

Nashim: An Overview

Nashim (women) is the 3rd order of the Mishnah. Because the Rabbis' lived in a fairly patriarchal society, much of the Mishnah was understood to be independent from the feminine world – though the status of women with respect to various obligations is mentioned throughout. Here, however, the lives of women are front and center.

Some of the tractates contained in *Nashim* are fairly predictable. When men think about or write about women (the Rabbis of the Mishnah were all men), they tend to think about ways in which the lives of women interact with their own. As a result, weddings (and divorces) play a prominent role in this order. Tractates related to those institutions include *Yevamot* (on the institution of Levirate Marriage, outlined in the Torah), *K'tubot* (on marriage contracts), *Gittin* (on documents of divorce), and *Kiddushin* (on marriage). Additionally, the tractate of *Sotah* (on suspected adulterers) discusses a ritual, outlined in the Torah, whereby women who are suspected of committing adultery undergo a gruesome ritual to determine whether or not they are guilty.

Two *masech'tot* (tractates), at first glance, seem unrelated to the remainder of the order. They are *Nedarim* (on vows) and *Nazir* (on the Nazirite vow in particular). The reason that they are included in this *sefer* is that, when the Torah mentions the institution of the *Neder* it primarily discusses the right of men to nullify their daughters' *nedarim* (vows), and later for men to nullify their wives' *nedarim* (both only under certain circumstances). Because the relationship between men and women with respect to *Nedarim* seems to be one of the Torah's primary concerns on that topic, it was placed in the Order that speaks about women. *Nazir* was placed directly following it because it serves as a continuation of Tractate *Nedarim* – exploring the particulars of the Nazirite vow.

Below are brief descriptions of each of *Seder Nashim's* seven *masech'tot*.

Yevamot/Levirate Marriage: One of the Torah's laws that feels strangest to 21st century readers is *yibum* – levirate marriage. This principle states that if a married man dies before fathering any children, it is his brother's responsibility to marry her and father a child. The child is then considered to be the son of the deceased husband, even though biologically his father is actually that man's brother. This institution was an attempt to ensure that preserve every married man's family line – so that his name should not be “blotted out” (Deuteronomy 25:6). This tractate, with sixteen chapters, is one of the longest tractates in the entire Mishnah. It begins with a discussion of all of the individuals who are forbidden from sexual relations with one another (laid out in the Torah, expanded here). It then articulates the institutions of *yibum* (described above) and *chalitzah* (a rabbinic institution

Please note: this text may not be shared or reproduced without the written permission of the Darshan Yeshiva.

created as an alternative to *yibum*). The *masechet*'s middle chapters discuss a wide variety of hypothetical situations, articulating which solution (of *yibum* or *chalitzah*) is considered optimal. The tractate digresses a bit and speaks about the Priesthood – discussing who *Kohanim* are permitted to marry. The final chapters discuss difficult issues regarding a man whose status (dead or alive) is unknown, and what ramifications that has on the performance (or non-performance) of *yibum* or *chalitzah*.

K'tubot/Marriage Contracts: *Masechet K'tubot* has no “anchor text” (segment of the Torah alluding to its core content – the *K'tubah* document). According to Jewish tradition (discussed in the Jerusalem Talmud), the Sage *Shimon ben Shetach* had the idea for the *K'tubah* contract, but historically we have no real knowledge of precisely how it came to be. This tractate discusses the content of the *k'tubah*, but it also outlines the monetary payment (also called a *k'tubah*) that accompanied this document. In return the bride agreed to a variety of obligations to her husband for the duration of their marriage. This tractate discusses the requirements for a valid *k'tubah*, the amount and nature of the monetary payment, and the wife's property rights. It also overlaps a bit with tractates *yevamot*, *nedarim*, and *gitin*, because the marriage contract is discussed as it relates to levirate marriage, vow-making, and writs of divorce.

Nedarim/Vows: In Chapter 30 of Numbers, the Torah articulates a number of regulations about the institution of vow-making. There, if a vow is taken by a male, it must be kept. If a vow is taken by a female, her father or husband (depending on her marital status) have the right to nullify her vow for one day. Tractate *Nedarim* alters that, making certain kinds of vows invalid and creating a system whereby individuals can nullify vows with the assistance of a sage. It begins by explaining the linguistic formula for creating a *neder* and the differences between a *neder* and a *sh'vua* (oath). It continues by walking through certain kinds of vows that, due to being taken under incorrect pretenses, are not considered valid. For much of the remainder of the tractate, *Nedarim* delves into the institution of vow nullification, dictating when and how individuals could have their vows absolved. This institution serves in certain ways as a precursor to the well-known *Yom Kippur* declaration of *Kol Nidrei*, which was written in the Middle Ages and nullifies all *nedarim* and similar vows for the entire year.

Nazir/Nazirite Vow: The Nazirite vow is a particular kind of vow whose particulars are described briefly in Numbers Chapter 6. Individuals taking a Nazirite vow promise to abstain from shaving, all grape products (including wine), and from becoming *tamei* (impure) due to a corpse impurity (discussed more in Lesson 7 on *Seider Toharot*). *Masechet Nazir* lays out a few different kinds of Nazirite vows, some of which apply temporarily and some of which (the Samsonian Nazirite vow) last for an individual's entire lifetime. The tractate delves into the language used to take a Nazirite vow, how long a period certain short-term Nazirite vows are meant to last, and the question of whether certain products that resemble grape products are also forbidden to a Nazirite. The tractate closes with an interesting analysis of

Please note: this text may not be shared or reproduced without the written permission of the Darshan Yeshiva.

whether the prophet Samuel was a Nazirite, since unlike Samson (a definite Nazirite from the Book of Judges), Samuel's status is not made quite as clear by the original text.

Sotah/Suspected Adulterers: *Masechet Sotah* is without a doubt one of the more difficult sections of the entire Mishnah. It expounds on a passage of the Torah, in the book of Numbers Chapter five, which outlines a revolting and humiliating ritual that women were put through if suspected of adultery. A man who suspected his wife of having sexual relations with another man could ask the Priests to put her through a horrific ordeal involving the drinking of a "bitter water" that could eventually lead to the "swelling of her stomach" and the "falling away of her thigh" (according to the text of the Torah). The tractate begins by outlining how a husband would warn his wife that he suspected her of adultery. It moves on to a discussion of the procedure itself, along with the offering that accompanies it. Towards the tractate's conclusion, there is an interesting digression on prayer in Hebrew and in foreign languages. Finally, the tractate describes how (thankfully) the *Sotah* custom was abandoned.

Please note: this text may not be shared or reproduced without the written permission of the Darshan Yeshiva.