

Parashat Pinchas – Zelophehad's Daughters in Modern Israel

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Last night, Rabbi Rosenbaum shared a timely and powerful application of this week's Torah portion, focusing on the impassioned action and zealousness of our parasha's namesake, Pinchas. This morning, I'd like to take us a little further on in the portion, to an episode that is a bit less dramatic, certainly less violent, but I would maintain demonstrates no less chutzpah on the part of its protagonists.

The genre of historical fiction is very popular right now—especially those narratives that recapture women's voices and seek to understand their roles within an historical context. Many of us may have read or are reading Alice Hoffman's *The Dovekeepers*, which follows the stories of several women through the waning days of Israelite defiance at Masada. Maggie Anton spoke here at Emanu-El last year about her wonderful series, *Rashi's Daughters*, which so effectively and vividly animates Jewish life in medieval France. And though nearly fifteen years have passed since its original publication, Anita Diamant's *The Red Tent*, a modern midrash on the biblical character Dinah, continues to enchant and inspire those who discover its vivid portrait.

The female characters in this week's Torah portion are no less captivating. As tribes are being counted—their strength and size enumerated so that parcels of the Promised Land can be apportioned accordingly—we are told in Numbers, chapter 27: “The daughters of Zelophehad, of the tribe of Manasheh ... came forward. The names of the daughters were Machlah, Noa, Choglah, Milcah, and Tirtzah. They stood before Moses, Eleazar the priest, the chieftans, and the whole assembly, at the entrance of the Tent of Meeting, and they said, ‘Our father died in the wilderness. He was not one of the faction, Korach's faction, which banded together against God, but rather he died for his own sin; and he has left no sons. Let not our father's name be lost to his clan just because he had no son. Give us a holding among our father's kinsmen.’”

Let's take a moment to consider the profound ramifications of this brief passage. Zelophehad, the father of these five women... young women... girls (we can't know), had no sons—the implication being that if only men can inherit land, then there is no heir to receive what should have been assigned to his family and kept in the family to perpetuate his name. So his daughters speak up; they say of their Judaism, as it is being codified into rules and practices: “This is not right.” And rather than walk away, or respond with righteous indignation, they present a reasoned case. Let's be honest. The acts of taking the census and parsing out the land were probably as rote and monotonous as its textual description: “Descendants of so-and-so tribe: Of this clan, these descendants; of that clan, those descendants. Those are the clans of this tribe, total persons enrolled: 52,000, or whatever.” So Zelophehad's daughters say: “Wait.” And assuming that the practice that has now become rote didn't set out to be unjust or unfair, they point out the inequality that has nevertheless resulted, and propose a different approach that doesn't overthrow the enterprise, but modifies it.

Yet this simple, rational response must have required an inordinate amount of chutzpah. For they bring their case directly to the all bigwigs – Moses, the high priest, the chieftans, the entire assembly – right in the middle of the camp, at the entrance of the Tent of Meeting. Rabbi Jill Hammer imagines they each had their own motives and concerns: “[Perhaps] Machlah is mourning her father. Noa ... is interested in fairness. Choglah has theological reasons for wanting a portion of the Land. Milcah wants to be free. Tirtzah likes women to celebrate together.” This is where historical fiction factors in. Yet, whatever their motivation, the fact remains that there was a tradition concerning these women that could not be erased. To have the names of these five women preserved, when so many others faded into oblivion, underscores both their courage and contribution, for their victory becomes part of Israelite law. When Moses brings their case before God, God responds: “The plea of Zelophehad’s daughters is just: you should give them a hereditary holding among their father’s kinsmen,” and this case becomes law.

“The story of the daughters of Zelophehad ... is perhaps the most directly relevant Bible story to the cause of gender equality.”¹ And we are in considerable need of heroes and heroines with such knowledge, hope, courage and chutzpah today.

