

From Our President Making Our Own Miracles

By Carol Kaufman Newman

I just returned from Israel, my third trip in as many months. I went to celebrate the Bar Mitzvahs of three of my great-nephews. They were all quite amazing. One of the Bar Mitzvah boys is the youngest of five children and was born with Down syndrome. Yaakov *davened Shabbat*, read from the Torah, and made a short speech. My niece, an incredible young woman, spoke movingly about not relying on miracles.



That theme resonated with me as I sat in Jerusalem with my extended family at the *seder*, and we retold the story of the Exodus and our deliverance from Egypt.

When the Children of Israel reached the Red Sea, they were afraid and wanted to return to Egypt.

And the Lord said unto Moses, “Why do you cry out to me, speak unto the children of Israel that they move forward” (Exodus 14:15).

Rashi interprets this sentence in the following way: “We learn that Moses stood and prayed, and God said to him: It is not the time for lengthy prayers, while Israel is in trouble.”

According to classic rabbinic midrash, one of the princes of the people, Nachshon ben Aminadav, plunged into the sea. When the water was up to his neck, the sea parted. The Israelites were able to go forward to safety (*Mekhilta BeShalah* 5).

Nehama Leibowitz also speaks of this in her book, *New Studies in Shemot*:

There was no change in Israelite behavior even after the Almighty divided the sea for them. Their pettiness and grumblings persisted. They still hankered after creature comforts instead of appreciating the lovingkindness of the Creator who had borne them aloft on eagles’ wings. Some of them were more concerned with the mud on their shoes. Miracles do not, necessarily, change

human nature and cannot by themselves make man fear and love God. If such was their state of mind both before and after deliverance, what, we may ask, had they done to deserve the miracle in the first place? The answer is that God performed miracles for the sake of the meritorious few, for those like Nachshon who took the plunge. Such individuals exist in every generation. By their unselfish behavior and their willingness to go forward in time of emergency rather than place the burden on others do they merit the “dividing of the waters.”

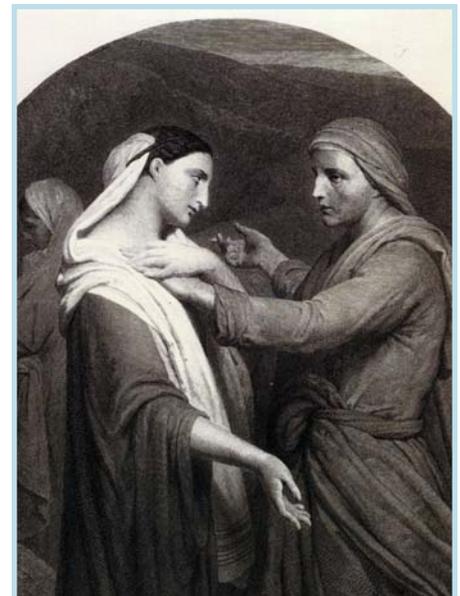
These commentaries illustrate the principle that Jews are enjoined not to rely on miracles—*אין סומכין על הנס*. When we are faced with adversity we should be prepared to act.

This same principle of action permeates the Book of Ruth, which we read on Shavuot. Naomi leaves Bethlehem to follow her husband to Moab. When he and her two sons die, she takes her first action by leaving with her two daughters-in-law to return to Bethlehem. When she tells them to return to their mother’s house, Orpah leaves but Ruth clings to Naomi saying, “Do not urge me to leave you, to turn back and not follow you. For wherever you go, I will go; where you lodge, I will lodge; your people are my people, and your God is my God” (1:16). Once in Bethlehem they take further action. Ruth says to Naomi: “Let me go out to the field, and glean among the ears of grain behind someone in whose eyes I shall find favor...So off she went. She came and gleaned in the field behind the harvesters, and her fate made her happen upon a parcel of land belonging to Boaz” (2:2).

We can compare Ruth’s story in the *Megilla* to the story of Nachshon in the Exodus narrative. She did not passively sit at home waiting for God’s miracles,

but took action, and just as the sea opened for Nachshon “fate” stepped in for Ruth only after she had the courage to move forward on her own. And further on in Chapter 3 when Naomi sees that Boaz is not taking the action that he ought to, she seeks out a way to expedite matters and sends Ruth to the threshing floor—to Boaz. *אין סומכין על הנס*—We do not rely on miracles.

And so it is with JOFA. We too are proactive. There are inequities that need to be addressed. There is the awful shame of the *agunah*. We do not sit idly by and wait for miracles. We continue to push forward, to call for action and not rely solely on God and miracles. It is not exclusively in the hands of heaven but also in our own hands.



NAOMI URGING RUTH TO DEPART

Photogravure by Jules Gabriel Levasseur
After painting by Ary Scheffer
New York, late 19th century

Courtesy of the Library of
the Jewish Theological Seminary.

The Revelation at Mount Sinai: Creation, Exodus, and Faith

By Rachel Friedman

Dedicated to the memory of Dr. Beth Samuels a"b, a woman of unwavering faith, who saw the awe of God in nature and the compassion of God in the human experience.

THE CORE OF OUR FAITH: CREATION OR THE EXODUS?

In the twelfth-century work *Sefer HaKuzari* (*The Book of the Kuzari*), R. Judah HaLevi tells of his experiences with the king of the Khazars whose conversion to Judaism provides the literary framework of the book. The king is informed by an angel in a dream that the way he leads his life is not acceptable to God. In an effort to discover how he might better lead his life, the king invites an Aristotelian philosopher, a Christian, a Muslim, and a Jewish scholar to his residence and asks each to explain the core of his belief system. When the turn of the Jewish scholar arrives, he responds, “I

believe in the God of Abraham, Isaac and Israel who led the children of Israel out of Egypt with signs and miracles...” Puzzled, the king questions him, asking, “Now should you, O Jew, not have said that you believe in the Creator of the world, its Governor and Guide, and in God Who created and keeps you?” (*Sefer HaKuzari*, First Statement, section 11).

This exchange between the king and the Jewish scholar is striking: when a highly knowledgeable Jew is asked to explain his faith to one who has very little knowledge of Judaism, he relates his belief in God to the experience of the Exodus from Egypt, rather than to the creation of the world. Why does he do so? After all, what could be more awe-inspiring than the contemplation of the creation of the world?

In truth, the response of the Jewish scholar to the king is a reflection of the Bible itself. The Exodus from Egypt is mentioned more than 120 times in the *Tanakh*, and on numerous occasions it is cited as the basis for the Israelite faith in God. The question we must ask then is this: why is the Exodus from Egypt the central theological experience of the nation of Israel? Why does this experience define our relationship with God?

APPROACHES OF MEDIEVAL SCHOLARS

An appropriate place to begin our exploration of this issue is the text of the Ten Commandments, which represents the eternal covenant between God and the nation of Israel. God’s opening statement at this moment of revelation is, “I am the Lord your God *Who brought you out of the Land of Egypt, out of the house of bondage*” (Ex. 20:2, Deut. 5:6).

In this context, many commentators ask the same question posed by the king of the Khazars to the Jewish scholar: why does God present His credentials as the God who took Israel out of Egypt, rather than as the God who created heaven, earth, and all beings? Let us consider how philosophers and exegetes have dealt with this question over the millennia.

One approach is reflected in *Sefer HaKuzari* in the context of the very exchange between the king and the Jewish scholar that we quoted earlier. The scholar declares:

When God spoke to the nation of Israel assembled [at Mount Sinai], He said, “I

am the God who brought you out of the land of Egypt...” but did not say, “I am the Creator of the world and your Creator.” I responded to you similarly, [king] of the Khazars, when you asked me about my creed. I informed you that that which obligates me and the nation of Israel to God first became clear through personal experience and afterwards was transmitted through uninterrupted tradition which is similar to personal experience (*Sefer HaKuzari*, First Statement, section 21).

The Jewish scholar aptly concludes that human belief emanates from *personal experience*. Because the people of Israel witnessed the Exodus from Egypt with their own eyes, rather than learning of it as a matter of historical discourse, it naturally established the basis for their faith in God.

Nahmanides, the great thirteenth-century Talmudist and biblical commentator, also questions why God introduces Himself at the Sinai revelation as the God of the Exodus, rather than the God of creation. Nahmanides offers an alternative approach:

The Exodus is also evidence for the creation of the world, for assuming the eternity of the universe, [i.e., that God did not create the world from nothing] it would follow that nothing could be changed from its nature (Nahmanides on Ex. 20:1).

In the Middle Ages, many philosophers rejected the rabbinic idea that God created the world *ex nihilo* (from nothing) in favor of the idea that the universe is eternal. Some adopted the Platonic approach that matter is eternal and that the role of God in creation was to give form to unformed matter. Others insisted on the Aristotelian idea that both matter and form are eternal and that God’s role as Creator was to set the world in motion. Nahmanides rejected any theory of the eternity of the universe—whether of matter or form—and adopted the classical rabbinic approach that God created the world from nothing. To Nahmanides, the miracles preceding and during the Exodus, in which God’s mastery over nature was demonstrated, conclusively disproved the theories of the eternity of matter and form and established that of creation *ex nihilo* by God. For if God did not create nature, Nahmanides argued, God could not change nature as He did in the process of the redemption of Israel from Egypt.

To Nahmanides, then, there is no



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reason to question why God identifies Himself as the God who took Israel out of Egypt, rather than as the God who created the world. For *both creation and the Exodus are equivalent expressions of the same idea – that God is Creator and Master of the Universe.*

Rabbi Abraham Ibn Ezra, the twelfth-century Spanish exegete and Hebraist, offers yet another reason for God's identification as the God of the Exodus at the opening of the Ten Commandments. If God introduced Himself as the God of creation, the Israelites might object as follows:

Why are we obligated to keep the commandments of God more than other human beings? After all, there is one Creator for all of us...[The answer is]...we were slaves to Pharaoh and God acted toward us with great goodness. Therefore we are obligated to keep all that God commands us (Ibn Ezra on Ex. 20:1).

The Sinai covenant codifies the *special and exclusive* relationship between God and Israel. God created all of humanity, but Divine salvation from Egyptian bondage is the unique experience of the nation of Israel. God states at the outset of the Sinai revelation that He is the God of the Exodus for this represents the basis for Israel's unique obligation to keep the numerous commandments of the Torah.

A CONTEMPORARY APPROACH

Building on the analyses of our medieval commentators, I would like to suggest a more contemporary perspective on the Exodus from Egypt as the central theological experience of the nation of Israel. In so doing, I draw on the thought of the twentieth-century Talmudist and seminal Jewish thinker, Rabbi Joseph D. Soloveitchik, on the qualitative nature of a human being's relationship with God.

In *The Lonely Man of Faith*, Rabbi Soloveitchik constructs a paradigm to illustrate the ways in which a human being relates to God¹. The two differing accounts of the creation of humanity in the first two chapters of Genesis, he proposes, metaphorically reflect two distinct aspects of a human being's relationship with God.

On the one hand, a human being strives to emulate God's creativity and mastery over the universe. And so, the first human being in the story of creation in Genesis 1 – called by Rabbi Soloveitchik "Adam the first" – is an ambitious creature who seeks to emulate God by gaining control over nature:

There is no doubt that the term "image of God" in the first account [of creation] refers to man's inner charismatic endowment as a creative being. Man's likeness to God expresses itself in man's striving and ability to become a creator...God in imparting blessing to Adam the first and giving him the mandate to subdue nature, directed Adam's attention to the functional and practical aspects of his intellect through which man is able to gain control of nature (pp. 12-13).

On the other hand, a human being wants to feel an emotional closeness to God because it is God Who gives us life. This is reflected in the story of the Garden of Eden in the second chapter of Genesis in which the first human being seeks to *understand* the world, rather than to *control* it, and to establish an intimate relationship with God.

In a word, Adam the second [in the Garden of Eden story] explores not the scientific abstract universe but the irresistibly fascinating qualitative world where he establishes an intimate relation with God. The biblical metaphor referring to God breathing life into Adam alludes to the actual preoccupation of the latter with God, to his genuine living experience (p. 23).

By extension of Rabbi Soloveitchik's paradigm, I would suggest that the creation of the world and the Exodus from Egypt are the biblical events that embody the two different aspects of a human being's relationship with God. When we think of God who created the world, we are filled with awe and want to emulate God's greatness. But when we think of God who saved us from Egyptian bondage, we feel a deep and close bond to God – God was with us in our time of need. Like a child to a parent, human beings look to God for a relationship that is not only one of creation but also one of interaction.

These two aspects of a human being's relationship with God are echoed in another section of the Ten Commandments as well. Two different rationales are given for the commandment to keep the Sabbath in the accounts of the revelation at Sinai in the books of Exodus and Deuteronomy. In Exodus 20 we are commanded to keep the Sabbath in order to emulate God's activity at the time of creation. Because God rested on the seventh day, we must cease creative work on the Sabbath as well: "Remember the Sabbath day to keep it holy... for in six days the Lord made heaven and earth... And rested on the seventh day" (Ex. 20: 8, 11).

In Deuteronomy, however, we are
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The Shavuot Ketubah

Before the Torah reading on the first day of Shavuot, there is a custom in many Sephardic communities to read a special *ketubah* that marks the symbolic betrothal of God and Israel. Different versions of the text are based on the *tenai'im* (betrothal) document and the standard *ketubah*. These Shavuot *ketubot* display a remarkable melding of daring mystical expression of the bond between God and Israel and precise contractual terminology. All are dated 6 Sivan 2448 (the year the Torah is traditionally said to have been given) and the place of the wedding is Mount Sinai. The heavens and the earth are recorded as the witnesses.

Some Shavuot *ketubot* describe the symbolic marriage as being between Israel and the Torah. In these versions, God as the bride's father gives the 613 commandments, the Bible, Talmud and other texts as a dowry. These contracts are witnessed by God and Moses.

The most common text is that of Safad mystic, Israel Najara (1550-1625). The bride (Israel) brings as a dowry, "an understanding heart, ears that hearken and eyes that see", and the contract confirms that the bridegroom (God) has given His oath to carry out the agreed upon conditions "in favor of His people."



KETUBAH FOR SHAVUOT.

Probably Tetuan, Morocco.
First Half of 19th Century.

Courtesy of the Library of
the Jewish Theological Seminary.

Whither Thou Goest...

By Carol Spanbock

Nine years ago, I had the privilege of speaking at the second JOFA conference, together with Rabbi Marc Angel of Congregation Shearith Israel, on the subject of conversion. I recently listened to the tape of that talk. My thoughts turned, as they often do in anticipation of Shavuot, to the story of Ruth and her relationship with Naomi and the Jewish people, particularly because it was at this time of year, twenty-three years ago, that my own conversion took place.

My story, like that of so many other converts, was simply that I had fallen in love with a Jewish man. We were both very young at the time, and the idea of marriage, much less conversion, was not at the forefront of our minds. But later, when we were both able to confront the issue, I began, with some trepidation, to study and take “beginners” classes at Lincoln Square Synagogue, and we both attended the Beginner’s Service there. At first, I worried about how I might fit into this new world. Initially, I was less concerned with whether I could pass muster as a Jew than with how I might be losing myself, my sense of who I was. Certainly, my friends and family thought I had gone off the deep end.

