

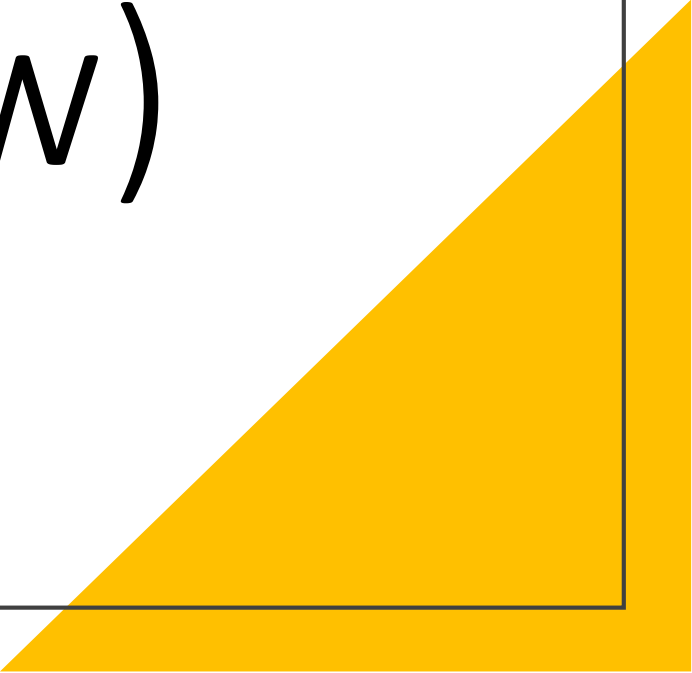


After the Ten Commandments: The Laws of the Covenant Code

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Torah in Motion, 2022

The female
“slave” (review)

A solid yellow right-angled triangle is positioned in the bottom right corner of the slide, pointing towards the top-left.

Troubling
assumptions
that we have
to make
re society
3000+ years
ago

A man has a right to marry off his daughter before the age of majority.

A man has a right to “sell” his daughter.

Women generally got married around puberty (or perhaps by puberty).


Polygamy permitted.



The female “slave”

וְכִי יִמְכַר אִישׁ אֶת בִּתּוֹ לְאִמָּה לֹא
תֵצֵא כְצֵאת הָעֶבְדִּים. אִם רָעָה
בְּעֵינָי אֲדֹנָיָהּ אֲשֶׁר לֹא [לוֹ] יַעֲדָה
וְהִפְדָּה לְעַם נְכָרִי לֹא יִמָּשֶׁל
לְמַכְרָהּ בְּבִגְדוֹ בָּהּ. וְאִם לְבָנוֹ
יִיעַדְנָה כְּמִשְׁפַּט הַבָּנוֹת יַעֲשֶׂה
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כְּסוּתָהּ וְעֹנֹתָהּ לֹא יִגְרַע. יֵא וְאִם
שָׁלַשׁ אֵלֶּה לֹא יַעֲשֶׂה לָּהּ וַיִּצְאָה
חֲנֻם אֵין כְּסָרִי.

When a man sells his daughter as a slave, **she shall not go free as male slaves do**. If she proves to be displeasing to her master, who designated her for himself, he must let her be redeemed; **he shall not have the right to sell her to outsiders, since he broke faith with her**. And if he designated her for his son, he shall deal with her as is the practice with free maidens. If he marries another, he must not withhold from this one **her food, her clothing, or her onah**. If he fails her in **these three** ways, she shall go free, without payment.



Issue 4: **וְאִם שְׁלַח אֵלֶיךָ**

Rashbam (and Rashi and ibn Ezra....)

ואם שלש אלה – שלא יקחנה, ולא לבנו ייעדנה, ולא יניח לפדותה. ויצאה חנם – על ידי בית דין.

IF HE FAILS HER IN THESE THREE WAYS: If he does not wed her, and he does not marry her to his son, and he does not allow her to be redeemed, then SHE SHALL GO FREE, i.e. the court will set her free.

