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TOWARD TRUE SHALOM BAYIT: ACKNOWLEDGING DOMESTIC ABUSE IN THE JEWISH COMMUNITY AND WHAT TO DO ABOUT IT

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I. INTRODUCTION

Like many other religious and cultural communities, Judaism places a heavy emphasis on the importance of family. Holidays and rituals are designed to encourage family gatherings, interaction between family members, and education of younger generations. Religious laws instruct children to honor and respect their parents, and parents to nurture and pass on traditions to their children. The family, after all, is where learning begins, and the vehicle for the survival of the religion. One particular concept in Judaism that demonstrates the high priority of the family is that of “*shalom bayit*,” or “peace in the home.”¹ This concept can be used in a variety of contexts, usually positive. For example, certain Jewish laws can be bent slightly if doing so is necessary to preserve peace and harmony in the home.² It also acts as a reminder, especially to adults, not to fight unnecessarily or excessively; or in other words, to pick one’s battles.

Unfortunately, *shalom bayit* is an idea that is absent from some Jewish households. Not a single religion, socioeconomic class, or culture escapes the tragedy of domestic abuse, and Judaism is no exception.³ Ironically, ideas such as *shalom bayit* might even unwittingly encourage women to remain in abusive marriages, in an effort to preserve their home and family, perhaps under the misguided belief that if they only avoid behaviors that provoke their significant

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¹ *Judaism 101*, at <http://www.ou.org/about/judaism/s.htm#shalombayit> (last visited APR. 13, 2005).

² For instance, even though Judaism generally prohibits lying, minor lies may be told in order to aid a return to tranquility in the home. *See id.*

³ While exact statistics are difficult to obtain, estimates put the rate of domestic abuse in the Jewish community at about the same rate as the United States population at large. *See EMBRACING JUSTICE: A RESOURCE GUIDE FOR RABBIS ON DOMESTIC ABUSE* 8 (Diane Gardsbane ed., 2002) [hereinafter *EMBRACING JUSTICE*]. This manual is published by Jewish Women International, a group committed to a variety of causes that aim to improve the Jewish community, including fighting domestic violence.

other, the abuse will stop.⁴ This is not to say that all abused Jewish women, or even a majority of them, would consider *shalom bayit* as their main reason for staying. A variety of Jewish traditions and beliefs, in combination with non-religious reasons, may play a part in the decision to stay. Regrettably, these same traditions and beliefs hide the problem of domestic abuse within the Jewish community.

Recent years, however, have witnessed changes in this trend, and the acknowledgment of domestic abuse, along with efforts to increase education and resources, has seemingly increased.⁵ Still, myths abound, and the Jewish community must continue to train rabbis, Jewish agency workers, and, most importantly, promote the availability of resources to the Jewish public. In an effort to determine how much progress has been made, and what the next steps should involve, research for this paper included an anonymous paper survey distributed to members of the Austin, Texas Jewish community. Additionally, interviews were conducted with several Austin rabbis, as well as an employee of the local branch of Jewish Family Services (JFS). In undertaking to do first-hand research, I hoped to gain insight as to which myths about Jewish domestic violence still exist, how knowledgeable individuals are about how to help themselves or a friend, and what more the Jewish community can do to assist victims and survivors.

Part II of this paper explores some of the motivations for staying in an abusive relationship, and reasons why an abused Jewish woman might avoid seeking help. Some discussion of Jewish tradition and marital law is included, as are larger societal issues, such as socioeconomic stereotypes about domestic abuse. Part III discusses the results of the Austin survey. In Part IV, interviews conducted with rabbis and a JFS employee are recounted. Recommendations for the Jewish community in dealing with this issue, based on both the surveys and interviews, are offered in Part V. Finally, Part VI concludes that the wider acknowledgment of domestic abuse in the Jewish community is an important first step; however, the community still needs to make domestic abuse services more accessible, as victims are often reluctant to come forward.

⁴ This paper often refers to women as the victims of domestic abuse, and men as the perpetrators. This generalization is based on the fact that most heterosexual abusive relationships involve abuse of a woman by a man, and is not meant to discount situations where a woman is abusive toward a man or abusive homosexual relationships.

⁵ See, e.g., EMBRACING JUSTICE, *supra* note 3.

II. WHY WOULD SHE STAY? THE RELIGIOUS AND SECULAR REASONS THAT MIGHT INFLUENCE AN ABUSED JEWISH WOMEN TO REMAIN WITH HER ABUSER

A. Background: Jewish Laws, Traditions, & Customs

1. Judaism 101

Before continuing with a discussion of Jewish concepts and traditions, a brief explanation of the different sects of Judaism is in order. Judaism is a monotheistic religion whose foundation is the Torah, commonly known as the Bible, or the Five Books of Moses.⁶ Generations of rabbis and scholars produced commentaries and writings, based upon the original Torah, that elaborated on the original commandments, essentially invoking rules that affect almost every aspect of daily religious life.⁷ Both the original commandments and the rules derived from them are known as *halachah*.⁸ These rules include the keeping of the Sabbath, dietary restrictions, daily prayer, dress, business dealings, treatment of other people, and so on.⁹ At the outset, there was only one sect of Judaism with an official doctrine: Orthodox. Orthodox Judaism, to this day, remains firmly rooted in *halachah*, and the concept that religion can and should touch every aspect of a person's life. There is a great spectrum within those who classify themselves as Orthodox as to how much to participate in the modern world, versus shunning secular culture in favor of being steeped in religion. Today, there are groups of people who consider themselves "modern Orthodox," "traditional Orthodox," or "ultra-Orthodox."¹⁰

In the early 1800's, beginning in Germany, a new branch arose: Reform Judaism.¹¹ The Reform movement premised itself on the idea that many of the restrictions of Judaism were appropriate in the past, but not for the modern world.¹² Reform Judaism does not obligate its members to all of the minutiae of *halachah*, but it retains the cultural values and many of the traditions.¹³ Today, Reform

⁶ See *Judaism 101*, at <http://www.ou.org/about/judaism/judaism.htm> and <http://www.ou.org/about/judaism/torah.htm> (last visited Apr. 14, 2005).

⁷ See *id.*, at <http://www.ou.org/about/judaism/tw.htm#talmud> (last visited Apr. 14, 2005). See also Beverly Horsburgh, *Lifting the Veil of Secrecy: Domestic Violence in the Jewish Community*, 18 Harv. Women's L.J. 171, 181 (1995).

⁸ See *Judaism 101*, at <http://www.ou.org/about/judaism/di.htm#halachah> (last visited Apr. 14, 2005).

⁹ See generally *id.*, at <http://www.ou.org/> (for more information regarding Orthodox Judaism).

¹⁰ I base this statement on my own experiences growing up and living in an Orthodox Jewish community. Most ultra-Orthodox Jews belong to a particular sect—such as the Lubavitchers, Satmars, and Breslovers—which identifies with the teaching of a certain great rabbi. See, e.g., *Jewish Virtual Library*, <http://www.us-israel.org/jsource/Judaism/Hasidism.html> (last visited on Apr. 14, 2005).

¹¹ See *Tzitzit and Early Reform Judaism*, at <http://www.bluethead.com/fringerefl.htm> (Reform Judaism spread to the United States in the 1870s.) (last visited Apr. 14, 2005); see also *Reform Judaism*, at <http://rj.org/> (last visited Apr. 14, 2005).

¹² See *Reform Judaism*, at <http://rj.org/> (last visited Apr. 14, 2005).

¹³ See *id.*, at <http://rj.org/whatisrj.shtml> (last visited Apr. 14, 2005).

Judaism counts the most followers of any Jewish movement in North America.¹⁴ Conservative Judaism, which began in 1854, in Germany,¹⁵ is often viewed as the middle ground: less rigid than Orthodoxy, but more grounded in *halachah* than Reform.¹⁶ Reconstructionist Judaism is the most recent development; it formed during the early twentieth century in North America.¹⁷ The significant distinguishing characteristic of Reconstructionism is its attitude that individuals lead modern lives and should be able to explore and interpret Judaism for themselves—although they still use Jewish traditions and cultural values as a guide.¹⁸

2. Confronting the Stereotypes against Orthodoxy

Traditional (Orthodox) Jewish law is often accused of maintaining a sexist patriarchy. Numerous laws (*mitzvot*) and customs (*minhagim*) spell out the rules and expectations of womanhood, as well as exclude women from performing certain rites that are reserved solely for men.¹⁹ This underlying attitude is sometimes blamed for empowering men who decide to beat their wives and encouraging abused wives to remain with their husbands. While this paper demonstrates that certain Jewish cultural values might make it more difficult for an abused woman to leave, it does not seek to be a forum for discussing Judaism and patriarchy in the larger sense. The issue of which behaviors are condoned and condemned for each gender under religious laws is a complex one, requiring an in-depth analysis worthy of its own article.²⁰

As a simplified example, ultra-Orthodox sects, to the outside world, appear to severely circumscribe the permitted life pattern for its female members, expecting them to become wives and mothers devoted to hearth and home, while holding only certain types of sanctioned employment. This situation is heavily reminiscent of the separate-spheres concept that has hampered feminists since the 19th century.²¹ On its face, this appears inherently limiting and sexist. The other half of the coin,

¹⁴ See *id.*, at <http://rj.org/> (last visited Apr. 14, 2005).

¹⁵ See THE UNITED SYNAGOGUE OF CONSERVATIVE JUDAISM, *Frequently Asked Questions*, at http://www.uscj.org/About_the_USCJ6400.html (last visited Apr. 14, 2005).

¹⁶ See *id.*

¹⁷ See Reconstructionist Judaism, at <http://www.rrc.edu/FolderID/86/PageVars/Library/InfoManage/Guide.htm> and <http://www.rrc.edu/FolderID/118/PageVars/Library/InfoManage/Guide.htm> (last visited Apr. 14, 2005).

¹⁸ See *id.*

¹⁹ For further information, see RACHEL BIALE, *WOMEN AND JEWISH LAW: AN EXPLORATION OF WOMEN'S ISSUES IN HALAKHIC SOURCES* 10-43 (1984).

²⁰ Again, this contention is based on my personal studies of Judaism. Any discussion of Judaism and sexism requires an extensive examination of a number of texts. Further, what is considered sexist often depends on one's perspective. While an Orthodox woman may not lead prayer services in the presence of men, women are considered spiritually higher than men, and therefore require less physical reminders (such as the wearing of a yarmulke) of their obligations.

²¹ See, e.g., Horsburgh, *supra* note 7, at 187-90. For further discussion on the separate spheres issues of early feminists, see Lydia M. Belzer, *Raising Her Voice: Early Feminist Efforts at Obtaining the Right to Speak, 1835-1860*, 13 TEX. J. WOMEN & L. 313 (2004).

however, is that *men* in these communities also live lives heavily dictated by community standards. They too are expected to marry at a relatively young age, have children, work in certain jobs, dedicate a great deal of time to study, et cetera.²² While feminist scholars might insist that because women's restrictions reflect traditional female roles and are therefore more harmful, I would argue that both genders are equally regulated by their community, and it is generally not a matter of who has it "worse."

Additionally, in spite of stereotypes that suggest Orthodox women are more subservient and less religiously empowered than their Conservative, Reform, or Reconstructionist sisters, and thus more likely to suffer abuse, battering exists in every Jewish sect.²³ The commonality of underlying cultural values between the different sects, including the emphasis placed on home and family, and the belief in the "nice Jewish boy" concept, affects women in every Jewish community, not just the Orthodox.²⁴ Blaming domestic abuse on Orthodoxy's lack of egalitarianism ignores the real reasons why abusers batter their significant others, and therefore might hamper current efforts to fight domestic abuse. The women of each community do have different needs to be met in order to help them escape their batterers, but that does not make one group more likely to contain abusers or victims.

3. Jewish Law & Wife Beating

Traditional *halachic* sources varied on the issue of whether wife-beating was ever permissible.²⁵ Some scholars opined that wife-beating constituted grounds for compelling a husband to divorce his wife, even if the woman had initially "accepted the situation."²⁶ A particularly strong condemnation comes from the eleventh-century scholar Rabbi Simhah ben Shmuel of Vitri, who suggested excommunication, corporal punishment, compelled divorce, and in extreme cases, cutting off the hand of the abusive husband.²⁷ Other rabbis echoed these sentiments, including Rabbi Meir (the Maharam) of Rothenburg.²⁸

Other scholars, including one of the greatest Jewish commentators, Maimonides, accepted limited beatings, generally in circumstances where the wife was considered to have merited punishment for a particular wrong.²⁹ Joseph Caro refused to compel husbands to divorce wives on the basis of abuse,³⁰ although he

²² My observations of and knowledge of ultra-Orthodox sects are the basis for this statement.