Consider the following real Israeli women who have embraced the legacy of their Israelite forebears:

Perhaps Channa is a modern day Machlah. Dr. Channa Maayan, a pediatrics professor who was awarded a prize for her book on hereditary diseases common to Jews, was to receive that award on September 25, 2011 at a ceremony held by the Israeli Ministry of Health. Knowing that the acting health minister and other ultra-Orthodox Jews, would be in attendance, Channa thoughtfully wore a long-sleeve top and long skirt. But that wasn’t enough. Segregated seating was implemented at the event, so Channa was not allowed to sit with her husband—she was relegated to the balcony in the sizeable auditorium, which had been reserved for women. Before the ceremony, Channa was told that a man would have to receive the award on her behalf as women were not permitted on stage. In fact, her name was not even mentioned in full at the ceremony, only her family name that she shared with her husband. Her experience has turned into a rallying cry for change throughout Israel and beyond.

Perhaps Tanya is a modern day Noa. On December 16, 2011, Tanya Rosenblit boarded an Egged number 451 bus from Ashdod to the Givat Shaul neighborhood of Jerusalem. An Israeli Supreme Court ruling has made it clear that segregated seating on buses is illegal. Signs are to be posted on each bus announcing as much, and bus drivers are to enforce the ruling when necessary. Nevertheless, Haredi (ultra-Orthodox) passengers cursed Tanya and demanded that she move to the rear of the bus. When she refused, Haredi passengers prevented the bus from beginning its journey. A policeman called to the scene by the driver also attempted to persuade Tanya to move to the rear.

Tanya wrote the following: “One of the passengers was unwilling to sit down and stayed on the stairs next to the driver the whole trip, yet another passenger decided to create a commotion. He prevented the driver from shutting the door and called his friends, who arrived at the site and gathered around the bus. There were about 20 of them, they spoke Yiddish, and it appeared as though a small rally was organized to claim that this bus is theirs. ... They pointed at me, called me names, and expressed outrage over Egged’s failure to safeguard their rights. ... The driver, who saw he could not continue, called the

police. When the police officer arrived, he traded a few words with the driver, spoke at length with the organizer of the spontaneous protest, and then boarded the bus in order to ask me whether I [was] willing to respect them and move to the back of the bus. He repeated the question twice. ... I replied that I showed enough respect for them with my modest dress and that I cannot humiliate myself in order to respect someone else.” Tanya concludes: “How could it be that a man in this day and age feels that a woman is not worthy of sitting before him? How would he feel if his mother, sister or daughter encountered such contempt?”

Perhaps Rachel is a modern day Choglah. In preparation for last year’s festival of Sukkot, posters were displayed around Jerusalem urging women not to enter Mea She’arim Street during certain celebrations which form part of the festival. The announcement asked women to use alternative routes in order to reach their homes, “and thereby help avoid mingling.” A Hassidic organization was reported to spend large amounts of money in order to install partitions and hire stewards who would be stationed on the streets to enforce the segregation of sidewalks. Jerusalem city counselor Rachel Azaria petitioned the Supreme Court against this discriminatory action. While certain fences were still permitted, Rachel’s advocacy resulted in the removal of stewards and helped the justices note “the trend toward increasingly extreme patterns of gender segregation ... constitutes the injurious domination of the residents by a minority in the neighborhood.”

Perhaps Rosie is a modern day Milcah. Rosie’s story is a heart-breaking one. At the beginning of 2011, her father died. While he was alive, he had repeatedly asked Rosie to speak in his name and on his behalf on various occasions. Accordingly, after he died, it was obvious to Rosie that she would speak at his funeral. In her emotional turmoil following her father’s death, she found it difficult to write down her thoughts, but she eventually managed to pull herself together and prepare a eulogy in her father’s memory and on behalf of her whole family.

When the time came for the funeral, the family and friends gathered at the cemetery in Ofakim. After arriving at the cemetery, the male and female mourners were asked to stand separately. When Rosie sought to recite her eulogy, a representative of the burial society told her that she could not do so. Instead, it was suggested, a male relative such as a brother or uncle could talk. When Rosie insisted that she wished to speak, the representative of the burial society offered to read her prepared eulogy, and despite Rosie’s insistence, the representative of the burial society refused to change his position. Due to her fragile emotional state, Rosie acquiesced to the discriminatory demand.

