Notes toward Finding the Right Question

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Is the Right Question "Theological"?

The philosopher Suzanne K. Langer somewhere observes that every answer is concealed in the question that elicits it, and that what we must strive to do, then, is not look for the right answer, but attempt rather to discover the right question. The danger in the present discussion—the relation of women to the Jewish Way—is that the wrong question will be asked, inexorably leading to answers that are as good as lies.

How can one learn whether one has asked the "right" or the "wrong" question? From a consideration of the answer. By way of illustration: we have lately heard a complaint that Jewish mainstream tradition, being devoid of female anthropomorphic imagery, not to mention female deity-figures, is an obstacle to the self-esteem of women. Jewish women, we are told, lack idealized larger-than-life "models." The "female nurturing principle" is absent from Jewish cosmic notions.

Formulated as a question, the complaint emerges as follows: how shall we infiltrate into Jewish thought an adumbration of divinity which is *also female*?

One of the most frequent answers is to tinker with the language of liturgy. For instance, for the phrasing of "Blessed art Thou, O Lord our God, King of the Universe," we are advised to substitute the term "Queen of the Universe."

The answer stuns with its crudity. It is preposterous. What? Millennia after the cleansing purity of Abraham's vision of the One Creator, a return to Astarte, Hera, Juno, Venus, and all their proliferating sisterhood? Sex goddesses, fertility goddesses, mother goddesses? The sacrifices brought to these were often enough human. This is the new vision intended to "restore dignity" to Jewish women? A resurrection of every ancient idolatry the Jewish idea came into the world to drive out, so as to begin again with a purifying clarity?

The answer slanders and sullies monotheism. The answer has tested the question; the question fails. Without an uncompromising monotheism, there can be no Jewish Way; it becomes, then, somebody else's way; but not the Jewish one. Not for nothing does a Jew fervently recite, morning and evening, "Hear, O Israel, the Lord our God is One," in order to reaffirm daily the monotheistic principle.

A second answer, less coarse, seemingly more "philosophical," is offered to the same question. This second answer proceeds as follows:

"If the phrase 'Queen of the Universe' is too scary, too suggestive of Caananite *baalim* [gods] or Greek statuary or Christian madonnas, then why not draw on the Female Principle latent in certain historical byways of the Jewish experience itself? How about the *Shekhinah,* the female shadow or emanation of the Godhead, whom we encounter in Kabbalah? No one can accuse *her* of incurring idolatry; like God, she is without form; we know of her only that she is She. The *Shekhinah* admits, among ideas of formlessness, the idea of the female."

Subtle. But again an assault on monotheism.

"Wait! Before you jump to conclusions about my position," says this second answer, "let me go forward a bit. You are about to tell me that the God of the Jews has no incarnation, no human form, no human attributes in addition to no shade whatever of duality or plurality. Why then, all the human imagery we already encounter in liturgy?"

"Because of the limitations of the human mind," replies the answer's interlocutor. "Who can conceive of 'grasp' without 'hand'?"

"But the Lord's outstretched hand, symbolic though it is, is always a symbolic *male* hand. If, in your toleration of the limitations of the human mind and the poverty of our human language, you already tolerate a *male* anthropomorphic image, why won't you tolerate a *female* anthropomorphic image?"

The interlocutor is silent.

"Or to say it otherwise," continues the answer, "if you are unyielding in the purity of your uncompromising monotheism, why do you tolerate a *male* monotheism?"

The answer has turned into a question, and the question, it seems, is improving. It is improving because it has left behind goddesses and female Emanations and is approaching the problems of language, not in the tinkering sense, but elementally. What helpless babies our tongues are! It is as foolish to refer to the Creator-of-the-Universe as He as it is to refer to the Creator-of-the-Universe as She. (Nor is the compassionate Voice of the Lord of History a neuter.)

The question, even in the improved version of its answer, can take us only to quibbles about the incompetence of pronouns. It remains the wrong question. It leads nowhere. It has no fruit. It is dust.

Why Isn't the Right Question "Theological"?

Why, really, is any question about the nature of divinity not the right kind of Jewish question?

For two reasons: first, "the nature of divinity" is a theological question, and Jews traditionally have no theology. Concerning the nature of God, we are enjoined to be agnostic, and not to speculate. "You will see My back, but My face you will not see." And when Moses asks God about the nature of divinity, the reply is only: "I am that I am." In Deuteronomy we encounter a God who asserts that the mysteries of the universe belong to God, and that it is our human business only to be decent to one another, steering clear of what we have not the capacity to fathom.

Secondly, when the question concerning the nature of divinity is pointed toward issues of female consciousness, then it becomes simply irrelevant. Here, with regard to women, it is overwhelmingly the wrong question. *The status of women is, in any Jewish context, by no means a "theological" question. It is a sociological fact; and that is a much lighter load to carry.*

To see what the difference is, consider one aspect of the problem for women as perceived by Christianity and Judaism. Consider Eve.

In both the Jewish and Christian views, Eve, the First Woman, is an inferior moral creature; she cannot keep a promise to God, and she inveigles the First Man, also an inferior moral creature, into a similar betrayal. Both are punished—as equals—by expulsion from Paradise, and by the imposition of two kinds of labor.

Now that may be a nasty portrait of the First Woman, but—in the Jewish view—that is pretty much that. The human race continues, under realistic—i.e., non-paradisic—conditions. You can take Eve out of Scripture and the nature of divinity continues as before: I-am-that-I-am.

Not so in the Christian scheme. There, Eve's "sin" leads to Adam's "fall." The Fall of Man is not a Jewish notion; it is purely Christian. And without that Fall, there would be no need for Redemption; and without a need for Redemption, there would be no Crucified Christ and no Vicarious Atonement. In short, for Christianity, if you take Eve out of Scripture, Christianity itself vanishes.

Eve, the bad woman, is theologically crucial to the survival and continuation of Christianity.

Eve, the bad woman, is irrelevant to the survival and continuation of Judaism.

The Approach of "Simple Justice," and How It Is Thwarted

The feminist Letty Cottin Pogrebin: "A life of Torah is embodied in Hillel's injunction, 'Do not do unto others what you would not have them do unto you.' Men would not like done unto them what is done unto women in the name of *halakhah*. For me, that is that."

Within the scheme of *halakhah*, however, that is not that, although *halakhah* is above all a system of jurisprudence founded

on the ideal of the practical attainment of real, not seeming, justice. Developed over centuries by schools of rabbis through precedent after precedent, *halakhah* evolved through application of general principles to urgent practical cases. *Halakhah* is deemed to be flexible, adaptive, attentive to need and actuality—the opposite of the dry bones of uncaring law. And why this should be is clear—*halakhah* is founded on and incorporates scriptural aspirations toward decency of daily conduct and the holiness of the ordinary. A deep halakhic premise is that the individual's well-being is enhanced, through reasoning compassion, by the communal good.

