

TAZRIA 5774 - "MORE EGALITARIAN THAN YOU THINK"

I state the obvious, which men often ignore. It is, and has always been, much more difficult being a woman than a man in Western society. Women have had to overcome virtually the entire corpus of Western civilization to achieve equality in public life. And we're still not there. I can't imagine what it is like to be a woman reflecting backwards at the reduction of women to second-class citizenry. The anger, the alienation must be potent -- as well as the gratitude for living in this day and age.

Biblical tradition, the seed of Western civilization, elevated women's status from what it was in surrounding cultures of the time -- but it still left women near the bottom of society's totem pole. In protected, but disempowered roles, without voices for the most part. Rebecca's assertiveness, Hannah's advocacy, Deborah's leadership, and Esther's political savvy only briefly interrupt the male voice through which the Bible speaks.

For the past several decades, Jewish women have tried to animate and intensify the female voices of the Bible with beautiful midrash, but it doesn't change the text.

This week, in parashat תזריע, we read that a woman's טמאה, impurity, lasts longer after she gives birth to a daughter than a son. We read that her state of דמי טהרה, blood purification, is also twice as long after the birth of a daughter. Some rabbanim argue that this takes into consideration both the טמאה of the birthing mother and the latent טמאה of the newborn daughter.

In our discussion, we can reflect, if we want, on the modern critique of a woman's טמאה and the counter-response that women's טמאה, among other things, reflects the great value we place the life and death transitions of birth and menstruation.

What I want to emphasize now, however, as the rest of the parasha makes abundantly clear, in its discussion of צרעת, skin diseases, is that טמאה is a condition with strong negative connotations in the text. And that women live in it more than men.

The midrash, if but indirectly, is sensitive to this negative perception of טמאה, and is

itself uncomfortable with the misogyny of the beginning of our parasha. Right at this moment in the parasha, the midrash responds to the Torah's asymmetric treatment of men and women with an argument for their equality. In the process, it roots our movement for egalitarianism today way back into the rabbinic past.

I'd like to study this Midrash and then discuss it.

AN EGALITARIAN MIDRASH

ויקרא יב: א-ה

א וַיְדַבֵּר יְהוָה אֶל-מֹשֶׁה לֵאמֹר. ב דַּבֵּר אֶל-בְּנֵי יִשְׂרָאֵל לֵאמֹר אִשָּׁה כִּי תִזְרִיעַ וַיֵּלֶדָה זָכָר וְטָמְאָה שִׁבְעַת יָמִים כִּימֵי נִדַת דְּוֹתָהּ טָמְאָה. ג וּבַיּוֹם הַשְּׁמִינִי יִמּוֹל בָּשָׂר עָרְלָתוֹ. ד וְשָׁלְשִׁים יוֹם וְשָׁלֹשַׁת יָמִים תֵּשֵׁב בְּדַמֵי טְהָרָה בְּכָל-קֹדֶשׁ לֹא-תִגַּע וְאֶל-הַמִּקְדָּשׁ לֹא תָבֹא עַד-מְלֵאת יְמֵי טְהָרָה. ה וְאִם-נִקְבְּהָ תֵלֵד וְטָמְאָה שִׁבְעִים כְּנִדְתָּהּ וְשָׁשִׁים יוֹם וְשֵׁשֶׁת יָמִים תֵּשֵׁב עַל-דַּמֵי טְהָרָה.

Chapter 12

¹ The Lord spoke to Moses, saying: ² Speak to the Israelite people thus: When a woman at childbirth bears a male, she shall be unclean seven days; she shall be unclean as at the time of her menstrual infirmity. — ³ On the eighth day the flesh of his foreskin shall be circumcised. — ⁴ She shall remain in a state of blood purification for thirty-three days: she shall not touch any consecrated thing, nor enter the sanctuary until her period of purification is completed. ⁵ If she bears a female, she shall be unclean two weeks as during her menstruation, and she shall remain in a state of blood purification for sixty-six days.

Leviticus Rabbah 14:1 (cf. Genesis Rabbah 8:1)

אשה כי תזריע [וילדה זכר] הה"ד (תהלים קלט) אחור וקדם צרתני [ותפשתי עלי בפכה] אמר ר' שמואל בר נחמן בשעה שברא הקב"ה אדם הראשון אנדרוגינוס בראו. אמר ר"ל בשעה שנברא דו פרצופין נברא ונסרו ונעשה שנים גבים גב לזכר גב לנקבה איתיבין ליה (בראשית ב) ויקח אחת מצלעותיו אמר להן מסטרוהי כדכתיב (שמות כו) ולצלע המשכון

When a woman at childbirth [conceives a seed] bears a male . . . (Lev. 12:2). There is an allusion to this: You have formed me before and behind [and laid your hand on me] . . . (Ps. 139:5)

Rabbi Samuel bar Nahman said: When the Blessed Holy One created the first human, He made him a hermaphrodite (*androginos*).

