CRIMINAL JUSTICE

Domestic Violence within the Jewish Community

Domestic violence occurs at the same rate in the Jewish community in the United States and Israel (the two largest Jewish communities in the world) as it does in non-Jewish communities in the United States. Approximately 20–25 percent of married Jewish women and 3–5 percent of married Jewish men suffer from

battering or abuse by an intimate partner. Domestic violence in the Jewish community, as in the general population, is distributed among all age, economic, and educational levels. The 20–25 percent rate of occurrence among married women also holds in the liberal Reform, Reconstructionist, and Conservative movements, as well as the traditional Orthodox community. One of the major obstacles to uncovering and addressing domestic violence in the Jewish community is the difficulty that many clergy (rabbis), lay leaders, and other Jews have had in acknowledging that the problem exists. Many still hold to the myth that Jewish men are not capable of abusive and aggressive behavior toward a wife or intimate partner and that such inappropriate behavior does not happen in Jewish homes. As a result, there has been a tendency to sweep cases of domestic violence under the rug. The historical and textual ambivalence toward striking a spouse in Jewish law is another problem in addressing domestic violence in the Jewish community.

Outline

Domestic Violence in Jewish Texts and History

Historically, Judaism, like other Western religions, has been patriarchal and has excluded women from important rituals and from leadership roles. Traditional (Orthodox) Jewish males say a blessing every morning to thank God for not making them a woman (women say a blessing to thank God for creating them as He wished). In the last two decades of the twentieth century, however, the Reform, Reconstructionist, and Conservative movements have moved to complete gender equality. Judaism nonetheless remains a religion that is deeply rooted in its core texts and legal traditions. Discussions about contemporary matters in the

Jewish world are often steeped in the words and rulings of texts, sages, and scholars going back to the Old Testament. However, it is important to note that there is no definitive central rabbinical authority in Judaism that makes laws or rulings that apply to all Jews. Rather, rabbis have made rulings (*responsa*) that generally have applied to the communities they served at that time. Jewish law can be seen more as an ongoing conversation across time and geography than as a set canonical law. Therefore, there are often conflicting rulings by different rabbis and sages on various issues. The likelihood of encountering contradictory rulings is greater when the matter at hand is not mentioned in the Hebrew Bible (Five Books of Moses, books of the prophets, and later biblical-era writings), as is the case with violence against spouses. Rabbis, traditionally, have been unlikely to contradict the Five Books of Moses, which have been viewed as being the word of God.

It is argued in the Talmud, the collected wisdom of the sages during the first 600 years following the fall of the Second Jewish Commonwealth in A.D. 70, that a man should love his wife as much as he loves himself and honor her more. At the same time, the Talmud and later rabbinic sources sometimes say that it is acceptable to use force to discipline ''bad wives'': those who disobey their husbands and do not do their household chores or serve their husbands when requested to do so. Maimonides, the revered Jewish philosopher of the twelfth century, wrote that it was a wife's duty to serve her husband and that she could be forced to do so with a whip if she refused. However, Maimonides qualified this assertion (as does the Talmud) by stating that a man cannot force his wife to do work that is not ''customary'' or that is degrading. Thus, the wife is under the control of the husband, but he is not to abuse his dominant position over her.

The debate over the acceptability of striking one's wife continued over the course of Jewish history. Rabbi Perez Elijah of Corbeil in thirteenth-century France strongly condemned striking one's wife and considered spousal violence to be a communal matter. The Rabbi of Speir in the twelfth century went as far as ruling that batterers had to take an oath (which was taken very seriously at the time) to cease their beatings or they would be compelled to grant their wives a divorce and possibly face excommunication. At the same time, the Gaon (wise man) of Jury in Poland proposed that an assault on a wife should be treated less severely than an assault on a stranger. Rabbi Moses Isserles (Poland) noted in 1554 that under certain conditions, such as

disobedience, beating was justified. But unjustified battering was to be condemned and punished. This separation of justified and unjustified corporal punishment was also made by a number of other sages of the Middle Ages. In the twentieth century, Rabbi Eliezer Waldburg ruled that an abusive husband should be forced to give his wife a divorce on grounds of the husband's cruelty. This discussion among Jewish legal authorities demonstrates the lack of a clear position in Jewish law on wife beating, with a small number of sages allowing beatings, many permitting only ''justified'' beatings, and a number of sages categorically rejecting the use of violence against one's wife. It is important to note that these rulings usually only applied in the locality of the rabbis who made them. In turn, these rabbis and sages were influenced by the norms and needs of their societies in making their rulings.