Yet, I soon discovered that I loved this new world I had entered. I studied more and began to meet people in my new community. I learned the many things I needed to know, such as the laws of Shabbat and *kashrut*, practice, and ritual – all the details that I needed to live this life on which I was embarking. As I learned the mechanics of practice as well as their theological underpinnings, traditional Judaism, seen as a whole and in its context, began to make sense to me. It began to feel like a life I could live. Meanwhile, my old friends and family thought that I was going through a “phase” that would last through the wedding and that I’d get over it sooner or later.

As far as I was concerned, all was well during that stage of the conversion process, except for some nagging doubts and a lingering sense of insecurity. I didn’t worry that I’d forget the rules or be tempted by my past life. I was no longer fearful of losing myself in the process. No, my concern was about nuance. How do you create that feeling in your home, around a Shabbat table with invited guests, which seemed so natural to all the people who hosted me (and my future husband) during the period of studying for conversion? How would I ever feel that I belonged, that I fit into the larger community? What was that *something* that other people had, and could I get it for myself? Anyone who has been on the outside looking in—in any situation—knows what I’m talking about.

As I listened to that tape from the JOFA conference, I thought about how much had changed since that time and how much has remained the same. Of course, my children (and I) are that much older. My husband died, suddenly and unexpectedly, two years ago. My relationship with my own parents has improved, in terms of my Judaism, at least. But among the elements of my life that have remained the same and have perhaps even become stronger is my relationship with my in-laws, particularly my mother-in-law.

In that talk I gave to JOFA so long ago, I spoke of the pivotal role that my mother-in-law played in my becoming a Jew. I learned all the nuance from her: how to create that welcoming feeling in my own home, how to have guests you didn’t know very well, or at all, and make them feel at home, and how to give of yourself to your community in many ways. Yes, I acknowledged then that she did teach me how to make chicken soup and matzo balls. But she taught me so much more about how to live as a Jewish woman, with all of its complexities and conflicts, as well as its joys.

In the aftermath of my husband’s death, I was shocked that some people actually asked me whether I would continue to live
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Mount Sinai

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commanded to keep the Sabbath for a different reason: “Keep the Sabbath day...and remember that you were a servant in the land of Egypt and that the Lord your God brought you out from there” (Deut. 5: 12, 15). We rest on Sabbath because God took us out of a place where we could not rest and He then restored our freedom so that we could rest again. Keeping the Sabbath is not only about emulating God but also about remembering that which God did for us.

There is an additional nuance in the articulation of the commandment to keep the Sabbath in Deuteronomy that is absent from the Exodus version: “On [the Sabbath] you shall not do any work...so that your male and female servants may rest as well” (Deut. 5:14). The motivation for the commandment to keep the Sabbath in Deuteronomy is in large measure a humanitarian one. The memory of Israelite servitude in Egypt is intended to foster empathy for the need of fellow human beings to

rest. This adds a whole new dimension to our understanding of the Exodus from Egypt as the central theological experience of the nation of Israel. The Exodus experience teaches us not only that God took care of us but also that by God’s example we must take care of others.

The centrality of this lesson from the Israelite experience in Egypt is manifested in the Torah’s use of it as the motivation for observing many humanitarian commandments. Perhaps the most provocative example is the injunction against oppression of the stranger: “Do not oppress a stranger for you *know the soul of the stranger*, for you were strangers in the land of Egypt” (Ex. 23:9).

CONCLUSION: EXODUS AS THE CORE OF THE SINAI COVENANT

Why is the Exodus from Egypt the central theological experience of the nation of Israel? Why does this experience define our relationship with God?

The Exodus from Egypt adds a dimension to our relationship with God that enables us not only to *emulate* God but also to feel an *intimate*

connection to God. Not only did God create us but God continually cared for us. At Mount Sinai, God asks the nation of Israel to willingly enter into a covenantal bond – as human beings we tend to make commitments to those who are with us in times of stress and defeat, to those with whom we feel a deep existential connection. It is clear then why God identifies Himself as the God who redeemed Israel from Egypt in the introduction to the Ten Commandments. The redemption from Egypt encompasses not only the idea that God is our Creator in control of our natural existence but also that God cares for us always and similarly we must care for each other.

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1 Joseph B. Soloveitchik, *The Lonely Man of Faith*, Jason Aronson Publishers, Northvale, 1997.

Welcoming Converts to the Jewish People

By Rabbi Marc D. Angel

The most famous biblical account of a convert is that of Ruth, who followed her mother-in-law Naomi to the land of Israel. Ruth's words are of transcendent beauty: "For whither you go I will go; and where you lodge I will lodge. Your people will be my people, and your God my God." (Ruth 1:16) Ruth chose to become part of the people of Israel and to follow the God of Israel—to cast her destiny with the Jewish people.

Each year, thousands of people throughout the world strive to follow Ruth's example by converting to Judaism. They come from different races, religions, geographical locations, and sociological conditions.

Some are drawn to Judaism for intellectual, spiritual, and idealistic reasons. Some have discovered their Jewish ancestry and now wish to reconnect with their ancestral religion and people. Others wish to marry a Jewish spouse. Many converts live—or plan to live—in Israel and want to feel fully part of Jewish society in the Jewish State. Whatever their impetus, this group of people is remarkable.

They make the fateful decision to leave religions that count hundreds of millions of adherents to join the tiny Jewish people who constitute less than .05 percent of humanity. They leave "majority" status to cast their lot with a minority religion/people that is harassed constantly and in danger. They choose to enter a world, and bring children into a world, that is saturated with anti-Semitism.

The great medieval sage, Maimonides, once wrote a letter to a proselyte by the name of Obadya, praising the spiritual heroism of converts to Judaism. Sincere converts embrace the life of Torah and strive to come closer to God. To convert to Judaism, wrote Maimonides, was to demonstrate that one was "intelligent, understanding, and sharp-minded, upright, the student of Abraham our father who left his family and people to follow after God."¹

“...the Messiah himself will be a descendant of a convert.”

Historically, Jews have been cautious in accepting converts. After all, our faith teaches that the righteous of all nations have a place in the world to come. One does not have to be Jewish to be loved by God, to live a good life, or to enter heaven. To join the Jewish fold, then, requires a special sense of purpose and commitment; the convert's motivation must be sincere and spiritually compelling.

The non-Orthodox movements have become more interested in reaching out to potential converts and in welcoming them into the Jewish community. Within the Orthodox community, there is far less receptivity to this form of outreach. Yet, even within the Orthodox community, there is a growing recognition that the conversion phenomenon cannot be ignored. Because Orthodoxy insists that conversions be performed according to halakha (Jewish law) and that non-halakhic conversions are not valid, it is essential that Orthodox rabbinic and lay leadership take a more positive role in enabling sincere converts to enter the Jewish fold.

It is indeed regrettable that the Orthodox rabbinic establishment is actually moving in the opposite direction by making halakhic conversion more difficult. At a time when thousands of non-Jews are interested in conversion, the Orthodox rabbinate is essentially turning its back on all but a very few of these people. Although the Talmud, Rambam, and the *Shulhan*

Arukh offer a meaningful and accessible way for non-Jews to join the Jewish people, contemporary halakhic authorities have preferred to rely on the most stringent opinions of later halakhists of the nineteenth and twentieth centuries.

Recent pronouncements of Israel's Chief Rabbi Amar represent a serious step backward in relating to converts. Rabbi Amar has asked the Israeli government to rescind the law of return for converts, he has undermined the authority of conversions performed by Orthodox rabbis in the Diaspora, and he has espoused a restrictive, insensitive attitude toward converts. How huge is the gap between his statements and those of his great predecessor, Rabbi Benzion Uziel, Sephardic Chief Rabbi of Israel from 1938 to 1953! Rabbi Uziel offered a compelling, compassionate, and inclusive view, seeking to bring converts into Judaism in a loving and understanding way.²

The Rabbinical Council of America has established a *Geirut* (Conversion) Commission, with the basic intent of conforming to the demands of the Israeli Chief Rabbinate. The seeming goal is to take conversion out of the hands of individual Orthodox rabbis and place it in the hands of regional *batei din* that will comply with the stringent views of the Chief Rabbinate. Even now, before this system is put into place, a number of cities in North America have instituted *batei din* for conversion. These *batei din* invariably have taken the restrictive view and convert very few people of those who would want halakhic conversion.

In addition to causing pain and frustration to the would-be converts, these policies do a vast injustice to the Jewish people. Many fine individuals are turned away from Judaism altogether or find non-halakhic ways to become Jewish. The conversion process in the Orthodox framework often drags on for years, causing would-be converts to lose heart. In the case of women in their child-bearing years, these inordinate delays also lead to the loss of children who would have been born to the Jewish people.

For the sake of Israel—the people and the State—it is to be hoped that the Orthodox rabbinate and laity will rally in support of an inclusive and compassionate approach to conversion. We must wholeheartedly reject the narrowing of halakhic options, not just for the sake of the would-be converts but also for the honor of halakha itself. The Jewish people as a whole, and Orthodox Jews in particular, need to welcome lovingly all those non-Jews who make the fateful decision to become Jewish. They are a great source of strength to us and should be embraced as our brothers and sisters. We must always remember that the Messiah himself will be a descendant of a convert.

Boaz blessed Ruth with words that are appropriate for all righteous proselytes: "May the Lord recompense your effort; may your reward be complete from the Lord, the God of Israel, under Whose wings you have come to take refuge" (Ruth 2:12).

Dr. Marc D. Angel is Senior Rabbi of Congregation Shearith Israel, the historic Spanish and Portuguese Synagogue of New York City. He is past president of the Rabbinical Council of America. Among his recent books is Choosing to Be Jewish: The Orthodox Road to Conversion (Ktav, 2005).

1 *Iggrot ha-Rambam*, Vol I, ed. Yitzhak Sheilat, Ma'aliyot Publishers, Jerusalem, 5747, pp. 240-1.

2 For a discussion of Rabbi Uziel's opinions on conversion, see my book, *Loving Truth and Peace: The Grand Religious Worldview of Rabbi Benzion Uziel*, Jason Aronson Publishers, Northvale, 1999, Chapter 7.

One Act of Kindness Can Change the World

By Allyson Gronowitz

As the great-grandmother of King David and the first woman to have a book in the Bible named after her, Ruth must have been an extraordinary human being. Her constant devotion to Naomi throughout times of trouble is something we can admire, and her famous words of loyalty are recognized by all. However, Ruth is only one of the countless remarkable women in the *Tanakh*. Although she is undoubtedly an outstanding person, there are many other women who have shown ideal qualities as well. As our first Jewish mother, Sarah was the only woman addressed by God directly, whereas God does not even make an appearance in Ruth's story. Hannah, the mother of the prophet Samuel, set the precedent for prayer to God, and Yael helped save *B'nei Yisrael* from Canaan by singlehandedly destroying the mighty general Sisera.

With so many historical figures to choose from, I have often wondered why God would decide that Ruth should merit giving birth to the great King David and our future *Mashiach*? Ruth was from the Moabite nation, and the people of Moab are considered so immoral that Jewish women are forbidden to marry any man from this nation. What exactly did Ruth do that was so exemplary?

Tehillim 89:3 provides the answer with these words: "Kindness builds the world." The trait of kindness, or *chesed*, is often overshadowed by such qualities as piety or courage, but it is arguably the most important quality a person can have.

Acts of kindness are rooted into the framework of the Torah; the Torah begins with God clothing Adam and Eve, and it ends with God burying Moses. All this comes to teach us that

acts of kindness will lead to *ahavat hinam*, gratuitous or baseless love, as opposed to *sinat hinam*, gratuitous or baseless hatred. Chief Rabbi Kook considered that just as the Temple was destroyed because of *sinat hinam*, so it would be rebuilt because of *ahavat hinam*. Fittingly, this pure love for a fellow Jew is what will eventually lead to the coming of the Messiah.

The word "*chesed*" is found a total of three times in *Megillat Ruth*, and each time it is associated with a blessing from God. The first time this word is mentioned is when Naomi prays that her two daughters-in-law will be treated by God as kindly as they have treated her. Then, Naomi uses the word *chesed* to praise Boaz's kindness for letting Ruth work in his field. Finally, Boaz uses this word as he expresses his gratitude to Ruth for the kindnesses she has done for Naomi and for himself. It would seem that though God was not overtly involved in the events of *Megillat Ruth*, and even though the people were suffering through a famine, their society was still able to flourish, because each person's acts of kindness "built" the community by giving it stability and strength.

The prime example of Ruth's kindness is when she refuses to leave Naomi's side, even after Naomi urges her to do so. Ruth chooses to forsake her ancestry of luxury and paganism to adopt a culture that was foreign and demanding, in order to help Naomi. In fact, Moab and Ammon were prohibited from marrying into the Jewish congregation because of their *lack* of kindness, but Ruth rises above her nation's faults and displays the kindness and loyalty that enable her to become a part of God's congregation. Ruth poses a sharp contrast to Naomi's

husband, Elimelech, who acted selfishly and spitefully toward his fellow Jews. From the word "*ish*" (meaning "man") that is used to describe him, we can infer that he was a wealthy and important person. However, after a famine ravaged the land, he immediately moved his family out of *Eretz Yisrael* so that he wouldn't have to spend his own money to provide for the people around him. In contrast to this selfish act, Ruth's kindness and compassion shine even brighter.

Perhaps, because God does not play a more obvious role in *Megillat Ruth*, it is the people of the time who bring about the redemption of *B'nei Yisrael* through their acts of kindness. Ruth's decision to stay with Naomi sets into motion a chain of acts of kindness in which Naomi and Boaz also play key roles. In the first verse of the third chapter, Naomi says, "Shall I not seek a home for you that I may be good for you?" Ruth has dutifully remained by Naomi's side, and she has taken the extra step of providing food for Naomi and herself by picking up the dropped sheaves of grain in Boaz's field. Now, Naomi feels that it is her turn to do a kindness for Ruth. She initiates the meeting of Boaz and Ruth, which eventually brings about their marriage. Boaz sees Ruth's agreement to marry him as an act of kindness because she could have married a much younger man. Boaz's eagerness to marry Ruth can also be seen as a kindness because many men despised her national origins. Boaz shows further compassion when Ruth first begins to gather grain from his field. He orders his workers not to embarrass Ruth in any way, but to discreetly drop sheaves of barley for her to gather.

What is it about Ruth that merited her to be the great-grandmother of the future King of Israel and Messiah? The answer is clear. It was her compassion toward other people, her acts of kindness and the importance of the *chesed* she performed. It is this trait that is passed down to King David and is highlighted as an important quality throughout his kingship. The second book of Samuel summarizes David's reign with the following words: "And David reigned over all of Israel, and David performed judgment and charity (*tzedaka*) for his entire nation" (2 Samuel 8:15). The book of Proverbs emphasizes the importance of kindness even more with the words: "Charity saves from death" (Proverbs 10:2).

