

## The Pilegish in Our Times

*Haftorah Parashat Chukat*

*Shoftim 11:1-33*

### The Connection between the Haftorah and the Torah Reading

This week's *haftorah*, describes how the people of Israel were attacked by the nation of Ammon, whereupon the elders of Israel called upon Yiftach to battle with Ammon. Yiftach attempted to negotiate a peaceful resolution, by sending a delegation to reason with the king of Ammon; but the latter remained inflexible. Yiftach then successfully led his countrymen in battle. They were victorious and eliminated the Ammonite threat, and Yiftach became the leader of Israel. The *haftorah* is connected to *Parashat Chukat*, by teaching us the importance of absolute support for our acknowledged Torah leadership. Yiftach was the recognized leader and a prophet, although logically he wasn't the most suitable candidate for leadership. His maternal lineage was questionable, and he was not the greatest scholar. Nevertheless, he was accorded the absolute support of the *halacha* and the people, as the Talmud teaches: "Yiftach in his generation was like Samuel in his generation" (*Babylonian Talmud, Rosh HaShana 25b*). Likewise, the statute of the *Parah Aduma* (Red Heifer) described in *Parashat Chukat*, teaches us the importance of accepting the laws of the Torah, even when we are unable to understand their reason. Thus, both the *parashah* and the *haftorah* teach us not to rely on our own sense of logic, but rather to have faith in the *halachic* authority as brought down by the Rabbis in each generation. This is the foundation of our legal system and the eternal transmission of Torah.

### Son of a Harlot

"Now Yiftach the Gileadite was a mighty man of valor, and he was the son of a harlot, and Gilead begot Yiftach" (*Shoftim 11:1*). It was necessary for Scripture to emphasize that Gilead was the father of Yiftach, since it is usually difficult to identify the father of the children of harlots. Although Yiftach is called son of a harlot (*zona*), Yiftach's mother was not a regular harlot. Many commentators, including Radak and Malbim hold that Gilead's first wife was a concubine, rather than a prostitute. A concubine (*pilegish*) is not necessarily a second wife, but a woman with whom a man has a physical relationship without a *chupah* (canopy) and marriage contract. Radak explains that she is called a harlot because she lives with her man without a *ketubah* (marriage contract) and without the holiness of being properly married (*kedushin*). For this reason, she is considered in the category of being a harlot, even if she is dedicated to one man alone. Gilead had a relationship with Yiftach's mother without being properly married to her, because she was from a different tribe. At that time, there was a tradition in Israel, not to marry outside of the tribe, in order that the land should not be removed from one tribe to another (*Radak, The Book of Shoftim 11:1*).

### The Pilegish Outburst in our Times

I was quite shocked, when I learned that, nowadays, there are people engaged in pre-marital or extramarital sex, among those who consider themselves modern orthodox. They justify their actions, to be *halachically* valid under the category of *pilegish*. It is easy to understand why a *pilegish* relationship would be ideal for certain noncommittal men, concerned about their personal

pleasure. As one man seeking a *pilegesh* explained, "It is less stressful than an affair, and longer lived than a fling or that elusive one-night stand. It's still a casual relationship without a *ketubah*, no need to feed her, house her, heal her, bury her etc. You could also do a week with her and then end the relationship if you like." It is quite disturbing to read that the fastest growing Jewish relationship sites on the web are promoting Jewish Polygamy and the *pilegesh* relationship. One such site has recently passed the ten thousand visits mark, which is close to three thousand visitors a month on average. Sites as these "help" not only "religious" men but even couples finding a Jewish *pilegesh*. Surprisingly; more than ten percent of the members of such sites are women seeking to be a *pilegesh*. Why would a woman choose to lower herself to a status that was always considered degrading compared to having the rights of a full-fledged wife? In a letter called "Confession" written October 9<sup>th</sup>, 2007, an anonymous woman explains: "I've been a *pilegesh* for three years with two different men (not at the same time obviously). I keep all the rules. If you saw me in the street, I'd look the same as the other girls. The desperate, naive *shidduch* daters. I'm *frum*. I went to a religious high school. Once I turned eighteen, it seemed I would have to get married to be able to act on the feelings I'd been having for a few years. I didn't like the idea of having to settle down, but it didn't seem I had a choice. Then I met a girl who changed my life. She was a few years older than me and introduced me to the idea. Not long after, I met my first boyfriend... What I'm doing is not acceptable in the *frum* community. I understand why it can't be. If everyone did this, chaos would ensue... I'm glad that I don't have to get married in order to have this kind of relationship. I believe what I'm doing is *halachically* valid, even if it's not accepted. Sure it can be difficult, but on the whole I feel it's liberating."

