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THE ROLE OF WOMAN IN JUDAISM

by

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THE ROLE OF WOMAN IN JUDAISM

I. COMPANION TO MAN - basic role, Biblical: "It is not good for man to be alone; I shall make him a helpmeet"

1. Equal but Different - "male and female created He them"
2. Physical and Emotional Unit - "bone of my bones, flesh of my flesh"
3. Equal Yet Dependant - "and she shall be called woman because she was taken out of man"

II. PROCREATIONAL PARTNER - secondary role, Biblical: "Be fruitful..." etc.,

1. The aspect of Love -- Biblical, Rabbinic
2. Political Aspect -- Power of Clan, Survival of Group
3. Motherhood as an Ideal -- Biblical, Rabbinic

"And the Lord saw that Leah was hated, and He opened her womb..." (Gen.29:31)

"Because he loved Hannah, and God closed her womb" (I Sam.1:5)

III. IN THE MARKET PLACE - In each epoch Jewish women assumed such roles as to ensure the continuum of Jewish life, from the Biblical ideal described in Proverbs as woman contacting business outside home in order to enable husband to take a leading role in community affairs, to women scribes, business agents, prophets, warriors, diplomats, Hassidic "rebbes", socialites, founders of institutions, heads of communal organizations, educators

IV HEAD OF HOUSEHOLD -- 1. Role Differentiation: Woman's Primacy in home; man's primacy in community affairs

2. Woman as Educator of her Children - Biblical, Rabbinic, Modern secular role models
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WOMEN IN JUDAISM

There are two distinct trends within Judaism relative to women. On the one hand, the historical record indicates great social mobility and economic freedom for women and their active participation in the socio-economic mainstream. On the other, the body of legal literature hints at a grave disparity between men and women in religious ritual and public service.

Both trends have had an impact on attitudes and practices throughout Jewish history and inspired a lively debate on several issues affecting women's lives in Judaism, a debate which at times resulted in substantial changes in the status of women.

In examining both records, one must evaluate each in the context of the times, as Judaism is not a monolithic bloc but a religio-ritual lifestyle affected by the realities of time.

Historically, women played a decisive role in shaping the course of Jewish destiny. From the Biblical period, when the matriarchs Sarah and Rebekkah determined Isaac's and Jacob's succession to primacy, when Bathsheba was the one to ensure Solomon's throne, when Esther risked her life to save the Jews of the Persian Empire and the Hebrew midwives did the same for the Hebrew newborn males, when the prophet-judge Deborah succeeded in uniting several Hebrew tribes to defend the land and Hannah educated her son, Samuel, to accomplish its consolidation, through the Middle Ages to the modern era, there was no major historical development without a decisive imprint by women. In each epoch, Jewish women were allowed to assume such roles as to ensure the continuum of Judaism. They were warriors, scribes, prophets,

business agents, diplomats, Hasidic "rebbes," socialites, martyrs, founders of institutions, ghetto fighters, educators, politicians, healers, and scholars. Moreover, women were able to step into historical vacuums and fulfill roles mandated by the need of the hour.

Within the framework of the Jewish law, the Halakhah, women have been allocated a much more restricted role. Jewish feminists point to the traditional sex-role differentiation in Judaism which has prompted the exemption of women from all time-based positive commandments with the rationale that the fulfillment of these commandments would interfere with women's family obligations, their primary role as mothers and wives.[1] Among these commandments is participation in communal prayer three times a day, the reading of the Torah, donning tallit (prayer shawl) and tefillin (phylacteries). Women have been excluded in traditional Judaism from the public quorum for prayer, and from leading the services as representatives of the community.[2]

Other areas of Halakhic restrictions to cause Rabbinic debate and attempts at change are the laws of marriage, divorce, inheritance, and women's status in the courts. Both marriage and divorce are initiated by men, placing women into roles of dependence and passivity. Women do not inherit equally with male heirs, and they do not serve as witnesses, except for specific cases, in Jewish courts.[3]

Woman's Halakhically ascribed primary role as mother and wife is reflected in the three positive commandments obligatory to women -- the "hallah," the sanctification of dough in preparation of bread; the lighting of the Sabbath candles; and the "niddah," the laws

of family purity.[4]

Judaism, in contradistinction to Christianity, has a positive view of female sexuality and marriage, and encourages the establishment of family as a pivotal objective. A large body of Halakhic enactments deals with family purity, marriage, and marital relations, stressing the great value Rabbinic leadership has placed on this religious duty. Much of this "protective" legislation regarding women and marriage stems from the period of the rise of Christianity, and it is reasonable to assume that it was enacted in part as a reaction to early Christian ideals of ascetic and celibacy which threatened the institution of the family.

