


Thinking about Women



Feminism and Jewish Tradition

{ **A Symposium** }



In May 2010, many readers were intrigued to discover in the New York Times that Elena Kagan, newly nominated to the Supreme Court by President Barack Obama, was the first-ever Bat Mitzvah, in 1973, at Manhattan's Lincoln Square Synagogue.

She had asked to read from the Torah on Shabbat morning, but that request could not be met, not yet, at that Modern Orthodox congregation. Instead, the ceremony was held on a Friday night, and young Elena, future dean of Harvard Law School, read from the Book of Ruth, which, according to the Times, “she also analyzed in a speech.”

Today, the ritual of Bat Mitzvah is often observed in Modern Orthodox synagogues, in Israel and abroad, in a variety of ways. At the same time, congregations defining themselves as Orthodox retain the *mechitzah*, the partition between men and women that has long since been eliminated in Conservative, Reform and other liberal synagogues. Meanwhile, the ultra-Orthodox, who maintain the strictest halachic standards in their insular enclaves, continue to control marriage and divorce for all Jews in the modern state of Israel. Indeed the Western Wall, a spiritual magnet for Jews worldwide, has been converted by the Israeli rabbinate into an Orthodox synagogue.

The tensions between Judaism and modernity find perhaps their fullest expression in the arena of women’s rights and roles. Should women study Talmud? Most Jews today, including many Orthodox Jews, will tell you yes. Are women capable of reaching the highest levels of mastery in the sophisticated and technical field of Jewish law? Of course they can, in the consensus, just as they thrive at Harvard Law and Haifa’s Technion. As for women serving as rabbis – well, that depends on whom you ask.

Learning, ritual and leadership are but a few of the issues explored in our latest *Havruta* symposium, by seven influential thinkers, scholars and teachers from North America and Israel. Each, in his and her way, has been involved in the field of Jewish feminism, as pioneers, standard-setters, activists and analysts. Our contributors vary in voice and outlook. They share a sense of urgency, and also an understanding that things take time. Much has been achieved; more has yet to be done.



Self-portrait by the Israeli artist Naomi Gafni.
From the solo exhibition “Momentarily Me,” 2001.



David Hartman is the Founding President of the Shalom Hartman Institute. Rabbi Hartman is a leading contemporary Jewish philosopher and internationally renowned author and recipient of numerous prizes, including the Avi Chai and Guardian of Zion prizes.

David Hartman: Human Dignity

There are three realms in which the gender issue surfaces in Jewish life: the family, the public and the liturgical. Progress has been made in all these areas, but much more is left to be accomplished. I think one of the driving forces for progress was women's learning. That was a major breakthrough that will continue to create grassroots dissatisfaction with the way public life and private life have been constructed. Once a woman is learning Torah, you can't hold her back.

Let's first address the family realm. Here, the bottom line is that the woman has to be a subject, a full person. Many Orthodox apologists who want to justify the status quo quote sections of the Talmud that say that a man should respect his wife more than himself. But they don't realize you can also respect your slave. You can be kind to a dog. So yes, as a minimum standard of behavior, you cannot act brutally or coerce the wife, but this doesn't solve the underlying issue. And the issue is really the man's, because men are the ones who need to realize that a situation must be created in which the woman is a full subject, and in which she can direct her life.

The acute problem of *agunot* – specifically women who are refused a writ of divorce (*get*) by their husbands – is a case in point. Some people are trying to implement pre-nuptial agreements in order to prevent a situation where a woman is refused a divorce. This might help in avoiding suffering. But even throwing the recalcitrant husband in jail and punishing him in order to force him to give a divorce still keeps the idea of male domination in force. The issues that really

need to be dealt with are: what is her role, and how does he see his wife. The moral solution to the *agunah* problem would be to change the laws of divorce. That is how far I am willing to go.

The guiding impulse needs to be: Is any given law or practice moral? Does it reduce the human being to an object? Does it cause the lack of dignity? I am fully in harmony with those who see gender questions as an issue of *k'vod habriot*, the dignity of human beings. Take this story from the Talmud in Sanhedrin 39a, for example: A Roman nobleman says to Rabban Gamliel that God is a thief, since he stole Adam's rib from him when he was sleeping. Rabban Gamliel's daughter then tells the nobleman that she wants him to send a Roman judge to impose justice on thieves who came into her house and stole her silver pitcher, replacing it with a golden one. The nobleman is puzzled; he says that she has nothing to complain about. She replies that this is exactly the case of the rib. God took Adam and created something better, a *shifcha* for a him, a servant.

Now if the woman is seen as a servant, a *shifcha*, then the tradition has failed morally, and one of the fundamental principles in Judaism has not been upheld. Indeed, so many of the laws regarding women violate the intrinsic dignity of a person. And all the apologists ask: "What do you want? The woman has a very important role. She is a nurturer." I agree that it is important to be a nurturer. No one wants to give up on their image of their mother, always available, loving, kind and willing to sacrifice so much. And no one is giving that up. But we have to



ask: what price do you have to pay in order to create that nurturing mother? Does she have to be an object in private and public life? Does she have to be a person who is unable to hold any office?

These questions bring us to the second realm – the public. The woman has to have the ability to function as a full citizen in a society, and take responsibility in shaping that society. Therefore, she should be able to testify in courts and hold public office. She should look at her world not as a creation of man but as a creation of human beings. All human beings have to participate in building and shaping a meaningful society.

Halacha does not guarantee this, though

there has been some progress. The roots of this can be seen in a difference of opinion, about ninety years ago, between Rabbi Ben Zion Uziel and Rabbi Abraham Isaac HaCohen Kook, the Sephardi and Ashkenazi Chief Rabbis, regarding women's suffrage. Rav Kook quotes the Talmudic saying that "it is man's manner to dominate and not woman's manner to dominate" (BT Yevamot 65b). Women's participation in any aspect of public life is, accordingly, a threat to *shlom bayit* – peace in the home. Rav Kook basically says that you have to ask her to give up on her right of suffrage so that the husband will be satisfied and will not have a wife who argues with him.



Young women studying Torah. Robert M. Beren Academy, Houston, Texas. Photo by James Lacomb.

This, in my eyes, is a cheap view of the relationship between a man and a woman. As if to disagree is not to respect. If the man feels that the only way he can be secure in his home is if everyone always agrees with him, then that kind of man and that kind of family are deserving of pity. Rav Uziel is correct when he asks, how one can expect a woman to listen to the legislative body of the government if she has no part in shaping it. You can't have responsibility and obedience unless you are part of the process. Preventing their participation, as Rav Uziel says, especially where there is no prohibition to do so, would be insulting and deceitful.

