The Marriage Issue

The Latest:
William Kentridge: An Implicated Subject
Cynthia Ozick’s Fiction Smolders, but not with Romance

The Questionnaire:
If you were to organize a graduate seminar around a single text, what would it be?
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The New Testament offers an even bleaker view. Jesus explicitly brings God into the equation and prevents the termination of marriage: “What God has joined together, let no one separate.” Remarriage constitutes “adultery” and the most elevated state is that of the “eunuchs for the sake of the kingdom of heaven” (Matthew 19:6–12). Paul’s famous verse in which a man leaves his father and mother to “cling to a woman might well refer to coitus more than matrimony. The Tanakh describes parties where men drink together prior to whatever transaction affects marriage, yet these feasts lead to confusion and violence. Jacob’s revels end with his marriage to the wrong woman and Samson’s more philosophical symposium leads only to the consummation of war between Judah and the Philistines. For outpourings of love, we must turn to Ruth the Moabite who pledges to her mother in law Naomi that “only death will separate me and you” (Ruth 1:17) or to David, who mourns Jonathan in verse, “You were most dear to me. Your love was wonderful to me, more than the love of women” (2 Samuel 18).

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The Bible has much more to say about the marriage between the faithful and God in which the human spouse figures as femi-nine. Jeremiah speaks of Israel’s tender pursuit of God’s love during the wandering in the wilderness. But the difficulties inherent in the marriage between God and Israel appear in the book of Exod-kiel where God charges His wife with “harlotry,” a “weak heart,” and “filifulness.” After such berating, one almost wishes that God would issue a getrather than “an everlasting covenant” (46).

There is debate—much within this issue—over whether the rabbinic marriage contract provides safeguards for women’s basic rights or commodifies brides as objects of transaction. It is certain that rabbinic law establishes marriage as a legal procedure within a public ritual. The implications of the legal procedure and its impacts on Jews from different periods of time lie at the heart of The Marriage Issue. The questions, whether textual or historical, lead us to wonder what to do about marriage today. Some authors suggest that if most women knew what was actually uttered in Aramaic at their weddings, they would never consent. Others provide ways of transforming marriage and weddings into events that are more inclusive, egalitarian, and true to contemporary values. There are several suggestions about how to contract a halakically legitimate bond while dispensing with some of its objectionable premises. Some articles show that marriage is a con-tinent affair in which no single bond ever demonstrates the model.

Even as scholars agonize over what to do about matrimony in the age of women rabbis and state laws protecting gay marriage, wedding planners and officials look to Jewish tradition for the tell-tale huppah, ketubah, and crashing of glass. For many couples, the wedding functions as a key moment of connecting to a Jewish past and with relatives considered too close; and it stipulates procedures for divorce, remarriage, and verifying adultery. But there are no descriptions of marriage as a convention or representations of wedding rituals.

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From the President

Dear Colleagues,

In 1989, when AJS was twenty years old and had been growing in size and scope, its leadership decided that the time had come to institute a new means of planning the annual conference. Instead of having all paper and panel submissions come to a single address, AJS would divide the field into sections. The head of each division would collect submissions for its respective subfield and submit recommendations to the central program committee—in effect, the leadership of this division. The creation of the divisions was made by the heads of AJS one evening while sitting at the bar of the Copley Hotel in Boston (where AJS then convened every year), jotting down their rhubarb on a cocktail napkin.

Like most legends, the facticity of this one is less important than the understandings that inheres within it. This bit of AJS lore infers that the task of dividing up Jewish Studies into subfields was straightforward; the divisions were readily apparent and did not require extensive reflection or debate. These divisions are not all of a kind; they are variously defined by discipline, language, geographical canonical text, or historical period. Though the divisions AJS uses to organize its conference have been tweaked over the years, the original rubric drafted in 1990 remains at the foundation of this system.

The changes made in these divisions over time have come about largely in response to what members propose to present at the annual conference. For example, this past December, the Program Committee received much debate at the December meeting of the Program Committee, and its members continue to consider how the conference structure, received much debate at the December meeting of the Program Committee, and its members continue to consider how the conference structure will evolve. The division of Jewish Studies, as reflected in AJS conferences of recent years, has been to expand the field’s sense of the possible, integrating new methods and areas of inquiry into more established topics and approaches. As a consequence, the question of what Jewish Studies constitutes and how it is constituted figures with growing frequency into discussions among scholars. I believe firmly that this ongoing self-reflection is a strength of the field and should be encouraged both in AJS endeavors and beyond.

The nimbleness of Jewish Studies is an advantage for established scholars and new students alike. How, then, can we extend this thoughtful intellectual agility to our teaching, especially at a time when the means and ends of higher education are being rethought?

Jeffrey Shandler
Rutgers University

From the Executive Director

Dear Colleagues,

Membership dues play a critical role in supporting the work of the Association for Jewish Studies, accounting for roughly a third of the organization’s annual budget. These dues help pay for core programs, such as Perspectives, AJS Review, the Distinguished Lectureship Program, the extensive resources on the AJS website, and all the staff time associated with these projects. And, of course, the dues help keep the lights on. Despite rising annual costs for these programs and overall operations, AJS has maintained the same dues level for the past half decade, carefully managing its income and expenses to eke out as many enhanced services within its current structure.

Looking ahead to the next several years, however, the AJS Board of Directors felt it appropriate and necessary to change the dues structure—both to simplify a complicated, multilayered, income-based system and to create a sustainable model that can support AJS’s services while remaining sensitive to members’ financial situations. This change, recommended by Vice-President for Membership Anita Norich and the Executive Committee and then approved by the AJS Board of Directors at its June and December 2012 meetings, came out of a careful, year-long study of other learned societies’ dues structures. Particular attention was paid to different membership models (flat fees vs. income-based), ranges of services offered, current and projected salary levels of members in response to organizational infrastructure (i.e., volun-

The board also approved a second, important change: revising the membership categories that have been in place since AJS’s incorporation in 1973. This may seem simply like a bureaucratic adjustment, but it reflects important developments in the field. For decades, the Association had three main types of membership: Regular Members, “for individuals whose full time vocation is devoted to teaching, research or related academic endeavor in Jewish studies”; Student Members, “for individuals who share the intellectual concerns related to the purposes of the Corporation, but whose major vocation is not in academic Jewish studies”; and Student Members, i.e., graduate students continuously engaged in an area of Jewish Studies. A bit of institutional history helps to explain change in membership categories. While the number of Regular and Student Members grew in popularity over the years, the number of Associate Members dwindled. When AJS was founded in Manhattan as a haven for people who, though not scholars or otherwise professionally engaged in academic Jewish Studies, had a deep scholarly interest in the field and saw AJS as an intellectual home. At a time when Jewish Studies was seeking credibility on college and university campuses as an academic discipline, the Association’s leadership felt it necessary to distinguish scholars trained in the academy (Regular Members) from those without such training (Associate Members). Over the years, the legitimacy of Jewish Studies as an academic discipline and of its practitioners as trained scholars has become widely accepted, as a consequence, this distinction in membership categories has become irrelevant. Therefore, the board of Directors has amended the by-laws eliminating separate Regular and Associate categories and creating a new category, the Professional Member, which encompasses “anyone with a professional or scholarly interest in Jewish Studies.” “Professional interest,” the by-laws now read, “refers to someone whose part- or full-time vocation is devoted either to teaching, research, or related academic endeavors in Jewish Studies. ‘Scholarly interest’ refers to someone who shares the intellectual interests of the Organization, but whose major vocation is not in Jewish Studies.” AJS is grateful for the extraordinary support its members have shown the organization over the past several years, especially during trying financial times at most colleges and universities. We constantly seek to provide new services and benefits to our members, and support them in their work as scholars and teachers. As you renew your membership and review these changes, please do not hesitate to contact me (rsheramy@ajs.cjh.org) or Vice-President for Membership Anita Norich (norich@umich.edu) with any comments, questions, or concerns.

Rona Sheramy
Association for Jewish Studies

The changes made in these divisions over time have come about largely in response to what members propose to present at the annual conference. For example, this past December, the Program Committee recommended by Vice-President for Membership Anita Norich and the Executive Committee and then approved by the AJS Board of Directors at its June and December 2012 meetings, came out of a careful, year-long study of other learned societies’ dues structures. Particular attention was paid to different membership models (flat fees vs. income-based), ranges of services offered, current and projected salary levels of members in response to organizational infrastructure (i.e., volunteer vs. professional staff). Full details of the new structure to be implemented for the 2013–14 membership year can be found at www.ajsnet.org/membership.htm. Here are the highlights:

1. The board retained an income-based dues structure for members, with the number of dues tiers falling from twelve to eight. (2) Where previously the highest income level was “above $250,000,” there is now a new level of “above $50,000.” (3) AJS continues to subsidize memberships at the lower range of the income scale, as an investment in the future of these scholars; thus, student rates will remain the same, and others earning less than $30,000 annually will see only a $5 dues increase. (4) For more than 75 percent of non-student members, dues rates will remain the same, and overall operations, AJS has maintained the same dues levels for

Rona Sheramy
Jewish Marriage
Bluma Goldstein

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here are a number of ways to approach a generic topic such as "Jewish marriage." One could focus on its history and myths, as Paula Hyman has in her recent study. Another approach is marriage arrangements and practices, as does Louis M. Epstein, or on the ways in which marriage among Jews have functioned in different eras or different geographical and social milieus. This essay, however, concentrates on the ways in which Jewish marriage participates in the social and culturally constructed relations of power. These relations shape the hierarchies especially of gender but also of class that are more generally operative in traditional Jewish law (halakah). It is significant that since Talmudic times Jewish law has created a fundamentally unalterable corpus of law, at whose core is an unequal gender and power differential in which men control the privileged hermeneutic center while women are marginalized relegated to a different arena, namely, the domestic sphere, and denied the rights and privileges that men enjoy. Founded on biblical law, Jewish patriarchy has a long history, with a legal foundation codified in the Talmud by the rabbis, and its locus of power established firmly in the androcentric social system of traditional Judaism. The exile trail of the Talmudic period might indeed have necessitated stringent standards and practices that added to the existing burdens on women’s lives. Salo Baron notes that in order to implement communal cohesiveness in a threatening diasporic situation, leaders opted for rigorous rabbinic control of family and divorce legislation. In addition, the exclusion of women from the most valued practice of Talmudic study solidified a social system in which a group of men, the rabbis, determined the social and legal practices of women in the community.

Jewish law is generally contract-oriented, and Jewish marriage, which is not considered a sacrament, is a contract determined by halakah. According to the law of the United States and elsewhere, contracts may be executed bilaterally, but that is not the case in Jewish law. All halakic contracts are unilaterally executed, even though they may require the consent of both parties. Moshe Meiimmel explains that the marriage contract is unilateral simply because there are “no bilaterally executed contracts in Jewish law.”

There are, however, four reasons why a woman might not be able to obtain a divorce: (1) the husband is mentally incompetent and cannot grant a divorce; (2) he has died without legal evidence of his demise; (3) a recalcitrant husband refuses to divorce; or (4) he abandons his wife and disappears. The difficulty in releasing a woman from an undesired marriage derives essentially from the unalterable system of Jewish law rooted in gender and power inequality.

Over the centuries there have been a number of rabbis and scholars who have tried to modify the marriage and divorce legislation in order to alleviate the onerous burden on wives, but their efforts were judged by other rabbinical figures to be halakhically inadequate. There was a liberalizing period of about five hundred years (from about the seventh to the eleventh century) when Rabbi Gershon effected “for the first and unfortunately last time in Jewish jurisprudence” almost complete equality between men and women regarding the right to demand a get and, should he refuse, to petition the court to compel him. But in the twelfth century, Rabbeinu Jacob Tam, a French authority, ruled against any coercion of married partners. In the same period and next century, Rabbi Gershon’s liberalizing spirit probably a reaction to the same social circumstances he, too, was concerned with communal maintenance, but may have feared that women who could not obtain a get would seek conditions more amenable to them outside Judaism. Of course, it is also likely that Rabbeinu Tam might have dreaded a weakened patriarchy; he was not looking for a woman to control her husband’s actions so that he could use them to control the community and become the wife of another man. “The woman has to rely on her husband for a divorce because only he has the prerogative of executing and delivering a divorce, or get.”

In closing, let me say that I have been drawn to multicultural concerns within Jewish Studies—be they different legal systems; structures and operations of power among various groups; social and political effects of gender, class, and status inequalities; or the nexus between larger institutional constructs like community and family and individual predicaments. But that route proved problematic because a decidedly inflexible aspect of Jewish family law was under consideration. The methodological concerns and theoretical versatility of cultural studies usually focus on challenging and exposing the authority behind structures of domination, with the expectation of abolishing or at least reducing the power inequalities that often lie concealed in both public and private spheres. It is, however, ironic and more than a little disconcerting that, while these approaches to the study of Jewish marriage and divorce laws expose the operative gender asymmetries of power, they also reveal the impossibility of altering or undoing them, given the fundamentally inflexible patriarchal Jewish legal system and culture.