Judaism, Jewish History, and Myths about Domestic Violence in the Jewish Community

The tenets of the Jewish religion and Jewish history have combined to produce a number of myths that discount the presence of domestic violence in Jewish homes. The perfect Jewish husband is one of these myths. Jewish men are stereotyped as being passive and docile men, who are good providers for their wives and families. The first half of this characterization comes from the long history of oppression of the Jewish people. Because of the subjugation of the Jews during the Diaspora, froma.d.70 until 1948, Jewish men gained a reputation for being meek and not willing to fight. Consequently, it is hard to accept that a Jewish man can engage in acts of violence and cruelty such as domestic violence. Also, as Jews in the United States have gained affluence, Jewish men have been said to be good providers for their wives and families. As a result, Jewish women who claim that they are abused have often met with disbelief from rabbis, friends, and even members of their own family. It was difficult to accept that a ''nice Jewish man'' who is so respected in the community would abuse his intimate partner or spouse. Because of this stereotype, it is common for a Jewish victim of domestic abuse to believe that she must be the only one in her situation and that she must have done something to anger her kind Jewish husband and to deserve the beatings.

Two other related myths that have helped to keep domestic violence in the Jewish world unreported are ''the perfect Jewish household'' and Shalom Bayit (peaceful household). Rabbinic commentaries on the book of Genesis claim that God pairs couples in heaven. Similarly, the blessings recited at a Jewish wedding also refer to a divine role in bringing the couple together. How could a match made in heaven include an abusive husband? The Jewish home created by the marriage is also given high status, as a Jewish home is a sacred place, where many important rituals and observances take place. Peace and harmony (Shalom Bayit) are supposed to characterize the Jewish home, ruling out conflict and violence. Consequently, many have difficulties accepting the fact that domestic violence could occur in Jewish homes. It is the role of the Jewish woman to provide Shalom Bayit, to maintain the sacredness of the home, and to protect the home from danger. Arguments or fights in the home are seen as a failure of the woman to fulfill her role as an Ashet Chayil (woman of valor). The victim often blames herself for the abuse perpetrated by her husband, believing that she has failed to provide a proper Jewish home. Many Jewish victims of spousal abuse think that they have failed in their primary duty as a Jewish woman, let their husbands down, and brought shame to their families.

The tendency to keep domestic violence a secret and to refrain from reporting it to authorities, although present in all societies, is particularly relevant to the Jewish community due to its longtime status as a persecuted minority. Historically, Jews have been concerned that any inappropriate behavior would bring disgrace in the larger community. The tenuous position of the Jews in most of the places where they have lived during the past 2,000 years has caused a strong fear of giving the non- Jewish world further reason, such as domestic violence, for looking down on the Jews. Consequently, Jewish victims of abuse have often been told to keep quiet and not report incidents to the police and other civil authorities for fear of bringing further disdain from their non-Jewish neighbors. At the same time, Jews have felt that they need to be better than their persecutors and the gentiles who surround them. Consequently, domestic violence has often been viewed as a problem that is limited to the *goyyim* (non-Jews), as Jews are not capable of such misbehavior. Jewish victims of domestic violence in the United States have sometimes reported difficulty in getting the police to take them seriously because the myth that Jews do not commit domestic violence, in combination with the myth of the passive Jewish male, has spread to the non-Jewish population.

The need for rabbinic rulings throughout the ages is evidence that domestic abuse has been a continuous problem in the Jewish community. Jewish law and rabbinical authorities continue to be of crucial significance in shaping the response to domestic violence in some parts of the Jewish world. The Reform movement, the largest Jewish movement in the United States (as well as the much smaller Reconstructionist movement), does not recognize Jewish law as being binding. The Conservative movement, which recognizes the authority of Jewish law as interpreted by the sages of the generation, strongly condemns domestic violence. Although victims of domestic assault in all three of these movements often go to their rabbis for advice and counseling, few—if any—would view their rabbi's advice as binding or authoritative. The situation is quite different in parts of the Orthodox community in the Diaspora, where the rabbi, as interpreter of Jewish law, is still viewed as an authority. In Israel, rabbinical authorities have tremendous influence on responses to domestic violence, because so-called issues of ''personal status,'' such as divorce, are largely under the control of rabbinical courts. As a result, many Orthodox women in the United States and all Israeli women are dependent on rabbinical authorities to grant them a divorce— a crucial method of escape from an abusive husband.

