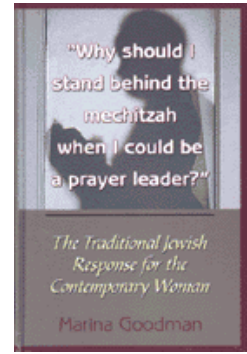


No Equality in Judaism/Yehoshua Grunstein

Introduction



Fact # 1; Women and Men are different in the Bible

<p>Genesis 2/7, 21-23- Then the LORD God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul... 21 And the LORD God caused a deep sleep to fall upon the man, and he slept; and He took one of his ribs, and closed up the place with flesh instead thereof. 22 And the rib, which the LORD God had taken from the man, made He a woman, and brought her unto the man. 23 And the man said: 'This is now bone of my bones, and flesh of my flesh; she shall be called Woman, because she was taken out of Man.'</p>	<p>בראשית ב/ז, כ"א-כ"ג וייצר יקוק אלהים את האדם עפר מן האדמה ויפח באפיו נשמת חיים ויהי האדם לנפש חיה...ויפל יקוק אלהים תרדמה על האדם וישן ויקח אחת מצלעותיו ויסגר בשר תחתנה: (כב) ויבן יקוק אלהים את הצלע אשר לקח מן האדם לאשה ויבאה אל האדם (כג) ויאמר האדם זאת הפעם עצם מעצמי ובשר מבשרי לזאת יקרא אשה כי מאיש לקחה זאת</p>
<p>Exodus 21/28- And if an ox gore a man or a woman, that they die, the ox shall be surely stoned, and its flesh shall not be eaten; but the owner of the ox shall be quit.</p>	<p>שמות כ"א/כח - וכי יגח שור את איש או את אשה ומת סקול יסקל השור ולא יאכל את בשרו ובעל השור נקי:</p>
<p>Leviticus 13/29- And when a man or woman hath a plague [of spiritual leprosy] upon the head or upon the beard,</p>	<p>ויקרא י"ג/כ"ט ואיש או אשה כי יהיה בו נגע בראש או בזקן</p>
<p>Numbers 5/6- Speak unto the children of Israel: When a man or woman shall commit any sin that men commit, to commit a trespass against the LORD, and that soul be guilty;</p>	<p>במדבר ה/ו - דבר אל בני ישראל איש או אשה כי יעשו מכל חטאת האדם למעל מעל ביקוק ואשמה הנפש ההוא</p>
<p>Deuteronomy 29/17-lest there should be among you man, or woman, or family, or tribe, whose heart turneth away this day from the LORD our God, to go to serve the gods of those nations; lest there should be among you a root that beareth gall and wormwood;</p>	<p>דברים כ"ט/יז פן יש בכם איש או אשה או משפחה או שבט אשר לבבו פנה היום מעם יקוק אלהינו ללכת לעבד את אלהי הגוים ההם פן יש בכם שרש פרה ראש ולענה</p>

Fact # 2; Women and Men are different in interpretation of the Bible by the Sages

<p>Mechilta of R' Yishmael!- "So tell the house of Jacob"- this is referring to the women, "and say to the children of Israel"- this is referring to the men. Or- "So tell the house of Jacob"-say it softly/kindly, say bullet-points to the women, "and say to the children of Israel"- be very strict with them and tell them.</p>	<p>מכילתא דר' ישמעל יתרו פרשה ב' -"כח תאמר לבית יעקב"- אלו הנשים; "ותגד לבני ישראל"-, אלו האנשים. ד"א "כח תאמר לבית יעקב"- אמור בלשון רכה, אמור ראשי דברים לנשים; "ותגד לבני ישראל", ותדקדק עמהם ואמור להם".</p>
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¹ **Mechilta** is a *halachik/leagal "midrash"* to the Book of Exodus. Supposed to be from the *tanaic* period, and believed to be authored [though not clear] by **Rabbi Ishmael** or **Ishmael ben Elisha** (90-135 CE, 1st and 2nd centuries/third *tannaitic* generation). A *Tanna* (plural, *Tannaim*) is a rabbinic sage whose views are recorded in the *Mishnah*.