The New Testament expresses itself disparagingly about marriage.[5] According to the Anglican scholar Derrick S. Bailey, in the "New Israel ... the virgin state was accorded a supremacy which the Orthodox Jew would have repudiated as an impious frustration of the purposes of God."[6] The Church Fathers continued to extol the superiority of celibacy and to denigrate marriage. Jerome, Tertullian and Augustine vied with each other in labelling marriage a "remedy for concupiscence," whereas Thomas Aquinas taught that "marriage has the purpose of and is essential to propagating the race. But the individual -- and the married couple -- are still free to choose continence that they may better contemplate God."[7] Monks and scholastics perpetuated the anti-marriage bias. Although the Protestant Reformation repudiated celibacy, the underlying antipathy to marriage survived in the writings of Martin Luther. Regarding woman as a child-bearing means of sexual relief, Luther called wedlock the "hospital for the sick," and declared: "No matter what praise is given to marriage,

I will not concede that it is no sin."[8]

The established Church's condescension to marriage as an accommodation to man's sinful nature and the glorification of virginity as the ultimate ideal caused a reaction not only in Rabbinic attitudes towards marriage and women but in the attitudes of other Protestant churches, as well. The Anglican prayerbook of 1549, for example, refers to marriage not only in terms of "remedy," but also as "mutual society," and John Calvin returned to Old Testament values in recognizing that marriage was not only for procreation but also for the sake of companionship.

Rabbinic reaction continued to go much further in defining marriage not merely as a remedy but as a "mitzvah," a commandment, and affirming this definition in all codes of Jewish law. Rabbinic interpretation of biblical guidelines has created a sophisticated approach to legislation of issues relating to marriage and women, and "protective" legislation notwithstanding, resulted in a potentially liberal legal framework. It is this liberal tendency underlying Jewish marital laws, and the built-in potential for change in the Halakhah, that offer an avenue for the evolution of women's status in Judaism and an ongoing process for eradication of the existing disparity between men and women in religious ritual.

The Rabbinic notion that marriage is primarily for companionship and only secondarily for purposes of procreation, based on Genesis 2:18, which, in revealing the divine intent and rationale for the union of male and female, states: "It is not good for man to be alone: I shall make him a helpmeet," formed the philosophical underpinnings of Jewish marital law.

One can find ample evidence of the Rabbinic endeavor to give positive interpretation to Biblical law regarding women. One ~~area of such endeavor is~~ is the law of divorce, an institution which has undergone a process of liberalization since its Biblical beginnings. The Biblical source of the law ~~stipulates: "A~~ provides that if a man takes a wife and ~~possess~~ marries her, and she fails to please him because he finds something obnoxious about her, ~~and~~ he can write her a bill of divorcement, hand it to her, and send her away from his house."[9]

What about the wife's pleasure? What if the husband "fails to please" her? Can she write him a bill of divorcement, hand it to him, and send him away? According to Biblical law, marriage is initiated by the man and therefore it is only he who can dissolve it by writing a bill of divorcement. The Rabbis however mitigated the disparity somewhat by instituting a court procedure whereby a husband could be forced to divorce his wife provided the wife had reasonable grounds for such request. These grounds include his denial of conjugal rights (in Judaism, sexual intercourse is the woman's right, and the man's prerogative), cruelty and his affliction with an obnoxious skin disease.[10]

The Talmud records cases in which leading rabbis coerced husbands ~~in~~to writ~~ing~~e bills of divorcement to their wives at the request~~s~~ of the latter, even though there ~~is~~ was a Rabbinic concensus in discouraging divorce in general.[11] In order to curtail a man's freedom of decision to divorce his wife, the Rabbis instituted a payment which he was made to render his wife upon divorce, the sum named at the time of the marriage and included in the marriage contract. Such measures tended to favor the woman and provide a modicum of stability to marriage.

Ever since the Biblical period, man's absolute right to divorce his wife has been qualified by rabbinic reinterpretations until it ceased to exist even in theory. It was the formal rabbinic directive of the eleventh century halakhic authority, Rabbi Gershom of Mainz, stipulating that a woman may not be handed a bill of divorcement without her consent, which curtailed in a dramatic manner the husband's freedom of will vis-a-vis his wife and substantially advanced the status of women within the family.