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Between the Living and the Dead: Making Levirate Marriage Work

Dvora Weisberg

In contrast to “normal” marriage, levirate marriage is marked by irregularities and complexities. Speaking broadly, a levirate marriage involves a widow and a male from the family of her deceased husband; in Jewish tradition, the only man required or permitted to enter into a levirate marriage is the brother of the deceased. The offspring of a levirate union are usually recognized as the legal offspring of their deceased brother, rather than the offspring of their biological father, who is known as the levir. Although in many cultures, levirate unions are not regarded as marriages, poshibility Judaism treats the union of a man and his brother’s widow as a marriage. This construct of marriage creates anomalies within the broader construct of Jewish marriage.

The first and most troubling anomaly created by the institution of levirate marriage lies in the relationship between the levir and the widow before their marriage. Jewish law has myriad rules restricting an individual’s choice of a marriage partner; many of these rules prohibit marriage between close relatives. Among the incestuous unions forbidden in Leviticus 18 and 20 is the prohibition against a sexual relationship between a man and his brother’s wife. This prohibition is understood by ancient commentators to apply even if the woman in question becomes a divorcée or a widow. Levirate marriage by definition, however, requires a man to marry his brother’s widow and, if the goal of levirate—the birth of a child who will carry on the name of the deceased—is to be fulfilled, he must have sexual relations with her. Thus levirate becomes a permitted (or even mandated) incest.

This problem is noted by early rabbinic sources. Noting the apparent contradiction between Leviticus 18:16 and Deuteronomy 25:5, midrashim claim the two verses were “spoken at the same moment,” that is, God knowingly gave two laws that seem to be in opposition but that can in fact co-exist. The law of levirate serves as an exception to the incest prohibition or overrides it. At the same time, the Mishnah begins its discussion of levirate marriage by prohibiting marriage between a levir and his widowed sister-in-law if the latter would be forbidden to him under any incest prohibition other than that of a brother’s wife. Moreover, the Mishnah extends the prohibition to all of the wives of the deceased brother if even one of them is forbidden to the levir for reasons of consanguinity. These texts suggest that the rabbis, realizing that any levirate marriage may be perceived as “permitted incest,” simultaneously reassured themselves that levirate is not incest while prohibiting levirate unions in which there had been multiple family ties between the levir and the widow.

The other significant anomaly that distinguishes levirate unions from non-levirate marriage is the assignment of the offspring of the union to the mother’s deceased husband rather than the levir. Genesis 38, the story of Judah and Tamar, offers evidence that this aspect of levirate may have been disturbing to potential levirs. Onan is reluctant to impregnate Tamar knowing that any child born to her “would not be his,” but that of his late brother, Er. According to Deuteronomy, the birth of a child who can “be accounted” to the deceased, “that his name may not be blotted out in Israel” is the aim of levirate marriage. Rabbinic tradition supports the notion that this is the primary goal of levirate marriage by declaring that levirate marriage is not performed if the deceased left any child or grandchild. At the same time, rabbinic law upends the aim of levirate marriage, declaring that the children of such a marriage are treated under the law as the offspring of their biological father, the levir. Beyond a rather tortured exegesis on Deuteronomy 25:6, rabbinic literature offers no explanation for this innovation.

Another difference between levirate marriage and other marriages lies in the way it is contracted. Rabbinic law requires that a man betroth his future wife and that she consent to the betrothal. A levirate widow, in contrast, is bound to her husband’s brother from the moment of her husband’s death; betrothal is not, strictly speaking, required. Moreover, since the bond between them is generated by the husband’s death, the widow’s consent is not necessary. A levirate marriage is brought into being through an act of intercourse, even, according to the Mishnah, if the act is casual or nonconsensual. We do have sources that mandate a speech act (‘ammonah) on the part of the levir and the widow’s consent as part of the process of formalizing a levirate union, suggesting the desire on the part of at least
some rabbits to “regularize” levirate unions by making them more like other marriages. 

Rabbinic law that promotes a distinctly irregular form of marriage, the rabbi of the first five centuries of the Common Era sought to smooth out many of the anomalies present in levirate unions. The rabbi’s efforts to “normalize” levirate marriage offer us insights into the way they understood the family and familial relationships. Every marriage creates a new family and reorganizes several others. Men and women become husbands and wives, entering into new relationships with individuals who were previously “strangers.” Parents and siblings become in-laws. Families that were previously distinct and separate entities become intertwined. In some cases, families experience the marriage of a family member as a “loss” to the family; in others, marriage is seen as a way in which the family “gains” new members.

Levirate marriage offers a fascinating glimpse into constructs of family because it involves two individuals who were already related but who are now entering a very different type of relationship; the levir and the widow make the transition from a close family relationship in which they are forbidden to think of each other as potential mates to one in which they are expected to become husband and wife. Additionally, the opportunity for levirate marriage arises from a family crisis, the death of a husband and brother. The death “disorders” the family, leaving the childless widow with no tangible connection to her late husband’s family.

Levirate offers a path to reimagining the family, reintegrating the widow into her husband’s family through marriage to his brother. At the same time, a family unit that is disrupted by death cannot be wholly repaired, nor can it be restored to its previous state. In many cultures, levirate is an attempt to provide a widow with a socially acceptable sexual outlet while discouraging or prohibiting remarriage and at the same time providing the deceased with children after his death. On some level, the deceased remains a strong presence in his family; his wife, while permitted a sexual relationship with one of his husband’s relatives, remains “faithful” to her husband by not remarrying, the children born to her are legally his children. Rabbinic Judaism chose a different path; it chose to privilege the claims of the living over those of the dead. The levir is not his brother’s surrogate; he is a husband. The widow ceases to be a widow and becomes the wife of a second husband. The children born of this union are the legal offspring of their biological father. From the ruins of one nuclear family, levirate marriage creates a new one. It does so by “remarrying” individuals or reassigning roles, transforming brother-in-law and sister-in-law into husband and wife.

This legal transformation is not magical. Literature from many cultures indicates that levirate unions could be emotionally and socially problematic for the individuals involved. Nevertheless, rabbinic understandings of levirate marriage mark an attempt to regularize the irregular and to place individual men and women into relationships that reflect rabbinic visions of “normal” marriage.

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Married Men
Judith Baskin

About marriage they were never wrong;
The Rabbi’s; how well, they understood
About marriage they were never wrong.
Married Men
(Rabbi Akiba’s autobiography BT Nedarim 5:2).

For the rabbis, a meritorious wife is a man’s "house," a body built from his body to house his children and fulfill his sexual energies. The rabbis fully acknowledged the role of fortune in the success of any individual instance of this most intimate of human positions, just as they accepted that marriage was the indispensable institutionalization of the familial divisions of labor on which rabbinic society and its future depended. Perhaps most painfully, the Sages also grappled with the conflicts that marriage engendered between devotion to divine service and responsibility for human dependents.

Needless to say, androcentric perspectives dominate. Reflecting on “It is not good for man to be alone” (Genesis 2:18), Genesis Rabbah 17:2 teaches:

He who has no wife dwells without good, without help, without joy, without blessing, and without atonement... R. Hiyya b. Gomdi said: He is also incomplete, for it is written, ‘And God blessed them and called them humanity’ (Genesis 1:27) [for only joined together are male and female fully human]. Some say: He [who does not marry] even impairs the divine likeness. For God made humanity in the divine image (Genesis 9:6) and this is followed by, ‘Be fertile, then, and increase’ (Genesis 9:7).

These final words suggest that procreation, a male legal obligation, is the overwhelming marital value, since what makes man like God is his ability to generate new life in the body of his wife. Moreover, many of the biblical verses cited in this extended text refer to a man and his “house” or “household” (καταύγασε). For the rabbis, a meritorious wife is a man’s “house,” a body built from his body to house his children and fulfill his sexual and domestic needs. Such a partner, when she “brings light to his eyes and puts him on his feet” (BT Yebamot 63a), deserves consideration and respect. According to BT Yebamot 61b (also BT Sanhedrin 78b), “Concerning a man who loves his wife as himself, who honors her more than himself, who guides his sons and daughters in the right path and arranges for them to be married near the period of their puberty, Scripture says, ‘You shall have that all is well’ as you teach it (Proverbs 1:7).” BT Baba Metzia 59a cites Rab’s saying: “One should always be heedful of wronging his wife, for since her tears are frequent she is a quickly hurt.”

Nevertheless, certain rabbinic voices articulate an ambivalence about marriage, particularly for scholars who might prefer to devote their energies to study (BT Ketubbot 62b), and these strands contribute to a wider discourse on the uncertain nature of marital happiness and the potential traumas of bad wives. As BT Baba Batra 14b-5b relates, “R. Hanina said: All the days of a poor man are woe (Proverbs 31:15) refers to him who has a wicked wife. But contentment is a guest without end (proverb) refers to him who has a good wife. R. Hiyya, an apparent skeptic on the possibility of companionate marriage, taught that, ‘A wife should be taken mainly for the sake of her beauty, and mainly for the sake of children’ (BT Ketubbot 59b). Elsewhere, he stated, ‘It is sufficient for us that they tear up our children and deliver us from sin’ (BT Yebamot 63a). Good wives, exemplified in rabbinic tradition by R. Akiba’s self-sacrificing spouse (BT Nedair 50a), earn merit ‘[by] sending their sons to learn in the synagogue, and their husbands to study in the schools of the Rabbi, and by waiting for their husbands until they return from the schools of the Rabbi’ (BT Berakhot 174a and Sanhed 214a). A bad wife who dishonors her husband risks divorce and impoverishment, or perhaps the punishment of an abusive second marriage (see Genesis Rabbah 17:3), which begins, ‘If he is fortunate, she is a help; if not, she is against him’.

Something amazing to provoke Auden once, is the preservation of traditions insinuating marriage is also problematic for women; indeed, the downsides of being a wife are candidly delineated. BT Erubin 109b, for example, offers a countdown of “five curvers” in a discussion of inappropriate and appropriate modes of marital sexuality generated from Genesis 3:16. Some of these are physical, including the discomforts of menstruation, loss of virginity, pregnancy, and childbirth. Others include the challenges of child rearing, a woman’s yearning for her absent spouse, and the need to ingratiate oneself silently with one’s husband. The final three disadvantages apply to a woman’s marital constraints: “She is wrapped up like Lilith, [a female demon]” (ibid) refers [to him] who has a wicked wife; “She grows long hair like Lilith, sits when making water like a beast, and serves as a bolester for her husband.” But are these detriments or benefits? R. Dimi is cited as saying that these three qualities are compliments to women. Perhaps from a male point of view they are: women’s long hair can be attractive; that she serves as a support for her husband is certainly desirable for him. Although it is difficult to see how “sitting when making water like a beast” is a positive quality, it may be an endorsement of feminine reserve. This statement allows a segue into an apparently unrelated midrash that concludes the larger Talmudic passage and offers a final word on the relative roles and capacities of wives and husbands: “R. Johanan observed, Rachel had not been given we could have learned modesty from the cat, honesty from the ant, chastity from the dove, and good manners from the cock who first coaxes and then mates. And how does he coax his mate? Rabb Judah citing Rabb Explained, He tells her this [when he spreads his wings prior to mating], ‘I will buy you a cloak that will reach to your feet.’ After the event he tells her, ‘May the cat tear off my crest if when I have any money I do not buy you one.’”

The suga, which begins with the statement, “A man is forbidden to compel his wife to perform marital obligations,” ends appropriately with a commendation of seduction. But this erotic and derisive depiction of women as sexually credulous and easily persuaded can only reinforce the satisfaction at not being created female. The passage’s deeper purport as respect and appreciate the wife who serves as a physical, emotional, and economic bolster to her husband and children, often at significant cost to herself, is diminished and undermined. For the rabbanim, the advantage to women all but cualquier about marriage and its advantages and costs, but this is an important failure.

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Imagine a powerful married man, a politician or religious leader, exposed for having an affair. The media cover the story in front of witnesses (e.g., “Behold, you are betrothed to me with this ring according to the law of Moses and Israel”). Assuming that there are no legal disabilities, that’s all it took (and takes): at the end of this ten second transaction the couple is “married” in the eyes of the law and would require a formal divorce in order to remarry. Without this transaction, there is no marriage.