Rabbi Levi said: When it was created, it was fashioned with two body-fronts, and He sawed it in two, so two backs were made—a back for the male and a back for the female. An objection was raised [to this statement, from the verse]: *And He took one of his ribs . . . [And the Lord God fashioned the rib . . . into a woman . . .]* (Gen.2: 21-22). Rabbi Levi answered: [The word you translate 'of his ribs' should be rendered] "of his sides," as it is written, *and for the other side of the Tabernacle . . .* (Exod. 26:20)

Genesis 1 - 1st creation story

כו וַיֹּאמֶר אֱלֹהִים נַעֲשֶׂה אָדָם בְּצַלְמֵנוּ כְּדְמוּתֵנוּ וַיְרִדוּ בְדִגְתַּי הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבַבְּהֵמָה וּבְכָל-הָאָרֶץ וּבְכָל-הַרְמֵשׁ הָרֹמֵשׁ עַל-הָאָרֶץ. כז וַיִּבְרָא אֱלֹהִים אֶת-הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ. זָכָר וּנְקֵבָה בָּרָא אֹתָם. כח וַיְבָרֶךְ אֹתָם אֱלֹהִים וַיֹּאמֶר לָהֶם אֱלֹהִים פְּרוּ וּרְבוּ וּמְלֵאוּ אֶת-הָאָרֶץ וּכְבַשְׁתֶּהּ וְרָדוּ בְּדִגְתַּי הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבְכָל-חַיַּי הָרֹמְשֵׁת עַל-הָאָרֶץ. כט וַיֹּאמֶר אֱלֹהִים הִנֵּה גַּתִּי לָכֶם אֶת-כָּל-עֵשֶׂב זֶרַע זֶרַע אֲשֶׁר עַל-פְּנֵי כָל-הָאָרֶץ

וְאֶת-כָּל-הָעֶץ אֲשֶׁר-בּוֹ פְּרִי-עֵץ זֶרַע זָרַע לָכֶם יִהְיֶה לְאֹכְלָהּ. לֹא-לֶכֶל-חַיִּית הָאָרֶץ וְלֶכֶל-עוֹף הַשָּׁמַיִם וְלֶכֶל רוֹמֵשׁ
עַל-הָאָרֶץ אֲשֶׁר-בּוֹ נֶפֶשׁ חַיָּה אֶת-כָּל-יֶרֶק עֹשֵׂב לְאֹכְלָהּ וַיְהִי-כֵן.

²⁶ And God said, "Let us make man in our image, after our likeness. They shall rule the fish of the sea, the birds of the sky, the cattle, the whole earth, and all the creeping things that creep on earth." ²⁷ And God created man in His image, in the image of God He created him; male and female He created them.

²⁸ God blessed them and God said to them, "Be fertile and increase, fill the earth and master it; and rule the fish of the sea, the birds of the sky, and all the living things that creep on earth."

²⁹ God said, "See, I give you every seed-bearing plant that is upon all the earth, and every tree that has seed-bearing fruit; they shall be yours for food. ³⁰ And to all the animals on land, to all the birds of the sky, and to everything that creeps on earth, in which there is the breath of life, [I give] all the green plants for food." And it was so.

Genesis 2 - 2nd creation story

ז וַיִּצַר יְהוָה אֱלֹהִים אֶת-הָאָדָם עֹפָר מִן-הָאֲדָמָה וַיִּפַּח בְּאַפָּיו נְשָׁמַת חַיִּים וַיְהִי הָאָדָם לְנֶפֶשׁ חַיָּה.

⁷ the Lord God formed man from the dust of the earth. He blew into his nostrils the breath of life, and man became a living being.