In Tractate *Shabbat*, the Talmud tells us an incredible story of Rabbi Akiva to illustrate this point. Rabbi Akiva was told by astrologers that his daughter would die on her wedding day from a

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The Human Element in the Commandments:

The Effect of Changing Community Norms on Halakhic Decisions

By Rabbi Daniel Sperber

Embedded in various rabbinic passages is a very basic principle, namely the force of the human element even in divinely given commandments. In *Mishnat R. Eliezer* (p. 266),¹ for example, it is stated that the difference between the first tablets of the Ten Commandments and the second ones was that “in the first, the image of Moses did not shine within them, but in the second the image of Moses shone within them”, and hence, the second tablets had additional merit. What is being expressed here is that for divinely given commandments to be relevant to human beings, with their frailties and shortcomings, they must be tempered with the human, mundane element. And it is precisely this human element, which we call interpretation (*drash*, midrash, hermeneutics, and the like) that gives the Torah its flexibility, which enables it to be eternally relevant, meaningful and authoritative.

How much more so with regard to man-made halakhic rulings (*de-rabanan*), which must be reconsidered by major authorities in every generation so that the authority and relevance of the rulings can be preserved. Indeed, the great rabbis in each generation were keenly aware of the necessity of ensuring that the halakha remained a living halakha and a livable one. Hence, changing circumstances necessitate re-evaluation of the classic halakhic formulations to ensure that they remain relevant to the contemporary situation.

In this context, it is worth citing the words of R. Hayyim David Halevi, who served as the Sephardic Chief Rabbi and head of the Rabbinical Courts of Tel Aviv, in his essay, “On the Flexibility of Halakha”:

As it is extremely clear, that no law or edict can maintain its position over a long period of time due to the changes in the conditions

of life, and that the law which was good in its time is no longer suitable after a generation or more, but requires correction or change, how is it that our Holy Torah gave us righteous and upright laws and edicts thousands of years ago and we continue to act in accordance with them to this very day (and will even continue to do so to the end of all generations)? How is it that these same laws were good in their time and are good to this very day as well..? Such a thing was only possible because the Sages of Israel were given permission in every generations to innovate in matters of halakha in accordance with the changing times and situations... Anybody who thinks that the halakha is frozen and that one is not permitted to deviate from it right or left, is very much mistaken. On the contrary, there is nothing so flexible as the halakha....And it is only by virtue of the halakha that the Jewish people were able, through the numerous and useful innovations that were introduced by Jewish Sages over the generations, to “walk” in the ways of Torah and *mitzvot* for thousands of years.²

However, sometimes our classical halakhic sources give us a ruling that seems totally impractical in contemporary terms. It is instructive to see how the rabbis deal with such a situation. A case in point is that of a man walking behind a woman. In the Babylonian Talmud *Berakhot* 61a, we read in a *baraita*:

A man should not walk on a pathway behind a woman, even his wife. And if he meets up [with a woman] on a bridge, he should push her to the side. And whoever walks behind a woman by the riverside has no position in the World to Come.³

This ruling is cited by the Rambam in *Hilkhot Issurei Bi'ah* 21:22 in the following formulation:

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snake-bite. Consequently, he was ecstatic to find out that, after taking a pin out of her hair, his daughter had placed the pin through a hole in the wall and inadvertently killed a snake that had been poised to attack her. Amazed, he asked his daughter if she had performed any recent act of *chesed* that would warrant her being saved. His daughter replied, “At the wedding, everyone was too busy feasting and celebrating to notice that a poor, hungry man had come to the door. Upon seeing this man, I immediately offered him my portion of food so that he would not be hungry” (*Shabbat* 156b).

It has been said that one act of kindness can change the world. This message is even more profound in the story of Ruth, where countless acts of *chesed* are performed on a daily basis. If we enrich our lives with these acts of kindness just like Ruth did, we too have the potential to have great things come from us.

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Whither Thou Goest

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an Orthodox Jewish life or whether I would “give it up.” (I was surprised that people who knew me would even think such thoughts, but positively stunned that anyone would actually ask me that question!) It would never have occurred to me to live any way other than the way I have for most of my adult life, because this *is* who I am. One of the many lessons I have learned is that I became a Jew, but I have always been me. Ruth’s words resonate with me now, as they never did before. After all, it is relatively easy to cling to a people when it means forging a life with the man you love, when both of you are young and looking forward to starting a family. It is quite another to do so in his absence, when those children are a reality and after the shock of losing him prematurely.

Ruth follows her mother-in-law because she has no alternative. Unlike Orpah, there is no turning back for her. I understand that difference now in much more profound ways than I ever could have imagined. Ruth’s determination to stay with her mother-in-law, expressed in one of the most moving passages in the *Megilla*, stops Naomi in her tracks. Naomi offers no more words of discouragement, no more entreaties for Ruth to return to “her” people, for Naomi comes to realize that Ruth’s people *are* the Jewish people.

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Changing Community Norms

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He who comes upon a woman in the marketplace is forbidden to walk behind her, but pushes her to the side or behind him. And whoever walks behind a woman in the marketplace is of the simplest, of the ignorant (*mikulei amei ha'aretz*).

Perhaps this formulation is a little less strident than that of the Talmud in that it does not explicitly deny the transgressor a place in the World to Come. However, in present-day terms, it is still pretty severe, to say the least. And Rambam's formulation is quoted verbatim by R. Yosef Karo in his *Shulhan Arukh* (*Even Ha'ezer* 21:1).

Now, this might have been deemed acceptable behavior in the time of the *baraita* (2nd century C.E.), when women generally kept to themselves within their homes, the marketplace was populated mostly by men, and it would not be considered proper for a man to come down to the riverside while the womenfolk were doing their washing. However, in our days, with our crowded sidewalks and bustling throngs, and our totally different attitude to women and modesty, such rulings are wholly unacceptable.

Indeed, practically speaking, how would men deal with such a situation, for example, when standing in a line waiting for a bus or at the checkout counter at the supermarket? Would they push the woman in front of them aside, or shove themselves forward to get in front of her? Obviously not.

This problem was already recognized in the medieval period. Thus, the author of the *Leket Yoshier*, R. Jacob ben Moshe,⁴ cited his master, R. Israel Isserlein (1390-1460)⁵ as saying:

It is permitted to walk behind a friend's wife or his mother. For nowadays, we are not all that prohibited from walking behind a woman.

Thus, in Weiner-Neustadt, where R. Isserlein lived much of his life, apparently the men did not adhere strictly to the talmudic-Maimonidean ruling.

How did this great authority partially reject, or at least greatly modify, the ruling? R. Yehuda Henkin, in an important article in *Tradition*, discusses this issue as follows:

What is the meaning of "nowadays we are not all that prohibited ...?" It means that although the Talmud forbade men from walking behind women, lest it cause *hirbur* (sexual arousal), nowadays women go everywhere and we are used to walking in the back of them so no *hirbur* results.⁶

R. Henkin then refers to a responsum of the great contemporary authority, R. Eliezer Waldenberg, who writes⁷:

We may further say that the intention of the *Terumat Hadeshen* was as follows.⁸ For our days are different from those of olden times. For in olden times a woman was not wont to walk about the streets, but would sit in the confines of her home, in accordance with the words of the Rambam (*Hilkhot Ishbit* 13:11), namely that it is only seemly for a woman to dwell in the corner of her house, as it is written, "the King's daughter is all glorious within" (Psalms 45:14). And so ruled the Rema in *Even Ha'ezer* 73:1, that a woman should not accustom herself to going out [of her house] much. ... And then on meeting her, walking after her in the street will most likely lead to *hirbur*. But this is not the case nowadays; the situation is different. For women do not confine themselves to their home as they did in olden times, and it is most usual to see them in the streets... So nowadays, there is little likelihood of *hirbur* when walking behind her... And it is for this reason the *Terumat Hadeshen* was lenient, at any rate in the case of a friend's wife or his mother.

If this was true in 15th-century Austria, how much more so in the 21st century, when walking along Broadway, Dizengoff, or Rechov Yafo!

Rabbi Henkin put forward a theory of habituation, bringing several examples to exemplify his argument.

Briefly stated, he reasons that:

When men are accustomed to seeing women constantly, as in present-day society, many halachic stringencies designed to curb male *hirbur* (erotic thoughts) do not apply, for when men are habituated to women, *hirbur* concerns are no longer an issue.⁹

Interestingly enough, R. Joseph Messas of Meknes, Morocco, wrote a responsum in 1954 (*Otzar Michtavim*, vol. 3 p. 211: no.1884) dealing with the question of women's head covering and most remarkably writes as follows:

The covering of a woman's hair is only a custom because in antiquity it was thought to be modest, and not to do so was regarded as immodest and licentious. But nowadays that the consensus is that there is no immodesty in uncovered hair... the prohibition is no longer effective... And just as in unmarried women it was permitted, for there is no erotic thought (*hirbur*) in what one is accustomed to see, so too for married women nowadays. And each man can judge for himself that he sees thousands of women every day with uncovered hair and he pays no attention to them and has no licentious thoughts because of this uncovered hair.

I would modestly and tentatively suggest that this concept of habituation, which both R. Henkin and R. Messas put forward, may serve as a key to solving several untenable halachic situations presented by con-



Avner Moriah, Jerusalem

RUTH/ACCEPTANCE/SIVAN

from the "Women's Zodiac"
wall mural on permanent display at
the Jewish Theological Seminary.

Courtesy of the artist.

Miriam's Lesson from *Matan Torah*

By Sandra E. Rapoport and Shera Aranoff Tuchman

Barely three months after the Exodus from Egypt, we encounter the Israelites encamped at the foot of God's mountain in the wilderness of Sinai (Exodus 19). They are poised to experience redemption. The drama of the ten plagues in Egypt; the long-awaited release from the rule of the Pharaoh; the despair and jubilation at the splitting of the Red Sea; the miraculous victory over the Amalekites—all these events have brought them here to receive the law from their all-powerful God.

The Israelites have placed their trust in the hands of Moses, Aaron, and Miriam, and almost meekly they agree to do as God bids them (Ex. 19:8). In preparation for receiving the Torah, the Almighty commands the people, via Moses, to begin a three-day sanctification process. This process includes a thorough washing of all their clothing, a warning not to touch or even approach the mountain of God lest they suffer the punishment of death, and—importantly for this analysis—a command to refrain from sexual relations (Ex. 19:9-15). All this is to prepare them for the singular event to occur on the third day: the revelation of God's law.

Considering the Israelites' fractious nature, it is interesting to note that Exodus 19 reveals not a murmur of protest. After their hasty forced march out of Egypt, their ambush by a fierce enemy, and the hardships of living in encampments, they could easily under-

stand why God would wish them to cleanse themselves and their road-weary Egyptian clothing in preparation for the holy event. Nor did they balk at the command to keep their distance from God's mountain. Finally, the people also accepted without protest Moses' command (Ex. 19:15) that they not draw near to their wives (*al tigshu el isha*).

Indeed, it would have been unseemly for them to have approached God's revelation without some form of advance preparation. According to the commentator Sforno, such special ablutions and temporary requirements of celibacy served to highlight the coming event and caused the people to focus on its serious and awesome nature.

It is the unusual third requirement—that the Israelites remain separate from their wives—that is the focus of this article. Understanding its place in the biblical narrative and the attention that the commentaries lavish on it will help us appreciate why this stricture is central to the lesson that Miriam—and Aaron—will learn from God Himself in Numbers 12.

The Talmud (*Shabbat* 87a) explains that, when Moses instructed the people in God's name to purify themselves, he logically included himself in the prohibition, and he abstained from sexual relations with his wife Zipporah. But the Talmud adds that Moses took this command even further, separating

from Zipporah *forever*. Moses' reasoning was that if God required all the Israelites to abstain from sexual relations in anticipation of their *one-time* encounter with God, how much more so should he—Moses—abstain from sexual intimacy *at all times*! As Moses was expected to be in a constant state of readiness to receive God's prophecy face-to-face *at any time*, so the Almighty expected him to leave no room in his life for human intimacy. It is both this assumption by Moses and his continued celibacy that are the subject of Miriam and Aaron's ill-fated conversation in Numbers 12.

After encountering the command in Exodus 19 that the Israelites not draw near to their wives—*al tigshu el isha*—we do not meet up with it again until Numbers 12, the portion of the Bible that deals with Miriam's leprosy. And nowhere in Numbers 12 is the command, "not to draw near to your wives," explicit in the text. But it is front and center in the Talmud and in the commentaries' discussions of the conversation between Miriam and Aaron, and it leads ultimately to their chastisement and punishment. Why is this so?

The first two verses of Numbers 12 present the conversation between Miriam and Aaron as follows:

And Miriam and Aaron spoke about Moses, concerning the Kushite woman that he took, for he took a Kushite woman. And they said, "Is it only through Moses that God speaks? For He also speaks through us." And God heard.

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temporary society, We must bear in mind R. Henkin's own important caveat: "certainly the principle of habituation has the potential of being abused and misused by the irresponsible."¹⁰ Nevertheless, careful and judicious application of this principle may ease some of our potentially discomfiting situations and merits further attention as we commemorate *Matan Torah* on Shavuot.

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1 *Midrash Eliezer* is a midrashic text that was probably composed in *Eretz Yisrael* in the mid-8th century, and is so called because it begins with R. Eliezer b. R. Yose ha-Galili's *baraita* of 32 Rules. It is also called *Midrash Agur*, as it is also an exposition of Proverbs 30: 1-2 ("The words of Agur the son of Jakeh...").

2 *Shana be Shana* 5749 (1988), 182-196.

3 A *baraita* is a *tanna'itic* teaching not included in the Mishnah. The *tanna'im* were the scholars from the time period of the Mishnah.

4 Ed. J. Freimann, Berlin 1903, reprint Jerusalem 1969, *Yoreh De'ah*, 37.

5 Author of the famous *Terumot Hadeshen* and of the school of R. Meir of Rothenberg.

6 "*Ikka d'Amrei / Others Say: The Significance of Habituation in Halakha*" (*Tradition*, 34: 3, 2000). His thesis was vigorously contested by R. Emanuel Feldman (ibid: pp. 49-57) in a response entitled "Habituation: An Halakhic Void with Risky Implications". However, I find R. Henkin's argument exceedingly convincing.

7 *Tziz Eliezer* vol.9, no.50, sect.3, 195.

8 Compare Shlomo Eidelberg, *Jewish Life in Austria in the 15th Century* (Philadelphia 1962), 84 where he writes as follows: Despite their opposition (to gambling and card-playing) the rabbis were forced to tolerate gaming, and turned their efforts to restraining it in various ways. This is evidenced by their admonition against playing cards in the period between Rosh Hashana and Yom Kippur. (*Leket Yosher* 11, p. 118). Here too, we see how these authorities came to grips with the reality presented by their times.