²³ Statistics suggest that domestic abuse rates are approximately the same in all Jewish communities. See EMBRACING JUSTICE, *supra* note 3, at 8.

²⁴ "[T]here is no reliable statistic that would justify assuming woman-abuse is more severe in Orthodox communities." Horsburgh, *supra* note 7, at 205.

²⁵ See BIALE, *supra* note 19, at 93.

²⁶ See *id.* at 93-94.

²⁷ See *id.* at 94.

²⁸ See *id.* at 93. See also EMBRACING JUSTICE, *supra* note 3, at 47.

²⁹ See BIALE, *supra* note 19 at 94-95.

³⁰ See Horsburgh, *supra* note 7, at 191.

did cite other authorities in his works that favored compelling divorce in such circumstances.³¹ Another opinion, by Moses Isserles, divides wife-beating into two categories: 1) when the husband acts out of aggression, and 2) when the wife has committed a serious offense and must be punished.³² Only the second category is ever permissible, according to Isserles, and should there be disagreement between the spouses as to the circumstances, the wife is presumed innocent, and the court should not believe the husband's testimony.³³

One modern female scholar, Naomi Graetz, analyzed the attitudes toward domestic violence in Rabbinic responsa, and divided them into five categories: acceptance, denial, apologetics, rejection, and evasion of responsibility.³⁴ Acceptance includes rabbis, such as Maimonides and Isserles, amongst others, who approved of wife-beating under a variety of pretexts.³⁵ Denial, still problematic today, is rooted in history just as strongly as acceptance: one scholar during the middle ages claimed he had never heard of a Jewish husband beating his wife.³⁶ Those rabbis who qualify as apologetics seek to offer a variety of qualifiers and excuses for Jews who beat their wives by marginalizing the problem, claiming that abusive Jewish husbands are not as violent as abusive gentile husbands and insisting that they are influenced by outside secular forces.³⁷ Rabbis such as Rabbi Simhah fit the fourth category of rejection: members of this group condemn all wife-beating as "unconditionally forbidden."³⁸ This category is most in line with modern thought.³⁹ Unfortunately, the fifth category, evasiveness, also endures. Evasiveness describes the rabbis who recognize that domestic abuse is wrong, but plead what Graetz refers to as "the wringing hands syndrome," claiming an inability to do anything practical to solve the problem.⁴⁰

Regardless of the opinions of scholars from the Middle Ages, or more recent ones for that matter, the Rabbinical Council of America (RCA) passed an anti-domestic violence resolution in June 1994, stating a "zero-tolerance" policy and petitioning Orthodox rabbis to "do everything in their power to protect victims."⁴¹ While it may seem shocking that this resolution was not passed until 1994, it is likely that the pervasive attitude of denial—which is a large part of what this paper seeks to demonstrate—might explain the delay: passing such an ordinance admits that the problem exists and requires attention.

³¹ See *id.*; BIALE, *supra* note 19, at 94.

³² See BIALE, *supra* note 19, at 95.

³³ See *id.*

³⁴ EMBRACING JUSTICE, *supra* note 3, at 45-47.

³⁵ See *id.* at 45.

³⁶ See *id.* at 45-46.

³⁷ See *id.* at 46.

³⁸ See *id.*

³⁹ See EMBRACING JUSTICE, *supra* note 3, at 46.

⁴⁰ See *id.* at 47. This alleged helplessness is most apparent in the issue of Jewish divorce, as the next section will describe.

⁴¹ See Horsburgh, *supra* note 7, at 192. The RCA is a group comprised of Orthodox rabbis.

4. Jewish Divorce: Getting a *Get*

The fifth book of the Torah, *D'varim* (Deuteronomy), states:

When a man has taken a wife, and married her, and it come to pass that she find no favour in his eyes, because he has found some unseemliness in her: then let him write her a bill of divorce, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife.⁴²

From this passage comes the Jewish divorce laws which are still in place today. For an Orthodox Jewish couple to divorce, they must obtain a religious divorce, known as a *get*.⁴³ Without a *get*, a couple is not considered divorced in the eyes of the Jewish community. A civil divorce alone is not sufficient.⁴⁴

Initially, a husband had the right to unilaterally divorce his wife, with or without consent.⁴⁵ Further, conventional practice held that a husband could divorce his wife for any reason.⁴⁶ During the eleventh-century,⁴⁷ in an attempt to protect women against forced divorce, a rabbinic edict came into effect "which forbade divorcing a woman against her consent."⁴⁸ Currently, although either a man or woman may technically sue for a *get*,⁴⁹ "divorce laws maintain women in a position of weakness."⁵⁰ A woman's ability to request a divorce does not entail her right to ensure it: *he* must grant *her* the *get*.⁵¹ If he chooses not to, then she

⁴² Deuteronomy 24:1-2.

⁴³ The Orthodox community holds to the importance of a *get* unconditionally. Many (but not necessarily all) Conservative Jews and rabbis do, as well. Reform Judaism varies on this issue, and has different standards for obtaining a *get*. See discussion *infra*, this section, on these sects and Jewish divorce. For details about the procedure of obtaining a *get*, see IRWIN H. HAUT, *DIVORCE IN JEWISH LAW AND LIFE* 31-41 (1983). The divorce process involves the husband literally handing a physical piece of paper to his wife. Horsburgh, *supra* note 7, at 193.

⁴⁴ See, e.g., Kent Greenawalt, *Religious Law and Civil Law: Using Secular Law to Assure Observance of Practices with Religious Significance*, 71 S. CAL. L. REV. 781 (1998) (stating that Jewish law requires a *get* regardless of civil divorce).

⁴⁵ See What We Believe: A Series Of Essays On Fundamental Principles Of Faith, Based On Chabad Chassidic Teaching, at <http://www.sichosinenglish.org/books/what-we-believe/01.htm> (last visited May 3, 2005) ("[U]nder Torah law, the husband must be the one who initiates the divorce and he must do so willingly.").

⁴⁶ See Mechon Mamre: Divorce, at <http://www.mechon-mamre.org/jewfaq/divorce.htm> (last visited May 3, 2005) ("Under Jewish law, a man can divorce a woman for any reason or no reason.").

⁴⁷ See Susan Metzger Weiss, *Sign at Your Own Risk: The "RCA" Prenuptial May Prejudice the Fairness of Your Future Divorce Settlement*, 6 CARDOZO WOMEN'S L.J. 49, 54 (1999).

⁴⁸ See BIALE, *supra* note 19, at 81.

⁴⁹ Women may sue for divorce of their husbands for certain reasons. For an example of a list of reasons, including subjecting the wife to physical and/or verbal abuse, see HAUT, *supra* note 43, at 25.

⁵⁰ See BIALE, *supra* note 19, at 83. See also WOMEN IN CHAINS: A SOURCEBOOK ON THE AGUNAH xii (Jack Nusan Porter ed., 1995) [hereinafter WOMEN IN CHAINS] ("Jewish divorce law is unequal in the rights it gives men and women.").

⁵¹ See BIALE, *supra* note 19, at 83. "[A] woman cannot divorce her husband."

remains technically married, although in reality single.⁵² The Hebrew term to refer to a woman in this state is *agunah*, which literally means "a chained woman."⁵³

Estimates of the number of *agunot* vary widely; one source put the estimate of Orthodox *agunot* in New York alone at 15,000 in 1983,⁵⁴ and another posited that there were less than 1,000 true *agunot* in North America in 1995.⁵⁵ While it is difficult to ascertain the actual number, it seems unlikely that there are as few as 1,000 *agunot* on this continent.⁵⁶ Regardless, status as an *agunah* carries serious consequences for women, therefore even one is too many. The stubborn husband is guilty only of polygamy if he remarries, whereas the woman who cohabitates or considers marrying another man is guilty of adultery, a much more serious crime according to *halachah*.⁵⁷ Any children borne of her new relationship are considered *mamzerim*, illegitimate offspring who are not permitted to marry other Jews except for other *mamzerim* or converts, even though they are themselves Jewish.⁵⁸ Should the husband father other children, they suffer no similar consequences.⁵⁹

The plight of *agunot* is an especially troubling problem in Jewish communities, and efforts have been undertaken by numerous rabbis and communities, both in the United States and elsewhere, to address this problem and convince stubborn husbands to grant their wives a *get*.⁶⁰ The passage of civil legislation in New York,⁶¹ threats of physical violence against the offending man,⁶² community shunning,⁶³ and the drafting of a prenuptial agreement⁶⁴ are

⁵² See Horsburgh, *supra* note 7, at 194.

⁵³ See WOMEN IN CHAINS, *supra* note 50, at 241. The plural of *agunah* is *agunot*.

⁵⁴ See HAUT, *supra* note 43, at 101.

⁵⁵ See WOMEN IN CHAINS, *supra* note 50, at xiii. By "true *agunot*" I refer to women whose husbands actively refuse to grant them a *get*, as opposed to women who are in the divorce process, and have not received their *get* yet.

⁵⁶ The combination of the number of Jewish divorces, the potential for this problem, and the coverage of this topic in writing all make it very unlikely that 1,000 is anywhere near an accurate number. See ANITA DIAMANT, THE NEW JEWISH WEDDING 216 (1985) (stating that between one-third and one-half of Jewish marriages end in divorce).

⁵⁷ See Greenawalt, *supra* note 44, at 811.

⁵⁸ See Horsburgh, *supra* note 7, at 194. See also WOMEN IN CHAINS, *supra* note 50, at xii-xiii ("Not only must the man give a *get* to a woman in order to free her from marriage (but not vice versa), but also any children he may conceive out of wedlock (with an unmarried woman) are considered legitimate, whereas any children conceived by the wife and another man are considered *mamzerim* (bastards).").

⁵⁹ See Horsburgh, *supra* note 7, at 194.

⁶⁰ See WOMEN IN CHAINS, *supra* note 50, at xiii ("Since the mid-1980s several groups have been formed to help *agunot* and to mobilize the Jewish community.").

⁶¹ See Horsburgh, *supra* note 7, at 198-200. This legislation provides, *inter alia*, for a court to refuse to grant a civil divorce in cases where barriers have been put up against a religious divorce. For a discussion of the constitutional validity of this legislation, see Greenawalt, *supra* note 44, at 810-39.

⁶² See, e.g., WOMEN IN CHAINS, *supra* note 50, at xiv; Greenawalt, *supra* note 44, at 811 n.102; Horsburgh, *supra* note 7, at 196.

⁶³ See WOMEN IN CHAINS, *supra* note 50, at xiv.

⁶⁴ The prenuptial agreement stipulates that in the event of a divorce, the couple agrees to submit to the rule of Jewish court, or *Beth Din*, and abide by its rules, which essentially is meant to guarantee that

among the various methods used to aide the *agunah* to “persuade” her spouse to grant the *get*.⁶⁵

Further complicating the issue is the detail that the man must *want* to give the *get*; he must outright state that he wants to do this.⁶⁶ Therefore, any coercion to force a husband to grant a *get* is essentially a legal fiction.⁶⁷ Maimonides theorized that physical coercion of the husband was actually helping him to do what his soul truly wanted: to comply with the Jewish law by allowing his unhappy wife to be freed to make a new life for herself.⁶⁸ A man who refuses to grant his wife a *get* is acting as “the result of an evil disposition,” and hence, he is not under his own free will.⁶⁹ The purpose of the coercion is to drive away the evil disposition, and therefore his consent is given freely.⁷⁰

Explaining the *get* and *agunah* problems to communities that are non-Orthodox or Conservative is no easy task. Indeed, even the communities that observe these rules are often frustrated by them. As one author put it: “Here we have intelligent, committed, sophisticated Jewish women who are utterly helpless, ‘bound and chained,’ yet why do they remain ‘chained’?”⁷¹ Unfortunately, the laws of divorce cannot simply be rewritten. Traditional Judaism is usually highly deferential to established rules, and the longer a rule has stood, the more weight it often has.⁷² Therefore, an outright policy change is not considered a realistic option. The methods used seek to walk the middle ground and remain in compliance with *halachah*.