Juridical systems also pay attention to classes. Under *halakhah,* women *qua* women are seen as a subdivision of humanity, not as the main class itself. Now a subdivision is, by definition, not the fundamental rule, but rather a somewhat deviating instance of the fundamental rule: a step apart from the norm. Under *halakhah,* the male is the norm, and the female is a class apart. For instance, there is a Tractate entitled *Nashim,* "Women"; but there is no corresponding Tractate called "Men"—because clearly all that does not apply to women falls to men. Men are the rule, and women are the exceptions to the rule.

Nevertheless, the explicators of *halakhah* (one hesitates to use the term apologists) claim that the biblical "Male and female created He them" means, quite simply, equality of the sexes in the eye of the Creator; and so far, so good. It is only when we come to examine "equality" halakhically that we discover that it is meant to signify not equal, but complementary. Male and female are viewed as halves of a whole, goes the argument, and each half has its own separate rights and responsibilities: there are distinct roles for men and women, which overlap very little.

When "complementary" is taken to be the relation between the norm and its deviation (or call it the rule and its exception), then the role of the norm will be understood to be superior to the role of the exception.

When "equal" is defined as "distinct," then simple justice is thwarted.

On Not Being a Jew in the Synagogue

Item: In the world at large I call myself, and am called, a Jew. But when, on the Sabbath, I sit among women in my traditional shul and the rabbi speaks the word "Jew," I can be sure that he is not referring to me. For him, "Jew" means "male Jew."

When the rabbi speaks of women, he uses the expression (a translation from a tender Yiddish phrase) "Jewish daughter." He means it tenderly.

"Jew" speaks for itself. "Jewish daughter" does not. A "Jewish daughter" is someone whose identity is linked to, and defined by, another's role. "Jew" defines a person seen in the light of a culture. "Daughter" defines a relationship that is above all biological. "Jew" signifies adult responsibility. "Daughter" evokes immaturity and a dependent and subordinate connection.

When my rabbi says, "A Jew is called to the Torah," he never means me or any other living Jewish woman.

My own synagogue is the only place in the world where I, a middle-aged adult, am defined exclusively by my being the female child of my parents.

My own synagogue is the only place in the world where I am not named Jew.

On Not Being a Juridical Adult

Though we read in Scripture that Deborah was a judge in Israel, under postbiblical halakhic rules a woman may not be a witness. In this debarment she is in a category with children and imbeciles.

In the halakhic view, a woman is not a juridical adult.

She is exempted from liturgical and other responsibilities that are connected with observing a particular practice at a specific time. This, it is explained, is a compassionate and sensible ruling. What? Shall she be obliged to abandon the baby at her breast to run to join a prayer quorum at a fixed hour?

The so-called compassionate and sensible ruling perceives a woman exclusively as a biological figure. Time-fixed communal responsibility is left exclusively to males—as if milk were the

whole definition of parenthood; or as if, in fact, milk were the whole definition of a woman; or as if in each marriage there is to be only one reliably committed parent, the one with the milk; or as if a mother, always and without exception, is in charge of sucklings only.

If the context should change from functional to intrinsic, from the identity of relationship to the identity of essence, from the ideal of extenuation to the ideal of inclusiveness—ah, then compassionate exemption is transmogrified to demeaning exclusion.

To exempt is to exclude.

To exclude is to debar.

To debar is to demote.

To demote is to demean.

Young girls, older women, and unmarried women do not have babies at their breasts. Where is the extenuating ideal for them? They are "exempted"—i.e., excluded, debarred—from public worship all the same.

The halakhic rationale for universal female exemption, however, is not based on compassion for harried mothers, nor is it, as some erroneously believe, related to any menstrual taboo. It rests on a single phrase—*kavod ha-tzibur*—which can be rendered in English as "the honor [or self-respect] of the community." One infers that a woman's participation would degrade the community (of men).

I am not shocked by the use of this rationale. (I *am* perhaps shocked at a halakhic scholar of my acquaintance who refers to the phrase "the honor of the community" as a "concept that seems to defy comprehension.") Indeed, I welcome this phrase as wonderfully illuminating: it supports and lends total clarity to the idea that, *for Judaism, the status of women is a social, not a sacred, question.*

Social status is not sacral; it cannot be interpreted as divinely fixed; it can be repented of, and repaired.

Women, Debtors, and Thieves

The biblical practice of debtors' servitude—applied also to thieves—was unusually large-minded in that, when the debtor's or

the thief's term of work had expired, he was obligated to return to his former status as an ordinary citizen. A debtor or a thief who refused independence after the expiration of his servant's term had a hole bored in his ear—a mark of contempt for one who declined to take on the responsibilities of a higher status.

Under *halakhah,* as presently viewed, there is no way for a woman to achieve a change in status. Her present status (according to my halakhic scholar-acquaintance) "appears to defy emendation or modification within the halakhic context."

What the Jewish juridical genius could once do for a thief, it cannot now do for a woman?

A Man, Too, Is Sometimes Exempted

There is at least one other category of person—besides a woman—who is exempted, under *halakhah,* from the *minyan,* the quorum of ten required for a public worship service. This is a man in a state of new bereavement. He is regarded as being unable to perform in a condition of deep grief.

Only a visit from the Angel of Death can reduce a man to the quotidian, unextreme, situation of an exempted woman. How shall one parse this odd equation? To enjoy the public status of an ordinary woman, claim a death in your family. Or, when a *minyan* is forming, if you would learn what it is to be a woman, go into mourning. Or, to push it still farther: a woman is like a man who has suffered an irreversible loss. Ah, Freud!

On the Denigration of the Synagogue

The desire of women to participate in public worship in traditional congregations—to be "counted," literally, as a member of the quorum of ten—is often met with a lecture explicating American Jewish sociology. It is only under the influence of the ministries of our Christian neighbors, we are told, that the synagogue has become central—whereas it is, in fact, not at all central, and never was: the true matrix of Jewish life is in the family and in the home.

In all the history of the synagogue—one of the oldest institu-

tions in the world—there never was a time when the synagogue was, if not slighted, then as aggressively diminished as it is now. And why is it only *now* that "The synagogue is secondary!" becomes a battle cry of the traditional rabbinate? The emphasis on family and home has not diminished; why, then, should the significance of synagogue worship quite suddenly be reduced?

Answer: *The synagogue becomes a focus of disparagement only at that moment when women begin to make equal claims on it.*

On the Diminution of Prestige

Item: In liberal synagogues, where women may carry the scrolls of Torah for the festival of Simhat Torah, fewer and fewer men come forward to receive this honor.

Item: In liberal congregational structures, where women may become congregational presidents, fewer and fewer men come forward to vie for this honor.

The "honor of the community" may mean, no more and no less, jealousy over prestige: prestige is always reduced when a lower caste is given access to it.