9 This is Feldman's formulation, *Tradition*. 49.

10 R. Yehuda Henkin, op. cit. 45.

Miriam's Lesson

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There is a wealth of commentary on the subject and meaning of their conversation, but for our purposes let us concentrate on Rashi's assumption that Miriam and Aaron are discussing the fact that Moses has separated himself completely from his wife and that Zipporah now occupies a separate tent. Rashi explains verse 1 saying, "on account of the woman" means he married her and then he sent her away." Rashi then explains verse 2 saying, "Does not God also speak to us? And yet we have not continued to refrain from behaving in the natural way [with our spouses]." Rashi's commentary is seminal, as he connects verse 1, which deals generally with Moses' *Kushite woman*, to verse 2, which seems to be an independent statement about the prophesying abilities of Moses, Aaron, and Miriam. Rashi is making the bold inference that Miriam and Aaron's conversation is not only about Zipporah but also about Moses having continued to keep himself separate from her, which is against the expected code of behavior.

Implicit in Rashi's explanation, and in the discussions of numerous commentaries, is that Miriam befriended her sister-in-law Zipporah and that the two women developed an empathy for one another, born of their close personal relationship. We can appreciate this intimacy, because both Miriam and Zipporah shared a vital life-mission and *raison d'être*: loving and caring for Moses. Miriam watched over her brother until he was taken into the palace as a prince of Egypt; Zipporah assumed this mission when she married the fugitive Egyptian and began to build him a home in the wilderness beyond Midian.

At this juncture, in Numbers 12, the commentaries connect these two heroic women—Miriam, Moses' sister, and Zipporah, Moses' wife—through *midrashic* conversation. According to Rashi, Miriam and Zipporah were standing next to one another when, in Numbers 11:27, a runner announced to Moses that two Israelite men, Eldad and Meidad, were prophesying in the camp. Zipporah leaned over to Miriam and whispered, "Woe unto their wives! For it is a lonely life they will lead as wives of prophets of God. Their husbands will surely remain separate from them as my husband has separated from me." It is from this astonishing whispered confidence that Miriam learned that Moses no longer visited Zipporah's tent,

and this piece of information, says Rashi, is what she discloses to her brother Aaron in Numbers 12:1.

Alsichich proposes that the reason Miriam speaks first in the fateful conversation with Aaron is that Miriam was troubled by Zipporah's presumptive loss of face among the Israelites because of Moses' continued absence from her tent. According to Alsichich, *this* is the subject that she broaches with Aaron.

Thus, the Talmud and the commentaries on Numbers 12:1 and 2 teach us that Miriam and Aaron's conversation could have occurred as follows:

**“Torah is a part
of one's life, not
apart from it.”**

And Miriam said to Aaron, "Brother, I need to talk to you about Moses' wife, Zipporah. Daily I watch as she goes about her chores. She holds her head high, but I can see that she is saddened. She no longer dons her colorful Midianite robes, and she dresses her hair in a plain fashion (*Sifrei*). Zipporah is pining for our brother, Moses. Ever since the eve of receiving God's Torah, when we were all commanded to separate from our spouses, Moses has ceased to visit her tent. This is surely not God's way, and it breaks my heart to encounter our sister-in-law daily, and witness her misery and longing for Moses (*Yalkut Shimoni*). Surely God did not intend for Moses to be more strict in his sexual abstention than all of us! Why, we are prophets, too, and we were permitted, as was all of Israel, to resume family intimacy after the revelation! Why does Moses hold himself above us, and cause such suffering in Zipporah, a goodly and God-fearing woman and the mother of his sons (*Chatam Sofer*)?"

Of course, the actual Torah text ends verse 2 with the words, *And God heard*. Verses 4 through 10 present God's chastisement of Miriam and Aaron, His defense of Moses' behavior, His description of Moses as unique among all prophets past, present, and future, and His anger at Miriam and Aaron, culminating in the visitation of the punishment of leprosy. Miriam and Aaron's prime transgression, as inferred from God's words, was their effrontery in comparing their level of prophecy with that of Moses. God is explicit: "My servant Moses is a special prophet

in a class by himself; alone do I speak with Moses mouth-to-mouth."

Rabbi Adin Steinsaltz, in his commentary to *Shabbat* 87a, explains that Moses' extraordinary extension of the sexual abstention was excusable *only* because the divine presence hovered over Moses day and night, requiring his constant state of readiness. This sexual abstention would have been *incorrect* and *unwarranted*, though, if applied to the Israelites at-large.

We learn from God's reaction that Miriam and Aaron's deep concern for Zipporah was ill-expressed and, furthermore, that their concerns, however legitimate, still did not alter her fate: her husband, Moses, once he became *ish ha-Elokim*, a peerless man of God and an intimate of the Almighty, remained estranged from her forever.

It therefore falls to Torah students to discern a vital message from the brief but nonetheless heartbreaking drama that is presented in Numbers 12 and that reverberates from *Matan Torah* in Exodus 19. The prime message that is conveyed by Moses' separation from Zipporah is that it is the exception that proves the rule. The "rule," or code of behavior to live by, includes necessary, intimate, and ongoing relations between wives and their husbands. The only time that it was commanded that this natural rule be suspended was in preparation to receive the Torah in the Sinai desert at the foot of God's volcanic mountain. Logically, the fact that refraining from sexual relations had to be prohibited fairly shouts that the normative code was precisely the opposite. And the single person who was permitted to extend that interdiction was Moses, God's intimate servant.

Miriam was correct: Judaism does not require an unbridgeable gap between humankind's physical and spiritual self. Miriam, Aaron, and the people of Israel were permitted—and expected—to resume normal sexual relations with their spouses in order to live out the *mitzvot* of God's Torah. Embracing God's Torah does not require a concomitant split from the physical or an embrace of asceticism. Miriam's unsung, hard-won lesson from the preparation for *Matan Torah* is that the Torah is a part of one's life, not apart from it.

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Already in the tannaic literature, we encounter the notion that the women were approached before the men to accept the Torah. In the Mekhilta de-Rabbi Ishmael, it is stated, "Thus shall you say to the House of Jacob' (Exodus 19:3), speak softly, tell the women the main things; 'and declare to the children of Israel,' tell them the details."

Midrashic sources offer an explanation for why women were addressed first. Shemot Rabbah gives the following reasoning:

R. Tahlifa of Caesarea said: The Holy One Blessed be He said: When I created the world, I commanded Adam first, and then Eve was commanded, and she transgressed and spoiled the world. If I do not now address the women first, they will violate the Torah.

In this opinion, R. Tahlifa of Caesarea, an amora of Eretz Yisrael, draws a lesson from past experience: only if the Divine speech addresses both women and men equally can the possibility exist that those receiving the commandments will regard as binding the practical observance of the Torah.

According to this approach, therefore, the Giving of the Law was not an event entirely disconnected from the

past. Rather, it drew on the primeval experience of Adam and Eve and the Tree of Knowledge. Addressing the women first was thus a positive attempt to mend the primordial wrongdoing. Being the first to receive and accept the living Torah at Sinai rectifies or provides a sort of compensation for the death that Eve is considered to have brought to the world.

Although Shemot Rabbah asserts that Eve was commanded not to eat from the Tree of Knowledge after Adam did, the parallel source in Midrash ha-Gadol, by R. David ha-Adani, a leading Yemenite scholar of the 13th and 14th centuries, offers a different opinion. This text states that Eve never was commanded not to eat from the tree, which causes her to mislead Adam and results in his transgression of the prohibition:

And why did the command to the women precede that of the men? Because the Holy One Blessed be He said, "When I created My world I commanded Adam, but not his wife Eve. She went and misled him and he transgressed My command. It is worthwhile to command the women first..."

In his commentary on the verse, "Thus shall you say to the House of Jacob, and declare to the children of Israel," Rashi paraphrases the concept articulated above in the Mekhilta de-Rabbi Ishmael. In his supercommentary on Rashi, R. Natan Shapira (d. 1577) refers, inter alia, to the view of R. Tahlifa of Caesarea in Shemot Rabbah. He points out that, if the Holy One Blessed be He had commanded the men first, the women could have reasonably claimed at a later time that they had not accepted the Torah of their own free will, but rather only to appease their husbands. He adds that a mishap of this sort had already occurred when the Holy One Blessed be He commanded Adam – but not Eve – regarding the Tree of Knowledge, and she enticed him to transgress God's command. Therefore, He commanded that the women be spoken to first, before the men.

In his commentary on the Torah, R. Ya'akov, (circa 1269-1343), the son of the Rosh (R. Asher) explains the verse, "Thus shall you say to the House of Jacob, and declare to the children of Israel," in the following manner:

And the women came before the men, since Eve was not commanded by the Holy One Blessed be He concerning the Tree of Knowledge, she ate from it and

fed it to her husband. Therefore, at the Giving of the Law the women were commanded first. And since He paid the women this honor in placing them first, they didn't want to remove their earrings in the making of the calf.

In the latter part of this commentary, R. Ya'akov draws a connection between two events that took place in close proximity: the call to the women to accept the Torah gave them both the strength and determination not to sin in the incident of the Golden Calf. Although this commentary explains why the women did not participate in the offense of the Golden Calf, it does not explain why that sin took place so soon after the Giving of the Torah and why it was the men who succumbed to wrongdoing.

It is possible to offer the following explanation, which expands on R. Tahlifa's notion in Shemot Rabbah. The theophany at Sinai was a corrective experience for the women. However, the men encountered and underwent a totally different experience at Matan Torah. Because they were second to receive the commandments, after the women, they were not inculcated with the inner fortitude to avoid sin. That is why, only a short while after the Giving of the Torah, they stumbled and erred in the incident of the Golden Calf. Only when the Divine command and revelation are offered simultaneously and equally to every individual, men and women alike, can God's will be realized in the world in its full majesty and splendor.

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- 1 Mekhilta de-Rabbi Ishmael, Shemot Rabbah, ed. H. S. Horowitz and I. A. Rabin (Jerusalem: 1970), Yitro, Tractate ba-Hodesh 2, 207.
2 Shemot Rabbah (Vilna: 1878), 28:2, 40a.
3 See the commentary Matnot Kehunah on Shemot Rabbah 28:2 (cited in note 2) beginning, "And she spoiled it." "For it was wrong in her eyes that He had not commanded her first."
4 R. David ha-Adani, Midrash ha-Gadol, Sefer Shemot, ed. M. Margaliot, (Jerusalem: 1957), Exodus 19:3, 377. See also below the opinion of R. Ya'akov, son of the Rosh.
5 R. Natan of Horodno (Grodno), Bi'urim al ha-Eshel ha-Gadol Rashi z"l (Venice: 1593), be-Shalah, 77a-b.
6 R. Ya'akov ben ha-Rosh, Peirush al ha-Torah (Zholkva: 1706), Exodus 19:3, 53a-b.



KETUBAH FOR SHAVUOT

Western Europe, c. 1950

The 2 partners to the contact-Israel and Torah-are highlighted.

Courtesy of the Library of the Jewish Theological Seminary of America.

JOFA's 10th Anniversary Conference

By Abigail Tambor

JOFA's Sixth International Conference on Feminism & Orthodoxy took place on February 10th and 11th at Columbia University. The conference, entitled, *V'Chai Bahem: Passion and Possibility*, also marked the celebration of JOFA's 10th anniversary. Attended by close to a thousand women and men, this year's gathering was filled with an energy and excitement that was echoed by the bright location of Columbia University's Alfred Lerner Hall, as well as by an influx of new participants of all ages and a desire to celebrate everything that JOFA has accomplished in its first ten years.

The celebration began on Saturday night at Columbia's Low Rotunda with a wine-and-cheese reception, after which attendees were invited to eavesdrop on "Uncensored", a conversation between two of the Jewish community's most controversial figures, Michael Steinhardt and Dr. Phyllis Chesler. Moderated by Dr. Adena Berkowitz, each speaker brought his or her own personal perspective and agenda to bear on the challenges facing the Jewish community at large and on JOFA in particular, as we embark on our next ten years.

On Sunday morning, the exploration of passion and its possibilities began in earnest. The theme of the conference was chosen to highlight the belief that feminism can lead to more passionate observance and reveal new possibilities for engagement and inspiration for both men and women. After morning services (both traditional and partnership-style *minyanim* were offered), Dr. Norma Baumel Joseph delivered the opening plenary address. She discussed what it means to say "I am a Jewish Orthodox Feminist" and explored the many different ways in which that nomenclature has been used and interpreted. She then moderated a discussion between Blu Greenberg and Dr. Tova Hartman on the conference's theme.

The day continued with sessions ranging from discussions on how to develop meaningful prayer communities with Rabbi Dr. Elie Holzer of Israel, to how to develop a healthy Jewish sex ethic with Sara Hurwitz and Bat Sheva Marcus. A prominent new feature of this year's conference was the development of an "Agunah Hour"—one hour during which all sessions were devoted to topics related to *iggun*. Included in this hour were discussions of the Tri-Partite Agreement and the cancelled global Rabbinic Conference on Agunot in Israel. Presenters included Sharon Shenhav, Susan Weiss, Rachel Levmore, Rabbi Shlomo Riskin, and Dr. Ruth Halperin-Kaddari. Other new features of this year's conference included the development of a

parallel track for high-school students, a "screening room" devoted to showing relevant and controversial films from Israel throughout the course of the day, and lunch discussion groups that allowed people to network informally on topics that mattered to them, such as the gay community, life after 60, living in a small community, and partnership *minyanim*.

In the afternoon, after a set of workshops, participants chose one of three forums that focused on the key arenas that Orthodox feminism seeks to invigorate—the Modern Orthodox home, school, and synagogue. The first addressed the delicate balancing act faced by feminist families in Modern Orthodox communities. The second forum investigated the "Hidden Curriculum," the unspoken, yet palpable lessons our children are taught in Modern Orthodox day schools about their Jewish roles and identities. The third forum presented a discussion and exploration of new models of halakhic authority among traditional rabbinic figures, as well as among women who have assumed innovative positions in their communities.

In place of the usual closing plenary, JOFA commissioned a cantata to celebrate its ten years of existence. Monologues written and read by JOFA leaders were punctuated by the beautiful voices and arrangements of the Zamir Chorale, under the inspiring leadership of Matthew Lazar. Words and music combined to pay a tribute that was both uplifting and moving. The conference closed with participants dancing, as if at a *simcha*.

The overall feeling at the conference was incredibly positive and all participants were energized. Although there was a strong undercurrent of frustration that so little had been accomplished in the last ten years toward solving the plight of the *agunah*, many presenters during the course of the day made forceful calls to action on this issue. The conference saw the launching of JOFA's *agunah* petition, which culminated in the remarkable six-page ad in the *New York Jewish Week* only two weeks later.

The goal of the program committee in developing the theme of this year's conference was for participants to leave feeling empowered and impassioned, armed with the tools to effect real changes and to encourage positive developments in their own communities and personal lives. It is our hope that we accomplished this goal.

