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Orthodox Women: Their Role in Society and Marriage

I had originally thought to do a paper on Eshet Chayil, the beautiful and sublime song that Jewish husband's sing to their wives every Shabbos at the dinner table. The song praises the women of valor, while also having another meaning. The verses speak about the relationship between man and G-d, couching it in terms of a human male praising a human female. As such, I will, bli neder, treat this poem as a topic in another paper on parallels to Shir HaShirim, the song of songs. Thus it is that this paper is on something rather more personal and immediate to me as a Jewish female. It seeks to answer questions about Jewish women in general and in traditional (Orthodox) marriage in particular. It is a response to those who would say that all Torah observant women are oppressed, both in marriage and before marriage.

There are many who want to believe that men and women are exactly alike in all ways except one, the external physical characteristics G-d gives us. Such is not true and is a result of more than just socialization. Studies have show that the brain of a women is different in many important ways from a that of a man. One could argue that this difference in the brain is due only to environmental factors, as the brain does respond to how it is used and physically change that use. However it goes deeper than that, to the time that a baby is forming in the womb, including but not limited to the exposure to hormones specific to the forming baby's gender. The differences in men and women later on include both genetic and environmental factors, yet is clear these differences exist. A women is not a man with different physiology, she also thinks differently.

Torah Judaism recognizes the differences between men and women while valuing each of them equally. Women are not less then men because we are different, but because we are different we have our own roles to play both as Jews and in marriage. Different roles does not mean one role is inferior to the other. The fact that women do not chant the Torah for the congregation, put on a tallis, wear a kippah, wear tefillin, or

are obligated for the other time bound mitzvot does not mean we are inferior to men. I personally know individuals who would argue the opposite, that it does imply that Judaism sees women as inferior. I think this view is based on a lack of understanding of the roles of men and women in Judaism and the assumption that people must be the same to be equal.

Women are not counted as part of a minyan, be they married or single women. There are some very good reasons for this, and none of them have to do with women being inferior. In the Torah twelve spies were sent out at the request of the people to see the land and answer certain questions set out for them by Moshe. I don't want to go into the whole details of this, but when they returned ten men went beyond their mandate and made judgements about the land and the people's ability to take it. They forgot just Who was on their side. Ten men failed to sanctify G-d in the eyes of the people. Ten men, not ten women, not a mixed group. The women wanted to go into the land regardless, just as it was the women who as a whole stayed out of the participation of the golden calf incident. Because it was ten men who failed to sanctify G-d in front of the people, to this day ten men are required for prayers that entail the public sanctification of G-d's Name. This includes the kaddish, for example. Other prayers can be said alone, or in groups of women, but prayers that sanctify G-d's Name in public must have ten men to remedy the past failure of ten men to do just that.¹ As mentioned before, some feminists are of the opinion, unfortunately, that we have to be the same to be equal. Thus they try to be men. Part of this might stem from the fact that non-Orthodox streams of Judaism have only one realm of expression, the synagogue. If that is ones only place to express ones Judaism, then it is understandable that one might want to take on traditional male roles, such as

¹ Information from my friend Abbey Ross who learned it while studying in Jerusalem

counting towards a minyan.² However, in this case it is tantamount to taking the corrective G-d gave to men, a corrective women do not need.

The morning prayer in which men thank G-d for not making them women, and women thank G-d for His making us as He has is somewhat along these same lines: a corrective. Rabbi Avrohom Adler, in a Shabbat shiur sponsored by Congregation Zichron Chaim, discussed this prayer, among other things, on August 30, 2003. He referred to the teachings of Rav Schwadron. I am relating it from memory and any errors here are my own. Again, the idea is that men need a corrective. They are obligated for extra mitzvot in part because they need to work on their spiritual imperfections inherent in their nature. This is not to say that women are perfect, we are far from it, only that women were created how G-d wanted us to be. We don't require the correctives that men do, so are not bound by the mitzvot that bind men. Men, on the other hand, thank G-d for those extra mitzvot, for the chance to correct themselves, and for the reward that only comes when they succeed in doing obligatory mitzvot. One is not rewarded as much for a voluntary mitzvah, so women miss these opportunities. In a way, there is a balance. Men get the extra mitzvot and the reward for them, while the women do not need them but also are not rewarded in the same way for even those they can do voluntarily.

