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## THE HALAKHIC FRAMEWORK OF MOURNING AND BEREAVEMENT

*Its Implications in Dealing with Crisis*

### INTRODUCTION<sup>1</sup>

During the mourning period social customs<sup>2</sup> and religious observations determine the roles to be played by members of the deceased person's family. Judaism has long recognized that the individual confronting grief is faced with deep emotional stress which often creates problem solving situations. When there is difficulty or inability to utilize problem solving mechanisms, a state of crisis ensues and a person in mourning is generally confronted with a crisis situation. In Judaism the bereaved is helped to deal with his crisis through a defined halakhic framework.

It has become recognized that the mourning process can become a therapeutic tool in helping the bereaved deal more realistically with his loss. This is particularly true when a halakhic approach is introduced which provides clear directions for mourning. Such a framework creates structure and support, thus facilitating his return to society. This essay will analyze the halakhic outlook on mourning and bereavement.

### I

Jewish Law requires the bereaved to mourn his loss.<sup>3</sup> His personal and natural grief are to be aired. The intensity of the grief is so powerful that a separate period prior to burial is given to the bereaved to express his pain. Lindemann noted that normal grief reactions are characterized by a

controversy. When Arabs (Moslem and Christian) and Druze were asked "which issues [in Israeli public life] are most important to you," 41% responded, real equality of Arabs and Druze in Israel; 32% spoke of improving social services like education and health care, while only small percentages (14, 8, and 5 respectively) spoke of the struggle to return expropriated Arab lands, the consolidation of an Arab Israeli national identity, and the struggle to establish an independent Palestinian state.

What, Israeli Arabs and Druze were asked, is the most effective way to attain equality? Parliamentary activity of Knesset members was chosen by 44%; activities of Arab Mayors, and other Arab organizations garnered the support of 29%; 18% chose legal demonstrations and only 1% reported that they supported illegal demonstrations. Would Israeli flags be displayed in Arab schools? 42% expressed varying degrees of support, 49% varying degrees of opposition. More than two-thirds of Arabs and Druze felt that the solution to the problem of inequality lies in transforming Israel from a Zionist Jewish state to state "of all its citizens." Finally, nearly three-quarters supported the idea of an Arab candidate for Prime Minister and, were there such a candidate, some 45% said they would vote for him.

Rouhana's preferred solution to the problem of Israeli Arab identity is the de-judaization of the state. In this he is joined by the small but vocal Jewish, post-Zionist left in Israel. He believes that an Israeli identity divested of its ritualistic ethnic Jewish loyalties, one which the state would represent Arab and Jew equally, would go a long way toward resolving the intolerable conditions involved in Israel's syncretic character as both a Jewish and a democratic state. Were the state to be de-labeled by (minimally) replacing the

flag, national anthem, national symbols with ethnically neutral ones, were Israel (if that Jewishly-laden name would be retained) to become "a state of all its citizens," the intolerable limbo of Israeli Arabs would be resolved. Israel would then be a pluralist, liberal state without a specific national character. The Israeli identity would include both Jews and Arabs. The unspoken model here is, of course, the United States: a civic union integrating many national communities.

The price for this transformation would be, of course, rejecting a century of Zionist history and ideology. More: it would entail the profound delegitimation of the entire enterprise that has been the centerpiece of Jewish affective aspirations for many generations. It would also make Israel the only liberal, pluralist, non-national state in the Middle East. Egypt, Syria, Palestine, etc., are, by contrast, explicitly ethnic Arab States (some even speak of themselves as "Arab" or "Moslem Republics").

Nor is it fully clear whether Palestinians living in a de-judaized Israel would be contented with their minority status. After all, with more than 80% of the population Jewish, Hebrew would remain the lingua franca and Jewish holidays would give the national tone. And all of this, when across every border and in very close geographic (not to mention media) proximity, Arab states with fully Arab aspirations would express Arab national aspirations without any admixtures.