Women's Devotional Literature: On the Discovery of Hacks and Forgers among Those Who Mock Women

Glückel of Hameln, the remarkable seventeenth-century Yiddish-language memoirist, thought of herself mainly as a businesswoman and as a mother recording her life for her children. But anyone who encounters her miraculous book knows better. In a wonderful introduction to a new Schocken edition of *The Memoirs of Glückel of Hameln,* Professor Robert S. Rosen remarks, "Glückel, although she would not have known what to make of this, was an artist."

She would not have known what to make of this. How could she know she was an artist? How could she know that what she was expressing was a lust for storytelling, a gift for the moral lyric? In another body, in another society, she might have turned out to be Wordsworth. In another body and in another society she did, in fact, turn out to be Heinrich Heine, who was one of her descendants.

Thinking about Glückel of Hameln quite naturally leads to thinking about Rebecca Tiktiner and Toibe Pan. They were both poets, and they both lived in Prague. Beyond this we know nothing, since, unlike Glückel, they left no memoirs. Their names are associated with the composition of *tehinot,* lyrical devotional poems.

The famously brilliant Beruriah, celebrated not only as the wife of Rabbi Meir but also in her own right, was known to speak satirically of those rabbinic passages which make light of the intellect of women. To punish her for her impudence, a rabbinic storyteller, bent on mischief toward intellectual women, reinvented Beruriah as a seductress. She comes down to us, then, twice notorious: first as a kind of bluestocking, again as a licentious woman. There is no doubt that we are meant to see a connection between the two.

No one dares malign the creators of the *tehinot.* Of course, they are usually termed poetesses rather than poets, but that is something else—their characters are never called into question. The authors of the *tehinot* are models of piety. But because the *tehinot* are traditionally projected as being the work of women poets, it is the *tehinot* themselves that are maligned for their literary quality. We shall never be able objectively to determine whether Rebecca Tiktiner and Toibe Pan of Prague were good or bad poets; simply because they are known to have composed *tehinot,* they are by definition bad poets.

Consider the subject matter of the *Seder Tehinot,* published at Basel in 1609. There are prayers for taking away the priestly portion of the *hallah* dough, for baking Sabbath cake, for putting on Sabbath clothing; there are prayers for immersion in the *mikvah,* for pregnancy, and for the moments just prior to childbirth; there is even a prayer for wise philanthropy for the use of a well-off woman. There is a prayer for lighting the Sabbath candles, and another for the approach of the new moon.

All these devotionals reflect exactly the religious situation of women, then and now. Half of them are biological; the other half concern themselves with the limited religious space offered to women.

But it was not only the artistry of the *tehinot* that was ridiculed;

it was also the limitations of their subject matter. And yet the subject matter was ordained by the restrictions inherent in the religious opportunities of women. It is as if you put a poet in a steel cage in the middle of a desert and left him with pen and paper. If he is by nature a religious poet, he will find ways to praise the Creator in writing devotional lyrics about the only matter available to him: steel bars, a tract of sand, the roof and floor of his cage, and his own body. And then, having done all this to your religious poet, you mock at him for the paucity of his images and observations. Rather than mock, one should marvel: the aspiration to praise the Creator becomes more and more artful with less and less opportunity. "To see the world in a grain of sand," Blake wrote, and that is the mode of the *tehinot* written by women. Restricted to their own bodies, they saw the divine impulse in the only cage allotted to them.

That cage was summarized in the word חנ"ה (*hnh*), an acronym that evokes the biblical Hannah, but refers to three precepts especially applicable to the religious life of women: *hallah, niddah, hadlakah,* giving the priestly share of dough, observing the period of menstruation, and lighting the Sabbath candles.

While the authors of the *piyyutim*—a vast rollcall of poets—explored a variegated landscape of themes, and reached toward both cosmos and eros for their imagery, the authors of the *tehinot* had only these three coarse bars to their cage: *hallah, niddah, hadlakah.* As a consequence, they were universally scolded, ridiculed, and condemned for their coarseness and their paucity and the sentimentality of their vision.

But what about that other branch of "women's literature," also written in Yiddish, the *Tsena Urena* (containing the portion of the week and folk tales)? We may call it a "branch," so ambitious, rich, and abundant it is, although the *Tsena Urena* is the work of a single teeming, twinkling, original, joyfully pious mind, combining scriptural stories both in translation and paraphrase, legend, myth, tale, homily, and a vivid storyteller's style. It is true that the *Tsena Urena* is not taken seriously either, but, unlike the *tehinot,* it is not reviled or snickered over. It is an amalgam of enormous erudition and an energetic poetic imagination: what could have motivated any ordinary scholar to undertake

such a work? Jacob ben Isaac Ashkenazi, though he was in possession of all the attributes of an "ordinary" scholar of the seventeenth century, had nevertheless a secret motivation for the composition of the *Tsena Urena.* We will come to it in a moment. His public motivation, however, was noble enough: it was to raise up and enlighten the minds of women; to make Torah accessible in the vernacular. The author of the *Tsena Urena* appeared to take a different view from the Rambam: Maimonides frequently uses the phrase "women and the ignorant," denies women the right to be appointed to communal office, and recommends wife-beating. It is clear from the tone of the text that the author of the *Tsena Urena* did not hold such vulgar views of his readership: in fact, we may guess that he was both in love with his readership, and at the same time gave little thought to its sex, only to the *tabula rasa* of its mind. Why did Jacob ben Isaac Ashkenazi turn to a readership of women? The answer is deliciously intoxicating: where else should he, could he, turn for the expression of the mandate of the storyteller's imagination?

The secret of the *Tsena Urena* is that it was written out of the desire to play with Story. We may think of it as the first Yiddish novel; the first *Jewish* novel, in fact, in an age when to invent such a thing was impossible. What the *Tsena Urena* did was, in a manner of speaking, to smuggle Dickens into the community of women; women, Jacob Ashkenazi's sole readers, were artistically enriched as the other half of the community was not.

But if the *Tsena Urena* was regarded with a certain tolerance because it was taken to be—though without value—good enough for women, it was still perceived as a debased literature. Not so debased, however, as the *tehinot:* the *Tsena Urena* was after all, written by a man for the edification of women; its very premise (though not its secret imaginative essence) was patronization; its ostensible raison d'être was looking down one's nose at a lesser mental breed in order to refine and elevate it, and as such the *Tsena Urena* earned a modicum of grudging respect.

The *tehinot,* on the other hand, were tendered no respect at all, because they were purported to be written by women for women; they were themselves womanly products, the debased works of minds of limited capability and seriousness.

The *Tsena Urena* was not written for the sake of women; it was written for the sake of its own form and possibility, for the freedom it granted the writer. But if the *Tsena Urena* contains a delightful irony—that, pretending to cater to women, it was in actuality the only outlet in its time for an imaginative artist—so too do the *tehinot* reflect an irony, though a mordant and cruel one.