### Halachic Justification?

This anonymous woman, who faithfully keeps the laws of *mikvah* and waits three months between relationships, is convinced, like most others, who allow themselves to become a *pilegesh* or to have one or more, that this institution is *halachically* permitted. This misconception is backed up by certain "Rabbis" who "*halachically*" justify the institution. One of the *pilegesh* websites even claims to be under ultra orthodox Rabbinic supervision. Yet, most if not all of the "Rabbis" promoting sexuality without marriage are far from orthodox. Jewish renewal Rabbi, Arthur Waskow, ordained by Rabbi Laura Geller, and Dr. Judith Plaskow, questions whether it is desirable to forbid all sexual relationships between unmarried people, and thereby insist on celibacy for an enormous proportion of Jews in their 20s and 30s, and for divorced Jews. He writes, "From biblical tradition on, there has been a category for legitimate non-marital sexual relationships that could be initiated and ended by either party without elaborate legalities It was called *pilegesh*, usually translated "concubine," though it meant something more open, free, and egalitarian than "concubine" connotes in English. Those who prefer the *pilagshut* relationship may certainly do so... For, perhaps either party is unprepared for the burdensome responsibilities of marital obligations..." In conclusion, Waskow suggests drawing on the *pilegesh* relationship to "establish a sacred grounding for sexual relationships that are not marriages, and create patterns of honesty, health, contraception, intimacy, and holiness for such relationships." (Rabbi Arthur Waskow, *Sexuality & Spirituality, A Prophetic Voice in Jewish Multi-religious & American Life*).

## Halacha: The Concept of Pilegish

Let us examine more closely these attempts to popularize *pilegish* relationships as forms of premarital, non-marital and extramarital relationships permitted by *halacha*. What is the true contemporary *halachic* status of *pilegish*? Rambam explains that the word *pilegish* is comprised of the words “*Pi Shagal*,” which indicates a woman who is used in both domestic and “intimate” ways. Alternatively the word *pilegish* is related to the Hebrew/Aramaic *palga isha*, “half a wife,” and the Greek *pallax / pallakis*, “mistress” or “lover-girl.” In contemporary Israeli Hebrew, the word *pilegish* is often used as the equivalent of the English “mistress” – i.e. the female partner in extramarital relations even when these relations have no legal recognition. In the Talmud, a *pilegish* is defined by Rav Yehudah in the name of Rav as a woman married without *kidushin* and without a ketuba (*Babylonian Talmud, Sanhedrin 21*). However, Rambam (*Hilchot Ishut 1:4*) defines a *pilegish* as a woman without a *ketubah* but with *kidushin*. *Kidushin*, which means sanctified, is part of the marriage ceremony and reflects the holiness of Jewish marriage. During the ritual of *kidushin*, the man sanctifies his woman and designates her for himself and no other. According to Rambam, after the Torah was given, one who has relations with a woman without *kidushin* is punished with lashes by Torah law. A *pilegish* without *kidushin*, is an institution exclusively reserved for Jewish kings. An ordinary person may not take a *pilegish*, or engage in any type of relations outside of a marriage (*Rambam, Hilchot Melachim 4:4*). The *Shulchan Aruch*, explains that if a man lived with a woman the way of *znut*, not for the sake of *kidushin*, she is not considered married. This is the case even if he designated her for himself and lived with her for the sake of intimate relations exclusively between the two of them. In this case, [the Rabbis] compel him to take her out of his home (*Shulchan Aruch, Even HaEzer 26:1*).

The *Rema* (Rabbi Moshe Isserless, *ibid.*) quotes the *Ra'avad* who maintains that a *pilegish* is a woman who is designated to one man, and this is permitted as long as she goes to the mikvah at the appropriate times. It is important to note that even the Rabbis, who do not consider *pilegish* to be an infringement on a Torah commandment, may still hold that *pilegish* violates man the positive commandment of the Torah that a man must marry by way of *kidushin*. The mitzvah for a man to marry is derived from *Devarim 24:1*. See *Yad, Ishut 1:2*; R. Shelomo Luria, *Yam Shel Shelomo, Yevamot 2:11*; *Resp. Tzitz Eliezer 1:27*, part 18. The *Rema* concludes his comment by quoting the Rambam, *Rosh*, and *Tur* who rule that the practice of *pilegish* is prohibited and liable for the punishment of lashes for transgressing the Torah prohibition of “There shall be no prostitutes of the daughters of Israel” (*Devarim 23:18*).