Moreover, even radical de-judaization will not make Arabs and Jews over into some third ecumenical identity. Given the deep cultural boundaries dividing the two communities and recalling that the call for de-judaization does not derive from a desire for cultural assimilation, there is every reason to believe

that, as opposed to the United States, there would be little "melting pot" activity even in a de-judaized state. Arabs would remain Arabs and Jews, Jews. Each community, it seems quite probable, would continue to require its own culturally distinct support systems and to prefer its own company. Arab attachment to the state would, it seems likely, continue to be civic and instrumental; such a state would not express their affective national character any more than, say, Spain, England, and Canada (despite being states of all their citizens) express the national aspirations and cultural uniqueness of the Basques, the Welsh, and the Quebecois. All the more so when culturally undiluted Arab regimes are so well represented in the immediate vicinity. Palestinian Arabs would then remain a small enclave within an overwhelmingly Jewish state,

## Feminism and Orthodox Judaism

*Feminism and Judaism: Women, Tradition, and the Women's Movement.* By MICHAEL KAUFMAN. Jerusalem: Heritage Press, 1996.

Reviewed by JOEL B. WOLOWELSKY

Recent decades have seen dramatic changes in the role of women in the religious—and secular—communities. Reform and Conservative Judaism have for the most part embraced religious egalitarianism, allowing women to participate as men do in ritual. However, the basic gender differentiation of traditional *halakha* has created serious tensions in many sections of the Orthodox community. Kaufman's book succinctly captures the themes of much of the current rabbinic discussion in the Orthodox community on this issue, and he comes across as sympathetic and sincerely interested in engaging his critics

even were its Jewish character reduced from the official and intrusive status it now possesses to become only a simple demographic fact.

All these considerations are not raised in order to set aside the ethical and political thrust of Rouhana's arguments. Even for those who find the idea of de-Judaizing Israel as improbable and remote as the de-Arabization of Egypt, the principled questions raised by Rouhana's important book remain crucial and unrelenting. In a word, how far can a Zionist Jewish state go—especially in conditions of comprehensive peace—toward establishing genuine Arab equality? Are the inequalities Rouhana documents only contingent and security-related, or are they, as he believes, the ineradicable core of a Jewish state? The answer to Ernst Simon's pointed question hangs in the balance.

with respect, making the book a valuable contribution.

The first part of the book presents (as an eventual foil to Orthodoxy) the role of women in ancient Greek and Roman societies, followed by a discussion of the role of women in Christianity. The second part outlines the main themes of contemporary feminism, pointing out how it parts company with halakic values. This is followed by a presentation of the main themes articulated by various Jewish feminists. We then have a discussion of scientific findings on the biological and psychological differences between men and women—a reality, Kaufman says, that

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is reflected in the halakhic distinction between the religious duties and responsibilities of men and women. Finally, there is a discussion of the role of women in halakhic Judaism, coupled with an outline of a wide range of *halakhot* that relate to women.

Kaufman's intended audience could hardly be those women who are not committed to *halakha* and who criticize the non-egalitarian nature of Jewish tradition.<sup>1</sup> Yet the bulk of the book is equally inconsequential for those women within the halakhic community who are pushing for greater involvement in religious ritual. They are quite comfortable with the fact that *halakha* defines somewhat different roles for men and women. The most Jewishly educated group of women in Jewish history, they are exploring how this rich education should be reflected in their everyday religious life. They are committed to Jewish family values and know that their roles as mothers and wives can be reconciled with being a doctor, lawyer, or financial analyst. They know that accepting certain initiatives originally promoted by feminists does not necessarily imply accepting feminist ideology as a whole.

Kaufman, however, despite his sincerity, is fighting yesterday's battles. He is like a preacher still explaining why sermons in the vernacular are motivated by the anti-halakhic agenda of the Reform movement, but missing the fact that English is now the primary language for advancing a Torah agenda in America. Few things could be less productive religiously. Indeed, his inability to appreciate what motivates the desire of these Jewishly-educated women to take a more active role in religious activities results in a fundamentally confused discussion. Unfortunately, this has become characteristic of much of the public discussion

regarding these issues taking place within the Orthodox rabbinate.

To consider a few specific examples from Kaufman's book, turn first to his treatment of *hakafot* for women. *Maariv* for Simhat Torah ends with *hakafot*, during which the Torah scrolls are removed from the ark and taken around the synagogue seven times. Generally, most of the men take turns carrying the scrolls, and between each *hakafa* there is spirited circle dancing around men who hold the Torah scrolls in the center. For the most part, this has been a "spectator sport" for Orthodox women, who usually stayed in the women's section and watched the men dance.

