The myth of the kind gentle, Jewish husband has been broken down. The evidence that Jewish wife beating exists is strong. Statistics and headlines assail us with facts. 'One out of six' or 'one out of seven' Israeli women is regularly beaten at home. The estimated minimum figure is 100,000 battered women in Israel (of whom 40,000 end up hospitalized); the maximum number is 200,000 (which includes the Arab population). [1] It is incontrovertible today, something which was not the case in the mid 70's, that Jewish awareness of the problem is on the rise--though not enough. The Jewish feminist, who may be alert to the existence of the problem in Israel, may not be aware that a similar problem exists on her own turf. Pick up the Denver newspaper, the Boston Jewish Advocate, The New York Times and you will hear about rabbis' wives who are beaten by their husbands, surgeons' wives who stay in abusive marriages for 12-16 years, Kosher shelters and kitchens for Jewish victims of domestic violence in New York City and Boston. The numbers being bandied about in the media vary from 19-25% The conspiracy of silence is breaking, but not fast enough.

How Is Wife-Beating Handled Halakhically in Israel?

The law of the state of Israel gives jurisdiction in matters of personal status to the Orthodox rabbinical courts. That means that all matters of marriage and divorce are adjudicated according to Halakha (Jewish law) and that the judges are all male, Orthodox rabbis.

The Israeli rabbinate have in their power to decide whether a man can be ordered to give his wife a *get* (a bill of divorce). The problem outside of Israel is less serious since there is separation of religion and state. Divorce can be obtained through civil and religious law.

The Conservative and Reform movements have largely solved the problem of the husband who refuses to give a *get*. But in Israel there is no civil marriage or divorce, and the problem of the "anchored" wife, the *agunah* (whose numbers vary from 1,000 to 10,000 depending on whose side you take) is very real and painful. It is also a political problem. The Orthodox rabbinate has a monopoly on providing religious services--competing religious approaches such as the Conservative and Reform movements are not recognized by the State of Israel--and thus rabbis who sit on rabbinical courts have no incentives to interpret halakha in a way that might favor women. Women who have been beaten and raped by their husbands, whose lives are in danger, cannot get out of their marriages and the rabbinate directly conspires to keep them there. It is a
commonplace in Israel that rabbinic courts are sympathetic to men, in contrast to the civil courts, which favor women; the latter, however, have no jurisdiction in divorce.

How do rabbinic court judges (dayanim) in Israel treat the different opinions in halakha, concerning grounds for divorce? Is physical violence by husbands recognized by halakha as a reason to impose a divorce and do the rabbinic courts of Israel impose divorces in such instances? In 1993, the Chief Rabbi of Haifa, Shaar Yashuv Cohen, ordered a man who was a habitual wife-beater and had been imprisoned for this to give his wife a get. Although Cohen claimed that his ruling was a one-time ruling for that particular case (ad personam), the media justly played up this unprecedented case. The reason for the media hoopla was that according to Jewish law, divorce is effected only if a man, of his free consent, gives his wife the get. The act must be performed of his own free will. If he refuses to give the get, or is in any way coerced to do so, the result is the same. His wife is unable to be freed and get a Jewish divorce. The late President of the Israeli Supreme Court, Y. Kahn, (1978) wrote that there were four possibilities for the religious courts when a husband or wife comes before it asking for a divorce, the last one being to impose a divorce on the husband (kefiyat get). This solution is the most problematic, because most Israeli dayanim regard enforced divorce as improper and invalid. Thus a woman who remarries on the basis of an invalid divorce is committing adultery and her children are mamzerim (bastards), which is a terrible stigma for the children to bear. They are forbidden by halakhah to marry any Jew, except another mamzer. The sages of the Mishnah, the first codification of halakhah c. 200 c.e., made it easier for women to get divorced, which we can see from the following two sources:

A man born blemished is not compelled to grant a divorce; R. Shimon ben Gamliel says: When does this apply? -- when the blemishes are small, but when the blemishes are large he is compelled to grant a divorce...the following are the blemishes which compel him to grant a divorce: when he is afflicted with boils; when he suffers from polyps [the Talmud explains: bad breath]; if he is a collector [according to the Talmud: a collector of dog feces], or a copper worker, or a tanner [all of which are occupations involving stenches], whether these defects existed when they were married or came into being after their marriage. (Ket. 7:9-10)

A divorce which is imposed by Jews is valid; if imposed by non-Jews it is invalid. But if the non-Jewish [court] beats him and tells him to comply with the Jewish court, it is a valid divorce decree. (Gittin 9:8)

