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**Upcoming Issue**

Hear ye! Hear ye! Men and women, young and old! We are seeking articles for the Purim issue of Kol Hamevaser! That’s right! You can write Purim Torah, faux mahshavah articles, scandalously funny religious manifestos, qephirah, and much more! Please send your articles to qolhamevaser@gmail.com, and make sure they are absolutely hilarious!

**Article size:** 500-1,500 words

**Deadline for submissions:** March 25, 2009

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This magazine contains words of Torah. Please treat it with proper respect.

*Front Cover Art Source: www.dancutlermedicalart.com*
Editorials

A Note About This Edition

Many of the issues discussed in these pages are sensitive ones. Opinions on them are deeply divided and strongly held. Most fundamentally, many may feel that any open, public discussion of these topics is simply inappropriate. We acknowledge these concerns. Nonetheless, we feel that the value of thoughtful, responsible dialogue, guided by intellectual integrity, openness, and yirat Shemayim, outweighs these concerns. As always, opinions expressed by individual authors are their own and are not necessarily endorsed by Kol Hamevaser.

Over-Sexualized

BY: Gilah Kletenik

How many of us have never watched TV, listened to a pop song, or read a magazine? I’m guessing most of us have; I, certainly, am guilty of all of the above, on multiple counts. It goes without saying that these fixtures of popular culture contain elements that some might describe, at best, as suggestive and inappropriate and, at the worst, trum and pritusadik. And yet, in many ways, as a community, we continue to be party to and to even enjoy these accommodations of the entertainment industry. At the same time, though, we encourage our children to reject these very lifestyles—spearheaded by Hollywood. We expect, even demand, that they successfully sift through popular culture, spanning the sexual and embracing the acceptable—that they be experts at this cultural gymnastics. Is this fair, even possible?

If we choose not to live Satmar-style lives, we must be ready for the consequences of these choices—but are we? How can we demand that our teeny-boppers not hang up posters of scantily-clad men and women and command our teenagers not to be intimate? Indeed, by insisting that our young maintain such high standards of propriety are we setting them up for failure and if so, what message are we sending them?

We all know that despite the admonishments of our parents, teachers, and peers, our high-schoolers are far from innocent. Of course, this all transpires behind closed doors and with guilt. But it happens and we know it does, yet we deny this reality and continue expecting them to adhere to what might seem to be outdated modes of modesty. In so doing, we not only fail to teach them about safe habits and healthy relationships, but we also teach them to be ashamed of their bodies, of themselves. Until we reinstitute early marriage, is it even possible to be shomer negi’ah, let alone celibate, until the age of 25? Is such a system sustainable? Moreover, by prohibiting this kind of behavior, are we making it more than it actually might be—are we over-sexualizing sex itself?

The disconnect between our values and culture, the consequences of our demands and the message we send, are no more evident than in the realm subsumed by the ubiquitous, noxious, and nauseating word “isensual.” “We know that modesty is more than just the plunge of a neckline and snugness of a skirt—it is about self-awareness. It is internal and applies to both women and men. All of this is true, but, at the same time, by demanding that our daughters not sport skinny jeans or require that our married women wear shmatas on their heads, are we telling them to be ashamed of their bodies, of themselves? Is it hypocritical that we interact daily with women who wear pants and their hair loose and yet demand that our own women cover-up—are we sexualizing that which is no longer sexual? Are we turning our daughters into sexual objects? At what point does: upholding our tradition spurn the very values upon which it is founded?

In light of all of this, the easiest solution would be to jettison Halakhat entirely, to surrender to modernity, or to simply climb back into the shtetl of yesteryear. But there must be another way, and if there is none, we have failed. It is high time that we reevaluate how we teach our youth about sexuality, about self-confidence and self-knowing, and rethink the feasibility of the expectations we place on our vulnerable young people. It is also necessary for us to examine the message that long skirts and shifletach send to both our women and men. How does this train our women to view themselves? What does it communicate to men about women? At the very least, we must admit that there is a problem and summon the security to address this issue head-on to recognize the discord between the culture we expose our children to and the values they hear in the classroom, to bumble but confidently, ask ourselves, have we cheated on our values or have our values cheated on us?

Gilah Kletenik is a senior at SCW majoring in Political Science and is a Managing Editor for Kol Hamevaser.

One Modern Halakhist’s Manifesto

BY: Alex Ozar

The Halakhic experience is a multifaceted and vagued one, spanning the gamut from mundane, note regulation to the most sublime levels of deveikut (clinging to God). Halakhah often defines, codifies, and expresses our ideas, values and beliefs. Halakhah can be a vibrant spiritual experience and an engaging, exciting intellectual adventure. But one aspect which remains constant, and which lies at the root of the whole enterprise, is that the halakhic experience is one of obedience. We stand commanded by God to obey His word as given in the Halakhah, and we must dutifully submit to his will. Obedience is not the end or whole of the halakhic experience, but it is certainly its beginning and foundation.

It is the case that Halakhah can, has, and should be affected by our own axiology and real life circumstance. Kevod ha-beriyot (human dignity), ha-Torah hasal al maman shel Yisrael (the Torah had mercy on Jewish property), tikkan ha-olam (fixing the world), ha-galut mitgabber aleinu (the Exile is over-coming us), et la-asot la-Hashem heferu Torahetka (at a time of action for God’s sake, they nullified Your Torah), derekh ha-derekhei no’am (its ways are ways of peace), and yesh ko’ah be-yad Hakhamim la-akor davar min ha-Torah (the Rabbis have the right to uproot a Torah precept) are all genuine, legitimate halakhic principles. God forbid that Halakhah should ever cease to take into account human dignity, suffering, and moral concern, and so internal to the halakhic system are mechanisms for integrating these factors. There are though significant limitations. It is not the case that “where there is a halakhic will, there is a way.” After all the arguments have been rebutted, and all appeals frustrated, sometimes the Halakhah just says “no.” This will at times result in tragedy and straining moral tension, but the committed halakhist has no choice but to faithfully bow his head in submission to an Authority higher than his own.

I do not accept the dogmatic assertion that our halakhic system is entirely identical to that of Moses. The Halakhah has in fact developed steadily since Sinai. As mentioned, Halakhah has often bent and displayed remarkable flexibility in accommodating changing realities, moral concerns and socio-economic circumstance. This historical fact often needs to be deduced from the content and circumstances of halakhic decisions, but often the guiding hand of extra-halakhic factors is rather transparent. It is also not the case that any layer of the Halakhah represents a completed, fully ideal system. The existence of any rabbinic innovation at all would clearly refute this claim, and we have no shortage of them. “If so,” argues the devil’s advocate, “why can we not do as they?” If Hazal could abrogate Torah laws, or read their own values into the Torah, why cannot we, when our values and Halakhah conflict, alter Halakhah in the name of kovod ha-beriyot, derekh ha-derekhei no’am, or et la-asot la-Hashem?"

Again, Halakhah has often been affected by extra-halakhic axiology, but never, to my mind, was this ever done deliberately. Nothing could be further from the muns and hearts of our sages: than purposefully altering the word of God. We may judge, for example, certain of the Torafl’s rulings to be compromises to circumstance, but there can be no question that the Torafl did not experience it that way. They felt the need to justify their rulings, and valiantly succeeded in doing so, whether or not their answers satisfy us. They were impelled by circumstance to strain Halakhah to its limits, but never would they dare violate it. We shouldn’t either.

I do not understand the mechanics of rabbinic exegetis. I cannot imagine two serious intellectuals engaged in vigorous debate, and one convincing the other by pointing to the fact that the word “ein” is spelled plene, thus: making it resemble the morphologically similar but entirely unrelated word “ayein.” I do not understand it, but seems to me that Hazal did, if only because they take it seriously. Hazal’s readings were often guided by their values, and I do not know how they justified many of their readings. I am, though quite certain that they would never deliberately misinterpret God’s word. We shouldn’t either.

The rabbis of our generation are often criticized for lacking the courage to allow the Halakhah its full freedom, and utilize all the flexibility available to it to face the challenges of our day. “If only we had the Rabbinic of yesteryear,” they sigh, “then the Halakhah would be as it should.” In many cases, I agree with this criticism. In my cases, I do not. But in all cases, and though it often frustrates me deeply, I recognize the necessity of maintaining the Halakhah’s integrity. The Halakhic system of Rav Moche or Rav Schachter is not the same as that of Rabban Gamliel or Hillel, and what could work for Hillel may not work in our day. Certainly, we cannot take greater license than Hillel would have allowed.

If we alter Halakhah in the name of our values, we may have a more moral, rational, and acceptable system, but we will not have Halakhah. Halakhah is fundamentally obedient to God’s will. Without obedience, we violate God’s will, forfeit Halakhah, and lose its spiritual gratification and intellectual excitement too, by the way. And a deliberate compromise on any detail is per force a compromise of the whole. The Halakhah must always be a dynamic, living organism, responsive to circumstance and morality, but it cannot be allowed to change with the wind.

Alex Ozar is a senior at YC majoring in Philosophy and is a Managing Editor for Kol Hamevaser.
Letter to the Editor

Dear Kol Hamevaser,

Ruthie Braffman’s mistitled-but-learned article [“Co-education: le-Katḥiloth be-di-Avud,” Kol Hamevaser 2,3 (2008-2009): 7-8] provides some interesting food for thought, but suffers from a serious methodological flaw: her thesis that “research demonstrates that all-female academic environments encourage intellectual pursuits, and foster academic achievement, and healthy self-esteem among young women” ignores half the students under discussion. The research cited describes the positive gains females accrue under a single-sex education, while not examining the deleterious effects that such a separation could have on what Ms. Braffman (quite accurately) describes as ‘wild boys.’

As someone who has experienced both mixed and non-mixed classrooms, I can report, at least anecdotally, that co-ed settings were, on the whole, more “serious” – academically and socially. Our most rowdy bouts of rabbinic intimacy to create unique social bonds with other girls out, let’s try letting them in.

Sincerely,

[Signature]

YC/BRGS ’10

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In or Out? Menstrual Segregation and Identity

BY: Dr. Shai Secunda

For some time now, anthropologists have interpreted rituals governing menstrual purity as an attempt to control the blurring of boundaries inherent in the physiology of menstruation. Accordingly, cultures that practice the segregation of menstruants might be seen as attempting to control the chaotic, leaking bodies themselves and to keep them away from society. On the other hand, recent ethnographies of the actual experiences of segregated menstruants describe impressively vibrant, female-dominated traditions. This is not merely a matter of the “inmates” making the best of their “jail-time,” but the formation of new cultures. In other words, it appears that menstrual purity practices represent an important site of identity construction.

Although the Mishnah in Niddah 7.3 might hint at the segregation of Jewish women in menstrual “huts,” it does not seem that this practice became widespread within Judaism. Nevertheless, there were some Jewish communities that came into contact with groups that practiced some form of menstrual seclusion. One such encounter occurred in Talmudic Babylonia, which was governed by the Sasanians – an Iranian dynasty that practiced the ancient dualistic religion of Zoroastrianism.

Dr. Yaakov Elman and other scholars researching the Iranian context of the Babylonian Talmud have made it increasingly clear that the Bardi was not composed in splendid isolation from Sasanian society, but rather in conversation with Christians, Manicheans, and Zoroastrians. In Zoroastrianism, like Babylonian Jews, inherited an ancient system of menstrual purity laws from their scriptures – the Avesta. The basic contours of the menstrual laws appear in the sixteenth chapter of the Vedic, an Avestan book composed orally in the earlier half of the first millennium BCE. According to the Avesta and its Middle Persian translation and commentary, the Zand, menstruating women, were to remain in a daštānistān, or “place of menstruation,” for at least four days per month, and do little more than “sit, eat, and sleep.” The menstruant was not to leave the structure, and the person who brought her food was to stay at a distance of at least three paces from her. Although there is some debate, most authorities maintain that food should be kept to a minimum and brought in special metal utensils. Regardless of whether or not women enjoyed the time spent in the daštānistān away from the pressures of home-life and with the opportunity to create unique social bonds with other women, as again some anthropologists have recently argued, the daštānistān undoubtedly acted as a sort of prison – even if a welcome one – that protected the rest of the world from the damaging effects of menstruation.

A Talmudic anecdote describes a min (heretic) engaged in conversation with an Amora concerning menstrual seclusion. A certain min said to Rav Kahana, “You say that a menstruant woman is permitted to seclude herself with [her] husband. Is it possible for five to be near flax without singeing it?” [Rav Kahana] responded, “the Torah testifies of us, ‘Huddled with lilies (Song of Songs 7:3)’ – that even like hedges of lilies they will not make breaches among us.” Scholars have argued persuasively that the anonymous min here could not possibly be a Christian. Instead, he is a Zoroastrian – or at least someone that espouses Zoroastrian views.