Orthodox Jews have the greatest restrictions in obtaining a *get*, with Conservative Jews close behind. While Conservative Judaism maintains the

the husband will be compelled to grant a *get* should his wife request one. The Conservative movement first suggested this idea in 1954, in the form of an addition to the *ketubah* (Jewish wedding contract). See HAUT, *supra* note 43, at 64-65. The RCA “unanimously approved a resolution in June 1993 requiring the use of prenuptial agreements in all marriage ceremonies. The resolution calls for synagogues to ostracize recalcitrant spouses if they do not abide by a rabbinic decision granting a *get* to his wife.” See WOMEN IN CHAINS, *supra* note 50, at xiv. For an example of an Orthodox prenuptial agreement, see *The Beth Din of America Binding Arbitration Agreement*, at http://www.orthodoxcaucus.org/prenup/PNA_2003.pdf (last visited May 20, 2004). This concept is supported by many scholars. See, e.g., HAUT, *supra* note 43, at 100. Others, however, express concern over certain aspects of the prenup. See Metzger Weiss, *supra* note 47.

⁶⁵ Coercive tactics are hardly a new idea:

It was an early established rule that, where appropriate and permitted by Jewish law, the Jewish courts could exercise duress or coercion upon a husband, through incarceration, corporal punishment, or other means, until he gives his formal consent to the *get*. However, if, despite such coercion, the husband still stubbornly refuses to give a *get*, there is little, if anything, that can be done.

HAUT, *supra* note 43, at 19-20.

⁶⁶ Interview with Rabbi Yosef Y. Levertov, Austin Chabad House, in Austin, Tex. (Apr. 26, 2004) (on file with the author). See also BIALE, *supra* note 19, at 97.

⁶⁷ See HAUT, *supra* note 43, at 19.

⁶⁸ See *id.* at 23.

⁶⁹ See *id.*

⁷⁰ See *id.* at 24.

⁷¹ WOMEN IN CHAINS, *supra* note 50, at xv.

⁷² See Horsburgh, *supra* note 7, at 192.

requirement of *get* aside from a civil divorce, there is a provision for annulling the marriage if the husband is highly recalcitrant in granting the *get*.⁷³ The underlying basis is that a Jewish marriage is founded on the husband's promise to marry and treat his wife in accordance with the laws of Moses and Israel, and his refusal to uphold a *beth din's* (Jewish court's) order to grant a divorce is a breach of that vow.⁷⁴ Reform Judaism varies on the notion of *get*. While some academic sources claim that Reform Judaism dispensed with *gittim* (plural of *get*),⁷⁵ an interviewee for this paper contested the broad nature of such a statement, saying that Reform rabbis vary individually as to their expectation of a *get* before performing a new marriage.⁷⁶ When Reform Jews do go through with a *get*, it is in a more egalitarian manner, and therefore a man cannot use the *get* as a tool against his wife.⁷⁷

B. *Why Stay? The Possible Religious Reasons*

The previous section addressed certain Jewish laws and customs and suggested how they can affect Jews in a broad sense. This section will address the ways in which *halachah*, tradition, and culture create both myths and genuine difficulties that might influence an abused Jewish wife to remain with her spouse. Not only are these problems real, so are their consequences: "Generally, Jewish women stay in an abusive relationship ten to seventeen years, rather than the norm of five to eight years for gentile women."⁷⁸

1. The Sanctity of the Jewish Home

The home and family are the central points of Jewish life.⁷⁹ As Margaret Retter, Executive Director of Din Legal Center, Inc., which serves Orthodox Jewish victims of domestic violence, explained:

Jewish women, particularly . . . those who are more to the right in their viewpoints—are brought up in a family background where they are expected to be perfect wives and mothers. They are trained from the time

⁷³ Interview with Rabbi Samuel Barth, Congregation Agudas Achim, in Austin, Tex. (May 13, 2004) (on file with the author).

⁷⁴ See *id.*

⁷⁵ See, e.g., Greenawalt, *supra* note 44, at 827 (stating that "[m]ost reform Jews reject the whole notion of separate Jewish divorces.").

⁷⁶ Interview with Rabbi David M. Kessel, The University of Texas Hillel, in Austin, Tex. (May 2, 2004) (on file with the author).

⁷⁷ See Diamant, *supra* note 56, at 217-18.

⁷⁸ Margaret Retter, *Revolutions Within Communities: The Fifth Annual Domestic Violence Conference, Issues in Representing Immigrant Victims*, 29 *FORDHAM URB. L.J.* 71, 82 (2001) [hereinafter *Issues in Representing Immigrant Victims*]. Another writer posited that studies (as of 1994) showed that Jewish women stay in abusive situations approximately twice as long as gentile women. See Naomi Grossman, *Domestic Violence in the Jewish Community*, NA'AMAT WOMAN 4, 4-5 (Nov.-Dec. 1994).

⁷⁹ See Greenawalt, *supra* note 44, at 829 ("In Judaism, marriage is central to religious life.").

they are four or five-years-old to be perfect, to preserve family tranquility, and after marriage, to create a sanctuary in the home.⁸⁰

In other words, *shalom bayit* is the ideal to strive for,⁸¹ and this is ingrained, especially in girls, throughout their lives. Unfortunately, while *shalom bayit* should be the goal of both spouses, more pressure is usually put on the wife to uphold the responsibility for *shalom bayit*, and to keep the family—seen as the foundation—“together at all costs.”⁸²

Further compounding the pressure is the “endangered-species imagery” that has been prevalent in the post-Holocaust era.⁸³ This mentality manages to influence many modern women, and results in their feeling pressured to marry Jewish, produce and raise Jewish children who are aware of their heritage, and generally preserve the community.⁸⁴ Motherhood takes on an additional dimension of necessity beyond one’s own maternal tendencies (if any), and integrates the concept of childbearing into a woman’s religious identity.⁸⁵

How do these attitudes affect women who are abused by their spouse? While the issue remained largely unacknowledged, one common response was self-blame: women faulted themselves for failing to be good Jewish wives and mothers as was expected of them.⁸⁶ Lenore Walker described the attitudes encountered by the Jewish Response to Family Violence, a task force in Colorado, in the 1980s: “The myth of *shalom bayit* was so ingrained that battered women and children were very reluctant to expose the violence, fearing their own disgrace. This was not an empty threat; even today there are still many psychological pressures to sweep all problems in Jewish homes under the proverbial rug!”⁸⁷ In a 1995 article, Professor

⁸⁰ *Issues in Representing Immigrant Victims*, *supra* note 78, at 81.

⁸¹ See, e.g., Barbara Harris, *Needs of the Jewish Abuse Victim*, in ABUSE AND RELIGION: WHEN PRAYING ISN’T ENOUGH 133 (Anne L. Horton & Judith A. Williamson eds., 1988) (“Domestic tranquility (*Shalom Bayit*) has been a desired characteristic of the Jewish family for generations. It is a highly valued cultural trait and requires much teamwork, understanding, respect, forgiveness, and compromise.”).

⁸² See Nechama Wolfson, *Overcoming Barriers in Communities*, in *Revolutions Within Communities: The Fifth Annual Domestic Violence Conference*, 29 FORDHAM URB. L.J. 159, 167 (2001) [hereinafter *Overcoming Barriers*]. Ms. Wolfson participated in this conference as the president of the Shalom Task Force, which provides a telephone hotline and referral services for domestic abuse victims. *Id.* at 166, n.15.

⁸³ See Beverly Horsburgh, *The Myth of a Model Minority: The Transformation of Knowledge into Power*, 10 UCLA WOMEN’S L.J. 165, 185 (1999) (reviewing DANIEL A. FARBER & SUZANNA SHERY, BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW (1997)) [hereinafter *The Myth of a Model Minority*]. Professor Horsburgh’s critique discusses model minority assumptions made by Professors Farber and Sherry, and their negative impact—especially on Jewish women. *Id.* at 170.

⁸⁴ See *id.* at 185. I have personally heard Jewish women express the importance of bearing a number of children on the basis that “we have six million that we need to make up for.”

⁸⁵ See, e.g., *id.* at 186 (“To transgress traditional motherhood is to disown the Jewish people and a part of one’s self.”).

⁸⁶ See Horsburgh, *supra* note 7, at 207.

⁸⁷ See Lenore E. A. Walker, *Jewish Battered Women: Shalom Bayit or a Shonde?*, in CELEBRATING THE LIVES OF JEWISH WOMEN: PATTERNS IN A FEMINIST SAMPLER 271 (RACHEL JOSEFOWITZ SIEGEL &

Beverly Horsburgh discussed the dilemma that many Orthodox women face: community standards teach them to seek assistance from within the community, not from the outside, but their rabbis often encourage them "to try harder to please their husbands for the sake of *shalom bayit*."⁸⁸

Additionally, Orthodox communities are often tightly-knit, acting as a large extended family.⁸⁹ Within the value system of the community, the wife-mother role serves as an identity by which women "give coherence and sanctity to daily living."⁹⁰ When someone advises an Orthodox woman to publicly admit being abused or to leave her batterer, her decision is more complex than simply deciding to leave her husband: "We ask [these women] to forfeit their place in an extended family rooted in social stability in exchange for secular chaos, moral uncertainty, and economic insecurity."⁹¹

2. The Myth of Perfection

Given all of the expectations of *shalom bayit*, the Jewish community has given rise to a myth of the perfect Jewish family,⁹² inevitably headed up by the nice Jewish boy who has taken on the role of the benevolent provider for his wife and children.⁹³ Professor Horsburgh, in her critique outlining the issues raised by describing the Jews as "a model minority," worried that one of the consequences was that "we subscribe to the romantic fairytale of the Jewish prince and princess," which is not always the reality.⁹⁴ Nor are these myths confined to the Orthodox world: the same cultural jargon is used to depict less traditional and religious Jews.⁹⁵ In this setting where "[w]ife-beating seems alien, something beyond Jewish experience,"⁹⁶ the abused woman is at a distinct disadvantage, and may find herself "trapped by the very myths that she has helped create."⁹⁷

ELLEN COLE EDS., 1997). Much of Ms. Walker's anecdotal evidence comes from her work on domestic violence issues in the Denver Jewish community.

⁸⁸ Horsburgh, *supra* note 7, at 204.

⁸⁹ See *id.* at 205.

⁹⁰ See *id.*

⁹¹ See *id.* Professor Horsburgh adds, "It is difficult, indeed, for us to be sure we are right in telling them to leave."

⁹² See, e.g., Harris, *supra* note 81, at 134 (mentioning "the ideal Jewish family myth"); Horsburgh, *supra* note 7, at 206 (discussing the "romantic myth of the perfect Jewish family, depicting the home as a haven of domestic peace in which all Jews are ensconced, safe from the outside world"); Linda L. Ammons, *What's G-d Got to Do With It? Church and State Collaboration in the Subordination of Women and Domestic Violence*, 51 Rutgers L. Rev. 1207, 1269 (1999) (addressing the problems for abuse victims stemming from "[t]he myth of the perfect Jewish family").

⁹³ See, e.g., Walker, *supra* note 87 ("Jewish husbands are supposed to be a 'good catch' since they support their families very well."); Horsburgh, *supra* note 7, at 206 (describing the belief that "the Jewish husband is intelligent, generous, and seldom violent"); EMBRACING JUSTICE, *supra* note 3, at 26 (noting the stereotype of Jewish men as "the best husbands" and non-violent).

⁹⁴ See Horsburgh, *The Myth of a Model Minority*, *supra* note 83, at 189-90.

⁹⁵ See Horsburgh, *supra* note 7, at 206.