One of the more controversial claims that I made in my book is that this very notion—the formation of marriage—depends on a legally objective and verifiable act, like the term kiddushin itself, was a rabbinic innovation. There are very few references, most notably in the Hebrew Bible and the Gospel of Matthew to the notion of a binding betrothal. The available evidence suggests that most Jews in antiquity had no need for such a formal procedure. They prepared prenuptial contracts (the ketubah) that governed economic relationships rather than legally constituting a marriage. Like the Greeks and Romans, most Jews knew when they and their neighbors married. They participated in a celebration that could last for days, perhaps witnessed the evidence of the bride’s virginity. They hardly needed to pin down the precise moment of marriage.

Why, then, did the rabbis insist on a legal act to constitute a marriage? Because that is the kind of thing that the rabbis did, and because the stakes were so high. Can this answer be reformulated in a more specific way? Scholars who are familiar with Talmudic literature recognize that the rabbis created legal conditions, such as defining “work” on the Sabbath or when one should recite the Shema in the evening. In the case of marriage, there is another concern: adultery. Since the Hebrew Bible defines adultery (like violation of the Sabbath) as a capital crime, even the rabbis could not implement a penalty, they needed to define it. How do we know when a woman is married? Can we pinpoint the exact moment when her status changes? Most Jews, however, did not need to be bothered with such legal formalities. They knew adultery when they saw it. In the cases where they didn’t, the families negotiated with each other and the “elders” to resolve the situation. To them, as to us, the idea that a defective legal formality could take precedence over the praxis of marriage would have seemed absurd.

The contemporary debates about marriage strike me as obscure; it is often not clear whether they are about legal rights, public recognition, or private emotions.

Reading Jewish Philosophy: What’s Marriage Got To Do with It?

Susan Shapiro

The field of Jewish philosophy may seem an unlikely place to look for marriage. However, it is full of ideological and cultural formation, and its consequences. When one reads their texts closely and critically, one finds that not only is Jewish philosophy foundational to the trope of marriage but also sometimes directly engages questions of marriage law, Jewish and otherwise. Further, one finds in Jewish philosophical texts contemporary assumptions about marriage, gender, love, and sexuality registered in its very basic terms and philosophical assumptions.

The work of Moses Mendelssohn offers a view of marriage that is consistent over matters of philosophy and law in a manner that affirms respect for the importance of a woman’s consent and partnership in marriage. Mendelssohn treats marriage in his major work, Jerusalem, as a sort of social contract that is mutually binding and based on consent, not on the violation of the conscience of one or the other party. Mendelssohn understands conscience to be comprised of one’s basic principles or convictions, neither of which may ever be coerced by either religion or state. “Principles are free,” Convictions, by their very nature, permit no coercion or bribery. They belong in the realm of man’s cognitive faculty and must be decided by the criterion of truth or untruth…. Only the judgment reached by his powers of intellect can be accepted as valid.” (32) Marriage is his primary exemplar of the social contract, according to which (and to social contract theory) makes possible civil society. His work stands out among social contract theorists, with the exception, perhaps, of Thomas Hobbes, by including women and marriage in the social contract. Marriage, for Mendelssohn (following Christian Wolff), is not defined in romantic terms but through the mutuality responsibility of a child’s parents to raise him or her in an agreed upon way. “The parents, through the very act of cohabitation, have entered into a state of marriage. They have made a tacit contract to render capable of felicity, that is, to educate, the being, destined for felicity, for whose coming into the world they are jointly responsible for” (32). The crucial point here is that this agreement is mutual and noncoercive of either party’s conscience and that no third party—including the state—can interfere.

In this section of Jerusalem, we find a very long footnote about a particular divorce case then pending in Vienna. Mendelssohn argues against the custom requiring the Jewish wife to remain married to her formerly Jewish, now Christian, husband. For Mendelssohn, this constitutes an instance of religious coercion and not toleration. He interprets Emperor Joseph II and his Edict of Tolerance as protecting the “interests of the Christian majority” rather than preserving and “tolerating” Jewish difference. Mendelssohn’s plea that “An emperor as just as wise as Joseph will surely not permit such violent abuse of the power of the church in his states,” is actually an indictment of the emperor’s position in which the religion of the Christian husband would be determinative, regardless of the wife’s desires, conscience, or religion. In opposition to this coercion, Mendelssohn writes:

If marriage is merely a civil contract and (it cannot be anything else between a Jew and a Jewess, even according to Catholic principles), the wording and the conditions of the contract must be interpreted and explained in accordance with the intentions of the contracting parties, and not those of the legislator or judge. If, according to the principles of the contracting parties, it can be maintained with certainty that they must have understood certain words in this and no other way, and that, had they been asked, they would have explained them to this and in no other way, then this morally certain explanation, which is taken to be a tacit and implied condition of a contract, must be as valid in law as if it had been explicitly agreed upon.” (31)

It is notable that Mendelssohn considers marriage between Jews to be “merely a civil contract” and that in this dispute he sides with the wife against both the husband and the state. Mendelssohn’s argument here is consistent with his earlier definitions of marriage and with his very understanding of the social contract. Further, this understanding underpins his own argument in Jerusalem for the separation of religion and state. Religious conviction cannot be coerced by the state or by any religious authority. One can at most persuade, not to object, but not to accept injustices and, by a pretense of liberty of conscience, one could obviously allow oneself to be misled into the most absurd coercion of conscience. The conditions of contract can now no longer be fulfilled. The husband, who has changed his principles, will not stay at least, in any case, (responsible for the fact) that this is the case. Must the wife submit to coercion of conscience because the husband wants to have liberty of conscience? When did she agree to that? Should not her conscience also be free, and should not the party that caused the change have the consequences, indemnify the other party, and reinstate her, as far as possible, in her former status? Nothing, it seems to me, could be simpler, and the matter stands for itself. No one ought to be compelled to accept conditions of a contract to which he could not have agreed without violating his own principles.” (32)

While it might seem that in defending the wife, Mendelssohn merely defends Jews and Judaism, he does so in a way that is relatively consistent with his overall argument in Jerusalem. His experience of being a Jew may have informed his argument, but only because he was able to understand the stakes for minorities and for others rendered vulnerable in the emerging nation states. Recognition of the state’s influence in marriage and noncoercion of conscience may well have shaped his views that a contract should be based on the consent and cooperation of the historically weaker party. Mendelssohn’s position in this case is not an instance of special pleading, but rather exemplifies his overall approach to the state.

Stopping here might provide a helpful ending to the genealogy of the Jewish philosophical imaginary as regards marriage. Mendelssohn’s writings, however, still hold a core understanding about the importance of marriage in stabilizing the sexual impulses, especially—and perhaps not only—the of the male. Mendelssohn notes: “It is by agreements of this kind that man leaves the state of nature and enters into the state of social relations. His own nature impels him to enter into marital relationships and associations of various kinds in order to transform his fluctuating rights and duties into something definite. . . . Civilized man lives for the future, which he knows and expects, and wants to be able to count on something certain also in the next moment. Even the urge to procreate, if it is not to be merely a brute instinct, compels man, as we have seen above, to enter into a social contract, to which we find something analogous even among many animals.” (37)

While Mendelssohn’s argument here may seem straightforward and innocuous, its significance shifts when considered within the context of the Jewish philosophical imaginary and its androcentric focus on the stabilizing function of male sexuality. There are serious gender problems introduced and sustained by the focus on male sexuality, some of which include the relegation of women to mere figures of the “féminine” and to other projections within philosophico-discursive and real-world conflating “feminine” and to other projections within philosophico-discursive and real-world masculinist and androcentric constructions of marriage. The work of Susan Shapiro offers a view of marriage that is consistent over matters of philosophy and law in a manner that affirms respect for the importance of a woman’s consent and partnership in marriage. Shapiro addresses a wide range of topics in her work, including family law, marriage, and sexuality. Her approach is interdisciplinary and draws on a variety of sources, including legal documents, philosophical texts, and sociological studies.

Shapiro’s work is characterized by a nuanced understanding of the complex interplay between law, religion, and tradition in shaping Jewish family law. She argues that the gendered nature of Jewish law reflects the broader cultural and societal norms that shape legal discourse. Shapiro examines the ways in which Jewish law has been used to reinforce gender roles and expectations, and she challenges the assumption that Jewish law is inherently patriarchal.

One of Shapiro’s key contributions is her exploration of the role of consent in Jewish marriage law. She argues that the idea of a ‘consent’ contract is central to Jewish marriage law and that it reflects a more participatory and equal partnership model. Shapiro examines the ways in which Jewish law has been used to promote gender equality and to challenge patriarchal norms.

Shapiro’s work also highlights the ways in which Jewish law has been shaped by broader cultural and historical contexts. She argues that the evolution of Jewish law reflects the changing conditions and pressures faced by Jewish communities, and she analyzes the ways in which Jewish law has been used to both resist and accommodate these changes.

Overall, Shapiro’s work provides a valuable perspective on the dynamics of Jewish family law and their implications for contemporary debates about gender and family. Her approach is characterized by a rigorous interdisciplinary methodology, drawing on legal, philosophical, and sociological sources to build a compelling case for the importance of consent in Jewish marriage law.

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One Jewish Woman, Two Husbands, Three Laws: The Making of Civil Marriage and Divorce in a Revolutionary Age

Lois Dubin

In late 1793, when the Habsburg Monarchy led the coalition against Revolutionary France and all of Europe was at war, one Jewish woman found herself in a revolutionary struggle in Trieste, the thriving Habsburg free port on the Adriatic. The desperate twenty-year-old Rachele Morschene Luzzatto sought to extricate herself from her failing marriage to Lucio Luzzatto, a thirty-eight-year-old broker, her husband of five years, and father of their two-year-old daughter. With her father’s help, she successfully argued for economic support and civil separation to the Civic and Provincial Court of Trieste. Finally, in December 1793, seeking relief from the “bitterness and . . . anxiety brought on by an ambiguous situation,” she petitioned for a civil divorce. For Rachele, the marriage should continue.

In the eighteenth century, both the Habsburg Monarchy and Revolutionary France instituted novel laws that defined marriages and divorces by civil law, permitting religious divorce—Jews, Protestants, and Orthodox Christians—but they never altered this fundamental inequality of Jewish divorce law. Since Rabban Tam’s ruling in the twelfth century, Jewish courts had been reluctant to compel a husband to divorce his wife even when she had legitimate grounds for divorce. In the late eighteenth century, both the Habsburg Monarchy and Revolutionary France instituted novel laws that defined marriage as a civil contract and regulated all marriages and divorces by civil law, including those of Jews. In 1783, Habsburg legislation created a dual, interlocking system. It defined marriage as civil but created no civil marriage ceremonies and left religious ceremonies intact. Civil divorce was introduced for those communities that permitted religious divorce—Jews, Protestants, and Orthodox Christians—but it was not imposed upon Catholics; still, civil courts were required to obtain a religious missa sanctorum for each divorce. By contrast, in 1792 France instituted purely civil ceremonies of marriage and divorce for all and defined them as the only legally binding acts. How did Rachele and Lucio pleading their case, a key element in her case was the graphic testimony of Lucio’s condition provided by medical experts. They were led by Dr. Benedetto Frizzi, family physician and Enlightenment intellectual who had studied with Dr. Johann Peter Frank, a pioneering crusader for public health who studied with Dr. Johann Peter Frank, family physician and Enlightenment intellectual who had studied with Dr. Johann Peter Frank, a pioneering crusader for public health who...
World War I played a crucial role in changing Jewish courtship and marriage patterns in Central Europe. Before the war, both bourgeois and religious Jews usually entered into arranged marriages. What is most interesting about these marriages is that most Jews who chose wives or husbands for themselves did not do so on the basis of love or even passion. What they wanted was autonomy and the right to see the man or woman they chose as a partner in marriage. For all these reasons, they often chose husbands and wives for practical reasons, expanding the orbit of practical concern from business connections to the person who would make a proper spouse and create a good home. Moreover, ideological compatibility was especially important for Jews on the left, which was at the heart of the Zionist movement. Arranged marriages continued in bourgeois and religious circles, but increasingly men and women chose their own partners, sometimes, but not usually, for love. Although they wanted to choose their own spouses, they continued to adhere to conventional expectations of gender roles within marriage and the family.