At root of the debate is daštānistān. By employing the second person pronoun (“you say that a menstruant woman is permitted to seclude herself with her husband”), Rav Kahana’s interlocutor means to draw a clear distinction between Zoroastrian and rabbinic law. While Zoroastrians banish their wives to menstrual huts, rabbinic Jews do not. The min challenges the rabbinic menstrual laws by claiming that without segregating menstuant women, husbands and wives will not be able to avoid intimacy. Rav Kahana responds by claiming that the Torah testifies of the Jews that they are compared to hedges of lilies. All Jews, even those that are (spiritually) frail as lilies, can be trusted not to have sex while secluded with their menstruant wives.

Rabbinic sources from the Land of Israel are already concerned with what might happen when men are secluded with their wives during menstrual impurity. Yet, the Rav Kahana anecdote introduces two new elements: (a) “Zoroastrianization” of the concern by placing it in the mouth of a min who espouses Zoroastrian views, and (b) the extreme confidence that Rav Kahana has in the supposed Jewish capacity to withstand temptation. It would appear that Babylonian Amoraim were forced to reexamine older questions in light of their encounter with Zoroastrianism, and in turn they formulated new responses to counter Zoroastrians, or more likely, members of their own community who had absorbed Zoroastrian views.

Still, there appears to me more at work. Despite the clear stringency of the Vedic, other Zoroastrian texts from roughly the same period indicate that the unconditional requirement for menstruant women to remain clustered in a menstrual “hut” remained far from unchallenged. For example, the third chapter of the Hārbedestān, a Middle Persian work devoted to issues of religious education, questions whether a menstruating woman must remain secluded when other important precepts like pursuing religious study or agricultural work (an important task in Zoroastrianism) require her to leave seclusion. Although not entirely uncommon, this chapter’s complicated structure is somewhat rare in the surviving Middle Persian literature. The formal characteristics of the text may indicate that the issue was one that demanded urgent attention. In addition, the very fact that the first opinion cited there so boldly maintains that the menstrual laws may simply be ignored when a woman wishes to perform other important precepts suggests that some kind of “outside” pressure was dictating, or at least encouraging, a rethinking of the Zoroastrian segregation of menstruants.

On the most basic level, the Rav Kahana story seems to reflect a clash with Jews who may have absorbed Zoroastrian sensibilities and thought that the institution of the Zoroastrian “hut” was worth considering. In this sense, the story connects to a certain rabbinic appreciation of Zoroastrian menstrual laws, and also contains a carefully calibrated response that recognizes the usefulness of the daštānistān, but renders it unnecessary in light of the Bible’s assurances that all Jews are uniquely equipped to withstand temptation. Yet, further examination of Zoroastrian texts shows us that Jews were not the only people in the region rethinking the place of menstruant women and the role of the daštānistān. The involved dialectical passage in the Hārbedestān preserves a debate between those who continued to require menstruant women to remain clustered in the daštānistān regardless of various competing values, and those who gave them freedom of movement. Thus, the Rav Kahana tale can now also be read as an articulation of a wider-ranging Sasanian debate regarding the institution of the daštānistān.

This is not simply the story of some Jews clamoring for the segregation of menstruant women. Rather, it is part of a broader rethinking of the proper place of menstruant women that was taking place within both communities.

Another text which emanates from a later time period further illuminates the (re)consideration of the institution of the daštānistān in this region. The tenth century Islamic legal scholar, Hama al-Salami, writes: “Aīha [one of Mohammed’s wives – S.S.] said, ‘I asked the Prophet, God’s prayers and peace be upon...’
A Conceptual Approach to the Laws of Family Purity

BY: Rabbi Aryeh Klapper

Editor’s Note: The following article is a transcription and expansion by Jonathan Ziring of a shiur given by R. Aryeh Klapper and has been reviewed by him. The original recording of the shiur is available online at: www.torahleadership.org/lectures.

No discussion about Hilkhot Niddah can begin without pointing out that this topic is, by definition, gendered. Halakah expects men and women to experience sexuality differently. This is especially highlighted by a discussion of bedikot (the checking of emissions from the reproductive organs) for zav or zavah (man or woman experiencing unusual emissions) and niddah (woman in menstruation). The Mishnah rules that, “Every hand that increases checking – of women it is praised, but of men it should be chopped off.” While both men and women in Mishnaic times had reason to check, the Gemara warns men to refrain from checking, presumably because it will lead to hashabat zera le-vatalah (emission of sperm for insight). The result that the Mishnah seems to want is that women should be comfortable with their sexuality, while men should be afraid of theirs.

It should be noted that this translation and interpretation follows the Yemenite manuscript (MS Herzog), and is at some variance with Rashi’s interpretation. Aside from being the most reliable manuscript of Tractate Sanhedrin, only the Yemenite version can account for the connection between this passage and the ones that follow it.

Let us keep this in mind as we begin with a discussion of harhakot, the restrictions beyond the ma’aseh bi’ah (sexual act) that are placed on a husband and wife when the woman is a niddah. Harhakot literally means “distancing,” and it is commonly assumed that these prohibitions are intended to distance the couple from any hint of – and thereby prevent any risk of – a sinful ma’aseh bi’ah during this time. However, many harhakot in practice do not fit this purpose, and in fact may enhance, rather than diminish, eroticism. Let us take a simple example to test the point: One prohibition under harhakot is for a husband to pass a saltshaker to his wife. Is passing a saltshaker an intrinsically erotic act? Would anyone not familiar with Hilkhot Niddah consider it? Probably not. But it is certainly culturally erotic for Orthodox Jews. To quote Mishlei, (and see Sanhedrin 75a, inter alia) “Mayim gavrimim simtok – things forbidden because of supposed erotic content generally acquire that content. Some of the later posekim suggest that a spouse can pass the saltshaker with a shinnu (change from the normal mode of an action), which requires him/her to be fully conscious of the potential eroticism of the act of passing. The Keretu u-Peleli even suggests that the husband should throw it up in the air, look away, and let his wife run in and catch it. Imagine the absurdity of the scene – if it did not arouse sexual thoughts before, it definitely will now!

If so, what does shinu’im accomplish? It reminds the couple that the woman is a niddah, which in turn means the couple knows there is a boundary they cannot cross. The upshot is that rather than distancing a couple from any hint of sexuality, harhakot are meant to create a restrained erotic atmosphere. The discipline of Hilkhot Niddah forces the husband and wife not to eliminate but rather to re-channel sexual energy into other aspects of their relationship, to see each other as generally desirable. It thus trains them to relate to each other as full human beings in the face of erotic attraction, and therefore hopefully enables their erotic relationship to have meaning beyond the physical, and to prevent their nonphysical relationship from being overwhelmed during the period of taharah (purity from menstruation). Of course, living in such a state for two weeks also heightens the longing for the leil ha-tevilah (the night of the niddah’s immersion in a mikveh, or ritual bath), when the wife returns as a kallah (bride), on a monthly basis, to her husband. But I want to emphasize the ways in which it affects the entirety of the relationship.

It is arguable that, in this vision, harhakot are primarily intended to enhance the role of wives in the marital relationship. In support of that thesis, we note that the niddah period does not end as the result of a natural phenomenon, but rather because the wife says “lavanu u-tehorah an!” (I have immersed and I am pure). In other words, it is the wife who has the authority to shift or not shift the relationship from restrained to openly erotic. That this is an intended, rather than accidental, consequence of this halakhah can be demonstrated as follows.

The Gemara in Ketubbot 72a rules that a woman is believed to say she is “temeh (impure)” or “tehorah because the pasuk says “ve-safaral ha-hah,” which Hazal expound to mean: “She shall count for her seven days” – for her, meaning “for herself.” Since, in general, ed ehad ne’eman be-issurim – single witnesses are believed with regard to issurim (prohibitions) – why do we need a special limmud (teaching) for ne’emanu (believability) by a niddah? Many answers are provided by the commentators. Some suggest that this verse is the very source for the general rule. The Shulhan Arukh suggests that we need a special verse to tell us she is believed to say tavlah-
A Burning Fire and a River of Tears: One Day in My Shoes

Editor’s note: This article was submitted anonymously to protect the student’s identity and allow him to discuss the topic openly. If you would like to contact him privately, he can be reached at bluejew12@gmail.com.

I wake up to a buzzing alarm clock signaling the arrival of another day and head out to daven. I concentrate as hard as I can and ask Hashem for help to face another day. I am the typical YU student. I go to morning seder, lunch, shiur, and then my secular classes. I am still the typical YU student. I sit down for supper, go to night seder, and then to Ma’ariv. Am I really the typical YU student? I spend my nights studying for the next day of classes; I work hard for my grades, but still find some time to spend with my friends. But as I get ready to put my head down for the night, exhausted from a trying day, I know that I am not the typical YU student. Hashem has given me the challenge of challenges, a challenge that leaves me mopping my cries on a tear-stained pillow as I slowly fall asleep.

Each of us has a challenge in the world, a roadblock on the highway of life that challenges us to become the best we can be. We are given these tests to help shape our character and to become masters of our desires, whatever they are. Whether the test is keeping Shabbat, learning talmud, or learning afternoons, we are all given a test in life. My own challenge keeps me up at night, preoccupies my thoughts during the day, and leaves me feeling like I am walking down a somber road in a lonely world. I am a religious Jew, living in the obversant Jewish world, faced with the challenge of being a homosexual.

The Torah in two places tells us that the act of homosexuality is an abomination, and under no circumstances is one to perform this act, even when faced with death as the only alternative. This is because the act of homosexuality is likened to that of bestiality and adultery and is looked upon in the most severe of manners. There is little reference otherwise to homosexuality in the Torah and Talmud, although at the end of Masechet Kiddushin, on daf 82a, we are told that two men are prohibited from sleeping under the same blanket for fear of possible homosexual relations taking place. The Gemara there, however, states that this ruling no longer applies, as such acts were practically unheard-of during that era. Little other halakhic information is available from these early sources on this topic, although some stories are related in the Gemara and several biblical midrashim.

Before homosexuality started to become an acceptable lifestyle in modern society, as is so visibly flaunted today, the idea of permitting homosexuality within Judaism was unheard of. Despite the fact that homosexuality is clearly labeled by the Torah as an abomination, some people have, within the last several years, started making arguments to try to find loopholes for its permissibility. Homosexuality is labeled by the Torah as an abomination and there are no unambiguous arguments against it. “How can Hashem expect us to live or to a woman, is not always something that one can control. The fact that I have certain desires—which I would prefer to get rid of from my life—is something that I cannot change. They leave me with feelings of solitude, despair, depression, and, alas, excitement.

Am I an abomination? Does Hashem look at me with disgust and loathing, as I feel so many people would if my struggle should become known, as do many people do, in fact, look at “open” religious Jewish homosexuals today? When one looks closely, the verse in Va-Yikra labels the homosexual act as an abomination—but only the act. The perpetrators are people, who are challenged and who do not know how to control their desires—desires that so many of them pray they never had. British Chief Rabbi Sir Jonathan Sacks explains clearly that the Torah “does not condemn homosexual disposition, because the Torah does not speak about what we are, but what we do.”

However, within the Orthodox Jewish context, few people recognize this. While many today have corrupted general society, leaving it with the notion that once someone is gay, he/she will eventually “come out” and live an “alternative lifestyle,” this is impossible for an Orthodox Jew to accept. As such, I have hidden throughout my lifetime—today I do not even give the name of my high school. I hid in fear that I would be ostracized and excommunicated from the Jewish community. I stood alone as a frightened, fifteen-year-old boy, avoiding acting on my desires, yet also unable to call out and ask for help to rid myself of them. I stood frightened and did not know where to turn. I always wanted to find a wife and raise a family as an Orthodox man. I did not know how I would ever be able to do that, but I knew, and still know, that is the life I am destined to live. I knew that one day I would need to tell someone about my feelings, step out from my hidden world of shadows, and ask for help.

It took me five years to gain the courage to reach that petrifying moment. After many months of praying and introspecting, I eventually reached the point not where I wanted to tell someone, but where I was prepared to do so. That moment had been the most humbling and dreaded moment in my life for many years. I had prepared for the worst possible outcome, no doubt because of Hollywood’s portrayal of the heroic homosexual being shamed by a once-loving family. I realized myself to be thrown away by a towering figure pointing out in the distance with anger and fury on his face—to watch my life disintegrate before my eyes, collapsing like a building whose structure finally gave out after years of pressure or like a house of cards falling from the force of a gust of wind. But through all this I never faltered in my determination to live a life committed to Judaism. I told myself that it did not matter what happened in my life and how anyone reacted.