Abigail Tambor was Co-Chair of the Program Committee for Jofa's 10th Anniversary Conference.



DR. PHYLLIS CHESLER AND MICHAEL STEINHARDT
IN DIALOGUE



LUNCH DISCUSSION GROUP AT CONFERENCE



CONFERENCE PARTICIPANTS SIGNING JOFA'S AGUNAH PETITION



CONFERENCE SESSION OF HIGH SCHOOL TRACK

The Teen Track at the Conference

By Yishai Schwartz

Before he dies, Moshe delivers his final commandment to Yehoshua and the nation. He instructs them that once every seven years the entire people must gather in a ceremony designed to mirror and evoke the passion of *Matan Torah*. Moshe tells them: “Gather the nation: the men, the women and the children.” (Deut. 31:12).

At JOFA’s 10th anniversary conference in February, JOFA made a special effort to widen its reach and gather in the “children”—the teenage demographic, which had largely been absent from previous conferences. A group of high-school students, both female and male, worked with JOFA to set up a High-School Track designed to deal with issues that specifically relate to teenagers. The teen program consisted of a series of recommended sessions, some from the regular schedule and some open only to the students.

We began the day attending the opening plenary session and then moved on to sessions on different aspects of the year in Israeli *midrashot* and on feminist education for boys in Israel. From there, we proceeded to a film screening and discussion dealing with teenage relationships and abuse. Students came and went throughout the day, but we hit our peak with about 30 students during the lunch session with Amy Newman. Over the course of this session’s forty minutes we grappled with issues ranging from co-education to *tzniut*, to

the connotations of the word “feminist.” We later attended an engrossing plenary on education and curriculum that had me nodding my head in agreement from start to finish.

The wrap-up discussion with Molly Pollock, an English teacher at the SAR High School who had been shadowing us throughout the day, was especially meaningful. Her question, “Where do we go from here?” provided an opportunity to share our thoughts, feelings, and reflections in a more personal way. Many of the teen participants said that they felt validated by meeting others with similar interests and concerns. The discussions continued after the conference ended, and students brought a number of the issues raised back to their local schools.

Feedback from attendees has been terrific, and several students have expressed the desire to become more involved in JOFA and requested ongoing teen programming. Just as the transmission of the Torah could not be complete without the children present, so too must younger voices be included in any serious discussion and assessment of our current transmission of values. I hope that the involvement of teenagers will grow and that our commitment to both feminist and Orthodox values will continue to be reinforced and transmitted.

Yishai Schwartz is a junior at the SAR High School in Riverdale, New York and was instrumental in organizing the program for high school students at JOFA’s 10th anniversary conference.



WOMEN JOINING RANKS OF HALAKHIC LEADERSHIP



ZAMIR CHORALE IN CLOSING CEREMONY

A Courageous Proposal: The First *Heter Agunah* in America

By Rabbi Adam Mintz

The Book of Ruth interweaves many complex interpersonal relationships. It is the story of husbands and wives, of a mother-in-law and her daughters-in-law, and finally of distant relatives appreciating and understanding their familial responsibilities. Much has been written about these relationships. One aspect that has not received a lot of attention is the choice that Ruth appears to make—that of a life of widowhood—so she may accompany Naomi to Israel, against her mother-in-law's wishes. Naomi instructs both Ruth and Orpah to return to the home of their mother:

“Have I any more sons in my womb?... Even if I were married tonight and bore sons, should you wait for them to grow up? Should you on their account prevent yourselves from marriage?” (Ruth 1:11).

In the end, Ruth's decision to go with Naomi does not prevent her from remarrying. Rather, it creates the opportunity for a wonderful marriage that establishes the lineage for King David and the *Mashiach*. Yet, we know that not all such stories have happy endings. Many women remain unable to remarry and continue their status of *agunah*, a word derived from the speech Naomi gave to her daughters-in-law in the Book of Ruth.

The tradition of reading the Book of Ruth on Shavuot makes this an appropriate moment to focus our attention on the plight of *agunot* and especially on the attempts to resolve this issue. In this essay I discuss the first American rabbinic attempt to free *agunot* from their recalcitrant husbands. Rabbi Yosef Eliyahu Henkin made this proposal in 1925, and although it was never implemented, it resonates in halakhic literature to this day.

Rabbi Henkin was born in White Russia in 1881. He studied primarily in the yeshiva in Slutsk and spent ten years as a rabbi and Rosh Yeshiva in Georgia on the Black Sea. Rabbi Henkin emigrated to America in 1923 and was appointed the rabbi of Congregation Anshei Shtutsen on the Lower East Side. In 1925, he became secretary and then director of Ezras Torah, a rabbinic organization founded in 1915 to assist Torah scholars imperiled by the turmoil of World War I. The organization's mission later expanded to assist rabbis and their students who attempted to flee Europe during the dark years surround-

ing World War II. Rabbi Henkin remained at the helm of Ezras Torah for the next forty-eight years. He served as a *posek* for rabbis and laypeople throughout North America and wrote numerous articles for a variety of Torah journals. Many of his essays and *teshuvot* are reprinted in a two-volume work entitled *Kitvei ha-Gaon Rabbi Yosef Eliyahu Henkin* (New York, 1980).

Rabbi Henkin was the first American rabbi to offer a proposal to solve the *agunah* problem. He made this proposal in 1925 soon after his arrival in the United States. Rabbi Henkin noted that the problem of *agunah*, experienced by women whose husbands had disappeared or by women who were unable to receive the necessary *halitza*, was “a daily occurrence,” and he made the following suggestion: at the time of the wedding the husband must authorize that a *get* may be written and delivered in the future. He must allow the *get* to be written to cover several situations, including one in which the husband refuses to provide a *get* to his wife for three years. At that time, the claim would be brought to a central *beit din* (in the original proposal, he wrote that this should be the Jerusalem *beit din*) and, if the *beit din* agrees, then a *get* would be written even if the husband opposes writing it at that time. Rabbi Henkin called for this proposal to be discussed and voted on in a meeting of rabbis and that, if approved, it would remain the standard practice for fifty years.¹

However, before Rabbi Henkin's proposal had the chance to be discussed and voted on, events in the larger Jewish community intervened. In 1930, Rabbi Louis Epstein, a leading Conservative rabbi from Boston and the president of the Rabbinical Assembly and its Committee on Jewish Law, suggested that prior to every marriage, the husband should appoint his wife as an agent to execute a divorce on his behalf. Thus, if the husband disappears or refuses to grant the *get*, the wife can, in effect, divorce herself. In that same year, Rabbi Epstein published a book entitled *Hatza'ah Lema'an Takanat Agunot* that attempted to prove the halakhic foundation for this proposal. In 1935, the Rabbinical Assembly, the rabbinic body of the Conservative movement, initially voted to accept this proposal.

In *Hatza'ah Lema'an Takanat Agunot*, Rabbi Epstein describes how he sent

copies of his proposal to nearly one thousand rabbis asking for their opinions on it. He explained that he received very few responses. Although one of the few letters he did receive was critical of his work, most were complimentary but argued that he could not proceed without the consensus of the leading halakhic authorities. He seemed encouraged by these responses inasmuch as they were not critical of his halakhic reasoning.²

Among the letters that Rabbi Epstein received was one from Rabbi Henkin dated February 18, 1931. In this letter, Rabbi Henkin apologized for not having the time to study the book carefully. Although Rabbi Henkin proceeded to make certain halakhic suggestions to Rabbi Epstein, the letter was in no way dismissive of his efforts. He even concluded the letter with the practical advice that if Rabbi Epstein wanted to send copies of the proposal to all the rabbis of Europe, it would become a very expensive undertaking.³

The Orthodox rabbinate as a whole responded to Rabbi Epstein's proposal with disapproval, and the Agudath Harabonim convened a meeting of rabbis at which various halakhic presentations were made that argued that the proposal was both impractical and halakhically unsound. In 1937, the Agudath Harabonim published *Le'Dor Abaron*, a book that included correspondence from leading rabbis around the world (including Rabbi Henkin) opposing Rabbi Epstein's proposal. In response in 1940, Rabbi Epstein published *Le'Sheelat Ha-Agunah* in which he attempted to support his proposal in light of the strong rabbinic opposition. The Orthodox rabbinate did not respond to this second volume, and Rabbi Epstein's proposal was never adopted by the Conservative movement.⁴

In Rabbi Henkin's lengthy essay that was included in *Le'Dor Abaron*,⁵ he explained his halakhic opposition to Rabbi Epstein's proposal. Among other considerations, he concluded that it is nonsensical for the husband to appoint his wife to serve as the agent to write the *get*, as she is the one who will be receiving the divorce. Then he added, “And I have already written that the reason that I have become involved in this battle is due to the fact that he [Rabbi Epstein] mentioned my proposal for the freeing of *agunot*...and I must escape from this comparison...My proposal was merely a suggestion and not meant as a halakhic decision...and when the volume *Ain Tnai Be-Nisuin* was published, I retracted from my position for even the greatest scholar has to follow the majority view.”⁶

Ain Tnai Be-Nisuin, the book referred to by Rabbi Henkin in his essay cited above, was published in Vilna in 1930 by Judah Lubetsky, an Eastern European rabbinic scholar who served for many years as a rabbi in Paris. It was published in response to a decision by the Agudat Rabbanei Tzarfat in 1908 to allow a Jewish woman to remarry after a civil divorce based on this condition made at the time of the wedding: if the couple were to be divorced by the civil authorities, then retroactively the original marriage would be nullified.⁷ Rabbi Lubetsky collected letters from rabbinic scholars from around the world condemning this opinion and explaining that such a condition at the time of the marriage would not be valid and that the couple would still need a get.

Indeed, it seems probable that in 1931 when Rabbi Henkin wrote his initial letter to Rabbi Epstein he had not yet seen *Ain Tnai Be-Nisuin* and therefore did not then reject Rabbi Epstein's proposal. However, by 1937, he had read *Ain Tnai Be-Nisuin* and felt compelled both to reject Rabbi Epstein's proposal and to retract his own earlier view. In the reprinted edition of *Perushei Ivra*, the pages that contain his initial proposal are bracketed with the words "hadru be" (I have retracted). In Rabbi Henkin's personal copy of *Perushei Ivra*, this retraction is written in his handwriting.⁸

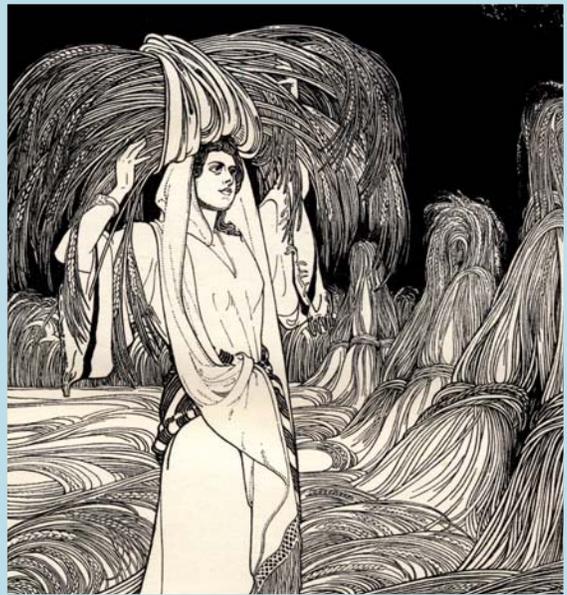
Rabbi Henkin's proposal, although retracted, has been cited in halakhic literature since 1937. Rabbi Eliezer Berkovits, the foremost disciple of Rabbi Yehiel Yaakov Weinberg and a leading Jewish philosopher of the American Orthodox community, offers a resolution to the *agunah* problem in 1967 in a book entitled *Tnai Be-Nisuin u-ve-Get*. In this book, he reviews the history of halakhic literature concerning the validity of a conditional marriage and argues for its introduction to prevent the tragedy of *agunah*. At the end of the book, he refers to Rabbi Henkin's retraction of his proposal in 1937, writing, "We revere Rabbi Henkin's greatness and piety. Yet, one is not permitted to sway from the truth as it appears to him."⁹ Rabbi Menachem Kasher, in his critique of Rabbi Berkovits's thesis, relies on the fact that Rabbi Henkin had rejected conditional marriages.¹⁰ Thus, Rabbi Henkin's proposal, thirty years after he retracted it, was still being used to support both sides of this argument.

Finally, in a review essay in the *Edah Journal* in 2005, Rabbi Michael Broyde, a law professor at Emory University Law School and a *dayan* in the Beth Din of America, included a theoretical proposal to help free *agunot*. (Rabbi Broyde's discussion and proposed text can also be

E.M. Lilien

RUTH GATHERING IN THE FIELDS

Die Bucher Der Bibel: 1912
Band 7. Die Lehrdichtung



found in *JOFA Journal*, Summer 2005, V(2), pp. 8-9) For the proposal to have any chance of acceptance among the rabbinic community, Rabbi Broyde argued that it would need to combine three mechanisms into a single document: "conditions applied to the marriage (*tenai be-kiddushin*), authorization to give a get (*harsha'ah*), and broad communal ordinance to void a marriage (*taqqanat ha-qahal*)...Indeed, in the twentieth century alone, one can cite a list of luminary rabbinic authorities who have validated such agreements in one form or another, including Rabbi Yosef Eliyahu Henkin."¹¹ Although this tripartite proposal is still only in the theoretical phase, Rabbi Henkin's argument has played an important role in its formulation.

Rabbi Henkin's courageous proposal is a model of rabbinic creativity in an effort to resolve the problem of *agunah*. As we celebrate the holiday of Shavuot, let us continue to encourage and support those who are working to free women from their recalcitrant husbands and allow them to begin their lives anew.

Rabbi Adam Mintz is a visiting lecturer in Jewish History at Queens College and a founder of Kehillat Rayim Ahuvim, a modern Orthodox congregation on the Upper West Side of Manhattan. His streaming video "This Week in Jewish History" and MPR files of his Jewish History lectures can be found at www.rayimahuwim.org.

- 1 *Perushei Ivra* (New York, 1925), pp. 110-117.
- 2 *Le-Sheelat Ha-Agunot* (New York, 1940), p. 16.
- 3 This letter can be found in Tzvi Gertner and Bezalel Karlinsky, "Ain Tnai Be'Nisuin," *Yeshurun* 9 (2001): 888.