In the light of these two quotations from the Mishnah, the Rabbis of the Talmud Yerushalmi added the following instance: If a husband declares, 'I will neither feed nor provide for my wife', he is compelled to grant her a divorce...If bad breath is a justification for such compulsion [as stated in the above mishnah] her very life is far more so. (y.Gitt. 9:9)

Since there is a clear list of criteria which allows for a forced divorce, rabbinic authorities must decide whether the list is an 'open' list or a 'closed' list. If the list is a closed list, then one can argue that physical violence is not included and one
cannot force the husband of the battered woman to give her a *get*. However, if the list is an open list then rabbis can argue that "her very life" means when her life is at stake and that since this applies to the battered wife, the rabbis can force the husband to give her a *get*.

Those sages, past and present, who choose to ignore the distress of battered women, rate the community's interest in family stability and obedience to rabbinic law as being more important than the suffering of the private individual. The Israeli rabbinic courts tend to rule strictly and to refrain from imposing divorce in cases of husbands who treat their wives violently, unless the case is an exceptional one of life and death. Many rabbinic judges tend to rule strictly about enforcing a *get* so as not to call into question the husband's power of free consent to a divorce. Their ruling follows the opinions of such Rishonim (early sages) as the Rosh and such Aharonim (later sages) as the Hatam Sofer (1762-1839), who held that "since there is a significant disagreement amongst the Rabbis, why take sides in the dispute and produce an improperly enforced divorce?" [2] This ruling of Hatam Sofer has produced the tendency in modern rabbinic courts in Israel to always uphold the husband's right of consent, based on indecisiveness--the very opposite of what courts are supposed to do--decide.

**History of the Problem**

The history of the abused or battered woman in the Jewish tradition is fascinating. By studying it, we can see how Jewish law and the forces behind it developed. In biblical times, we have examples of women who were psychologically abused and an attitude that may have indicated that there was nothing wrong about physically abusing women. In mishnaic and talmudic times, there was no reference to battered women as a class. Indeed Judith Romney Wegner's book on the status of women in the mishnaic period [3] does not even have a footnote on this topic.

One might argue that the 'battered woman' as a class is a category that does not exist in modern times. There is the halakhic category of "rebellious wife", who might have as a cause for her rebellion against her husband the fact that he beats her, but her status is determined by her rebellion against him, and not by what he does to her. She is the object, not the subject of the law.

In rabbinic tradition, divorce is not a preferred option, the assumption being that women would prefer to stay in a bad marriage, rather than risk the social ostracism and economic dangers of living outside marriage. Resh Lakish, a first-generation Palestinian Amora (c. 230 C.E.), verbalized this assumption in his well-known saying: "A woman would always rather live with a husband than live alone" (b.Kid. 41a).

Women were socialized into staying in a bad marriage because the institutions of marriage and family were considered to be supreme. Divorce was the last recourse. Despite this fact, there is evidence that until the twelfth century, rabbinic attitudes towards the woman who was unhappy in her marriage were fairly lenient. The list of grounds for forced divorce was expanded to include not only an abusive husband, but also one who was distasteful to the wife.
According to Shlomo Riskin, this all changed when Rabbenu Tam insisted "that there was no talmudic precedent for coercing a husband to divorce his wife on the basis of her subjective claim that he was repulsive to her..." [4]. Unfortunately, even though Maimonides (1138-1204), another great authority, permitted these grounds, R. Tam's dictum prevails today and a battered woman "who finds her husband distasteful has no legal recourse" to a forced divorce.

Most rabbinic authorities throughout the ages have not upheld the husband's "right" to beat his wife, despite the existence of several prominent sages who are on record as authorizing wife-beating if she deserves it. However, among these authorities, only a few exceptional rabbis were willing to use wife-beating as grounds for forcing the husband to give his wife a get.

**Attitudes in Jewish Tradition Toward Wife-Beating**

The roots of attitudes toward wife-beating lie in the Jewish tradition. In order to understand and change attitudes, it is necessary to know whence they come. Biblical and rabbinic sources which perpetuate bias against women and justify treating women as second-class citizens continue to be studied. These texts form the background for many modern day attitudes toward women. If we wish to improve our society and eradicate such bias, it is important to recognize the problematic nature of these sources as a first step in fighting back.

A useful source to study wife abuse is the responsa literature. Rabbinic attitudes to wife beating as seen in the responsa can be categorized as follows: Acceptance, Denial, Apologetics, Rejection and Evasion of Responsibility.