Jonathan Ziring is a junior in YU majoring in philosophy.

In the times of the Mishnah, the laws of zav were still relevant practically, and thus both men and women had reason to check. This is not true, however, today.

Niddah 2:1. All translations follow those R. Aryeh Klapper used in his mekorot.

See Va-Yikra 18:19 for the prohibition against sexual relations with a niddah.

She eilot u-Teshuvot Ranan, 45.

See, for example, Tosafot to Gittin 2a, s.v. “ed.”

Toseh De’ah 185:1.

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is my true life and real identity, and no matter what anyone said or did to me, nothing could weaken who I was.

I was not sure how my rebbe from yeshivah in Israel would react. I just expected to be sent home from the yeshivah in shame, looked upon like I was some sexual deviant. I told myself in my heart, however, that no matter how anyone reacted — even if I was told to leave my yeshivah and thrown out of my house — I was never going to act upon my desires, nor was I ever going to turn away from God. I thank Hashem every day for the strength He has given me. I thank Him for the rebbe He sent me, who, instead of rejecting me, stood by my side, helping me through the most awful time of my life. I thank Him for the stamina He gave me to fight a depression that nearly led me to commit suicide.

My path is unclear and even though I still stand alone, I stand armed with the will to live another day and fight to keep my beliefs alive. No matter the support I get, I stand on trial every day of my life. I do not know where my future will lead, nor how I can change my feelings. I live with a sense of frustration, knowing the goal I want to reach but lacking the tools to arrive there. What must I do to be able to marry a woman? What must I share with my future partner? How can I even begin to tell her this hidden secret? I do not know if it is fair to ask someone to live with me under these conditions, or whether I will truly be able to be happy in such a relationship. All I know is that I want to one day make marriage to a woman work — to love her and have her love me back. I want to watch her walk down to the huppah in the most beautiful wedding dress, with tears of happiness and joy in her eyes, as I know there will be in mine. I know that I want to stand with her, supporting her through the hard times that we will go through, and be there for her always. I see this vision in my future, but I have so many questions that have no answers.

I know that I have a goal that I hold onto every day, but I live trying to cope with an everlasting sense of guilt, even though I understand that these feelings are not my fault and that this is the way my life was divinely ordained to progress. I have read through so many different experimental ideas about the root of homosexual attractions. But to me, that is all they are — ideas, possibilities that I do not think can really help in molding me of my challenge. In fact, I do not think that I will ever be able to fully rid myself of these feelings, even when I marry and raise a family. Such knowledge is endlessly frustrating. I know where my path will lead, but I do not know how to get there. I see hope at the end of the road, but the path to it is covered by a screen of smoke and fog.

And I still live in fear. I have told a handful of people about my challenge. The results have sometimes been incredibly painful. I have had to pull away from people I had once called friends because of pain and embarrassment. I have been forced to sever relationships with close friends because of their lack of understanding and because of the hurt and confusion I have caused them. I watch my friends begin to date and to marry and question what my future holds. Will I find someone to share my life with? Will I ever really be completely happy with my decision? Am I destined to live a life alone? I want to tell my friends, to cry out to them, but I know I cannot. I know that the path that has been laid before me is one of solitude.

Rabbi Dr. Norman Lamm once wrote that "Judaism allows for no compromise in its abhorrence of sodomy, but encourages both compassion and efforts at rehabilitation." I have told you my story and have given you a glimpse at my challenge. I do not ask you to cry with me or accept me; I only ask you to realize that I am out there. Realize that not everyone who is challenged with homosexuality is parading or protesting for equal rights. I beg you to realize this — that I, too, am a frum Jew, trying to live a frum life like everyone else. I stand with you in the elevators of Belfer, Furst, Muss, Moig, and Rubin. I eat lunch at your table and sit with you in class; you call me a friend. And I am not one person; I am the courageous voice that has spoken for a group that lives isolated and in hiding.

The Mishnah in Pirkei Avot 2:5 tells us to "never judge someone before one has walked in his shoes. I have let you have a peek of the trial I will face for the rest of my life, and ask that you do not judge me, I ask you to understand me. I stand next to you, even if you will never know my identity and my challenge. There is a fire within me, which will always burn, urging me to fight and complete my destiny, which I must hide from the world. I stand next to you, even if you will never know my identity and my challenge. Many tears have flown from my heavy eyes and there will be many more. One day in my shoes, a trial that will last a lifetime."

4 Lamm, 217.

Sages and scholars alike have struggled with this tale. Can it be that these great men, whom we know to be pious and learned leaders of their generation, actually practiced polygamy so ostentatiously, seemingly in contradiction to all of our Jewish values?

The explanations regarding this behavior vary in the extreme. The two main positions on this matter acknowledge the presence of polygamy. One position asserts that the Jewish community in Babylonia was actually monogamous and that polygamy was an aberration, practiced by a certain few, which was widely disapproved of by the Rabbis. The second position maintains that polygamy was completely acceptable in Jewish society. This second group asserts that polygamy is merely one illustration of the pervasive influence of the Persian culture in Babylonia on the Jewish practices at that time.

The disagreement begins with Tannaitic sources discussing marital legislation which contain conversations based on the assumption that the relationships debated in the Mishnah are polygamous. While this can be cited as a proof for polygamy, opponents protest that these cases are merely taught academically by technically permissible, polygamy was clearly frowned upon by these Rabbinic authorities.

In the same vein, the stories in the Talmud of polygamous marriages are the exceptions that prove the rule. Because most people were monogamous, the stories of those who were not are glaringly and obviously troubling to the Rabbis of those centuries. Moreover, it was only certain members of society that were practicing polygamy — the upper and the ruling classes. One of Agrippa II’s governors, whose observance of Halakhah is apparent from the questions he asks R. Eli‘zer, was married to two women at the same time, one in Tripoli and one in Tiberias. "Torafot" say that this was one of the cases in which the Rabbis tolerated polygamy because of tradition, but it was not a practice of which they approved.

Now, then, do they explain our troubling story of Rav and R. Nahman traveling from town to town soliciting wives? To understand this passage, we must look at their family lives and the opinions they espoused on marriage in general.

Rav’s wife was an unusual woman who aggressively antagonized him. The Talmud relates that she would ask him which type of

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"Wife for a Day:"

Jewish Polygamy in the Talmudic Era

BY: Rena Wiesen

The concept of polygamy is unnatural, even offensive, to our minds. The only people we know who practice this odd custom in the United States are the Mormons in Utah. Yet, the Bible is filled with stories of people who had many wives. Abraham, David, Solomon — some of our greatest biblical heroes — had no problem about marrying more than one woman.

Surprisingly, even the Babylonian Talmud, late as it is, is replete with stories of polygamy. Let us think that it was just a rare occurrence among some minority sect, the Talmud tells a shocking story, which has been the subject of much controversy. By its account, two of the most famous Amoraim sage, Rav and R. Nahman, used to travel to the cities of Danielshur and Shekkemet, respectively, and advertise: "Who will be (my wife) for a day?"

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Rena Wiesen is a fifth year student at SCW majoring in Communications and Nutrition and is a Staff Writer for Kol Hamevaser.

We will only discuss the Babylonian community here. Many say that the Palestinian sages were much less tolerant of polygamy.

Yevamot 37b; see also Yoma 13b.
Yevamot, ch. 1, and also in the following chapters on the subject of tsarot (co-wives):
Ketubbot, ch. 10, as well as Kiddushin 2:6, 3:9, etc.
Be-Reshit Rabbah 52b. See also Leviticus Rabbah 1:13, Yalkut Shimoni on Job, 497, etc.
Avot de-Rabbi Natan, 2nd version, ch. 2 (ed. Schechter, p. 9).
Be-Reshit Rabbah 23:2. See Be-Reshit 4:19.
Sukkot 27a.
Yerushalmi Yevamot 1:10, Bavli Yevamot 1:5.
Lowy, p. 127.
Yevamot 63a.
Lowy, p. 126.
Shabbat 11a.
Yerushalmi Kiddushin 4:4.
Deuteronomy 32:21.
Yevamot 63b.
Berakhot 51a.
Kiddushin 70a-b, Hullin 105b, Niddah 20b, etc.
Megillah 14b.
Gittin 90a.
Megillah 14b.
Lowy, p. 129.
Ibid., p. 168.
Yevamot 37b, Yoma 13b.
See note xix above.
Pesahim 113a.
Mishnah Gittin 9:10, quoted in Elman, p. 172.
Berakhot 31a, Megillah 25b, and Niddah 66a.
Niddah 66a.
Engaged To Be Married: An Anthropological Perspective

BY: Ayol Samuels

It is customary in American culture for a man and woman intending to wed to first get “engaged.” In this event, which usually occurs anywhere from one month to a year before the wedding, the male “proposes” to the female, asking her if she will marry him, and offering her a ring. Traditionally, the male asks and presents the ring while kneeling on one knee. This action is often done after the couple has already discussed marriage and sometimes even after it has started to plan the wedding. Thus, an answer of “yes” is usually expected. Nonetheless, this question is still accompanied by suspense for the bride, groom, friends, and family as the male attempts to “surprise” the female in a romantic and creative fashion that generally requires a significant amount of planning. The way in which he asks this question will be the subject of conversations for decades to come.

Following this event comes a celebration of the engagement with family and friends, in what is referred to as an “engagement party.” People will congratulate the male and female on their engagement and shower them with gifts. The status of the bride and groom-to-be is no longer simply that of a couple but rather “engaged,” the woman now sporting a ring as evidence of this new status. In reference to each other, they are no longer referred to as boyfriend and girlfriend, but rather as fiancés. The couple is now free and even encouraged to talk about its upcoming wedding.

This custom of “engagement,” consisting mainly of the proposal of marriage and presentation of the ring, is taken very seriously by American society. My wife and I, for example, had decided to skip this seemingly unnecessary step in the process. We reasoned that we had already decided to marry so there was no point to this formality. Instead, we simply started planning our wedding. Whenever someone learned of this, their reaction was almost invariably confusion, anger, disappointment, embarrassment, or even ridicule. Many people, young and old, insisted that what we were doing was “wrong,” but could not articulate why.

Thus, this cultural stronghold is ripe for anthropological explanation. One of the main anthropological theories is Radcliffe-Brown’s theory of structural functionalism. This theory understands cultural phenomena as a means toward maintaining the stability of the societal structure. Applying this perspective to the case at hand, we can understand why engagements might have taken such a central role in our society. Engagements make known to society that the now engaged woman and man are off-limits. This is accomplished by the woman wearing a very visible ring and by the public engagement party. The bigger and shiner the ring is, the better, and the bigger and more ostentatious the party is, the better. This publicizing prevents any sort of infidelity since any potential counter now knows the woman and man are not available and, more significantly, all three parties know that society is aware of this new status. Society has an interest in happy marriages with healthy and well-raised children as well as an interest in decreasing violence and ill-will between members of the society.

An alternative way of looking at this emphasis on engagement is through the lens of Mary Douglas’s theory of structuralism. According to Douglas, a 20th-century British anthropologist, humans have a strong drive to categorize and insert order into the world. This categorization also applies to relationships between men and women. Rather than seeing these relationships as gradual developments in a continuum, humans want to split them up into stages. They do not suffice with knowing that a couple is very close and will probably get married. People need a point at which the status changes from “boyfriend/girlfriend” to “engaged” and, finally, to “married.” Expressing their dissatisfaction with that choice.

The desire to maintain this institution takes on even greater meaning when one looks at the Orthodox Jewish community. As early as the Tanaitic period, there was a distinct stage in the process of marriage which preceded the actual wedding by as much time as a year. During this stage, referred to interchangeably as kidushin or eirusin, the woman receives a completely new status and is forbidden to all other men. Later in history, kidushin as a separate stage disappeared and instead became the preamble for the actual havdalah at the wedding ceremony itself. While this halakhic stage disappeared, the sociological need for it did not. Thus, our community has unconsciously adopted the “engagement” model with gusto. This new model serves many of the functions of the earlier Rabbiincal stage, preventing infidelity and allowing for the much-needed Sasanian categorization.”

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3. Interestingly, one of Douglas’s favorite examples is the attitude towards the “abominable pig” in the Bible. According to Douglas: the fact that the pig does not fit in well to the categories that are created to distinguish kosher from non-kosher animals explains the special title, “to’evah” (abomination), attributed to it as well as the subsequent attitudes of Jews to pig.