The diary of Teofil Reiss is a very interesting example of how Jewish men who had fought in the war felt they had the right to choose their own wives. Reiss was an army medic from Vienna, probably lower middle class, moderately religiously observant, and not well educated. His unpublished World War I diary reveals a man in his mid-twenties who thought he was terribly attractive to the ladies and who spent all his spare time going out to meet and court them. He visited every night, and in January 1917, he was stationed in 1915 and 1916, and back home in Vienna when he was home on leave. His main goal was to find someone who would make him a good wife. He rejected Sabine Sauer from Kautz, Galicia, in whose home he spent many weeks on leave, because she seemed too humble to make a good partner. He usually loved staying at her house—mostly because of the good food and the interesting conversation with Sabine’s father as well as with the Hasidic rebbe of Zolynia, another guest—but he found her inappropriate, especially after she turned up in his barracks one day. Such behavior was not proper for a respectable girl, and he sent her away. Similarly he rejected many girls who, he claimed, threw themselves at him, proposing marriage. He wanted to choose his own wife, and he wanted her to be a moral, intelligent, respectable, responsible woman who would make a good Jewish home. Thus, he decided to marry Pepi Kamil, a friend of his sister in Vienna. She was neither rich, but she was a “good girl,” a good daughter, and a seamstress who could earn her living if necessary. It is clear from his diary that they did not love each other, but they decided to marry in 1917. He had chosen her after careful, practical consideration, although they became emotionally close to each other after their engagement. His parents concurred with his decision. The couple married in February 1918 in Vienna, but Reiss was only happy when he and Pepi lived together and set up a home together (Teofil Reiss, “Kriegstagebuch” in Kriegsarchiv, Austria, B/I/612.1).

For Reiss, neither love nor sex played a prominent role in his choice of a wife. The opposite was the case for Esti Drucker and Martin Fried, who also insisted on choosing their own life partners, but did so because they were passionately in love with each other. Esti (Einstein) Drucker was the daughter of a wealthy Jewish family, and her parents always assumed she would arrange a marriage with a wealthy Jewish businessman to marry their daughter. She had other ideas. She met Martin, Sigmund Fried’s eldest son, at a party in early 1918, and fell passionately in love with him. They determined to marry, but her parents disapproved. After all, Martin was a lawyer and would not be able to support her accustomed style of life. Moreover, his father was a propagandist, “and a pornographic one at that” in her father’s words. They tried to arrange an appropriate marriage for their daughter, but she refused. The Frieds also opposed the marriage. Sigmund Fried even wrote to his son that Esti was “too pretty” for them, by which he meant she was too rich and spoiled. Esti and Martin persevered, and their parents allowed them to marry in the fall of 1919, when he returned from an Italian prison of war camp. Unfortunately, their marriage was unhappy (Sophie Freud, Living in the Shadow of the Freud Family [Prager, 2003].

Traditional arranged marriage certainly persisted in 1920s Vienna. Helen Hilsen’s younger sister Olga wanted a rich husband, so in 1923 she allowed her parents to make him a match, even though her sister, who had married for love, disapproved. (Helen Hilsenräd, Brown Was the Danube [Thomas Yoseloff, 1986, 129–131]. Marriage ads in the liberal, Zionist, and Orthodox press reveal that many men still wanted to “marry a business” and many woman offered money, apartments, and businesses to attract men to marry them. Religious Jews were determined to find appropriate religious mates for their relatives.

The persistence of traditional patterns, however, should not obscure the major change that had taken place. Jewish men and women might have been as pragmatic as their parents or traditional Jewish marriage brokers had been, or they could have married for love; nevertheless they increasingly felt they had the right to choose. The sufferings they had endured during World War I emboldened them to assert their right to decide with whom they should be for the rest of their lives.}

Marsha L. Rozenblit is Harvey M. Meyerhoff Professor of Jewish History at the University of Maryland, College Park. Her most recent book is reconstructing a national identity. The Jews of Habsburg Austria in World War I (Oxford University Press, 2001).
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Marriage Equality: An American Jewish View

Joyce Antler

Along with the generational conflicts that arose as a consequence of immigration from the Old World to the New in the late nineteenth and early twentieth centuries, the spheres of love and marriage were also transformed. As the popular Bintel Brief column of the Jewish Daily Forward filled with stories of traumatic conflicts between Jewish couples, desertion filled with stories of traumatic family life. Conflicts between Jewish couples, desertion filled with stories of traumatic daily life, Friedan claimed, burying them in “the women’s crisis.” Women, Friedan said, “are discontented because they have no life” (1963) shaped the landscape of feminist marriage criticism by exposing the supposedly “happy housewife” as a sham, a false consciousness cemented by the collaboration of media, corporations, social scientists, educators, political leaders, husbands, and women themselves. Marriage infantilized women, Friedan claimed, burying them alive in their suburban homes as if in a “concentration camp.” Like the victims of the Holocaust, women remained passive because of the “progressive dehumanization” they experienced in their status as wives. Friedan’s use of Holocaust imagery did not attract much attention at the time, and she never explicitly spoke about Jews in her book. But her own background growing up Jewish in Peoria, Illinois, as an outsider, and the psychic burden left by her mother’s bitterness at her own stunted life as a housewife, influenced Friedan greatly. “When I still used to say prayers, even as a child,” Friedan recalled, “after the ‘Now I lay me down to sleep’ and the Sh’ma Yisrael—I would pray for a ‘boy to like me best’ and a ‘sword of my own to do’ when I grew up. I did not want to be discontent like my mother was.” “The solution was for women to pursue active careers outside the home.”

How “Jewish” was Friedan’s insight? A telling incident occurred in 1970, when on the fiftieth anniversary of the passage of the suffrage amendment, Friedan led a march of 50,000 women down Fifth Avenue to demand equal rights. The defining moment of the march, Friedan found herself speaking—and revising—the prayer that Orthodox Jewish men recited every morning. “Down through the generations in history,” Friedan declared, “my ancestors prayed, ‘I thank Thee, Lord, I was not created a woman.’ From this day forward I trust that women all over the world will be able to say, ‘I thank Thee, Lord, I was created a woman.’” Friedan claimed that she could not participate in the march without reciting the prayer.

The Feminine Mystique changed ideas about marriage and domestic life and helped to launch the liberal feminist movement of the early 1960s. But the younger group of...
women who launched the women’s liberation movement a few years later provided an even more radical critique. In The Dialectic of Sex (1970), Shulamith Firestone called for a feminist revolution to replace marriage and the nuclear family by means of engineered reproduction and nontraditional households. Marriage, she felt, was “functionally defunct”—it was its “political, i.e., unequal power context” that made it “such a holocaust.” Firestone came from an Orthodox, and according to her sister, Rabbi Tzirah Firestone, a deeply patriarchal, Jewish family and had studied at a Cleveland Yeshiva before attending Washington University and the School of the Art Institute of Chicago. Her father’s rejection of her book—which he called “the joke book of the century”—and other deep criticisms, even from feminists, cut deeply. After starting the first women’s liberationist groups in the country and playing a pivotal role in promulgating the radical wing of the movement, Firestone spent several decades isolated from former colleagues and family. Diagnosed with schizophrenia, she was in and out of mental hospitals until her sudden, tragic death in the summer of 2012. Those who came from an Orthodox, she separated herself from religion. In later years she insisted that friends address her as “Shulamith,” not Shulie. Firestone’s critique of marriage resembles that of another Jewish radical—anarchist Emma Goldman, who similarly rallied against the “sex-class” caste system of marriage as absolutely irrevocable with love and therefore unworkable. Other radical feminists saw glimmers of hope. Alis Kate Shulman’s 1976 article, “A Marriage Agreement,” with its proposition that men and women sign contracts establishing shared child care and housework, created considerable public debate. A prominent figure in Redstockings, the women’s liberation group established by Firestone and Ellen Willis, Shulman was motivated in part by the negative example of her mother, Dorothy Kates, who despite her “worldly accomplishments,” including three terms as president of the Federation of Jewish Women of Cleveland, had been reduced to the role of “dependent housewife.” For Shulman as well as Firestone and Firestone, a marriage with a subordinate partner could not be sustained. These secular Jewish feminists were widely influential in the United States and abroad, including among the Jewish religious community. But even passionate advocates for equal religious rights like Ria Greenberg, the dynamic founder of the Jewish Orthodox Feminist Alliance (JOFA), were initially wary of feminism’s hiring critique of marriage because of its consequences for Jewish family life. Today Greenberg has another point of view: “How much we owe them,” she said of these secular feminists, “how much they have changed the world. And here we are, still fighting for the 49thal, with so little progress made after 40 years.” Greenberg believes that for Jewish marriage to thrive and fulfill Judaism’s sacred ethical principles, its participants must be free and equal. She acknowledges that the universalist vision espoused by these Jewish radical feminists and their multi-sided struggle against patriarchy laid the groundwork for what remains a continuing struggle for the Jewish religious community. There is still work to be done. Joyce Antler is Samuel Laner Professor of American History and Culture and professor of Women’s and Gender Studies at Brandeis University. Her publications include You Never Call, You Never Write: A History of the Jewish Mother (Oxford University Press, 2007) and The Journey Home: How Jewish Women Shaped Modern America (Pittsburgh Books, 1993).
acceptable to him—through her high regard for him as a rabbi, a teacher, and a guide. Perhaps this accounts for Miller’s invocation of the rabbi, who initially opposed the intermarriage with a brand of Judaism that comforted Monroe more than it pleased Miller.

Miller would not have attended the dinner, a fundraising event for the American Friends of Hebrew University, but Goldburg urged him to do so. Two years earlier, Goldburg had prevailed upon the couple to make an appearance at a United Jewish Appeal gala at the Fontainebleu in Miami Beach. Exercising his influence over the couple, Goldburg even persuaded the reticent Monroe to talk for three minutes about why he as a rebbe, a teacher, a guide. Perhaps this accounts for Miller’s recreation of the rabbi, who initially opposed the intermarriage with a brand of Judaism that comforted Monroe more than it pleased Miller.

Miller decided to attend the dinner, a fundraising event for the American Friends of Hebrew University, but Goldburg urged him to do so. Two years earlier, Goldburg had prevailed upon the couple to make an appearance at a United Jewish Appeal gala at the Fontainebleu in Miami Beach. Exercising his influence over the couple, Goldburg even persuaded the reticent Monroe to talk for three minutes about why she converted to Judaism. (I wrote the speech for her,” Goldburg recalled.) The day of the event arrived and with it a subpoena for Miller to appear before the House Un-American Activities Committee. Goldburg received word to appear before the House Un-American Activities Committee. Goldburg received word from the United Jewish Appeal’s organizers that Miller’s invitation was rescinded. The couple, Goldburg even persuaded the reticent Monroe to talk for three minutes about why she converted to Judaism. (I wrote the speech for her,” Goldburg recalled.) The day of the event arrived and with it a subpoena for Miller to appear before the House Un-American Activities Committee. Goldburg received word from the United Jewish Appeal’s organizers that Miller’s invitation was rescinded. The rabbi must have been mortified when he had to call the couple and let them know what his people, their people, had decided. Proud of his own FBI “red file,” Goldburg seethed at the timidity of these establishment Jews. Later, he would protest the Vietnam War, invoke Stokesly Carmichael to speak at his synagogue, and dismiss the kind of Jews who allowed their anxiety about Jewish assimilation into the mainstream to overshadow their concern for societal inequality.

In 1947, near the end of Goldburg’s life, Miller explained how he had come to admire this rabbi—despite the coolness that I perceived between the two in that triangulated photograph. Miller praised the rabbi for stepping outside of the “narrow, unilinear” Jewish life that frustrated the playwright and that, it seems, Monroe craved. According to Miller, ethnicity and religion left a “trail of blood, of injustices and hatred” in their wake, but not so the form of Judaism Goldburg endorsed. As Miller wrote, “For holding onto universal values, [Goldburg] has turned Judaism’s best face to the world. For this, which has taken courage, we owe him a great debt.” The two men, a playwright and a rabbi, were fellow travelers resisting a world that insisted on boundaries—religious, ethnic, sexual, racial. In the United States, Jewish leaders had fixated on Jewish marriage as the means of eternal peoplehood. Time and again, they were confronted with the shortcomings of this formulation because marriage is not a conservative institution. Rather, marriage tends to be creative and revolutionary—melding two people together, creating a new unit different from what existed before, and existing in multiple layers of identity and community created by a new “we.”

Even when Miller and Monroe divorced, Monroe remained close to Goldburg and to Miller’s family. (Miller’s father escorted Monroe to Madison Square Garden and watched from the wings when Monroe sang happy birthday to John F. Kennedy.)

Marriage may not transcend boundaries, but it always crosses them. Whether or not formed across lines of ethnicity, religion, class, or race, we confront places where the cry of universalism cannot be heard: an argument over a childrearing decision, a difference of opinion about how to spend money, a conflict about responsibility. Whatever identity markers we share, we also find ones that separate us—this is what is so creative and revolutionary about marriage, an assertion that even in our differences we can function together. This is neither rigid universalism nor narrow particularism.