**Acceptance**

It is somewhat frightening that in recent times, patriarchy is being idealized by some contemporary Jewish women who are choosing a fundamentalist way of life in order to rationalize psychological paralysis which trapped the Jewish woman in an abusive relationship. [5] In the 80's, Jane Jacobs described the process of abduction in terms of "emotional economy". The female develops emotional commitment which is expressed through submission to the male. In return she gets love and emotional support. The reason this happens is that women are socialized to get self-validation through male approval. [6] Perhaps the worst consequence of this fundamentalist status quo is that it includes acceptance of wife-beating as natural. The view is often expressed that it is man's nature to be aggressive and woman's nature to suffer--and maybe she deserves it.

In this world-view, beating is regarded as a means to an end. Battering can be justified-- on occasion, for it is a mitzvah to chastise one's wife for educational purposes. Battering might even be seen as a means to obtaining shelom bayit, domestic harmony. The communal unit is perceived to be more important than the individual.

There have been many examples of acceptance of wife-beating in the Jewish community throughout the ages. We find the first such examples in the writings...
of the Babylonian gaonim. [6a] The Jewish woman has to wash, cook and grind in accord with what the rabbis have decreed. And when her husband enters the house, she must rise and cannot sit down until he sits, and she should never raise her voice against her husband. Even if he hits her she has to remain silent, because that is how chaste women behave. [7] Although Maimonides says a man should honor his wife more than his body and love her the same as his own body, and rules that a "Woman is not a captive and should be granted a divorce if her husband is not pleasing to her," he recommends elsewhere in the Mishneh Torah, that beating a bad wife is an acceptable form of discipline. [8]

Denial

Denial is a form of lying which sustains an existing problem while evading a possible solution. The following examples excerpted from the responsa literature illustrate the attitude of denial: Abraham Ben David of Posquieres (Rabad, 12-13th century), in his commentary to the Rambam's Mishneh Torah, expressed great surprise at Rambam's ruling that a man may beat his wife and rejected it altogether. "I have never heard of women being scourged with a rod." [9] Rabad may have said this to set standards for Jews who lived in Christian Europe where it was an acceptable practice to "educate" women in this way.

Another expression, still circulating today, is that it is the "way of the gentiles" to beat their wives, and unseemly for Jews to engage in acts of that sort. [10] Most recently I have heard this comment whenever I tell people the topic of my research. "Isn't Jewish wife-beating an oxymoron?" they ask. And then there is Rabbenu Tam, the French tosafist (12th century), who said that "wife-beating is unheard of among the children of Israel." [11]

Apologetics

"Apologetics" in Judaism is defined as "that literature which endeavors to defend Jews, their religion, and their culture in reply to adverse criticism". [12] Apologetics was prevalent whenever Jews felt threatened by the surrounding culture. It was used consciously as a tool by Jewish historians of the late nineteenth and early twentieth century. Today, perhaps, it is a form of unconscious denial.

Nonetheless, despite the wide spread of apologetics, questioning certain aspects of Judaism does not constitute a threat to the integrity of Judaism. Judaism is not and has never been a monolithic institution; it thrives on controversy and multiplicity of opinions.

Unfortunately apology, which starts out by whitewashing, ends up obfuscating the roots of abuse in Judaism, without a clear critique of Judaism that precedes and accompanies reconstruction; the process of reconstruction easily can be misconstrued as a form of apologetics. [13] Worse, perhaps, is that Judaism is denigrated by the explanations and rationalizations made in order to "guard the law from humiliation." [14] The net result of apologetics is that modern people whose frame of reference is Western modernity and who do not accept the
halakhic system are led to question the validity of halakhic analysis for themselves.

How do apologists for Judaism and Jews relate to the problem of wife-beating? Their first reaction is usually to deny its existence: Jews don't do it. If they are forced to see that wife-beating does exist, they resort to excuses that those Jews who do engage in wife-beating do so less frequently and less violently than do non-Jewish wife-abusers; they do not really hurt their wives, and if they do, perhaps it is for a good reason. Finally, they will displace the blame by shifting it to others, trying to depict a rosy picture of the traditional Jewish family.

Perhaps the classic example of apologetics is that which is found in the Torah edition used in many Orthodox and Conservative synagogues, edited by Rabbi J. H. Hertz (early twentieth century, England) who compared the status of Jewish women with Christian women. He used wife-beating as his litmus test.

