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◆ Taking To The Streets ◆ For Agunot

Orthodox feminists, fed up with slow rabbinic response, urge more action at JOFA conference.

Gary Rosenblatt - Editor And Publisher

Tova Hartman, a professor of education at Hebrew University specializing in gender studies, seemed to capture the mood of the large audience at the opening plenary of the 10th annual conference of JOFA, the Jewish Orthodox Feminist Alliance, on Sunday morning when she proclaimed: ◆ We don't have to prove anything to anyone anymore. ◆



Expressing the frustration of those who for at least a decade have been advocating, largely in vain, for a rabbinic solution to the problem of agunot ◆ women who cannot free themselves from an unwanted marriage ◆ Hartman announced, to laughter and applause: ◆ We've proven enough, we're good girls, we make cholent every Shabbat. ◆

Turning more serious, she added: ◆ The time has come to stop kvetching ◆ and to take action.

Hartman pledged that this would be the last JOFA conference to discuss halachic ways to circumvent the agunot dilemma, asserting that the solutions are known and it is time to ◆ go to the streets ◆ in acts of ◆ civil disobedience ◆ to drive home the message that women will no longer wait for rabbis to come up with answers.

For years the women of JOFA, and others, have tried to convince rabbis to act upon what they consider to be an aberration of halachic morality: a law that allows only men the ability to initiate divorce (Deuteronomy, 4: 1), in some cases refusing to free the woman out of spite or, more commonly now, to extract a financial payoff. The result is that she is trapped, unable to remarry.

Blu Greenberg, founder of JOFA and of the Orthodox feminist movement who appeared on the panel with Hartman, took a less combative approach, noting that ◆ we've seen progress on the agunot issue, but sometimes progress is failure. ◆ She expressed reservations about ◆ taking to the streets ◆ but said the movement has to ◆ push the levers and be the pressure ◆ on the community.

JOFA has helped publicize the plight of the agunah, as well as encourage pre-nuptial agreements that help prevent future cases of agunot. But one wonders how long these women activists and others who empathize with their cause can go on pushing against the wall of rabbinic resistance without losing respect for the authority of the male rabbinate ◆ especially when some measure of that resistance seems to be based on fear of being marginalized by rabbinic colleagues.

Last fall, for example, the chief Sephardic rabbi of Israel, Shlomo Amar, was scheduled to convene the first in a series of meetings of 50 rabbis, about half from Israel and half from around the world, to discuss global

solutions to the agunot issue. But the two-year effort, spurred by JOFA and a number of other women's and human rights organizations, collapsed at the last minute when the chief rabbi gave in to pressure from the ultra-Orthodox haredi community and canceled the conference.

Sharon Shenhav, a women's rights attorney in Israel who almost brokered the deal with the chief rabbi as representative of the International Council of Jewish Women, told a JOFA session how the conference unraveled and why.

Despite concessions, she said, such as agreeing not to have women present at the planned meeting, calling it a "working group" rather than a "conference," and maintaining a low profile, Rabbi Amar ultimately gave in when Rabbi Yosef Sholom Elyashuv, the 96-year-old leading authority of the charedi world, called for the cancellation of the program. Why?

Shenhav said that Rabbi Amar told her it was because he preferred to avoid controversy — a statement she said she found ironic because the Talmud deals only with controversy — and because he said he was waiting for consensus.

"I then realized we have a serious problem," Shenhav said, "because who speaks for the Jewish community? And when do we have consensus?"

She said other factors cited by haredim for the cancellation included criticism that "radical feminists," "Reform women" and "Zionists" were involved.

However fabricated the excuses might have been, Shenhav said that Modern Orthodox rabbis, sympathetic though they may be on the issue, were "quiet and afraid," and that the haredim made threats against those who would participate. She did not elaborate on the nature of the threats other than citing articles in the haredi press accusing Rabbi Amar of being too liberal on other issues.

(Despite these setbacks, Shenhav asserted that the conference eventually would take place, probably in the U.S.)

One does not know whether to laugh or cry on hearing such stories, which unfortunately have the ring of authenticity to them.