⁹⁶ *Id.*

⁹⁷ See Harris, *supra* note 81, at 133. "The myth of the perfect Jewish family and the woman's traditional responsibility for *shalom bayit*, for example, 'often works against the woman in an abusive situation.'" See also Ammons, *supra* note 92, at 1269. Professor Ammons also notes that "The

A large part of that entrapment results from the inability of the Jewish community or the outside world to ignore the stereotyped expectations of Jewish domestic bliss.⁹⁸ Professor Horsburgh expressed concern that professional caregivers may believe the myths, and thus abused women will be reluctant to go to them, and may receive little assistance when they do.⁹⁹ Barbara Harris voiced similar thoughts, and added specifically that *Jewish* social workers may be offenders as well, often sharing in the belief of the ideal Jewish family myth.¹⁰⁰ With the golden standard in mind, these social workers might treat Jewish clients a certain way—for example, they might avoid asking questions about abuse.¹⁰¹ These beliefs may be shared by the rabbis of the community, as well. The rabbis, failing to understand the underlying power issues in an abusive relationship, might suggest marital therapy as an aid to the *woman's* behavior problems, and therefore a solution to the man's "need to control her with abuse;" then they can live happily ever after.¹⁰²

3. Fear of Shame/*Shonda*

Other relevant concepts in Judaism are the ideas of *kiddush HaShem* and *chilul HaShem*—the bringing of positive and negative attention, respectively, to the Jewish community.¹⁰³ Bringing negative attention to the Jewish community is considered a *shonda*, a shame. Especially given the history of anti-Semitism throughout the world, many Jews resist coming forward publicly about faults within the community, lest they reinforce negative images.¹⁰⁴ Not surprisingly, such concepts can be harmful to a battered woman, who may hesitate to seek advice from an outside source, call the police, or turn to the courts.¹⁰⁵ She also

stronghold of religious doctrine affects Jewish and Christian women alike." *Id.*

⁹⁸ "The Jewish community that fosters these ideals believes Jewish homes are immune to such problems and does not have the knowledge or services to aid abuse victims. The religious community's basic reaction to domestic violence is denial." Harris, *supra* note 81, at 133-34. *See also* EMBRACING JUSTICE, *supra* note 3, at 8 ("For many years, the prevailing assumption was that domestic abuse did not exist in Jewish families.").

⁹⁹ *See* Horsburgh, *supra* note 7, at 207.

¹⁰⁰ *See* Harris, *supra* note 81, at 134.

¹⁰¹ *See id.*

¹⁰² *See* Walker, *supra* note 87, at 269.

¹⁰³ *See* Judaism 101, at <http://www.ou.org/about/judaism/bc.htm#chilulhashem> and <http://www.ou.org/about/judaism/jl.htm#kiddushhashem> (last visited Apr. 14, 2005).

¹⁰⁴ *See, e.g.,* Horsburgh, *supra* note 7, at 211 ("Jewish communities resist the exposure of intra-group oppression, fearing the reinforcement of negative anti-Semitic images.").

¹⁰⁵ *See, e.g., id.* at 204 (explaining that fear of harming the reputation of all Jews might prevent a woman from seeking professional help); *id.* at 211 ("They would not dare call the police, unable to conceive of flashing lights and a husband being led away in handcuffs in the middle of the night in a 'nice' Jewish neighborhood."); Harris, *supra* note 81, at 134 (including shame as a factor in preventing battered Jewish women from utilizing resources). *See also* Kristian Miccio, *With All Deliberate Care: Using International Law and the Federal Violence Against Women Act to Locate the Contours of State Responsibility for Violence Against Mothers in the Age of DeShaney*, 29 COLUM. HUM. RTS. L. REV. 641, 667 n.125 (1998) (using Chassidic communities as an example of an ethnic group that refuses to call the police or family, or try to get a protective order because of the *shonda* of using civil courts as opposed to religious ones); EMBRACING JUSTICE, *supra* note 3, at 23 (listing *shonda* as a reason for a

might not be quick to risk damaging her husband's reputation,¹⁰⁶ or losing her own network of community-based support.¹⁰⁷ Such fears result in one of two opposite responses, possibly depending on the type of community the woman is in: first, she might turn to someone completely disconnected from her Jewish world,¹⁰⁸ or second, she might turn completely inward, relying on the support network that she has within her own community.¹⁰⁹ Workers in the field of Jewish domestic violence understand that these interpretations of *chilul HaShem*, and further, what constitutes a *shonda*, are barriers to encouraging abused women to come forward.¹¹⁰ Determining how to overcome these obstacles is more difficult.

Further complicating the problem is the fact that many of the concepts discussed here come together to form a net that all too often traps abused Jewish women. Nechama Wolfson, who works with Jewish domestic abuse victims,¹¹¹ explained at the Fifth Annual Domestic Violence Conference how a series of "s" words applied to domestic violence in the Jewish community.¹¹² These words also connect several themes. First, silence: The belief that if nobody else is talking about a condition, then it must not exist outside of one's own family. This leads to secrecy, as an outgrowth of the silence, which manifests itself as the reluctance to come forward.¹¹³ As a result, abuse victims feel shame, which induces self-blame, as well as guilt for failure to preserve *shalom bayit*.¹¹⁴ Leaving the family amounts to a *shonda*, which refers to shame, but "not on a personal level, but on a communal level. You will be bringing shame to the community—another reason to keep quiet."¹¹⁵

All of these factors tie back to your social life, for you are in a community when there is always some type of social event to be celebrated, and "[i]t is not a time when you want to leave." These considerations may even affect the marriageability of your children.¹¹⁶ Religious communities still subscribe to a version of arranged marriages, known as a *shidduch* (also spelled *sheedookh*), in

battered woman not seeking help) and 64-66 (addressing the *chilul HaShem* issues raised).

¹⁰⁶ See Horsburgh, *supra* note 7, at 209.

¹⁰⁷ See, e.g., *Issues in Representing Immigrant Victims*, *supra* note 78, at 83 (listing a battered Jewish woman's possible fears in coming forward for support, including possibly being ostracized by her community). By "community support," I refer to the network of friends upon whom she depends in a general sense, not necessarily those people with whom she discusses the violence.

¹⁰⁸ Such tendencies were observed by Lenore Walker, at least in instances when a woman acknowledged abuse. See Walker, *supra* note 87, at 270.

¹⁰⁹ As Nechama Wolfson explained, within religious communities, "We turn inside. We do not particularly go outside." Wolfson, *supra* note 82, at 167. Prof. Horsburgh also noted the combination of fear and [the community's] discouragement of discussing the intimate details of one's life with a gentile or even non-Orthodox Jew—especially a male. Horsburgh, *supra* note 7, at 204.

¹¹⁰ See, e.g., Walker, *supra* note 87, at 262 (finding in her work with the Denver Jewish community that "Jewish women and men simply did not talk about this; it was truly considered a shonde.").

¹¹¹ See Wolfson, *supra* note 82, at 167.

¹¹² See *id.*

¹¹³ See *id.* at 167-68.

¹¹⁴ See *id.* at 168.

¹¹⁵ *Id.*

¹¹⁶ See Wolfson, *supra* note 82, at 168-69.

which a matchmaker, or a friend of the potential bride and groom, believes that the two would be compatible and suggests that they meet. When they do so, it is not a casual date, but rather an attempt to determine whether they believe they are truly compatible for marriage.¹¹⁷ When a matchmaker looks at eligible men and women to determine potential matches, the family's history and fitness are examined as well.¹¹⁸ Exposing domestic violence can potentially affect the children's ability to "marry well."¹¹⁹ With this list of perceived dangers standing in the way, it is little wonder that abused Jewish women hesitate to come forward.

4. The Difficulties of Divorce & Fear of Becoming an *Agunah*

Aside from any difficulties she has in securing a *get*, an abused Jewish woman may find that her civil divorce is not much easier. Perhaps she never called the police when her husband abused her, and so she has no record to prove the abuse ever happened.¹²⁰ This can be especially problematic in states that have mandatory arrest laws; in other words, if police arrive at the scene of a domestic violence incident, they must arrest somebody. She can still of course obtain her civil divorce, but to whatever extent her settlement would be affected by her proving herself an abused spouse, she could lose.

Should her husband refuse to grant her the *get*, thus making her an *agunah*, she is unable to move on, find a new mate, or produce more children, without violating Jewish law.¹²¹ This provides the husband with a powerful "bargaining chip" and leaves a wife considering leaving in a precarious position.¹²² If she decides to attempt to get a Jewish divorce, she will have to face a *beth din* in addition to a civil court, and she may not be familiar with the processes involved or aware of any protections that might be available to her.¹²³ If she goes through a secular proceeding, her attorney may not understand this other (and to the woman often primary) process of *get*.¹²⁴ Neither the woman nor the attorney may be aware of the protections available (such as her ability to select her own *beth din*) or the potential dangers (such as the possibility that the *beth din* insist upon the wife's dropping her protective order to be granted a *get*).¹²⁵ Having to go through not one, but two unfamiliar court processes can be daunting for an abused woman, especially where there are so many other obstacles to her ability to leave.

¹¹⁷ See, e.g., Rabbi Mordechai Becker, *The Jewish Wedding Ceremony: An Explanation of the Laws and Customs of a Jewish Wedding*, available at <http://www.ohr.org.il/yhiy/article.php/1087> (last visited Apr. 14, 2005).

¹¹⁸ Interview with Rabbi Yosef Y. Levertov, *supra* note 66.

¹¹⁹ See Wolfson, *supra* note 82, at 168.

¹²⁰ See Horsburgh, *supra* note 7, at 211 ("They would not dare call the police, unable to conceive of flashing lights and a husband being led away in handcuffs in the middle of the night in a 'nice' Jewish neighborhood."). See also *supra* Part II.B.3.

¹²¹ See Greenawalt, *supra* note 44, at 811. See also *supra* Part II. A.4.

¹²² See *id.*

¹²³ *Issues in Representing Immigrant Victims*, *supra* note 78, at 82-83.

¹²⁴ See *id.* at 84.

¹²⁵ See *id.* at 84-85.

5. *Teshuvah* and Forgiveness

Every year on Yom Kippur, Jews all over the world repent (do *teshuvah*) for their sins of the past year in hopes of meriting G-d's forgiveness and being sealed for a good year to come.¹²⁶ Before one can ask forgiveness of G-d, though, one must personally ask forgiveness from the people with whom he/she had contact with in the past year.¹²⁷ The values of *teshuvah* and forgiveness are of tantamount importance in Judaism, with the belief that if they are done with genuine feeling and meaning most wrongs can and should be forgiven.¹²⁸ An abused woman might believe that religious practice requires her to forgive a batterer who apologizes, as is sometimes the pattern of an abusive partner.¹²⁹

C. *Why Stay? The Possible Secular Reasons*

Jewish women who wish to leave an abusive spouse face a double set of binds. In addition to any religiously based reasons that they use to explain why they stay, they are of course also subject to the same pressures as non-Jews. The frequent pattern of an abusive relationship is for the offender to apologize and lavish gifts upon his wife following an outburst of his temper,¹³⁰ and perhaps a decent amount of time passes between incidents, during which the couple feel happy and in love.¹³¹ Or perhaps there are children, and the wife does not wish to deprive them of their father.¹³² In upscale neighborhoods, Jewish women face the double prejudice of assumptions that domestic abuse neither occurs amongst more affluent families nor amongst Jews.¹³³ Additionally, a Jewish woman who is

¹²⁶ See, e.g., *Judaism 101*, at <http://www.ou.org/about/judaism/yz.htm#yomkippur>, <http://www.ou.org/about/judaism/yz.htm#teshuvah> and <http://www.ou.org/about/judaism/yz.htm#selichah> (last visited Apr. 14, 2005). Yom Kippur literally means "Day of Atonement," and is considered the holiest day of the Jewish year. It is also believed that each individual's fate for the following year is determined by G-d and sealed at the end of the day; doing *teshuvah* (repentance) can influence the decision. See *id.*, available at <http://www.ou.org/about/judaism/s.htm#selichah> (last visited Apr. 14, 2005).

¹²⁷ See *Customs of Erev Yom Kippur*, at <http://www.ou.org/chagim/yomkippur/ykcustoms.htm> (last visited Apr. 14, 2005).

¹²⁸ See, e.g., Rabbi Drorah O'Donnell Setel, *Can Justice and Compassion Embrace? in EMBRACING JUSTICE*, *supra* note 3, at 52, 54; *EMBRACING JUSTICE*, *supra* note 3, at 94 (both noting the emphasis in Judaism of these values).

¹²⁹ See *infra* Part II. C.

¹³⁰ See Horsburgh, *supra* note 7, at 125 (for one woman's story regarding this type of behavior).

¹³¹ See, e.g., Linda G. Mills, *Killing Her Softly: Intimate Abuse and the Violence of State Intervention*, 113 Harv. L. Rev. 550, 598 (1999) (discussing the emotional relationship between a woman and her batterer). See also *Embracing Justice*, *supra* note 3, at 19 (noting that there are often "good experiences" with each other between incidents of abuse).

¹³² See *EMBRACING JUSTICE*, *supra* note 3, at 22.