The respect and reverence which womanhood enjoyed in Judaism are not limited to noble and beautiful sayings. That respect and reverence were translated into life.."[O]ne test alone is sufficient to show the abyss in actual life, between Jewish and non-Jewish chivalry down to modern [times], beating her was not only customary but was even formally granted by the Canon Law...wife-beating was a recognized right of man, and was practiced without shame by high as well as low." [15] But not by Jews! Christian men beat their wives, Jewish men do not. He also quotes Rabbenu Tam, to show that "This is a thing not done in Israel," and relies on a minority of rabbis who consider wife-beating as grounds for divorce. [15a]

Rejection[16]

Rejection, a radical approach to life, is an uncompromising attitude; it looks injustice in the eye. The stance of rejection first of all confronts the problem of wife-beating; it neither denies nor accepts the fact nor makes excuses for it. The stance of rejection clearly states that wife-beating is wrong and demands some kind of redress or release of suffering for the victim. Unconditional rejection is the approach of those rabbis who face up to the fact that there is a problem and condemn it thoroughly. They relate to halakhah creatively by use of takanot or creative legislation in order to change a perceived immoral situation.

Most of the responsa literature on these issues date from the 12th and 13th centuries. Several European rabbis were very severe with wife beaters. Their severity can be seen in the manner of punishment, and in their refusal to allow husbands to force their wives to do their required housework or to beat them for "their own good". These rabbis considered battering as grounds for forcing a man to give a get.

Simcha b. Samuel of Speyer, a leading member of the Rabbinical Synod of the Rhine Provinces held in 1223, declared that "it is an accepted view that we have to treat a man who beats his wife more severely than we treat a man who beats a fellow human.... And a man who does this should be put under a ban and excommunicated, flogged and punished with various forms of torment; one could
even cut off his hand if he is accused of not fulfilling his part in maintaining the
peace, but rather continues to beat her and denigrate her; let him be
excommunicated and let him be forced by non-Jewish authorities to give her a
get..." [17] He stresses her status as wife rather than simply as another individual.
His argues that the wife was given for living, not for suffering. Simcha is one of
the few authorities who authorized a compelling takanah, a halakhic amendment
that changes an existing law, that actually dealt with the subject of wife-beating.

Not much is known about the takanah of R. Perez b. Elijah of Corbeil, which was
reproduced by Louis Finkelstein in his book *Jewish Self-Government in the
Middle Ages*. Though it is known to be dealing with wife-beating, it is
inconclusive whether it approved of the phenomenon: "The cry of the daughters
of our people has been heard concerning the sons of Israel who raise their hands
to strike their wives. Yet who has given a husband the authority to beat his wife?
Is he not rather forbidden to strike any person in Israel?". Moreover R. I[saac]
has written in a responsum that he has it on the authority of three great Sages,
namely R. Samuel, R. Jacob Tam, and R. I[saac], the sons of R. Meir, that one
who beats his wife is in the same category as one who beats a stranger:
"Nevertheless we have heard of cases where Jewish women complained
regarding their treatment before the Communities and no action was taken on
their behalf. We have therefore decreed that any Jew may be compelled on
application of his wife or one of her near relatives to undertake by a herem not to
beat his wife in anger or cruelty or so as to disgrace her, for that is against Jewish
practice.

If anyone will stubbornly refuse to obey our words, the Court of the place to
which the wife or her relatives will bring complaint, shall assign her maintenance
according to her station and according to the custom of the place where she
dwells. They shall fix her alimony as though her husband were away on a distant
journey. If they, our masters, the great sages of the land agree to this ordinance it
shall be established." [18]

The takanah of R. Perez b. Elijah of Corbeil was unusually liberal. To allow an
abused wife to get alimony from her husband's property and to live separately
from him without a divorce was a revolutionary measure. Perhaps that is why the
takanah failed to gain the support of his colleagues