With all that, however, the woman still remained in a state of dependency, and this resulted in a Jewish phenomenon called the "agunah," or "anchored" woman. This is a woman who is trapped in a non-existent marriage. She is either the wife of a man who is presumed dead but whose death was not witnessed by two persons, or of a man who deserted her and cannot be located, or of a man who has become insane and is unable to write a bill of divorcement; or one who refuses to grant her a divorce even in the face of coercion.

Different rabbinic measures have been brought at different times in order to mitigate the difficulties of the various "agunot," including a modern-day ruling by the Israeli rabbinate according to which married soldiers must deposit a conditional writ of divorce with the local Jewish court before going to the front, in order to enable their wives to remarry in case they become unverified casualties of war, or are missing in action.

In the United States, the Conservative branch of Judaism has proposed a solution to the problem of the potential "agunah," in the form of a rabbinic annulment of the betrothal based on a Talmudic principle relegating such power to rabbinic authority.[11] Several Orthodox rabbis advanced other proposals in learned discourses on the problem. Rabbi Eliezer Berkovits, in his Conditional Clause in Marriage and Divorce Agreements,[12] suggested to attach con-

ditions to the marriage contract, and if these conditions were not fulfilled, the Jewish court would declare the marriage null and void. The Rabbinical Council of America, the association of Orthodox Rabbis, rejected the above proposals, while Conservative Judaism adopted a modified form of rabbinic annulment procedure in problem divorce cases.

Still, no solution has been found within the framework of Halakhah which would enable the woman to obtain a divorce from her husband and eliminate her state of dependency altogether. Such a solution would necessarily have to include a revision of the marriage procedure rendering it a reciprocal act, thereby opening an avenue of reciprocity for the procedure of divorce as well.

Similarly, the laws of inheritance have undergone a gradual process of liberalization ever since the initial Biblical formula which left a wide-open gap of disparity between sons and daughters:

The daughters of Zelophhad

> stood before Moses and before Elazar the priest and before the princes and before all the congregation, at the door of the tent of the meeting, saying: "Our father died in the wilderness, and he was not in the company of them that gathered themselves together against the Lord in the company of Korah, but he died in his own sin; and he had no sons. Why should the name of our father be done away from among his family, because he had no son? Give unto us a possession among the brethren of our father."[13]

In response, a modification of the law was proclaimed:

> If a man die and have no sons, then you shall cause his inheritance to pass unto his daughter. And if he have no daughter, then you shall give his inheritance to his brethren.[14]

This ~~The~~ Biblical modification, however, allows women to inherit ~~includes female heirs~~ only in case there are no male heirs. But what about the estate of one who is survived by both male and female heirs? The passage below illustrates Rabbinic concern about the disparity, and the resultant "affirmative action," Talmudic style:

> In the case of one who dies and leaves sons and daughters: if the estate is large, the sons inherit and the daughters are maintained from it. If the estate is small, the daughters are maintained from it and the sons shall go begging on doorsteps. Admon exclaimed: Am I to lose out because I am a male? Rabban Gamliel said: Admon's view has my approval.[15]

The above exchange reveals that although in adherence to Biblical law female heirs do not inherit land when there are male heirs, they do inherit its monetary value, depending on the size of the estate. In same cases, Rabbinic decisions favored women over men.

In medieval Jewish legal codes, there is a further attempt at advancing women's inheritance rights through a clever legal device, in essence a fictitious loan from daughter to father representing a share of the estate. This share, in form of an outstanding loan, was "repaid" to the daughter by her brothers from their father's estate after his death. In this manner, Rabbinic law ensured that women inherited a share of the property alongside the male heirs.[16]

Just as in the case of the divorce law, modern Jewish feminists regard these Rabbinic measures as "protective" gestures towards women, rather than true "equalization of rights," and they continue to press for the latter ~~through~~ in various ways. Not the least among the methods used by women is consciousness raising through education, international conferences, pamphlets, periodicals and organizations.[17]

Perhaps the most ~~straightforward~~ direct and effective approach to securing women's rights was an attempt to make inroads into the heart of the public sector, the exclusively male-dominated arena of the synagogue. In 1972, a delegation of women presented a manifesto at the convention of the Rabbinical Assembly, the central organization of Conservative rabbis. The manifesto read, in part: "Although the woman was extolled in Judaism for her domestic achievements and respected as the foundation of the Jewish family, she was never permitted an active role in the Synagogue, court, or house of study. These limitations on the life patterns open to women, appropriate or even progressive for the Rabbinic and medieval periods, are entirely unacceptable to us today... It is time that women be granted membership in synagogues, that women be counted in the minyan (the quorum of ten required for public prayer), that women be allowed full participation in religious services, including aliyot (called to the Torah for public reading), serving as Torah readers and Cantors, among other responsibilities."[18]