Source: www.dawngreenfield.co.uk

Douglas calls items: that do not fit into the neat categories that people make “anomalous.” She explains that people have very strong, often negative, reactions to these items and feel uncomfortable dealing with them. For example, slime is neither liquid nor solid and therefore, Douglas would say, evokes disgust. Thus, when people knew that my wife and I were getting married but were not officially engaged, there was very often awkwardness when they introduced us to others. It was unclear what to call us because we were between boyfriend/girlfriend and married, but they needed a label. Many friends would try to deal with this problem by applying a humorous title, saying, “These are Ayol and Shoshana. They are not engaged,” or, “They are ‘getting married,’” always emphasizing that these were our words, not theirs. This allowed them to compensate for the inability to categorize the stage in our relationship while at the same time expressing their dissatisfaction with that choice.

The Word of Your Body

BY: Shira Schwartz

As Halakhah progresses through the expanse of time and history, it encounters various periods, places, and cultures. With every one of these new encounters, a dialogue sparks between the Halakhah and its new circumstances, one that allows the two to comment on each other. From the perspective of the Halakhah, this dialogue serves as its opportunity to share and spread an eternal message that transcends time and circumstance, to teach and to guide each generation according to an essential divine code that ostensibly has something meaningful to say at every point of history. But time is, by definition, about the exact opposite—time is dynamic and about the constancy of change that comprises the human experience. As Halakhah encounters new cultural vistas, it rarely remains its authentic self. Time brings out new experiences with which Halakhah interacts, teaching us not only new things about humanity, but about the Halakhah. A halakhic position in one era, in one set of circumstances, means something very different from that same ruling 500 years later in a different place with different people. Time morphs the same halakhah into something new, causing it to mean something different in a new situation from what it meant at its original inception. Time redefines Halakhah.

If there is indeed an important value embedded within the Halakhah, how are we to know when it gets lost, as circumstances change and new situations arise? So often we bury our heads in the ancient soil of halakhic rulings instead of pulling together our resources to look honestly and pointedly at life and to find the right ways to redeem it. A fundamental part of the process of pesak is the understanding of current and specific circumstances so that Halakhah and life can co-exist in a way that is both “na’eh la-Makom ve-na’eh la-beryov” (pleasant for G-d and pleasant for human beings). So often, the “na’eh la-Makom” paralyzes our ability to fulfill our responsibilities as “breyov,” to understand what God wants of us as the godly human beings. He created us to be.

If I asked you to tell me why you are shomer nega’ah (lit. guarding touch), you probably would answer me in one of two ways. If you are a successful product of “value-based hinnukh (education),” you might go on a philosophical exposition – co-authored by Gila Manolick and Rabbi Ozlofsky – on the “Jewish Approach to Marriage and Relationships,” that in truth is not actually sourced in anything Jewish, but is aimed at proving that Halakhah imbues our lives with only the best values of the culture around us – romance, family, and stability, all in one package. Alternatively, if you are a Litvak at heart (or intellect), you might tell me, because it is the Halakhah – the action-oriented halakhah system that cares about what you do – completely ignoring that these halakhot are laws about relationships, relationships that involve action, thought, and

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feeling and were ostensibly created to bring out the best of what relationships can offer to a God-serving person. Either way, I believe the answer falls short.

We need to ask ourselves: why is touch wrong? The answer “because it is the Halakhah” is not the answer. If it is a Halakhah about a relationship, it is meant to guide that relationship, hence, there is an actual reason we must understand that it is sourced in something it is aimed at accomplishing. The answer “because touch is so special you should only experience it with one person in your entire life” is not the answer because as people we have many different relationships and touch is an important component of seeing those out and living them; people do not typically marry the first person they date, nor should they, and part of relating to a person, giving to a person, and knowing a person is actually feeling a person. The answer “because it is inappropriate and immoral — imperate if you will — unless you are married” is not the answer because it is simply untrue. Can you honestly say that every desire you have ever had to touch someone you were not married to was imperate? Why do we tell ourselves that? We talk so much about not touching so that we do not form a narrowed, skewed concept of the other person, in order to focus on the real person. But I ask: is that not the real person? Is excluding one’s physical being from a relationship but not allowed to touch, excluding touch from a relationship limits and distorts our interaction with the other. People are not just souls — we are very, concretely, bodies. We express who we are sometimes more honestly through touch than through a host of seven-hour “haskalah dates” Yedi’ah, in the biblical sense, is knowing someone physically.

If we are going to talk honestly about Halakhah and negi’ah, then let us. We have come to adopt the perspective, frequently in our contemporary period, that Halakhah is solely about adherence to command and “obeying” as a way of combating the wrant worship of the self that we see around us. But the bottom line is that Halakhah is not just about “obeying.” And pesak Halakhah (halakhic decision) should be about values, about meaning, about connection with a Higher Being and with the people and elements in our lives. But so often, the two — Halakhah and values — do not come together. We are comfortable saying that biblical polygamy was not the ideal way of life, but when we are still saying the same about a set of rabbinic rules that teaches us that physical contact is only appropriate with a member of the opposite sex who you have stood before the community and committed the rest of your life to. How is that not a contradiction? Despite the assumed difference between “asek” (positive commandments) and “lo ta’asek” (negative commandments), calling any part of Halakhah into question admits an awareness of imperfection in the system, which should in turn cause us to reflect on the assumption we hold about the relationships between Halakhah, values, and God. The Torah permits polygamy. Accordingly, there should be something Godly in it. And it is simply untrue that touch only has a pure origin in marriage. The more we train ourselves to think that extremely about our desires, the more we make them that.

And that is only an example. But ask yourself — how many times and in what circumstances: do you excuse the Halakhah in the name of values? Or values in the name of Halakhah? Where do those values come from? I am not saying that the values we adopt as Godly (at times from secular culture), are not; I am only saying that we must recognize them for the ascribed values that they are. Only then can we understand what we are defending and when we are defending it.

I, for one, am tired of the word “change” being synonymous with hearsay, of serious approaches to pressing issues being cast as “Conservative” or “Reform”- as “anti-Torah” and “anti-God” and therefore not worth anyone’s time. We need to stop thinking and acting in those kinds of terms, because they, in and of themselves, are historical constructions. Things are not wrong automatically because they involve the word “change.” Throughout our history, things have changed, time and time again. The question is never “if,” but rather “what, when and how.”

If a system or set of rules is truly divine and krygmatic, it must redeem and uplift the lives it touches and guide them towards: “ha-yashar ve-ha-tov” (the just and the good). The halakhot of negi’ah were written in a time when the sexual urge could be quickly satisfied by marriage, as marriage followed closely after puberty. But that is not our world. There is a delay of six years to a lifetime between the time a person desires to touch the other, until the Halakhah permits him or her to. That is not a rectification of instant gratification — as modern-day Jewish Ethics might propose; that is just imane. We are so used to saying to ourselves and each other that this is the way it is supposed to be — so used to making excuses for Halakhah until we ourselves have betrayed its own definition by ascribing non-authentic foreign meanings to it that stem from the society around us. But when do we stop rewriting, and when do we stop apologizing? When have we sacrificed too much on the altar of “minag avoteinu be-yadenu” (the custom of our ancestors is our own)? When does the time come for a different sort of korban (sacrifice), of “et la’asot ha-Hahem, heferu Torah” (at a time of action for God’s sake, they nullified Your Torah)? Throughout history, there have always been times when what was once “Halakhah” has been changed to save something far more important. At what point have we cut ourselves off from the essence of our humanity — from seeing the image of God clearly? How much of what is important do we ignore in the name of “Halakhah”? When does the Halakhah turn into an avodka zarah (idol)?

We walk around with an arrogant sense of us vs. them: that is how the world does relationships and sex, and we just do it better, the right way — God’s way. And it is understandable — how else could a never-been-kissed 27-year-old feel self-validated in a world where an eighteen-year-old virgin is queen? Are we happy this way? In a world where people date for years and years, and are those years satisfying — are they “tov” (good)? Are they making us the people that God wants us to be? Are the values we inherit today through shemirat negi’ah truly intended? In a world where marriage is not predominantly economic and practical, where it is not even necessary in order to live, why is it still our only answer to puberty? Why must we assign such narrow quarters to a most fundamental and yet complicated aspect of the human personality — touch? How can we expect from ourselves and from each other to figure that out with one person, and only after we have married them? As a married friend of mine once voiced, out of all of her friends who claimed to have been shomer negi’ah while dating, there is only one couple she actually believes — and she worries about them.

Sometimes I fear that we have stayed so far from the Living God that we have learned to silence Him before He even speaks inside us. That we have learned from too young an age, too consistently, that natural urges are meant to be risen above — that they are the yetzer ha-ra (evil inclination), not God. That we have learned as Orthodox Jews to distrust ourselves: from too young an age, to be able to do what is required of us in order to actually hear Him in the most natural quarters of our existence. That, crippled, we lack the courage necessary to become bold servants of God.

There are tough choices to be made, positions to be taken. What are the values that we are holding onto so dearly and calling them holy? Are we actually saving the system, or destroying it? We have come to ascribe values that more often than not emerge from our encounter with the society and circumstances within which we exist, when the Halakhah itself was determined to fit a very different set of social circumstances. This is nothing new. We are familiar with the answer of “minag avoteinu be-yadenu”? If we indeed believe that Halakhah is meant to instituted values, what values, in comparison to the social norms of its times of construction, did it come to comment on and alter? What, indeed, was it trying to teach? And is worship of “minag avoteinu be-yadenu” actually accomplishing that?

The Tony Award-winning Broadway musical, Spring Awakening, tells the all-familiar story of adolescence, centered around a group of young teenagers, growing up and discovering their identity and sexuality within a world carefully constructed and constructed by the rigidity of adult uniformity. The world of Spring Awakening — set in Germany and built carefully on order, appearance, sterility, and obedience — takes us on a vivid and compelling journey back to the age of puberty, a journey whose emotive capacity is only matched by its intelligence: one that makes you not only feel about sexuality, but think about sexuality.

The children’s lives are so absent of feeling and human touch that they aim for pain as a way of simply “feeling something.” They are trained to view sexuality, their most natural desire for the other, as “guilty” and thus come to view it that way. But the mantra of the show, “haven’t you heard The Word of your body,” forces the children, and us, to really look at the essence of their story — of our story, of where sexuality and the desire for the other truly comes from. The play’s victory emerges through young Venusia, the quintessential innocent, who refuses to let the story of her relationship with her lover be told as anything but what it truly was, making love. The children’s disbelief in themselves, “and who can say what dreams are?” and who can say what we are?” and their defeated chant, “and now our bodies are the guilty ones, who touch,” is answered and rectified through Venusia’s conviction: “And he touched me, and I let him love me, so let that be my story.”

What would happen if we taught our children, from a young age, that the desire for touch is beautiful? What if we taught them that it is Godly? What if kids grew up respecting themselves and their desires? Would it not teach them to respect each other and to think about their actions even more carefully? Is that the ultimate goal? Would it not force us to distill and understand where our desires come from, and with a permissible outlet, take action on the “good” ones? What if we learned to see them for what they are and listened to the “Word of Our Bodies”? Would we not produce people who are even more resilient? What, just what, if we touched?

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Ethics and Exegesis: Rabbinic Exegesis and the Supremacy of Ethics in Interpersonal Relationships

BY: Emmanuel Sanders

It is understandable that the laws pertaining to sacrifices within Jewish law may, at times, be beyond the understanding of the human mind, for sacrificial law is, by definition, a category of legislation that involves the relationship between Man, on the one hand, and God, a Being who is Himself beyond the human threshold of comprehension, on the other. However, it would seem more compelling that interpersonal relationships, as they are defined and delineated within the Jewish Legal system, should be governed by morals and ethics that are clear and acceptable to the human mind. For example, it would not seem altogether strange if the Torah decreed that every tenth calf born to a cow was to be set aside for sacrificial use. However, that every tenth child born to a human mother be sacrificed would seem unethical and unjust—what did the child do to deserve such treatment? Nevertheless, there are a number of instances in which ritual law, as presented in the text of the Torah, does seem to override or contradict what we would normally consider to be ethical and moral treatment in interpersonal relationships. In the following discussion, I wish to explore a few of these instances and point out how, in each case, Rabbinic legislation and interpretation seeks to maintain the priority of ethics and morality in interpersonal relationships, even at times, at the cost of losing the simple meaning of the text.