¹³³ See, e.g., Kathleen Waits, Symposium, *Battered Women and Family Lawyers: The Need for an Identification Protocol*, 58 ALB. L. REV. 1027, 1034-35 (1995) (discussing the myths that "(1) middle- and upper-middle class women are not battered . . . (4) affluent, respectable men, especially professionals, do not batter; and (5) even if it is hard for poor women to escape abuse, affluent women who really want to get out of battering relationships have no problem doing so."). Professor Waits also mentions that abused women from middle-class, upper-middle class, and upper-class backgrounds tend to be "less likely to call the police or go to domestic violence shelters than lower- and lower-middle

unemployed or employed only part time might be dependent upon her husband financially.¹³⁴ If the abuse is pervasive, the woman may come to believe that she deserves the treatment she receives.¹³⁵ Maybe she feels as though she has no one to go to and nowhere to turn.¹³⁶ In short, Jewish women are subject to the same pressures as gentile women.

D. How Jewish Concepts Repudiate Domestic Abuse

It is important to note that in spite of some people's view that Jewish religious principles encourage women to remain in abusive relationships, Jewish philosophy clearly rejects such a notion. *Shalom bayit* is widely misunderstood as a reason for enduring abuse or unhappiness; in fact, it is a concept designed to promote happiness and genuine tranquility.¹³⁷ And while *shanda* remains a very real barrier to encouraging abuse victims to come forward, it seems that the greater *chilul HaShem* is to ignore these problems and feign ignorance of their existence, rather than to address them and work toward a solution. An abused person is not obligated to automatically grant forgiveness to a batterer who attempts *teshuvah*. Valid *teshuvah* requires five elements: the wrongdoer must acknowledge that the behavior was sinful; feel remorse; *cease to commit the sin*; provide restitution (when possible); and confess the behavior.¹³⁸ In most abusive relationships, the batterer would fail to meet these obligations, and the abused partner is thus absolved from the responsibility to grant forgiveness.¹³⁹

On a much more basic level, the Jewish marriage contract, *ketubah*, includes a duty for the husband to honor his wife.¹⁴⁰ Also, any Jew may break almost any Jewish rule for the sake of *pikuach nefesh*, saving a life, which means that all other concerns are secondary to that of helping any person in danger.¹⁴¹ Finally, Jewish belief compels a concept known as *tikkun olam*, which literally means "heal the world."¹⁴² In other words, it is the task of every Jew to try to improve the world.

class victims." *Id.* at 1029. In a footnote to her article, she mentions: "As a Jewish woman, I am particularly aware of the denial in both this country and Israel about battering by Jews." *Id.* at 1034 n.28.

¹³⁴ See, e.g., Mills, *supra* note 131, at 599 (discussing the importance of ascertaining if an abused woman is financially dependent on her batterer, as it may have influenced her decision to remain with him). Professor Horsburgh suggests that even in modern times, many Jewish women might be encouraged to work only part-time, if at all, and to be homemakers dependent on their husband's income when it is a financial option. *The Myth of a Model Minority*, *supra* note 83, at 188-89. In another article, she points out that Orthodox women are often "ill-equipped to become self-supporting." Horsburgh, *supra* note 7, at II n.158. See also EMBRACING JUSTICE, *supra* note 3, at 21 (describing financial security concerns as one reason an abused woman might remain with her batterer).

¹³⁵ See Sarah M. Buel, *Fifty Obstacles to Leaving, a.k.a. Why Victims Stay*, 88 COLO. LAW. 19, 22 (1999).

¹³⁶ See *id.*

¹³⁷ See EMBRACING JUSTICE, *supra* note 3, at 24, 59.

¹³⁸ See *id.* at 95.

¹³⁹ See *id.* at 94-96.

¹⁴⁰ See BIALE, *supra* note 19, at 92.

¹⁴¹ See EMBRACING JUSTICE, *supra* note 3, at 61.

¹⁴² See Rabbi Asher Meir, *Meaning in Mitzvot*, at

This can be on a small scale, such as donating food, or on a larger one, such as starting a national non-profit organization for a charitable purpose. It most certainly includes the idea of improving the lives of fellow human beings.

III. FACING REALITY: THE RESULTS OF THE AUSTIN SURVEY

A. *Why the Myths Don't Hold Up: Examples of Domestic Violence in the Jewish Community*

In spite of the theories that the Jewish community somehow avoids domestic abuse problems, the reality tells a very different story. Domestic abuse is not just a theoretical problem that social workers in the Jewish community warn of, but a very real problem that affects women of every sect. Research for this paper turned up numerous stories alleging a variety of abuses: physical, sexual, mental, emotional, financial/economic, and withholding a *get*.¹⁴³ Nor does being Jewish guarantee any less violence: Stories of physical abuse included a man beating his wife unconscious,¹⁴⁴ a man murdering his wife and mutilating her body,¹⁴⁵ and a pattern abuser who frequently beat his wife and threatened her with a gun.¹⁴⁶ Unfortunately, domestic violence disregards what background you come from—it is an issue of power and control, and the perpetrators of abuse can be found in any community.¹⁴⁷

B. *About the Survey*

Researching the issue of domestic abuse in the Jewish community, and discussing the topic with friends and colleagues, a number of concerns and popular myths, such as those addressed in Part II. B, *supra*, stood out. In an attempt to gain insight as to what myths still exist (or do not), an anonymous voluntary survey was distributed to members of the Austin, Texas Jewish community, and interviews were conducted with a number of local rabbis and the director of the local Jewish

<http://www.ou.org/torah/tt/5761/vayeitzei61/specialfeatures%5Fmitzvot.htm> (explaining the basis in the Torah for this philosophy) (last visited Apr. 14, 2005).

¹⁴³ For the stories of abused Jewish women, see Sarah Blustain, *Rabbis Demand a "Public Outcry" on Agunot*, 23 LILITH, No. 2, at 5 (1998); Naomi Danis, *The End of a Love Story*, 23 LILITH, No. 1, at 3 (1998); Abigail Sosand, Conference, *Jewish Battered Women*, 20 LILITH No. 2, at 4 (1995); Joseph Berger, *A Case of Marital Discord Hits a Nerve*, N.Y. TIMES, Feb. 13, 1996, at B6; Peter G. Chronis & Alan Snel, *Rabbi's Wife Cites Abuse in Separation File: Legal Move Shocks Community of Ultraorthodox Lubavitchers*, DENVER POST, Oct. 24, 1996, at B1; Rachel Musleah, *Surviving Abuse: By Building Awareness and Advocacy, Grassroots Efforts Help Jewish Women Find Safety and Healing*, JEWISH WOMAN MAGAZINE, Spring 2003, at 16; Ellen O'Brien & Patricia Nelson, *Grotesque Case has "Thrill-Kill" Pattern*, THE BOSTON GLOBE, Aug. 30, 1995, at 26.

¹⁴⁴ See Berger, *supra* note 143, at B6.

¹⁴⁵ See Michael Grunwald & Matt Bai, *Rosenthal Had Turned to Religion: Synagogue Members Detail Strange Behavior*, THE BOSTON GLOBE, Sept. 1, 1995, at 33.

¹⁴⁶ See Horsburgh, *supra* note 7, at 172-75.

¹⁴⁷ See, e.g., EMBRACING JUSTICE, *supra* note 3, at 12-15 (discussing and diagramming the importance of understanding that abuse is about power and control).

Family Services. A sample of the survey may be found at Appendix A.¹⁴⁸ The information sheet attached to the survey asked individuals to answer honestly to the best of their ability. The types of questions asked sought to uncover what people subjectively believed, and had objectively observed. In order to qualify as a survey participant, an individual had to be age eighteen or older, and consider themselves Jewish or as seriously affiliated with the Jewish community.¹⁴⁹

C. The Results

In all, sixty-one individuals returned completed surveys; thirty-seven women and twenty-four men participated. A breakdown of the ages and religious affiliations of the respondents shows:

Female Participants

	18-24	25-35	36-45	46-55	56-65	65+	Total
Orthodox	1	2	0	0	0	0	3
Conservative	11	0	0	0	2	3	16
Conservative-Reform	2	0	0	0	0	0	2
Conservative-Reconstructionist ¹⁵⁰	0	0	0	0	0	1	1
Reform	4	0	0	1	1	1	7
Reconstructionist	1	1	0	0	0	0	2
Other ¹⁵¹	1	0	1	1	2	1	6
Total	20	3	1	2	5	6	37

¹⁴⁸ All surveys were conducted anonymously, and participants received an information sheet, including methods of contacting the author, prior to completing the survey. Permission from The University of Texas Research Board to conduct this research is on file with the author. Officials at all locations utilized for survey distribution signed consent forms; these are also on file with the author.

¹⁴⁹ A person who considers him/herself as Jewish, regardless of which parent is Jewish, qualified to take the survey. If a person did not consider him/herself Jewish, but is strongly affiliated with the community, either through a long-term relationship, membership in certain organizations, or close frequent association with members of a community, he/she qualified, as well. Which Jewish community a person was affiliated with was irrelevant; their presence in Austin at the time of the survey distribution was the relevant factor.

¹⁵⁰ In both tables, any hyphenated category is the result of participants checking more than one option for religious affiliation.

¹⁵¹ Three individuals labeled themselves as gentiles, two as humanistic Jews, and one as Chassidic.

Male Participants

	18-24	25-35	36-45	46-55	56-65	65+	Total
Orthodox	1	2	0	0	0	0	3
Orthodox-Conservative	0	0	0	0	0	1	1
Conservative	2	2	1	0	0	2	7
Reform	5	0	0	0	0	1	6
Reform-Reconstructionist	1	0	0	0	0	0	1
Reconstructionist	1	0	0	0	0	0	1
Other ¹⁵²	1	1	0	0	0	0	2
Prefer not to say	1	2	0	0	0	0	3
Total	12	7	1	0	0	4	24

Of the participants, 61% were female, and 39% were male. Including both men and women, approximately 52% were between ages 18-24, 16% between 25-35, 3% between 36-45, 3% between 46-55, 8% between 56-65, and 16% age 65 or older.¹⁵³ By religious affiliation: 10% self-identified as Orthodox, 2% as Orthodox-Conservative, 38% as Conservative, 3% as Conservative-Reform, 2% as Conservative-Reconstructionist, 21% as Reform, 2% as Reform-Reconstructionist, 5% as Reconstructionist, 13% as Other, and 5% preferred not to answer.

The first series of questions aimed at gaining an idea of what exposure, if any, the participant had to the issues of domestic abuse, specifically within the Jewish community. The questions also explored what beliefs he/she held on the issue. The questions and their responses are detailed below.

¹⁵² One person identified as gentile, the other as secular.

¹⁵³ All percentages are rounded to the nearest whole numbers. Thus, the total percentage may not equal 100% for any given question.

Female Participants

Question	Yes	No	Maybe/ Unsure	No Answer
Previously considered the issue of domestic abuse in the Jewish community?	30	7	0	0
Parents discussed domestic abuse with you?	14	23	0	0
Will you discuss/have you discussed it with your children?	32	5	0	0
Do you believe domestic abuse/violence is a problem in the Jewish Community? ¹⁵⁴	27	8	2	0
If you answered "yes," is there a particular group that you believe has a greater problem than others? ¹⁵⁵	7	21	0	9
Higher risk for Jews who intermarry?	5	32	0	0
Have you ever known anyone Jewish who was abused by a Jewish significant other?	14	23	0	0

Male Participants

Question	Yes	No	Maybe/ Unsure	No Answer
Previously considered the issue of domestic abuse in the Jewish community?	14	10	0	0
Parents discussed domestic abuse with you?	5	19	0	0
Will you/have you discuss(ed) it with your children?	23	1	0	0

¹⁵⁴ After distributing the survey, I realized that "problem" is a subjective word; several participants did not characterize domestic abuse as a problem in the Jewish community, but acknowledged that it exists.

¹⁵⁵ For those who believed that one group did have a greater problem, the group they believed that had the problem was Orthodox; these responses came from different sects, including an Orthodox respondent.

Do you believe domestic abuse/violence is a problem in the Jewish Community?	12	11	1	0
If you answered "yes," is there a particular group that you believe has a greater problem than others? ¹⁵⁶	2	14	0	8
Higher risk for Jews who intermarry?	5	16	0	3
Have you ever known anyone Jewish who was abused by a Jewish significant other?	7	17	0	0

The numbers indicate that domestic abuse is something that most members of the Jewish community are aware of on at least some level, and even though many of their parents failed to discuss the issue with them, it is something they plan to or already have discussed with their children. This type of acknowledgement and early education is extremely important. Still, many—especially males—appear hesitant to characterize the issue as a problem. Several respondents admitted that domestic abuse exists in the Jewish community, but would not label it a problem *per se*.