From that date on it has been an uphill struggle. The time-honored tradition of exempting women from positive commandments tied to specific times was ~~operative~~ invoked in the responses of rabbinic authorities. Exemption from aliyot was one of the major issues, and this, based on the Talmudic dictum: "A woman should not read the Torah because of the honor of the congregation."[19] What was meant by these enigmatic words? Neither the Talmud nor its commentaries define the phrase --- "the honor of the congregation." Much speculation and debate yielded a multiplicity of explanations, and delayed the day when a rabbinic consensus would reverse the exemption.

A popular misconception was that women are kept from touching

the Torah scroll because of their menses, or periodic "uncleanness." Rabbi Judah ben Bteira, a Talmudic authority whose opinions have been generally accepted as binding, declared:"The Torah is immune to being rendered unclean by contact," [20] and this view prevailed in subsequent Rabbinic Responsa. The most notable is that of Rabbi Meir of Rothenburg, a leading fourteenth century German-Jewish scholar whose ruling that in certain exceptional cases women may be called up to read the Torah, has been cited in various Jewish legal codes ever since. [21]

Rabbi David Feldman, a member of the committee of Conservative rabbis charged with the task of reviewing the issue of women and liturgical obligations, refers another pivotal issue relating to the problem: "The most formidable problem, from a strict halakhic point of view, is that of sex segregation and the attitudes and practices associated with it. This is illustrated by the incongruous suggestion of Professor Meir Friedmann, written as a Responsum to the President of the Jewish Community of Vienna in 1893. If you want to institute or re-institute, aliyot for women, he wrote, 'it goes without saying' that a special, covered stairway should be set up, leading the women, unseen, from and to the women's gallery! The problem reflected here -- 'mixed-pew' usage notwithstanding -- is not at all simple of resolution. Sex equality is one thing, the halakhic concern with sexual distraction is another."[22]

The entire question of women's exemption from a whole array of ritual functions has been justified by a colorful range of rationales, with "sexual distraction," surprisingly low on the list. A fourteenth-century Middle Eastern rabbi echoed the social climate of his time by explaining that "Women were exempt from time imperatives because a woman is subservient to her husband and should be free to tend to his needs as they arise. So as to eliminate possible time conflicts between serving God and serving her husband, and in order to foster harmony in the home, God exempts women from certain of His commandments that had to be performed at a specific time."[23]

Nineteenth century German rabbinical leader, Samson Raphael Hirsch, approached the issue with a growing awareness of women's need for self-expression, and this, he felt along with his contemporaries, was uniquely fulfilled in the role of nurturer:

> Freeing women from certain fixed-time commandments most certainly can not be on account of their being considered in any way less worthy or important.. But more likely, the Torah did not impose these mitzvot on women because it did not deem women in need of these mitzvot. By means of symbolic procedures, these fixed-time commandments serve to spur us on afresh from time to time. The Torah allows that women have a special love and great fervor in serving God through their unique calling in life. Moreover, in that calling, they are less in danger of the temptations that men face in business and professional life... In all the sins that our nation has sunk, it has been the merit of the righteous women that has preserved us. 24

~~Samson Raphael~~ Hirsch echoed attitudes towards women reflected in early Rabbinic writing about woman's spiritual superiority to man, and, because of this quality, woman's redemptive impact on Jewish destiny.

One of the early Sages claimed that "the Torah was given to women first," [25] and, only through the instrumentality of women, was transmitted to men. The notion that women possess the divine spark to a higher degree, was responsible for the oft- repeated ~~reiteration of the~~ claim that the highest point of human deliverance from physical and spiritual bondage, the Exodus from Egypt, was accomplished through women: "In the merit of the righteous women that were in that generation, Israel was redeemed from Egypt." [26] This statement appears in several Rabbinic sources, and is further amplified and extended into a categorical dictum: "No generation can be redeemed if not for the merit of the righteous women of that generation," [27] and: "Greater is the promise [of redemption] that the Holy One, Blessed Be He, made to women than that to men." [28] Rabbi Helbo warned husbands: "Be careful about the honor of your wife because blessings enter the house only because of the wife." [29]