Ibn Ezra

ורבים חשבו, כי אלה השלש הם:
שארה כסותה וענתה (שמות כ"א:י').
וזו לא יתכן

Many think that the “three”
referred to here are food, clothing
and *onah*. This is impossible....

[חזקוני: ואם שלש אלה – שארה
כסותה ועונתה]

And why is that
impossible?

The female “slave”

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לָהּ. אִם אַחֲרַת יְקַח לוֹ **שְׂאֵרָה**
כְּסוּתָהּ וְעֹנֹתָהּ לֹא יִגְרַע. יֵא **וְאִם**
שָׁלַשׁ אֵלֶּה לֹא יַעֲשֶׂה לָּהּ וַיִּצְאָה
חִנָּם אִין כְּסָרִי.

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Issue 3: **שְׂאֵרָה כְּסוּתָה וְעֹנֵתָה**
לֹא יִגָּרַע

Let's remember the context....

וְכִי יִמְכַר אִישׁ אֶת בִּתּוֹ לְאִמָּה לֹא
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כְּסוּתָהּ וְעֹנֹתָהּ לֹא יִגְרַע. יֵאָמֵר
שְׁלַשׁ אֵלֶּה לֹא יַעֲשֶׂה לָּהּ וְיִצְאָה
חִנָּם אִין כְּסָרִי.

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Onah: Rashi

אם אַחֶרֶת יִקַּח לוֹ שְׂאֵרָה כְּסוּתָהּ
וְעִנְיָתָהּ לֹא יִגְרַע

אם אחרת יקח לו – עליה . . .

ענתה: תשמיש

If he marries another, he must not withhold from this one her food, her clothing, or *onah*.

“If he marries another”: in addition to her....

Onah: means sexual intercourse.

The language of the ketubbah

... מזונייכי וכסותייכי
וספוקייכי ומיעל לותיכי
[עלייכי] כאורח כל ארעא

ברא יט: "איש אין בארץ לבא
עלינו כדרך כל הארץ" (אונקלוס:
לְמִיעַל עֲלֵנָא)

[I will provide] your
food, clothing and
necessities, and I will
approach you [sexually]
in the standard manner.

Onah: Rashbam

ועונתה—בית דירה, לפי
הפשט, לשון מעון, כי
המ"ם של מעון כמו מ"ם
של מקום ושל מלון שאינו
עיקר. הרי מזון וכסות
ומדור

[ה' אֶהְבֵּתִי מְעוֹן בֵּיתְךָ תְהִילִים כּוּן]

Onatah: following the plain meaning of Scripture, means “her lodging.” For the letter *mem* in מעון, “lodging,” is [a prefix, and is] not part of the root, just like the *mem* at the beginning of the words מקום and מלון. The verse then requires [providing] food, clothing, and shelter.

Could *onah* mean **anointing oil**?

Laws of King Lipit-Ishtar of Sumer (20th cent. B.C.E.): If a man's wife does not bear him a child, but a prostitute from the street does bear him a child, he shall provide grain, **oil**, and clothing rations for the prostitute and the child shall be his heir.

Egypt *The Instruction of Ptahhotep* (25th century BCE): When you prosper and found your house, and love your wife with ardor, fill her belly, clothe her back, **ointment** soothes her body, gladden her heart as long as you live.

Laws of Eshnunna (18th century BCE): If a man gives his child for suckling and for rearing but does not give the food, **oil**, and clothing rations (to the caregiver) for 3 years, he shall weigh and deliver 10 shekels of silver

Onah: Ibn Ezra

ופי וענתה על המשכב
שהוא "עַת דְּדִים" שמלת
עת בחסרון נו"ן כמו אמת.
על כן נדגש תי"ו "וְהִנֵּה
עֵתְךָ [עַת דְּדִים]" או
עֵתוֹ... גם כן: עֵתָהּ.

