YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Student summaries of sichot of the Roshei Yeshiva**

**Parashat Mishpatim**

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Dedicated by Mr. and Mrs. Leon Brum for the *Refua Sheleima* of

Dana Petrover (Batsheva bat Gittel Aidel Leba)

and Marvin Rosenberg (Meir Chaim ben Tzipporah Miriam)

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In memory of six friends and family,
strong pillars of the Montreal Jewish community,
who have left us in the past seven years.
All were אוהבי עם ישראל, אוהבי ארץ ישראל, אוהבי תורת ישראל.

Joseph (Yosie) Deitcher

Avrum (Avy) Drazin

Rabbi Joseph Drazin

Leibel Frisch

Israel (Mutch) Yampolsky

Dr. Mark Wainberg

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**Scripture Has Made Woman and Man Equal Regarding All the Laws in the Torah**

**Sicha of HarAV Baruch Gigi**

Adapted by Aviad Bristal

Translated by David Strauss

Now these are the ordinances that you shall set before them. (*Shemot* 21:1)

In the school of R. Elazar it was taught: "Now these are the ordinances that you shall set before them" – Scripture has thus made woman and man equal regarding all the laws in the Torah. (*Bava Kama* 15a)

The Torah's point of departure, as it emerges from this *baraita*, is the equality of men and woman regarding all the laws of the Torah. If we join to this Rashi's comment on the verse, according to which Moshe was obligated to set before the people all the laws of the Torah in detailed fashion so that they be clear to them "as a set table with the food ready to be eaten," we see that not only are women included in the Torah's laws, but it is also necessary to lay out those laws before them. It is the duty of both men and women to learn and master the laws of the Torah.

Regarding the Torah as a whole, it is stated in *Parashat Yitro*: "Thus you shall say to the house of Israel and tell the children of Israel" (*Shemot* 19:2). The Torah turns also to the women. Much later, in the context of the *mitzva* of *hakhel*, which is meant to perpetuate the unique event of the giving of the Torah to Israel, all of Israel are commanded to assemble together every seven years on Sukkot after the sabbatical year: "Assemble the people, the men and the women and the little ones… that they may hear and that they may learn…" (*Devarim* 31:12).

The fundamental position, therefore, is that women are included in the giving of the Torah and in the obligation to know it.

Notwithstanding this point, the *gemara* in *Sota* records a Tannaitic dispute regarding whether it is proper for a person to teach his daughter Torah:

Hence declared Ben Azai: A man is under the obligation to teach his daughter Torah… R. Eliezer says: Whoever teaches his daughter Torah actually teaches her obscenity (*tiflut*).[[1]](#footnote-1) (*Sota* 21a)

The *gemara* explains the nature of this obscenity:

Can it enter your mind [that by teaching her Torah he actually teaches her] obscenity! Read, rather: As though he had taught her obscenity. R. Abahu said: What is R. Eliezer's reason? Because it is written: "I, wisdom, have made wiliness my dwelling" (*Mishlei* 8:12). When wisdom enters a person, wiliness enters with it.

The basic idea underlying R. Abahu's statement is understandable. Knowledge can cause damage: "For in much wisdom is vexation, and he that increases knowledge increases sorrow" (*Kohelet* 1:18). A person is liable to exploit added knowledge and use it for wiliness and deception.

This wiliness can be understood in various ways. The Rambam writes:

Because the minds of most women are not directed towards learning, but rather they turn the words of the Torah into vain talk, in accordance with the poverty of their minds. The Sages said: Whoever teaches his daughter Torah is considered as if he had taught her obscenity… (Hilkhot Talmud Torah 1:13)

According to the Rambam, since women's minds are poor, they understand the Torah only partially and "turn the words of the Torah into vain talk." The Meiri explained the matter in similar fashion, but expressed himself in sharper language:

"As if he had taught her obscenity." That is to say, obscene matters, because owing to her understanding, she acquires wiliness, and her mind does not suffice for proper understanding. She believes that she has understood, and rings like a bell, to show off her wisdom to everybody… (*Beit Ha-Bechira, Sota* 20a)

Based on the well-known statement of *Chazal*, "Women are light-minded," the Rambam and the Meiri understand that teaching Torah to women, and the wiliness that is acquired in the wake of partial learning, will lead to partial and defective understanding and various distortions.

It is, however, possible to understand the "wiliness" in a different manner. We are accustomed to saying that "knowledge" has value, in accordance with the words of the Kotzker Rebbe regarding the verse: "For he that increases knowledge increases sorrow" (*Kohelet* 1:18) – "But nevertheless, one should increase knowledge." But there is another value, seemingly the opposite of knowledge – namely, simplicity. The "wiliness" mentioned in the source cited above is the opposite of simplicity.

