



DVAR TZEDEK

Parshat Nasso 5768

By Evan Wolkenstein

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"Is that the law? Now?"

These were the words of Pakistan's President Pervez Musharraf when he learned, six years ago, that a woman named Zafran Bibi had been sentenced to death by stoning.¹ Under the *Hudood* ordinances, fundamentalist interpretations of Islamic law, a woman convicted of adultery can be executed with only circumstantial evidence against her – in Bibi's case, the birth of a baby while her husband was in jail, despite the fact that months earlier she had gone to the police to report that she had been raped.

The charges brought against her were eventually dropped, largely due to international pressure and the intervention of the President. Her brother-in-law, who had raped her, was never brought to justice. Cases of injustice such as this are far from rare today.

Jewish law sought to prevent arbitrary retribution for adultery (or suspected adultery) with a ritual that was perhaps progressive in its time (though it seems barbaric when taken out of its historical context). Consider this scenario from *Parshat Nasso*:

If a spirit of jealousy comes over [a man] and he is jealous of his wife when she has defiled herself [through adultery], or if a spirit of jealousy comes over him and he is jealous of his wife when she has not defiled herself, the man shall then bring his wife to the priest...²

The priest then administers a sacred procedure called *mei sotah*, in which the woman ingests a liquid solution containing dust from the Temple floor and the ink from a parchment bearing God's name. According to tradition, if she is guilty, her body ruptures and she dies. If not, her name is cleared and she may bear her husband a child.

Though this ritual may strike us as a humiliating magical rite with no possible positive outcome for the woman, it was a step forward for its time. *Mei sotah* placed the fate of the accused woman in the hands of the only true judge – God – and withdrew from the husband the power to arbitrarily judge and punish his wife. By codifying a civil procedure to regulate "suspicion of adultery," the rabbis were constraining indiscriminate vengefulness that might arise from male paranoia. While the practice was abandoned after the destruction of the Temple, in its time, it represented a form of increased legal protection for women.

The Rabbis innovated other laws in an effort to protect women. The laws of *ketubah* (marriage contracts), for example, were designed to protect a woman's economic standing in the case of divorce. *Ketubah* limited the freedom of men to marry and divorce at will and played a role in further ensuring women's legal rights.

But as with *mei sotah*, let us not be appeased by the progress of the past. Jewish civilization continues to wrestle with the unequal status of women in Jewish law. *Mesoravot Get*,³ for example, reminds us all too clearly that we

¹ Kohat, Hannah Bloch. "Blaming the Victim." *TIME Magazine*, May 20, 2002. <http://www.time.com/time/magazine/article/0,9171,501020527-238673,00.html>.

² Bamidbar 5:14-15

remain far from our goal. While the Rabbis protected women financially in the case of divorce, they didn't give them the agency to leave a marriage of their own free will.

We must take the ritual of *mei sotah*, described in this week's *parshah*, as a place to begin. Social, professional and political inequalities exist in both the Jewish world and beyond. And women are still disproportionately victimized by gender-based violence, including domestic abuse.⁴ In 1996, the UN passed the Convention on the Elimination of All Forms of Discrimination against Women. A year later, Amnesty International observed:

Explicit discrimination in law against women has not ended. Women continue to be subjected to arbitrary detention and torture, including rape, which police and other security personnel commit with virtual impunity.⁵

As Jews, how do we respond? How can we advocate for women's equality in our own community and across the globe?

Beginning at home, we need to educate Jewish youth about the Jewish values that lead to equality before the law, in the workplace and at home.⁶ We must also work to bring the status of women in *halachah* to an equal level. As a community, we need to push Jewish law further forward. Meanwhile, as the battle for equality before the law rages on in countries far away, we must recognize that their fight is also ours. We should support nonprofit organizations – like AJWS – that protect the rights and well-being of women. We must remind our politicians and leaders to place social equality at the top of the international agenda.

May *Parshat Nasso*, then, inspire us. Just as *mei sotah* represented a small step in its time, just as our own social conscience compels us to step further forward, let us support politicians, activists and lay leaders, as well as men and women worldwide, to build a world in which all are treated as reflections of the divine image.



Evan Wolkenstein is the Director of Experiential Education and a Tanach teacher at the Jewish Community High School of the Bay in San Francisco. He views working with teenagers as a pathway to helping students understand the world around them. Evan holds a Masters Degree in Jewish Education from Hebrew University and a Certificate of Advance Jewish Study from the Pardes Institute in Jerusalem. He has a passion for learning about world music and dance, the sublime short story, and how to brew the perfect cup. Evan can be reached at matthewevan23@yahoo.com.

³ *Mesoravot Get* is a designation given to a woman whose husband refuses to grant her a divorce – she is prevented from being able to marry again as long as he refuses, while the man faces few, if any, repercussions.

⁴ Rabbi Abraham J. Twerski's *The Shame Borne In Silence* deals with this topic, as do organizations like The Jewish Coalition Against Sexual Abuse, www.theawarenesscenter.org.

⁵ <http://www.amnesty.org/en/library/asset/ASA33/007/1997/en/dom-ASA330071997en.html>

⁶ Organizations like Shalom Bayit are doing this. www.shalom-bayit.org

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