If we imagine in each marriage a creative revolution, then we may embrace the changes and transformations—not eternal sameness—that marriage in this country in the last half of a century have brought. The photograph, that still captivates me each time I look at it, captures a moment in that ongoing revolution, when a rabbi, a playwright, and a starlight stood unified by a Jewish tradition, at its best capacious enough to make room for all of them.

Lila Corwinerman is Murray Friedman Chair of American Jewish History and director of the Feinstein Center for American Jewish History at Temple University. Her article “Jewish Urban Politics in the City and Beyond” appeared recently in the Journal of American History.
Yale University's Program in Judaic Studies seeks to fill a tenured position in modern Jewish history. Primary academic affiliation will be in the Program in Judaic Studies, with anticipated appointment in the Departments of History and Religious Studies, as befits the successful candidate's fields of specialization and methodologies within Jewish history. Candidates are expected to have broad familiarity with the critical study of Jewish history, whether social, cultural, political, religious, or intellectual, while specializing in modern Jewish history in the Americas, Western or Eastern Europe, North Africa, or the Middle East. Candidates should be thoroughly fluent in Hebrew as a language of both primary sources and contemporary scholarship, as well as at least one other modern Jewish language (e.g., Yiddish, Ladino) or host cultural language. They should be well-grounded in modern critical approaches to the study of history, including the ability to situate Jewish society and its history within broader cultural and comparative contexts.

Candidates should have an outstanding record of excellence in publication and teaching, the latter at both the undergraduate and graduate levels. The successful candidate will be expected to provide academic support to existing resources for the study of modern Jewish history, working closely with colleagues in the Program in Judaic Studies as well as in relevant departments and programs. Yale University is an equal opportunity/affirmative action employer. Yale values diversity among its students, staff and faculty and strongly encourages applications from women and underrepresented minority scholars.

Applications, with current vitae, should be submitted online https://academicjobsonline.org/ajo/jobs/2629. Inquiries and nominations can be sent by e-mail to the chair of the search committee, at renee.reed@yale.edu.

Applications will be reviewed beginning September 1, 2013.
From its inception, Jewish studies was a transnational endeavor characterized by a network of scholars emerging from different seedbeds. In time, modern rabbinical seminaries in central Europe and universities in France, England, the US and Israel would provide new and necessary forms of institutionalization. The needs and strategies of the discipline and its political and cultural functions varied in different countries and political contexts. What the present state of the field requires is a collaborative effort to deepen our understanding of the intellectual revolution at the heart of modern Jewish history. The turn to history in the 19th century fundamentally recast the nature of Jewish thinking in Europe and beyond, influencing even those who challenged or rejected the dominance and mandate of historical-critical scholarship. The predominant narrative in this history of the academic study of Jews and Judaism is that of the Wissenschaft des Judentums (WdJ), which fulfilled crucial cultural, political, and religious functions in its day, and which, despite recent scholarship, remains to be fully contextualized. How have academic categories and methodologies framed how Jews and Judaism are understood—be they in parallel with Christian theology, political science, history, classical philology, or in relation to traditional teaching contexts and methodologies? How might modern Jewish studies be seen in comparison to other emergent ethnic and religious area studies? What can we learn from a more systematic comparative study of different religious or national currents within WdJ and other parallel academic developments in Jewish studies? Proposals might address the following questions:

• How did and does WdJ function in the struggle for emancipation and against anti-Semitism in varying national contexts?
• How was Jewish scholarship influenced by its institutional home or lack thereof?
• What role did Jewish scholars play in the establishment and conceptualization of Oriental and Islamic studies? And vice versa.
• To what extent did the WdJ engage with, build on, and depart from, the scholarly legacy of Christian Hebraism and Renaissance humanism, and the historical-critical approach to the Bible in the late 18th and early 19th century?
• What extra-scholarly motives drove the development or neglect of some fields? To what extent were those aims achieved, and what do its failures reveal about European-Jewish history in the 19th and 20th centuries?
• Which disciplines other than history have shaped the development of the WdJ?
• What impact has the rise of Jewish nationalism and Zionism had on the direction of Jewish scholarship, such as the politics of archaeology, the place of messianism in Jewish history, or the history of communal institutions, even the funding of academic chairs?
• By what channels did the results of critical scholarship reach a broader public, and which audiences exactly?

The Katz Center invites applications from scholars in the humanities and social sciences at all levels, as well as outstanding graduate students in the final stage of writing their dissertations. Stipend amounts are based on a fellow’s academic standing and financial need with a maximum of $50,000 for the academic year. Fellowship recipients will be notified by February 1, 2014.

Applications are available on our website: katz.sas.upenn.edu
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NEW PERSPECTIVES ON THE ORIGINS, CONTEXT, AND DIFFUSION OF THE ACADEMIC STUDY OF JUDAISM

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Jews & Empires

Since the earliest age of Jewish history, Jews have maintained highly intense, complex, and ambivalent relationships with the imperial powers of the day. While providing an exact definition would be difficult, empires were large political entities that sought world domination and controlled diverse ethnic groups and territories. Although the Roman Empire gave the name to the concept and served as a model for future Western empires, relationships between Jews and empires, both mythological and real, extend into the distant past, reaching into ancient Egypt, Assyria and Babylonia, as well as the Hellenistic empire of Alexander the Great.

The theme of “Jews and Empires” presents a good vantage point for comparative and interdisciplinary examination of aspects of political, economic, social, and cultural history, as well as comparative study of religions, arts and literatures, languages, historical geography and anthropology. It invites scholars of social sciences and humanities, as well as creative artists, to engage in productive dialogues across time and space. Questions to be considered include the possibilities of developing theoretical paradigms to describe the nature of Jewish-imperial relationships. In addition, the theme encourages scholars to explore specific issues related to the interactions of Jews and empires in particular geographic and historical contexts, from ancient Egypt to contemporary America. The “imperial turn” in Jewish Studies can offer new illuminating perspectives on such diverse range of issues as anti-Semitism and the Holocaust, Zionism and Jewish statehood, relationships among Judaism, Christianity and Islam, international trade and commerce.

The theme’s significance extends beyond traditional limits of Jewish studies. “Jews and Empires” invites applications touching upon the broader questions of minority status, ethnicity and identity, migration and mobility, diaspora, and power.

The deadline for applications is October 9, 2013.

For more information and application materials, contact
The Frankel Institute for Advanced Judaic Studies at
734.763.9047 or JudaicStudies@umich.edu.
www.lsa.umich.edu/judaic
How the Gender of the Jewish Parent Influences Intermarriage

Keren McGinity

Intermarriage, like all marriage, is a relationship of power. How the power is divided depends on two things: gender and who negotiated for what, either before or after saying “I do.” If intermarriage has the potential to strengthen the Jewish people (along with institutions of education, such as summer camp or trips to Israel), it is critically important to understand the influence of the gender of the Jewish member in the marital union. Analyzing gender—the roles of both men and women in committed relationships between people who are intermarried—has offered insights into the way Jewish and intermarry. It also demonstrates that intermarriage, like all marriage, is a new religious community. It continues to be more meaningful to people who self-identify as Jewish and then . . . I knew I wanted to raise my kids Jewish. I know mothers tend to play a big part in setting the tone for their children, to teach about Jewish heritage. Some Jewish intermarriage because gender informs the relationship between the two sexes—is key to a full understanding of the meaning of Jewish intermarriage because gender informs the way in which people raise children. My qualitative research indicates that men and women experience parenthood differently. The challenge for intermarried men who intermarried in 1997 said that she was glad to have a Jewish family, but the extent to which they would be Jewish was important to understand the influence of the roles of Jewish husbands and wives as long as they understand that it is their responsibility to do so, ideally in partnership with their spouses.

Although the men who participated in my research are invested in trying to balance their careers with fatherhood, the social reality of finding time for involvement with their children is an uphill battle. The children of the Jewish mother, the men's parenting is often secondary to his professional pursuits. The experience of having children also forces women to come to terms with the inadequacies of their own Jewish upbringing and to look for creative ways to teach their children (and themselves) about Jewish heritage.

“Mending Old Cradle Family Home Cat Kitten Stocks” by A. Stocks from Illustrated London, 1873.
Critiquing and Rethinking Kiddushin
Rachel Adler

The word is out in both the Diaspora and Israel that the classic form of Jewish marriage known as kiddushin has problems. Critiques and remedies are presented from Orthodoxy and non-Orthodox sources. An entire issue of Shabbat (June 2010) has been devoted to rethinking Jewish weddings.

The Trouble With Kiddushin
Critics argue that the legal structure of kiddushin is a form for inequality in the marital relationship. Wives are biblically mandated to be monogamous; husbands are not. Kiddushin is rooted in property law. In the first chapter of the Talmudic tractate Kiddushin, valid methods of acquiring a wife are analogous to ways of acquiring slaves, land, animals, and other items. As Gail Labovitz documents in her interdisciplinary study, Marriage and Metaphor (Lexington Books, 2009), the Talmud frequently uses objectifying metaphors of owning and buying in regard to marriage.

Women complain that the bride in a classical kiddushin is passive and silent, her silence signifying consent. Furthermore, kiddushin requires the man to acquire the woman unilaterally. Mutual acts of equalization are specifically ruled out. The preferred method of acquisition is the husband buying the woman from herself with a token of easily specifiable but slight value. A gold ring, with 18K engraved inside is now commonly used. "Because only a man can acquire, only the husband can renounce his acquisition. Halakhically, women cannot effect their own divorce. Hence, (if a husband becomes mentally incapable of giving a get [divorce contract], has disappeared, or simply refuses to divorce), his wife is trapped. She cannot get out of the marriage becoming an agona, a chained woman. If she remarries counter to halakhah, her subsequent children will be stigmatized as mamzerim, ineligible to marry other Jews. Some couples complain that the Babylonian boisterous getnik, signed by the husband, witnessed, and given to the wife, does not reflect the conditions or issues of a modern marriage. Finally, although gay, lesbian, and transgender couples seek authentic Jewish ways to marry, most consider kiddushin inappropriate to their needs.

Tweedled Kiddushin
Two of the most popular ways of remediating these problems among non-Orthodox Jews are double ring ceremonies and creative kiddushin. Whether it is valid for a couple to exchange rings is a matter of controversy. Both the Orthodox decisor, Rabbi Moshe Feinstein and the Conservative Rabbi Isaac Klein believe that the marriage is invalid once the husband has given a ring even if the bride reciprocates with a ring and a statement. Rabbi Feinstein forbids the practice, and Rabbi Klein permits it.

Creative kiddushin, written by the couple, have no legal force either in Jewish or civil law. They would be superseeded by the classical kiddusha. Some Orthodox couples write addenda to the kiddusha in a separate document, and, in some cases, make a neder, a vow, about the contents of the document. Rob and Lamelle Rubman published material from their kiddushin on the Internet (www.jewishmarriage.net), including a document where the husband pledges sexual fidelity, a “living” kiddusha, and documents facilitating the acquisition of a get. The Orthodox rabbi Steven Feldblum, an Israeli rabbi, proposes Derekh Kiddushin, or quasi marriage (‘B’rilot Agoney U’Sammorotim” Dinet Vosai Yisrael). Derekh Kiddushin has its origins in a Talmudic case in which the couple wished to be married but was technically ineligible to contract a valid marriage. The relationship the rabbis Feldblum and others find is that a ketubah can be dissolved by the man’s unilateral de-acquisitioning by the man.

Kiddushin Alternatives
Because kiddushin involves many risks and requires so much tweaking, alternatives have been suggested. Rabbi Meir Simcha Feldblum, an Israeli rabbi, proposes Derekh Kiddushin, or quasi marriage (‘B’rilot Agoney U’Sammorotim” Dinet Vosai Yisrael). Derekh Kiddushin has its origins in a Talmudic case in which the couple wished to be married but was technically ineligible to contract a valid marriage. The relationship the rabbis Feldblum and others find is that a ketubah can be dissolved by the man’s unilateral de-acquisitioning by the man.

Some couples, to protect the wife from becoming an agona, are contracting kiddishin al ‘t’ni, conditional marriages, based on Dr. Eliezer Berkovits’s book, ‘t’niyot v’Get (Conditions on Marriage and Divorce). The radical rejection of the Haredi avodat kodesh, or marriage as a sanctity, is that the marriage is not performed unless the kallah agrees to a valid get. For many women, this is too much. Many women today would consent to kiddushin if the woman's consent was legally binding and if the agreement were voluntary.