Likewise, the great Torah sage, Rabbi Yonah of Gerona writes: Our rabbis taught that the verse, “Do not prostitute your daughter to cause her to be a harlot, lest the land fall to harlotry, and the land become full of lechery,” comes to warn that a man should not give over his unmarried daughter for intercourse except in marriage... and a *pilegish* without, *ketubah* and *kidushin* was only permitted to the king. (*Gates of Repentance*, part 3:94) The *halachic* position in case of a *safek d'Oraita* (the possibility of transgressing a Torah command) is to always be strict. Therefore, the accepted practice is to follow the ruling of the Rambam and to prohibit the practice of *pilegish*. Rav Yakov Emden concludes that he would not permit the practice of *pilegish* unless two other *halachic* authorities signed with him to permit it, and thus it has remained the practice not to allow it. (See *Resp. Igerot Moshe, Eben HaEzer 1:55*, where the prohibition of *pilegish* is simply assumed).

## Contemporary Halachic Responsa Regarding Pilegsh

Beyond the *pilegsh*, a 1979 *teshuvah* of the Central Conference of American Rabbis Responsa Committee provides textual references detailing rabbinic *responsa* intended to prevent “casual” sexual relationships between consenting adults and unmarried partners who have made a long-term commitment to each other. There can, after all, be no greater long-term commitment than that made between a properly married couple. There are several *halachic responsa* aimed at ensuring that no sexual contact takes place even between a man and his betrothed bride prior to their wedding. For this reason, *kidushin* (betrothal) and *nisuin* (marriage) became fused into the single ceremony that still remains in place. One of the important motivations behind this enactment was the desire to prevent sexual contact prior to marriage, even for those who had formally committed themselves to each other through *kidushin*. It plainly follows that the contemplation of a sexual relationship for those who, no matter the depth or the longevity of their feelings, had made no formal commitment to each other would have been absolutely out of the question. Unmarried Jews must not live together, and certainly not to engage in sexual relationships, even if their personal commitment to each other is profound. The accepted standard is evidenced by the passage in the betrothal blessing (*birkat erusin*), “He has prohibited to us our betrothed spouses.” R. David Ibn Zimra stated the prohibition most clearly when he declared, “At present time a woman is permitted to no man except through *chupah*, *sheva berachot* and *ketubah*” (*Resp. Radbaz* 4:225; 7:33).

Rabbi Yaacov Ariel, Chief Rabbi of Ramat Gan, commenting on the issue of *pilegsh* explains that the rabbinical authorities who permitted the institution of *pilegsh* were not talking about the kind of temporary relationships found among young people today, but rather, lifelong commitments. Regarding this important distinction, he emphasizes that all *halachic* authorities agree that passing sexual relationships between unmarried people are forbidden, as a form of whoredom, even if the woman goes to the *mikvah*. Rabbi Ariel cites that, according to Rashi and the *Gaon* of Vilna, the ancient practice of *pilegsh* was, in fact, accompanied by a kosher marriage ceremony, or *kidushin*, so that the daughters of Israel should not fall into harlotry.

On the modern orthodox *Nishmat Women’s Health and Halacha* website a woman asks whether intimacy before marriage is permitted by the Torah through the status of “*pilegsh*.” The answer given is that *pilegsh* is forbidden by the Torah, as the Rambam understands the Torah prohibition of *kedeshah* (prostitution) to prohibit any sexual relations outside of the context of marriage. Therefore, there is no room for a woman to acquire the status of *pilegsh* nowadays. As challenging as it may be to refrain from physical relations prior to marriage, restraint is demanded by *halacha*. *Halacha* has a positive view of physical intimacy and its potential for joy and holiness exclusively within the *halachic* framework and commitment of marriage.

In the same vein, Rav Peretz Moncharsh answers a *sha’alah* regarding a divorced woman who is engaging in intimate relations with a man she is not married to. Would the institution of *pilegsh* be a legitimate *halachic* option for such a couple? The Rabbi answers that a *pilegsh* is not an option, because the majority opinion of the *poskim* is that it only applies to a king or to a marriage without a *ketubah*, but not to an extra-marital relationship. While she may consider her “friend” a princely fellow, *halachah* certainly does not accord him royal status.