I quote verbatim this remarkable passage from the *Jewish Encyclopedia:*

> The names of the authors [of the *tehinot*] are nearly all fictitious and high-sounding, and have been affixed in order to make the *tehinot* salable. It is known that some of the *tehinot* were written by indigent students of the Rabbinical Seminary of Vilna or Jitomir (among others, Naphtali Makil le'Ethon), and by Selekowitz, for nominal sums, and that the publishers stipulated that the writers should fashion the composition in tearful and heart-rending phrases to suit the taste of women readers. This forced cultivation of devotional feeling rendered the *tehinot* exaggerated and over-colored, and this did not escape the criticism and ridicule of the men against the women who were such devotees of the *tehinot.*

Extraordinary. What we learn from this wipes out altogether the metaphor of the religious poet caged in a desert, with only his bars and his body and the desert sand to inspire his devotions. It is not that women were limited in the kind of poetry they sought to write; it is that they only rarely wrote at all. What we are examining when we look to the *tehinot* to discover a history of unsung women poets is, instead, a long history of forgery and corruption; a history of a manipulated reader's market; a history of opportunistic publishing. While in English and French literature women had to adopt the names of men—"George Eliot" and "George Sand"—in order to be accepted as salable, in order *not* to be reviled as lacking in literary worth, here we discover a condition wherein men adopt the names of respectable though perhaps mythical women—for instance, "Devorah, wife of Naphtali, formerly Nasi of Palestine"—in order to be accepted as salable, and *on purpose* to be reviled as lacking in literary worth. In short, the very women's literature which was regarded as debased because it was written by women turns out to have been written

instead by hungry male hacks in the employ of cynical commercial forgers. And the ridiculed intellectual work of women turns out instead to be the purposefully purple prose of contemptuous rabbinical opinion given over to commercial exploitation.

Rebecca Tiktiner and Toibe Pan, poets of Prague, suffer under a double burden: first, we do not know whether they were real poets or merely names invented for a pittance; and second, even if they really lived, even if they composed the most glorious devotional lyrics of their age, their poetry would be found to be inferior.

When women are condemned for the intellectual and artistic standards that are imposed on them, how are we to judge the moral nature of the hacks and forgers who condemn them?

On the Depth of the Loss and the Absence of Grief

Theorists of American Jewish sociology claim that the current women's agitation within the synagogue and in all parts of Jewish life is a response to the stimulus of the general women's movement. The traditional rabbinate tends to define feminist views as forms of selfishness, narcissism, and self-indulgence, all leading to what is always called "the breakdown of family life." It would be hard to deny the presence of selfishness, narcissism, and self-indulgence in a society much given over to these (and they are not confined to the women's movement); it would be hard also to deny the effect of the women's movement in stimulating more women to examine their lives as Jews.

But the sources of Jewish women's claims are more profound than simple external impingement. It is true that some of these claims appear to coincide with popular influence, and undoubtedly some are directly derivative. Indeed, one wants to join with those rabbis who take unhappy note of rampant faddism and superficiality—because the protests and claims of Jewish women are too serious to be classed with any intellectual fashion, or even with any compelling current movement.

That these protests and claims are occurring in this generation and not in any earlier generation is *not* due to the parallel advent of a movement. The timing is significant: now and not forty years

ago: but it is not the upsurge of secular feminism that has caused the upsurge of Jewish feminism.

The timing is significant because the present generation stands in a shockingly new relation to Jewish history. It is we who have come after the cataclysm. We, and all the generations to follow, are, and will continue to be into eternity, witness generations to Jewish loss. What was lost in the European cataclysm was not only the Jewish past—the whole life of a civilization—but also a major share of the Jewish future. We will never be in possession of the novels Anne Frank did not live to write. It was not only the intellect of a people in its prime that was excised, but the treasure of a people in its potential.

We are the generation that knows more than any generation before us what mass loss means. It means, for one thing, the loss of a culture, and the deprivation of transmission of that culture. It means lost scholars of Torah—a lost Rashi; a lost Rambam; a lost Baal Shem Tov; a lost Vilna Gaon. The loss of thousands upon thousands of achieved thinkers and physicians, nourishing scientists and artists. The loss of those who would have grown into healers, discoverers, poets.

Now the moment we introduce the idea of mass cultural loss through excision, then the "timeliness" of the feminist movement, and even its very juxtaposition with Jewish aspiration, becomes frivolous.

But first let us agree on certain premises—obligatory premises, without which it is debasing to proceed. Let us agree, first, that the European cataclysm has no analogies, and that it is improper to draw any analogy from it. And then let us agree that the European cataclysm is not a metaphor for anything; it is not "like" anything else. And, further, let us agree that the European cataclysm is not to be "used," least of all for debating points. It is not to be used, but it is imperative that it should, as far as that is possible, be understood. It is also imperative that we derive particular lessons from it. The lessons are multitudinous and variegated, and we cannot yet clearly imagine even a fraction of them.

Yet we must dare to imagine.

Having said all that—that the European cataclysm is no analogy, no metaphor, no rhetorical instrument—let us then begin to think about Jewish mentality in the wake of the cataclysm. We are not as we were. It is not unnatural that mass loss should generate not only lessons but legacies. An earthquake of immorality and mercilessness, atrocity on such a scale, cannot happen and then pass us by unaltered. The landscapes of our minds have shapes, hollows, illuminations, mounds and shadows different from before. For us who live in the aftermath of the cataclysm, the total fact of the Nazi "selection" appears to affect, to continue to affect, all the regions of our ideas—even if some of those ideas at first glance look to be completely unrelated issues.

Indeed, it may be that for Jews like us, who come immediately after the Nazi period, there *are* no "unrelated issues." And surely there is a connection between, say, the whole pattern of impediments and distinctions that stop up Jewish passion in women, and the Jewish passions of Hannah Senesh and Anne Frank and the poet Gertrud Kolmar and all those young women (whose names are not so accessible as these) who fought in the Warsaw Ghetto. In the ragged battlements of the Warsaw Ghetto there was no *ezrat nashim,* no women's gallery.

The connection I am about to make is not one we reflect on every day; yet it has infiltrated us, it is a legacy and a lesson, and its mournful language is as follows: *having lost so much and so many*.

To think in terms of *having lost so much and so many* is not to "use" the Holocaust, but to receive a share in its famously inescapable message: that after the Holocaust every Jew will be more a Jew than ever before—and not just superficially and generally, but in every path, taken or untaken, deliberate or haphazard, looked-for or come upon.

The consciousness that we are the first generation to stand after the time of mass loss is knowledge that spills inexorably—how could it not?—into every cell of the structure of our lives. What part of us is free of it, or can be free of it? Which regions of discourse or idea or system can we properly declare to be free of it? Who would risk supposing that the so-called "women's issue" can be free of it?

Put beside this view, how trivializing it is to speak of the "influ-

ence" of the women's movement—as if Jewish steadfastness could be so easily buffeted by secular winds of power and pressure and new opinion and new perception. The truth is that it would be a blinding mistake to think that the issue of Jewish women's access to every branch and parcel of Jewish expression is mainly a question of "discrimination" (which, if that were all, *would* justify it as a feminist issue). No. The point is not that Jewish women want equality as women with men, but as *Jews with Jews*. The point is the necessity—*having lost so much and so many*—to share Jewish history to the hilt.