In the book of Bamidbar (Numbers) chapter 30, vows are discussed. A female in her father's house who makes a vow to G-d can have it annulled by her father. Likewise a female in her husband's house can have a vow annulled by her husband. If she is betrothed (today done at the wedding, just before the reading of the marriage contract), both the husband and the father must agree to over-ride her vow. Surely this must be anti-female, shouts our feminist! Well, actually, it is not, if you have the details. In her

² This idea suggested to me in a conversation with Dr. R. Prizant (while still dating)

father's house, she must be "in her youth"³ in order for him to stop her vow. This means, according to the commentary, that she must be older than 12, but not yet mature (a year and a half after signs of puberty). If she is older than that, the father cannot annul the vow, as she is not considered "under the authority of her father for him to nullify her vows."⁴ If she marries, or even betrothed, there is but one sort of vow that her husband or husband and father (for the betrothed woman), can have nullified. The type of vow is one that will either provide her with personal affliction (the nazirite vow) or will "affect the personal relationship between himself and the wife, even if the wife does not suffer affliction because of them." The former he may nullify completely, the latter only "to the extent that they affect him."⁵

The garb of a man cannot be worn by a female, nor can that of a female be worn by a male. So G-d commands us in the Torah, Deuteronomy 22:5 "The woman shall not wear that which belongs to a man, neither shall a man put on a woman's garment; for all who do so are abomination to the L-rd your G-d."⁶ Thus a man does not wear a skirt (though a kilt in Scotland is perfectly acceptable as men's ware), nor does a female wear a kippah. A kippah is a head covering worn by men to remind them that G-d is always watching. Married women do cover their head, but with feminine head coverings or a wig, not a kippah. To wear a kippah is to wear an article of men's clothing.

Related to this is the wearing of tzitzit, tallis, and tefillin. Many non-Orthodox feminists want to wear these ritual items. All of these are external reminders of our

³ Artscroll translation (*Rashi: Commentary on the Torah*), p 372.

⁴ *Rashi: Commentary on the Torah*, p 372-373.

⁵ *Rashi: Commentary on the Torah*, p 376 , note 3 on the bottom.

⁶ Judaic Classics Library translation

obligations to G-d. They are also all time bound mitzvot and women are not obligated to time bound mitzvot. I realize this will not go over well with the feminists, however, there is a good reason for this. Men do not get pregnant and men do not have babies.

Typically, even when women work outside the home, the primary responsibility for caring for young children and for the household falls largely on the shoulders of the woman. I can picture my acquaintance, the feminist, telling me that I want women to spend all their lives just barefoot and pregnant. If she thinks that is all there is to an Orthodox Jewish woman's day and life, she is missing the whole picture.

An Orthodox woman is an educated woman. Except for a brief anomalous period in Europe, she was always educated. A French monk wrote:

"A Jew, however poor, even if he had ten sons, would put them all to letters, not for gain as the Christians do, but for understanding of G-d's law. And not only his sons but his daughters."

Peter Abelard, 1079-1142.

Commentary on Paul's Epistle to the Ephesians. ch.6⁷

Today, Orthodox women can and do get top notch educations. The Bais Yacov movement ensures her a strong Torah and secular education through high school. Most girls will then go to seminary for a year, either in Israel or in the US. Some will choose to go on to college or a technical school, others will not. The choice, however, is theirs to make.

Many Jewish women have jobs outside the home. In ancient times, she would be likely to have some kind of cottage industry in the house itself. She would take care of running the household staff, obtain food for her family, and do business in the market

⁷ From <http://www.aish.com/seminars/worldperfect/wp04n41.htm>

place. Today we do not have to weave nor make our own thread. Nor do most women run manufacturing businesses in their homes anymore. Thus women today may (if there is a financial need or she has a particular gift) work in a profession. I personally know Orthodox women who are dieticians, teachers, psychiatrists, lawyers, and youth group directors. Most of them are also mothers, at least 2 of which still have children younger than kindergarten. They are true eshet chayils, every one of them.

Women also have property rights. One cannot talk about property without mentioning the daughters of Zelophehad . In Numbers 27, they bring a case before Moshe. Their father is dead and they have no brothers. Since the land is about to be divided, they don't want their father's house to be disinherited. Moshe brings down a ruling from HaShem: they will get their father's portion with one proviso, they must marry within their tribe so the land will stay in the tribe. This ruling is true for all women, if there are no sons, the daughters inherit. It should be noted, that unlike some cultures of the time (and even today), these women had no trouble being heard and the ruling of G-d was in their favor.