During the funeral procession, the men went first, while the women were asked to follow on behind. Rosie’s sister, who was in the front section, was asked to move to the back. Rosie cried throughout the funeral procession: “I was crying,” she says, “because my father had died, but no less than that, I was crying because I was not given the chance to say goodbye to him properly, as I know he wanted, just because of an extremist whim on the part of the burial society staff. I still feel this sharp sense of a missed occasion.”

Following her father's funeral, Rosie took action. She filed an appeal in small claims court and spoke about the painful injustice done to her. Not only did the judge rule completely in Rosie's favor, he also condemned this kind of segregation in no uncertain terms and awarded the maximum amount in monetary compensation (a little over \$8000).

And, finally, perhaps Anat is a modern day Tirzah. Anat Hoffman is Executive Director of the Israel Religious Action Center, who commissioned the report from which these incidents are drawn. Entitled "Excluded, For God's Sake: Gender Segregation and the Exclusion of Women in Public Space in Israel," this is the second annual report of its kind and it ensures that such inequality cannot go unnoticed. The report documents 57 distinct types of gender discrimination occurring in Israel today – from segregation in health clinics to the removal of women from advertising to the exclusion of women from positions in the IDF – in many cases, unfortunately, recording several occurrences of each.

There are a number of trends within the growing phenomenon of gender discrimination that are quite distressing. First noted in 1997, demands for segregation reached unprecedented proportions in 2011, so the number of incidents themselves is rising. And the fact that discrimination continues despite Supreme Court rulings that have deemed gender segregation is unlawful, violates the dignity of women, and has no place in a democratic society is unsettling indeed. Justice Rubinstein, in the decision of Naomi Ragen v. Ministry of Transportation, wrote: "Is it really even necessary to state that it is forbidden to coerce or order a woman to sit in the back rows on the bus...? Is it really necessary to state that men who harass a woman who sits outside the intended area... thereby commit a forbidden act and are liable to criminal prosecution? Does not any rational person, whether secular, religious, or Haredi, understand this without explanation?"

Additionally, while the 2010 report noted that "almost all the demands for segregation are manifested in an effort to push women to the back, physically and figuratively," the 2011 report finds an increasing number of instances "in which women are completely excluded from public space, or an entirely separate space is created for them, silencing their voice."

Yet the report also reveals rays of hope. As the number of incidents against women grow, so too does the coalition speaking out against injustice. Those who continue to advocate for equality, in the tradition of Zelophehad's daughters, include organizations and individuals within the Reform and Conservative communities, to be sure. But there are also a number of Orthodox women and men who are committed to the value of modesty but oppose gender segregation. A growing presence of voices from the Haredi community itself are speaking up to demonstrate that ultra-Orthodox society is far from monolithic and those who act with intolerance do not do so on behalf of all. And groups, like the Israel Religious Action Center, continue to use litigation, legislation, public policy and advocacy to advance civic equality. Their petitions, letter-writing campaigns, and Freedom Rides enable each of us, should we choose, to play a part, as well.

There is much to be learned from the stories of these courageous women, and their biblical forebears. May cases for equality continue to be heard before the most powerful courts of the land – whether at the entrance to the Tent of the Meeting or the Israeli Supreme Court. May those who are unsettled by

change and new realities reject the impulse to become increasingly restrictive and reactionary. May they instead have the courage, like Moses, to admit “I don’t know to handle this” – and pray on it, at the very least. And as each of Zelophehad’s daughters drew strength and courage from the four other women at their side, may we each stand up alongside, and lend our support to, those boldly asserting, “This is not right.” May the volume of our voices and the merit of our message bring change.

Kein y’hi ratzon – May this be God’s will and our own. And let us say: Amen.

Note: Accounts of the incidents described in this sermon have been extracted, with minimal editing, from the Israel Religious Action Center 2011 report, Excluded, For God’s Sake: Gender Segregation and the Exclusion of Women in Public Space in Israel, available online at <http://www.irac.org/userfiles/gender-segregation-in-israel-2011.pdf>.

1 Rabbi Jill Hammer.