This lamentation—*having lost so much and so many*—produces not an analogy or a metaphor, but a lesson, as follows:

Consider the primacy and priority of scholarship; scholarship as a major Jewish value; scholarship as a shortcut-word signifying immersion in Torah, thought, poetry, ethics, history—the complete life of a people's most energetic moral, intellectual, spiritual, lyrical soarings and diggings.

Or look for a moment to Adin Steinsaltz's definition of that aspect of Torah called Talmud:

> From the strictly historical point of view the Talmud was never completed. . . . The final edition of the Talmud may be compared to the stages of maturity of a living organism; like a tree, it has reached a certain form that is not likely to change substantially, although it continues to live, grow, proliferate. Although the organism has taken on this final form, it still produces new shoots that draw sustenance from the roots and continue to grow. . . . [The Talmud] is the collective endeavor of the entire Jewish people. Just as it has no one protagonist, no central figure who sums up all discussions and subjects, so it has continued throughout the centuries to be part of a constant creative process.[1]

There is a single sentence in the foregoing description that is—eschewing critical or interpretive subtlety, playfulness, rhetorical chicanery—a plain whopping lie on the face of it. I will come back to put a finger on it very soon.

First, though, let us suppose—bringing to the supposition the vigilant Jewish mentality developed in the aftermath of mass loss—let us suppose that a group of Jewish scholars uncovers an egregious historical instance of wholesale Jewish excision. The

historical instance is open, obvious, in everyone's plain sight, and has always been; but we have averted our eyes. The excision has barely been noticed, and among Jewish scholars and guardians of culture (whom the excision most affects) has not been noticed at all.

The nature of the excision is this: a great body of Jewish ethical thinkers, poets, juridical consciences—not merely one generation but many; in short, an entire intellectual and cultural organism—has been deported out of the community of Jewish culture, away from the creative center. Not "deported" in the Nazi sense of being taken away to perish, nor in the sense of being deprived of natural increase, but rather in the sense of isolation, confinement away from the main stage of Jewish communal achievement.

And this isolation, this confinement, this shunting off, is one of the cruelest events in Jewish history. It has excised an army of poets, thinkers, juridical figures; it has cut them off and erased them. It is as if they were born to have no ancestry and (despite natural increase) no progeny. They have been expunged as cleanly, as expertly, as the most thoroughgoing pogrom or Inquisition imaginable: an Inquisition designed to rid the Jewish people of a mass of its most vital and vitally contributing and participating minds. And all, it should be noted, sans bloodshed.

I began, you will have observed, with the words "let us suppose." But we need not suppose this melancholy history. It has already happened, generation after generation; and we know it, and have always known it (knowing is different from noticing); yet we, who weep at the loss of Jewish thinkers denied fulfillment through pogrom after pogrom, century after century—here, with regard to the one mass loss I speak of, we have always been stonyhearted. We are indifferent. We display nothing so much as an absence of grief at the loss. We have not even noticed it.

And there they are—rank after rank of lost Jewish minds: Jewish minds whose books were not burned; rather, they were never in possession of books to begin with.

When Adin Steinsaltz, the eminent contemporary scholar and interpreter of Talmud, writes that the Talmud "is the collective endeavor of the entire Jewish people," he is either telling an active and conscious falsehood; or he has forgotten the truth; or

he has failed to notice the truth. The truth is that the Talmud is the collective endeavor not of the entire Jewish people, but only of its male half.

Jewish women have been omitted—by purposeful excision—from this "collective endeavor of the Jewish people," which has "continued throughout the centuries to be part of a constant creative process."

A loss numerically greater than a hundred pogroms; yet Jewish literature and history report not one wail, not one tear.

A loss culturally and intellectually more debilitating than a century of autos-da-fé; than a thousand evil bonfires of holy books—because books can be duplicated and replaced when there are minds to duplicate and replace them, and minds cannot be duplicated and replaced; yet Jewish literature and history report not one wail, not one tear.

On Jewish Repair and Renewal

Although there has been a curious absence of grief over the mass loss of half the available Jewish minds, there begins now to be some nervous notice, some dry-hearted attempt at repair.

"We must encourage more women to enter fields of Jewish scholarship, where they will be able to assume positions of respect traditionally accorded to the scholar," my halakhic scholar-acquaintance writes. At last—although it is clear it is a "we" admitting a "they" to the "collective endeavor." It is not yet a genuinely collective "we." Nor could it be, at so early a stage of recognition of the need for repair.

But what—in traditional congregations—are some of the suggestions for repair? They are, among others, *women's* Torah study groups, *women's minyanim, women's* holiday celebrations. Repair through traditional activities under continuing segregation. Isolation goes on, but scholarly air is let in. This is plainly an improvement over the centuries-old habit of deportation out of study. The halakhic scholar who advises these improvements considers them to be advances under the sheltering boughs of "the Torah's spirit and truth, the Divine Truth of Torah." And these suggestions, he points out—segregated study, segregated

minyanim, segregated celebration—do not violate *halakhah,* because they flow from the halakhic premise of separation, which in turn flows from the notion that, in his words, "different rights and responsibilities do not necessarily imply inferior value."

Is study by women, now to be "encouraged," equal to study by men, or is it of inferior value? If it is not of inferior value, why is it to be kept apart? The same questions logically apply to prayer and celebration. When women are discouraged and isolated from the centers of study, prayer, and celebration (by virtue of certain categories of eligibility), then separation of the ineligible from the eligible makes, in its own frame, sense. (A circular kind of sense, however, since mostly it is the rule of separation itself which determines ineligibility!) But once eligibility for study is declared to be universal regardless of sex, then what rationale continues to impose isolation? It is a detriment to study when good minds are kept apart.

Return for a moment to Steinsaltz's discussion:

> One of the great Talmudic commentators, the Maharsha, often ended his commentaries with the word *vedok* [continue to examine the matter]. This exhortation is an explicit admission that the subject has not been exhausted and that there is still room for additions and arguments on the question. To a certain extent the whole Talmud is rounded off by this *vedok,* the injunction to continue the search, to ask, to seek new aspects of familiar problems.[2]

If recent history has made us vulnerable to grief over mass loss; if we consider how we ourselves have amputated from the Jewish cultural body so many philosophers, historians, poets, scholars; if we reflect on the excision of generation after generation of Jewish students (we who are so proud of our joy in study, of our reverence for holy study!); if Jews in their full, not amputated collectivity, are drawn in awe to "the Torah's spirit and truth," then why do the sincerest scholars of Torah appear to offer Jewish women stopgap tactics, tinkerings, placebos and sops, all in the form of further separation and isolation?

These recommendations for study and prayer within a frame of continuing segregation fail to address the one idea that calls out to be addressed. They are not solutions arrived at by means

attentive to the Maharsha's injunction toward *vedok,* toward continuing to examine the matter; they are, instead, obstacles to examining the matter; they are evasions of the matter. They are the very opposite of "a constant creative process," which can never proceed through evasion, but must endure a head-on wrestling with the sinew of the dispute.