In order to illustrate the point of women's superior impact, the Midrash relates

> a story about a pious man who was married to a pious woman, and they did not produce any children together. They said: we do not bring any profit to the Holy One, Blessed Be He. They decided to divorce. The man went and married an evil woman, and she caused him to be evil. The woman went and married an evil man, and she caused him to be righteous. Behold, all stems from the woman.[30]

This is not to say that Rabbinic writing is uniformly positive about women. There are deprecating statements interspersed throughout but these seem to be personal observations of individual rabbis, frequently couched in humorous terms. Remarks, such as: "When woman was created, Satan was created with her;"[31] "Ten measures of chatter were given to the world, nine were taken by women;"[32] "Women are lightheaded;"[33] and the reassurance to henpecked husbands that one who suffers from a bad wife will be spared suffering in hell,[34] do not seem to carry the aura of moral teaching as do the above ~~rather grand~~ sweeping praises of women.

Biblical commentators ascribe to women a sort of existential intuition to do the right thing at the right time, historically speaking. Sarah's insistence in the face of Abraham's objections to remove Yishmael from ~~the household~~ their home is regarded as one of the prophetic revelations of the Bible. Miriam, the ~~brother~~ sister of Moses, is similarly credited with prophetic insight in bringing about Moses' birth by encouraging her parents' conjugal reunion ~~in the face of their~~ after they decided not to produce any more heirs to oppression and a possible death sentence at birth. Deborah the Judge~~s~~, Hannah the Mother of Samuel, Abigail the wife of Nabal (for preventing David's attack on her husband's estate) ~~(she later became David's wife)~~, Huldah the seer (for advising King Josiah), and Queen Esther ~~[illegible]~~ (for her diplomatic maneuvers) are regarded as prophets who ~~exercised~~ had a major impact on the course of Jewish history. The women in the Sinai desert are singled out for high praise, for their refusal to contribute their jewelry ~~in building~~ for fashioning the Golden Calf and for their eagerness to do so when the turn came for ~~the building of~~ constructing the Holy Ark.

The Biblical passage entitled,"Woman of Valor,"is traditionally considered the description of the ideal woman and is recited by the husband at ~~the onset of~~ the Sabbath eve ceremony in the Orthodox household in honor of the wife. Yet, the passage hardly depicts a subservient housewife whose primary obligations consist of chores in the kitchen:

A woman of valor who shall find?
Her worth is far above pearls;
She holds the trust of her husband's heart:
No want shall he suffer.
She renders him good and not evil
All the days of her life.
She seeks out wool and flaxen
And works with the skill of her hands.
She is like merchant ships:
From afar she gathers provisions.
She rises when it is still night,
And provides sustenance to her home
And guidance to her maidens.
She considers a field
And purchases it;
From the fruit of her labors
She plants a vineyard.
She girds her loins with might,
And her arms with courage.
She tests her achievement; it is good:
Her candle would not go out at night.
Her hand reaches for the distaff
And her palms support the spindle.
She extends her palm to the poor ~~man~~
and her hand reaches out to the destitute.
Her house fears not from snow
Because all are dressed in cashmere.

She is clothed in linen and purple.
Her husband is famed at the gates
Seated with the Elders of the Land.
She makes and sells sheets
And sashes for the Canaanite.
Might and pomp are her garments
And she laughs in the face of the future.
She parts her lips in wisdom
And teachings of love are on her tongue...[35]

A "liberated" woman emerges from the above lines — a woman who during the late Biblical period was active in the public sector, who dealt in goods, planted a vineyard, purchased a field and provided for the home in various ways. In fact, her economic activities enabled the husband to participate in public service free from financial burdens. No mention is made here of domestic duties ~~later~~ enumerated several centuries later in the Talmud: "And these are the labors that a woman performs for her husband: she grinds flour and bakes, and launders; she cooks, and nurses her child; she makes his bed and works in wool..." [36] "she pours his cup,... washes his face, hands and feet." [37]

As if the curtain closed on the sunny scene of an open vista, and when it opened again, the stage had become dark and narrow. The woman no longer moves freely between Canaanite trader and merchant ships: she has withdrawn into the confines of the kitchen. What happened in the interim? A new era darkened the horizon of Jewish realities. The heavy hand of Roman occupation curtailed freedom of movement, both economically and socially. Culturally, Hellenistic influences on one hand, Christian orientation towards celibacy on the other, threatened the traditional Jewish values of marriage and family. The Rabbis began a process of consolidation, drawing inward.

