

Book Reviews

The Shame Borne in Silence: Spouse Abuse in the Jewish Community,
by ABRAHAM TWERSKY (Pittsburgh, Pa: Mirkov Publications, 1996).
146 pp.

Reviewed by
Joel B. Wolowelsky

Rabbi Abraham Twersky, a psychiatrist whose work and books are well known to the Orthodox and general Jewish community, has written an important and timely challenge to us all. Its subtitle should have been “Wife Abuse in the Orthodox Community,” as the author is out to shatter the myth that physical, emotional and sexual abuse is not a problem in our world. Dr. Twersky is aware that “there will be those who will say that such subjects should not be aired publicly, and that to do so is a *chilul Hashem*, a disgrace to the sanctity of Judaism” (p. 3). But he is convinced that maintaining the code of silence on this subject that exists in the Torah community causes unnecessary and unjustified pain and suffering to many wives and their children.

Twersky has a number of other myths that he feels should be exposed for what they are. One is that the *shiddukh* process will protect the bride from future abuse:

The defect in this is that some of the warning signs of abuse potential may not have been evident in the yeshiva environment, and unless one has access to the most intimate and reliable contact about the young man’s family, it is difficult to know the truth about the home life. Even in highly reputable families there may be tyrannical domination by the husband, which the son the assumes to be normal, and which he is likely to emulate in his marriage (p. 87).

Another myth is that “a young man who is a yeshiva student and a Torah scholar will not be abusive because Torah observance precludes abuse” (p. 87). Unfortunately, that is just not the case.

This latter point is especially important because if we cannot accept that a *talmid hakham* or a person whose outward appearance is

that of a *ben Torah* can be a wife abuser, we will not be sensitive to the needs of his abused wife. No one is immune from this curse. In one of Twersky's illustrative examples, when "Bella" finally gets up enough courage to consult her rabbi regarding her abuse, she is greeted warmly by him:

"It's a pleasure to see you. Let me tell you, Mrs. Segal, your son Marvin is a jewel. Just like his father . . . A wonderful man, your husband. You are fortunate to have a husband like him." Bella just mumbled a few words that she was just passing by the synagogue and had stopped in to say hello, and hurriedly left. What was she to do? Vilify the saint of the synagogue? The rabbi would never believe her (p. 10).

The wife, who had finally broken through her whole denial, now has it reinstated by the rabbi, and we are back to square one. The woman may never reach out again (p. 32).

It is not only the rabbi who cannot believe that such a person is a wife abuser; sometimes it is the abuser himself:

Some men may not even be aware that their behavior is abusive, and they may have the mistaken notion that the role of the husband is not only as titular head of the family, but also a dictatorial one (p. 89).

Consciously or unconsciously, some *benei Torah* misrepresent *ma'ama-rei Hazal* to justify their criminal action, and Twersky wants to put that aside too. "The phrase, 'A kosher woman is one who abides by her husband's will,' is not to be distorted to support tyranny," he writes. "Such distortion constitutes Torah abuse as well as wife abuse" (p. 63f).

This "tyranny" should not be identified with physical abuse alone. It also encompasses emotional abuse, something that leaves no physical marks, but drains the soul. Twersky, aware that a woman damaged by such behavior does not always have the distance and confidence to trust herself, provides checklists for wives to help them recognize such abuse. All too often, an abused wife blames herself for what is happening, unaware that she is the innocent victim. Recognizing and admitting a problem is the first step in dealing with it:

There is a need to recognize that emotional abuse is also abuse. Too often it is disregarded by some rabbis who may dismiss the woman's complaint because "women are overly sensitive" (p. 9).

Actually, changing the way rabbis and others relate to abuse is an important part of the book's agenda. The author argues that often, in these cases, *shalom bayyit* is an end not worth pursuing:

Very often [abused wives] have been told to avoid disrupting the family unit, to preserve *shalom bayis* (peace in the home), and that things will work out. Parents and rabbis are good and considerate people. They mean well, but they have no way of knowing that their advice is wrong and could be deadly (p. 3).

Failing to address the issue of wife abuse properly and sending a woman back to suffer at the hands of a controlling husband is not preserving *shalom bayis*. *An abusive husband who has the need to dominate and control his wife is not going to change because he gave his word to the rabbi.* This is a delusion of which we must divest ourselves (p. 33).