How one can expect a woman to listen to the legislative body of the government if she has no part in shaping it?

The final area that I want to discuss is liturgical life. Here my daughter, Tova Hartman, has had a profound influence on me. She believes that the gender issue is not an issue for women but for men, because men have to ask themselves how they can subscribe to a Judaism that exploits male domination as a way of living. Praying in our egalitarian synagogue, Shira Hadasha, has swayed me completely. I realized how moved I was by women leading the prayers, women reading from the Torah and women delivering sermons. I am still not satisfied that women are excluded from leading certain prayers such as the *Kedusha*, and also cannot be counted with men in a *minyan* [quorum of 10]. Those are the next things that need to be dealt with in the liturgical arena.

I don't want to coerce any woman into having an *aliyah* or giving a sermon. Those women who feel a need for reforms in synagogue life should have the freedom to go out and express this. If one is happy with how

things have been, that is fine. I can't impose on people what should be an expression of total human dignity.

On the other side of things are the Women of the Wall. Why do people bother them? The Western Wall does not belong only to the ultra-Orthodox. It is a symbol for all Jews. Certainly, the women should have tact and respect, but to call women who wear a *tallit* prostitutes, is vulgar and morally disgusting.

Once a woman is learning Torah, you can't hold her back.

Women are trying to give deeper expressions of religious life. They are not trying to provoke men or take over their role, or get back at men for years of oppression. Human beings have a desire to feel they are active participants in religious life. Why deprive them of that? And who is to deprive her? What gives me the right to define what women should need? This is an issue of control, and the desire to define what her true nature is.

So the apologists run away from the moral issues and keep on preaching that she is unique, she is the matriarch Sarah, she is the home, she has metaphysical dignity. No one denies that. But what rights does she have living in this culture? Can she bring testimony? Can she participate in elections? Can she hold public office? Can she pray as she feels fit? Can she be granted a divorce when she requests one? We can't continue to keep women limited and unfulfilled.

Men are frightened. Once women have active roles, then the men don't know who they are. Your whole maleness has been identified by putting on *tefillin*, a *tallit*, going to synagogue. I can understand that. But these men need to get used to a change. They need to develop a sense of maleness that is not based on excluding women.

Wendy Zierler: Disparate Worlds

My life straddles two Jewish worlds. I spend my workdays as a professor of Jewish literature and feminist studies, helping to train rabbis, cantors, and educators for the Reform movement. I spend my evenings and weekends, though, in modern Orthodox Riverdale, New York. On Shabbat, I alternate between various Orthodox *minyanim* and prayer groups that are committed both to halacha and to feminism, but where a traditional halachic approach often forces a compromise with strict feminist principle.

The work I do doesn't neatly fit into the prefabricated categories of classical Jewish learning. I am always bringing together seemingly disparate worlds: classical Jewish texts and modern literary sources, Judaism and feminism. My teaching constitutes an extended argument for the place of seemingly secular, even heretical literary sources in the canon of Jewish literary tradition: such as the works of the beloved Hebrew poet Rachel Bluwstein, known simply as "Rachel." In "*Kan al Pnei ha-Adamah*," ("Here upon this Land"), for example, Rachel invokes a biblical source to plead the cause of this-worldly rather than heavenly redemption, and imagines "a thousand arms" coming together to roll a stone off a well—a collectivist, Zionist midrash on Jacob's heroic stone-rolling in Genesis 29, which impressed the biblical Rachel.

I am convinced that the revival of the Hebrew language and the participation of women in this revival (against the background of so many years of women's Jewish literary and intellectual silence), is one of the great miracles of modern Jewish

history, a triumph of Jewish feminism. I am committed to a kind of post-denominational feminism, where feminist ideals—equality of access, enfranchisement, a recognition of the legal, ritual, intellectual, and spiritual personhood of all Jews—are acknowledged, enacted and practiced in the variegated ways that represent our diverse Jewish community.

Yet in my Orthodox world, the basic values promulgated by the Reform Breslau Conference of 1846, including the abrogation of the daily blessing in which men thank God for "not making me a woman" and the granting of women equality under Jewish law, remain out of reach.

The participation of women in the revival of the Hebrew language is a triumph of Jewish feminism.

In the Reform movement, by sharp contrast, there have been so many gains for women, so many women rabbis and cantors and community leaders, that people worry about the disappearance of men. There are those who equate the ascendancy of women into leadership positions with the feminization of Judaism, a term that has an unfortunately negative connotation. Rather than effecting changes in our notions of leadership, and broadening our sense of what full representation of both genders in



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synagogue life can do for people's spiritual life, the arrival of women in clergy positions has in some cases transformed the work into something that boys and men no longer want to do, and turned the synagogue into a place where men no longer want to or feel obligated to come. This is an issue that liberal Judaism still needs to tackle.

It has always saddened me that feminist transformation is associated in the minds of many Orthodox Jews with the weakening of Judaism.

Nothing of this sort can be observed in orthodoxy. On Shabbat, the typical Orthodox congregation is packed on both sides of the *mechitzah*. This serves to reinforce an Orthodox self-perception that both halachically and sociologically speaking, orthodoxy is "the right way" to ensure Jewish continuity. It has always saddened me that feminist transformation is associated in the minds of many Orthodox Jews with the attenuation of tradition and the weakening of Judaism.

I live in my two worlds not just out of necessity, but out of choice. There is an odd dissonance that has become an integral part of my life: the feeling of things coming together that do not entirely mesh, yet need to be together. I need and want liberal Judaism to inspire me with notions of change and radical equality, to remind me of the need to be intentioned and thoughtful in my observance and prayer. At the same time, I need and want the Orthodox community to continue to set a high bar of expectation for learning, involvement, observance, and commitment. I want and

need to be reminded to pray not only when I am inspired or overcome with a sense of meaning, but also when I am not.

At work, I am surrounded by women who have already become, or are on their way to becoming, leaders in their communities. This is a given, a quotidian reality in my weekday world. Sally Priesand, who in 1972 was the first woman to be ordained as a Reform rabbi, has already retired from her pulpit. For my students, the whole battle for women's right to be ordained is a vestige from a previous generation, and the absence of ordination for women in mainstream orthodoxy is an oddity, a throwback.