Through a carefully constructed legal system, new roles for men and women emerged: sex-role differentiation was standardized. Woman became the center of the home, the private sector, while her husband assumed the responsibilities of the marketplace and became the center of the public domain which included the synagogue. The emerging Jewish social structure was further reinforced by additional legislation, protective both of the family and woman's place in it, and public ritual in the synagogue, and man's role in it.

The social structure established and reinforced during the early centuries of the Common Era became the pattern for Jewish Diaspora realities: it is within the confines of its Halakhic framework that Jewish men and women have operated for almost two millenia in the geographically vast expanse of their residence. It is this Halakhic framework which confronted, and was continually challenged by, the outside world, just as it had been at its inception. The ongoing debate on various issues affecting women discussed earlier, was stimulated by the challenges of the outside world and its impact on the self-awareness of Jewish women.

Rabbinic resistance to change must be understood in the context of this struggle rather than ~~the context~~ in that of male-female tension. To this day ~~The~~ rabbis ~~are still~~ have remained in the business of protecting the Jewish family and its values in the face of outside threats, and by relegating the woman to the home, they believe to have acquired a failproof patent for success.

Many women, however, resent this role they perceive as confining and other-directed. Today, even among Orthodox women, there are many highly educated professionals who wish to combine family with career

in their search for independence and self-realization. Today, the male hierarchy of the public sector with its Halakhic underpinnings is seriously challenged by ~~the~~ enlightened, ambitious woman.

Well-informed of her past as a member of a group whose history included significant roles, the Jewish woman claims a corresponding recognition in the Halakhah -- an elimination of the gap between the two. Lea Shakdiel, a young Orthodox Israeli schoolteacher and mother of three, perceives her struggle for her seat on the religious city council of her town, in similar terms:

> I think the issue of women's status in Judaism goes hand in hand with a whole range of issues which fall under the general headline of how Judaism deals with modernity. I personally do not believe that you can take one issue -- like women's status -- and just start trying to rectify it by demanding that a woman be allowed to be the next chief rabbi.
>
> Ever since the industrial age, the major challenge to Judaism has not been other religions but Western modern secularism. The whole question of women's rights has become an issue as a result of this secularism. But Judaism has not yet accomplished the task of facing secularism to its full extent, and, as a result, it has not faced up to the issue of the status of women. I see my task less as trying to promote women's rights in Judaism, per se, than trying to get Judaism to adapt itself to modernity. I am working for a synthesis between Judaism and modernity within which the status of women will naturally take care of itself, in a way consistent with both aspirations of women and interpretation of Jewish law." [38]

Lea Shakdiel was elected several years ago to the ~~city~~ council of a southern Israeli development town which, in ~~last~~ February 1986, nominated her for the local religious council. Religious councils

in Israel sponsor religious programs and oversee local religious institutions such as the synagogues, cemeteries and ritual baths. A woman's nomination to the religious council formerly composed only of men created a religious controversy in Israel, many old-line Orthodox rabbis, religious politicians and the Ministry of Religious Affairs refused to recognize Ms. Shakdiel's nomination. Several liberal rabbis have, however, aligned themselves with women's groups in backing her in this significant attempt at a woman to secure a place in an exclusively male domain.

This is not to say that women have not done so in the past. During the Middle Ages Jewish women entered the public sector as business agents and financial trustees, sometimes travelling great distances. There were manuscript copiers and even ritual slaughterers among women.[39] Some, like Hypatia, the daughter of Samuel ben Ali of Baghdad, and Miriam Schapira, the ancestress of Rabbi Yitzhak Luria, became heads of yeshivot, Talmudic academies, lecturing to male students. Some, like the daughters and granddaughters of Rashi, the great eleventh century Bible and Talmud commentator, were outstanding scholars; Dulcie, the wife of Rabbi Eliezer of Worms and Giustina Levi Perotti of Venice, were public lecturers. Having achieved status in several fields, the women of the time agitated for participation also in ritual life: they demanded to be called up for Torah reading, to be counted in a quorum for public prayer and for grace after meals.