Recently, Orthodox women have started participating in *hakafot* in one of two ways. Some have organized *hakafot* at women's prayer groups, but the majority wait for the few minutes it takes for each *hakafa* and then dance in the women's section around one of the women who is holding a Torah scroll. On this recent phenomenon Kaufman writes:

Dancing with Torah scrolls is an activity that has traditionally been done by men. Under the influence of the women's movement, there has been some effort in recent years to conduct women's *hakafot* with the Torah scrolls on Simhat Torah in some traditional synagogues. While a woman, like a man, is permitted to touch and hold the Torah scroll at all times, the practice of women's *hakafot* has been opposed by contemporary halachic authorities.

This opposition is apparently not based upon *halakha*, but upon its advocacy by masculo-feminism, a movement associated with anti-familism and the destruction of the Jewish family which has taken place in recent decades. Consequently rabbinic authorities oppose all innovations in tradi-

tional Jewish practice which derive from masculo-feminism. (p. 276)

The logic here is clear. In his view, the question of women's increased participation in this area of Jewish ritual life is not to be decided simply on the basis of *halakha* but also—if not primarily—on how it fits into the battle against masculo-feminism, for Kaufman the driving force in the current secular women's movement, which focuses not only on equal rights but equal roles for men and women.

When the enemy is clear, counter-strategies quickly develop. If masculo-feminism is the only possible motivation for these women, rabbinic opposition becomes unavoidable. Perhaps Kaufman might concede that Orthodox women dance in separate sections during a wedding because they are happy and are simply expressing it through their dancing. But, apparently, if they dance in the synagogue on Simhat Torah while holding Torah scrolls, the only explanation available to Kaufman and those whom he represents is that they are motivated by masculo-feminism.

Consider also Kaufman's comments on the *zimmun*, the "call" to say *birkhat hamazon* (the "grace" after meals) together, which is added whenever a quorum of three eat together. "A group of at least three women who have eaten together without the presence of men recite their own *zimmun* in accordance with the Talmudic statement 'All are obligated to participate in *birkhat hazimmin* . . . Women conduct their own group recitation of the *zimmun*'" (p. 292).

The average reader might not realize that this is really a startling statement. The *Shulhan Arukh*<sup>2</sup> is clear and unambiguous that three women who eat together without three men present are allowed to recite *birkhat hazimmin* but

have no obligation to do so, this despite the opinion of the Rosh, and later Vilna Gaon, that they have an obligation similar to three men. There is denying the fact that *zimmun* is also activity that has traditionally been done by men.<sup>3</sup> Indeed, the popular perception that women are excluded is prevailing in the lay Orthodox community that Rabbi Moshe Feinstein found it necessary to stress that women are in fact obligated to participate in the *zimmun* of three men with whom they ate, and reprimanded those men who at the end of the Shabbat would recite the *zimmun* when their wives have left the table for a moment.

What, then, could have motivated Kaufman to propose that women initiate this custom—indeed, to suggest that they are obligated to do so? Why would this not be seen as another symptom of masculo-feminism to be opposed?

Kaufman offers no explanation, though he seems to follow a simple logic. The *Mishna Berura* explains the reason for the original exemption for women was that the rabbis doubted that one could regularly find three women who could recite the *zimmun*. Nowadays, however, when women are well educated, there is no reason for them to take advantage of this exemption. Kaufman, however, cannot find this new reality, for he has postulated that the overriding motivation for women increasing their religious participation is masculo-feminism, that the desire to be like men.

His analysis of the *hakafot* discussion is similarly flawed. It would have been just as easy for him to note that *Simhat Torah* celebrates not only the completion of the Torah reading cycle, but also the celebration of the study of Torah. For a variety of reasons, generations of women were excluded from advanced forms

study of Torah. For such women, participation meant taking pleasure in the advanced study of one's husband or son. In such a society, it was proper that they should indeed simply watch as the scholars danced with the Torah.