- 4 See Moshe Meiselman, *Jewish Women in Jewish Law* (New York, 1978), 105-107, and Marc B. Shapiro, *Saul Lieberman and the Orthodox* (University of Scranton Press, 2006), 11-13, for various descriptions of the events surrounding, and the Orthodox responses to, the Epstein proposal.
- 5 *Le'Dor Aharon* (Brooklyn, NY, 1937), pp. 105-110.
- 6 *Le'Dor Aharon*, p. 109.
- 7 The events leading to the writing of this volume are described in the introduction to *Ain Tnai Be-Nisuin* (Vilna, 1930), 11-15.
- 8 Personal correspondence from Rabbi Yehuda Henkin of Jerusalem, grandson of Rabbi Yosef Eliyahu Henkin.
- 9 Eliezer Berkovits, *Tnai Be-Nisuin u-ve-Get*, (Jerusalem, 1967), p. 170.
- 10 "Be-inyan Tnai be-Nisuin", *Noam* no. 12, p. 148. For a description of the debate between Rabbis Berkovits and Kasher, see Tzvi Gertner and Bezalel Karlinsky "Ain Tenai Be'Nisuin" in *Yeshurun* 10(2002): 736-750. For a plethora of meticulous citations and a lucid description of the debate between Rabbis Berkovits and Kasher, see Marc B. Shapiro, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Jehiel Jacob Weinberg 1884-1966* (Littman Library, 1999), 190-192, especially the extensively researched footnote 83.
- 11 Michael J. Broyde, "Review Essay: An Unsuccessful Defense of the Bet Din of Rabbi Emanuel Rackman: *The Tears of the Oppressed*," *Edah Journal* 4:2 (Winter, 2005) p. 17 which can be found at http://www.edah.org/backend/JournalArticle/4_2_Broyde.pdf.

For Men Only?

Gendered Language in the *Aseret Ha-Dibrot*

By Rachel Furst

A sensitive reader cannot fail to note that the Ten Commandments, like many other legal passages in the Torah, are addressed explicitly to men. In accordance with the verses that begin the section on *Matan Torah*, in which Moses instructs the nation, “Be ready for the third day: do not go near a woman,” the Ten Commandments themselves are written in the masculine form: “You (masculine, singular) shall have no other gods besides Me. You (masculine, singular) shall not make for yourself (masculine, singular) a sculptured image”; “You (masculine, singular) shall not swear falsely by the name of the Lord, your (masculine, singular) God”; and so forth.¹

As several feminist scholars have observed, the Torah appears to have excluded women from the community that received the covenant at Sinai—or, at the very least, to have disregarded their presence.² Just as the restriction on interacting with women in the days leading up to *Matan Torah* could only have been directed to a male audience, so too does the masculine language of the commandments seem to indicate that the listeners were men. And yet, *Hazal* (*the Sages*), who transmitted and promoted a halakhic system that differentiated between men and women on a variety of planes, nonetheless found it inconceivable that women were absent at the moment of revelation or that they were left out of God’s covenant with the People of Israel. To compensate for the Torah’s male-centered language, the rabbis went to great lengths to read women into the text and to argue for their inclusion in both the moment and the message.³

To begin with, *Hazal* asserted that all negative commandments in the Torah are incumbent equally upon women and men.⁴ Thus, the rabbis never questioned women’s obligation with regard to the majority of the Ten Commandments, which are negative precepts, despite the Torah’s masculine language. To *Hazal*’s understanding, women were included automatically in the prohibitions to make graven images, to take God’s name in vain, to murder, to commit adultery, to steal, to bear false witness, and to covet a neighbor’s property.

In addition, the rabbis endeavored to demonstrate that the two positive commandments among the Ten—the *mitzvah* to observe *Shabbat* and the

mitzvah to honor one’s parents—were also intended for women, despite several mitigating factors.

The Mishnah in Tractate *Kiddushin* (29a) rules that, in contrast to the negative commandments, women are exempt from certain positive *mitzvot*, namely those that are classified as time-bound. *Shabbat* falls within the parameters of this category of “*mitzvot aseh she-ha-zeman geraman*” because that it is observed only once a week, and women should, thereby, be exempt. Yet *Hazal* declared that when a positive commandment is intrinsically linked to a negative one, women are equally obligated. Noting the distinction between the language employed in the Exodus rendition of the Ten Commandments—“*Zakhor et Yom Ha-Shabbat le-kodsho*” (Remember the Sabbath day and keep it holy)—and that employed in the Deuteronomy version—“*Shamor et Yom Ha-Shabbat le-kodsho*” (Observe the Sabbath day and keep it holy)—the rabbis suggested that the two terms were uttered by God simultaneously, in a single breath, and are, thus, inherently intertwined. The positive precepts of *Shabbat*, represented by the term “*Zakhor*,” are inseparable from the negative precepts of *Shabbat*, represented by the term “*Shamor*,” and *Shabbat* is, therefore, an exception to the rabbinic rule regarding time-bound *mitzvot*.⁵ Indeed, the Torah itself seems to taken women’s obligation for granted, instructing the reader to ensure the *Shabbat* observance of “you, your son or daughter, your male or female slave, or your cattle, or the stranger who is within your settlements” but not “your wife,” implying that she herself is subject to the same commandment.⁶

The Torah is straightforward about a child’s requirement to honor both father and mother, leaving no question as to women’s status as recipients of filial devotion. Yet women’s obligation to mete out the requisite honor to their own parents is not as obvious. Although honoring one’s parents is a positive commandment that is not time-bound, the type of positive precept, which, according to *Hazal*, is incumbent upon women, a related verse from Leviticus complicates matters. Leviticus 19:3 states: “A man shall revere his mother and his father.”⁷ As the rabbis assert in a *baraita* that appears twice in the first chapter of

Tractate *Kiddushin*, the opening word of this verse, “*ish*”—“a man”—(and, one might add, the masculine pronouns for “his mother and his father”) suggests that only male offspring are obligated to revere their parents.⁸ “From where,” ask the rabbis, “[do we learn that] a woman [is similarly obligated]?” The *baraita* explains that despite the singular subject of the verse, “a man,” the verb “shall revere” appears in its plural form—“*tira’u*”—which serves to indicate that women are also included in the instruction.⁹ The very tone of the query posed in this source, which assumes women’s inclusion rather than questioning it, demonstrates that *Hazal* were convinced of women’s equal obligation—and this despite the verse’s explicitly gendered wording.

“...the rabbis went to great lengths to read women into the text...”

Although, from a rabbinic standpoint, women’s obligation in the Tenth Commandment is seemingly self-evident—“You shall not covet” is a negative precept—the wording of this *dibrah* is perhaps the most troubling from a feminist perspective. The Exodus rendition is the more difficult of the two versions of the Commandments, as it seems to implicitly relate to women as their husband’s property: “You shall not covet your neighbor’s house: you shall not covet your neighbor’s wife, or his male or female slave, or his ox or his ass or anything that is your neighbor’s.” (In the Deuteronomy rendition, wives are at least set apart from other forms of property: “You shall not covet your neighbor’s wife. You shall not crave your neighbor’s house, or his field, or his male or female slave, or his ox, or his ass, or anything that is your neighbor’s”).¹⁰

Although it is unlikely that feminism was the guiding motivation behind *Mekhilta de-Rabbi Shimon bar Yohai*’s commentary on these verses, I would suggest that the midrash nonetheless betrays a certain discomfort with the inclusion of women in the Torah’s list of assets. The midrash seeks to demonstrate that no item on this list is extraneous, rather, each clarifies a different point concerning the applicability of

...continued on page 23

Distance and Intimacy at Mount Sinai

By Dr. Erica Brown

In Exodus 19, the children of Israel prepared for three days for the giving of the *Aseret Hadibrot*. During this time, they were commanded to create and maintain a heightened sense of purity. Moshe told them to set up boundaries around Mount Sinai to prevent them from approaching it until they heard the sound of the *shofar*, entitling them to ascend the mount. Thus, the Children of Israel both prepared for the holiness that was within their reach and set limitations for that which was beyond them.

In his article, “Loving the Torah More than God,”¹ the French Jewish philosopher, Emmanuel Levinas, makes several observations about the distance generated in this chapter between God and humankind. According to Levinas, “The adult’s God is revealed precisely through the void of the children’s heaven.” The fear in the chapter, he believes, confirms a larger theological message:

Man’s real humanity and gentle nature enter into the world with the harsh words of an exacting God. Spirituality is offered us not through a tangible substance, but through absence. God is real and concrete not through incarnation but through Law, and His greatness is not inspired by His sacred mystery. His greatness does not provoke fear and trembling but fills us with high thoughts. To hide one’s face so as to demand the superhuman of man...that is a truly divine mark of greatness! This is a long way from a warm and almost tangible communion with the Divine and from the desperate pride of the atheist. It is a complete and austere humanism, linked to a *difficult adoration*.

The “difficult adoration” of which Levinas speaks was created not only by laws that prohibited intimacy with God at *Har Sinai*. It was also stimulated by the introduction of stormy weather: thunder, lightning, and dense clouds on the mount. The impact was predictable: the children of Israel were afraid: “*All the people who were in the camp trembled*” (Exodus 19:16). The demands of personal preparation, the boundaries around the mount—cemented by the punishment of death for anyone who failed to respect them—and the threatening weather created an atmosphere of awe and distance. In Levinas’s understanding, a warm, nurturing God would minimize the impact of God’s own words, which must stand on their own merit. Yet, in re-creating this religious moment every Shavuot with the reading and celebrating of the *Aseret Hadibrot*, is it this distance that we are aiming to experience anew?

We can expand this question by considering the beginning of Exodus 19, in which a very different relationship between God and humankind was cultivated. God told Moshe to communicate to the Israelites a very specific message:

You have seen what I did to the Egyptians, how I bore you on eagles’ wings and brought you to Me. Now then, if you will obey Me faithfully and keep My covenant, you shall be my treasured possession among all the peoples. Indeed, all the earth is Mine but you shall be to Me a kingdom of priests and a holy nation (Exodus 19: 4-6).

Rashi understood from the framing of this verse—namely that God told Moshe twice, once before and once after the speech, to speak these exact words—that Moshe was not to paraphrase God’s words, as he might have done in other communications. Instead, he must utter God’s exact words. Before the thunder and lightning, before the physical preparations, came this mental preparation for revelation.

Here, at the beginning of the chapter, the message is very different. God appears nurturing and close. He spoke the language of covenant, of partnership. He embraced His children as

an eagle bears hers and regarded them as one would a fine treasure. Lastly, God told them that they could be a priestly people, despite the fact that priests in Jewish tradition are hereditary positions assigned to those from a particular family. God sought to convince the members of this former slave nation that they had the capacity for both holiness and leadership. They were capable of moving from positions of subordination to those of autonomy and authority. Before God told them to purify themselves for the actual moment of revelation, He told them that, in essence, they had the capacity for greatness.

It is difficult to imagine that people engaged in manual labor, in the work of slaves, could ever believe themselves capable of leadership or of being nurtured and treasured by the one who rules over them. God wanted these specific words heard so that the Children of Israel would understand what to aspire to ultimately, not only in terms of the Ten Commandments, but with all else that was to follow. In this part of the chapter, there was no lightning bearing down; there were eagles flying up. Here, in place of a fence around the mount, there was a sense of great expansiveness.

We return to our question. What impression was a participant to have at Mount Sinai that we want to re-create today? Is it the awe, reverence, and distance of the last half of Exodus 19, or is it the nurturing, protective and confidence-building relationship with God described in the first half of that chapter?

As slaves in Egypt, the Israelites were, no doubt, used to receiving orders, given in a curt and authoritative manner. These orders did not place intellectual or spiritual demands on them; instead, they concerned specific actions. Much of this tempo appears in the content and style of the commandments: they are short, definitive demands requiring action or stating prohibitions. Had the *Aseret Hadibrot* not been preceded by the earlier poetic speech of Exodus 19:4, the communication between God and humans would have been similar in many ways to that between slave and master. By giving a brief preparatory speech beforehand, God changed the whole tenor of the encounter. Naturally, awe, reverence, and distance must be part of the *mysterium tremendum* of revelation, but before making demands, God created expectations. The children of Israel *can* be holy, *can* be leaders, *can* be partners in a covenant. God gave them responsibilities only after imbuing them with the confidence that these responsibilities would be transformative.

One of the most powerful lessons we learn from this dialectic experience of revelation—of distance and closeness—is how to dispense orders and responsibilities when *we* are in a position of authority. Whether as an employer or a parent, in our professional or personal lives, we often make demands of others and assign them tasks. At those times we must ask ourselves if we have created unbalanced relationships of hierarchy and subordination or if we have achieved more balanced relationships by instilling confidence, giving praise and creating opportunities for partnership. Often people are under the misapprehension that the only way to motivate obedience is through criticism or demand; they do not realize that long-term partnerships benefit from believing in the capacity of others to achieve their potential. Before creating geographic limitations, God offered us a limitless belief in ourselves. We, in turn, need to inspire others to feel treasured and nurtured as they fulfill their responsibilities. We celebrate this dual legacy every Shavuot.

Erica Brown is the scholar-in-residence and a Managing Director for the Jewish Federation of Greater Washington.

1 Emmanuel Levinas, “Loving the Torah More than God,” in *Difficult Freedom: Essays on Judaism* (Baltimore: Johns Hopkins University Press, 1997).

Levirate Marriage: The Limits of the Law

By Professor Martin Lockshin

The unusual law of levirate marriage in the book of Deuteronomy raises many questions—exegetical, sociological, and philosophical—and definitive answers are hard to find. In a slight reworking of the New Jewish Publication Society translation, the text in Deuteronomy 25 reads as follows:

5. When brothers dwell together and one of them dies without a child (יָרֵם), the wife of the deceased shall not be married to a stranger. Her husband's brother shall unite with her: he shall take her for a wife and perform the levir's duty.
6. The first son that she bears shall be accounted to the dead brother, so that his name may not be blotted out in Israel.
7. But if the man does not want to marry his brother's widow, his brother's widow shall approach before the elders in the gate and say, "My husband's brother refuses to establish a name in Israel for his brother; he will not perform the duty of a levir."
8. The elders of his town shall then summon him and talk to him. If he insists saying, "I do not want to marry her,"
9. His brother's widow shall go up to him in the presence of the elders, pull the sandal off his foot, spit in his face and make this declaration: "Thus shall be done to the man who will not build up his brother's house!"
10. And he shall go in Israel by the name of "the family of the unsandaled one."

Among other, perhaps more serious, problems, the text seems to contradict directly the injunction in Leviticus 18:16: "Do not uncover the nakedness of your brother's wife." In other words, Deuteronomy requires that which Leviticus forbids. According to the accepted traditional Jewish harmonization, it is ordinarily forbidden for a man to marry his brother's widow; however, if that widow is childless, then such a marriage becomes not only permitted but it is even considered meritorious (a *mitzvah*).

“...the Torah provides
no clear reason for this
mitzvah of *yibbum*...”

Another solution—never offered in traditional rabbinic sources, but suggested by Karaites, among others—seems obvious. The text suggests that the “brother” of the deceased should perform the levir's duty. However, the word “brother” can have many meanings, both in Hebrew and even in modern spoken English. Some Karaites accordingly argued that some kinsman of the deceased should perform the levir's duty, but out of deference to the book of Leviticus, it ought not to be the brother of the deceased.