Several medieval rabbis responded with modifications of existing laws, among them, Rabbi Meir of Rothenburg, Rabbi Jacob of Mainz, Rabbi Simha of Speyer, and Rabbi Abraham of Orleans, who ruled in favor of women joining the public quorum for various ritual obligations, reading the Scroll of Esther in public and lighting Hanukkah candles in-

stead of men.[40]

The Hasidic movement of eastern Europe had its share of women in leadership roles during the nineteenth century, several of whom wore prayer shawls and donned phylacteries regularly, gave spiritual advice and lectured to hundreds of male followers. One such Hasidic female "rebbe," popularly known as the "Maid from Ludmir," led a contingency of followers to Palestine during the last decades of the nineteenth century, and there established a synagogue and house of study where she continued to dispense spiritual guidance till her death.[41]

The Reform and Conservative branches of Judaism have made great strides in admitting women to ritual functions in the synagogue. As early as 1954, the Rabbinical Assembly of Conservative Judaism, announced its decision to give women "aliyot," that is, to call women to the public reading of the Torah in the synagogue. Ordination of women as rabbis, women's admission to the quorum ("minyan") for public prayer and their ordination as cantors, followed three decades later. Today a number of Reform and Conservative pulpits are filled by women, and in numerous Conservative congregations women participate equally in ritual functions in the synagogue.

Chancellor Ismar Schorsch of the Jewish Theological Seminary spoke for the liberal faction within the Conservative movement when he called the recent ordination of women as cantors "in full accord with halakha" and "the culmination of a centurylong evolution of the status of women under that law." There is, however, a strong voice of opposition, as well, in Conservative circles, to these halakhic decisions. Especially vociferious in its condemnation is the Union for Traditional Conservative Judaism, formed specifically to oppose the ordination of women rabbis.

The Orthodox view was expressed by Harold Jacobs of the National

Council of Young Israel, an association of nearly 300 Orthodox synagogues, when he commented on the Conservative move to ordain women cantors: "Our tradition provides ample opportunity for the participation of Jewish women in communal life. Confusing the roles of men and women by ordaining women cantors for the Conservative movement further weakens the fundamental bonds that hold Jewish family and Jewish community together," he said.[42]

History and Halakhah -- the two trends are still distinct, and in Orthodox Judaism the gap is still wide. In Israel, the objective of eliminating the gap between the two has become a political issue as Halakhah affects the status of all segments of women, not only those who choose to be bound by it. Women in Israel are demanding that Halakhic authorities bring Halakhah "into harmony with the vast social changes which have taken place regarding women's status in the modern world."[43]

In December 1986, a major international conference on "Women and Halakha" took place in Jerusalem under the auspices of the Israeli Ministry of Justice. It was attended by some five hundred people from the United States, Australia, Britain, Scandinavia, France, Japan, South America and Israel -- an audience composed of distinguished Talmudic scholars, academics, lawyers, politicians, rabbis, and community workers. The unprecedented number and caliber of the participants, as well as the seriousness of the tone of the proceedings, suggested, as a Jerusalem Post report put it, "that something has changed. Slowly, but surely, along with the great strides women have made in many professions, a core of women is beginning to emerge which is gradually acquiring expertise in dealing with halakhic problems."[44] It is this phenomenon which has the potential of eventually eliminating the gap.

N O T E S

1. Kiddushin, 29a; For a discussion of women's role in Halakha, see Rachel Adler, "The Jew Who Wasn't There: Halakhah and the Jewish Woman," Davka, Summer 1971, pp. 6-11; Paula E. Hyman, "The Other Half: Women in the Jewish Tradition," Conservative Judaism, XXVI, 4, 1972

2. B. Eruvin, 96a

3. For the laws of divorce, see tractate Gittin, an elaboration of the laws in Deutoronomy XXIV: 1-4; For the laws of inheritance, see Numbers XXVI:8 and Baba Batra 110 a-b; For the ineligibility of women as witnesses, see in particular Rosh Hashanah, 22a, and Sotah, 47 b.

4. For the laws of the "niddah," see tractate Niddah, and Leviticus XV: 19-31; for a discussion on Jewish attitudes towards female sexuality, see David M. Feldman, Birth Control in Jewish Law (New York, 1968).