But times have changed. Women are now much more actively involved in advanced Torah study. What then could be more natural than for them to express this by dancing with the Torah. This is not an expression of a desire to "dance like the men" but rather—just as with the *zimmun*—it is an outgrowth of the new reality of increased Torah achievement. Kaufman is not necessarily opposed to this new phenomenon of advanced Torah study for women; indeed, he basically supports it. But the bogey-person of masculo-feminism blinds him to appreciating the positive and natural far-reaching results of this advanced study. Kaufman had noted approvingly that now women had accepted time-dependent *mitzot* from which they are exempt, including blessing the *lulav* and eating in a *sukka* (p. 268). Yet he can offer no explanation as to why dancing with a Torah is masculo-feminism while taking the four species or eating in a *sukka* is not.

Further reflective of this unfocused approach is the fact that Kaufman provides no prooftexts for his conclusion that the three women may say the *zimmun* only if no men are present. The uncontested opinion that three women may exercise their option to say the *zimmun* if one or two men eat with them—three men would have their own obligation to say the *zimmun*—is noted in *Halikhot Beita*, a comprehensive discussion of *halakhot* related to women that Kaufman quotes regularly. Yet despite the fact that R. Shelomo Zalman Auerbach is quoted there as saying there is no reason for either the women to omit the *zimmun* or for the one or two

men not to respond to them, Kaufman gives the impression that this is not proper.

The inability to present consistent comprehensible criteria for distinguishing between optional *mitzot* whose performance is commendable and those whose performance is reflective of perceived masculo-feminism is not the only flaw in the current discussion in the Orthodox community. A further difficulty is illustrated in Kaufman's treatment of women saying Kaddish.

The bulk of the section on practical *halakhot* that relate to women is reprinted from a previous book by Kaufman, where he had written: "In response to the recent practice of some women to recite the Kaddish, most rabbinic authorities have ruled that a woman may not recite Kaddish for a parent in the synagogue. Others permit the recitation of Kaddish by a daughter under certain circumstances when there is no son who can recite it."<sup>4</sup>

This is one of the few paragraphs rewritten for this book. Here he wrote,

Since Kaddish must be recited daily, the rabbis specified that sons and not daughters are obligated to say Kaddish, since it would be a burden for a woman to leave her duties on behalf of her family in order to go and seek a minyan with which to say Kaddish. Most rabbinic authorities have ruled that a woman may not recite the Kaddish for a parent in the synagogue because of its public character. However, others permit the recitation of Kaddish by a daughter under certain circumstances [i.e., in her home with a minyan of men present] when there is no son who can recite it. (p. 288)

Kaufman was correct to drop the reference to "the recent practice of some women to recite the Kaddish." As R.

"mbsnē reitstein pōnts out," throughout the generations it was customary that at times a poor woman would enter the bet midrash to ask for charity, or a woman mourner would enter to say Kaddish.<sup>5</sup> But if this is not a new phenomenon (and therefore exempt from the taint of masculo-feminism), why should there be any objection to women saying Kaddish? Kaufman, having started with a bias against women saying Kaddish and now bereft of his underlying logic, suggests that it is the "public character" of her doing so that is at issue. (Let us put aside the fact that women in the Orthodox community are already regularly engaged in work which has a "public character." They are not only doctors and lawyers, but also principals of *yeshivot*, supervising male and female teachers, speaking publicly to large groups of parents and students, and the like.)

But the public character of saying Kaddish is not a critical component of the centuries-old discussion regarding a female mourner saying this prayer. It is true that there have been some long-standing objections to her doing so. This opposition was first raised by *Haavot Ya'ir*<sup>6</sup> hundreds of years ago. He conceded that a woman's saying Kaddish brought repose to the deceased's soul but felt that allowing it would weaken allegiance to existing Jewish customs. Kaufman cites *Shaui Yaakon*, who permits her to say Kaddish in her home in the presence of a male minyan, thereby rejecting the concerns of the *Haavot Ya'ir*. The *Be'er Heitev*, whom Kaufman doesn't quote, explains why she may not say Kaddish in the synagogue. "See the *Keneset Yehezkeil* . . . Certainly the daughter has no kaddish in the synagogue, but if they wish to form a separate minyan for her, they may do so."<sup>7</sup>

The reference to the *Keneset Yehezkeil* shows that the reason disallowing a woman's saying Kaddish in the synagogue is not that it has a "public character." (After all, the presence of a minyan gives Kaddish in the house the same public character.) Contrary to current practice, originally only one mourner said Kaddish at each point it was recited. Since the synagogue usually has more than one mourner, a protocol had to be developed as to who had precedence to say Kaddish. *Keneset Yehezkeil* lists this hierarchy of privilege, and inasmuch as women have no obligation to say Kaddish, it is not surprising that he concludes that "women have no Kaddish in the synagogue." Such a consideration is, of course, irrelevant in private minyan set up for a woman to say Kaddish, just as it is inapplicable nowadays in a synagogue where mourners say Kaddish at the same time.