Parents and rabbis may think that they have preserved *shalom bayis* by advising the wife to return to an abusive husband on the basis of his promise to change, but they must realize that *the abuser does not see this as a restoration of shalom bayis. Rather the abuser sees his wife's return as a triumph on his part, and as a capitulation by the wife, by her family, and by the rabbis.* This further inflates his egomania, and his lust for absolute control is increased manifold. It is thus a grave mistake to advise a woman to return to an abusive husband, and those who do so should be aware that they are being accessories and accomplices to the husband's brutality (p. 126).

Twersky realizes that rabbinic attitudes will not change by themselves. He therefore calls for curriculum changes in rabbinic schools so that the future rabbis will be able to recognize abuse and respond appropriately. Actually, a much broader program is required to reach rabbis and *batei din*. Organizations like the Rabbinical Council of America, the Orthodox Union, and Agudath Israel should be planning a series of regional conferences, reaching out to the whole Orthodox rabbinate with an educational plan. *Mikve* attendants should be trained both to recognize signs of abuse and be able to offer counselling and referrals. Prominent *rashei yeshiva* must speak out on the issue so that there is no confusion on the need to reorient our thinking. As Twersky says, "the [Orthodox] community must develop an attitude that wife abuse is abhorrent, an atrocity which will not be condoned" (p. 54).

Modifying our educational and communal programs is very much part of Twersky's agenda. Our *yeshivot* and seminaries rightfully educate

young men and women to see fulfillment in marriage. But when women see their position as “wife” as the only validating position, they are vulnerable.

It behooves a woman, therefore, to strengthen herself so that being alone is not terrifying. She can therefore relate to a man without the dread of what would happen if he were to leave her or if she were to leave him. A woman should learn how to enjoy life even in the absence of a companion (p. 85).

Similarly, it is necessary to prepare women with a skill so that they can be gainfully employed. “If a woman lacks the capacity to support herself and is totally dependent on her husband for support, she has given him a powerful instrument for control” (p. 81).

Our community—and its *batei din*—must make it easier for abused women to escape their domestic hell. “A community that essentially compels a wife to accept physical or emotional abuse in silence is being an accessory to her husband’s transgressions. Accepting abuse is not a virtue . . . and a society that demands such self-effacement and does not provide a woman with the resources and abilities to defend her dignity is an accomplice to the abuser” (p. 67). Such community support includes shelters for battered Orthodox women.

Twersky’s book is a hard one to read. It is a harder one to act upon. Sitting quietly and looking the other way becomes all too easy. Not only must we fight what we would rather not admit is there, but we must urge our leaders to speak out and take action.

This whole discussion calls to mind a Talmudic debate (*Arakhin* 16b) about when a person need not return to the place of lodging he has regularly frequented on his travels. (Arbitrarily changing his venue might mark him as unloyal or cast aspersions on the quality of the hotel.) Rav says that he is exempt from returning if the hotel owner is physically abusive; Shmuel says he is exempt if the hotel owner throws out his belongings.

The Gemara clarifies that Shmuel and Rav agree that either reason is sufficient grounds for not returning. If so, then on what do they disagree? If it is *the wife* who is physically abused by the hotel owner, Rav feels that he is exempt from returning, but Shmuel feels that since he himself is not being hit, “of what concern is it to him.”

Maharsha asks in amazement, “Is it really possible that the guest will have no concern over the fact that his own wife is being assaulted? Certainly, that is as offensive as an attack on himself!” Eits Yosef ex-

plains, "It is not the guest's wife who is being hit; it is the hotel owner's wife who is being beaten by her own husband." Rav feels that the guest will be so offended by what he sees that he could not possibly stay without intervening. He may therefore move on to another hotel. Shmuel feels that since he and his own wife are not being abused, he has no reason to not stay.

We cannot side with Shmuel in simply allowing the guest to stay and look the other way while wife abuse goes on in front of him. But Rabbi Twersky's discussion should make us realize that Rav's position is also untenable if we want to maintain our community. Moving on so that one no longer sees the abuse is not enough. It is time for us to stay and put an end to it.

