

While civic unrest and protests continue in America, this Shabbat I'd like to draw your attention to a variety of street demonstrations in Israel in recent weeks. I'm not referring to gatherings around the Prime Minister's residences, though those take place every week at the end of Shabbat. I have other demonstrations in mind. One protest is the result of hypersensitivity; the other, in response to insensitivity.

If you've studied anything with me in recent years, you know that I enjoy using the Israeli TV sketch-comedy satire show, *Hayehudim Baim*—The Jews are Coming—as a teaching tool. I was apparently in good company, because Israel's education ministry was including YouTube clips of the program in its curriculum and on its website. The show reframes episodes in Jewish history from the Bible to modern times, and sometimes casts Biblical scenes as allegories for current events. Apparently, some Israelis don't find the show funny; in fact, they think it's offensive and blasphemous. Hundreds of Israelis took to the streets in protest. Even Knesset members called for the show to be investigated.

While these Jews waxed indignant about a comedy, other Israelis protested a tragedy: the alleged gang rape of a 16-year-old girl in an Eilat hotel a few weeks ago. Police have found the teenager's account credible, and believe they have 17, yes 17, suspects, 14 of whom have already been arrested. They include one man who claims to have tried to stop the episode, but police have evidence that he filmed it. All this while other men waited their turns patiently in line outside the intoxicated girl's hotel room. And so Israelis took to the streets to demand justice and reform, laws that would punish convicted rapists more harshly and perhaps protect women more effectively.

I juxtapose these two protest events because if those in category one were paying attention, they would see that the writers of *Hayehudim Baim* have already protested in category two. There's a sketch in which Moshe has just finished issuing the Ten Commandments, and dismisses class for lunch. But his sister, Miriam, is unsatisfied. Where, she asks, is the commandment *Lo Ta-anos*—You Shall Not Rape? She convinces Moshe to reassemble the Israelites and to add that commandment, but the People are flabbergasted. "What if she showed cleavage? If she was unconscious? If she said no, but I'm not really sure what she meant by 'no?'" Finally, one Israelite steps forward and berates the group: "What's wrong with all of you? Rape is forbidden. Nobody asked what you want. Even if she 'teased,' even if you used to date her, even if you saw her naked. It is forbidden to rape! Period!...unless you're an [army] officer." Then they decide that there should be a code word to determine if there's consent...and men end up dictating the code. Miriam is despondent, but Moshe promises her that he'll clarify these confusing laws—it's the first thing he'll do when he enters the Promised Land.

Satire bites hardest when it sinks its teeth into truth, and the truth is that too many women have been assaulted on the basis of thoughts like those expressed by the men in the sketch. And have students of Torah noticed? In this week's reading, *Parshat Ki-Teitzei*, we find several passages about pre-marital sex, sometimes involving a betrothed woman, who while not yet married, is still in Biblical thought culpable for the death penalty for adultery. Among these verses is this set of laws:

"In the case of a virgin who is engaged to a man—if a man comes upon her in town and lies with her, you shall take the two of them out to the gate of that town and stone them to death: the girl because she did not cry for help in the town...but if the man comes upon the engaged girl in the open country, and the man lies with her by force, only the man who lay with her shall die, but you shall do nothing to the girl. The girl did not incur the death penalty, for this case is like that of a man attacking

another and murdering him. He came upon her in the open; though the engaged girl cried for help, there was no one to save her” (Deuteronomy 22:23-27).

I wanted to see how some traditional—read, male-authored—commentaries addressed the part of the Torah that speaks of rape. First I looked in the *Stone Edition* published by Artscroll. Total number of words of commentary: zero. Actually, it says “See notes to verses 13-19 above.” There, the topic is defamation—when a groom accuses his bride of not being a virgin, and how the Torah assigns value to “damaged goods.” But on the subject of rape, and how to determine if there was consent or not? Silence. Shameful silence.

What’s especially shameful about this silence is that the Torah itself sets criteria that affirm that a woman might be vulnerable to attack, and doesn’t blame the victim. The *Stone Edition* still doesn’t see fit to dignify the subject with a single word. More recently, though, Koren published *The Steinsaltz Humash*, with commentary by the great Rabbi Adin Steinsaltz, who died so recently. On the subject of location—city versus field—he writes: “Of course, it is possible that she was raped in the city but was incapable of crying out, or that she was raped in a basement or an isolated courtyard where no one could have heard her scream. The verses indicate that in a case where the act was seen by witnesses, but they do not know whether or not the woman consented, the *halakha* is determined based on the location of the act...” (p. 1074).

Steinsaltz based his interpretation—one that shows much sensitivity to the victim—on the medieval commentator Hezekiah ben Manoah, the 13th-century French commentator known as Hizkuni. But the original source isn’t quite so charitable to the young girl. “Her silence is proof that she did not really object to being violated by the rapist. She had no reason to fear being killed as the rapist would surely have been found and brought to justice.”

I hope it is clear that Hizkuni’s comments include two serious mischaracterizations of sexual assault. One is that silence is consent. The other is the assumption that justice will be served. Women have centuries of history and many have personal experience on their sides to show that these characterizations are yet another example of male fantasy.

I consulted one more commentary on the passage about rape in our parshah: *The Torah: A Woman’s Commentary*, published by the Union for Reform Judaism. They include *Rape poem* by Marge Piercy, the American Jewish poet, novelist, and social activist. Her words are jarring; here are just a few excerpts:

“There is no difference between being raped/and being run over by a truck/except that afterward men ask if you enjoyed it.

“There is no difference between being raped/and being bit on the ankle by a rattlesnake/except that people ask if your skirt was short/and why you were out alone anyhow” (p. 1190).

Our tradition and our society—in Israel and everywhere we live—still have an enormous amount of work to do to hammer home the mitzvah that Miriam wanted Moshe to engrave on the tablets: “*Lo ta-anos—You Shall Not Rape.*” Until then, I urge my fellow Jews everywhere to stop protesting a TV satire and to take its message seriously: focus your rage on rape culture. That’s worth a street march, and more: a campaign of education, especially of our boys and young men, so they would

never even dream of doing what those 17 guys allegedly did in that Eilat hotel. Is that really too much to ask of worldwide Jewish education?

Shabbat Shalom.