All this is missing in Kaufman's presentation, as is the citation of such contemporary authorities as R. Yosef Eliyahu Henkin who allows women to say Kaddish in shul.<sup>8</sup> It is true that some contemporary halakhists have invoked *Haavot Ya'ir*'s position that women saying Kaddish would weaken Jewish customs. But that is because, as they explicitly state, they view the women to be motivated by feminist concerns.<sup>9</sup> It is doubtful, though, if this, rather than increased literacy and attendance in synagogue, motivates them.

When one starts from the masculo-feminist judgment, sources that support a different conclusion show get lost and pseudo-arguments that seem to support the desired decision suddenly arise. The results are usually often less than optimal. The Rabbi Aaron Soloveitchik rule: "Nowadays, when there are Jews fighting for equality for men and women in such matters as *aliyah*, if Orthodox rabbis prevent women from saying Kaddish when there is a possibility for

allowing it, it will strengthen the influence of Reform and Conservative rabbinism. It is therefore forbidden to prevent daughters from saying Kaddish."<sup>10</sup>

Another mistaken approach to "women's issues" in the Orthodox community is illustrated in Kaufman's discussion of divorce and the *aguna*—a woman who cannot remarry because her husband is either missing or refuses to give her a *get*, a religious divorce.

Kaufman writes: "The problem of *aguna* has been handled with great wisdom and sensitivity in the past. The greater prevalence of divorce in our times and, consequently, the increasing incidence of contemporary *agunot*, invests the situation with new urgency. A woman who cannot have a divorce, who has become an *aguna* and cannot remarry, lives a life of anguish and despair. It is imperative that the problem be confronted with astuteness and compassion by rabbis today" (p. 256f). No one could argue with this statement. The problem is that Kaufman gives no hint that the problem of *aguna* is not presently being handled with wisdom and astuteness.

Kaufman correctly compares the twenty instances within *halakha* when a wife may unilaterally compel divorce with the mere nine instances when the husband may unilaterally compel divorce. He also correctly notes that in theory the rabbinic courts have the right to use methods of compulsion to terminate a marriage, including beating the husband until he agrees to give a *get*.

But he does not mention that all this is irrelevant in our society, where there is absolutely no way of compelling a husband to give a religious divorce. In Israel, the theoretic legal power which rabbinic courts have to punish a husband who refuses to give a *get* are rarely applied. Rabbinic courts regularly acquiesce to a request for *shalom*

*bayit*—sending the woman back to her husband to try to work things out—a policy that Abraham Twerski recently pointed to as one of the contributing factors in tolerating if not encouraging wife abuse in the Orthodox community.<sup>11</sup> Kaufman notes that a New York State law was recently passed to encourage recalcitrant men to issue a divorce, but makes no mention that the 1992 New York Get Law was condemned by most rabbinic authorities.<sup>12</sup> This is not to suggest that there are at hand specific halakhicly valid solutions to the *aguna* problem that Kaufman has omitted. Indeed, there may be none to offer at this moment. But despite this there is a value in publicly admitting a problem. Solutions appear more quickly when there is open discussion and acknowledgment of crisis.

As an example, consider the matter of *kodushet ketana* that made headlines in the general and Jewish community a short time ago. A man may betroth his minor daughter to another person without her knowledge or consent. It was a procedure that perhaps could have made sense in a different culture, but it is repugnant and contemptible to modern people. When a man claimed to have exercised this right as part of a divorce dispute, no one in the Orthodox community claimed that the *halakha* was no longer applicable—and no one claimed that such an action was anything but unconscionable. Scholars quickly proposed solutions to forbid the practice while remaining within the legal system. When good minds agree that there is an urgency to solving a problem, they get busy solving it. Why should Kaufman not want to concede a sense of crisis in the area of *agunot* even if he cannot offer a solution?