Connected to the issue of land rights is the property of wife that she brings into a marriage. If she owns land or has other property, it remains hers. In the standard ketubah, her husband gains use of her property. Woe to the husband who missuses it or does not consult with her on its use (a paraphrase of something I remember Rabbi Berger saying in class). In the event that they divorce, the property is returned to her (either the same property, or the value, depending on what she chose). In the less often used version of the ketubah, she retains complete control over her property and he cannot use it at all. According to a shuir delivered by Rabbi Ephriam Nisenbaum on 11/3/03, when a man dies, his wife gets the ketubah (presumably this also means any property that her husband was holding in trust as well as the value promised in the ketubah) first. After that, any

unmarried daughters are supported as long as they are single. Only then do the sons get the inheritance. If there are no sons, the daughters get everything. The daughters also get everything if he was poor and they are still single.

The Orthodox man has certain obligations to his wife. In addition to the financial obligations in the ketubah (depending on which version and variation she has chosen), he is also required to engage in marital intimacy at a regular frequency. Judaism assumes that she desires such but will not necessarily ask (due to shyness or perhaps fear of being rejected?). For a Torah scholar, just one of many professions listed in the Talmud, this means at least once a week. There is no requirement or obligation on her for frequency, however it is presumed that she will desire her husband.

A measure of the respect with which Judaism holds a wife is shown by a Talmudic saying "If your wife is short, bend down and listen to her counsel".⁸ Abraham is told by G-d to listen to the advice of Sarah and send his son Ishmael away (Genesis 21:8-12). One must treat ones wife with respect and honor. "R. Helbo said: One must always observe the honour due to his wife, because blessings rest on a man's home only on account of his wife, for it is written, And he treated Abram well for her sake. And thus did Raba say to the townspeople of Mahuza, Honour your wives, that ye may be enriched."⁹

Additionally, one should be careful not to cause one's wife emotional pain, as "Rab said: One should always be heedful of wronging his wife, for since her tears are frequent she is

⁸ R. Papa in Talmud: Bava Metzia, 59a, Soncino Translation

⁹ Talmud: Bava Metzia, 59a, Soncino translation

quickly hurt."¹⁰

On the other hand, Pirke Avot tells a man to “not converse excessively with the woman”.¹¹ Out of context and without explanation, this seems to denigrate the woman. First of all, we must note that it says “the woman,” not a woman or simply women. Here, in this verse, we are talking about the man’s wife. In the Mishneh, a man is advised to refrain from idle talk, frivolous talk that may lead to misconduct, with anyone. Here he is specifically told to refrain from such idle talk even with “the woman,” that is, his wife. He might think such talk is okay here, but he should have more respect for his wife and hold conversations of value with her.¹² He can and should engage her with light talk for the purpose of calming, soothing, reassuring her, or expressing affection. This is not forbidden, since it is not “meant to incite improper behavior.”¹³ This is especially true of a man who comes home and speaks lashon hara about another. He will lose the respect of his wife as well as causing anger in the person about whom he is talking. Furthermore, a relationship based on conversations with no substance and on gossip will eventually fall apart, as there is no real bond. The verse continues, instructing the man that he should, all the more so, not engage in the sort of talk that will lead to improper behavior with a woman who is not his wife. He should, says the commentary, stick to topics of business and domestic affairs.¹⁴ Basically, this is a matter of respect. A man is told to avoid such talk with all people, and this includes his wife and all other women. Rather he should

¹⁰ Talmud: Bava Metzia, 59a, Soncino translation

¹¹ Pirke Avot 1:5, *The Pirke Avos Treasury*, ArtScroll, p 21.

¹² Dr. Ricky Prizant, discussion on 8/23/04

¹³ Commentary on Pirke Avot 1:5, *The Pirke Avos Treasury*, ArtScroll, p 22.

¹⁴ Commentary on Pirke Avot 1:5, *The Pirke Avos Treasury*, ArtScroll, p 22-23.

talk to all people with respect and using proper and fit speech.

The Orthodox Jewish woman is far from the oppressed image held by our non-Jewish feminist. Her role is different where men need to do additional things as correctives, but the Jewish woman is definitely equal. This includes equality in opportunities for those things the west most prizes: career and property ownership. Spiritually she is on a higher level than the man from the start. Torah Judaism treats women with the utmost respect. The rights afforded a woman by the Torah (both Written and Oral) were radical in the ancient world. The duties and obligations of a man towards his wife are remarkable. When compared to how a woman is treated in the western world today, Torah Judaism still shines. The Jewish woman is not an object, nor is she a doormat. Integrity, respect, property rights, and wonderful educational and spiritual opportunities surround her. Would that all women around the world today were treated as well. I, for one, would not exchange my lot for that of any other woman in the world.

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