Fact # 3; Women and Men are different in the practice of Jewish Law

1) <u>Modesty</u>	
Talmud², Tractate Berachot 24a -a hand-breath exposed in a woman is sexually arousing....a women's calves are sexually arousing...a women's [singing] voice is sexually arousing.... A women's hair is sexually arousing	ברכות כ"ד עמוד א'-טפח באשה ערוה. ... שוק באשה ערוה, קול באשה ערוה, ... שער באשה ערוה,
2) <u>Rabbinic decree of a Ketuvah for Marriage</u>	
Code of Jewish law³ - one is forbidden to enter into seclusion with his bride unless he writes/signs a <i>Ketuva</i> for her. Now, there are those who are lenient and allow seclusion without a <i>Ketuva</i> for her, just as long as they will not have marital relations with one another till the <i>Ketuva</i> is written/sealed.	שולחן ערוך אה"ע ס"ו א'-אסור להתייחד עם הכלה קודם שיכתוב לה כתובה; ויש מקילין ומתירין להתייחד בלא כתובה, ובלבד שלא יבעול
<u>Text for a Ketuvah</u>	
<p>On the _____ day of the week, the _____ day of the month _____ in the year five thousand seven hundred and _____ since the creation of the world, the era according to which we reckon here in the city of _____ that _____ son of _____ said to this (virgin) _____ daughter of _____.</p> <p>"Be my wife according to the practice of Moses and Israel, and I will cherish, honor, support and maintain you in accordance with the custom of Jewish husbands who cherish, honor, support and maintain their wives faithfully. And I here present you with the marriage gift of two hundred silver zuzim, which belongs to you, according to the law of Moses and Israel; and I will also give you your food, clothing and necessities, and live with you as husband and wife according to universal custom." And Miss _____, and became his wife. The trousseau that she brought to him from her (father's) house in silver, gold, valuables, clothing, furniture and bedclothes, all this _____, the said bridegroom accepted in the sum of (one hundred) silver pieces, and _____ the bridegroom, consented to increase this amount from his own property with the sum of (one hundred) silver pieces, making in all (two hundred) silver pieces. And thus said _____, the bridegroom: "The responsibility of this marriage contract, of this trousseau, and of this additional sum, I take upon myself and my heirs after me, so that they shall be paid from the best part of my property and possession that I have beneath the whole heaven, that which I now possess or may hereafter acquire. All my property, real and personal, even the shirt from my back, shall be mortgaged to secure the payment of this marriage contract, of the trousseau, and of the addition made to it, during my lifetime and after my death, from the present day and forever." _____, the bridegroom, has taken upon himself the responsibility of this marriage contract, of the trousseau and the additon made to it, according to the restrictive usages of all marriage contracts and the additons to them made for the daughters of Israel, according to the institution of our sages of blessed memory. It is not to be regarded as a mere forfeiture without consideration or as a mere formula of a document. We have followed the legal formality of symbolic delivery (kinyan) between _____ the son of _____, the bridegroom and _____ the daughter of _____ and we have used a garment legally fit for the purpose, to strengthen all that is stated above, and everything is valid and confirmed. _____ witness _____ witness</p>	

² **Talmud** is a central text of Judaism, in the form of a record of rabbinic discussions pertaining to Jewish law, ethics, philosophy, customs and history. The Talmud has two components: the Mishnah (c. 200 CE), the first written compendium of Judaism's Oral Law; and the Gemara (c. 500 CE), a discussion of the Mishnah and related Tannaitic writings that often ventures onto other subjects and expounds broadly on the Tanakh. The terms Talmud and Gemara are often used interchangeably. The Gemara is the basis for all codes of rabbinic law and is much quoted in other rabbinic literature. The whole Talmud is also traditionally referred to as Shas (ש"ס), a Hebrew abbreviation of shisha sedarim, the "six orders" of the Mishnah.