יח וַיֹּאמֶר יְהוָה אֱלֹהִים לֹא-טוֹב הִיּוֹת הָאָדָם לְבַדּוֹ אֶעֱשֶׂה-לוֹ עֵזֶר כְּנֶגְדּוֹ. יט וַיִּצַר יְהוָה אֱלֹהִים מִן-הָאֲדָמָה
כָּל-חַיִּית הַשָּׁדָה וְאֶת כָּל-עוֹף הַשָּׁמַיִם וַיָּבֵא אֶל-הָאָדָם לְרֹאוֹת מֶה-יִקְרָא-לוֹ וְכֹל אֲשֶׁר יִקְרָא-לוֹ הָאָדָם נֶפֶשׁ חַיָּה
הוּא שְׁמוֹ. כ וַיִּקְרָא הָאָדָם שְׁמוֹת לְכָל-הַבְּהֵמָה וְלְעוֹף הַשָּׁמַיִם וְלֶכֶל חַיִּית הַשָּׁדָה וְלָאָדָם לֹא-מָצָא עֵזֶר כְּנֶגְדּוֹ.
כא וַיִּפֹּל יְהוָה אֱלֹהִים תְּרֹדְמָה עַל-הָאָדָם וַיִּישָׁן וַיִּקַּח אֶחָת מִצַּלְעָתוֹ וַיִּסְגֶּר בָּשָׂר תַּחַתְנָהּ. כב וַיִּבֶן יְהוָה
אֱלֹהִים אֶת-הַצֶּלַע אֲשֶׁר-לָקַח מִן-הָאָדָם לְאִשָּׁה וַיִּבְאֶה אֶל-הָאָדָם. כג וַיֹּאמֶר הָאָדָם זֹאת הִפְעַם עִצָּם מֵעַצְמִי
וּבָשָׂר מִבָּשָׂרִי לְזֹאת יִקְרָא אִשָּׁה כִּי מֵאִישׁ לָקַחָהּ זֹאת. כד עַל-כֵּן יַעֲזֹב אִישׁ אֶת-אָבִיו וְאֶת-אִמּוֹ וְדָבַק בְּאִשְׁתּוֹ
וְהָיוּ לְבָשָׂר אֶחָד. כה וַיְהִי שְׁנֵיהֶם עֶרְוִמִים וְאִשְׁתּוֹ וְלֹא יִתְבָּשְׂשׁוּ.

¹⁸ The Lord God said, "It is not good for man to be alone; I will make a fitting helper for him." ¹⁹ And the Lord God formed out of the earth all the wild beasts and all the birds of the sky, and brought them to the man to see what he would call them; and whatever the man called each living creature, that would be its name. ²⁰ And the man gave names to all the cattle and to the birds of the sky and to all the wild beasts; but for Adam no fitting helper was found. ²¹ So the Lord God cast a deep sleep upon the man; and, while he slept, He took one of his ribs and closed up the flesh at that spot. ²² And the Lord God fashioned the rib that He had taken from the man into a woman; and He brought her to the man. ²³

Then the man said,

"This one at last
Is bone of my bones
And flesh of my flesh.
This one shall be called Woman,
For from man was she taken."

²⁴ Hence a man leaves his father and mother and clings to his wife, so that they become one flesh.

Exodus 26 - 2 sides of the Mishkan

כ זֶלְצֶלַע הַמִּשְׁכָּן הַשְּׁנִית, לְפָאת צָפוֹן, עֶשְׂרִים, קָרָשׁ.

²⁰ and for the other side wall of the Tabernacle, on the north side, twenty planks

כּוֹ וְעִשִׂיתָ בְּרִיחִים, עֲצֵי שִׁטִּים, חֲמֹשָׁה, לְקִרְשֵׁי צֶלַע-הַמִּשְׁכָּן הָאֶחָד. כִּזְוֹחֲמֹשָׁה בְּרִיחִים, לְקִרְשֵׁי צֶלַע-הַמִּשְׁכָּן הַשֵּׁנִית.....

²⁶ You shall make bars of acacia wood: five for the planks of the one side wall of the Tabernacle, ²⁷ five bars for the planks of the other side wall of the Tabernacle

"Partnership Minyan and the Egalitarian Threat," by [Aurora Mendelsohn](#), *The Forward*, 3/28/14

Mainstream Orthodoxy has been taking pains to publicize its disapproval of partnership minyanim, Orthodox prayer groups where women lead some of the prayers and read from the Torah. Yeshiva University threatened to withhold ordination of a graduating student who held a partnership minyan in his home. Large, leading Orthodox institutions like the Orthodox Union and the Rabbinical Council of America have issued statements condemning partnership minyanim as forbidden. Despite this, the numbers of them and their membership continue to grow. Why are partnership minyanim so threatening to mainstream Orthodoxy? And why are they so popular? The reason for both is one and the same.