My students have been saddened and bewildered by the recent developments regarding women's ordination that have arisen at the Hebrew Institute of Riverdale. In March 2009, Rabbi Avi Weiss formally conferred the title of "Maharat" (an acronym meaning "spiritual, halachic and Torah leader") on Sara Hurwitz, a woman who had served as a member of the synagogue's clergy team and had passed all of the exams for Orthodox rabbinic ordination. Rabbi Weiss reasoned that the neologism of Maharat would grant authority and yet avert an Orthodox political maelstrom, but it soon became apparent that the title did not carry the weight he intended. Rabbi Weiss decided to remedy this by changing the title to "Rabbah," the feminine form of Rabbi, which sparked fierce objection in the Orthodox establishment. Ultimately, Rabbi Weiss rescinded the title Rabbah, and promised not to ordain any more women, in his words, "for the sake of peace."

What now? It is not clear how many among the current cadre of supremely qualified Orthodox women will agree to join the fray of women's ordination and subject themselves to this kind of controversy. Why suffer through that, when getting a PhD in Talmud can grant them prestige without an ulcer? One thing is for certain: political censure and denunciation of the



move toward women's ordination will not put the genie of women's learning, ritual competence, leadership skills, and spiritual capacities and yearnings back into the bottle. While the Orthodox movement might cling to some notion of continuity with tradition with respect to women in Judaism, it has been permanently rocked by the revolution of Torah learning. There are very few Jews, on any end of the denominational spectrum, who still believe along with Rabbi Eliezer of yore (BT Sotah 20a) that teaching one's daughter Torah is tantamount to teaching her *tiflut*—licentiousness or foolishness.

There are quite a few, however, who still believe that linking women's Torah study to the movement or way of thinking known as feminism is indeed licentious and foolish.

Feminists who remain committed to Judaism and its core tenets need to continue to develop a theology of feminism that explores what is basic and enduring to Jewish belief. For example, if the Bible seems to represent divine creation in terms of notions of distinction and difference—night and

day, land and sea, holy and profane—then to what extent are gender distinctions basic to a Jewish understanding of the world? Is there a way to incorporate a more fluid notion of gender than that which is represented in these ancient sources? How can one conceive a Jewish theology of gender difference that also encompasses a notion of gender equality?

For Jewish feminism to have a lasting effect, it must also compel a lasting confrontation—both philosophical and practical—with the abiding inequities of Jewish law, as represented recently by the Women of the Wall controversy and most starkly by the abiding *agunah* problem. If halacha is a way of walking with God in the world, it cannot be compatible with a status quo that denies the personhood and rights of half of the Jewish community. For me, that is a given. Somewhere along the way, halacha went astray. It is the responsibility of great halachic minds to work to repair the road. So long as they balk at this task they are failing to do God's work.



Women praying on beach, Gaza 2005. Photo by Mati Millstein.



Rabbi Naamah Kelman, in 1992, was the first woman to be ordained by the Hebrew Union College in Jerusalem, where she is currently the Dean. Born and raised in New York, she has lived since 1976 in Israel, where she has worked in community organizing, Jewish education, and the promotion and establishment of Progressive and Pluralistic Judaism for Israelis.

Naamah Kelman: No Small Feat

The world I was born into and the world my daughters were born into are very different. In 1968, I celebrated my Bat Mitzvah in New York. My father, Rabbi Wolfe Kelman, a leader of the Conservative movement, insisted I read the *haftarah* at our synagogue, on a Friday night. At shul on that festive occasion, one of the speakers was a woman who had been the very first Bat Mitzvah in Jewish history: Judith Kaplan Eisenstein. In 1922, her father, Rabbi Mordecai Kaplan, the theologian and founder of Reconstructionist Judaism, pioneered the notion of Bat Mitzvah at the newly founded Society for the Advancement of Judaism in Manhattan. Judith recalled that on a Friday, her father suddenly decided his daughter should read the next day from the Torah, just as a boy would do. That night, they practiced together, and the next morning, she rose before the congregation and read.

In 1968, so many years after Judith Kaplan's exceptional debut, it was still unusual for girls to have a formal Bat Mitzvah. In fact, a prominent Conservative rabbi commented to me that night that it was too bad that my reading would be "the first and last time" I would ever be allowed on the *bimah* of a synagogue. Luckily for my generation, the feminist revolution was set in motion by the famous women's march in New York City in August 1970. Two years later, Sally Preisand was ordained as a rabbi by Hebrew Union College, a precedent soon followed by ordinations of women in the Reconstructionist movement. In the fall of 1973, 500 women gathered in New York City

at a historic conference that launched the American Jewish feminist movement. In 1986, the first woman was ordained by the Jewish Theological Seminary. Those were years of excitement and turmoil. Fears of the "feminization" of Judaism were voiced, as was great anxiety about the future of the Jewish family and the energies that might be "unleashed" by this revolution. What energies, indeed!

We are finally crossing the "text-tosterone" line.

Women's religious, academic and intellectual gifts have been a blessing to all denominations of Judaism. My bookshelves can no longer hold the riches of scholarship and literature that Jewish women have produced. *The Torah: A Women's Commentary*, published by the Women of Reform Judaism, contains more than 100 entries by female rabbis, scholars, poets and other thinkers, representing a range of Jewish denominations. In 2008, it was named Jewish Book of the Year, the top prize of the National Jewish Book Awards. The fact that it won that honor, and not the annual prize in the category of Women's Studies, represented a seismic shift. With this new commentary and other fine books, we are finally crossing the "text-tosterone" line. Too often, important and impressive works by women have been relegated to a gendered ghetto or dismissed as insufficiently "serious" or "learned" (which often means rabbinic or esoteric.)



Tefillin Barbie. Photo by Jen Taylor Friedman, 2006.
www.HaSoferet.com

For too many people, the image of a rabbi remains bearded and male. Here in Israel, there is no accepted word for “woman rabbi.” Since I insist on being called “Rav” – the traditional male title – I am often branded as a provocateur before I utter a single word. (“Rabbah” is now a preferred choice for many women rabbis, though when the first woman Orthodox member of a rabbinic team in New York was given that title, a great controversy erupted.)

There have been major strides made in Israel, but as long as there is an official Orthodox Rabbinate and a highly militarized society, the struggle is difficult. The IDF remains a male-dominated institution, despite efforts to place some women in combat and intelligence units, and fewer in secretarial positions. Since its founding, the military has remained the favored training ground for leadership in politics and business, so that many men move easily into

top jobs. The original mythic Zionist image of an egalitarian society, where pioneering men and women tend the fields and defend the borders, remains just that – a myth. By the time the state was founded, women were mainly raising families and seeking professions like teaching and nursing that allowed them more flexibility as mothers. Yes, there are many female lawyers and physicians in Israel today, but the women mainly work in the public sector, where salaries are lower.