**Evasiveness**

The fifth attitude, evasion of responsibility, can also be referred to as the
"wringing hands syndrome". On the one hand, rabbis acknowledge that wife-
beating is wrong, yet they do not take action to release the woman from the bad
marriage. They evade responsibility for doing anything about it. It is a very
complicated attitude and the authorities who respond to questions about wife-
beaters often go through tortuous reasoning--which seems illogical and
contradictory. If we look at two items in the responsa of Radbaz (R. David B.
Solomon Ibn Avi Zimra), one of the pillars of Jewish life in Egypt and in
Palestine during the latter part of the 15th and the early 16th centuries, we find a
case in which a man was not forced to divorce his wife, ignoring in the process
the mishnah in y.Gitt. (see above) on which Simcha based his ruling. 'We already
know that the man who beats his wife transgresses the commandment not to beat to excess etc. We know that he has the right to rebuke and beat her if she behaves improperly, according to our Torah, in order to bring her back to the right path, for she is under his jurisdiction. However, he is not allowed to beat her for matters which pertain to him personally, for she is not his servant. And even for those improper things (referred to above) there should be witnesses to the deed (otherwise he should not beat her). And if he habitually beats her, he should be punished. There is one who exaggerated in his teaching [this is a clear reference to Simcha] and said that we can force him to divorce her, even by use of non-Jews...

In the second item, Radbaz is more explicit in his opposition to Simcha. He refers directly to him and says that "he is surprised that Simcha decreed as he did, since if he allows a forced divorce, the children, who would be the issue of a possible re-marriage would be considered illegitimate issue (mamzerim)." Thus a woman whose divorce decree is invalid and who then re-marries illegally, is committing adultery and causes her children to be considered mamzerim. However, a man who re-marries, despite the fact that his wife refuses to accept the divorce decree, might be considered to be behaving improperly, but his children by his second wife are legitimate issue because by biblical law a man is permitted many wives.

We have a 'double standard', accepted by halakhic Jews, namely that adultery only applies to a married woman. The woman is made to solely bear the responsibility for passing on the stigma of mamzerut to her children. Although the rights of women in family law have somewhat improved since biblical times - and a woman may not be divorced against her will -- she still remains dependent on her husband's willingness to give her a get, a writ of divorce. Only the man can grant divorce by his "will". These two examples of the 'double standard' put the woman at the man's mercy, for if he refuses to divorce her there is not much she can do and the threat of stigmatizing children from another man is daunting.

In his responsum, Radbaz refers to another responsum by Rashba (R. Solomon B. Abraham Aderet (1235-1310), who lived in Barcelona and was one of the most important contributors to the responsa literature:

"A question was asked of him: What is the ruling for a husband who regularly beats his wife, so that she has to leave his home and return to her father's home? The answer is: The husband should not beat his wife. She was given to him for life, not for sorrow. He should honor her more than his own body. The beit din investigates to find who is responsible. If he beats her, she is allowed to run away, for a person does not have to live with a snake. But if she curses him for no reason, the law is with him, for the women who curses her husband leaves without her ketubah. At any rate I don't see that the beit din can do more, not according to law, he will have to divorce her and give her ketubah." Although these rabbis accept the notion that there are occasions when a beating might be justified, most of them agree that habitual wife-beating is wrong. But though the wife-beater's action is wrong, the husband cannot be forced to divorce..."
his wife. If there is even a hint of coercion the *get* runs the risk of being considered invalid.

What underlies the evasive attitude? First, the paramount importance of the sacred institution of marriage in Judaism. The preservation of this institution, one of the linchpins of Judaism (together perhaps with the Shabbath and laws of Kashrut) is more important than a solution to the problem of an individual wife's suffering. For this reason, battering by itself is not sufficient grounds for forcing a divorce. Second, the person who has an evasive attitude accepts the primacy of the male in Judaism as a given, which is reflected in the acceptance of the inviolate nature of the rule that only a man can give his wife a *get*. Thus with the assistance of rabbinical courts whose attitude is one of evasion, the power of the recalcitrant husband reigns supreme and he can keep his wife under control in an abusive marriage or coerce her to give him blackmail-type payments if she wants out.

**Suggestions for Solutions**

We have seen that the Jewish law gives the authority to the *beit din* to force a man to give his wife a divorce, but that modern Israeli rabbinic courts do not utilize the authority they possess. Moreover, the procedures in rabbinical courts favor men. Lawyers for women in rabbinical courts cynically recommend to women to give the husband what he wants (the car, the house, money, visitation rights etc.) in order to be granted a *get*. The situation is so bad that a broad-based coalition was formed in order to put pressure on the rabbinate. This group, the International Coalition for Agunah Rights, ICAR, suggests the following major proposals:

1) To force a get upon refractory husbands when there are halakhic grounds for doing so, as well as to expand the list of causes so as to adapt them to new situations...

2) To recommend to couples about to be married that they sign pre-nuptial agreements which would prevent, or at least limit, the phenomenon of *agunot* or women refused divorce. Agreements such as these have been proposed by great rabbis and there is no reason not to use them today.