What are the well-intentioned rabbis, including the chief rabbi, afraid of in the end? That they will be marginalized by the Lithuanian haredi community? They already are, of course.

Protests Could Help

Rabbi Haskel Lookstein, spiritual leader of Cong. Kehilath Jeshurun on the Upper East Side, was scheduled to preside at a JOFA session but had to officiate at a funeral. He said in an interview the next day that "Modern Orthodox rabbis by themselves can't solve this problem" of agunot, insisting that halachic change must come from poskim, or halachic authorities whose decisions would be widely accepted.

He admitted that the pulpit rabbis have not been sufficiently aggressive in calling for such change, and agreed that "picketing in the streets" would be an effective means of calling attention to the agunah problem, a move he said he would endorse and participate in, if not initiate.

"It was outrageous that the conference" called by Rabbi Amar was canceled Rabbi Lookstein said, and he asserted that protests can be

effective in making the problem so real and so pressing that sensitive poskim may be moved to action.

Asked if he was agreeing with Blu Greenberg's well-known statement that where there is a rabbinic will, there is a halachic way, the rabbi said no.

I'm just saying that consistent and powerful public protests will force halachic authorities to address this subject, and whether or not solutions will be found remains to be seen.

There have been solutions in the past, he added, when authorities were more bold.

All of which could lead a cynic to observe that if Rav Elyashuv and others opposed to seeking solutions had daughters who became agunot, it is likely that answers would be found.

Meanwhile, Greenberg acknowledged that there was more anger and frustration over the agunah issue than at any previous JOFA conference, adding that injustice is something that every Jew should be angry about.

Tova Hartman, the Hebrew University professor who is also a founder of Shira Chadasha, a highly popular congregation in Jerusalem that allows women to lead parts of the service within halachic boundaries, questioned when rabbinic leadership stops being rabbinic leadership. And she wondered aloud how long rabbis should be shown respect if they don't use their power to create alternative religious courts that would be sympathetic to women trapped in dead marriages.

Why consult rabbis on other matters, she asked, if they are not creative or courageous enough to resolve the agunot problem?

There are those who call for having marriages performed by non-Orthodox rabbis, but most of the JOFA activists are not prepared to work outside of the system. Greenberg noted in an interview the next day that most women who belong to JOFA are not the fringe of the community, as critics depict them, but rather members of mainstream Orthodox synagogues and parents of children in Orthodox day schools and yeshivas.

We have to channel anger into the halachic system, she said, despite the failure of Modern Orthodox pulpit rabbis to sufficiently grapple with the issue of agunot.

We have to come up with a strategy now and organize, she said, not just wring our hands and do nothing. We have to focus on global solutions rather than spend 80 percent of our time dealing with individual cases [of agunot] and trying to clean up the procedures of the religious courts.

More Than Agunot

Many of the speakers at the conference addressed the constant tensions that Orthodox feminists deal with, namely an absolute allegiance to halacha and to the sacred texts as well as a personal commitment to the values of equality and independence symbolized by the secular feminist movement.

As frustrating as the lack of progress has been on agunot, JOFA's most vocal issue, it would be shortsighted to measure the group's success or failure on that one issue.

The fact that JOFA is around a decade after its founding, attracting many hundreds of people to its conference ♦ including a large percentage of men and, for the first time, dozens of high school students ♦ is proof that it has a mission, energy and staying power.

Beyond the conference, JOFA ♦s notion that women should be allowed to participate in more aspects of religious life has become increasingly accepted in the Orthodox world, from bat mitzvah ceremonies, to girls and women studying Talmud, to girl baby-naming ceremonies, to women decisors on halachic issues of family purity, to women holding full-time quasi-rabbinic positions in a few synagogues.

The question for the next decade is whether young women being educated today will be able to act on their knowledge base. Will they have a voice in interpreting halacha and helping to create religious communities, and if not will they resent those seen as keeping them down?

With JOFA and the movement it represents at a critical stage, it is up to each of us to make sure that respect for the chain of authority in religious life does not turn into an indictment of a community that allows ♦chained women♦ to suffer an injustice through the interpretation of laws that a merciful God could not have intended. n

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