In 1994, when my older daughter Leora was a Bat Mitzvah, she read the Torah portion and the *haftarah*, and gave a *d'var Torah* at our Progressive synagogue. Judith Kaplan, by then well into her 80s, sent us a letter to be read at the ceremony -- a gesture of continuity I know my daughter will never forget. Since that day, Leora has not stopped leading services and reading Torah, at our shul and elsewhere in Israel.

This year, on Purim, I attended an Orthodox Bat Mitzvah in the US; the girl read the entire Megillah, no small feat, in a ceremony attended by men and women seated separately. In a number of Orthodox synagogues in Jerusalem, Bat Mitzvah girls read from the Torah on Shabbat, either in a separate reading for women, or even before the entire congregation. Orthodox feminists have been very brave in Israel. Women now serve as scholars of Talmud, Jewish law, and more. In the area of ritual, though, progress has been uneven. Though Bat Mitzvah as a religious rite is virtually universal in the liberal denominations in North America, and a growing phenomenon in some Orthodox circles too, in Israel it is less prevalent, across the religious spectrum. The liberal movements here have pushed hard for young girls to do as their brothers do, but most secular Israelis – whose thinking on such matters is conditioned by the rabbinic establishment – view Bat Mitzvah as standard practice and Bat Mitzvah as alien.

The real shift has occurred with weddings. Thanks to the Reform (Progressive) and Conservative (Masorti) Movements and Orthodox feminism, thousands of Israeli couples are opting for non-Rabbinate egalitarian weddings. As a result, the Orthodox Rabbinate is scrambling to present a more gender-friendly ceremony: a bride is now allowed to present a ring to her groom at the end of the ceremony. Here, I believe we have “won.” Sadly, however, divorce is completely controlled by the Rabbinate. Orthodox women have trained themselves as para-rabbinic advocates (*to'anut rabbaniyot*) to assist in intractable and difficult cases, as well as more routine ones. But the heavy influence of ultra-Orthodox parties within the Israeli parliamentary system has effectively blocked, at least for now, any changes in divorce law for all Israeli Jews.

In 1992, I became the first woman ever ordained a rabbi in Israel. CNN reported the event, but Ha'aretz ignored it, and Yediot Aharonot put it on the “curiosities” page. The local Jerusalem newspapers, though, had more extensive coverage. There were no protests from the ultra-Orthodox until 1999, when I was appointed by the Meretz party to a seat on the Jerusalem Religious Council. The matter went to the Supreme Court, which ordered the council to seat me, but they disbanded rather than comply. Recently, however, a Reform woman rabbi became a member of the Religious Council of Kfar Saba.

Times are indeed changing. In 2007, when *The Torah: A Women's Commentary* was published, it made the front page of Ha'aretz. There is a growing renaissance of Jewish learning in Israel, and women are central to the flowering of independent *batei midrash* and *havurot*. I believe that despite our modest numbers in Israel, the liberal movements have been a significant stimulus rod for change, especially in promoting the status of women. A great deal, of course, remains to be accomplished.

Susan Weiss: Parameters of Chutzpah

Though I regularly dispatch members of my office to Israel's rabbinic courts, I rarely set foot there myself. However, a few months back, I forayed down to Tel Aviv to argue a case. I thought I'd be able to leverage a sensitive legal moment to extract a *get*, a Jewish bill of divorce, from a particularly difficult husband, and his equally infuriating attorney. In Israel, rabbinic courts have exclusive jurisdiction over the marriages and divorces of Jews, and those courts apply halacha, religious law. According to halacha, a woman remains bound to a failed marriage until her husband agrees, of his free will, to give her a *get*.

Our client Esther (not her real name) lived with her husband for just three months (months, not years), got pregnant, was badly beaten, left the house, and has lived apart from him for 13 years (thirteen, not a typo). He still refuses to give her a *get*. I threw my client on the mercy of the tribunal.

"Put him in jail," I begged the court. (The rabbinic courts have the authority to do this in order to convince a husband to give a *get*.)

"Do you sleep at night?" Queried Rabbi B., the head of the tribunal, provocatively.

"I do," I answered, not quite the truth. "Do you, your honor?" I retorted, testing the parameters of my chutzpah.

"Because whoever has been advising your client has done her a great disservice," the rabbi declared. "It's because of those ill-advised advisors that Esther is not divorced. We cry for Esther, but had she given in to her husband's reasonable demands, she would have been free long ago."

"And," added Rabbi B., "there's the issue of her tort claim. When Esther sued for damages for *get* refusal, she tied our hands. The claim puts unlawful force on her husband, invalidating any subsequent *get*."

"With all due respect, your Honor," I replied, summoning up all the deference I could muster. "The reason Esther is still married is because her husband won't give her a *get* – and because this court won't order him to do so, let alone put him in jail. And with respect to the tort claim, it's obvious that it hasn't infringed on his free will at all, since he remains firm in his refusal to release his wife."

No matter how I pleaded, the rabbis refused to decide the case on its merits. In their minds, the halacha didn't allow it. It did not matter that the parties hated each other. It did not matter that Esther, an ultra-Orthodox woman, could not enter into an intimate relationship with another man. The halacha trumped Western values. It trumped my client's lost years. It trumped the court's crocodile tears. It trumped justice.

The moral of this sad story is that we Jewish women haven't gotten very far in the rabbinic courts. If the status of women in Judaism is gauged by their status in the rabbinic courts, it is not very good. For every step we've taken forward, we've taken two backward. In the rabbinic courts, Jewish women have no autonomy and are not equal. Their status is completely dependent on their husbands' will.

For a while it looked like we activists were making progress, slowly realigning the imbalance of power in the rabbinic courts so skewed in men's favor. We managed to



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"Get Refuser: There is such an animal," by Tamar Tzohar: First-prize winner of poster competition, International Coalition for Aguna Rights, 2005.

convince the courts to issue more decisions against recalcitrant husbands, ordering or recommending that they give a *get*. We even managed to persuade the court to put more *get*-refusers in jail. But as the number of those decisions increased, the courts themselves began to undermine them. If a recalcitrant

husband simply agreed in theory to the *get* and stated his terms for the divorce, the court would refrain from enforcing any order against him, and demand that his wife accept whatever were his "reasonable" conditions for the *get*. This is what happened in Esther's case.