3) To use the solution of the annulment of marriage by rabbinic court when the husband's actions are improper. This solution was used by Jewish communities in the past and its application should be reintroduced.

4) To give the *dayanim* the authority to invoke civil sanctions against a refractory husband, such as revoking a driving license, forbidding him to leave the country, blocking his use of credit cards, etc.

5) To prohibit receipt of recompense for granting a divorce, and to make possible lawsuits on the grounds of extortion against the party demanding such payment. This condition would prevent the blackmail which in many instances is associated with the refusal to grant a divorce. [22]
However, ICAR is committed to an Orthodox interpretation of halakhah. Thus its effectiveness as a pressure group is limited because it ignores the halakhic solutions which the Conservative and Reform movements have already proposed. It does not have on its list the need for a takanah, a halakhic amendment which could immediately solve the problems of the agunot and redress the basic inequality of women in personal status and law. It does not recognize that the Conservative movement has already annulled marriages and has included prenuptial agreements in the ketubah since the 1960's (the famous Lieberman ketubah). It is unwilling to threaten the religious establishment with recognition of non-Orthodox groups, so that there will be no monopoly on religion in the State of Israel. As shown, many halakhic alternatives are available, but there is no incentive (read threat) for the rabbinate to use them. Moreover, it is incredible that present day halakhah has managed to ignore the mishnah in Gittin and the responsa of such rabbis as R. Simcha, who based his opinions on that mishnah.

**Conclusion**

What this means for the modern person, particularly the agunah (the woman chained to an absent spouse or one who refuses to give her a divorce) in the modern State of Israel, is that there is no halakhic recourse as understood by the Orthodox establishment (OE). Although alternative religious solutions are being suggested by the Conservative and Reform Movements, since they are not recognized by Israeli law, they are not competitive enough as yet to be threatening to the OE.

Unlike Riskin, who takes a rather paternalistic attitude, ("it is up to the contemporary halakhic community to grant the woman her proper due"), one can argue that the halakhic stance is *a priori* inimical towards women. Furthermore, the halakhah is androcentric; it assumes that women is the "other" and it plays down women's roles. [23] Women cannot initiate divorce, they depend on their husband's consent to get divorce; they bear the sole responsibility for the stigma of mamzerut. Until recently, there were no female rabbis, and women did not have access to learning and thus could not be part of the halakhic process. At present only in the Conservative and Reform movements are women ordained as rabbis. Until women are full-fledged rabbis in the major three movements and all disabilities against women are erased--not because men want to 'grant' woman what is her due, but because women are equal to men and it is just and correct to do so--the best course for women is to simply ignore the rulings of those rabbis who discriminate against them and turn to those rabbis who are willing to use the halakhic tools of coercion of marriage (*kefiyat get*), annulment (*hafkaat kidushim*), and prenuptial arrangements (*kidushim al tenai*).

This mockery of justice in the Israeli rabbinical court system cynically argues that women in the State of Israel are finding themselves in more difficult straits than Jewish women in the past because rabbis are unable to impose legal sanctions upon community members and to impose punishments when a member of the community behaves in an unacceptable fashion. Rather than accept the blame, they argue it is the fault of civil legislators who have not authorized rabbinic judges to impose sanctions upon violent husbands or upon husbands who refuse to divorce their wives. However, to give more authority to the same
rabbinic courts which have been indifferent to the plight of women is not a viable solution. It is simply a device to shift blame from the rabbinic courts to the secular courts. One might counter instead that we should abolish the rabbinic courts in light of their previous and present record of perpetrating a miscarriage of justice. Those in charge of the functioning of rabbinic courts in Israel have proven themselves to be capable of neither self-criticism nor of self-reform. The history of today's rabbinical court system is anything but proud and the main sufferers of this arrogance are women.


Notes

Introductory Note For more details see my book *Silence is Deadly: Judaism Confronts Wifebeating* (Northvale, NJ: Jason Aronson, 1998).


[10] *Even haEzer* #297.


[12] *Encyclopedia Judaica*, vol. 3, 188-20. In the context of Christianity "its function is both to fortify the believer against his personal doubts and to remove the intellectual stumbling blocks that inhibit the conversion of unbelievers." (*Encyclopedia Brittanica*, 486).


[15a] Hertz quotes from the *Shulhan Arukh* but refers only to those commentators who consider wife-beating as grounds for divorce, while ignoring the majority who do not!

[16] This section is an abridged form of an article in *Gender and Judaism*, ed. T. Rudavsky (NYU Press, 1995).