The Politics of Tradition: Agudat Yisrael in Poland, 1916-1939, by GERSHON C. BACON (*Jerusalem, The Magnes Press, 1996*).

Reviewed by
Seth Farber

In Israel, Agudat Yisrael has abandoned the hesitant attitudes of its Polish forebears and has become an accepted part of the political scene. The founders of Agudat Yisrael in Poland regarded the party as a grudging concession to modernity. Their present-day successors now regard Aguda as a key factor in the survival and promotion of Orthodox Judaism.

These three sentences close Gershon Bacon's recently published book: *The Politics of Tradition: Agudat Yisrael in Poland, 1916-1939*, and they provide insights into the historiographic assumptions which permeate every aspect of this book. For Professor Bacon, the politics of Agudat Yisrael have been consciously untraditional, and the Aguda's development has been repercussive far beyond Poland and 1939. These assumptions reflect the significance of this book, for, taken together, they form a core historiographic belief that Orthodoxy has evolved and at the same time flourished in the post-*Shoa* era. Because of these assumptions, this book manifests a new trend in the writing of modern and post-modern Jewish history.

Until relatively recently, few modern Jewish historians saw Jewish Orthodoxy as an independent discipline. While some historians have

analyzed German Orthodoxy or Hungarian Ultra-Orthodoxy, almost no one has written about Polish, Lithuanian and Russian “modern” Orthodoxy, which were much different in style and scope than their Western counterparts. Those who had researched Orthodox institutional life postulated that the phenomena they were researching were to be short-lived. While the influences of the *haskala* were self-evident in Jewish academic circles, the impact of Orthodoxy, and, more importantly, the strength of Orthodoxy, were considered negligible. In the wake of the radical *haskala* in the 1870’s and 1880’s, Polish and Russian Jewry developed multi-faceted Orthodox leaders and institutions; yet historians have yet to record their histories. No historically-based biography of a Lithuanian *gadol* has ever been written.

One reason for this is that much of the research being done in Israel has overt nationalist biases, which prevent (and to some extent pervert) historical “objectivity” when analyzing many religious figures who were unabashed anti-Zionists. However, another important factor is that until recently, most historians considered the Orthodox rabbinic establishment of little historical significance. Within academic circles, Orthodoxy was treated as a historical aberration, and Orthodox Jews were considered unimportant, uninteresting, and certainly insignificant, unless they played a role outside of their limited community.

The perception that Orthodoxy was moving toward demise was prevalent in non-academic circles as well. Both in America and Israel, Orthodoxy was perceived as fighting a losing battle for the soul of the Jewish people. It has been suggested that the Israeli government’s exempting a small number of yeshiva students from military service in the 1950’s stemmed from Ben Gurion’s sense that traditional (full-time) yeshiva study would disappear as the modern state matured. The recent Orthodox revival in the broader Jewish community has led to a reshaping of the writing of modern Jewish history. At Hebrew University, at least four courses in the modern Jewish history department this year have the word “Orthodoxy” in their title. Gershon Bacon’s book on the history of Agudat Yisrael is the first significant work on modern Poland and Russia which posits Orthodoxy as an academic discipline.

According to Professor Bacon, Agudat Yisrael’s main success was its ability to enter the political arena. Whether one begins tracing the history of the Aguda from 1905, when, after the revolution, the Duma allowed Jews to campaign for political leadership, or 1908, when Rabbi Hayyim Ozer Grodzinski attempted to organize the “Keneset Yisrael,” or 1912, when the Aguda formally declared itself a political entity after the Kattowice conference, it is clear to Professor Bacon that the Aguda

membership was interested in using political means to accomplish its goal of restoring “a topsy-turvy world to its proper orientation” (p. 28).

Because of Bacon’s periodization—his analysis begins with 1916—he is able to ignore one of the significant backlashes to the Kattowice conference. Rabbi Hayyim Soloveitchik, Dean of the Lithuanian *yeshivot*, appeared at the Kattowice conference but vehemently opposed the creation of the Aguda and its *moetses gedolei haTorah*. Rabbi Hayyim presented a platform of “18 principles” upon which he conditioned his agreement. Whether Rabbi Hayyim subsequently rejected the Aguda because of the establishment of the *moetses gedolei haTorah*, because the Aguda refused to condemn Torah institutions with secular departments, or because he was simply a private figure, unwilling to lend his name to any public movement, is a matter of dispute. One of the major drawbacks of this book is that Bacon ignores some of the internal dynamics of the rabbinic establishment during the Aguda’s formative years and the way in which that impacted its development during the 20’s and 30’s.

