as justification for the ruling that if a man and a woman are drowning, the man should be saved first.

Of particular significance is also the fact that women are exempt (and according to dominant traditional position, even deliberately distanced) from the central religious activity of studying Torah, despite the fact that this activity is not classified as time-bound. As a result, although there is no ban in principle on women functioning as halakhic authorities, in practice they have had no official part to play in the tradition’s legislative and interpretive process. Because of their lack of proficiency in the Oral Law, women have been virtually excluded from any participation in halakhic discussion and its formulation.

Rachel Adler, excerpted from *The Jew Who Wasn't There*:

Make no mistake; for centuries, the lot of the Jewish woman was infinitely better than that of her non-Jewish counterpart. She had rights which other women lacked until a century ago...the problem is that very little has been done since then (1000 CE) to ameliorate the position of Jewish women in observant society. All of this can quickly be rectified if one steps outside of Jewish tradition and Halacha. The problem is how to attain some justice and some growing room for the Jewish woman if one is committed to remaining within Halacha. Some of these problems are more easily solved than others. For example, there is ample precedent for decisions permitting women to study Talmud, and it should become the policy of Jewish day schools to teach their girls Talmud. It would not be difficult to find a basis for giving women aliyot to the Torah. **Moreover, it is both feasible and desirable for the community to begin educating women to take on the positive time-bound mitzvot from which they are now excused; in which case, those mitzvot would eventually become incumbent upon women.** The more difficult questions are those involving minyan and mechitza (segregation at prayers). There are problems concerning the right of women to be rabbis, witness in Jewish courts, judges and leaders of religious services. We need decisions on these problems which will permit Jewish women to develop roles and role models in which righteousness springs from self-actualization, in contrast to the masochistic, self-annihilating model of the post-Biblical tzadeket. The halachic scholars must examine our problem anew, right now, with open minds and with empathy.

Rachel Adler in an interview to Haaretz in 2008:

"I left Orthodoxy for several reasons," Adler says. "First of all, I do not believe in an ahistorical revelation. I believe God reveals Godself to us progressively and always within historical contexts. Second, for my graduate studies in literature, I learned about the redaction and recension of manuscripts and then could not ignore signs of multiple traditions joined together in the Torah as we have it. Third, I saw how rabbis manipulated halakha [Jewish law] to maintain their own power and to disempower women, and I decided my life was too short to wait for them to take the legal risks that would be necessary to make changes."

Blu Greenberg, excerpted from *On Women and Judaism*,

We who are committed to traditional Judaism are standing today at the crossroads on the question of women. Feminism disturbs our previous equilibrium, for it makes a fundamental claim about women contrary to the model generated by *halakhah* [Jewish law].

Women in Jewish Law

I do not speak here of all of halakhah. One must be careful not to generalize from certain critical comments and apply them to the system as a whole. In fact, my critique could grow only out of a profound appreciation for the system in its entirety--its ability to preserve the essence of an ancient revelation as a fresh experience each day; its power to generate an abiding sense of kinship, past and present; its intimate relatedness to concerns both immediate and other-worldly; its psychological soundness; its ethical and moral integrity.

On the whole, I believe that a Jew has a better chance of living a worthwhile life if he or she lives a life according to halakhah. Therefore, I do not feel threatened when addressing the question of the new needs of women in Judaism nor in admitting the limitations of halakhah in this area. Indeed, it is my very faith in halakhic Judaism that makes me believe we can search within it for a new level of perfection, as Jews have been doing for three thousand years.

Judith Plaskow, *Standing Again at Sinai*: Any halakha that is part of a feminist Judaism would have to look very different from halakha as it has been. It would be different not just in its specifics but in its fundamentals. It would begin with the assumption of women's equality and humanity and legislate only on that basis. Laws governing the formation and dissolution of relationships, for example, would acknowledge women's full agency, so that the present laws of marriage and divorce would be ruled unjust and unacceptable. It would be different not only in its content but in its practitioners. Women would shape halakhah along with men, codetermining the questions raised and the answers given. The boundaries of the legal system would be contracted and expanded as certain questions would become unthinkable, others imperative. It would be different also in method, for it would know that law is human and be aware of and



humble before its own potential ideological abuse and captivity. It would be open to continual transformation in the light of deeper understandings of justice.

Leon Weiner Dow excerpted from *The Going: A Meditation in Jewish Law*

My egalitarian sentiment came from a different, more intuitive place in me. It emerged from an impulse well known to Rabbi Mordechai Lainer of Izbica (the Izbicer Rebbe): in the face of a situation in which the individual feels that the authentic command of the Divine demands a

violation of the established halakha, the rebbe from Izbica did not summarily dismiss this inclination. Rather, he demanded that the individual take that voice seriously, subjecting it to a thorough self-probing, בִּירור [beirur], in order to clarify its staying power and its legitimacy....

...And so it is that the experience of sitting between my girlfriend and my Bubbe on that day impacted me and my subsequent experiences, leading to my refusal—or perhaps inability—to allow halakhic behavior to assume rigidly defined gender lines. It is far from being a matter of “ideology” for me. Rather, I left that experience with an orientation, a grounding upon which each subsequent experience treads. Each experience holds within it a sacred reality that has yet to unfold, bursting upon—and often rubbing against—the stylized possibilities that once seemed exhaustive.

Excerpted from an article by Rabbi Abraham Gordimer following the ordination of women by Rabbi Herzl Hafter and by the Maharat program:

It is regrettable that Open Orthodoxy is becoming the new Conservative movement, but that is precisely what is happening. Denial of a Singular Divine Author of the Torah, denial of the objective truth of Torah She-b'al Peh, ordaining women rabbis, creating gender-modified rituals, and [so much more](#); the “Orthodoxy” has been swallowed up by the “Open”.

The Torah requires the Jew to subordinate his ideologies and actions to God, to the objectively true and authentic mandate of Sinai. Reshaping Judaism as we see fit has no place in this mandate. Let us recommit to Hashem and the eternal, unchanging charge of Sinai, and pray that all of our brothers and sisters will join us.