Reading Verses Ethically

In my first example, I will deal with the prohibition of a son having sexual intercourse with the wife of his father. Although this law appears in four places in the Torah, we will refer only to Leviticus 20:11, which is the only place in which the punishment for this act is mentioned in addition to the prohibition: “If a man lies with his father’s wife, it is the nakedness of his father that he has uncovered; the two shall be put to death— their bloodguilt is in their own persons. This verse clearly pertains to a situation in which a son has intercourse with the wife of his father. What remains unclear is whether or not this intercourse is consensual. From merely reading the plain words of the verse, one cannot determine whether or not the wife consented to this illicit relationship. However, the Rabbinic view is that this verse refers only to such a case in which the woman consents.

One might justifiably observe that although no explicit mention of consent is made in the text, it is clear that this is what the Torah means in prohibiting this act: why should someone be held accountable for something he or she did not willingly commit? Clearly, one might conclude, the Rabbinic understanding of this verse is the only viable one.

That this is not the only way this verse is to be understood, however, is made quite clear when one looks at the account of Reuben’s sin with Bilhah,” his father’s wife, in the Book of Jubilees, a pseudepigraphic work which claims falsely to be authored by Moses, fragments of which have been found in the caves of Qumran. The account of Reuben’s sin in that book can be split into two parts: the first is an expansion of the biblical version and the second is an explanation as to why Reuben and Bilhah were not punished with death despite the biblical legal passages forbidding a son from having sexual relations with his father’s wife. In the first part, it is clear from the expansions that Bilhah did not consent to have intercourse with Reuben. The book describes how, one day, while Bilhah was bathing, Reuben looked on and became aroused. However, she clearly never intended for him to watch, for she made sure to bathe in “a private place.” Further, in the second part of the text, Reuben tells the family about his deed: “Then, the congregation of the Lord; none of his descendants, even after him, shall be a mamzer.”

It seems quite impossible, interpretation of the verse as teaching that while a woman may remarry her first husband if her previous marriage either does not conform to Halakhah or ends in divorce, a man is not allowed to remarry his first wife if she has been defiled. However, this ambiguity, or even the absence of any mention of non-consent in the biblical text when discussing the law of mamzeri, is more consistent with the understanding of the Sages. According to them, the words “she has been defiled” are not to be understood within the context of the verse at hand. Rather than referring to the general instance of a wife remarrying her first husband after having been married to a second man, the verse, in their view, refers only to the specific instance in which the wife is suspected of having cheated on her husband and the “defilement” of which the verse speaks. In attempting to explain this seemingly strange interpretation of the simple text, the Tosafists16 suggest that it was necessary, in this instance, to counter-read, since it would not be ethical to refer to a woman who got married in full accord with Halakhah to a second husband as having been “defiled” by doing so. That is, rather than understanding a verse in the simplest fashion, but risking that such an understanding would promote ritual stigma at the cost of ethics, the Sages chose to counter-read the verse, thus enunciating the supremacy of ethics in interpersonal relationships.

Stuck with the Mamzer

There are times, however, when counter-reading becomes difficult or even impossible, for a text can only be stretched so far and remain true to its original message. How, then, are the Rabbis to react when biblical verses speak about the mamzer?

To review, a mamzer is an individual born of a biblically-prohibited union, such as incest or adultery. Though the mamzer himself commits no wrong, the Torah, in unclear terms, prohibits him from entering into marriage with a regular Israelite: “No one misbegotten (a mamzer) shall be admitted into the congregation of the Lord; none of his descendants, even in the tenth generation, shall be admitted to the congregation of the Lord.” It seems quite impossible for the Rabbis to limit this verse’s applicability. But in what situation is it right for an unborn child to be held accountable for the sins of his parents?

Unable to limit this law through exegetical means, the Rabbis struggle greatly with this statute. In fact, the Rabbis interpret a particular passage in Ecclesiastes in light of the difficulty the Rabbinic conscience has with this law, revealing to us their inner turmoil. “So I returned and considered all the oppressions that are done under the sun. And behold the tears of the oppressed, and they had no comforter. And on the side of their oppressors there was none to comfort them.”

The Talmud, in Tractate Yevamot 11b, records a Tannaitic dispute concerning the interpretation of the above verse. The first opinion recorded is that of R. Yosei ben Kippai. He interprets the verse as teaching that while a woman may remarry her first husband if her previous marriage either does not conform to Halakhah or ends in divorce, a man is not allowed to remarry his first wife if she has been defiled. However, the Rabbis understand the words “she has been defiled” as referring to the “defilement” which occurs with the consummation of her marriage to the second husband. Such an interpretation would seem to fit very well into the simple meaning of the text.

Such, however, was not the understanding of the Sages. According to them, the words “she has been defiled” are not to be understood within the context of the verse at hand. Rather than referring to the general instance of a wife remarrying her first husband after having been married to a second man, the verse, in their view, refers only to the specific instance in which the wife is suspected of having cheated on her husband and the “defilement” of which the verse speaks. In attempting to explain this seemingly strange interpretation of the simple text, the Tosafists suggest that it was necessary, in this instance, to counter-read, since it would not be ethical to refer to a woman who got married in full accord with Halakhah to a second husband as having been “defiled” by doing so. That is, rather than understanding a verse in the simplest fashion, but risking that such an understanding would promote ritual stigma at the cost of ethics, the Sages chose to counter-read the verse, thus enunciating the supremacy of ethics in interpersonal relationships.

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The Ethics of Counter-Reading

Not only do the Rabbis interpret ambiguous verses so that morality and ethics have primacy in interpersonal relationships, but they reread verses as well—even skewing the simple sense of the verse completely at times. At the beginning of Chapter 24 of Deuteronomy,
the child sin, and how does it concern him? They "had no comforter," but "on the side of the oppressor there was power." Those are the hands of the great Sanhedrin, which move against them with the authority of the Torah and remove them from the community because it is written: "A mamzer shall not enter into the congregation of the Lord."

"And they had no comforter." Therefore says the Holy One: "It is upon me to comfort them." In this world there are those among who are unworthy, but regarding the messianic era, Zechariah prophesied: "Behold I see them all like pure gold," for this is symbolized by his vision: "I saw and behold, it was an oil lamp of pure gold." (Leviticus Rabba 32:8)

Here, the internal struggle of the rabbis is clear. On the one hand, they are the codifiers of God's law, and, as such, see what they do as God's work. On the other hand, they see themselves as the oppressors of the mamzer, an individual punished for sin he did not commit. Furthermore, God is both the giver of the statute of the mamzer, as well as a figure who comforts him. It seems that the whole concept of the mamzer brings to light this struggle within the Rabbinic conscience and within Torah itself—between the supremacy of ethics on the one hand, and the simple meaning of the text on the other.

Despite being unable to exegetically limit the law of the mamzer, the Rabbis in the Talmud attempt to do so in the legal application of this law. A number of rabbis are of the opinion that once a family's lineage becomes hidden (i.e. it becomes forgotten by the general public that they have "improper" elements in their lineage), it should remain so. And, in fact, this is the position which is codified in the halakhic works. Thus, although unable to limit the biblical verses through exegesis, the law of the mamzer is circumscribed through the Rabbinic enterprise.

Conclusion

It should be clear that it was of vast importance for the rabbis of the Talmud to ensure the victory of ethics over ritual stigma in interpersonal affairs. They read, counter-read, and circumvented verses in the Torah in order to achieve this end. However, at the same time, it should be noted that this in no way indicates some sinister attempt on the part of the Rabbis to pervert the original intent of the law. The Rabbis believed that this triumph of ethics was, in origin, a value of the Torah. This is evidenced in the piece from Leviticus Rabbaah referenced above. There we see that God is both the commander of the law as well as the comforter of the mamzer affected by it. In other words, God is both the writer of the verses and the plain meaning they convey, as well as the one providing the impetus for the Rabbis to intentionally read and counter-read these verses. How such an internal struggle on God's part is to be resolved is beyond the scope of this discussion, but it is important to keep in mind the divine origin of the struggle and to embrace this struggle on the road to truth.

BY: Jake Friedman

Freud's theory of psychosexual development associates the characteristics of the adult psyche with a childhood progression through stages of sexual development. These landmarks of the growing-up process represent critical points in the maturation of the individual and give expression to the elemental components of the fully-grown psyche — id, ego, and superego. While Freud is credited as a pioneer in this field, he was not actually the first to trace human behavior back to its roots in early development.

A much earlier author was concerned with exposing the underlying truths of human behavior. In his book, he writes a history of the beginnings of human existence and civilization. This history surrounds the social and psychic problems of early humanity and foreshadows many of the problems humanity will face as it grows to cover the earth and build cultures and nations. The Book of Genesis is written with a message of the primordial essential principles that underlie the complex dynamic state of the individual and collective human mind.

Permitting a departure from the strictly anatomical nature of Freudian theory, replacing the literal meanings of Freud's sexual anxieties with the concepts they symbolize, the Bible had much to say that coincides with Freudian psychoanalysis. Genesis contains a record of the psychosexual development of the human race.

The earliest stage of psychosexual development, lasting from birth through infancy, is the oral stage. During these early months of a child's life, his primary pleasure is that of sucking, and he gains this pleasure through his mouth. This stage is characterized by the undefined quality of the child's ego. The ego is a framework that provides the structure of identity: its stability; the mental ego is so undeveloped it allows for almost no perception of difference between internal self and external world. In the Bible's first description of Adam's Edenic condition, the infamous Tree of Knowledge of Good and Evil was not forbidden him: "And God said: "Behold, I have given you every herb... and every tree... to you it shall be for food."

Just like the newborn child, the earliest stage of humankind's development is permeated with uninhibited oral pleasure.

The Bible describes Adam in his early, unrestricted state: "Male and female He created them." The Talmud in Bava Kamma records a pair of dissenting opinions regarding the anatomical configuration of this non-gendered human. Rising beyond the gross anatomy, just as we have done with Freud's theory, the discussion in the Talmud takes on a different character. At that primitive point in anthropological infancy, there were no two identities among humankind; the human identity was in some state antecedent to the gender-distinct identities we know so well. Man existed in total unawareness of individuality. Only later in the
act symbolic of his separateness from the animal kingdom and a further darkening of the lines that define the unique human identity. The chapter ends with a new account of the creation of woman, “this time, significantly, as a separate person. This new perspective, woman as an other, different human being, is a result of man’s evolving ego. The awakening of the latent ego indicates that the oral stage is well underway, and from this point on, Man is no longer ‘alone.’

The developments of the oral stage culminate with the baby’s weaning, seeking food from external sources. By seeking sustenance beyond the isolated realm of his mother’s bosom, the child begins a relationship with the external. Genesis’ third chapter resolves the Biblical oral stage with man’s exit from the Garden into his new home, the outside world.

Adam and Eve’s stay in Eden ended when they took food from that which was forbidden, apart, external. In response to their action, God, besides issuing their eviction notice, informed Eden’s ex-residents that eating from the Tree had some very serious consequences. As warned, “one consequence of eating was the advent of mortality, man’s own body became his adversary. God also said, you may try to take it easy, but nature will not be hospitable, ‘In toil shalt thou eat of the ground’; thorns and thistles it shall bring forth to thee.” Finally, the aftermath of the Tree incident meant the beginning of competition between man and woman, “[A]nd [Woman’s] desire will be to...” xvi

“We are threatened with suffering from three directions: from our own body... doomed to decay... from the external world... with overwhelming and merciless forces of destruction, and finally from our relationships to other men.” xvii Freud’s three sources of external opposition directly parallel the Bible’s three plights: bodily fraility, anaphathetic nature, and social conflict.

Humanity’s oral stage is divided among the first three chapters of Genesis. Chapter one portrayed the utter simplicity of the neonate, chapter two the infant schism of self from other, and chapter three the post-oral formation of an internal-external relationship and of factors acting in conflict with the agenda of the infant. Freud outlines the three external sources of opposition, so does the Bible.

The Bible shifts its focus from Adam and Eve to Cain and Abel as the psychosexual development and manifest shifts from the oral stage to the anal stage. Freud claims that two potential extremes of personality lie in the balance during the resolution of the anal stage: the anal-retentive and the anal-expressive.

Cain and Abel personify these opposing personality types. Cain, by choosing the agricultural profession with its numerous obligations, bound himself to the system and confines of a schedule and homestead. Abel avoided any such anchor; as a shepherd, Abel found himself with a near-total lack of structure, spending his days and nights following his flock, living an unfettered life. The story of their conflict is the story of the progression of humanity through its anal stage.

Because he is an embodiment of the process of anal inhibition, a process in which the child-parent conflict is inherent, it comes as no surprise that Cain grapples with the first moral dilemma recorded in the Bible. Cain was aware of the conflict between his will and that of God. Unlike his mother who “saw that the Tree was good for food” and “took of the fruit thereof and did eat, and she gave also to her husband, and he did eat,” xviii all in one lousy, run-on sentence of single-minded transgression, Cain dwelled on his decision. Over the course of several verses, he experienced the emotions of both shame and anger, xix and received an admonition from the Divine before acting on his urges to kill his brother.