The deepest sinew of the dispute concerns the premise that has, up to and including our time, deported women out of the houses of study: "Different rights and responsibilities do not necessarily imply inferior value."

It is that premise which needs search, examination, renewed scrutiny—because everything follows from it, and to tinker with its consequences is to evade the very essence of one of the most urgent Jewish questions of our generation: the loss of an army of Torah scholars. If *halakhah* aids in suppressing the scholars who can grow to create it, that is a kind of self-decimation. If the Jewish communal conscience continues to amputate half its potential scholarship, that is akin to cultural self-destruction. When half the brain is idling, the other half is lame.

Until Jewish women are in the same relation to history and Torah as Jewish men are and have been, we should not allow ourselves ever again to indulge in the phrase "the Jewish genius." There is no collective Jewish genius. Since Deborah the Prophet we have not had a collective Jewish genius. What we have had is a Jewish half-genius. That is not enough for the people who choose to hear the Voice of the Lord of History. We have been listening with only half an ear, speaking with only half a tongue, and never understanding that we have made ourselves partly deaf and partly dumb.

Footnote: An Objection to the Foregoing, from the View of the "Pious"

It is so foolish one wants to omit it. Still, it might as well be mentioned: a pious view of women is that they are dangerous temptations to men. A man cannot sit near a woman—not for prayer, not for study—because he is inherently weak and she will arouse him sexually: he will be "distracted."

The woman, on the other hand, is not considered to be a sexual creature, easily aroused or "distracted" when close to males. At the same time, a woman in public is regarded solely as a sexual provocation.

(The apologists for walling in women claim that the wall in traditional synagogues is to protect men from their own weakness. But if the wall is made necessary by a male deficiency [which women are said not to share], then why are the males not walled in? Logically, it ought to be the sick who are confined, not the well.)

Much of the vast structure of Jewish segregation of the sexes rests on the fear of male temptation, on the so-called weakness of males in the face of "distraction."

Yet all Jewish practice requires restraint, dedication, and concentration. A Jew restrains himself from following the eating of meat with the drinking of milk. He restrains himself from driving a car on the Sabbath, or putting on an electric light, or carrying money. Clearly, this is not the place to draw up a list of all the things a Jew restrains himself from doing; but anyone who knows even a little of the life of observant Jews is aware of how very long that list would be.

Is an observant Jew, whose life is nearly defined by the practice of restraint, a more libidinous creature than other males?

In the secular American community, we see conferences of physicians, chemists, writers, teachers, etc., where males and females sit next to one another discussing the merits of an argument, and the males are not prevented from, nor suspected of, "distraction" by physical walls of separation. Non-Jewish males and nonobservant Jewish males—who do not have the benefit of the observant Jewish male's daily regimen of self-restraint—are able to study side by side with women, apparently with sufficient concentration. Indeed, this is a premise of almost the entire American university system.

Is the pious Jewish male more subject than other males to sexual arousal under inappropriate conditions?

In fact, observant Jewish men are without doubt better prepared than others for sexual self-restraint, and it is not pious Jewish males who are weak in the face of women—only their arguments.

Seven Conclusions for the Attention of the Traditional Rabbinate

1. The question of the status of the Jewish woman is not "theological." To alter the status of the Jewish woman is not to change one iota of the status of Jewish belief.
2. Therefore the question of the status of Jewish women is "merely" a sociological issue.
3. As a sociological issue, the status of women is the consequence of human decisions amenable to repair by human institutions.
4. In order to satisfy the most traditional members of the community, and also to place the responsibility for injury where it most belongs, the repair must emerge out of *halakhah,* the judicial machinery for change.
5. The difficulty has been not that principles of *halakhah* are being applied, but precisely that they are *not* being applied.
6. As a result of halakhic inaction, Jewish life is in a condition of internal, self-inflicted injury, and justice is not being done.
7. It is the most traditional elements of the community who should set the example for the rest in doing justice. Why? Because it is they who make the claim of being most in the mainstream of authentic Jewish expression; of being most representative of historic Jewish commitment; and finally it is they who dedicate themselves to being models for Jews who are less stringent in striving to live conscientiously within the frame of Torah.

The burden of leadership in repairing injury rests with those who are a) most responsible for the injury; b) most in possession of the means of repair, i.e., *halakhah;* and c) most conscientious as practicing Jews.

But Suppose the Question Is *Sacral? The Missing Commandment; The Two Walls of Scandal*

Sometimes I feel ashamed. The problem—the status of Jewish women—shames me with its seeming triviality, its capacity to distract, its insistent sociological preoccupation, its self-centeredness, its callous swerve away from all those hammer blows dealt to the Jewish people as a whole.

Especially after lifting my eyes, as, a few moments before undertaking this paragraph, I have done, from documents and meditations which concern themselves with the Great Destruction that came on us in Europe between the years 1933 and 1945—especially then, I smart under the apparent hollowness of this theme. And it is not only by comparison with the worst that this sense of hollow triviality is aroused. There are other walls, more recently erected, that contrive to shut off, and justifiably, thinking-about-women-as-Jews: the continuing brutalities in the Soviet Union; the active resurgence of anti-Semitism in England, Germany, and France; the stunning erosion of American moral urgency toward Israel; the shock of discovering nests of self-designated Nazi groups in every major American city; above all the assault of commotion, danger, and dilemma tirelessly impinging, always and always, on Israel—confronted with all of these, how small, how indulgent, how without large meaning, how shallow and weak the question seems!

The desire to raise it, in the shadow of all these desolating anxieties, strikes one as a scandal: as a thick wall of scandal between oneself and the priorities of Jewish interest.

And yet there is another scandal. This second scandal has an even greater capacity to shock. It is a second wall, huger and thicker still, immensely high and powerfully built, that throws its shadow across the whole of Jewish history. If the first wall seems to separate Jews from necessity, this second wall is even more dangerous: it separates Jews from the Covenant.

The second wall must be scaled by everyone who has dissented from the drift of all my remarks so far. Up to this point, in these *Notes toward Finding the Right Question,* I have taken the position that the issue of the status of Jewish women flows from societal, not sacral, sources. But suppose this position is dead wrong? And suppose the opponents of this position, who believe that the status of women is in fact a sacral question, are right?

Clearly it would be narrow-minded, as well as metaphysically risky, not to pay close attention to those who insist that one cannot look at the question of women without the imperative of looking simultaneously into the profoundest intent, deeper than social practice merely, of Torah itself.

And clearly one cannot reflect on the meaning of Torah without also reflecting on justice and injustice.