The basic thesis of this book is that Aguda resorted to nontraditional tactics—by entering the political arena—to achieve its ends. Professor Bacon carefully contours his analysis to circumvent certain issues which would seem to contradict his political reading of the Aguda’s history. For example, rather than addressing the question of why the Aguda sought to disenfranchise all non-Orthodox Jewry, Professor Bacon simply describes how they did it: by constructing an ideology of *Da’at Torah*. The rabbis “regarded secularism and Judaism as polar opposites” (p. 61); they developed a political infrastructure which would control all ritual, intellectual and social needs of their society. Those areas which were not covered by halakha were subsumed under an all-encompassing ideology which empowered the rabbinic leadership. Bacon argues that on a practical level, the *moetses gedolei haTorah* was purely titular and often had no serious impact on Aguda policy, and he is careful to note that *Da’at Torah* was a rabbinic invention which stemmed from the sense—articulated by R. Elchanan Wasserman—that secularism was a sign of the “birthpangs of the messiah” and that it was the Aguda’s responsibility to protect only the faithful. In short, the Aguda made a conscious accommodation to modernity in order to “solve all the problems of our times in accordance with the spirit of our Torah” (p. 48).

In this section of the book, Bacon fails to address the particular nuances and dynamics of Orthodoxy. Much has been written about the term *Da’at Torah* during the last ten years, tracing its history and evaluating its significance. Professor Bacon has demonstrated that the modern application on the term *Da’at Torah* might have developed during

the formative years of the Aguda and that it might be a response to messianic yearnings. But Orthodox Judaism assumes some measure of *Da'at Torah* even if it doesn't appear by that name. By its very nature, Orthodox halakha is conservative; the living *mesora*, not only the written *mesora*, is critical to the perpetuation of Judaism. While study is important, teachers are more important. And teachers not only teach texts, they teach themselves. If Aguda named *Da'at Torah*, they certainly did not invent it. More importantly, Bacon argues that *Da'at Torah* served a purely political function. But *Da'at Torah* has a legal function as well. An element of reliance on *gedolei hora'a* permeates all forms of halakhic literature. To be sure, ultimate responsibility lies in the hands of the individual Jew, but the consultation of Torah scholars on issues outside of the four sections of *Shulhan Arukh* was considered common in traditional society.

The four middle chapters of this book reflect the character of the accommodations which were made, as well as their scope. While official policy was that every decision must be based on the Written and Oral Torah, which are "Divine, eternal and unchanging" (p. 181), such rigidity was virtually impossible in the fields of labor (through Po'alei Agudat Yisrael), education (through the *heder* system and the *Beit Ya'akov* movement), and organized politics (through community councils and the *Sejm*). It would be difficult to say whether the socialist members of Po'alei Agudat Yisrael honestly believed that their view of the Torah was the same as the view taken by the Aguda leadership.

One example of the accommodations Aguda made was in the area of women's education. While Aguda did not create the *Beit Ya'akov* movement, it adopted it as its own and guaranteed its success. In 1917, there was one *Beit Ya'akov* school with 30 students. Aguda became involved in 1919, and by 1926, there were 55 schools with over 7,000 students. More importantly, through its involvement in *Beit Ya'akov*, Aguda created the Krakow teachers seminary for women, the crown jewel of the school system. *Benot Aguda*, begun in 1925, created a national organization for women (usually directed by the local *Beit Ya'akov* teacher) which, though apolitical in nature, ran hundreds of Torah study classes for women. These structures and classes ran counter to Talmudic tradition and even to *Hafets Hayyim's heter* for women's Torah study. Nonetheless, they proceeded in a normative manner with rabbinic sanction and often approbation.