Freud interprets the long-term consequences of inhibiting man’s anal instincts:

“Other instincts besides anal erotons are induced to displace the conditions for their satisfaction. This process coincides with that of sublimation... it is what makes it possible for higher physical activities, scientific, artistic or ideological, to play such an important role in civilized life.”

It is no wonder, then, that Cain, the inhibited, is the inventor of religious sacrifice. As Freud predicted, the inhibition of instinct demands sublimation of that instinct in other pursuits. For Cain, that energy was redirected in the form of religious service, “And it was after a time, that Cain brought of the fruit of the ground an offering to God.” xixvi However, Cain’s sacrifice was ultimately not accepted, and his sublimation was stymied; his frustrated energies were channeled in another direction—personally built the world’s first city, “and his progeny followed his lead in laying the groundwork for future civilization and culture. The great-grandsons of Cain revolutionized economies, art, science. Yavel was the first to pen animals for ranching, Yulav regulated the music of the harp and pipe, and Tuval-Cain invented brass and iron tools.”

Unfortunately, the sublimations of Thanatos also generate violence and murder as they did for Cain and for his great-grandson, Lemesh, who “killed a man for a wound and a child for a bruise.”

The Bible’s ambivalent account of humanity’s “sadistic-anal stage,” xxiv mirrors Freud’s evaluation of its double nature. Sadistic because it is rooted in violence, but essential to development because becoming civilized requires a sustained aggression against uncivilized human urges.

The phallic stage is the last stage of psychosexual development before the child enters a period of developmental latency. Development in the phallic stage begins with the awakening of pleasurable sensations in the sex organs. A young boy quickly learns that these sensations can be procured manually at will, and seized this opportunity. The boy’s mother, deeming this behavior inappropriate, will chastise him and threaten punishment, even to the extent that she would threaten confiscation of the object of his offense. Usually the mother will name the father as the agent through which her threats will be carried out. The mounting threat against the child’s emergent infatuation with masturbatory pleasure manifests as a “castration complex”—an actual fear of being deprived of his new favorite organ.

Following the tragic fratricide of chapter 4, chapter 5 of Genesis fast-forwards through two millennia with a simple series of “begets” before arriving at the first two verses of chapter 6. “And it came to pass, when men began to multiply on the face of the earth...” xxv

Adam xxiv Adam’s son Enoch, the eldest son and the city he built, Enoch, is a testament to his parent’s anal stage. The ability to repress urges, to disassociate oneself from the id’s messages, lies in the dissociative power of Thanatos. This power enabled Cain to step away from the world of unstructured play and into his role as the patriarch of civilization. The name of Cain’s eldest son and the city he built, Enoch, as a form of the Hebrew for “training,” which is exactly the concept Cain stood for: the guided cultivation of human potential, instead of the un redirected approach of his brother, Abel. Cain

...
mother. The son-father rivalry coupled with the son's natural admiration for the superior mother's natural curiosity for the superior father causes the son to both imitate the father and try to replace him.\footnote{xi}

"And God formed man of soil from the earth and blew into his nostrils the soul of life.\footnote{xii}" The imagery in that verse, God as im- pregnator of the fertile soil, suggests a Heavenly Father and Mother Earth as the parents of mankind. Adam's God in Eden was not the celestial mama of Erosus, produced directly from God; instead, Adam ate from the fruits of the earth, his symbolic mother. Following the Freudian line of reasoning, Man's first sexual object was Earth, his provider. God serves, counter to Earth, as a father figure, he metes out punishment and impairs Man's ability to live harmoniously with Earth by banishing him from her bosom, the Garden. The Tower of Babel was mankind's attempt to take Mother Earth for themselves, driving away God by creating an earthbound stronghold where they could be perpetually secure from divine interference.

Construction starts, and, in true Freudian form, the tower-builders make sure to imitate the creative method of the father while trying to usurp him, "Come, let us make bricks... Come, let us build a city and a tower with its top in heaven.\footnote{xv}" Compare this to Genesis 1:26, "Let us make man..." and Genesis 1:11, "Let the earth sprout grass." Man's creative plan is voided with marked similarity to God's creation. Even the use of bricks mirrors God's creative actions, "imitating God's creation of man out of the dust of the ground, the human race begins its own creation by fining and transforming portions of the earth.\footnote{xxv}

The Babel Project was ultimately suppressed by an act of divine preemption in which God diffused the single dialect of hum anity into many languages resulting in a world full of diverse and competing cultures. After the failure at Babel, humankind finally spread out across the earth, as God intended from the onset. This time, however, they were steeped in the complex awareness of self and other, of constructive destruction, and of the potency of the sex drive. This time, they set out with a mature psyche, fully aware of the potential of their powers. From here, the Bible stops its discussion of mankind as a whole and focuses very specifically on a line of Abra hamic ancestry. This marks the end of the Bible's psychosexual discussion.

Freud presented the phenomena of psychosexual development as prehistoric, but accidental conditions. His stories of early hum anity were not metaphor for universal truths but actual events to which he ascribed the historical origins of modern human behavior. While he saw these events as representative of significant epochs in the evolution of the human psyche, to him they were merely circumstances that influenced that evolution from without. The lessons of the Bible differ significantly. By identifying God's involvement in the development of the human psyche, the Bible is claiming that the human condition it describes is not just prehistoric, but ahistorical.

As presented in the Bible, the complexes and internal conflicts that human beings face are an elemental part of our composition; they possess a transcendental significance, shedding light on mankind's true ethos.

Jake Friedman is a sophomore at YC and is, as yet, Undecided.

How Halakhah Approaches the Issue of Wife-Beating

BY: Meira Zack

From the beginning of time, woman was cursed. This is not a feminist statement; it is a historical fact seen clearly in the Torah: "And to the woman He said: 'I will greatly multiply your pain and your travail, in pain you shall bring forth children, and your desire shall be to your husband, and he shall rule over you.'\footnote{xvi}" Rashi and others explain the phrase "and he shall rule over you," in connection with the phrase "and your desire shall be to your hus band," to mean that man will rule over woman with regard to sexual desires and that woman will not have the courage to pursue her own inclinations but will be subject to those of her husband. While this approach is understandable, I am perplexed that many did not look at the phrase in a more pesah-oriented way and explain literally that "man will rule over woman."

The key to retaining a stable government is a strong standing army. This has been clear since the beginning of organized rule, and is no surprise to us in this day and age where there are a good number of militant countries, and others: that are constantly in civil war because there is no one collective entity with the majority of power and loyalty. To rule another means to have physical power over him or her. I believe Ibn Ezra (ed loc) follows this thought process and succeeds in explaining the pesah of our phrase by interpreting "he shall rule over you" to mean that woman must listen to man and do all that he commands and fulfill his desires because she is in his "domain." This connotes rule over woman through physical force, which seems to be a precursor for domestic violence, particularly wife-beating.

A primary concern of the Torah, and theological codes in general, is to help mankind conquer its behemiyut, its animalistic instincts, in order to become benei adam, human individuals. The question then arises: How does Halakhah deal with this natural instinct of man to victimize woman and physically beat her? Factors considered in the halakhic discourses include the reasons for beating, warning from the bet din, and beating as grounds for divorce. Interestingly enough, it seems that there are extreme differences: in halachic outlook and halakhic rulings based on where each posekim who discusses these matters lived. We shall start with the common ground of the Mishnah, move on to the extremely "conservative" views of the Hakhmei Sofrat, and then the more "leftist" views of the Hakhmei Ashkenaz, and finish with the particularly revolutionary measures taken by German posekim.

The halakhic controversy over whether or not a man may beat his wife emerges from a Mishnah in Ketubbot: "These are the tasks a woman must do for her husband: grinding (flour), baking (bread), laundering, cooking, nursing her child, preparing his bed for him, and working with wool (making clothes)."\footnote{xviii} Some would say that a wife's failure to fulfill such tasks constitutes grounds for beating. Three Geonic responses to this Mishnah lay out the three different modes of dealing with wife beating. R. Yehuda Gaon of Pumbedita clearly takes a violently supportive stance, as he states in a comment on Ketubbot: "A woman must respect her husband, nurse her children, feed her husband— even from her hand to his mouth— launder and cook. As the sages said: a woman grinds and bakes. When her husband enters, a woman must stand up, and she is forbidden to be seated until her husband sits down. She has no right to raise her voice to him, and even if he beats her, she should remain silent, as is the way of modest women."

A different, anonymous, Babylonian Gaon writes in response to a halakhic question: "Regarding your questions about a man who beat his wife and caused her injury, the law is as follows: He is fined according to his ability and his assets and he shall give the money to his wife, who may use it as she pleases, as long as she does not give it as a gift to someone else without his consent, and they shall come to a compromise, but he shall not be compelled to grant a divorce."

This Gaon clearly differs from Rav Yehuda in that he does not encourage wife-beating and even rules that engaging in such behavior incurs punitive consequences.\footnote{xix} However, it is hard to argue that he completely disagrees with it. For one, he specifies that these measures are only taken if the husband "beat his wife and caused her injury." What if he abused her but did not cause injury? Is that acceptable behavior? Furthermore, while he agrees that the husband is obliged to pay his hurt wife for the injury, he specifically states that said injury does not hold as grounds for divorce. He states "In places where disputes took place continuously...if he started, she receives all the money under it [the marriage contract]." From the opinions of these three Geonim, we can see that pesak on wife-beating in that era ranged from encouraging the practice to declaring it grounds for divorce, but only in specific circumstances. Regarding the above, the majority of Geonim took on this common view, wife beating was, apparently, a common occurrence at this time in Jewish history.

It is important to note that the Jews of Safad lived under Muslim rule which was blatantly violent towards women. This could very well have affected the way posekim viewed..."
and determined rulings on such issues. The first opinion we have on such matters comes from the book Ben Mislēi, by Shammār Slemel ha-Naggāl (995-1056). He writes: "Hit your wife if she dominates you as a man and raises her head."  

Avraham Grossman comments that this "may simply be poetic licence [to beat one's wife], but since the metaphor appears a number of times in the same work [Ben Mislēi] it probably reflects an established point of view."  

The next major Sefaradic authority to comment on the topic was R. Yosef ibn Avitur (turn of the 11th century). He writes:  

"Let it be known that if there are witnesses that he beat her once or twice, the Bet Din must warn him about it and tell him: 'Know that you are not allowed to hit her, and if you repeat this evil act of yours, the woman will get a divorce with the rights of her marriage contract'. And even if it is found to be true that he beat her once and again, as you have explained, we do not compel the husband to give her a bill of divorce with her rights under the marriage contract until he has been warned by the Bet Din and the community's elder who tells him... and he receives the warning and is left at home with a trustworthy person; if the latter testifies that he repeated his evil deed, she is paid the money due to her by her marriage contract.  

This opinion evidently condemns wife beating, since it agrees that such an act is grounds for divorce. However, the parameters are very strict. The only way to receive a divorce is to find witnesses, mediate through the court system to get an official warning, and then experience the violent act once more which, again, must be witnessed. If a man knows this to be the ruling, will he not be careful to beat his wife when there are no witnesses around?  

The opinion of Rambam (1135-1204), who lived in Spain and then Egypt, is even more perplexing. On the one hand, he sympathizes with the plight of the beaten woman, stating that "a husband who harmed his wife must immediately pay her all the injury, shame, and sorrow. Everything belongs to her, and the husband derives no benefit, and if she wants, she may give the money to another person; thus instructed the Geonim." Yet, with regard to compelling a woman to do the housework even if she did so, she will be deprieved of property, which will be used to buy land and he will have the unsanctified thereof"

She even upshuk ishekh teshukatek, "hu yimshol bakh."  

"Rashi ad loc., s.v. "hu yimshol bakh."  

"Ketubbot 5:5.  

"Halakhah Ketuvot, published by Y. Miller in Akher Bericht (Hochschule, Berlin, 1890).  

"Emphasis mine."

"She'ilot u-Teshuvot ha-Ge'onim (Korazun edition, Vienna, 1871), siman 44.  

"This idea is taken from a Tosafot that deems domestic violence as a criminal act: "A person who harms his wife, whether he is himself or others did so, will be deprived of property, which will be used to buy land and he will have the unsanctified thereof"."

"Shenuel ha-Naggid, Men Mishlei, ed. S. Abramson (Tel Aviv: Malbarot le-Sifrut, 1948), p. 117, siman 419.  