This withdrawal should be confirmed by a bet din. This procedure, in Feldblum’s opinion, differentiates Derekh Kiddushin from concubinage, another solution with Talmudic roots that has been in the news lately. The Chief Judge of the Jerusalem Rabbinical Court and the Sephardic Chief Rabbi ruled July 17, 2002 that when a man is prevented from having children by his wife’s infertility or refusal, he may, in some cases, be permitted to take a concubine. A concubine, according to the Shulchan Arukh 212, has no ketubah and does not require a get. Historically, a small but significant minority of legal decisions have permitted concubinacy. Concubinage is an unduly and abhorrent category containing the secondary wives of the patriarchs, the concubines of kings, Greek-Roman hetaerae, amicae, and concubinarie, and the mistresses of medieval Spanish Jewish aristocrats.

In “Partnerships According to Halakhat but without Chachmah and Kiddushin.” [In Hebrew] Akademet 17, 2006, Zvi Zohar attempts to establish concubinage as a justification for promiscuity but did not meet with success. Others have proposed it as an alternative to kiddushin for secular Israeli couples. Concubinage is a hard sell to feminists, however. Being purchased is unappealing, being leased is long term is hardly more attractive. The fact is that the tradition has no model of an egalitarian relationship. I have argued in Engendering Judaism (Jewish Publication Society, 1998) that concubinage is not a single category, but a placeholder for varieties of long-term monogamous relationships that are neither promiscuous nor kiddushin.

I propose such a relationship in Engendering Judaism, the B’rilot Ahuvim. The B’rilot Ahuvim draws on the research of Meirav Akiva Friedman (Jewish Marriage in Palestine: A Cairo Geniza Study, Tel Aviv University, 1980–1981). Many of the eighty Jewish nedarim Friedman found in the Geniza contained a stipulation enabling the wife to initiate divorce proceedings and requiring the husband to divorce her upon her request. Some of the ketubot refer to the marriage as a shafatayim, a partnership. One quotes the prophet Malachi 2:14 referring to the wife as “chaverati v’eshet b’riti,” my companion and my covenanted wife.” Drawing on the language of both business relations and covenant, I have designed a ceremony to remove marriage from property law and restate it in partnership law. Instead of the husband acquiring the wife or of mutual acquisition, the partners acquire the partnership itself. This central act replaces the engraving the espousal portion of the marriage ceremony. The partners draw up a $10,000 agreement, similar to the tailor-made Palestinian ketubah that delineate the couple’s major obligations to one another. This partnership deed, however, is not a ketubah, which is a post-kiddushin set of limitations and obligations. Instead it is a written account of the stipulations that shape the partnership.

The B’rilot Ahuvim is both a business relationship and a covenant. Like a business relationship, it acknowledges fundamental economic and social concerns. As is a covenant, the partners are committed ultimately to one another rather than to the stipulations that promise to fulfill, and therefore the covenant may survive covenant transgression. Like a business partnership, the B’rilot Ahuvim can be dissolved by the withdrawal of either one of the partners. This withdrawal should be confirmed by a bet din.

The Conservative movement has adopted the theoretical structure of B’rilot Ahuvim for gay marriage, although not the ritual structure I offer. Ironically, the New York Post reported dissatisfactions among Conservative women that although a more egalitarian structure now existed, they were left with kiddushin. Warning: the natures are still restless.

Rachel Adler is professor of Modern Jewish Thought and Feminist Studies at Hebrew Union College-Jewish Institute of Religion, Los Angeles campus. She is the author of Engendering Judaism: An Inclusive Theology and Ethics (Jewish Publication Society, 1998).

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The feminist critique of traditional Jewish marriage through the legal mechanism of kiddushin has been amply articulated in a wide selection of writings. In its classic form, kiddushin is something that a man does to change the legal status of a woman, according to the statement, “Behold, you (feminine) are betrothed to me (masculine);” the bride need only silently accept the token of kiddushin (typically a ring). Metaphorical associations with acquisition and purchase (as in mKiddushin 1:2, “a woman is acquired in three ways . . .”) further serve to emphasize the inequality of roles and statuses. A key legal effect of kiddushin is to enact exclusive, nonreciprocal sexual and emotional exclusivity on both sides, it does not typically follow that they go into effect (or stay in effect) unless the legal system as a new form of valid connection. The question for those who wish to proceed in an egalitarian direction (whether between different-sex or same-sex couples) while also noting that the categories are likely to change, develop, and grow over time. I’d like to suggest that there are three approaches currently being pursued, while also noting that the categories are likely to change, develop, and grow over time.

(1) Make kiddushin mutually binding and/or legally neutralize the harmful effects of its unilateral nature. What these proposals have in common is recognition of the legal mechanisms of conditional kiddushin, each embeds conditions into the kiddushin declarations that are contingent on the other’s willingness to be bound or the woman could dissolve the kiddushin. Whether or not this is considered Jewish marriage, is this: Can there be Jewish marriage without unilateral kiddushin? A marriage still recognized as Jewish and therefore does not necessarily address the question of who is entitled to have regarding the legal system as a new form of valid connection. The premises of kiddushin formulas have been recited the betrothal is binding, and whatever is added to them does not rectify the lack of control over the legal meaning of the mutual kiddushin. Even some of the decisions who permit mutual statements limit claims to legal scope. Consider, for example, the view expressed by Rabbi Isaac Klein, a legal authority of the Conservative Movement: “Some authorities object . . . especially if the formula used by the bride is the same as the one used by the groom. Legally, however, there can be no objection. Once the traditional formula has been recited the betrothal is binding, and whatever is added is no legal significance” (Isaac Klein, A Guide to Jewish Religious Practice [Jewish Theological Seminary of America, 1979], 396; emphasis added). It is still the case within both Conservative and Orthodox practice that when a marriage ends the man will be required to give the woman a get, regardless of whether “mutual” kiddushin took place; she is not required or able to give him a get instead or in return. For the question those who wish to proceed in an egalitarian direction (whether between different-sex or same-sex couples) while also taking into consideration the Jewish legal framework of marriage, is this: Can there be Jewish marriage without unilateral kiddushin? A marriage is still recognized as Jewish if kiddushin is reconfigured to be mutual and the harmful effects of its unilateral nature are legally neutralized, or enacted through a different method altogether?

(2) Use a formula that does not create kiddushin legally, but which preserves something of the language and/or appearance of kiddushin. These two proposals come from very different ideological perspectives and have different intent, yet use similar legal mechanisms to mimic the appearance and even some of the assumptions of marriage through kiddushin, while also deliberately seeking to avoid enacting the legal bonds of marriage. Merit Simha Feldblum (Dine Yisroel XIX writes from an Orthodox Israeli perspective, to address the social problems of apostasy (women converting to another religion) and mamzerim [children born to “adulterous” unions, as when the mother’s prior marriage was not severed by a proper get and is therefore considered still in force under Jewish law). Those in these situations have limited (mahrabu.blogspot.com/2010/06/wedding formula has been recited the betrothal is binding, and whatever is added to them does not rectify the lack of control over the legal meaning of the mutual kiddushin. Even some of the decisions who permit mutual statements limit claims to legal scope. Consider, for example, the view expressed by Rabbi Isaac Klein, a legal authority of the Conservative Movement: “Some authorities object . . . especially if the formula used by the bride is the same as the one used by the groom. Legally, however, there can be no objection. Once the traditional formula has been recited the betrothal is binding, and whatever is added is no legal significance” (Isaac Klein, A Guide to Jewish Religious Practice [Jewish Theological Seminary of America, 1979], 396; emphasis added). It is still the case within both Conservative and Orthodox practice that when a marriage ends the man will be required to give the woman a get, regardless of whether “mutual” kiddushin took place; she is not required or able to give him a get instead or in return. For the question those who wish to proceed in an egalitarian direction (whether between different-sex or same-sex couples) while also taking into consideration the Jewish legal framework of marriage, is this: Can there be Jewish marriage without unilateral kiddushin? A marriage is still recognized as Jewish if kiddushin is reconfigured to be mutual and the harmful effects of its unilateral nature are legally neutralized, or enacted through a different method altogether?

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(1) Make kiddushin mutually binding and/or legally neutralize the harmful effects of its unilateral nature. What these proposals have in common is recognition of the legal mechanisms of conditional kiddushin, each embeds conditions into the kiddushin declarations that are contingent on the other’s willingness to be bound or the woman could dissolve the kiddushin. Whether or not this is considered Jewish marriage, is this: Can there be Jewish marriage without unilateral kiddushin? A marriage still recognized as Jewish if kiddushin is reconfigured to be mutual and the harmful effects of its unilateral nature are legally neutralized, or enacted through a different method altogether?...
 Discipline, Devotion, and Dissent: Jewish, Catholic, and Islamic Schooling in Canada

Graham P. McDonough, Nadeem A. Memon, and Avi I. Mintz, editors

$34.99 Paper • 320 pp. • 16 halftone illus. • 978-1-55458-938-8

As Canada’s population becomes more religiously diverse, the continued establishment and support of faith-based schools has reignited debates about whether they should be funded publicly and to what extent they threaten social cohesion. Discipline, Devotion, and Dissent examines Jewish, Catholic, and Islamic schooling in Canada to address the aims and practices that characterize these schools, how they prepare their students to become citizens of a multicultural Canada, and how they respond to dissent in the classroom.

The Unwritten Diary of Israel Unger

Carolyn Gammon and Israel Unger

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Israel Unger and his family hid for two years during WW II in an attic crawl space in Tarnow, Poland. Against all odds, they emerged alive and eventually emigrated to Canada in 1951. Unger had a stellar academic career, married, and raised a family in Fredericton, New Brunswick. His “unwritten diary” is as much a story of a young immigrant making a life in Canada as it is a Holocaust story.

“The Unwritten Diary of Israel Unger] is a powerful story of courage, survival, humility, and love—love of family, love of community, and love of peace, justice, and truth.... Unger and his collaborator, Carolyn Gammon, wrote this book clearly intending to tell the story of an extraordinary life. Like so many works motivated by passion and discovery and framed within the borders of historical and family narratives, this book became a journey of self-discovery and narrative renewal.... This book of memory is as finely written an account of a life as I have read.”

—Richard Blaquiere, Bugle-Observer (Woodstock, NB)

Out of Time: The Vexed Life of Georg Tintner

Tanya Buchdahl Tintner

$34.99 Paper • 282 pp. • 978-1-55458-831-2

“This book...has been immaculately put together, fully illustrated, indexed and deftly written with a candour that usually eludes family members who tackle biographies. Tanya Tintner’s long experience as a writer and deep understanding of her fascinating subject is evident on every absorbing page.”

—Peter Shaw, New Zealand Listener

Mapping Canada’s Music: Selected Writings of Helmut Kallmann

John Beckwith and Robin Elliott, editors

$59.99 Hardcover • 292 pp., 19 b/w illus., 1 colour photo • 978-1-55458-891-6

Mapping Canada’s Music is a selection of writings by the late Canadian music librarian and historian Helmut Kallmann (1922–2012). Most of the writing deals with aspects of Canadian music, but some is autobiographical. Of the seventeen selected writings by Kallmann, five have never been published before; many of the others are from difficult-to-source sources. They include critical and research essays, reports, reflections, and memoirs. In one essay, Kallmann recalls growing up in a middle-class Jewish family in 1930s Berlin under the spectre of Nazism. Each chapter is prefaced with an introduction by the editors. Two initial chapters offer a biography of Kallmann and an assessment of his contributions to Canadian music.

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Beyond the Sanctification of Subordination: Reclaiming Tradition and Equality in Jewish Marriage

Melanie Landau

The status of a human as an acquisition, that is surely not acceptable to me, and the fact that it’s not mutual; that the man acquires the woman . . . and of course all the problems that come after—that a woman can’t divorce, and that if she is unhappy her children are “mamzerim.” This is terroristic rule of women’s sexuality that is not applied to men. I don’t think it is healthy at all for a couple to live with the problem that it’s not mutual, that the man exercises his nonreciprocal powers and refuses to give the wife a divorce.

Derek Kiddushin is the other model I address. It also has a Talmudic precedent (although applied in a different situation in the Talmud) and refers to an exclusive relationship that is mutually contracted. Rabbi Meir Simcha Feldblum reintroduced this model of partnership in his article “The Problem of Agunot and Mamzerim: A Suggested Overall and General Solution.” The article was his response to ethical concerns about the plight of women. At a time of potential union with a beloved, and connection with the Divine, no woman should have to participate in something that is at odds with her deepest values and commitments. Melanie Malka Landau is researcher at Mishmash University and director of the Or HaLev Center for Jewish Spirituality and Meditation.

The current nonreciprocal model of kiddushin is not an appropriate contract for a relationship between equals. Many, if not, most women would not agree to such a relationship if they knew what it entailed. In addition to the inequality of the status and formation of the relationship, the possibility of a woman being stranded in a marriage because of a recalcitrant husband is a risk that no Jewish woman should be forced to take in the twenty-first century.