The Aguda did not hesitate to alter traditional values, nor did it step back from confronting other forms of Orthodoxy in Poland. The Aguda fought for "turf" with the Mizrachi movement in the communi-

ty councils and disagreed vehemently with Mizrachi positions *vis-a-vis* the partition of Palestine. Rabbi Yosef Yitzhak Schneerson was vociferously opposed to the Aguda political machine, and made his views known on a number of occasions precisely because the Aguda was making concessions to the Zionists by recognizing them. The organized Aguda distanced itself from Rabbi Schneerson and from the Lubavitcher hasidim. It was only in the post-*Shoa* era that Chabad and the Aguda were able to align on political and religious fronts.

In his introduction, Professor Bacon maintains that he is uninterested in writing biographies of any of the main rabbis who played a role in Agudat Yisrael (pp. 18-19). Nonetheless, his work draws on a variety of rabbinic works and hagiographic texts, such as *Or Elhanan*, as well as press reports. (Unfortunately, almost no use is made of the United States press or the numerous letters of Rav Kook on Agudat Yisrael.) Important biographical data on major rabbinic figures of the 20th century is found in this book. At times, however, (over)statements about some of these rabbis seem to have been drawn from the ultra-Orthodox history books.

As modern Judaism evolves, the assumptions of Jewish historians change. Orthodoxy's recent resurgence has led to a reshaping of the writing of modern Jewish history. Until recently, few historians saw Orthodoxy as an independent academic discipline. Professor Gershon Bacon's recent work is the latest and perhaps most significant history which seeks to correct this historiographic assumption. However, as the discipline of Orthodoxy develops, it will be important for academics to not only highlight the political aspects of institutional life, but also to focus on how Orthodoxy and Orthodox halakha functions. Bacon's excellent book traces the political development of an institution which sought and seeks to protect traditional values while at the same time adopting the most basic assumptions of modernity. Future scholarship will show that Orthodoxy is more than just politics.

A Restatement of Rabbinic Civil Law—Volume V, by EMANUEL QUINT (Northvale, NJ: Jason Aronson, 1994). 306 pp., \$50.

Reviewed by
Bernard Rosensweig

In the Middle Ages, the Jews of Germany and, to a great extent, the Jews in Spain, prided themselves on their internal autonomy and all that

it implied. In effect, Jews sought and received the right to internal self-government, to adjudicate their own litigations, and to live in accordance with Jewish law. They were willing to pay for the right of settling in a community and to engage in business with the local inhabitants; but they refused to give up their personal religious freedom to become part of the feudal system. Already in the ninth century, Charlemagne, who was anxious to expand his commercial empire, granted to the Jews a series of privileges, the most important of which was the right to settle all disputes among themselves in accordance with Jewish law. In the privileges which Emperor Henry IV extended to the Jews of Speyer and Worms, this was stressed with even greater clarity: "Jewish litigants shall be convicted and judged by their equals and not by others . . . according to their own law."

The implication of these privileges was that Jewish courts could judge Jews in the area of civil and, to a degree, in criminal law. The result was that Jewish law remained vital and alive and was applied to contemporary situations; Jewish law guided every aspect of their lives. It was not without good reason, for example, that the medieval Jewish community, and its rabbis, vigorously opposed Jews who presented cases involving other Jews before gentile courts. In the early Middle Ages, Rabbeinu Gershom and Rabbeinu Jacob Tam had enacted *takkanot* which forbade a Jew from bringing a fellow Jew before a secular court, or from exerting pressure upon him through gentiles, except by mutual agreement made in the presence of proper authorities.

This approach reflected the strong desire on the part of Jews to live in accordance with the laws and regulations of the halakha. It insured the continuing creativity of Jewish law, and it underscored the vitality and the validity of the halakhic process. In this vein, Rabbi Solomon ben Aderet—the Rashba—sharply attacked those who were prepared to submit to the jurisdiction of the gentiles, and bitterly complained: "Of what use will then be the sacred and holy writings which Rabbi Judah and after him Rabina and Rav Ashi have composed for us?" The centrality of the halakhic process in Jewish life continued in the ghettos of the sixteenth, seventeenth and eighteenth centuries.