"Sha'arei Teshuvot, vol. 4, 4:42.  

"Mishne Torah, Hilhok Hovel u-Mazzik 4:16.  

"Mishne Torah, Hilhok Ishur 21:10.  

"She'ilot u-Teshuvot ha-Rashba, 7:477.  


"She'ilot u-Teshuvot Maharam (Prague edition), siman 81.  

"Ibid., siman 291.  


"Leviticus 19:2.  

Metra Zack is a sophomore at SCW majoring in Political Science.


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Finding a partner that one intends to spend the rest of one's life with is a profound and monumental decision. Moreover, the decision of a child to marry a particular individual is also an intense ordeal for the associated families. The sociological history of marriage in modern Jewish history is characterized by elitist tendencies, where potential partners are evaluated under a set of specific parameters to bolster the economic and social standing of the families. While the contemporary phenomenon of dating and shiddukhim is starkly different from its counterparts in the previous centuries, certain vestiges of the elitist mentality continue to affect the practice of meeting one's soul mate, or bashert.

Because of the profundity and centrality of marriage as a Jewish institution, it may be possible to infer that the effects and reverberations of the ideals used to determine a potential spouse impact contemporary traditional Jewish society's mentality in areas such as the Orthodox Jewish interaction with cognitive disability. There is a tremendous amount of hesitation and reservation amidst many Jewish schools and individuals at the prospects of integrating individuals with intellectual disabilities into day schools and yeshivot. This response is particularly alarming in light of the attitude of much of general society to swiftly adopt integrative programs in the spirit of the very Jewish ideals of social justice and equality. This negative attitude is rooted in the unfounded belief that individuals with intellectual disabilities will somehow negatively affect the other "normal" students, despite the fact that studies have illustrated that positive effects are associated with normal students who are part of normalizing educational programs. May it be possible to suggest that generations of elitist tendencies associated with marriage have grossly affected Orthodox Jewish attitudes towards cognitive disability?

It is the intention of the first part of this essay to primarily explore trends in traditional Jewish society in finding a potential spouse and the possible ramifications of these tendencies. The latter portion of this essay is dedicated to an analysis of inclusive education within the Jewish community, and an evaluation of noted hesitancy among Jewish schools and the community at large to invoke greater social justice and equality by facilitating integrative educational facilities for individuals with intellectual disabilities.

Trends in Jewish Marriage

The practice of shiddukhim is an age-old Jewish practice dating back to biblical history. In fact, the Torah describes the episode of Abraham sending his servant Eliezer to find a suitable wife for his son Isaac. It is significant to note that Eliezer conducts a test to see who, when prompted to pour him some water, would have the kindness and moral virtue to also pour water for his flock of sheep. It is evident from this story that the values and morality of Rivkah's character proved to Eliezer that she deserved to marry Isaac.

Jewish matchmaking in 18th century Europe, however, had a decidedly different character. ChaeRan Freeze, a prominent historian of Eastern European Judaism, notes in her work, Jewish Marriage and Divorce in Imperial Russia, that "arranging marriage was one of the most critical decisions that a Jewish family faced: the outcome often affected not only the couple but also their families, especially parents." Traditionally, the critical factors for choosing a spouse weighed heavily on "family lineage, family wealth, male's learning and the female's commercial talents." Furthermore, what emerges from a comprehensive study of Jewry in 18th century Eastern Europe is that "marriage was understood as an (economic) alliance between families and was under strict parental control." Unlike the aforementioned virtue later.

Although the values and criteria currently ascribed to the choosing of a potential spouse are starkly different from that of previous generations, certain tendencies continue to pervade. The advent of genetics, in particular genetic testing and screening, has culminated in a consciousness in the Orthodox Jewish community, a society in which hereditary diseases like Tay-Sachs are at a higher prevalence than in the general population. Awareness of genetics has resulted in profound consequences to the nature in finding a spouse. The genetic makeup of the potential spouse and of the family, as a result, has arguably become a prominent factor in selecting a spouse. A rise in the stigma associated with carriers of particular inheritable disorders and/or families with cases of particular diseases has accompanied this new wave of technology. More generally, information like mental illness in a family within the Orthodox community has been shown to be a grave blemish to a family, and in fact often disinhibits these individuals from seeking proper mental health. Greenberg and Witztum, two psychiatrists studying ultra-Orthodox mental health, note that "a history of mental illness is a major blot on a family pedigree. One family member with a psychiatric record affects the marriage prospects of everyone else in the family. For this reason, a family will try to hide a psychiatric problem. Everything is done to avoid making the existence of mental disorder public knowledge."

Integration of Individuals with Intellectual Disabilities in Jewish Schools

As public school classrooms around the country seek to implement normalization and integration-based curricula and programs, their Jewish counterparts lag behind. Yeshiva University's Dr. Jeffrey Glanz, Raine and Stanley Silverstein Chair of Professional Ethics and Values at Azrieli, argues: "Too many Jewish schools, in particular, exclude the 'non-traditional' student possessing different learning needs and requiring special educational services. Many Jewish day schools and yeshivot are not philosophically committed to inclusive pedagogy, nor have they been able to commit sufficient resources, financial and otherwise, to support such initiatives organizationally."

In the mid-1980's, the Regular Education Initiative (REI) recommended "fundamental changes in the way in which educate students with disabilities, including those categorized as mentally retarded" which helped pave the way for the rise in mainstreaming and inclusion based educational approaches. Generally speaking, the term mainstreaming refers to the physical integration of an individual with intellectual disabilities, by placing them in general education classrooms. However, inclusion involves more than just basic integration. The notion of inclusion is "predicated on the idea that students with disabilities are welcomed and embraced as participating and contributing members of the general education classroom."

Notwithstanding the hesitancy towards inclusion, the case for inclusive education is rooted in both secular philosophy and Jewish thought. The philosopher John Rawls in his political philosophy work Theory of Justice, outlines the framework for educational inclusion. Rawls understands justice as being grounded in human respect, and includes the development of different relationships grounded in mutual respect and treating each other justly. Moreover, justice is grounded on the notion of equity, in the Aristotelian sense. In education, equity and justice are established by ensuring that every student has the educational help and assistance he needs to succeed. To treat people equally means to treat people with equity, eventhandedly ensuring what each person needs is allotted to him. In Jewish thought, the
The notion of *tesdakah* parallels the aforementioned idea of justice and equity. The obligation for *tesdakah* is to provide in accordance with the person's needs. This idea is exemplified by the story in which Hillel ha-Zaken bought a horse and slave for a previously wealthy person who had become destitute.

Inclusive education is a process that helps achieve social justice for individuals with disabilities. Alternate methods of education which separate those individuals with intellectual disabilities from the remainder of the class are purported to be not as effective as inclusive settings, which has been shown to increase academic achievement of both the able and disabled.

At the heart of the resistance to inclusive education rests a number of stigma and false beliefs fueled in part by hints of elitist tendencies. Glanz cites a typical discussion concerning a principal looking to facilitate a more inclusive educational program at his school and a parent. In response to principal’s desire to integrate individuals with intellectual disabilities, the parent retorted, “I don’t want that kind of child in the same class with my child.” Another parent declared, “My child is normal. These other kids have problems. They’ll slow down the learning of my child.”

Many Jewish schools themselves remain uncommitted to integration and/or consequently fail to dedicate serious resources and efforts to implementing these programs. Glanz cites a particularly haunting example concerning a girl named Sarah who experienced problems with retention of information and had trouble learning as many pesukim as her fellow classmates. As the situation deteriorated, Sarah began to grow frustrated. She said that, “I hate my school; the kids tease me and they call me dummy.” Despite a special tutor at home the problems persisted. In the course of meeting with the principal, she stated, “It’s unfortunate, but we simply can’t accommodate your child’s peculiar learning style.” Shocked by the principal’s reaction, the parents decided to move Sarah to a local public school which provided inclusion class options.

**Conclusion**

It is not possible nor is it the intention of this article to definitively argue that there is single cause for the seeming hesitancy of the many Jewish schools and communities to foster inclusive educational practices, whether it be elitist marriage tendencies or not. This is not to say that the issues are by any means separate from one another. Rather, the “I don’t want that student in the same class as mine” or more extreme comments of that nature speak to a deep-rooted predilection in the traditional Jewish community. It is a virtue to praise excellence in Talmudic wisdom and secular knowledge, but not at the loss of social justice and equality. Failure to do so ignores the innate human dignity that binds all of human kind together as equals.

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1. See Genesis, chapter 24.
3. Ibid. See also The *YIVO* encyclopedia of Jews in Eastern Europe, ed. Gershon David Hunderd (New Haven: Yale University Press, 2008).
5. Freeze, p. 25.
6. Ibid. See p. 36.
10. Ibid.

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**Opening Doors**

*BY: Rabbi Steven Greenberg*

When Kol Hamevasser asked me to write a piece about my journey, I was pleasantly surprised. I was asked by one of the editors to reflect upon my experience at Yeshiva and my efforts to continue to find a home in the Orthodox community. Perhaps contrary to what might be expected, my initial experience at YU was, for the most part, wonderful. This was for two reasons. The first was that I loved the learning, the city, and my teachers at JSS. The second was that I was deep in denial.

I had come to Yeshiva as a naïve b’al techevufah from Columbus, Ohio with not a whit of gay self-awareness. This is not to say that there were not inklings. At the age of ten, I remember having a nagging sense that there was something dangerous about my feelings. However, there were no words for this. “Paggot” and “homo” were words reserved for the boys bound for being passive and unattractive. Neither one said anything about sexual attraction. When I was twelve, I remember being mesmerized by the handsome teenage son of distant cousins at family sedarim. Later in my early teens, I vaguely recall my head once turning sharply in the high school locker room toward a boy two grades older than me. At the time, I noticed my body’s involuntary movement, but I could not name it. There were no categories for this experience, no way to explain the jerking around of my head, the warm sensation on my face, or the flutter in my chest.

A few years later, the arrival of the hormonal hurricane left me completely drenched. Just when my body should have fulfilled social expectations, it went completely mute. I still had no conscious response to boys, but despite the great expectations, I also had no physical response to girls. By this time already religiously observant, my saving grace had begun. While it gave me religious cover for the violation of the tradition with my first kiss, it carefully permitted me to find myself in Yeshiva. As a bisexual, I could have a wider and richer emotional life – and, perhaps, a deeper spiritual life than is common – and still marry and have a family.

I came back to New York City in 1978 to finish college, start RIES, and get married. At the age of twenty-two, half of my friends were engaged or married, and I was eager to join their ranks. I dated women regularly during this period, but I had no clue what specifically I was supposed to feel. In one of my hopeless attempts at inducing passion, I brought a woman to the most romantic spot on Roosevelt Island, where in 1984 I was a congregational rabbi. The lighthouse on the northern end of the island was quiet and secluded. The sound and smell of the water swirling at its base was the perfect setting for what I had planned to be the fulfillment of the tradition with my first kiss. That kiss never happened.

The next week, I was a wreck. The humiliating failure to feel any desire for a woman I cared so much for left me confused and depressed. At one moment that week, on my way back to the Island on the tramway, I saw a very handsome young man looking at me. At that moment, I let myself fully feel the electric power of his gaze and was overwhelmed by my repressed desire. I turned away to catch my breath.

For the next decade, my life was a ticking time bomb. I was thrilled to be working as an Orthodox rabbi and educator by day and torn apart by the realities of my heart and body by night. On Yom Kippur, every year, I would listen to the verse read in the Minhah keriyah, and sob with my tallis over my head. On Yom Kippur, I decided that I could not cover any more. I wanted to have the alliyah for the reading of those very verses. I arranged with the shamas that I would have the proper alliyah,
and, when it was time, I went up to the bimah in the center of the shul. My heart was pounding as I climbed the steps to the shulhan. I felt as if I was standing on top of a mountain in a thunderstorm. I said the blessing and heard the verse, “Thou shalt not lie with a male as one lies with a woman—it is an abomination.” To my surprise, hearing the words this time, I no longer felt fear, pain, or even accusation. I was strangely empowered. I felt that in my willingness to be vulnerable to the text, it became vulnerable to me and everyone like me.

The full ramifications of these verses cannot be fully appreciated until those who interpret the verses hear our stories. Until the people who bear the weight of these texts—are asked to give their testimonies, how can rabbinic claim have done their work?

I began to write in the summer of 1992, while still in the closet. “Gayness and God” was published in 1993 in Tikkun Magazine under a pseudonym, Rabbi Yaakov Levado. The article began with a bold statement: “I am an Orthodox rabbi and I am gay.” It was a confession and a plea for understanding and dignity. During the few months following the publication of the article, I received a number of letters—forwarded to me through the magazine. I heard from gay and lesbian Jews, most of whom had left Orthodoxy years before. The letters were my first taste of support and encouragement as I ventured, under cloak, outside the closet.