The motivation behind partnership minyanim is to narrow the wide gap between the relative gender equality that Orthodox women experience in their professional and civic lives and the gender stratification they experience in their religious lives. As Josephine Felix pointed out in an opinion piece in Brooklyn's *The Jewish Press*, Orthodox women pursue every career imaginable, and in some circles they do it in greater numbers than their non-income producing, Talmud-studying husbands. "They may become CEO of a company, but when it comes to being president of a shul board, they are forbidden by many Orthodox legal scholars. They may be doctors whose decisions impact the life or death of a patient, but when it comes to deciding halacha, they cannot contribute," Felix writes.

Women are said to be unable to handle the intellectual rigor of Talmud. When Orthodox women are professors or computer scientists, it makes that argument hard to swallow. Women who live in a civic society where male and female lawyers, witness and judges are treated as equally reliable by the courts may question the validity of the ban on female witnesses in Jewish law. Essentially, despite efforts to prevent it, the positive values of human rights and equality that are the fabric of Western culture are absorbed viscerally by women through their lived experiences, and when compared with the values of traditional Halacha, eventually the cognitive dissonance starts to cause a strain.

Orthodox feminists (both male and female) have been campaigning to make changes to prayer and ritual that empower women within the traditional framework. They do not want to leave Orthodoxy for Conservative Judaism. They like the closeness of the community, the way Orthodoxy permeates and informs all aspects of their lives. As Elana Sztokman put it in these pages, they "love everything about Orthodoxy except for the gender thing."

The reason people want to fix "the gender thing" in Orthodoxy is the same reason that mainstream Orthodoxy finds the approach so threatening. Fixing the gender problem means, by definition, stepping outside the comfort zone of insular, albeit authoritarian, coziness. One cannot have both the coziness of belonging to this kind of traditional community and the dignity and supremacy of Enlightenment-inspired rights. This is because once one admits that a secular value, or an idea from outside the halachic framework, is what drives the pressure for halachic and ritual change, the door is opened for other changes based on other secularly sourced ideas, like gay and lesbian rights,

intellectual skepticism or the value of breaking bread with your neighbors.

Once the traditional way can be wrong about something, then one is admitting it can be wrong and insufficient, which is a frightening concept for an institution that is supposed to guide one's daily life with authority. This challenges the very nature of religious authority and the religious decision-making process, both fundamental concepts in Orthodoxy. The very fact that the innovation comes from the laity and not from well-respected, established, traditional rabbinic authorities makes it so unacceptable. This threat of influence from secular ideas and the challenging of authority and not only a desire for retention of power and internalized misogyny (though, of course, those as well) are the reasons that mainstream Orthodoxy is so resistant to partnership minyanim.

The deeper the desire of the very Modern Orthodox to stay "inside" the circle of familiarity and acceptance and yet push for changes, the more likely they will find themselves defined by those who control the circle (who are never women) and eventually forced outside it.

Whatever comes out of the transformation of Orthodoxy through partnership minyanim, the rest of modern Judaism is standing on the outside of the circle, watching, waiting and welcoming.

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Questions:

1. Does the verb תזריע say anything about the Biblical understanding of role differentiation in conception? What's your response as a man? As a woman?
 - Women takes the lead.
2. Why does the midrash create another story of the creation of man and woman, in addition to what we hear in the text: 1) that God created man and woman at the same time 2) that God formed woman from man's rib?
 - To hearken back to the first, more egalitarian, creation story.
3. How does Rabbi Levi's response, and the citation from Exodus, contribute to our understanding of this midrashic creation story?
 - As Tabernacle had two equal sides, so do humans.

This discussion could not come at a better time. Baruch hashem, within the Conservative Movement, we have evolved our ritual to meet women's equal place in society -- though there are still some hurdles to cross. The real action is now taking place amongst the liberal Orthodox, who are challenging the Orthodox establishment to empower women to lead ritual. "Partnership minyanim," are sprouting up across the country, women-only services where women lead davening and read Torah. An article in the Forward last week detailed this phenomenon. Women who are at the top of the ladder professionally, who are reaching the same echelons of Jewish study as men, want to rise ritually as well. The mainstream Orthodox rabbinic bodies have not responded kindly, saying these minyanim are forbidden. Still, they go on. We'll see what happens.

And as we see through this midrash, rabbinic tradition is not nearly as monolithic in its male-centricity as we thought. The Jewish quest for ritual egalitarianism has roots much deeper than the 20th century.