The answer, I fear, is indicated by Kaufman's decision to include this section in his book. What do *aguna* and

divorce issues have to do with "Feminism and Judaism"? Is freeing women from *aguna* status only a feminist issue or are women pressing for solutions motivated by anything other than compassion? But it is an issue about which "activist" women protest, and, if rabbis have a siege mentality, they cannot yield anything to the "enemy" lest it be used against them.

A decades-old example of this can be found in the Orthodox reaction to the Conservative Movement's decision to amend the *ketuba* in an attempt to prevent the wife from being trapped as an *aguna*. There is no need to challenge any of the valid halakhic objections to this *ketuba*<sup>13</sup> to note that none of the prenuptial agreements currently under discussion in the Orthodox community were presented then as an alternative. These prenuptial agreements might differ in important and consequential halakhic details from the new Conservative *ketuba*, but they all take the same basic approach of a prenuptial agreement. One cannot help but think that the current proposals were not investigated then because Orthodoxy did not want to give credibility to the Conservative initiative.

This, unfortunately, is a common approach in the Orthodox community. There is a tendency to deny—at least publicly—that anything regarding women's complaints needs to be addressed lest credence be given to others who really do have an anti-halakhic feminist agenda. Alas, all this does is make it harder for people to believe that there are legitimate objections. There have been some dramatic exceptions to this approach. Rabbi Barukh Epstein, author of the *Torah Temima*, recorded in detail the hurt and pain articulated by his aunt (the wife of the Netsiv) in face of what she considered discrimination against committed

women.<sup>14</sup> Rabbi Aharon Worms (a disciple of the *Sha'agat Aryeh*, *rosh yeshiva*, *ra'avad dayan* of Metz, and a person who had a most traditional view of the role of women) wrote that saying the *berakha* "*shelo asani isha*" "aloud in shul is a public insult (*malbin penei havero berabim*) of women."<sup>15</sup> But these exceptions, alas, only prove the rule.

There is no purpose in going through all of Kaufman's misanalyses. The real question is, why is it that so many rabbis in the Orthodox community are missing the point on women's issues? The overwhelming majority of these religious leaders are honest people with a respectful attitude towards women and a commitment to helping all people—men and women—grow in Torah. Why should there be such confusion in evaluating the positive consequences of the unparalleled growth in advanced Torah education for women? Why should it be, as Esther Krauss notes, that "any issue related to women evokes irrational fears in all segments of the Orthodox community. It often distorts judgment, causes otherwise fair and rational people to draw unconfirmed conclusions, and usually brings out the least kind and generous qualities of normally sensitive and respectful people."<sup>16</sup>

A few possibilities come to mind. First, there is a siege mentality in the Orthodox rabbinate that makes rational discussion difficult. There are many aspects of the feminist movement that are indeed offensive to traditional Jewish values and some of them look and sound on the surface like the demands being made by well-educated Jewish women who are simply seeking an increased involvement with Torah. Additionally, a few outspoken Orthodox women have aligned themselves publicly with others who do not share their halakhic commitment, thus making it harder at times to acknowledge the

legitimacy of the majority who are truly motivated by the desire to increase the level of their ritual involvement and practice. Second, as in many similar situations, a few strong outspoken individuals stifle discussion. More than a few rabbinic leaders are privately sympathetic to many of the suggestions for increased ritual involvement but simply don't want a public fight. Whether this is failure of leadership or strategic conservation of resources—there are, after all, many other issues facing Orthodoxy and other battles to be fought—is often a matter of perspective. In any event, it prevents public support from coalescing.

There is also the fear of unleashing a process that will get out of control. Not every complaint has a ready halakhic remedy; it is simply not true that a halakhic solution can always be found simply if there is a rabbinic will. Indeed, *halakha* is not egalitarian. A woman may be permitted halakhically to say *Kaddish*, but she is indeed excluded from being a *shaliah tsibbur*. She may well be able to recite the *sheva berakhot* at the end of a wedding meal, but she cannot be a witness under the *huppa*. However, post-feminist Orthodox women understand quite well that each suggestion has to be analyzed on its own merits.