5. See I Corynthians, 7:9: "If they cannot contain, let them marry; for it is better to marry than to burn."

6. Derrick S. Bailey, Sexual Relations in Christian Thought (New York, 1959).

7. Quoted by E. Draper, Birth Control in the Modern World (London, 1965)

8. Martin Luther, Predigt vom ehelichen Leben (Werke, E, XVI), p.541, quoted by David M. Feldman, Birth Control in Jewish Law (New York, 1968)

9. Deutoronomy 24:1

10. Ketubot 5:6,7; The Rabbis even designated a minimum number of times of sexual intercourse as basic requirement to fulfill the husband's obligation to his wife: a sailor, for instance, had to return from sea at least once every six months and a scholar had to put aside his books at least once a week for the performance of the conjugal act. If the husband was unwilling to do so, the wife had recourse to the Jewish court and sue for divorce. Impotence was another reasonable ground for divorce action, the woman permitted to make the charge without bringing proof; if the husband contested the action, the burden of proof rested upon him (Ketubot 61b-62b; Yebamot 65a-b).

The Rabbis in the Middle Ages added two more grounds for divorce action by the wife: if the husband beat her, or if he consorted with prostitutes (Shulhan Arukh, Even HaEzer, Hilkhot Gittin 154:3).

Greenberg cites a Spanish tradition according to which the woman required no grounds for divorce, referring to Maimonides' ruling: "If she says, 'I despise him,' in my opinion we compel him to divorce her immediately, for she is not like a captive that she must have intercourse with someone who is hateful to her" (Mishneh Torah, Hilkhot Ishut 14:8, in Blu Greenberg, On Women and Judaism, p. 144).

If the husband did not support his wife in the style to which she had become accustomed, or, if he was a man of means, in the style proper for his means, the wife was entitled to demand divorce, as well (Ketubot 5:8-9).

As to the procedure of coercion, the Jewish court would levy sanctions against a recalcitrant husband in the form of social or economic pressure if he failed to answer its subpoena or grant the divorce.

Such pressures were applied until the husband declared: "I want to..." preserving the principle that the man who initiated the marriage bond, is the one who can dissolve it (Kiddushin 56: 9b).

11. Baba Batra 48b; Gittin 33a; Kiddushin 3a;

12. Eliezer Berkovits' book appeared in Hebrew (T'nai b'nisuin u-v'get) and was intended for the Orthodox community, which rejected his proposals; they were adopted in part by Conservative Judaism.

13. Numbers 27: 2-5.

14. Numbers 27: 8-9.

15. Baba Batra 9:1.

16. Shulhan 'Arukh, Hoshen Mishpat 281:7.

17. For suggested solutions and methods by serious feminist thinkers see: Blu Greenberg, On Women and Judaism: A View From Tradition, pp. 138-143; Judith Hauptman, "Women's Liberation in the Talmudic Period," Conservative Judaism, XXVI, 4, 1972, pp.

18. Cited by David M. Feldman, "Woman's Role and Jewish Law," Conservative Judaism, XXVI, 4, 1972, p. 29-30.

19. Megillah, 23a.

20. Berakhot 22a.

21. Responsa Maharam Rotenburg, Prague ed. No. 108; Sefer HaParnas, No. 206; Mordecai to Gittin, V, No. 404; Hagahot Maimuni to Tefillah, Ch. 12, No. 200, and several others.

22. Feldman, ibid., p. 29.

23. Sefer Abudraham, The Third Gate, Blessings over the Commandments.

24. Samson Raphael Hirsch, Commentary on the Torah (London: I. Levy, 1962), Lev. 23:43.

25. Exodus Rabba 28:2.

26. Pesahim 109; Sota 11; Exodus Rabba 71.

27. Midrash Zuta, Ruth.

28. Berakhot 17.

29. Baba Metzia 59a.

30. Genesis Rabba 17:7.

31. Sanhedrin 29

32. Kiddushin 49

33. Shabbat 33

34. Eruvin 41b

35. Proverbs 31: 1-31

36. Ketubot 59b

37. Ketubot 61a

38. The New York Times (Sunday, October 12, 1986), p. E 7

39. Sibuv HaRav Rabbi Petahia miRegensburg, ed. by Dr. L. Grünhut (Jerusalem, 1967), pp. 9-10.

40. Isidore Epstein, Sex Laws and Customs in Judaism (New York: Bloch, 1948 M. Brayer, The Jewish Woman in Rabbinic Literature: A Psychohistorical Perspective (Hoboken, N.J: Ktav, 1986), pp.16, 102-104, 158-159.

41. Yehudit Harari, Isha V"Em B"Yisrael (Tel Aviv: Massada, 1959) pp. 107-112.

42. The Jerusalem Post ~~(1987)~~, February 9, 1987; The New York Times ~~(1987)~~, February 7,

43. The Jerusalem Post ~~(1987)~~, January 4, p. 5

44. Ibid.,

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