³ **Shulchan Aruch**, known in English as the Code of Jewish Law, is a codification, or written manual, of halacha (Jewish law), authored and published by Rabbi Yosef Karo in the 16th century. Together with its commentaries, it is generally considered the most widely accepted and authoritative compilation of halacha since the Mishneh Torah or even the Talmud itself.

3) Exemption from [most] time-bounded commandments

Talmud, Tractate Kidushin 29a-Any commandments which is time-bounded men and obligated in and women are exempt from. And all commandments that are not time-bounded, both men and women are obligated in. And all negative commandments, whether time bounded or not, both men and women are obligated in, except for shaving [with a razor], shaving off side-burns, and not being defiled to a corpse [for Kohanim]

Rambam⁴ [interpretation to the Mishna 1/7]- "time-bounded" commandments are those who obligation is limited to a specific time, and during a different time there is no obligation, like *Sukka*, *Lulav*, *Tefillin*, *Tzitzit*...and non time-bounded commandments are those who obligation are eternal at all times, like *Mezuzah*, a fence, charity. And we all know that we don't deduce things from generalizations....

Responsa of the Geonim in the name of **R' Saadya Gaon**⁵... There are 30 commandments that men are obligated in while women are exempt.



קידושין כ"ט עמוד א'

וכל מצות עשה שהזמן גרמא - אנשים חייבין, ונשים פטורות, וכל מצות עשה שלא הזמן גרמא - אחד האנשים ואחד הנשים חייבין. וכל מצות לא תעשה, בין שהזמן גרמא בין שלא הזמן גרמא - אחד האנשים ואחד הנשים חייבין, חוץ מבל תקיף ובל תשחית ובל תטמא למתים.

הרמב"ם פירוש

המשניות א' ו'-

"ומצות עשה שהזמן גרמא - היא שחובת עשייתה בזמן מסוים, ושלא באותו הזמן אין חיובה חל. כגון - הסוכה והלולב והתפילין והציצית... ומצות עשה שלא הזמן גרמא - הן המצות שחובתן חלה בכל הזמנים. כגון - המזוזה והמעקה והצדקה. וכבר ידעת שכלל הוא אצלנו 'אין למדים מן הכללות'..."

תשובות הגאונים (סימן

קכ) - כתב רבנו סעדיה גאון ז"ל שלשים מצות הן שהאנשים חייבים והנשים פטורות

⁴ **Moses ben-Maimon**, called **Maimonides** and also known as **Rambam** or as "*Haneshet Hagadol*" (the great eagle) in recognition of his outstanding status as a bona fide exponent of the Oral Torah. Born in Córdoba, Spain on Passover Eve, 1135, and died in Egypt on 20th Tevet, 1204. He was a rabbi, physician and philosopher in Morocco and Egypt. Although his writings on Jewish law and ethics were met with respectful opposition during his life, his copious work, the fourteen-volume *Mishneh Torah* is still a cornerstone of Jewish scholarship.

⁵ **Geonim** were the presidents of the two great rabbinical colleges of Sura and Pumbedita, in Babylonia, and were the generally accepted spiritual leaders of the Jewish community world wide, beginning in 589 till 1038. **Saadia ben Yosef Gaon** (Egypt 882/892- Baghdad 942) was a prominent rabbi, Jewish philosopher, and exegete of the Geonic period. Known for his works on Hebrew linguistics, Halachha, and Jewish philosophy. His philosophical work *Emunoth ve-Deoth* represents the first systematic attempt to integrate Jewish theology with components of Greek philosophy. Saadia was also very active in opposition to Karaism, in defense of rabbinic Judaism.