Why is the status of women in Judaism, as

reflected in the difficult reality of the rabbinic courts, so bad? In my opinion, it's because the State of Israel gave the ultra-Orthodox a monopoly to decide issues of marriage and divorce for all its Jewish citizens, irrespective of their religious affiliation. Only men hold positions of leadership in the ultra-Orthodox community. Those men bear no sense of responsibility to the state or its citizens, and are loyal only to their very insular community and its particular "narrative." That narrative is characterized by strict gender distinctions and textual accuracy. Men are different from and superior to women; and all this is justified by an obsessively close reading of the text.

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The state has deferred to the ultra-Orthodox in other areas, as well. For example, at the *Kotel*, the Western Wall, where ultra-Orthodox pressure prevents women from praying with prayer shawls. And on certain public bus lines in Jerusalem, women riders are relegated to the back of the bus – a shocking concession to religious extremism.

I single out the ultra-Orthodox because even a cursory look at how women fare in other denominations shows that Jewish women, for the most part, have attained equal status to Jewish men. Outside of the Orthodox community, women act as rabbis, halachic arbiters, leaders. They are revered scholars. Even women in Modern Orthodox communities have made great strides towards equality. All religious texts are open to them for study. They are taking a growing role in prayer, ritual, and leadership roles. They can be Orthodox and feminist. I anticipate that this trend toward equality will continue, notwithstanding occasional backlash and the ebb and flow of the process. But not in the

ultra-Orthodox enclave, which defines itself as the "other" in the modern democratic state.

Having deferred to multicultural impulses, the status quo, or just plain politics, the state has sacrificed women to the interests of ultra-Orthodox interest groups. If it wants to be respected as a true liberal democracy and the center of the entire Jewish world, the State of Israel must start to acknowledge the price that it, and in particular its women, are paying. In the spirit of the freedom of religion, the state must break the monopoly it gave to the ultra-Orthodox and allow for different denominations of Judaism to flourish. There are many authentic expressions of Judaism that live in harmony with modern values of human life and freedom. Israel must take responsibility for its citizens, in particular its women, and protect their rights to due process, human rights, equality, and individual autonomy, in all areas of life.

On certain public bus lines, women riders are relegated to the back of the bus – a shocking concession to religious extremism.

At the Center for Women's Justice, we ask the family courts to do just that when we sue recalcitrant husbands for damages. By awarding our clients damages, the family courts are taking the position that withholding a *get* is no longer a husband's religious right, but a civil wrong.

Esther was eventually awarded damages of close to one million shekels by a family court, and her husband filed an appeal. We hope the Appellate Court will stand firm on the side of Jewish women. The appeal is set for late 2010 before a tribunal of three women.



Don Seeman

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Don Seeman: For the Sake of Peace

Orthodoxy is by far the most diverse and internally pluralistic of all the contemporary movements in religious Judaism. Yet in the absence of any authoritative decision-making body, important debates are often raucous and can prove painful or frustrating to some of the individuals involved. The recent controversy over women's ordination—part of a much broader conversation about gender roles and women's leadership in Orthodoxy—has proven to be no exception. I have participated in these conversations in a number of different capacities (rabbi, community member, father and husband), but I also view them through the lens of a social anthropologist, who is trained to look beneath the contradictions of the moment for underlying cultural themes and anxieties that define a society.

Two apparently contradictory trends threaten today to tear the Orthodox community asunder. On the one hand, there are obvious signs throughout the Orthodox world of increasing emphasis on gender segregation and the imposition of barriers to women's participation with men in public religious settings, including schools. This is one of the defining features of contemporary ultra-Orthodox Judaism, but has been felt in American Modern Orthodox and Israeli Zionist Orthodox circles too. At the same time, some segments of the Orthodox community have shown increasing signs of a willingness to experiment with new models of leadership and participation for women, culminating most recently in the abortive attempt to create a formal women's ordination program.

The stakes for Orthodox communities could not be higher. Many communities are now filled with women doctors, lawyers and PhDs; after more than a generation of increased (though still imperfect) access to high level Jewish textual education, the lack of commensurate professional opportunities for women inside the Orthodox community has begun to put pressure on communities to adapt. Yet any such innovation immediately pushes up against some of the most important and deeply entrenched features of Orthodox self-identification, which have as much to do with the relationship between Orthodoxy and liberal Judaism as they do with the relationships between men and women.

On a political and sociological level, the synagogue *mechitzah* has emerged in recent decades as the single most important symbolic divider between Orthodox and non-Orthodox communities. While Orthodoxy and Conservative Judaism, for example, differ considerably today on questions of content as well as process in Jewish law, it is the absence of the *mechitzah*, along with some other issues related to gender and egalitarianism, that most reliably distinguishes practically all Conservative synagogues today from all Orthodox ones. Indeed, it is the self-conscious (though partial) elimination of sex segregation during prayer (calling women up to the Torah, or calling on women to lead certain prayers), that has led the so-called “halachic-egalitarian” or “Shira Hadasha-style” congregations to perch so precariously on the boundaries of Orthodoxy — or probably more accurately, just outside



these boundaries, in uncharted social space. These groups represent, in Orthodox terms, an exaggerated reaction to the tendency of greater segregation and separation that is increasingly prevalent.

In the non-Haredi Orthodox world, sex-segregated schools and youth groups are on the rise. Communities in North America debate raising the heights of their *mechitzot* but rarely debate lowering them. In my office hangs a photo, nearly a century old, of pious men standing in prayer at the Western Wall, while a group of women crouch or sit in prayer nearby. After 1967, the *Kotel* was given the status of an Orthodox synagogue and a *mechitzah* was installed. More recently, barriers have been raised and refurbished several times, as the site has become a flashpoint of controversy over issues related to women's role in communal prayer. At Rachel's Tomb in Bethlehem, similarly,

women's space and inherited practice has been increasingly limited. Authorities have banned the burning of candles that was a hallmark of women's religious practice there, alongside prayers for fertility and the distribution of amulets of different kinds. A yeshiva for men with knitted *kippot* now dominates the site physically, and competes for control of its religious ethos.

The fate of sacred space at shrines like Rachel's Tomb or the Kotel may seem far removed from debates about the ordination of Jewish women. Yet these disparate phenomena may actually testify to a single underlying dilemma of contemporary religious life: the accelerating collapse of "mimetic Judaism" in our time. Historically, each generation matter-of-factly imitated the practices of its predecessor. But the devastating wars and massive migrations of the past century, combined with the growth



Western Wall, early 20th century.