My recently published book Tradition and Equality in Jewish Marriage: Beyond the Sanctification of Subordination (Continuum, 2012) explores two particular alternative forms of “marriage” in the Jewish tradition, namely conditional marriage and Derekh Kiddushin. First, I discuss conditional marriage where the marriage is conditional on the husband not to withhold a get in the event that he does withhold a get after a specified period then the marriage is considered retroactively nullified. After civil divorce was introduced in French courts in 1884, French Jews were concerned about Jewish women getting divorced civilly and then remarrying without a Jewish divorce. They received permission from Rabbi Eliyahu Hazan, the Chief Rabbi of Alexandria, to introduce conditional marriage, in order to overcome the dangers they foresaw. This prompted great consternation from many European rabbis, which culminated in 1930 in the publication of a collection of these rabbinic protests, Ein Tsửle be Nissim. In response to this collection, Rabbi Eliezer Berkovits defended conditional marriage in Tsửle be Nissim e’t Yehudah published in 1966. As well as the interesting and relevant content, the dialogue that these publications contain is a stunning example of divergent understandings of the role of halakha and the relevance of moral agency of the legal decider.

Conditional marriage partially avoids the nonreciprocity of the kiddushin. Although the woman is still “acquired,” the marriage is retroactively nullified if the husband exercises his nonreciprocal powers and refuses to give the wife a divorce.

Many others have continued with the acquisition model but departed from tradition by making the acquisition “egalitarian,” for example, through double ring ceremonies in which the woman expresses a reciprocal statement of betrothal similar to the man. My reading of Kiddushin as unenforceably nonreciprocal and in need of utter transformation suggests a radical break from the status quo. Instead of emphasizing the holiness of marriage and its centrality to the Jewish family and Jewish community, it interprets kiddushin as a relationship based on unequal power dynamics that needs to be transformed if it is to serve as the basis for Jewish families.

Others have advocated for equal ceremonies, without acquisition, that are still called kiddushin. This approach—of keeping the concept of kiddushin while equalizing its power differential—may mutually defy the rabbinic definition of kiddushin. This may be possible and desirable in the long run. But for the moment, I think that a process needs to begin in which both women and men become aware of traditional kiddushin, its implications, and possible ramifications.

Orthodox women who value equality also need to take the risk and refuse to participate in traditional kiddushin. At a time of potential union with a beloved, and connection with the Divine, no woman should have to participate in something that is at odds with her deepest values and commitments.

A few months ago in my hometown of Melbourne, Australia, I told an Orthodox rabbi and community day school principal that I write about Jewish marriage. He asked me, tongue in cheek, “Are you for or against?”

“I proceed with caution,” I responded. And I wasn’t joking. Kiddushin, and the acquisition of the woman by the man that it entails, is a dangerous enterprise.

The current nonreciprocal model of kiddushin is not an appropriate contract for a relationship between equals. Many, if not, most women would not agree to such a relationship if they knew what it entailed. In addition to the inequality of the structure and formation of the relationship, the possibility of a woman being stranded in a marriage because of a recalcitrant husband is a risk that no Jewish woman should be forced to take in the twenty-first century.

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The Multifarious Models for Jewish Marriage

Ira Bedzine and Michael Brody

There is a Jewish expression, “When you have one Jew, you’ll have two synagogues; two Jews, you will have three opinions, but when it comes to marriage, the rabbi will say that two Jews can have five different models of matrimony … and some say six.” In Jewish law there are five different models for what constitutes a Jewish marriage, and each model is based on a contractual view. This differs from Christian views, which consider marriage as either sacramental, as in Catholicism, or covenantal, as among many Protestant denominations. It also differs from the view of marriage in European civil law, as well as all the other models of common law marriage, where the state defines the nature of what constitutes marriage. (This is not to be confused with common law marriage, which are, in fact, also a matter of public law.) Marriage in Jewish law, on the other hand, is solely a contract between private parties, who agree to wed based on personal preferences and agreed upon terms.

Determining the nature of Jewish marriage is as much a matter of understanding how it commences as it is of knowing how it can end, as the Yiddish expression goes, “Before you marry, make sure you know whom you are going to divorce.” When we delineate the different models of Jewish marriage, we must also delineate the role that divorce plays in ending a marriage.

The first model of Jewish marriage is the one provided in the Torah. Marriage is typically monogamous, could be polygamous, but is never polyandrous. Divorce can be unilaterally initiated by the husband, and, according to the majority opinion, there is no obligation to provide a dowry (zakah) according to Bava Batra. The fourth model for Jewish marriage limited the types of divorce considered as a metaphysical union, yet it is also a private contractual agreement. This created a model in which marriage was seen through the lens of two different conceptual systems, however, can cause difficulties when the underlying principles of the different conceptions diverge. When this occurs, the dominant legal system will cause the weaker legal system to adapt. When it is impossible for the weaker legal system to do so, it creates a dilemma for the weaker system that causes more harm to its adherents than concomitantly being under the superior system is meant to help them. A dilemma occurs when adaption to a situation is impossible: Does the weaker system rebel and take a position that conflicts with the superior legal system? Or does it acquiesce to the superior system and accept a legal situation which contradicts its own ideals to its detriment and possible legitimacy?

An example of this dilemma can be seen by the controversy initiated by two get laws in the state of New York. The 1845 Get Law prevented a Jewish woman from marrying in the state after completing a religious divorce, avoiding a divergence between secular and Jewish law since the state cannot impose itself on its religious counterpart. It harmonized New York law with Jewish law. Yet the secular law does not address the problem of a recalcitrant husband not issuing a religious divorce or granting a secular divorce. The 1992 Get Law, on the other hand, allows secular law to impose itself on Jewish law by financially penalizing a husband who refuses to give his wife a religious divorce. Though the intent of the law is to maintain harmony between secular and Jewish law by forcing the two divorces to occur at the same time, it imposes a secular marriage principle—namely that of the right for a unilateral no fault divorce—on current conceptions of Jewish marriage. This right is absent in all but the Geonic model and in the rulings of Maimonides, and is nowhere normative in contemporary Jewish law.

When confronted with irreconcilable contradictions, such as this one, there are three different ways to respond. Jewish law can defer to secular law, it can ignore secular law, and it can avoid the conflict by circumventing it. The first two options are generally impractical, since most American Jewish communities wish to live according to both Jewish and secular law (for example, the community does not want its Jewish marriage to be invisible to secular law). To defer or to ignore either system is simply not a feasible choice. Circumventing the issue, on the other hand, calls for juridical creativity but also increases the role of public courts in adjudicating matters of marriage.

Jewish law can maintain its own conception of marriage and prevent coercion by secular law if potential husbands and wives sign a prenuptial agreement. Each party would be bound to meet certain obligations if either party later disregards the agreement. Jewish courts would then arbitrate end of marriage disputes so that the result is in accordance with the prenuptial agreement, as well as the halakhic norms and values of the Jewish community to which the couple belongs (for an example by the leading Orthodox Jewish law court in America, the Beth Din of America, see the archeological project).

Though Biblical and philosophic texts often portray Jewish marriage as a bond by which man and woman become one flesh, or a single soul, the historical conception of Jewish marriage as conveyed by Jewish law is sometimes considered as a metaphysical union, yet it is also a private contractual arrangement. It is always an ethical one, conditioned by the role of the woman. Like many other areas in Jewish law, what is considered permissible falls within a given range, and what is considered normative is historically and socially influenced by the ebb and flow of rabbinic history.

Ira Bedzine is a PhD candidate at Emory University. He is the author of Halakhic Man, Authentic Jew: Modern Expressions of Orthodoxy (Lamida Publishers, 2009), and a book of poetry, Things Overheard in the Synagogue (Urim Publications, 2012).

Michael J. Brody is a law professor at Emory University, and a rabbinic judge (shliach tzedek) in the Beth Din of America. He is the author of many books and nearly one hundred articles.

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What’s Different (or not) about Same-Sex Marriage

Jay Michaelson

Marriage equality is an uninterest- ing issue. Marriage inequality is important.

Consider the Conservative movement’s recent tribulations over a gay marriage liturgy. By all accounts, this particular debate has been quite civil. Perhaps a harbinger, and the sort of applied scholarship that makes academic life interesting. The question presented: should gay marriages be solemnized with a replica of a traditional Conservative Jewish wedding, or should there be a different liturgy that takes the unique circumstances of a same-sex couple into account?

The answer, as of a few months ago, was exactly what one has come to expect (for better and for worse) from the Conservative movement: both. The Committee on Jewish Law and Standards offered a traditional liturgy, but without kiddushin, as well as an alternative liturgy with different language and different ritual forms (no chuppah, no rings, etc.). This result is not particularly interesting, as it is but the latest in the movement’s (take your pick) pluralism/vibrancy, or parody/ discord. But the debate surrounding the question, and its unintended consequences, are fascinating.

First, there were multiple—and diametrically opposed—rationales for alternatives to the traditional model. On the one hand, some LGBT advocates—myself included—favored a ritual that didn’t mimic a straight wedding but recognized that a gay wedding is important and productively different. On the other hand, some small-c conservatives favored a different ritual so that it wouldn’t be confused with a “real” wedding.

The rabbis on the law committee were caught in the middle. Is “different from” always “less than”? Is separate inherently unequal?

And then there was the issue of kiddushin. For at least thirty years now, feminists have critiqued this legal form—in which the groom effectively buys the bride—as outrageous. Kiddushin seemed particularly foreseeable, development. They see it as a back-door sabotaging of kiddushin, and, though I have yet to read anyone saying so in print, conservatives might well point to this turn of events as evidence that same-sex marriage actually is changing marriage for everyone. In some ways, this is a nightmare come true for those who disparage gay marriage.

I have a different view, naturally. To develop it, I want to go back to my brash introductory sentences about marriage, inequality and inequality. From the outset, there have been multiple strands to the LGBT movement, just as there are in feminism and in anti-racism and anti-oppression work of all kinds. There are those in my community who espouse a basically assimilationist message: let us in (to rabbinical school, to the rite of marriage, etc.) because we are basically the same as you. We are not here to transform institutions, but to join them.

We want only what you already have. This is the dominant argument, and the argument that is politically the most effective.

But then there are the more radical voices with a different message. Let us in, they say, not because we are the same as you, but because we are relevantly equal and importantly different as well. And know that when you do let us in, we will probably change your—now ours—stitutions.

This, of course, is not an LGBT-specific message. Few people advocate for the “melting pot” model, the idea that all genders, races, ethnicities, and sexualities will be sorted together into one majority. Multiculturalism more closely resembles the metaphor of the “gorgeous mosaic” (apparently first used by New York’s mayor David Dinkins) of a diverse society. In a mosaic, the tiles are different from one another, and the celebration of that difference is what makes the overall mosaic beautiful.

Or, to choose the most proximate example, consider the effects on religious institutions once women’s voices are empowered. Liturgy changes, theology changes, leadership changes—and presumably, all for the better since these changes better reflect the diversity of the population at large. These new, or newly heard, voices enrich the conversation by engaging in dialogue and often in critique of existing ones.

We are only beginning to have the conversation when it comes to LGBT people. Only in the last ten years have we begun to ask more probing questions than “is it okay to be gay.” In Christian communities, queer theologians have been thinking and writing for several decades. In Jewish communities, with a few exceptions, we are playing catch-up. And, of course, we are still at square one in many communities, often fighting for basic legitimacy in the context of marriage.

The question of kiddushin is an instance in which the distinctive modalities of a same-sex relationship, in particular, the impossibility of assigning who is to be the bar’(owner) and who the owned, shed light on the tensions of such dichotomies in heterosexual contexts as well, where they are no more valid. This is not unlike the adoption of the term “coming out,” which originated in gay experience, for all manner of self-revelations. In both cases, LGBT experience matters to everyone, not just gay people.

At the same time, it’s obvious that this tempest in a liturgical teapot won’t matter to the most Jews. Most Jewish weddings are Jewish because there’s a chuppah, there’s a glass, and there’s a rabbi even though none of those elements is required by halakah. Halakhically speaking, the words which are recited under the wedding canopy determine the nature of the relationship. But popularly speaking, they are less important than the pomp and circumstance. Weddings are Maimonidean in nature: there’s one level of conservative Jews who understand them, and another for those who do not.

In this light, the gradual transition of Conservative marriages to a non-kiddushin rite makes sense, and once again, LGBT experience might help point the way.

It’s interesting to note that in the United Kingdom, when the Liberal movement proposed a radically different wedding rite, gay people refused to adopt it. If they were to get Jewishly married, they wanted it to be “kosher,” with all the trappings.