The meaning of “her onah” is sexual activity, also known as “the time of lovemaking” (Ezek 16:8). The word עַת (time) is missing a *nun* (i.e., the *nun* is assimilated into the *tav*), similar to the word *emet* (truth) [which comes from א-מ-נ]. Hence the *tav* (of עַת) receives a dagesh [as a sign of the assimilated letter] in [for instance] “עֵתְךָ your time,” likewise: “עֵתוֹ its time,” ... also “עֵתָהּ now.”

Onah: Shadal

אומר אני כי "וענתה" הוא
התנאי הראוי לה במה
שהיא אשה בעולת בעל
והתנאי הזה הוא
התשמיש בלא ספק

I say that "her *onah*" refers to the duties toward her inasmuch as she is a married woman, and without a doubt this is a reference to sexual intercourse.

Shadal: *Onah* could not refer to the idea of
“time”

וזה דבר שאין הדעת
סובלתו, שהתורה תִּכְנֶה
ביאת אדם אל אשתו בשם
עת קבוע, מלבד שאין בכל
התורה שום לוח הקביעות
לענין זה.

This explanation is
unthinkable—that the Torah
would designate a man’s
relations with his wife by the
term “set time”! Besides,
nowhere in the Torah is there
any timetable for this matter.

Shadal: *Onah*
(paraphrased)

Onah refers to
answering or
responding,
answering a need...

Shadal (cont.)

והנה חז"ל בחכמתם
ובצדקתם ראו כי האישה
איננה כלי ולא נבראת
לתועלת האיש ולהנאתו
בלבד, אבל איש ואשתו שני
שותפים, התחברו ברצונם
לעזור איש את רעהו באהבה
ואחווה.

In their wisdom and
righteousness, the Rabbis saw
that a woman is not just a tool;
she was not created just for a
man's benefit and pleasure.
Rather, a man and wife are
partners who have willingly
joined together to help one
another in love and friendship.

Shadal (cont.)

ולא לבד השגיחו שלא יהיה
האיש גורע חק אשתו, אבל
השגיחו גם על הפרטים
היותר קלים, לבלתי יהיה
האיש גורע הנאת אשתו . . .

Not only were the rabbis
careful to prevent a man
from diminishing his wife's
due, but they were also
careful about the finer
details, that a man should
not diminish his wife's
pleasure . . .

Shadal (cont.)

והפך מזה מצד אחד דרכי
הנבלים שאינם מבקשים רק
הנאת עצמם והם משוטטים
תמיד לבקש זימה ונשיהם
נמאסות בעיניהם ויושבות
עגונות אלמנות חיות.

In contrast to this [i.e. to the correct Jewish attitude to sexuality], on one hand, is the behaviour of men who are villains, who seek nothing but their own pleasure, always searching for licentiousness, men who look at their own wives with disgust, abandoning them to be *agunot* in living widowhood.

Shadal (cont.)

והפך מזה מצד אחר דרכי
המתחכמים אשר האשה
היא להם כשפחה לשרתם,
וכסם לשמירת בריאותם (לא
יבעול אלא כשימצא גופו
בריא וחזק ביותר וכו' וכו'...
[רמב"ם] הלכות דעות פרק
(ד')

And in contrast, on the other
hand, is the behaviour of those
“wise men” who relate to their
wives as handmaidens to serve
them and as a tonic to keep them
healthy (“One should not engage
in intercourse unless he finds that
his body is exceedingly healthy
and strong, etc., etc....”)
([Maimonides] Hilkhhot De’ot 4)

Shadal (cont.)

אבל מי שתורתו היא
תורת משה והמשנה
והתלמוד, הוא אוהב את
אשתו כגופו ומכבדה יותר
מגופו.

But the man whose Torah is
the Torah of Moses and the
Mishnah and the Talmud,
loves his wife as much as he
loves his own body, and
honours her more than he
honours **himself**.



Nahum Sarna

“[The rabbinic explanation of what *onah* means here] would reflect a singular recognition in the laws of the ancient Near East that a wife is legally entitled to sexual gratification.”