4) "Important" time-bounded commandments=Shema



Shema Yisrael Adonai Eloheinu Adonai Ehad - Hear, O Israel: the Lord is our God, the Lord is One/"Hear, O Israel!
http://en.wikipedia.org/wiki/Shema_Yisrael - *Shema Yisrael* (...or just **Shema**) are the first two words of a section of the Torah (Hebrew Bible) that is a **centerpiece of the morning and evening Jewish prayer services**. The first verse encapsulates the monotheistic essence of Judaism...Observant Jews consider the Shema to be **the most important part of the prayer service in Judaism, and its twice-daily recitation as a mitzvah** (religious commandment). It is traditional for Jews to say the Shema as their last words, and parents teach it to their children before they go to sleep at night. The term "Shema" is used by extension to refer to the whole part of the daily prayers.... Deuteronomy 6:4-9, 11:13-21, and Numbers 15:37-41.

Talmud, Tractate Berachot 21b- "Saying of the *Shema*"- of course women are exempt, as it's a time-bounded? ...rather, since it has within it the acceptance of the heavenly kingship/yoke of heaven, we may have thought they would be obligated? Now we see there are not. "from donning *Tefillin*"-of course women are exempt? Rather, since it's written right next to the commandment of *Mezuza*, we may have thought that they are obligated [as they are obligated in the latter]? Now we see they are not

ברכות כ"א ע"ב -קריאת שמע, פשיטא! מצות עשה שהזמן גרמא הוא...מהו דתימא: הואיל ואית בה מלכות שמים - קמשמע לך. ומן התפלין פשיטא! - מהו דתימא: הואיל ואתקש למזוזה - קמשמע לך.

4- Interpretation to the Gap

Rabbi Shimshon Rafael Hirsch⁶- ...the Torah didn't obligate women in these commandments, because **THEY DON'T NEED THEM!** After all, the overall goal of fulfilling the time-bounded commandments are to express truths, thoughts, values and principals by virtue of symbolic acts. These values are renewed from time to time so we can return them to our hearts and fulfill them in our actions. The Torah assumes that **women have a higher level of *deveikut***/clinging or yearning to G-d and is excited by her fate. The danger that her excitement and spirituality would go down is very low! Therefore, **there was no reason to obligate her in all the commandments that a man is obligated in**, because a man need constant reminders to fulfill his potential and fate, and there is an acute need to remind him and warn him from showing less enthusiasm/weakness in fulfilling his job.

הר"ר הירש (ויקרא כג, חג) - "... התורה לא חייבה את הנשים במצוות אלה, מפני שאין הן זקוקות להן. שהרי זה כל עצמן של מצוות עשה שהזמן גרמן: הן מבטאות אמיתות, מחשבות, עקרונות והחלטות על ידי מעשים סמליים; והן מחדשות ערכים אלה מפרק לפרק למען נשיב אותם אל ליבנו ונגשים אותם במעשינו, והתורה מניחה, שיש לאשה דביקות יתירה ונאמנות של התלהבות לייעודה; והנסיגות המזומנים לה בתחום ייעודה - סכנה מועטת נשקפת לה מהם; משום כך לא היה צורך להטיל עליה את על המצוות המוטלות על האיש כי האיש טעון זירוז חוזר ונשנה לנאמנות בקיום ייעודו ויש צורך לחזור ולהזהיר אותו מפני כל רפיון במילוי תפקידו"

⁶ **Samson Raphael Hirsch** (June 20, 1808 – December 31, 1888) was a German rabbi best known as the intellectual founder of the *Torah im Derech Eretz* school/combining the learning of Torah with the learning of secular studies in a sanctified atmosphere/in one building and part of one ideology . Occasionally termed neo-Orthodoxy. Hirsch was rabbi in Oldenburg, Emden, was subsequently appointed chief rabbi of Moravia, and from 1851 until his death led the secessionist Orthodox community in Frankfurt am Main which be built from about 20 members to a major community of schools, synagogues are more. He wrote a number of influential books, and for a number of years published the monthly journal *Jeschurun*, in which he outlined his philosophy of Judaism. He was a vocal opponent of Reform Judaism and similarly opposed early forms of Conservative Judaism separating from the general community [which held both the Orthodox and Reform] and forming an independent entity called "*adat Yeshurun*".