Rabbi Zev Leff being asked the similar question, answers on an [audio recording](#), that living together without *kedushin* is a Torah prohibition. A *pilegish* relationship involving a man and a woman who live together without being married is actual *znut* (harlotry). Therefore, in order not to promote *znut*, the Rabbis prohibited single women from immersing in the mikvah. Although living with a *niddah* is a much more serious prohibition than living with a single woman after her mikvah, the Rabbis still considered it so important to minimize premarital/extramarital relations, that it took precedence over minimizing the transgression of sexually active unmarried couples. Rabbi Leff concludes that there is no *heter* (permission) for unmarried couples to live together, as we say at the marriage canopy: “Who forbade us those betrothed to us, but permitted us those married to us by means of *chupah* and *kidushin*.”

### The Pilegish Trend – Pursuit of Instant Gratification

The real problem facing us today is that the sanctity of marriage has broken down, even among the religious. The Kabbalist Rabbi Eliahu Leon Levi said that “One does not have to offer Kabbalistic explanations to understand that to renew the practice of *pilegish* today would destroy the institution of Jewish marriage. A *pilegish* was something exclusive to the times of the Bible.” Rabbi Yaacov Ariel, concurs: “Our duty as rabbis is to encourage the holy institution of marriage, not to ape the licentiousness of the Western world, which places egotistical satisfaction before everything else.” Unfortunately, those “spiritual leaders” who promote *pilegishut* have seemingly forgotten that the main reason of our life is to perform mitzvot and thereby elevate our lower inclinations in the service of Hashem. It seems to me that the main motivation for the attempt to *halachically* legitimize the institution of *pilegish*, is in order to cater to the *yetzer hara* (selfish inclination) of religious people, who have become greatly influenced by the pleasure seeking of Western Society, and its pursuit of instant gratification. The problem is, that many of those practicing what they call a *pilegish* relationship, validate their individual *yetzer harah*, believing that their actions are totally *halachically* justified. This reminds me of the Jewish gay movement. Before that movement became popular, a man, born with an abnormal sexual disposition, was aware that acting upon his tendencies, violates the Jewish practice. However, today some people do not see a contradiction between being gay and Jewishly observant. Nowadays, you can find gay “Rabbis,” gay *minyans* (prayer quorums), and even gay “married couples.” In a similar manner, certain “Rabbis” and “spiritual leaders” wearing the orthodox garb with long beard and *peyot*, promote the social institution of *pilegish*. They may quote and misquote all kinds of *halachic* sources to legalize their position, most often because of their personal desire to take a *pilegish* for themselves. It is alarming that these “Rabbis” have no shortage of followers who welcome the opportunity for instant corporal gratification through minimum effort, without having to make any commitment. We may have compassion for a single man who is unable to control himself and live in long term celibacy. When such a man gives in to his inclination, he is fully aware that his behavior is far from the ideal, but that unfortunately, he can’t help himself. However, it is much more alarming when pleasure-seeking and lust turns into a trend, disguised by the so-called *pilegish* relationship, without the slightest feeling of shame.

### Spiritually Disadvantaged Women's Lack of Self-Respect

I believe that the underlying reason for the growing number of Jewish women willing to become *pilagshot*, is an estrangement of women from their innate feminine nurturing strengths. A spiritually healthy Jewish woman yearns, by her very nature, for the long lasting, committed relationship of marriage and raising a family. For this reason, it was unnecessary for the Torah to command women to get married and become fruitful. Nowadays, unfortunately, influenced by Western society's competitive career-race, pleasure-seeking, and the nonchalant, noncommittal attitude, certain Jewish women have lost their sense of true Jewish femininity. Being detached from their spiritual feminine essence causes these spiritually disadvantaged Jewish women, to lose their sense of dignity and self-respect. They are unaware how they degrade their Divine Image by allowing their bodies to be available for men, who are unwilling to make a lifelong commitment to them, and unite with them fully through both body and soul. I call on all believing Jewish women to start believing in themselves, and start to consider themselves fully deserving of their true soul-mate's total love and commitment. May Hashem bless all single Jewish women to find committed Jewish marriage partners worthy of them!