During the next six years, I slowly shared my secret with friends and family, and finally, in 1999, after finishing a fellowship in Israel, I decided the time had come. But how does an Orthodox rabbi come out of the closet? I had become involved during my two years in Jerusalem with a group of activists trying to build a GLBT (gay/lesbian/bisexual/transgender) community center. By the time I was leaving, we had secured a space that was being renovated. Friends were pressing me to come out just before the grand opening of the Jerusalem Open House. I did nothing. As Providence would have it, on the flight home, sitting next to me was the Weekend Feature Editor of Ma’ariv. In March of 1999, I came out publicly in an article entitled, “Le-Shem Zagyvat” (In the Name of Partnership). The next week, The Forward picked up the news and published an article describing me as the first openly gay Orthodox rabbi. I had expected a barrage of verbal and written attacks. To my surprise, nothing of the sort happened. Yes, there were a few harsh voices, but nearly all my friends were wonderfully supportive. A number of my rabbinic colleagues called up to offer their support, calling my move “gutsy,” but asking not to be quoted.

During the next five years, I kept writing and, by 2004, I had finished a book entitled Wrestling with God and Men. Wrestling with God and Men, which I am proud to say, won the Koret Jewish Book Award in 2005 for Philosophy and Thought. However, I am even happier to say that it has served to help families reconcile and it has offered a way for many gay people to hold on to their trust of Torah and their faith in God.

In the book, I offer two arguments. The first one is for gay people who hunger for an interpretation of Scripture that doesn’t mark them as nightly hated by God because of the ordinary desire for love and companionship. The second argument is for Orthodox congregations: to open their doors. It is a halakhic argument that justifies a community’s desire to make room for its gay members.

While most Orthodox synagogues are not up to the challenge, a few Orthodox rabbis over the past few years have begun to welcome gay people into their shuls. Based loosely on the few synagogues which have in practice integrated gay and lesbian congregants, I have discerned three principles which I think describe a “welcoming” Orthodox congregation:

No humiliation. Rabbis will agree not to humiliate or demean gay and lesbian people from the pulpit and will work to prevent such humiliation in their congregations.

No Public advocacy. Gay and lesbian members will acknowledge the limits of the halakhic process and not presume the Orthodox synagogue will adopt the social agenda of the gay and lesbian community.

No lying. Gay and lesbian members will be able to tell the truth about their relationships and their families.

The first stipulation is a given. A rabbi who feels that he must deliver polemical sermons in regard to homosexuality will not provide a welcoming home for gay people. Such diatribes help no one and do a good deal of harm. In every Orthodox community, there are closed gay Jews, parents of lesbian children, sisters of gay brothers, and young people terrified of a nameless secret.

The second stipulation is challenging for many gay people. Orthodox synagogues cannot be a platform for gay liberation. However, we can expect that our rabbis be willing to offer a degree of humility and compassion.

A well-known YU rabbi and scholar, who prefers not be named, once publicly said that when he was first asked about Judaism and homosexuality, he knew what to say: he easily recited chapter and verse of the standard ruling. Over time, as he met the people at his shul, he became more conflicted. He tells gay people now that he is humbled by their stories and cannot imagine what it is like to walk in their shoes. While he cannot permit, he also no longer feels in a position to condemn. He simply encourages gay folks to come to his shul and be a part of his congregation. For those gay and lesbian people who want to feel fully supported by their synagogue community, this sort of partial welcome may not be comfortable. Nonetheless, many people who want the unique vibrancy and intensity of traditional Jewish communities are respectful of halakhic limitations and know that whatever change in attitude is possible will come about because we have not walked away.

The last stipulation is the most important for gay Jews and the most difficult for rabbis and congregations. “Welcoming Synagogues” can not require us to lie. This stipulation is re-
Continuing the Conversation

Devarim she-Yesh la-Hem Shiur; or, a Case of Sheer Opportunity

BY: Ben Greenfield

Editor's Note: The following article is the second installment of a piece entitled “Shiur Hadash or a Case of Shiur Innovation” which was published in the last edition of Kol Hamevaser (December 2008) on Jewish Education.

So: good or bad? Until this point, I attempted to maintain some semblance of neutrality, refraining from normative statements. Now, I claim the centrality of shiur is innovative, but that it betrays neither commutation nor condemnation — the question of merit remains. The answer, I believe, hinges on two broader questions: why shiur and why now? In other words, what motivates the radically central position of shiur and what vaulted it into prominence, refraining from normative statements. The shiur's allure only intensifies the question of if and how each document relates to the talmud Torah. Lastly, on the broadest plane, individual shiurim — even those preliminary and expanding corpus of texts in due need of organizing. Our is to organize. Ours is the age of the Entsiklopediyah Talmudim, the Kovets Hakirot, and the shiur. Just as Rabban ben Samuel catalogued Shas in his Mishneh Torah, we are embarking on a mission to organize Shas and its commentaries. From the Gemara, a Rabban, a Rif, and a Shakh emerge: in the hands of a skilled lecturer — one concise but thorough shiur. Curious once again about the topic at hand, a student can dispense with the search for relevant sources, with the struggle to understand each opinion, and with the question of if and how each document relates to the other: He simply learns his shiur notes. Numerous and unorganized texts have become one complete whole. The current mission of talmud Torah lends itself to the shiur format, where we rather proudly intend to create a new primary source. The question of good or bad is really one of how successfully we accomplish this epic task. Writing a new Talmud text is an ambitious project with powerful repercussions. Future generation depend on us: We bequeath to the next generation a laudable and expanding corpus of texts in due need of organizing.

The question of if and how each document relates to the talmud Torah. Many shiurim — even those particularly clear and well-organized — arrange their topics in accordance with their sequence in the Gemara. Within the span of a few weeks, the lectures cover a range of unrelated and randomly ordered topics. However, an ideal shiur “text” erects an elegant semestersong structure, with daily shiurim forming the weeklong sub-units that all connect with a greater whole. It might commence with a broad introduction to the semester's grand topic and proceed to explore pivotal aspects of the subject, before finally engaging detailed cases in a pre-arranged progression. In other words, shiur should include a syllabus, guiding the student towards an ever more detailed knowledge base and contextualizing each day’s learning into a complete picture. He should be able to peer back at weeks passed, recalling the slow development of a truly impressive, truly cohesive acquisition of Torah.

On a personal note, I rarely confront my assumptions. Various Rishonim tendered competing readings of the Gemara, until a new authority emerged — selecting one approach as halakhically authoritative. The popularity of the Shulhan Arukh satisfied that need, but produced a demand to critique or modify controversial rulings. The sheer effectiveness of our predecessors, combined with a conservative esteem for precedent, means no one today considers rewriting Rashi or challenging an accepted article of Shulhan Arukh.

We face a new challenge — an immense ability to peer back at weeks passed, recalling the slow development of a truly impressive, truly cohesive acquisition of Torah. Clarity on three counts — pedagogical clarity, cogent outlines, and a syllabus — galvanizes shiur's latent powers and enables it to fuel the next revolution in talmud Torah.

These are monumental times. We are witnessing a break from previous modes of Torah study, a metamorphosis in method and emphasis. This nontraditional approach belies a more radical and philosophical transformation, where the construct we call Torah is reassembled and redefined. We are uniquely suited to pursue this revolution, ready to accept a new mission in the chain of Torah development. Hundreds, if not thousands, of paid professionals devote their hours to organizing and elucidating the enormous corpus we call Torah. If we fail in our duty, they and their students will still produce the greatest quantity of talmud Torah ever to grace this planet. But if we embrace our awesome responsibility, if we accept our role as the Torah's organizers and approach her as such, we do ourselves and succeeding generations an immeasurable kindness. The Torah, too, delights in our triumph, rewarding our service with the only gift she knows. For if we succeed, we enter that pantheon of mythic and most high, placing our lot with those great scholars of Israe, melting ourselves into the very text of her being, and achieving an immortality as ancient and mysterious as He who created her.

Ben Greenfield was last semester a junior at Yeshiva University in England.

Once established — and with yeshivot built around them - even elite students would have little reason to not attend shiur. Clearly, the issue is more complex than just that — no more production of Rishon-like opinions, no more critical evaluation of them, no more clarifying their depths through the use of pilpul. Come, let us organize. Let us use the tools of halakhah-abstraction to connect disparate sources into a single line of thought or summarize multiple arguments into one grand debate.

For an increasingly desperate appeal to greater digitalization and group cooperation in this process, see the author's article entitled “WikiTorah” in Kol Hamevaser 1.5 (February 2008), p. 4.

Personally, my notes are riddled with citations like “Rav Kamma 20a (or was it 120a)?”

For convenience's sake, Mishneh Torah supplies ample organizational inspiration. On yet another personal note, I have begun studying sugyot based on their order in the Yad Ha-Hazakah; it is refreshing, to say the least.
Continuing the Conversation

GPATS’ Response to “A Man’s Perspective”

BY: Ariella Schwartz

As I walked to my makom in the Stern Beit Midrach one Tuesday morning, I could not help but overhear my fellow “GPATS-ers” discussing the article written by Michael Kurin in Kol Hamevaser’s December edition. Indeed, his articulate and resonant words sparked deep and meaningful conversations amongst our group, as I am sure it has in many other circles of readers. Subsequently, we, the women of GPATS, felt it was appropriate to share our view of the very pertinent and personal issues presented in the article. Before I offer a rebuttal of Mr. Kurin’s claims, I must acknowledge his thought-out views, and thank him for opening the door for this discussion.

Mr. Kurin begins his article by questioning whether advanced Talmud study for women is indeed reflective of “ideal avodat Hashem,” and “if such a pursuit is the best option for young women.” Indeed, he recommends that post-college Orthodox women ought to dedicate their time to pursuits such as hesed, parnasah, child rearing, and “nikkun olam.”

While one cannot deny the significance of these values in Judaism, I believe that talmud Torah for women does not preclude the fulfillment of any of these ideals. A woman learning (any Torah subject) for a few years before beginning her profession, her graduate study, or before and while raising children, can and will contribute to the Jewish community in ways that extend beyond classroom teaching. Yes, a number of girls who choose to learn indeed want to pursue a career in a manner that will include giving of themselves in ways that serve God; to know Him and become close to Him. This is our goal as a nation and as individuals – both men and women. Some men feel closest to their Creator when they are reading Tehillim, and some women feel closest to God when they are uncovering the complexities of the Talmud. If we move away from the mitsvot and ordinances in these pages – that their love is for God. Do we women need another reason to learn be-derekh Hashem? What is the best option for young women?

On a personal note, I attended a secular college. Some of my friends retained their Orthodox identities by becoming Hillel leaders or by organizing Israel-awareness programs or hesed projects. For me, that was not the way. For me, my connection to God was found in the best midrash, in the pages of the Gemara, the Mishnah Berurah, the Tanakh. Yes, I will see God in my child-rearing, in my hesed, and in my Shabbat preparations, but I also see Hashem in my brochot, in my Shachris, and in my Brit Milah preparation.

Ariella Schwartz is a student both in The Graduate Program for Women in Advanced Talmudic Studies (GPATS) at YU and in YU’s Albert Einstein College of Medicine.

Toward the end of his article, Mr. Kurin argues that women’s “post-college” study of Talmud is a slippery slope potentially leading to “greater involvement of women Jewish leaders” and ultimately a “community-wide crisis.” Firstly, as Shoshana Samuels established, many of these ideals are composed of two genders. Women follow blindly. We question, we think, we want to know God, not gape blind-folded through this complex world. If you keep women blindfolded, if you are too afraid to teach them Torah because there is always the lurking danger that they will “overstep their bounds,” then you will lose the brightest minds and most dedicated hearts amongst us. Talmud Torah will not lead to careless regard for Halakhah. It will not lead to Conservative Judaism. Le-hefekh (just the opposite) – it creates a love for our masorah, a passion for deveikus ba-Hashem (clinging to God), and a desire to follow in His ways.

In conclusion, Am Yisrael needs men and women who can spread the word of God. The distinction between pre-college Torah and post-college Torah is arbitrary. We must always be growing in our relationship with God. And if, for me, God is in the Gemara, then it is my prerogative and my obligation to seek Him there. With these years of limmud forever a part of me, I will serve as an or ba-goyin (a light unto the nations). I will build a world of hesed and ahavat Hashem, I will fulfill all of my obligations. But I will do it with knowledge, skill, and with my sefarim to guide me.

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