What is injustice? We need not define it. Justice must be defined and redefined, but not injustice. How to right a wrong demands ripe deliberation, often ingenuity. But a wrong needs only to be seen, to be seen to be wrong. Injustice is instantly intuited, felt, recognized, reacted to. That there is injustice with regard to women is well understood; otherwise there would be, to take only three illustrations centuries apart, no *halitzah,* no *ketubah,* and no current agitation over *agunah.*

The fact that injustice can be instantly identified raises a strange question. Each of the great offenses is recognized and dealt with in the broadest way in the Decalogue by means of a single all-encompassing "Thou shalt not." But the Decalogue is silent about the status of women except insofar as women are perceived as part of the web of ownership. We are not told not to covet our neighbor's husband; a husband is not property. And the injunction against adultery, while applying to both women and men, is to protect husbands from theft. But just as "Thou shalt not covet thy neighbor's wife" is a refinement of "Thou shalt not commit adultery," so are both of these refinements of "Thou shalt not steal."

In the most fundamental text and texture of Torah, the status of women, except insofar as women are defined as property, is not recognized as an offense or an injustice.

So the question arises: if, in the most fundamental text and texture of Torah, the lesser status of women is not worthy of a great "Thou shalt not," then perhaps there is nothing inherently offensive in it, then perhaps there is no essential injustice, then perhaps the common status of women is not only sanctioned, but, in fact, divinely ordained?

Yet, if this were so, why are there any attempts at all in rabbinic history to repair the status of women? It is as if the Oral Law is saying to the Written Law: *there is something missing.* In fact, whoever believes that the Oral Law is implicit in the Torah is already saying that something is missing: obviously if the missing element were explicit, the Oral Law would not have to derive it.

What we receive through Torah is the eternality and immutability of certain moral principles, beyond social custom and even despite nature.

When we accept this standard—that Torah gives precepts for the elevation of humanity—as endemic in Torah, and when we posit the giving of such precepts even as a kind of general definition of Torah, as in effect the essence of Torah, we run into a wall of scandal.

Consider: murder, robbery, false witness, abuse of the elderly, adultery, and a thousand other examples of victimization and dehumanization fill our planet. There is no moment when the Commandments are not applicable. "Thou shalt not steal" is timeless, no matter how the social and economic and political orders have changed or will change. No argument from progress or modernity can efface the force of "Thou shalt not steal." "Thou shalt not steal" carries within it the blinding clarity of simple justice in the face of simple injustice. No matter how high the wall of property rises around the clear principle of "Thou shalt not steal," no matter how dusty the cloud of *pilpul* that may through various imaginable systems obscure it, the precept can be discerned at the center, untampered-with, untainted, unmolested, clear, pure, with the force of timelessness. The precepts of Torah criticize the world and sit in judgment on its ways.

Of course, Torah is not always alone in acknowledging timeless moral principles. Other religions, including those which are not Torah-derived, make some of the same acknowledgments. But Torah *is* alone in asserting the timelessness of the Sabbath as a day set aside for the elevation of humanity. Nature does not recognize the Sabbath; to nature, all the days are alike. And it may be that, to nature, every act is alike; do the laws of biology distinguish between the cessation of breath in a sheep the wolf has just killed, and the cessation of breath in a man the murderer has just killed and robbed?

So, with regard to moral principle, and also with regard to the Sabbath and other days delimited for sacral and moral purposes, it is no use saying, "Well, but the world isn't like this." The *point* of the Commandments is that the world isn't like them, that the Commandments are contrary to the way the world really is. That is why we value them; that is how they come to elevate us above

merciless nature and unjust social usage. It is because Torah makes us and our usages different and separate from the way things appear to be given, that we have found meaning in being human.

How, then, does all this relate to a wall of scandal? It would seem that, in every instance, Torah can be trusted to say its timeless and holy "Thou shalt not" to the lenient, cruel, and careless indifference of both society and nature—to the way human beings unmediated by conscience behave, and even to the continuum of conscienceless nature as it passes through its undifferentiated days.

With one tragic exception. In one remarkable instance only there is lacking the cleansing force of "Thou shalt not," and the abuses of society are permitted to have their way almost unchecked by Torah.

With regard to the condition of women, we speak of "the abuses of society"—but these abuses are so wideflung on our planet that they seem, by their undeviating pervasiveness, very nearly to have the sanction of nature. If we look only into Torah, we see that the ubiquitousness of women's condition applies here as well, with as much force as elsewhere. Women's quality of lesser-ness, of otherness, is laid down at the very beginning, as a paradigm and as a rule: at the start of the Creation of the World woman is given an inferior place. In Scripture, it is true, whenever we hear her speak in her own voice, she is uttering a protest against being put upon: Sarah arguing with Abraham, for instance, over Hagar, or Zelophehad's daughters arguing with Moses over their inheritance. In each case God is moved by injustice and enjoins both Abraham and Moses to redress the abuse. In both accounts the injustice-contradicting texture of Torah prevails over the offenses of the ruling social order.

But mostly the social order as given—woman dehumanized, woman as inferior, woman as chattel—remains untouched by the healing force of any grand principle of justice. Probably the worst scriptural instance is the drinking of the bitter waters, the trial-by-ordeal for a woman suspected of adultery. If there are no more bitter waters for women to drink, if trial-by-ordeal, a commonplace of the ancient world, has been allowed to lapse into

disuse, it is because the rabbis, after the Destruction of the Temple, applied the injustice-contradicting impulse of Torah to the social order as given.

Many of the disabilities of women in the given social order have been related to property; women themselves have been regarded as property; and often enough the desire for property clashes with justice as plainly seen. And on occasion justice-carrying Torah has been rabbinically applied to the world-as-given—as, for instance, when polygamy was banned, and before that by some centuries, when the levirate law that forced a woman to marry her husband's brother was ceremoniously circumvented. The *ketubah* [marriage contract] was instituted for the protection of women, the emphasis being, of course, on the protection of the legally lesser by the legally greater.

Citing such examples, Judith Hauptman, a teacher of Talmud at the Jewish Theological Seminary, is moved to apologetics:

> We renounce the view held by many, both men and women, that the Jewish tradition, having been shaped by men, is totally biased in their favor. It was the rabbis, members of the very class of people who were more equal than others, who voluntarily extended some of their privileges to those who were not so fortunate.[3]

But the difference between justice and injustice is that justice is a requirement, a Commandment, not a voluntary ceding of a privilege; while injustice is presided over by tyranny, and tyranny is sometimes, though never consistently or reliably, benevolent. To honor "the very class of people who were more equal than others" for *the leniency of their tyranny over women* is to honor injustice.

On the whole, it turns out, the status of women under Torah is not remarkably or radically different from the status of women in the world at large. And when we consider the world at large, what we see is steady and incontrovertible. A society of Amazons and primeval matriarchs is a fantasy, a myth, one of those wishful dreams that result in sphinxes and gryphons and that inner universe of poetical fancy against which Torah turns its face. As far as we can tell, history, archaeology, and anthropology combine to persuade us that in every place, in every time, in every tribe,

women have been set aside as lesser, and in that assumption of inferiority have suffered dehumanization: because inferiority *is* dehumanization.