Those who did label domestic abuse as a problem in the Jewish community generally explained their belief as based on their understanding that domestic abuse occurs in all communities. This group also offered their impression that people are in denial of this problem and that the situation is not addressed properly. One woman noted that her upbringing included the idea that gentile men were abusers and that intermarriage could lead to such a consequence. A male participant, who listed Orthodox as the group he believed to have the greatest problem with domestic abuse, opined that Orthodox women were required to be submissive and accept abuse.

The most prevalent reasons for not considering domestic abuse to be a problem was lack of personal experience or exposure and never hearing about the issue in any Jewish setting. Several people also suggested that while domestic abuse occurs in the Jewish community, it is less of a problem than in the general population. One person admitted adherence to the "stereotype of Jews being virtuous," and therefore found the idea of domestic abuse in the Jewish community hard to believe. Another stated that she had been told that domestic abuse occurs, but still did not believe it. And one man explained his basis in two simple words: "it's not [a problem]."

The next set of questions targeted participants who answered "yes" to the question of whether they knew of an abuse situation in a Jewish relationship.

¹⁵⁶ One person listed Orthodox as the group more likely to have domestic abuse issues, and a second checked the "other" option, and stated that someone who does not properly understand Judaism is more likely to commit domestic abuse, regardless of sect affiliation.

Participants checked the categories of abuse that they knew of (physical, mental, and emotional), and indicated if the victim sought any professional help. Another question asked if the victim went to the police or tried to get a protective order. Of the twenty-one women and men who responded to this series of questions, thirteen knew of someone who had been physically abused, eleven were aware of mental abuse situations, and fifteen of emotional abuse. In terms of professional help sought, ten knew of situations where the victim had sought a therapist, counselor or psychologist, two listed other sources used for help, and only three knew of a victim consulting a rabbi; in six situations the victim did not seek services. Only one person claimed knowledge that the victim contacted the police and obtained a protective order, and she noted that they had been of no help.

All participants then answered a series of questions directed at their opinions and personal experiences within the Jewish community regarding domestic abuse, rabbis, and victim outreach efforts.

Female Participants

Question	Yes	No	Maybe/ Unsure	No Answer
Would you recommend to someone in an abusive relationship to go talk to her/his rabbi?	23	12	2	0
If you were in an abusive relationship, would you speak to your rabbi about it?	15	18	2	2
Do you believe that abuse victims avoid going to their rabbi because of concern over the Jewish community finding out causes?	20	16	1	0
Have you seen/heard of any efforts in Jewish community to reach out to victims and/or provide services?	20	17	0	0

Male Participants

Question	Yes	No	Maybe/ Unsure	No Answer
Would you recommend to someone in an abusive relationship to go talk to her/his rabbi?	15	7	1	1
If you were in an abusive relationship, would you speak to your rabbi about it?	15	7	1	1
Do you believe that abuse victims avoid going to their rabbi because of concern over the Jewish community finding out causes?	12	8	3	1
Have you seen/heard of any efforts in Jewish community to reach out to victims and/or provide services?	8	16	0	0

While both women and men would feel comfortable recommending that someone else speak to her or his rabbi, it seems that women are more hesitant to consider their own rabbi in a hypothetical abusive situation. Both genders expressed concern over the possibility of the community learning of the abuse and how that might affect an abused person's decision to speak to her or his rabbi. However, several participants noted (and rightfully so) that a rabbi's communications with a community member are confidential. Still, this is a matter of subjective perception, and a frightened victim might be concerned that gossip will spread, or, alternatively, might be unaware of the guarantees of confidentiality.

Another interesting observation from this set of data was that women were more frequently aware of efforts of outreach and the provision of services. One might wonder if men pay less attention to such efforts or notices, or if they are genuinely unaware. The methods of outreach and support that participants knew of included: programs by Jewish Women International, Austin Jewish Coalition Against Domestic Violence, and Jewish Family Services, brochures in bathrooms, speakers on the topic (including someone from Safeplace), ads in Jewish newspapers, flyers at the local Jewish community center, hotlines, counseling services, pamphlets handed out at high holiday services, and donate-a-phone programs.

The final group of questions offered participants an opportunity to suggest what more the Jewish community could do to encourage abuse victims to come forward and to support them once they had. The survey also asked participants if their personal understanding of Jewish laws would affect their decision to stay or leave an abusive relationship, and permitted them to add any comments on the topic not otherwise addressed in the questions. Respondents proposed a wealth of ideas as to what the community could do. Many responses centered around the

idea of talking more openly about the issue, better educating the community about the issue, and removing the stigma attached with being a victim. Some stressed the importance of taking abuse claims seriously, setting the issue as a priority in the community, and teaching women to value themselves as equals to men in relationships. Other recommendations included: having rabbis address abuse issues in sermons, sharing existing stories, making referrals to non-religious sources, establishing a rabbi-congregant relationship as similar to that of a doctor-patient relationship, making victims aware of confidentiality of counseling and services, and establishing hotlines and donate-a-phone programs.

Happily, very few respondents felt that their personal impression of Jewish law—such as *shalom bayit* or the rules surrounding *get*—would cause them to stay in an abusive relationship that they would otherwise leave. Only one female replied that her interpretation might lead to such an effect, and two others said it might; no men claimed that it would definitely, and only two replied maybe. Several individuals specifically stated that their understanding of *shalom bayit* or other aspects of Jewish law would cause them to leave an abusive relationship. This is an important barrier to break, as misunderstandings of Jewish principals can lead a person to mistakenly believe that staying is the correct religious option.¹⁵⁷

Opening up the opportunity for comments invited the following responses:

- Concern (by an Orthodox respondent) over the short engagement times and the pressure to marry young in many Orthodox circles.
- The belief that women need to learn how to find themselves outside of the wife/mother context, and that will help prevent abuse.
- Acknowledgement of the problem (especially in Orthodox communities) of trying to find good matches for your children, and how that might affect an abuse victim's decision to come forward.
- Complaint over the community's continuing lack of admitting that this problem exists, and a call for more education.
- The need for the community to provide better support for *all* its members.
- Comment that the rabbi is probably not many people's choice of who to go to for abuse concerns.
- Curiosity over what type of training rabbis receive for handling abuse issues.
- "I think the best cure is prevention; studying and practicing Judaism is the only way we can prevent all these problems."

While all of these responses were appreciated, the most inspiring one came from one female correspondent whose survey revealed that she knew of more than seven different Jewish domestic abuse situations: she expressed gratitude for this type of research.

¹⁵⁷ See *supra* Part II.D.

IV. INTERVIEWS

A. *About the Interviews*

In addition to the impressions of the general population, speaking with rabbis also seemed important given all the stereotypes of how rabbis respond—or fail to respond—to domestic abuse. Rabbis who were interviewed for this portion of the paper responded to a general inquiry for participants.¹⁵⁸ Again, the only location-based requirement was that the rabbi currently lived in Austin, Texas. The interviewees included one Orthodox-Lubavitch rabbi, one Conservative rabbi, and three Reform rabbis. A list of the questions asked of the rabbis can be found at Appendix B, *infra*. Additionally, the director of the local branch of Jewish Family Services discussed the situation from his perspective. The list of questions he was asked is in Appendix C, *infra*.

B. *The Rabbis' Responses*

1. An Orthodox-Lubavitch Perspective

Rabbi Yosef Y. Levertov received his *smicha*¹⁵⁹ at the Lubavitch Yeshiva in New York City in 1981, and has lived in Austin since 1984. Far from the stereotype of a religious rabbi who refuses to acknowledge abuse, Rabbi Levertov has direct experience with domestic abuse issues.¹⁶⁰ (Though he received no formal training on domestic violence, he has received some training in clergy counseling.) Rabbi Levertov is sensitive to the fact that domestic abuse occurs in the Jewish community, and that there are sometimes efforts to hide the problem. He feels that the rabbinic community is improving in its recognition of the problem, including even the ultra-Orthodox world.¹⁶¹

Although Judaism espouses the virtues of humility and “ego control,” which if practiced properly should prevent power-based abuse tactics, Rabbi Levertov admits that Jews are not exempt from abusive relationships.¹⁶² When asked if any subsets of Judaism have a higher frequency of abuse than others, Rabbi Levertov noted that certain groups of Sephardim¹⁶³ accept some degree of abuse, usually verbal, as an acceptable way to chastise a wife, and do not see this behavior as a problem.¹⁶⁴ He also feels that more religious families tend to experience less

¹⁵⁸ All interview participants had the option of remaining anonymous or allowing their name to be used in the paper at both the start and conclusion of the interview; all consented to being named.

¹⁵⁹ *Smicha* is a rabbinical degree received upon completion of seminary.

¹⁶⁰ Interview with Rabbi Yosef Y. Levertov, *supra* note 66.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ There are two principle ethnic groups within Judaism—Ashkenazim, and Sephardim. See *Judaism 101*, at <http://www.ou.org/about/judaism/a.htm#ashkenaz> and <http://www.ou.org/about/judaism/s.htm#sefard> (last viewed Apr. 17, 2005).

¹⁶⁴ Interview with Rabbi Yosef Y. Levertov, *supra* note 66.

abuse—at least of the mental and emotional type—because the similarities in backgrounds makes the couple more compatible, and gives them less to squabble over, thereby removing many of the triggers that might lead to serious fighting between partners or spouses.¹⁶⁵ Consequently, he also believes that intermarriage holds a higher risk for some form of abuse due to the increased number of differences between the partners.¹⁶⁶ He went to explain the difficulty in determining at what point to be concerned if it appears that there is some form of verbal or mental abuse occurring in a relationship: what is just a fight, and what goes over the line?¹⁶⁷

If someone in the community contacted Rabbi Levertov with an abuse issue, his response would vary depending on the nature of the abuse. If the situation posed an immediate danger to the individual, then he would recommend going to the police and/or obtaining an order of protection.¹⁶⁸ In other circumstances, he might recommend a telephone psychologist, a service which advertises in the Jewish press and offers a way to seek counseling without the embarrassment some might feel at a face-to-face meeting.¹⁶⁹ The Rabbi gave a similar response as to whether or not he would speak with the abuser: such a determination would be made on a case-by-case basis. Recognizing the limitations on his professional training, Rabbi Levertov would not hesitate to consult with a psychologist or counselor as to what actions would be appropriate.¹⁷⁰

When asked whether he subjectively feels that community members would feel comfortable coming to him with an abuse issue, Rabbi Levertov responded that people often do not consider their rabbi as the first person to turn to at such times.¹⁷¹ He has been involved in such matters in the past, but he feels that people generally do not think to turn to their rabbi. Rabbis are bound to respect confidentiality so individuals should not be concerned that turning to their rabbi risks the greater community learning of the abuse.¹⁷² Rabbi Levertov also admitted that an individual's understandings of Jewish law—especially among Orthodox women—might result in their remaining in an abusive relationship, but stated that this is the worst course of action.

Rabbi Levertov is aware of JFS's efforts to reach out to domestic abuse victims, and interest in dedicating a Sabbath to the topic. While he feels that addressing the topic in a Sabbath sermon is difficult with children present, he

¹⁶⁵ *Id.* Many religious individuals tend to marry within their own religious community. Therefore, their backgrounds and religious ideologies are often in sync. Further, the Rabbi noted that the laws of purity for married couples, which govern sexual practices, build a certain type of spiritual relationship whose purpose and goal is a strong marriage built on an emotional connection beyond the physical.

¹⁶⁶ *Id.* See also HARRIS, *supra* note 81, at 134 ("Abuse in interfaith marriages may create additional stressors because of strong cultural pressures against such marriages.").

¹⁶⁷ Interview with Rabbi Yosef Y. Levertov, *supra* note 66.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² Interview with Rabbi Yosef Y. Levertov, *supra* note 66.

would be interested in holding an adult community learning session. He also made clear that he is available to be contacted at anytime if any woman needed a shelter and, if she had concerns about observance of Sabbath and kosher laws, he would find a safe location for her.¹⁷³ He recommended that communities offer hotlines and contact people for counseling, and that such efforts be better publicized.