G. Eric and Edith Matson Photograph Collection, Library of Congress, Prints & Photographs Division, LC-DIG-matpc-05899.

of secularism, have disrupted the norms of many Jewish communities, not least those that governed issues of gender. The result has been an unprecedented restructuring of Jewish life, away from the familial transmission of religious practice and toward the textual or ideological basis of religious authenticity. But since the textual tradition never unambiguously addressed many of the issues that were guided by inherited norms, uncertainty and ideological posturing reign.

It is difficult to know how this process will play itself out over time. While Modern Orthodox communities have for the most part rejected women's ordination for now, it does seem that high-level Talmudic and halachic education for women is now an accepted part of the Orthodox landscape. The most impressive professional programs in Torah for women have been pioneered by American immigrants to Israel: the *yo'etzet halacha* program, which trains women as experts in areas of Jewish family law, and the *to'enet rabbanit* program, which trains women to work as expert advocates for individuals maneuvering through the Israeli religious courts.

Such innovations surely presage future possibilities. So why all the furor over women rabbis? First of all, mainstream attempts to normalize women's religious leadership have generally emphasized areas of technical halacha that affect women most directly, and in which technical competency is at a premium. These are essentially specialist niches that minimize symbolic and professional competition with men, that answer a need felt by many religious women, and that require specialized training in areas that many male rabbis today lack. These are groups that have gained credibility over time by providing an important service while disclaiming any desire to supplant traditionally male roles or win pyrrhic symbolic victories. No less important, they have appeared to most observers to produce graduates who are

unambiguously committed to Orthodox life in all its dimensions.

One of the most important dimensions of the recent debate over women's ordination, spurred by Rabbi Avi Weiss's ordination of Sara Hurwitz, has been the recognition of the potential for schism within the Orthodox world, and of the need for compromise. Rabbi Weiss agreed not to ordain any new "Rabbah" candidates, while the Rabbinical Council of America (RCA), for its part, refrained from asserting that this innovation is either prohibited by Jewish law or that its supporters are beyond the pale of Orthodoxy. In opposing women's ordination, the RCA invoked the values of "sacred continuity" and communal peace, while reaffirming its support for other forms of women's learning and contribution to the Jewish community. In this way, both sides stepped back from the brink of a denominational split that might have weakened them.

There is every reason to think that this compromise will prove volatile and unstable. It has been argued that Orthodox Jews are currently facing the same dilemmas faced thirty years ago by the Conservative Movement, which did eventually ordain women. Yet this example hangs heavily over the efforts of those who believe that Orthodoxy needs to respond more expansively to women's needs and capacities for service. The growth of egalitarianism in the Conservative movement coincided historically with a strong movement away from traditional observance and halachic practice by large swaths of that community, and even left-leaning Orthodox leaders must be concerned about the possibility of a parallel. The significance of this historical moment will be determined in large part by the Orthodox community's ability to generate models for women's leadership that work to strengthen the values it holds most dear: excellence in learning and in practice, Jewish continuity, fidelity to Torah and service of God.

Rachel Adler: Feminist Redemption

How many people have lived to see an old world give way to a new one? One thinks of the biblical Caleb, who experienced the oppression of Egypt and lived to inherit in the Promised Land. One thinks of those Jews who experienced the ghetto and then became citizens of the countries they inhabited. New worlds bring new freedoms and also new questions, new opportunities and also new complications.

The women of my generation grew up in a world in which women were “peripheral Jews,” facilitating Jewish practice for men while being excluded from most of the positive, communal activities that sanctified Jewish life. My mother used to tell a story about me. I was five years old, taking a walk with her, and she said, “So what do you want to be when you grow up?” And without skipping a beat, I said, “A nun.” My mother was appalled. “You can’t be a nun. You’re Jewish. Jews don’t have nuns.” “Well then,” I replied, “I will be the first one.” When I ask myself why I wanted to be a nun, the answer is clear. I lived in a mixed Jewish-Catholic neighborhood, and in that other religious culture, I saw what I did not see in my own community: a way to be a woman and be holy. I could not have foreseen that I would grow up to be a theologian, or that other women would become rabbis and scholars. The closest I could come to imagining such impossibilities at five was envisioning becoming the first Jewish nun.

Mine was the first generation of Jewish feminists who thirsted to enter into the richness of a tradition generally not accessible to women. I still remember

learning my first piece of Talmud at a Reform camp in my teens, and falling in love with the Talmud and its possibilities. In college I studied the first chapter of Tractate Berakhot and felt that there were layers and layers of meaning waiting to be uncovered. I still see Berakhot as the *Bereshit* of the Talmud – its book of Genesis – a depiction of the rabbinic universe, held together by long-rooted seedlings of prayer. The tractate introduces us to the denizens of a teeming cosmos: angels, demons, funeral processions and wedding guests, as well as the turbulent microcosm of the academy. Enumerated too are the multitude of natural events that require *berakhot*, blessings: earthquakes and shooting stars, the great sea, thunder and lightning.

For years I studied Talmud in a study group populated by women rabbis and academics. We took a multidisciplinary approach, because we all had different methodologies and information to bring to bear on the text. The literary scholar in our group called our attention to motifs we would otherwise have missed. The historian situated us in classical and early medieval history. The Bible scholar caught all the nuances of biblical allusions. We looked at David Macaulay’s book, *City: A Story of Roman Planning and Construction*, to see how Roman bathhouses were constructed and why they occasionally collapsed. And we were always alert for any mention of women.

In the earliest days of feminist scholarship, women were thrilled to see any mention of women at all in Jewish texts.



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Many of us were just in the first stages of mastering this material. As we feminist scholars grew more sophisticated, the questions grew with us. After all, Jewish texts were, with a few possible exceptions, written and transmitted by men. Most of our reading was about what concerned or interested elite groups of learned men about women, and how these writers chose to represent women. Many of us saw these texts primarily as indicators of their authors' assumptions about gender, rather than about women in some unmediated way. We could not proceed as if we were reading history or biography.

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Still, using the feminist hermeneutics that some of us devised, we were able to note what meanings various representations of women seemed to convey, and even to wring information or implications out of women's textual invisibility or marginality. It has been inspiring to see how, at the annual meetings of the Association for Jewish Studies, the American Academy of Religion or the Society for Biblical Literature, gender studies are no longer ghettoized in a "women's section." Both women and men present papers in which gender is an interpretive issue.