All of this changed in the modern period. The enlightenment, and the emancipation which it spawned, provided the Jews with historic challenges and choices. In those countries where Jews were offered their emancipation, like France, there was a price to pay. There was a trade-off: Jews were to be given equal rights with the rest of the populace, and, in exchange, they had to give up their internal autonomy, and the judicial independence built on Jewish law. In France, for example,

the more assimilated Sephardim greeted the emancipation, and its exchange, with unrelieved joy; the Ashkenazim were much more reserved, because they realized its implications for a living Jewish community.

The end-result of this emancipation process was that it weakened the fiber of Jewish law and its viability. More and more, Jewish law became less and less a force in the life of the Jews in Central and Western Europe. Its impact became peripheral—mostly confined to those areas of the law which we call *Orah Hayyim*, ritual, and parts of *Yoreh De'ah*, dealing with kashrut and the laws of mourning. The section of Jewish Law classified as *Even Ha-Ezer*, dealing with personal status, had limited use, while little effort was expended in the area called *Hoshen Mishpat*, dealing with civil and criminal law. A reading of the Responsa literature of this period will confirm this analysis. In the medieval period, scholarly greatness was measured precisely by the number of questions which were addressed to the decisor in the areas of *Even ha-Ezer* and, particularly, in *Hoshen Mishpat*.

However, it is precisely in our world of the twentieth century that the question of the viability of Jewish law and its halakhic process has once more come to the fore. Is it possible for Jewish law, in its classical formulation, to be applied in a world where the industrial and technological revolution has been staggering, where modern civilization has been taken to new, undreamed of borders? Even more so, the emergence of a Jewish state in 1948 has raised the inevitable question of the role of Jewish law in a Jewish state. Can Jewish law play a vital role in a democratic Jewish state, or must it be consigned to the edges of that political structure?

Rabbi Emanuel Quint has played an important role in providing an answer to these crucial questions. In his *A Restatement of Rabbinic Civil Law*, based on the *Hoshen Mishpat*, of which this is Volume V, he provides a resounding affirmative response to the challenge of making classical Jewish law a viable entity in a progressive world. This volume contains material covering chapters 140 to 175 in *Hoshen Mishpat*. It covers such things as presumptions regarding the ownership of real estate, torts and nuisances committed by one landowner against his fellow landowner (which includes a discussion on the rights of privacy of the landowner and the homeowner), joint ownership of real estate, levying taxes on residents of a community, and the right of first refusal on contiguous property—in other words, areas of the law which are of contemporary concern.

In each section, Rabbi Quint has provided an important introduction, which sets the stage for that particular chapter, connects it with

what preceded it, and provides the relevant concepts to a better understanding of the material presented in the chapter. In some instances, the author combines material from more than one chapter in order to make it more logical and sequential. More important, he has done what his title indicates, namely, he has restated, not translated, the text—and has done so in a language which is contemporary and can make sense to the legal minds of our day. What emerges is, in the words of Dr. Norman Lamm, a work that is “at once lucid and authoritative,” and which, I may add, provides a clear-cut demonstration of the transcendent value of Jewish law and its applicability in our age and time.

The major criticism of this work is its lack of reference to sources. It would have added immeasurably to the book if the author had provided us with sources in two directions—the past and the present. The book would have been greatly enhanced if the author had provided us with the sources for much of the development of the halakhot in the *Hoshen Mishpat* and, what is more important, references to contemporary, important decisors, whose decisions in the areas referred to in this volume underscore the contemporaneity of these sections. Although they could not have been presented in the text itself, for this might have confused the interested layman or the legal mind without training in Jewish law, its inclusion at the end of the text would have added a dimension of understanding and support for the underlying premises of the author.

Nevertheless, the book, as well as the volumes which have preceded it, are highly recommended for the insights which they provide and for the re-affirmation which they give to the abiding and eternal value of all aspects of Jewish law.

REVIEWERS IN THIS ISSUE:

JOEL B. WOLOWELSKY is Chairman of Advanced Placement Studies at the Yeshivah of Flatbush and a member of the Steering Committee of the Orthodox Forum.

SETH FARBER is currently writing his Ph.D. on the history of American Orthodox education at the Hebrew University in Jerusalem.

BERNARD ROSENSWEIG, a former president of the Rabbinical Council of America, is Rabbi Emeritus of the Kew Gardens Synagogue, and professor of Jewish history at Yeshiva University.