Theoretically one could also cite the biblical narratives that refer to *yibbum* to prove that, in the Bible, people other than a brother of the deceased may perform the levir's duty. In the one Torah text that tells a story of *yibbum*—the story of Judah's daughter-in-law Tamar (Genesis 38)—at least one character in the story, Tamar, thinks it appropriate that a family member other than the deceased's brother perform the levir's duty. However, the strongest evidence for such a non-halakhic reading is from the Book of Ruth, which we read on Shavuot. At the end of the book, the elders at the gate recognize two members of the clan as potential candidates to marry the childless widow, Ruth. A serious twisting of the text is required to claim that either Boaz or Ploni Almoni (the “John Doe” of ancient

Israel) is a brother of Ruth's deceased husband, Mahlon. The text seems to imply that the levir's duty is passed along from the closest relative of the deceased to those less closely related, just as an inheritance from an intestate person might be passed along to the surviving relatives, with the closest living relative being the beneficiary.

The Book of Ruth itself seems to make precisely this comparison. The potential new husband of the widow Ruth is the man who not only has levirate responsibilities but also is associated most closely with the estate of the deceased (Ruth 4:5). He has a responsibility to redeem the estate, to buy back and presumably take control of the ancestral holding of the deceased. However, rabbinic tradition never linked the responsibility to redeem the estate to the laws of *yibbum*. If, for example, a man without brothers dies and leaves a childless widow, halakha states unambiguously that, in such a case, no *mitzvah* of *yibbum* is incumbent on the other relatives, even if they are the heirs. Before we consider why that is the case, let us take one step back and consider the underlying rationale for the law of the levir.

As is the case for so many *mitzvot*, the Torah provides no clear reason for this *mitzvah* of *yibbum*; it simply states that a levirate marriage ensures that the deceased's “name may not be blotted out in Israel.” Curiously, halakha never required what seems to be the simple meaning of this verse—that the child who is born to the levir and the widow be given the name of the widow's deceased husband (see *Yevamot* 24a). Furthermore, the author of the medieval work, *Sefer ha-hinukh*, who almost always explains *mitzvot* in rational terms, writes in commandment 598 that the true meaning of this *mitzvah* can only be understood in kabbalistic terms.

Modern readers of the Bible have attempted to give sociological explanations for the law. Some argue that it reflects the desire that marriage remain within a tight social circle, giving exogamy (marrying out) a new and very restrictive meaning. Others claim that the law reflects a powerful patriarchal system; a woman becomes part of the clan into which she marries and is never allowed to leave that clan, even after the death of her husband when she might gain possession of his estate. As the notes in the *New Jewish Study Bible* (Oxford, 2004) put it, “The widow's marriage outside the clan would diminish the landholding of the clan.”

Another explanation is that, in antiquity, widows without sons—like all women without a husband—were considered dangerous and overly powerful, and they had to be controlled. In other words, the levirate law protects the power of men by eliminating or at least reducing opportunities for the existence of powerful and wealthy unattached adult women. Some try to give this idea a more positive formulation, arguing that women in ancient societies required the protection of husbands. The Torah, according to this explanation, took steps to protect unattached women from a life in which they would have no man responsible for them.

All of these explanations are theoretically possible. However, one surprising detail in the rabbinic interpretation of the law of the levir argues against any explanation that connects this law to patriarchy: that is the interpretation of the Hebrew word יָרֵם in the biblical text. The Bible describes what is to be done with a woman whose husband dies and does not leave behind a יָרֵם. Many translations of the Bible—for example, the *Revised Standard Version*, the *New International Version*, and even the New Jewish Publication Society translation—say that the levir law is implemented when a man dies and has not left a son behind. But the rabbis say that the law is in force only if a man dies without leaving a living child (see *Sifre* Deuteronomy 288, in which a woman is considered not subject to the law of the levir even if the only surviving descendant of the deceased is a daughter's daughter.) In other words, according to accepted rabbinic interpretation and all halakhic authorities, a widow who has a daughter but no son is not subject to the law of the

levir. For such a woman, the law of Leviticus 18:16 would apply, and her dead husband's brother would not be allowed to marry her. (The rabbinic understanding that the word **בן** in our verse means "son or daughter" is reflected in some older English translations, such as the *King James Version* and the 1917 Jewish Publication Society translation.)

The rabbinic explanation that the law of the levir applies only to women who have no children, male or female, essentially undercuts the possibility of seeing the law in simplistic patriarchal terms. If unattached women with money represent a danger to the patriarchy, the law ought to apply even if the widow has a daughter. If the law is meant to protect unattached women from the abuses possible in a patriarchal society, surely the widow with a daughter and no sons would need at least as much protection as the childless widow!

From an exegetical perspective, the rabbis did not have to say that the phrase **בן אין לו** means that he had no *child*. The identical Hebrew phrase appears once more in the Bible, in Numbers 27:8. The context makes it clear that the phrase there means that the man did not have a *son*. (The full verse reads "If a man dies and does not have a son (**בן אין לו**), give his inheritance to his daughter.") Why then does halakha say here that the phrase **בן אין לו** in Deuteronomy means that he did not have a son or a daughter, and why does halakha rule that a widow with a daughter is not subject to the law of the levir?

Of course, any answer to such a question is speculative. A traditionalist might simply answer that this is what the Oral Law taught, so that is the halakha. However, it is also possible to see this interpretation as part of a larger historical process of limiting the law of the levir. As I noted in the beginning of this essay, the levir could easily have been defined as being any relative of the deceased, as implied in the Book of Ruth. But the rabbis did not so interpret the law. In addition, the law could easily have been applied to a widow with a daughter—as so many modern translators of the Bible claim—which would allow the phrase **בן אין לו** to be interpreted in Deuteronomy the same way it was interpreted in Numbers. But again the rabbis limited the law.

A final example of limiting the law of the levir is the preference of halakha for *halitza* (the "unsandaling" ceremony) over

yibbum. A simple reading of the text from Deuteronomy is that *halitza* is meant to disgrace a potential levir who refuses to do the right thing: the *mitzva* of *yibbum*. But already in Mishnaic times (*Bekhorot* 1:7) we find the suggestion that "nowadays" Jewish law should steer people toward performing *halitza*, not *yibbum*. The intentions of the men who perform *yibbum*, it is argued, may not be proper, and so we ought to reverse the Torah's priorities and see *halitza*—the ceremony that will free the widow to marry anyone—as the preferred solution. And although the debate about whether *halitza* or *yibbum* is preferred continued through talmudic times, by the Middle Ages there existed a fairly strong consensus discouraging and even prohibiting *yibbum*, at least in Ashkenazic countries.

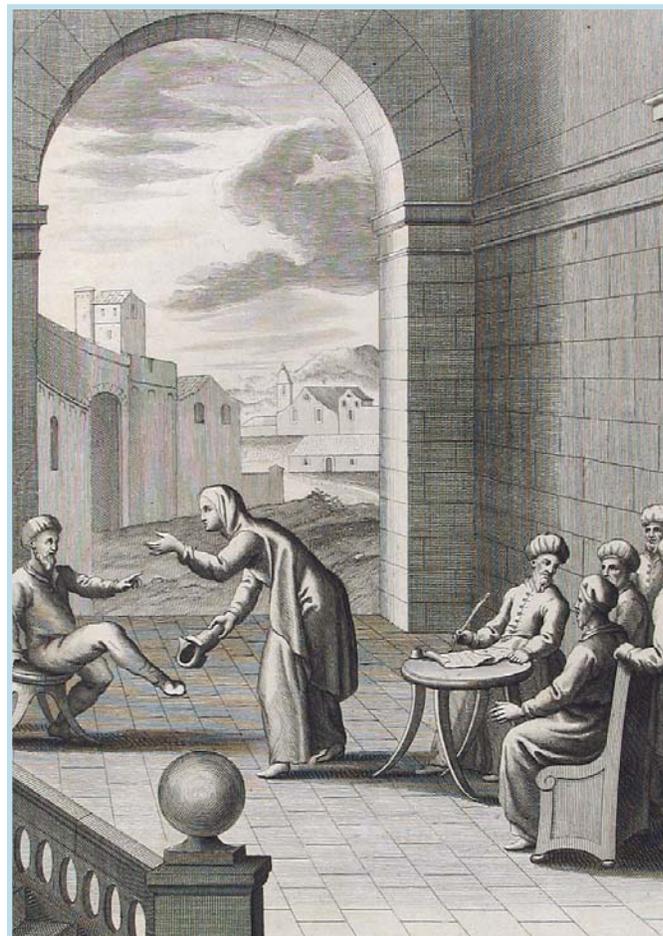
It would be an exaggeration to argue that over the millennia the rabbis consciously decided to take steps to limit the law of the levir and eventually to legislate it out of existence. Still, changes in the laws of *yibbum* and *halitza* offer a comforting example of how rabbinic tradition, exegesis, and legislation can take a law that perhaps made sense in an ancient society but that would be quite foreign to the world in which we now live and can find ways to neutralize it.

Rabbi Martin Lockshin is professor of Humanities, Hebrew and Jewish Studies at York University in Toronto. He is currently on sabbatical in Jerusalem.

Yibbum: Present Day Implications

Although the story of Ruth is not the classic case of *yibbum* described in Deuteronomy, Shavuot provides an opportunity to focus on this issue which has serious implications, even today, for Jewish women. As is clear from the two articles, historically there was a split as to whether *yibbum* or *halitza* takes precedence. Ashkenazim have favored *halitza* over *yibbum*, the Oriental communities *yibbum* over *halitza*, and the Sephardim are somewhere in between. In 1950, after the establishment of the State of Israel, Chief Rabbis Herzog and Uziel prohibited *yibbum* so that there would be one established law for all. But this issue can still cause hardship for a woman waiting to be released by *halitza*, and through the generations, rabbis have tried to address this. By becoming a *yevama*, a woman is bound to her husband's brother and she can thus be in the same limbo as an *agunah* if the *yavam* (her brother-in-law) is a minor, is incompetent to go through the *halitza* ceremony, cannot be located, or refuses to perform *halitza*. The widow in all these cases becomes an *agunah* and cannot remarry. She is then subject to the same problems as other *agunot*—the inability to get on with her own life, being vulnerable to extortion and blackmail, etc.

Jennifer Stern Breger, Editor



THE HALITZA CEREMONY

Augustin Calmet, 1732

Courtesy of the Library of the Jewish Theological Seminary.

Christian theologians had a great interest in the halitza ceremony and there are many European illustrations of the ceremony and of the shoe or sandal used in books about Jewish customs.

Perhaps the Last *Yibbum* in History

By Jonathan Sallah Snowbell

My grandmother, Hannah Bahar, was a *yevamah*. My grandfather, Sallah Bahar, was a *yavam*.

My grandmother was born in Baghdad around 1908. Her parents were Hacham Ya'akov and Rahel Gubbay. She was one of ten children. When my grandmother was only seven, her father passed away. A year later her family moved to Bombay, India. She went to school in Bombay until the age of seventeen.

My grandfather was born in Baghdad in 1905. His parents were Yehezkel and Chatoon Bahar. He was one of eight children. He had three older brothers: Gurgi, Abdula, and Shaul. His family also moved to Bombay.

At the age of seventeen, Hannah Gubbay married Gurgi Bahar. Tragically, the marriage did not last long. After less than two years of marriage, Gurgi died. There were no children. This brought great shame to Hannah, who was known as “the barren one.”

As Jewish law dictates, when a married man dies without children, one of the brothers of the deceased is obligated to take the wife of his brother as his wife. This is called the *mitzvah* of *yibbum*. If none of the brothers chooses to marry the deceased brother's wife, she must be freed to marry other men through the process called *halitza*. In Ashkenazi circles it became the practice to prefer or even only to permit *halitza* because of the concern that the involved parties might not be capable of fulfilling the *mitzvah* with the proper intentions (see discussion in the *Shulhan Arukh Even Ha'ezer* 168:1). However, Sephardic or *Edot Mizrah* circles had a different practice, adhering to the original Torah law of preferring *yibbum*, and this was so in Hannah's case. “Granny,” as many of her grandchildren lovingly called her, later related that her family did not even entertain the possibility of doing *halitza* because it would have been a big embarrassment.

“My grandmother...
was a *yevamah*.”

Gurgi's brother Abdula was willing to take Hannah as his wife, but he already had one wife, and Hannah, with the support of her mother Rahel, was not interested in being anyone's second wife. However, one of Gurgi's other brothers, Sallah, was unmarried, and he too was prepared to take Hannah as his wife. To this Hannah agreed. And so in 1926, Sallah performed the *mitzvah* of *yibbum* by taking Hannah, his deceased brother's wife, to be his *yevamah* and wife. At the end of 1927 Hannah, previously known as “the barren one,” gave birth to a son. Though it seems that the Torah obligates the *yavam* and the *yevamah* to name the first son after the deceased brother (see Deuteronomy 25:6), according to the rabbinic interpretation no such obligation exists and this is codified in the *Shulhan Arukh (Even Ha'ezer* 166:5). Nonetheless, Hannah and Sallah's first-born son was named Gurgi (Victor) for Sallah's deceased brother, Hannah's deceased husband. Over the years Hannah and Sallah added Jack, Yehezkel, Nissim, Shirley, Elaine (my mother) Isaac, David, Rochelle, and Immanuel to the family: ten children in all—seven boys and three girls.

In *Tefillat Shaharit* in the Siddur of *Edot Mizrah* the prayers

are prefaced by (among other things) *Tefillat Hannah* – Hannah's prayer. The biblical Hannah had no children and prayed very devoutly until God gave her a son, whom she returned to God to serve in the *Mishkan*. This son grew up to be *Shmuel Hanavi* – the prophet Samuel. Hannah's intense prayers to God for a child and her vow to God that the child born will be given over to God's service are recorded in the Book of Samuel (Samuel I 1:10-11). *Tefillat Hannah* (Samuel I 2:1-10) is the thanksgiving prayer she recited after she gave birth to Shmuel. In Samuel I 2:5, Hannah says, “She who was barren gave birth to seven,” and the Sages interpret this verse as referring to Hannah (see *Yalkut Shimoni Shmuel* 89), although it actually seems to contradict Samuel I 2:21. Hannah Bahar identified completely with the biblical Hannah and always recited *Tefillat Hannah* with great devotion. She saw herself as “the barren one” like the biblical figure, and she too had then given birth to seven; that is, to seven sons.

In 1968 Hannah lost Sallah, her second husband and the father of her ten children. The following year she left Bombay and moved to Toronto where she lived out her remaining years close to several of her children. There she wrote very special poetry that highlighted her close relationship to God throughout her life ordeals: losing her father at a young age, losing her first husband, and then losing her second husband. Remarkably, despite the odd and unfortunate circumstances of their marriage, Hannah loved Sallah dearly as she expressed in the following poem:

MY FEELING FOR MY BELOVED

Even though you are gone,
I see you everywhere,
Face to face,
I can hear you join me in my laughter;

Once I felt your palm inside my palm,
To push me, alone, gleefully on my travels.
Would God you were with me,
My life would have been richer!

With a stronger heart I would have braved
a thousand taunts,
But you by my side, no one would dare
And if they did, who would care?