Feminist Jews have had some great victories. I was lucky enough to be a contributor to *The Torah: A Women's Commentary*, edited by Tamara Cohn

Eskenazi and Andrea Weiss. The new feminist Talmud commentary edited by Tal Ilan, with individual volumes by the best scholars, female and male, is expected to be a similarly important reference series. The book *Standing Again at Sinai*, by Judith Plaskow, was a huge step forward in feminist theology.

Today, gender-sensitive theology is often taken for granted. But there is a lot more theology that needs to be written, and I hope I will live to see young thinkers do this work. The central question – how does one live a holy life? – must be asked anew, now that there is no longer an easy complementarity in which women do some kinds of work, leaving men free to do quite other things. Two kinds of undervalued work that must now be shared are maintenance and caregiving. Maintenance: keeping our places clean, our utilities working, our laundry done; and caregiving: tending, feeding, supporting children, the sick, the aged, those in our families and communities who need our attention. How are these demanding activities to be integrated into holy living?

Are there not goals more important than self-actualization?

Mordecai Kaplan believed that salvation consisted of the self-actualization of the individual and the community. But what about the global community? What about the earth itself? Should they not too be foci for caring and healing? And shouldn't salvation be more than psychological health? Are there not goals more important than self-actualization? I would think that a feminist notion of redemption would envision a world in which, along with prayer

and Torah study, a good life for a Jew includes attention to caring and maintenance – these very personal kinds of giving – for our own young and elders, and also for the neighbor, who, as the philosopher Emanuel Levinas teaches, turns his or her face toward us, making a moral claim upon us.

The central question – how does one live a holy life? – must be asked anew.

Another area for holiness is sexuality. How can we avoid stigmatizing the members of our community who are gay or lesbian or bisexual or transsexual, given that sexual identities seem to originate in our “hard-wiring” rather than in any preferences on our part. Here the work of Rabbi Steven Greenberg and Rabbi Elliot Kukla, who have bravely made public their sexual identities in recent years, has been very important. For all of us living in consumer societies, how can we propose alternatives to the commodification and objectification of sexuality that confronts us daily? How can we bring into practice a sexuality that is humane and respectful, that is neither addictive nor compulsive – nor obsessively polarizing and misogynistic, with women sitting in the back of buses and walking on only one side of the street, as in ultra-Orthodox neighborhoods?

Emanuel Levinas says that we put ourselves at the service of the other, not because of a conviction that the other is just like us, but being aware that the other is *not* us, is irreducibly different from us and may never be fully understandable to us. The other’s differentness does not excuse us from being at the service of the other. The mystery writer Dorothy Sayers once asked in an essay: “If women are the



opposite sex, what is the neighboring sex?” Gender scholars have taught us that we oversimplify when we think of gender as a dichotomous, two-valued system. There are a lot of neighboring genders out there. The question for all of us is what kind of neighbors we will choose to be.



Tisha B'Av at the Kotel,
2009. Photo by Pini Hamou.



Rachel Sabath-Beit Halachmi

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Rachel Sabath-Beit Halachmi: A River from Eden

I spent several years during and after rabbinic school studying and writing about Hasidic texts on the movement of the male body in prayer. Studying the spiritual phenomenology of the male body further developed my awareness of the extent to which the physicality of every human body, including my own, is an essential feature of religious experience. As the Psalmist teaches, a deeply prayerful stance includes the entire body: "All my bones will say: Lord, who is like You?" (Psalms 35:10)

As a woman, I was created in the image of God (Genesis 1: 26-27) – the same as a man and also different. My being a woman, of course, should in no way limit my religious life as an individual and within the community. This assumption, shared by so many contemporary Jews, is not one that has informed the Jewish tradition for centuries. And yet, while one might think that rational, egalitarian Judaism offers the best assurance of access to God regardless of gender, in fact my womanly experiences of marriage, pregnancy, childbirth, nursing and mothering have challenged this classic liberal view. Rather than becoming immaterial in order to assure equality, my gender is central to how I experience God's presence in the world, and how I understand myself to be claimed by God.

There are several core religious experiences that highlight the role that gender has played in my spiritual life. The first is the experience of *mikveh*, the ritual bath. While the ritual of monthly purification has for the most part been observed by Orthodox women during their

marital reproductive years, *mikveh* has been powerfully significant in my life in many additional ways, often in the context of a liberal reconstruction of the traditional orthodox observance. In my twenties and early thirties, the *mikveh* became a place for spiritual and religious focus, where I took note of the phases of my experience of the world and my own self-renewing body, and also tried to cultivate my *middot* – my ethical awareness and practice. As an unmarried woman, I was not consumed by issues of reproduction or family purity, but instead was claimed by the power of the place itself and the depth of commitment and spiritual devotion that surrounded the ritual act of monthly immersion.

During those years, I became an expert on the issues that Jewish women confront at such places: the differences in the concerns of younger versus older women, the various halachic problems that arose and the ways in which male authorities sought to resolve them. I also learned many recipes for chicken and a lot about husband-wife relationships and family dynamics. When I was asked to act as the "*mikveh* lady" (a role I later performed in liberal settings), I felt that in order to prepare myself for such spiritual intimacy, I needed to create and recite special prayers before greeting the women, and to re-learn all the pertinent halachic issues, to be sure I would give correct advice.

In this Orthodox setting, it was clear that a male would be the final decision-maker on halachic questions. But inside the *mikveh* itself, male authority was invisible, and essentially irrelevant. I met women preparing

for marriage, many of them fearful of their first sexual intercourse with a man, hoping that the waters would help ease whatever pain they were expecting. I encountered women in the process of converting to Judaism, reconfiguring their relationships with their bodies and their mothers and their God and people. I spoke with women before and after surgery, rape, illness. At the *mikveh*, many women came month after month praying that they wouldn't be back the next month because they would finally be pregnant – and some prayed not to become pregnant again, having already been blessed with the number of children they felt they could raise. The women after miscarriage and abortion arrived too, the most sullen, barely speaking. The silence of the *mikveh*, the gentle noise of the water and the power of the renewal of their bodies became a source of hope. The waters of the *mikveh* seemed to cause new life to flow into them, after death had infiltrated their bodies and their lives; and as they emerged from the *mikveh*, the possibility of new life flowing from them seemed palpable. I wept with them; I wept for them.

My prayers at the *mikveh* became a monthly source of strength for my own spiritual yearnings.