2. A Conservative Perspective

Rabbi Samuel Barth attended the Leo Beck College in London, which granted him *smicha* in 1984. He moved to Austin in August 2003, and is the rabbi at Congregation Agudas Achim. His prior experience with domestic abuse issues includes direct interaction with congregants in abusive situations, as well as attendance at sermons, classes, meetings, and work with a rabbinical program on the topic.¹⁷⁴ During his rabbinical training part of the curriculum incorporated six credits of counseling training over eight semesters, and it specifically covered domestic abuse.¹⁷⁵

While he is not aware of any difference in the rates of abuse in different Jewish communities, he considers variation a possibility.¹⁷⁶ He does not, however, believe that intermarrying creates any higher risk for abuse. Like Rabbi Levertov, Rabbi Barth's first consideration if a congregant came with a domestic abuse claim would be whether or not the person was in immediate danger. If so, then the Rabbi would contact the police, and/or recommend a protective order. In all cases, Rabbi Barth believes the primary role of any rabbi without appropriate training is to refer the victim to the appropriate counseling or intervention services.¹⁷⁷ Depending on the situation, he might also contact the abusive partner, but usually only with the consent of the victim. As a rabbi, he feels his role is to offer rabbinic counseling, dealing with the person's Jewish identity issues as related to the matter.

Even though Rabbi Barth has only been in Austin a short time, individuals have already approached him about domestic abuse issues, so he feels that his congregants generally feel comfortable doing so. At the same time, he concedes that concern about the community learning of abuse might prevent a person from coming forward or seeking the advice of her/his rabbi.¹⁷⁸ He agrees that an individual's impression of Jewish laws such as *shalom bayit* might also pose a barrier, but emphasizes that such concepts are often misunderstood, and that a genuine understanding of *shalom bayit* should influence an abused partner to leave rather than to stay in an abusive relationship.¹⁷⁹

¹⁷³ *Id.*

¹⁷⁴ Interview with Rabbi Samuel Barth, *supra* note 73.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.* Appropriate training means not just counseling training at seminary, but social work training, or something akin to it.

¹⁷⁸ *Id.*

¹⁷⁹ Interview with Rabbi Samuel Barth, *supra* note 73.

Prior to moving to Austin, Rabbi Barth observed efforts in New York by the Jewish Board of Family and Children's Services to reach out to domestic abuse victims, including taking out ads on subways and at community centers, as well as making contact information available at synagogues. He noticed similar publicity campaigns in Austin by JFS. Additionally, Rabbi Barth discussed domestic abuse in sermons and Agudas Achim held an awareness Sabbath.¹⁸⁰ In Rabbi Barth's opinion, the Jewish community needs to increase awareness of domestic abuse by raising consciousness and by providing more resources (both human and financial) to address the problem. He also recommends better rabbinical training for dealing with domestic abuse—and counseling matters in general—in Orthodox seminaries, where greater emphasis is placed on textual learning.¹⁸¹

3. Reform Perspectives

Three reform rabbis in Austin interviewed for this paper: Rabbi David M. Kessel of the University of Texas Hillel, Rabbi Alan N. Freedman of Congregation Beth Shalom, and Rabbi Kerry Baker of Congregation Kol Halev. Rabbi Kessel attended Hebrew Union College (HUC) in New York and received *smicha* in 1998;¹⁸² Rabbi Baker graduated from the same institution in 1977.¹⁸³ Rabbi Freedman gained ordination from the HUC campus in Cincinnati, Ohio, in 2002.¹⁸⁴

The two rabbis who graduated from the New York campus both received training in general counseling and handling of confidential matters; however, domestic abuse was not specifically covered.¹⁸⁵ Rabbi Kessel has not given extensive thought to the matter because he very few instances have been brought to his attention.¹⁸⁶ Rabbi Baker participated in forums and dealt with domestic abuse in the context of counseling, in addition to having several congregational members actively involved in local anti-domestic abuse efforts. Rabbi Baker's wife also works with a shelter.¹⁸⁷ At the Cincinnati campus, Rabbi Freedman received counseling training that specifically addressed domestic violence. Since his graduation, he has made efforts to improve his counseling and referral skills through contacts with JWI and Safeplace.¹⁸⁸ None of the three would assume any variation in rates of abuse between different sects of Judaism, and only Rabbi

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² Interview with Rabbi David M. Kessel, *supra* note 76.

¹⁸³ Interview with Rabbi Kerry Baker, Congregation Kol Halev, in Austin, Texas (May 5, 2004).

¹⁸⁴ Interview with Rabbi Alan N. Freedman, Congregation Beth Shalom, in Austin, Texas (May 4, 2004).

¹⁸⁵ Interview with Rabbi David M. Kessel, *supra* note 76; Interview with Rabbi Kerry Baker, *supra* note 183.

¹⁸⁶ Interview with Rabbi David M. Kessel, *supra* note 76. As a university Hillel rabbi, Rabbi Kessel's position is different from that of a traditional congregational rabbi; many students at the Hillel have maintained contact with their own rabbis at home.

¹⁸⁷ Interview with Rabbi Kerry Baker, *supra* note 183.

¹⁸⁸ Interview with Rabbi Alan N. Freedman, *supra* note 184.

Baker suspects that intermarriages tend to have higher levels of conflict that would make them more susceptible to abuse.¹⁸⁹

Like their colleagues, Rabbis Kessel, Freedman, and Baker would all assess the immediate danger risk of an individual approaching them about a domestic abuse issue and contact the police and/or advise a protective order accordingly. Due to limited training, Rabbi Kessel was hesitant to provide counseling. Instead he would refer a person to The University of Texas' counseling services or to JFS—unless the abuser came forward.¹⁹⁰ Both Rabbis Freedman and Baker would offer rabbinic counseling, but noted the difference between this service and general therapy, for which they would refer congregants to other resources.¹⁹¹ Further, Rabbi Freedman would consider working with both parties in a mentally or emotionally abusive relationship if the two people wanted to remain together and he felt there was no physical danger to the abused partner.¹⁹² In a similar vein, Rabbi Baker distinguished between types of abuse as being sporadic or chronic, and expressed a willingness to work with parties who wanted to remain together if the abuse could be categorized as exceptional.¹⁹³

When asked how they perceived their community's/congregants' likelihood of approaching them with a domestic abuse problem, all three rabbis felt that the probability depended on the person. Rabbi Kessel is one of several staff people at the University of Texas Hillel. Rabbi Kessel believes that almost every student who associates with the Hillel would feel comfortable going to at least one staff person, be it him or someone else.¹⁹⁴ According to Rabbis Freedman and Baker some congregants' decisions are influenced by the concept of viewing rabbis as authority figures and therefore as judgmental or difficult to confide in.¹⁹⁵ Rabbi Freedman, for one, believes that it is part of a congregational rabbi's job to act as a counselor and resource for community members, yet he perceives that many younger congregants do not understand the scope of a rabbi's services.¹⁹⁶ All three rabbis agreed that an abused person might fear the local community learning of the abuse. This fear might prevent an abused person from coming forward or consulting a rabbi despite the guaranty of confidentiality. Elaborating on this point, Rabbi Baker suggested that the shame attached in the Jewish community was probably similar to shame issues in any other community, although that could shift as one moves to closed communities that are aligned with the ideological right.¹⁹⁷

¹⁸⁹ Interview with Rabbi Kerry Baker, *supra* note 183.

¹⁹⁰ Interview with Rabbi David M. Kessel, *supra* note 76.

¹⁹¹ Interview with Rabbi Alan N. Freedman, *supra* note 184; Interview with Rabbi Kerry Baker, *supra* note 183.

¹⁹² Interview with Rabbi Alan N. Freedman, *supra* note 184.

¹⁹³ Interview with Rabbi Kerry Baker, *supra* note 183.

¹⁹⁴ Interview with Rabbi David M. Kessel, *supra* note 76.

¹⁹⁵ Interview with Rabbi Alan N. Freedman, *supra* note 184; Interview with Rabbi Kerry Baker, *supra* note 183.

¹⁹⁶ Interview with Rabbi Alan N. Freedman, *supra* note 184.

¹⁹⁷ Interview with Rabbi Kerry Baker, *supra* note 183. "Closed" refers to Jewish communities whose members associate almost exclusively with other Jews and minimally with the outside world.

None of the rabbis has personally given a sermon on domestic abuse to date, but all three have noticed efforts in Austin to reach out to Jewish abuse victims. Suggestions and recommendations from the Reform rabbis included: create a culture to increase visibility and acknowledgement; use education to lead to acceptance of the problem's existence; create an atmosphere that reflects a sympathetic and supportive response; secure clearer resources from JFS (perhaps in the form of a small card that rabbis could distribute to congregants that lists resources); educate teenagers that abusive behavior is not acceptable and should not be tolerated; make Safeplace and similar institutions more visible in the Jewish community; provide a central website; and train rabbis to perceive abusive behaviors in couples who wish to be married and to utilize their option to not perform a wedding they are not comfortable with.¹⁹⁸

C. Interview with JFS

Mitch Sudolsky is a licensed clinic social worker, who has been with JFS for five years, and currently serves as the director.¹⁹⁹ He described JFS's procedures for responding to a domestic abuse complaint. First, the counselor assesses the degree of threat and the safety needs of the client. The counselor then determines the necessity of a Safeplace arrangement, development of a safety plan, or any other type of referral. Mr. Sudolsky emphasized the importance of not giving advice, per se, but rather offering options when speaking to an abuse victim. He emphasized that an abuse victim is an individual who is constantly being controlled; therefore, it is important to empower him/her.²⁰⁰

JFS coordinates with all of the local rabbis, and discusses religious issues with Safeplace, such as the dietary restrictions of kosher laws.²⁰¹ The JFS intake form includes an inquiry as to the individual's religion. Many Jews choose to list their specific sect of Judaism.²⁰² Most of the abuse clients at JFS list themselves as Conservative or Reform (and none as Orthodox), but since Austin's Orthodox population is very small, no real conclusions may be drawn about rates of abuse amongst the individual sects.²⁰³

In Mr. Sudolsky's opinion, whether or not an individual chooses to consult a rabbi concerning domestic abuse varies by affiliation²⁰⁴. He also noted that many Jews do not formally affiliate with a particular synagogue (or even sect).²⁰⁵ Mr. Sudolsky agreed that fear of the community finding out about abuse can influence

¹⁹⁸ Interview with Rabbi David M. Kessel, *supra* note 76; Interview with Rabbi Alan N. Freedman, *supra* note 184; Interview with Rabbi Kerry Baker, *supra* note 183.

¹⁹⁹ Interview with Mitch Sudolsky, Jewish Family Services, in Austin, Tex. (April 29, 2004).

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ Interview with Mitch Sudolsky, *supra* note 199.

the decision to come forward or not; a Jewish community is analogous to a very small town in regard to gossip spreading.²⁰⁶ Additionally, he confirmed that abuse victims commonly reacted with disbelief to the idea that abuse could happen to them within the Jewish community, and that impressions of *shalom bayit* responsibilities could have negative consequences, as well.²⁰⁷

For publicity, JFS takes a page every month in the local Jewish newspaper, the *Jewish Outlook*, advertising its services for abuse victims. They include telephone numbers for contacting JFS and Safeplace. They also place brochures at the Hillel building, and at some local synagogues.

V. SUGGESTIONS

In spite of its recent history of denying or downplaying domestic abuse, the Jewish community presently seems more ready to accept the existence of a problem, and work toward addressing it. Yet, many individuals remain unaware of domestic abuse, or available resources. This section of the paper will offer recommendations under six categories: casting, coordinating, culpability, chipping in, confidentiality, and creating a culture. These ideas are based on a combination of survey participants' responses, the interviewees' suggestions, and general research on this topic.

A. Casting a Wide Net

It is important to educate as many people as possible about how to seek help with a domestic abuse problem, and those who are knowledgeable can spread information and cast as wide a net as possible to reach the general public. Education is especially important because it leads to increased awareness and action. Additionally, it can take place in varied environments ranging from school to pre-marital counseling. For example, bullying is often a precursor to abuse, and Safeplace offers anti-bullying training at elementary schools. Jewish day schools could also participate in such activities. A bar or bat-mitzvah class or confirmation class is a relevant time to teach teenagers about what types of behavior are acceptable in a dating relationship and that *any* form of abuse is not tolerable. Jewish brides and grooms, especially in Orthodox circles, often meet with the rabbi and his wife for lessons about marriage, family laws, and keeping a Jewish home. This is an ideal opportunity to teach the meaning of *shalom bayit* and inappropriate behavior toward a spouse, and to make a woman aware of the resources available in the community. The rabbi's wife can explain to the bride-to-be that this is

²⁰⁶ *Id.* Mr. Sudolsky estimates that there about 10,000-16,000 Jews in Austin.