Rabbis often do not hear these suggestions and complaints from their wives and relatives—and this for two reasons. First, most of these rabbis' daughters and daughters-in-law are often much better educated than are their wives and sisters, who are quite comfortable with their more passive roles. These rabbis' perspectives will change as they come into contact with the concerns of the younger generation.

The other reason is more troubling. Many young women, afraid of being branded as "feminists," do not voice their true concerns. Not only does this

mask the need to confront issues, but it drives women to actualize their talents in those realms of secular life where their talents are appreciated. This is a terrible loss for us all.

This inability of contemporary Orthodox leaders to address these issues exacts a high communal cost as they continue to miss the point in responding to the desire of educated Orthodox women to be more involved in religious ritual and community.

Rav Aharon Lichtenstein recently observed:

Failure to grasp the essence of contemporary society and to perceive it in proper historical perspective cost Orthodoxy dearly in Eastern Europe. Some of the disintegration and demoralization which affected Polish, Russian, or Lithuanian Jewry earlier this century—much of it obscured today by nostalgic romanticization but painfully real at the time—were no doubt inevitable. But not all. Better collective buffering of the forces which were buffeting those great bastions could have arrested the decline measurably.<sup>17</sup>

Orthodoxy need not repeat the errors of the past. It is time to grasp the significance of living in a post-feminist era.

#### NOTES

1. Indeed, there is little in the book that could be relevant to them. Let us assume that Kaufman paints a realistic picture of the Christian attitude toward women (putting aside the fact that female priests and bishops in the Episcopalian Church might contest his description and counter with a distressing collection of rabbinic quotes that reflect a negative attitude towards women). People who feel discriminated against by the *halakha* will not be mollified by the fact that Christianity (or ancient Greece and Rome) had a more discriminatory policy. Nor would they be impressed that feminist attitudes differ from halakhic judgments—after all, they are not committed to *halakha*.

2. Orah Hayyim 199:7.

3. R. Moshe Feinstein, *Iggerot Mnshe*, vol. 8, Orah Hayyim, part 5, responsum 9 (10), p. 17.

4. Michael Kaufman, *The Woman in Jewish Law and Tradition* (Northvale, NJ: Jason Aronson, 1993), p. 240.

5. R. Moshe Feinstein, *Iggerot Moshe*, vol. 8, Orah Hayyim, part 5, responsum 12 (2), p. 20.

6. R. Ya'ir Hayyim Bachrach, *Havot Ya'ir*, responsum 222.

7. R. Yehuda Ashkenazi, *Be'er Heitev*, commentary to Orah Hayyim, sec. 132, n. 5, p. 27 in the second volume of the standard *Mishnah Berura*.

8. R. Yosef Eliyahu Henkin, *Sefer Teshuvot Ibra*, volume 2, number 4, pp. 3–5.

9. See, for example, R. Yisrael Meir Lau, *Yahel Yisrael*, volume 2, responsum 90, p. 479.

10. R. Aaron Soloveitchik, *Od Yisrael Yosef Beni Hai*, number 32, p. 100. Also see my article "Women and Kaddish," *Judaism* (Summer 1995): 282–290.

11. R. Abraham Twerski, *The Shame Borne in Silence: Spouse Abuse in the Jewish Community* (Pittsburgh: Mirkov Publications, 1996), *passim*.

12. See, e.g., R. Chaim Z. Malinowitz and R. Michael Brody, "The 1992 New York *Get* Law: An Exchange," *Tradition* 31:3 (Spring 1997): 23–41.

13. See, e.g., R. Norman Lamm, "Recent Additions to the Ketuba," *Tradition* 2:1 (Fall 1959): 93–118.

14. See Don Seeman, "The Silence of Rayna Batya: Torah, Suffering, and Rabbi Barukh Epstein's "Wisdom of Women," *Torah u-Madda Journal* 6 (1995–96): 91–128.

15. R. Aharon Worms, *Me'orei Or*, volume 4 (= *Be'er Sheva*), p. 20.

16. Esther Krauss, "Communications," *Tradition* 27:2 (Winter 1993): 82.

17. R. Aharon Lichtenstein, "Torah and General Culture: Confluence and Conflict," in *Judaism's Encounter with Other Cultures: Rejection or Integration?*, edited by Jacob J. Schacter (Northdale, NJ: Jason Aronson, 1997), p. 236.