There are two fundamental values ​​in the service of God. One is serving God from the wide and deep world of knowledge, which allows for precise understanding and a thorough and philosophical examination of the foundations of faith, the knowledge of God and His teachings. On the other hand, there is value in serving God out of simplicity, in the sense of "You shall be simple (*tamim* – whole-hearted and innocent) with the Lord your God" (*Devarim* 18:13). This includes a certain dimension of modesty and humility in the face of Divine power, of accepting things in simple manner, without any philosophical complexity – simple faith.

It is possible that *Chazal* wished to create a delicate balance between these two values by creating a framework in which these two values will serve together and balance each other out. In the ancient world, men worked for the most part outside, in the fields and in the world of trade, in a world filled with friction, with different desires and with competition, intrigues, and complexity. This in contrast to the women, who were primarily occupied in housekeeping, where there was less friction and less complicated confrontations. It is possible that *Chazal* wanted men to be bastions of knowledge and women to be bastions of simplicity, and they knew that the addition of knowledge would bring with it the wiliness that destroys simplicity. For this reason, *Chazal* tried to prevent women from attaining knowledge.

As stated, we have presented here two models for explaining *Chazal's* opposition to the wiliness that accompanies knowledge. However, nothing of this applies in modern society. In the aftermath of the revolutions of knowledge, freedom, and equality, and the industrial revolution, a new world emerged in which knowledge and understanding are open to all.

Women are no longer cut off from the world of knowledge. Even if we accept the words of the Rambam and the Meiri, it is clear that *Chazal* did not mean to say that by their very nature women are less smart than men, as it is impossible to deny what is today clear to all. *Chazal*,who said that women are light-minded, were relating to what they saw in the historical reality in which they lived. We say this even though it is difficult to suggest that they understood that they were talking only about their times, for the awareness of historical change is relatively recent, and the pace of changes in their time and until recent centuries was slow to non-existent.

Therefore, whether we understand like the Rambam and the Meiri or we understand that *Chazal* presented a complementary model of knowledge and simplicity, the situation today is clearly different. With the blessed expansion of the world of knowledge, which brings us closer to the state of "for the earth shall be full of the knowledge of the Lord, as the waters cover the sea" (*Yeshayahu* 11:9), more and more women acquire knowledge in all areas, equal to that of men. Therefore, women's Torah study cannot continue as it was; women today must study Torah.

In my opinion, there is no room to argue that women are intellectually incapable of studying any field of Torah. One could, however, make the argument that God does want women to engage in comprehensive Torah study. According to those who propose such an argument, it suffices for women to expose themselves in a very limited manner to the Torah and other spiritual treasures of the Jewish People. This is a legitimate claim, even if I do not accept it.

Today, the ability to build and shape a significant spiritual world that is committed to the service of God passes through thorough study of the basic sources and through an opening of the gates of study to anyone, male or female, who wishes to enter.

On a personal note, as someone who has been teaching Torah to women for about thirty years, it seems to me that there are indeed certain differences between men and women, and that we men have something to gain from women's Torah study:

"Assemble the people, the men and the women and the little ones" (*Devarim* 31:12) – if the men come to learn, the women come to hear… (*Chagiga* 3a)

As a generalization, we can say that Torah study is widely assumed to be that of the "Halakhic Man," the "Brisker," whose whole purpose is searching for the conceptual foundations of the Talmudic passage. When he finds the "two *dinim*," the conceptual linchpin of the *sugya*, he feels he has accomplished his goal of understanding the issue to its depth. From my experience of teaching Torah to women, I see that they raise questions that do not rise prominently in a male institution, questions concerning the psychological aspects of certain situations and the like. Accordingly, it is possible that the purpose of the *hakhel* assembly is to bring together all parts of the people, with their different emphases in Torah study, in order to maintain a system of shared study and absorption, so that everyone should learn from each other the entirety of what the Torah has to offer.

In addition, I wish to note that that public discourse on the matter is usually conducted with slogans that do not allow for a thorough examination of the issue. Extremists on both sides issue slogans, the one side claiming that there is no difference whatsoever between men and women in any field and the other side emphasizing the gaping abyss between men and women in all areas, including in intellectual abilities. Anyone who is interested in a fair discussion should distance himself from categorical perspectives, examine each point on its own merits, look closely upon reality, and see the rich and diverse world of God that is filled with different women and different men. In this way he will understand that we should not speak in generalizations, and that different solutions and directions should be fashioned for the wide range of populations that make up society. When we talk about the areas of study and knowledge, different educational frameworks must be built, which can provide appropriate responses to the different groups without any direct connection to the gender divide.

[This *sicha* was delivered on Shabbat *Parashat Mishpatim*, 5778 (2018). The summary was reviewed by HaRav Gigi.]

1. In general, the *posekim* have ruled in accordance with R. Eliezer, even though he was of the house of Shammai. See *Responsa Tuv Ayin* 4. [↑](#footnote-ref-1)