When so-called "progressive elements" in Jewish religious life call for change on the ground that "times are different now," "those were ancient practices," "what applied then doesn't apply in our modern society today," "the religious participation of women is an idea whose time has come," and so forth, one can only shrug at the smallness and irrelevance of such comments. They do not grow out of justice, or rather, out of the texture of injustice-contradiction; they come out of the impulse for alleviation that the strong arbitrarily offer to the lesser—the benevolence of tyranny. Such views are, like the *ketubah* in its period, green vines growing on the wall of scandal. One is glad enough to see green growth and life at any time, but one would rather not have to endure the weight and presence and shadow of the wall at all. The difference between justice and alleviation is similar to the difference between justice and injustice: alleviation is a now-and-then thing, and justice is forever and immutable, neither age-bound nor society-bound. Alleviation is what nowadays is sometimes called "situation ethics," an ad hoc poultice applied to a particular wound; but justice is a cure, and obviates the need for partial measures. Wherever justice blazes, apologetics vanish.

What Torah has occasionally offered (as in the case of Moses and the daughters of Zelophehad, as in the case of the rabbis who abrogated the levirate law and conceived of the *ketubah*) is alleviation. What, among the urgencies of the deeper moral life, would this be equivalent to? It would be equivalent to having a jerry-built set of sometimes applicable, sometimes inapplicable circumstances in which thievery, say, would not be allowed. Instead of the now-and-again alleviation of the worst effects of thievery, we have the thunderous once-and-for-all Commandment: "Thou shalt not steal." Instead of alleviation for the victim of robbery, in short, we have a grand, high, pure, uncompromising, singular principle of total justice. A precept.

Why did "Thou shalt not steal" come into being? It came into being because in every place, in every time, in every tribe, then or now, whatever the social or economic or political order, there

have been thieves. It came into being because it was necessary to set a precept against the-way-the-world-ordinarily-is.

And that is the salient meaning of Torah, to give precepts against the-way-the-world-ordinarily-is.

With, as I have said, a single tragic exception. We look at the-way-the-world-is with regard to women, and we see that women are perceived as lesser, and are thereby dehumanized. We look into Torah with regard to women, and we see that women are perceived as lesser, and are thereby dehumanized. Torah, in this one instance, and in this instance alone, offers no precept to set against the-way-the-world-ordinarily-is. There is no mighty "Thou shalt not lessen the humanity of women!" to echo downward from age to age. There is no immutable moral principle to countermand what humankind will do if left to the willfulness and negligence and indifference and callousness of its unrestraint.

This is the terrifying wall of scandal built within the tower of Torah itself. In creating the Sabbath, Torah came face to face with a nature that says, "I make no difference among the days." And Torah made a difference among the days. In giving the Commandment against idolatry, Torah came face to face with a society in competition with the Creator. And Torah taught the Unity of the Creator. In making the Commandment against dishonor of parents, Torah came face to face with merciless usage of the old. And Torah ordained devotion to parents. In every instance Torah strives to teach *No* to unrestraint, *No* to victimization, *No* to dehumanization. The Covenant is a bond with the Creator, not with the practices of the world as they are found in actuality.

With one tragic exception. With regard to women, Torah does not say *No* to the practices of the world as they are found in actuality; here alone Torah confirms the world, denying the meaning of its own Covenant.

This wall of scandal is so mammoth in its centrality and its durability that, contemplating it, I can no longer believe in the triviality of the question that asks about the status of Jewish women. It is a question which, reflected on without frivolity, understood without arrogance, makes shock itself seem feeble,

makes fright itself grow faint. The relation of Torah to women calls Torah itself into question. Where is the missing Commandment that sits in judgment on the world? Where is the Commandment that will say, from the beginning of history until now, *Thou shalt not lessen the humanity of women?*

If it were shown to us that we might have had a Commandment ordering the Sabbath day, but that Torah failed to give it to us in our great need, we would not for a moment accept such a premise; we would cry out, "But of course there is a Sabbath! How can it be otherwise under the Covenant!" It seems unthinkable to imagine a week without the Sabbath; it is unspeakable to imagine a Torah that did not give us the Sabbath.

But suppose it were so. Suppose the Sabbath-Commandment were missing. Perhaps then we would look into Torah to try to invent a Sabbath for ourselves. This mind-play is not so fantastic or offensive as it may at first sound—we have a vigorous paradigm. When the Temple was destroyed, we did not languish or die. Instead, lacking Jerusalem, we came to Yavneh, and invented the Synagogue in order to save Torah—to preserve it and to transmit it. When Torah seemed frayed, we ran to repair it.

That is our present condition with regard to women. It is as if a commandment of the stature and holiness of the Sabbath-Commandment were lacking. It is not a fantasy or an imagining to say that Torah is silent, offers no principle of justice in relation to women, no timeless precept of injustice-contradiction, and in general consorts with the world at large. Torah does not make a judgment in this instance; it consorts. The Covenant is silent about women; the Covenant consorts with the world at large. The Covenant does not make a judgment; it consorts. With regard to women, the Commandment separating Torah from the world is the single missing Commandment. Torah—one's heart stops in one's mouth as one dares to say these words—Torah is in this respect frayed.

So what we must do is find, for this absent precept, a Yavneh that will create the conditions for the precept.

The Oral Law, with its rabbinic piecemeal repairs, is the first to inform us that such a precept is implicit though absent—otherwise whence would the Oral Law derive its repairs?

There was no Commandment that said, "When the time comes, go and preserve Torah through Yavneh." But when that was done, when we came to Yavneh and devised means and purpose to preserve Torah through our long Exile, we saw that what we had done was in accord with the Covenant, and in fact showed itself in all clarity to be the voice of the Covenant.

The Destruction of the Temple—the Temple that seemed fundamental to Torah—appeared to call Torah itself into question; there was no ready precept for that barren moment; and what was our response? To strengthen Torah by discovering the strengthening precept.

The dehumanized condition of women within Torah appears to call Torah itself as a source of precept into question; the precept is missing; and what then shall our response be? To strengthen Torah; to contradict injustice; to create justice, not through the fragmentary accretions of *pilpul* but through the cleansing precept of justice itself; so that ages hence, our progeny will look back on us as we look back on Yavneh; and they will be able to say, as we say of that other green growth out of barrenness, "What was done was done in accordance with the voice of the Covenant."

To do this is necessary—but it is not necessary for the sake of a more harmonious social order; it is least of all necessary for the sake of "modern times"; it is not necessary for the sake of women; it is not even necessary for the sake of the Jewish people. It is necessary for the sake of Torah; to preserve and strengthen Torah itself.

NOTES

1. Adin Steinsaltz, *The Essential Talmud* (New York: Basic Books, 1976), pp. 272–73.
2. Steinsaltz, p. 273.
3. Judith Hauptman, "Women's Liberation in the Talmudic Period: A Reassessment." in *Conservative Judaism,* Summer 1972, p. 28.