The *Get* and *Agunah* Problem

Jewish women cannot divorce their husbands unilaterally, and rabbinic courts cannot grant Jewish women release from their marriages (in Hebrew, a get). The husband, in Jewish law, has the exclusive power to grant get. The rabbinical court only supervises the divorce proceedings. This balance of power in favor of the husband often leaves Jewish women in the Orthodox community and in Israel at the mercy of their abusive husbands, who refuse to grant them a get. Women can go to the rabbinical courts in Israel or to their community rabbinical authority in the Diaspora and ask that their husbands be compelled to grant them a get. In the United States, rabbinical authorities, even if they were to order abusive husbands to grant divorces, have no legal authority and cannot compel recalcitrant husbands to release their battered wives from their religious marriages. Most rabbis in the Orthodox community, with some notable exceptions, have often told battered wives to go back to their abusive husbands for the sake of peace in the household, Shalom Bayit, and to stop doing the things that ''cause'' their husbands to beat them. Sometimes the husband is brought in for admonishment or the rabbi counsels the couple. Rarely does the rabbi advise the victim to leave her

husband or instruct the abuser that he must grant his wife a divorce. Without a divorce, the woman cannot remarry and any children that she would have would be considered mamzerim (illegitimate). A woman who leaves her husband without a divorce is also likely to be considered a shonde (source of shame) and to be ostracized by her own community and possibly her own family. As a result, many battered Orthodox women see themselves as having no choice other than to remain with their abusive husbands.

The rabbinical courts in Israel wield tremendous power in matrimonial affairs because there is no civil divorce in that country. Although the courts can order men to grant their wives divorces and enforce penalties if they do not, very few men, including batterers, are ever sanctioned. In the Diaspora, too, the courts often instruct battered women to go home and try and reconcile with their abusive husbands, as the courts feel that it is their duty to keep families together. One study of domestic violence victims in Israel found that 55 percent of abused women who went to the rabbinical courts had been advised to return to their abusive husbands. All of the wives who did return to their husbands reported that they continued to be beaten and a number said that the beatings became worse. Many men use the rabbinical courts to maintain their abuse through continued delaying of proceedings, undergoing rabbinical supervised mediation, or simply promising to change, while continuing to beat their wives. The courts frequently refer the batterer and the victim to family therapy, which the men use to strengthen their dominance over their wives, rather than sending the abuser for treatment for his abusive behavior.

Domestic Violence in Israel

The previously discussed myths about Jews and domestic violence have had a strong influence on how the problem has been handled in Israel. This is best seen in the words of a police officer in Haifa, a city with a mixed Jewish and Arab population, who said, ''This [domestic violence] only occurs with the Arabs, not the Jews.'' However, when the issue was first given serious consideration in the Knesset (the Israeli parliament) and referred to a subcommittee for study (after the Knesset member who raised the issue was shouted at, mocked, and jeered), it became clear that Israel had a serious domestic violence problem. The study found that there was somewhere between 30,000 to 60,000 cases of abuse in a country with a population, at the time, of six million. The subcommittee also reported that there were no mechanisms in place to help the victims of domestic assault, who were often given tranquilizers and small payments. As was the case in the United States and other countries at the time, domestic assault was seen as a ''family problem'' and the police would rarely make an arrest when called to a domestic assault incident. Abusers were usually given warnings or a ''man-to-man talk,'' while victims were discouraged from opening cases and were not told to have medical examinations. The maximum sentence for domestic abuse was three years, and the typical punishment was a fine or suspended sentence, both of which allowed the abuser to continue his battering.

Domestic violence began to be seriously addressed in Israel during the 1980s and early 1990s. As in the United States and other Western countries, women's organizations, with subsidies from the government, opened shelters for battered women in Jerusalem and six other major cities. Currently, there are twelve shelters in Israel, all of which are full. A term for ''battered woman,'' *isha muka*, was coined in Hebrew, and the issue was given significant coverage in the media, along with a government-sponsored public education program against domestic violence. The Ministry of Welfare established a special department to deal with domestic abuse that works with the Ministry of Housing and the Ministry of Health. The law was changed so that the police must open a case each time an incident of domestic violence is reported. Despite these advances, sentences for batterers still remain lenient, and shelters or programs for victims remain underfunded. Victims seeking a divorce still face the religious personal status courts, which refuse to change Jewish law to make it easier for them to get divorces. Generally, all social problems in Israel must take a backseat to addressing the Israeli-Palestinian conflict and related terrorism, presenting additional hardships to abused women who seek help.