I predict the experience here will be similar. I don’t think the new “alternative rite” with its chuppah free forms will catch on at all. People who want a Jewish wedding want a Jewish wedding. Ketubah- free weddings will likely be adopted by the small minority of Conservative Jews who are Jewishly literate enough to notice and care, while most others coast on tradition.

In other words, what’s important for most people is precisely what isn’t interesting to the scholar. Ultimately, the contemporary marriage is a sacralization of love. Once upon a time, marriage was seen as primarily an economic relationship, so the terms of that relationship were of primary importance. These days, however, marriage is seen as primarily romantic, and the old legal provisions are secondary in nature. Changing them will be important for the literate minority, and it’s the right thing to do. But what matters more is the simpler stuff: this is love, and it is holy, and it is good.

William Kentridge: An Implicated Subject
Michael Rothberg

Jews have an interesting position in South Africa,“ the artist William Kentridge once told a New York journalist from The Jewish Week. Jews have indeed led an awkward, ambiguous existence in South Africa over the last century, as scholars such as Claudia Braude and Shiri Gilbert have demonstrated. They have been haunted by the European violence they were lucky to escape and fearful of Afrikaner anti-Semitism. Yet, while a significant minority of South African Jews opposed the apartheid regime after 1948, a majority accommodated themselves to their country’s racist social architecture. Kentridge, a Johannesburg-based visual artist and a leading figure in the global art world, demonstrates how this modeling also registers several things simultaneously. It uncovers the specific dynamics of South Africa’s political interregnum but also demonstrates how the larger forces of capitalism, colonialism, and genocide have framed South African history over the langue durée. It draws attention to the specific ambivalent position of the country’s Jewish minority, yet also anticipates a more general return of suppressed memories that would anticipate the end of apartheid. While the movement of the coffee plunger in Mine reveals not simply a historical analogy between different sites of violence or Soho’s (or Kentridge’s) individual guilt, it also evokes a complex history of trauma, implication, complicity, and forgetting that defies a social group. South African racial racism is caught in that “interesting position” between accommodation and marginalization.

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Cynthia Ozick does not write love stories. Her stories take an alternate route, skittering off and avoiding plot lines launched by separation and heartbreak. Since the characters in an Ozick story are not loveable, there are few weddings. If Isaac Bashevis Singer coined a paradoxical concept, in his eponymous novel, Enemies, a Love Story, Ozick’s fiction anticipates the contemporary neologism, “frenemies.” A bitter character contemplates marrying his old friend’s widow not for love but for her fearsome astringency; a group of Yiddish poets keep each other close for decades in order to revel in one another’s failures and the difficulty of comparison is merely what we do when we do love our neighbor as ourselves. Perhaps this imperative to compare makes us love what we know, or at least what we can assimilate and love propels us toward ethics with a facility that strangeness and suspicion do not. For this reason, Ozick dismisses as unchallenging the commandment from Leviticus that we must love our neighbor as ourselves. The neighbor is too familiar, claims Ozick, and the difficulty of comparison is merely what we do when we do not love the other, represented by the insistence on having one law for the citizen and the stranger, for “you were strangers in the land of Israel.”

Ozick’s imperative to compare makes a metaphor of the grammatical juncture of the strange and the familiar, elevated by the Hebrew Bible as the corner on which the former may stand and engage ethically with the other. The comparison of what we do not know, the foreigner, to what we do—our own experiences, cultural memory, or historical understanding of deprivation and exclusion—that is the difficult ethical work explored in so much of Ozick’s fiction. Ironically, the equanimity Ozick seeks between the familiar and the strange only matters when the stranger is near through circumstances of travel, exile, or displacement. When a stranger appears in our ambit, the strangeness in the encounter pertains to ourselves and the other.

We are very often strangers to ourselves, projecting our own demons onto the other. How else can we account for the everyday spites, jealousies, and petty acrimony accruing not only between ourselves and our distant enemies or even some nameless foreigner, but within our own families? Who does not or at least one law for themselves and a different one for the other? Ozick is a master cartographer of the foreignness of the familiar and a canny clerk in the court of the inconstant mind. Ozick’s story “Bloodshed,” for example, explores the mixture of condescension and despair involved when the protagonist Bleilip comes to visit his once secular, now haredi cousin Toby. Toby’s joy in her new life, including her rabbinical husband and joséphine-baker children inspire neither pride nor envy in Bleilip, but only resentment. How dare she find love in this atavistic community? At the end the reader learns that Bleilip has been carrying a gun in his pocket and harbors an undisclosed fear and dread. He, all along, is the stranger to both his cousin and himself. Maybe this is why Ozick quickly dismisses the familiar—nothing really is familiar, and everyone is strange, even to themselves.

Romance may not be ignored in Ozick’s stories, but her flinty characters move closer to some sort of truth about themselves and each other. Their vanity is exposed and shredded, their shortcomings laid bare, their mundanity made plain. When the Stockholm book reviewer is offered a forged copy of a lost Bruno Schulz masterpiece, he has every reason to accept it for a moment of borrowed fame, but he discerns that the manuscript cannot be real and burns it. A character in “Usurpation” fearful of his own vanity, burns his story, perhaps another, unacknowledged “usurpation” of Malamud. In Malamud’s “Last of the Mohicans,” a Holocaust survivor burns a Jewish scholar’s tratise on Renaissance art. For both Malamud and Ozick, Jews have more serious things to attend to than the glorification of false religions. Perhaps her most audacious act of searing honesty, is the essay “Who Owns Anne Frank?” Ozick shocks even herself by imagining Frank’s diary going up in smoke, incinerated along with its author rather than be traduced by readers who fool themselves into thinking they can identify with Anne.

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The Questionnaire

If you were to organize a graduate seminar around a single text, what wouldn’t be?

Nathan Abrams
Senior Lecturer in Film Studies, Bangor University

The text I would choose would be Joel and Ethan Coen’s film, The Big Lebowski. While many of the Coen’s films—Miller’s Crossing (1990), Barton Fink (1991) and, of course, A Serious Man (2009)—are essential to understanding contemporary Jewish cinema, The Big Lebowski is the epitome of many new Jewish film directors (particularly those newly discovered in evidence since 1990). Its key Jewish character Walter Sobchak (John Goodman) is not only a slightly deranged Vietnam veteran, but he is also—atypically—a convert to Judaism, unusual for a cinematic Jew, Walter is not identified by any decontextualized markers (indeed Walter Sobchak is, himself, a character), but by his beliefs, values, and behavior.

Thus Judaism rather than Jewish ethnicity defines Walter: Walter is doubly unusual in cinematic terms in that he is a convert and, for a non-Jewish Jew, maintains a level of Jewish orthodox practice. Walter appreciates, understands, and takes his adopted faith very seriously, certainly more than many other Jews on film, Jewish or otherwise. At the same time, I would argue that the Coens use Walter to mock the de-Semitism and de-Jewishness of other films. We should not be able to read him as nothing less than a deliberate parody of those Jewish directors (particularly the moguls of the studio system) who denigrated their films of Jews and Judaism and/or produced crass, sentimentalist caricatures of comedic effect and diffused Jewishness. Walter is a parodic, even fanatical, adherence to the rules of bowing can be read as a critique of the increasing stringency amongst Orthodox and Jewish Jews who, has it been argued, prioritize obedience over spirituality, Walter thus becomes a satiric haredi buffoonish rabbi. Overall, spirituality. Walter thus becomes a satiric Jew, maintains a level of Jew, and it is certainly those of the key masterpieces in Hebrew. It needs to be read in the original because of its extraordinary stylistic subtlety and the rich play of irony and allusion detectable in the Hebrew. (The English translation is problematic, and when I once taught it in an undergraduate course, I don’t think it went over very well.)

Tmol Shoshonim represents a strenuous reversal of the European Bildungsroman that ends in tragedy, or perhaps one should say, in a violent catastrophe for the protagonist that is an absurdist Akeelah. Yizhak Kummer is one of those young men from the provinces populating nineteenth-century fiction who makes the journey to fulfill himself not to the big city but to Palestine of the Second Aliyah. In the language of the old Zionist propaganda, invoked in the opening passage of the novel, he comes “to build and to be rebuilt,” but his naive aspirations turn into a shamblle. Agnon offers a penetrating and unblinking portrait of the dilemmas of Jewish modernity, in part through Kummer’s oscillation between bohemian Jaffa, where he has an erotic entanglement he can’t really handle, and the stodgily Orthodox town of Tmol Shoshonim. Walter’s passionate, even fanatical, adherence to the rules of bowing can be read as a critique of the increasing stringency amongst Orthodox and Jewish Jews who, has it been argued, prioritize obedience over spirituality. Walter thus becomes a satiric haredi buffoonish rabbi. Overall, spirituality. Walter thus becomes a satiric buffoonish rabbi. Overall, spirituality. Walter thus becomes a satiric haredi buffoonish rabbi. Overall, spirituality. Walter thus becomes a satiric haredi buffoonish rabbi. Overall, spirituality. Walter thus becomes a satiric haredi buffoonish rabbi. Overall, spirituality. Walter thus becomes a satiric haredi buffoonish rabbi. Overall, spirituality.
This is an interesting exercise for a variety of reasons. First, it allows us to ponder what might be the goals of a given novel in the first place. Second, generally, it enables us to test the singularity of a text, removing it from its embedded and contextual place as part of a book or compilation in order to give it form and how one text can carry the weight of an entire semester.

I have chosen Nahman of Bratslav’s Likkut MeiShali 164 as my text. Many of the collected homilies of Nahman (this one included) are fairly detailed examples of hermeneutic virtuosity focused around a narrow theme, often veering far afield to include many other subjects that are then swept back, through the wary and word of maharshach/kabbalistic reading, to the central question written in a looser proemic style whose focus is often a personal rather than textual subject, Nahman’s work offers students exposure to a variety of textual and theological issues. It exposes students to the world of rabbinic/kabbalistic textualism while simultaneously offering them a window into the personalistic and metaphysical focal nucleus of Hasidic and pietistic Jewish spirituality.

The themes of lesson 164 are doubt and hesify framed around Moses’ confrontation with Pharaoh and Pharaoh’s “hard heart” (Exodus 10:1–4). What is so intriguing about this homily is the personal notion of self doubt, the existential anxiety where belief and unbelief each occupy space in the psyche of the adept. Nahman’s ability to locate human doubt in the metaphysical “empty space” (halal be panim) God creates to set the conditions for creation reifies human anxiety as a condition for, and endemic to, creation itself. The questions that are raised in this homily extend from the hermeneutical to the existential, from the kabbalistic to the psychological. For those interested in an interdisciplinary, and with a critical sociolinguistic perspective, this text produces seemingly endless fodder for reflection.

Addendum: When I was a graduate student at the Hebrew Union College in the late 1980s I had the honor of studying with David Flusser. We had an evening seminar and a few of us would walk Professor Flusser to his office at the end of the evening. He began to formulate the ideas on which his later work would be based, and also that he began to formulate those ideas as rebellious intuitions. More even than his precocious learning, what guided him was the sense that the great German Jewish historians of the nineteenth century must be, in basic ways, utterly wrong, for they had written in a spirit of compromise and accommodation. Scholem is anything but a representative figure; yet the dynamic of rebellion and innovation I just described is hardly unique. And for all his extraordinariness, young Scholem could use as a case study in the mechanisms of productivity among German Jews of the expressionist generation.

But it wasn’t only Scholem’s mature ideas on the crystal-clear theoretical dialectic that the diaries begin to articulate. What he wrote in them as a teenager often comes close to many of his influential later claims about German-Jewish culture. The same kind of sprightly argumentation about such things as the condition of the acculturated bourgeois Jewish circles in which Scholem grew up, the Zionist circles in which he eventually moved, and the best German Jewish artists drew on Jewish tradition, whether they were aware of it or not. Thus the diaries invite us to look at all aspects of German Jewish culture, as well as on the continuities between the primary material of German Jewish culture and the more peripheral Jewish experience. The diaries also contain quite a bit of useful information about the daily lives of Jewish university students, but may be a topic for another seminar. Because of my space constraints, it is definitely a topic for another day.

I would organize a course on gender and transnational Jewish modernisms in my graduate seminar called Critical Theory and Jewish Studies. In the course we read “primary” theoretical texts from Saussure to Butler, “secondary” texts by Jewish theorists or in Jewish studies, and a single canonical text, which serves both to anchor the course and acts as a kind of laboratory in which students may perform their own symptomatic readings.

Mar Mani’s compositional style makes it both a pleasure and a challenge to teach. I’ve found that the novel is far more engaging as a case study in the mechanisms of productivity among German Jews of the expressionist generation

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