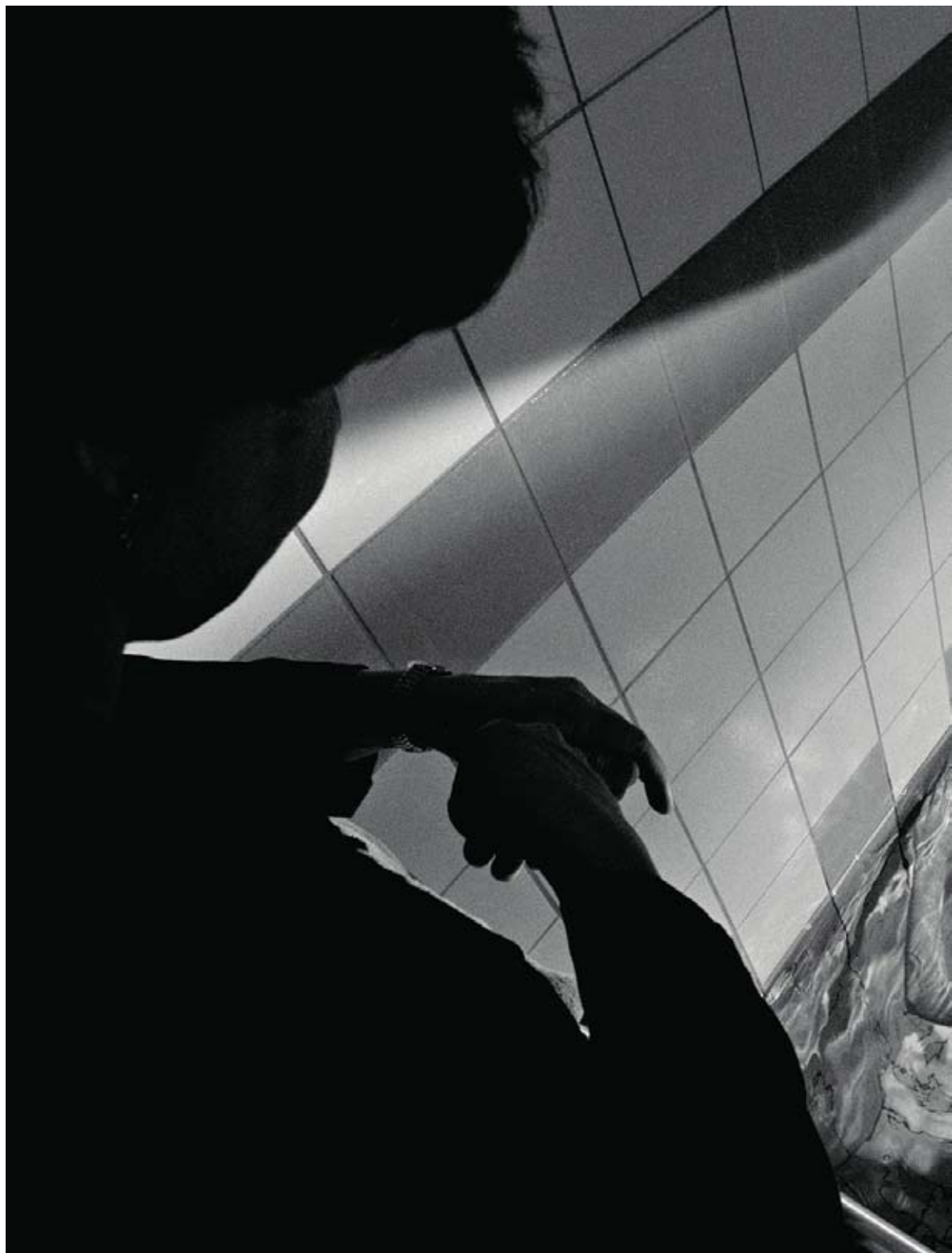
At the *mikveh*, I became an insider in a hidden sanctum where physical, emotional and spiritual desire, joy and sorrow are all mixed and given expression, verbally and silently, not in a community, but also not in isolation. Here, the individual was carefully tended to, washed gently, submerged in the waters from Eden that the *mikveh* symbolizes, and once again clothed and set forth into the world. In all my work as a rabbi in all areas of ritual, I have witnessed or experienced very few acts and places with such great potential

for nearness to God and the possibility of personal renewal and hope.

My prayers at the *mikveh* became a monthly source of strength for my own spiritual yearnings. Eventually, I composed a prayer in Hebrew and English, which expresses the connection between *mikveh*, a woman's body, and my ethical values:

Inside the *mikveh* itself, male authority was invisible, and essentially irrelevant.

May every limb of my body
Touched by these living waters
Be renewed for goodness and life
May my toes and feet dance
May I run to do *mitzvot* and to aid those
in need
May my arms embrace those in need of
comfort
May my hands write words of truth and
teaching
May my fingers touch others with love
and play music
May my mouth speak words of loving
kindness,
Torat chesed al l'shoni
And may my tongue teach words of
Torah and prayer
May my eyes see sights of God's many
wonders,
Ma rabu ma'asekha!
And reflect love and gratitude for this
whole body.
May the month to come be one of hope
and love
As my womb cycles toward fullness and
again sheds like the waxing and waning
of the moon,
May I cycle upward, toward
righteousness,
Rebirthed now, *b'tzelem elokim*, in the
Image of God.



Another set of spiritual experiences that have transformed my relationship with God are pregnancy, birth and motherhood. Giving birth to Israeli children was not solely about personal or familial fulfillment, but also about fulfilling a greater sense of what my fully gendered existence should and could mean for the Jewish people: beyond the blessing of being a woman, beyond my

egalitarian ideology. Being a Jewish mother entails a much larger meaning for me than the simple liberal stance of not relinquishing any possible religious activities because I am a woman. It emphasizes the necessity to respond to God's existence and commanding presence by going far beyond myself, to take ultimate responsibility for others, and to literally give birth to and shape the



Photo © Janice Rubin, *The Mikvah Project*, 2008.

possibility of Judaism in the future.

My gender, my body, and the specific physical experiences of being a mother to new and fragile life – to Jewish children in a Jewish state – all have a radical impact on the way in which I experience God and Jewish peoplehood, and dream about the future of Israel and of Judaism. In some inexplicable way, deeply related to my sense of awe, wonder and gratitude, my love for

my children has intensified my love of God, as well as my love of the Jewish people, the land of Israel and all God's creation. It has made me, simultaneously, more religiously particularistic and universalist, feminist and Zionist. In other words, the increasingly postmodern Judaism I might have articulated a couple of decades ago has been transformed by my gender and by my life in Israel. Blessed is the One Who created me a woman.