Domestic Violence in the American Jewish Community

The myths about domestic violence in the Jewish community have had a profoundly negative effect on acknowledging and dealing with domestic violence in the American Jewish community. Several victims reported being told by their rabbis that this was the first time they had heard of domestic violence in their midst. Yet, a study of Jewish victims of domestic violence found that before reporting the abuse to authorities, victims suffered for seven to fifteen years from domestic violence, as opposed to the three- to five-year period found in the larger population. Jewish victims often suffer in silence, because they blame themselves, do not want to be seen as betraying their families and their husbands, and do not want to bring shame to their families and communities. When battered American Jewish women did come forward, like their counterparts in Israel, they were usually told by their rabbis to go home and work the problem out with their abusive husbands for the sake of Shalom Bayit. In short, rabbis, teachers, workers in social agencies, and doctors were not properly prepared or trained to deal with domestic violence. Jewish social service agencies commonly referred victims of abuse to family therapists rather than domestic violence counseling.

Advocates for victims of domestic violence in the United States, like their Israeli counterparts, have faced many obstacles in gaining attention and resources for their causes. Most major Jewish organizations, until recently, have been unwilling to take up the battering issue. There have been several cases of flyers about domestic violence being torn down in synagogues and even at the headquarters of the United Jewish Appeal (UJA), the umbrella organization for Jewish community federations in North America. Most rabbis were also unwilling to openly confront domestic violence, as few responded to the call from women's groups to give sermons on the issue. A 2004 survey by Jewish Women International (JWI) reported that most rabbis did not feel that domestic violence should be dealt with from the pulpit. Until recently, the major rabbinical seminaries did not offer training for their students on recognizing and dealing with domestic abuse. As a result, rabbis and other communal leaders found out about cases of domestic abuse only when victims came to them for help. Those rabbis who wanted to help did not know what to do and often did not advise victims to contact the police. It is important to note that domestic abuse is now part of the curriculum of most rabbinical training

programs and that many rabbis have taken it upon themselves to learn the signs of abuse and to be able to refer victims to the proper channels for assistance.

Responses to Domestic Violence in the American Jewish Community

The 1988 murder of Zitta Friedlander by her husband in a parking lot near her place of employment in Virginia helped bring the domestic violence issue out from under the rug in the Jewish community. Friedlander had been going through a long and agonizing divorce, during which her husband had frequently threatened to kill her. Friedlander's story and other cases of abuse that were being reported in the Jewish media caused JWI, which had largely focused on the needs of emotionally and physically abused children in Israel, to make domestic violence issues its central concern. JWI, which has approximately 75,000 members, is the only Jewish organization that has made combating domestic violence its primary concern. In 1998, JWI hired a full-time director for its domestic violence programs and has published two manuals on domestic violence, one for rabbis and one for other communal workers. However, its most difficult challenges were convincing the Jewish world that a domestic violence problem existed, pushing for comprehensive domestic violence programs at rabbinical schools and training programs for Jewish communal workers, and lobbying the major Jewish movements to develop comprehensive programs to address domestic violence. JWI has held two conferences on domestic violence, in 1993 and 1995, which both drew over 500 participants.

Major national Jewish organizations, such as the UJA and the various movements, have been slow in taking up the issue of domestic violence and providing funding for programs. Some efforts have included a domestic violence task force at the UJA, a training program for attendants at *mikvah* (Jewish ritual bathhouses that Orthodox women must visit after menstruation) to recognize signs of abuse, and a campaign begun by the Union for Reform Judaism to distribute domestic violence literature at its member synagogues. However, most of the programs to help Jewish victims of domestic violence in the United States have been local and organized at the grassroots level. SHALVA, in Chicago, was founded by eighteen Orthodox women in 1986, who were led by Hanna Weinberg, the wife of an Orthodox rabbi. Today, SHALVA serves 300 families,

providing civil court advocacy; financial assistance, including interest-free loans for transitional needs; safe-house referral services; rabbinical and community advocacy; and bilingual assistance. SHALVA also runs a community education program on domestic violence and offers training for rabbis and communal service workers and social workers.

Similar programs such as CHANA (Baltimore), Shalom Task Force (New York), Shalom Bayit (Atlanta), and NISHAMA (Southern California), have been founded in the past twenty years in other Jewish communities across the country. In total, there are approximately sixty service agencies in the United States dedicated to helping Jewish victims of domestic violence. The Shalom Task Force in New York provides the only nationwide 800-number hotline for Jewish victims. Project Eden works with both the victims of abuse and the abusers in Brooklyn's Hassidic community. The project is unique in that it is housed in the Brooklyn District Attorney's office. The batterers, all Orthodox men, are placed in a court-ordered therapy program called Brairot (choices), which runs for fifty-three weeks. In addition to providing counseling, financial assistance, and legal aid to help compel recalcitrant husbands to grant their wives divorces, the program's founder, Henna White, has engaged in an active campaign to counter the myth that domestic abuse is a shonda that should be kept secret.

Also check the list of domestic violence research topics and all criminal justice research topics.

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