I miss you by night
I miss you by day
I miss you all the while
I miss you even when I say my prayers,
In sadness and in happiness I miss you my dear.

Hannah Bahar passed away on the 17th day of Tammuz in 5752 (1992). Her children, grandchildren, and great-grandchildren and her close relationship with God that she nurtured through her prayers and poetry form her legacy.

Jonathan Sallah Snowbell, originally from Toronto, now lives in Alon Shvut, Israel. He is a teacher at the Himelfarb Torah High School for Boys.

The following is one of four poems that give voice to the thoughts of the three women in the Book of Ruth and are titled “Words Not Said: Four Poems after the Book of Ruth.” They were first published in *READING RUTH: Contemporary Women Reclaim a Sacred Story* edited by Judith A. Kates and Gail Twersky Reimer (Ballantine Books, 1994). The poem is reprinted here with permission of Kathryn Hellerstein.

Naomi: “Call me Bitter”

(Ruth 1:19 – 22)

By Kathryn Hellerstein

The path grows stonier, the hills are steep
and the sheep and goats graze on the prickly brush.

On terraced plots cling olive trees, their leaves
sigh ashy melodies of my return.

I walked this path ten years ago, going up,
away from Bethlehem, whose walls now glisten
where the road dips and branches out, a maze
of what I’ve lost and what my God has gained.

Ten years ago, I had to leave behind
this starving puzzle of the ways of God.

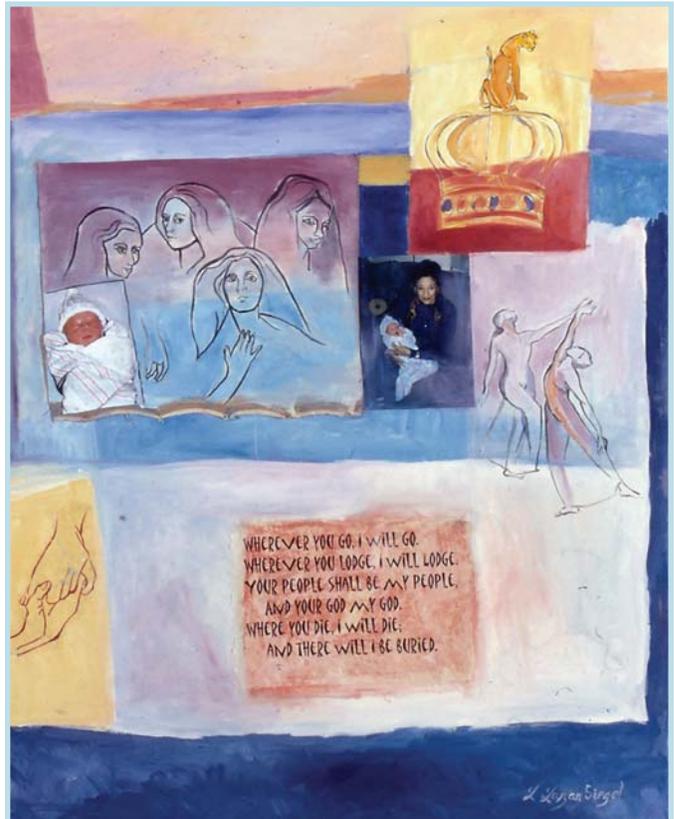
I was young then. My husband, hungry for
a better life, trudged at my side, our sons
walked, dreaming of their suppers in Moab.

High noon. The sun is strong. It finds my face
although I want to hide how old I am,
how much I’ve lost. I’m not alone, there’s Ruth,

but how can I without my husband, sons,
be coming home? The women peer out from
their market stalls, their courtyard gates, at Ruth
concealed beside me in her foreign veil,
and ask, “Naomi? Is that you?” I spit.

“Do not call me Naomi, pleasant name.
But call be bitter, Marah, for my God
dealt bitterly with me. He emptied me
of all my fullness. I have nothing now.”

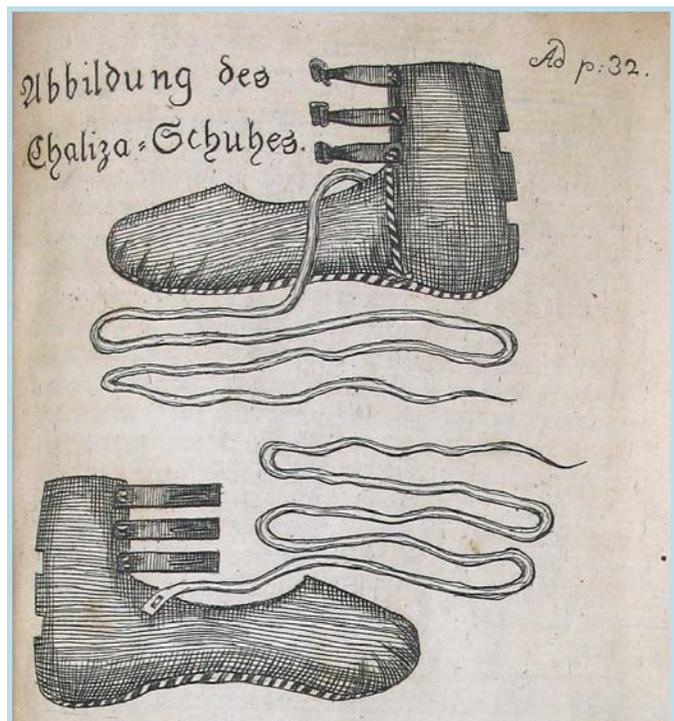
Dr. Kathryn Hellerstein is Senior Lecturer in Yiddish and Jewish Studies at the University of Pennsylvania.



Laura Lazar Siegel, *Ruth: Choice*
From

THE BOOK OF RUTH: A CONTEMPORARY MIDRASH

Courtesy of Hebrew Union College–Jewish Institute of Religion.



HALITZA SHOES

Adler, Tikunei Shtarot, Hamburg, 1773

Courtesy of the Library of the Jewish Theological Seminary.

Tikkun Leil Shavuot in Jerusalem

By Ariel Ben Moshe

Leil Shavuot in Jerusalem is a magical experience, an evening when young and old eagerly imbibe the *mayyim hayyim* of Torah. Everyone is in pursuit of wonder. Shavuot is the holiday for falling in love with Torah all over again.

For the last seven years, TAL TORAH has held a *Tikkun Leil Shavuot* for women and girls of all ages. Our goal is to provide intellectually challenging and spiritually satisfying *shiurim* for participants, ranging in age from 10 to 85, combined with good food and strong coffee in a welcoming “living room” environment.

The *Tikkun* begins at 11 P.M. with a special early class for about 30 teenage girls. Last year, this class, taught by one of our young teachers, focused on what it means to bring the best of oneself before Hashem, as did our ancestors when they brought the *Bikkurim* to the *Bet Hamikdash*. Several of the teens were so inspired that they returned on their own initiative in the fall to study with this teacher.

After the teen session, we offer three classes starting at midnight and continuing until 3 or 4 in the morning which are filled with lively, intergenerational discussions among the more than 60 women and girls who join us each *Tikkun Leil Shavuot*.

Each year, a new theme weaves the three classes together, although participants do not need to attend all three. In past years, we explored different aspects of *Megillat Ruth* with a focus on the redemptive quality that women bring to their lives, their friendships, and their communities. Other years we have learned about Shavuot itself, the nation of Israel as an *Am Segula* (a treasured people), and the *Shivat Haminim* (the seven species). This year we will explore aspects of King David’s leadership: as a king, a psalmist, and a prayer leader. Why isn’t he included in the *Amida*? How do I become my prayers?

There is a planned progression to our classes during the evening. First we present an intellectually oriented text-centered class. It is followed by a more experiential exploration of the theme, using drama or movement. The last class is more playful and “poetic” given the hour of the morning and includes lots of singing. We always set aside quiet spaces for women who wish to study alone or in *hevruta*, and we prepare source sheets and questions for them to follow as they like. Often we have a few eight to ten year-old younger sisters attending who fall asleep at various points during the evening in the comfy couches and chairs spread throughout our learning center. Typically, the teens are the first to leave us, slipping out to rendezvous with friends and to start walking to the *Kotel* around 3 A.M.

However, one year, not even the teens left early! Jerusalem was our theme of study that Shavuot. The first class examined the significance of Jerusalem in the Talmud and rabbinic sources throughout the ages; the second class focused on the beautiful *midrashim* and songs of Jerusalem. A master teacher offered Breema movement exercises be-

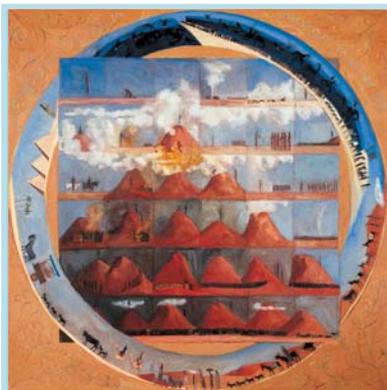
tween classes to keep everyone awake and energized. Then came the third class, led by an amazing 82-year-old seventh-generation Sabra who told stories about Shavuot and Jerusalem “that she heard from her mother and grandmother, who heard them from their mothers and grandmothers.” She captivated us with these tales, both historical and poetic, that spanned more than 200 years. Mothers and daughters, women and girls of all ages, sat spellbound into the early morning hours as she wove her stories, recalling the personalities and voices of the women who told them to her.

In the early years, before we had a space of our own, we held the classes at different women’s homes in the neighborhood, and the participants would walk together to the next learning session in the beautiful Jerusalem night air. We would continue our *Tikkun Leil Shavuot* with morning *davening* on the veranda of a private home near the Tayelet, overlooking the Old City. The *davening* would begin at 5 A.M. and include the reading of *Megillat Ruth*. Imagine more than a hundred women and girls sitting together in the hush of a Jerusalem night, overlooking the *Kotel* and waiting for first light.

Now, we find that many women need to return to their homes in the early morning hours. So, in recent years, instead of *Shaharit*, our practice has been to hold a *Mincha* service complete with the reading of *Megillat Ruth*. Women pour into this service at 4 P.M., eager for the quiet atmosphere where they can *daven* and hear every word of the *Megilla*. Our reading of Ruth is done as a narrative. A mother reads the part of Naomi, a daughter is Ruth, a young Russian immigrant reads Boaz, a native Israeli is the narrator, a grandmother takes the parts of the community and the young lad. It is an extraordinarily beautiful reading and has become a tradition in the neighborhood and a wonderful culmination to the Torah-infused atmosphere of Shavuot in Jerusalem.

At the heart of Shavuot is the encounter with the Word. Each year anew, we ready ourselves to take up our obligations as servants of God, carriers of memory, bearers of a noble vision. As an *Am Segula*, we celebrate and learn together, thankful for the treasure of Torah.

Ariel Ben Moshe is the Founder and Executive Director of TAL TORAH, an innovative Torah learning center for women and girls in Jerusalem



Avner Moriah, Jerusalem

CENTERPIECE OF HAR SINAI

From “Gathering at Mount Sinai” Mural,
Permanent Exhibit,
The Jewish Theological Seminary.
Courtesy of the Artist

According to midrashic sources, the Israelites overslept on the morning of *Matan Torah*, and had to be awakened by Moses. As a *tikkun* (rectification), the custom developed to study the entire night before Shavuot in preparation for commemorating the Giving of the Torah. This custom became strengthened in the 16th century by the mystics of Safad who created a whole order of service which consisted of readings from *Tanakh*, Talmud and kabbalistic sources.

For those of us who are concerned by the seeming absence of women at Sinai, *Tikkun Leil Shavuot* is a time to affirm commitment to study. Women were definitely included in the *mitzvah* of *Hakbel* (the public reading of the Torah every seven years) commanded by Moses at the end of the Book of Deuteronomy, which was seen as a re-enactment of *Matan Torah*. For those of us who are exhausted at the *Pesach Seder*, and therefore frustrated that we participate less than we should, *Leil Shavuot* is a wonderful opportunity to pursue a whole range of Jewish learning. I was once told that Shavuot receives little attention among many Jews because it has no Menorah, no Shofar, no Sukkan and no Matzah. But what it does have is Torah, and this provides us with a unique challenge to dedicate ourselves to fixed times for both formal and informal study throughout the year ahead.

Jennifer Stern Breger, Editor

Gendered Language

...continued from page 16

the commandment. The neighbor's wife is included, according to the *Mekhilta*, so as to exclude the neighbor's daughter, whom one could (assuming she is single) theoretically marry—in other words, coveting a connection with another human being is prohibited only when the desired relationship is in fact forbidden.¹¹ While this explanation does not overcome the patriarchal tone of the verse, it does suggest that the rabbis themselves felt a need to explain away, at least on technical grounds, the disconcerting appearance of women as objects, rather than subjects, of the central precepts of the Jewish religion.

To those of us Jewish women for whom it is both difficult and painful to consider the possibility that we were not present at Sinai, it may provide some comfort to know that the rabbis did not entertain such a notion.

Rachel Furst teaches Talmud at MaTaN and Ulpanat Amit-Noga and is pursuing doctoral studies in medieval Jewish history at the Hebrew University of Jerusalem.

- 1 Exodus 19:15; 20:3–4; 20:7. All translations are from the Jewish Publication Society *Tanakh* (Philadelphia, 1985) unless indicated otherwise.
- 2 See, for example, Rachel Adler, “The Jew Who Wasn’t There,” in *On Being A Jewish Feminist: A Reader*, ed. Susannah Heschel, 12–18 (New York, 1983); and Judith Plaskow, *Standing Again at Sinai* (San Francisco, 1990).
- 3 Without elaborating upon the various creative readings that the rabbis employed to demonstrate the presence of women at the Giving of the Law, it is worth noting that the Mishnah in Tractate *Shabbat* 9:3 cites the three days of required separation as proof that a woman who discharges semen on one of the three days following sexual intercourse is considered impure, since the semen is assumed to retain its potency. The implication of this read-

ing is that the men of the nation were instructed to avoid their wives for three days prior to *Matan Torah* not so as to preserve their own purity but, rather, to guarantee the purity (and, thus, the presence) of the women.

- 4 Mishnah *Kiddushin* 1:7.
- 5 BT Tractate *Shevuot* 20b.
- 6 Exodus 20:10.
- 7 Here I have deviated from the JPS translation, which renders the verse “You shall each revere his father and his mother,” because it obscures the gendered nuance.
- 8 BT *Kiddushin* 29a and, with slight variations, 30b.
- 9 The *baraita* goes on to explain that although both men and women are obligated to revere (and honor) their parents, the masculine “*ish*” at the beginning of the verse in Leviticus reflects the Torah’s recognition that a woman, who is assumed to be beholden first and foremost to the needs of her husband (and children), may not always be available to attend to her parents.
- 10 Exodus 20:14; Deuteronomy 5:18.
- 11 *Mekhilta de-Rabbi Shimon bar Yohai*, 20:31.

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