²⁰⁷ *Id.*

information supplied to every young woman, regardless of who she is marrying; this type of blanket policy should reduce concerns of shame or embarrassment.

Many Jewish youth groups, college Hillels, and synagogues sponsor a variety of programs and speakers; each should strive to include at least one event on domestic violence every year. Prominent flyers advertising such events and clear display of brochures such as those from JFS, combined with resources and phone numbers posted in women's facilities, can all spread awareness of the general problem and ways to seek help. Rabbis must also be better educated to spot abuse and be aware of local services to which they can refer a congregant. Dedicating a Sabbath, a Sabbath sermon, or an adult education class to the topic would also be a positive step. Additionally, rabbis can be instrumental in preventing husbands from using the *get* as a tool of abuse by insisting that couples sign a prenuptial agreement before the rabbi consents to performing the wedding.

B. Coordinating

The existence of a variety of resources is ineffective if community members are not aware of them or do not know how to access them. Further, if a congregant approaches her rabbi with an abuse problem and the rabbi does not know where to refer the victim, that person may not get the help she needs. Community leaders and organizations such as rabbis, Jewish agencies, *mikvah* women,²⁰⁸ and task forces should coordinate with each other to be aware of the available resources in the community. Such resources may include a local hotline or counseling service, a kosher shelter, a telephone psychologist, a rabbi who is especially understanding and knowledgeable of such issues, as well as non-religious referrals. Without coordination among the different resources, an abuse victim might not be aware of all her options.

A nationally based agency with local chapters, such as Jewish Women International, the National Council of Jewish Women, or the local branch of Jewish Family Services should take the initiative in a community to act as a central resource point by making themselves aware of all the local resources and exchanging this information with rabbis and other agencies. Jewish Women International should continue to provide its reference guides on domestic abuse in the Jewish community to synagogues and institutions. The Jewish community should not only coordinate within itself, but also with outside resources such as Safeplace. Offering cards with the pertinent information for distribution through Jewish institutions can increase the awareness of the general community as well.

²⁰⁸ *Mikvah* women are Jewish women who observe family purity laws by immersing themselves in a monthly, ritualistic bath following menstruation. See *Judaism* 101, at <http://www.ou.org/about/judaism/m.htm#mikvah> (last visited Apr. 17, 2005). Women are nude when they enter the bath, and a female *mikvah* attendant, as the only person present, would be able to spot suspicious marks or bruises.

C. Culpability

Many individuals, both in the Jewish community and the general population, do not properly understand domestic abuse, what causes it, or the role of the victim. Several of the rabbis interviewed and resources consulted noted that many women who are in abusive relationships do not realize it because they do not associate abuse with what is happening to them. Educating both genders as to what constitutes abuse, and how to spot the signs in a relationship, is a good first step toward teaching victims that they are not the culpable party who angered the "good" partner. Beyond this basic step, it is important to reinforce the notion that women have the right not to be battered or abused, and that they are equals in a relationship. Women often feel both blameworthy for the initial occurrence of abuse, and then guilty or ashamed afterward; the stigma that is attached must be removed from the victim and placed where it properly belongs: on the abuser.

D. Chipping In

Jewish institutions can also increase awareness and at the same time participate in *tikkun olam* by chipping in for programs that assist domestic abuse victims. Supporting donate-a-phone programs (events where cell phones, which have been programmed to call the police, are given to domestic abuse victims), collecting clothes for Safeplace, and participating in training to work for a domestic abuse hotline, are examples of activities that Hillels, synagogues, and community centers can all either directly participate in, or support through advertisement of opportunities. In religious communities where the fear of a *chilul HaShem* may prevent a victim from contacting outside sources, individuals can volunteer through their local JFS or rabbi to provide a safe place for a victim to stay for a night, or to bring kosher food to a shelter.

E. Confidentiality

The importance of reassuring domestic abuse victims that anything they say will be kept confidential cannot be overemphasized. Issues such as *shonda* and perceived failure to maintain *shalom bayit* or live up to the perfect family image can be mitigated through the promise of confidentiality and the availability of non-face-to-face options. Rabbis should be clear in their relationships with congregants that their position includes a guarantee of confidentiality, as should any other resource provider. Hotlines provide a means of making contact and seeking help while maintaining anonymity. Local Jewish agencies should provide both the national domestic violence hotline and any similar Jewish services in their list of resources to institutions. Additionally, the concept of an Orthodox telephone psychologist, while far from ideal, is a useful one that should be further studied.

F. Creating a Culture

All of the recommendations listed share a common goal: to create a culture in which Jewish domestic abuse is acknowledged and victims and survivors feel able to come forward to seek and receive help. Community actions reflect community attitudes, and vice versa. The Jewish community can strive to improve both its actions and its attitudes by speaking more openly about domestic abuse; setting the issue as a priority in the community; listening to the stories of survivors without passing judgment on them; helping publicize resources; taking abuse claims seriously; and letting its institutions and agencies reflect sympathy and support. As one rabbi explained, education and awareness on a variety of other topics, such as alcoholism and AIDS, led to the realization that the Jewish community suffers from societal ills similar to the rest of society. This realization led to the greater acceptance of such problems and the increased availability of assistance. The same must now be done concerning domestic violence.

VI. CONCLUSION

When Professor Beverly Horsburgh wrote her article on domestic violence in the Jewish Community in 1995, she offered a scathing report of the status of the Jewish community in acknowledging domestic abuse and offering assistance to victims. Nearly a decade later, a new problem has emerged. Now, resources are more plentiful, more people and rabbis admit to the problem, and articles on the topic are in a broad range of Jewish publications. Yet, many respondents to a survey could not recall seeing or hearing about the topic, or knowing what resource options they had. The new challenge in the twenty-first century is not only to continue raising awareness and acceptance, but to make community members aware of the resources available. Judaism is a religion that subscribes to the belief that if you save one life, it is as if you have saved the world. Such a philosophy requires nothing less than the greatest effort possible to protect those in danger in our communities.

APPENDIX A: DOMESTIC VIOLENCE COVER SHEET & SURVEY

SURVEY: DOMESTIC ABUSE AND THE JEWISH COMMUNITY

This is a completely anonymous and voluntary survey, to be completed only by participants over the age of eighteen (18). Your name should NOT appear anywhere on the survey. Please answer all questions honestly and to the best of your ability. After you complete the survey please hand it back immediately. The results of this survey will be used as part of a paper on the Jewish community and domestic violence for a law school class. There is a possibility that the author might submit the final paper for publication. By returning your completed survey, you are agreeing to take part in this study.

The purpose of this study is to gauge the attitudes toward domestic violence in the Jewish community, and gain insight about what members of the community believe about this topic. There will be approximately 350 members of the Austin, Texas Jewish community participating in this survey.

If you begin the survey, and then decide not to complete it, you may simply stop and take your incomplete survey with you, and dispose of it as you will. There are no consequences for doing so, and it will not affect your relationship with The University of Texas or any other institution.

If you have any questions, or would like
to further discuss this topic, you may contact:

Principal Investigator/Author: Lydia M. Belzer, J.D. Candidate at The
University of Texas School of Law; 512-452-7450, DVLawSurvey@yahoo.com

Faculty Sponsor: Prof. Sarah M. Buel, Professor at The University of Texas
School of Law; 512-232-9236.

The national domestic violence hotline is 1-800-799-SAFE.

IN ADDITION, IF YOU HAVE QUESTIONS ABOUT YOUR RIGHTS AS A
RESEARCH PARTICIPANT, PLEASE CONTACT CLARKE A. BURNHAM,
PH.D., CHAIR, THE UNIVERSITY OF TEXAS AT AUSTIN INSTITUTIONAL
REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS, 512/232-
4383.

SURVEY: DOMESTIC ABUSE AND THE JEWISH COMMUNITY

- 1) Gender (please circle one): Female Male
- 2) Age (please circle one): 18-24 25-35 36-45 45-55 55-65 65+
- 3) Please check which of the following you identify as:
☐ Orthodox ☐ Conservative ☐ Reform ☐ Reconstructionist
☐ Prefer not to say ☐ Other: _____

Domestic abuse and violence takes many forms, and people often have different understandings about what abuse is. For the purposes of this survey, domestic abuse/violence should be understood as any physical, mental, or emotional abuse directed by one person toward their significant other (including girlfriends/boyfriends and fiancés) or spouse.

- 4a) Have you ever considered the issue of domestic abuse/violence in the Jewish community prior to this survey? Yes No
- 4b) Did your parents ever discuss the issue of domestic violence with you (in terms of your dating/choice of mate)? Yes No
- 4c) Have you/would you discuss the issue of domestic violence with your children? Yes No
- 5a) Do you believe that domestic abuse/violence is a problem in the Jewish community? Yes No

Please explain briefly why you believe this:

5b) If you answered yes to (5a), is there a particular group(s) that you believe has a greater problem with domestic abuse/violence than others?

☐ Orthodox ☐ Conservative ☐ Reform ☐ Reconstructionist

☐ Other: _____

☐ No, I do not

6) Do you believe that Jews who intermarry are at a higher risk of domestic abuse/violence than Jews who marry other Jews? Yes No

7) Have you ever known anyone who identified as Jewish who was abused by a Jewish significant other or spouse? Yes No

8) If so, was the abuse (check all that apply):

☐ Physical ☐ Mental ☐ Emotional

9) Did that person/people seek any help/advice from a (check all that apply):

☐ Rabbi ☐ Therapist/counselor/psychologist

☐ Other: _____

☐ No, the person did not speak with a professional.

10a) Did that person go to the police? Yes No

10b) Try to get a protective order? Yes No

11) If you knew someone who was in an abusive relationship, would you recommend that s/he speak to her/his rabbi about it? Yes No

12) If you were in an abusive relationship, would you feel comfortable speaking to a/your rabbi about it? Yes No

13) Do you believe that concern about the Jewish community finding out about the abuse would cause a Jewish abuse victim to avoid discussing the abuse with her/his rabbi? Yes No

14) Have you ever seen/heard of any efforts in the Jewish community to reach out to or help victims of domestic abuse/violence? Yes No

Briefly describe:

15) What, if anything, can the Jewish community do to encourage domestic abuse victims to come forward?

16) If you were a victim of domestic abuse, do you think that your personal understanding of Jewish law (i.e., the rules for obtaining a divorce, the concept of "shalom bayit" (peace in the home)) would affect your decision to come forward/seek help/leave your abuser? Briefly explain.

17) Comments/questions/anything you would like to add:

APPENDIX B: INTERVIEW QUESTIONS FOR RABBIS
INTERVIEW: QUESTIONS FOR RABBIS ON THE TOPIC OF
DOMESTIC ABUSE AND THE JEWISH COMMUNITY

This is a completely voluntary interview, to be completed by rabbis, upon their consent, at congregations and institutions in Austin, Texas. Please answer all questions honestly and to the best of your ability. If you consent to it, a tape recorder will be used during this interview; if not, then the author will only take notes by hand. The tape would be labeled with a code, and not by your name. After the paper is turned in, the tapes will be destroyed.

You have the right to refuse to answer any individual question during this interview, or to stop the interview altogether. You have the right to choose whether or not you want to be mentioned by name in the paper. If you choose to be mentioned by name, you have until the paper is turned in to change your mind. The author will provide you with this date, and a means of contacting her, before the interview begins.

You will be asked to sign a consent form before this interview begins.

This interview will be used as part of a paper on the Jewish community and domestic violence for a law school class. There is a possibility that the author

might submit the final paper for publication. Please feel free to ask me if you have any questions. Thank you for participating!

- 1) When did you receive your rabbinical degree/how long have you been a rabbi?
2) Which of the following you do identify as:

____ Orthodox ____ Conservative ____ Reform ____ Reconstructionist
____ Prefer not to say ____ Other: _____

[Read to interviewee] Domestic abuse and violence takes many forms, and people often have different understandings about what abuse is. For the purposes of this interview, domestic abuse/violence should be understood as any physical, mental, or emotional abuse directed by one person toward their significant other (including girlfriends/boyfriends and fiancés) or spouse.

- 3) Have you ever considered the issue of domestic abuse/violence in the Jewish community prior to this interview?

- 4) Do you believe that domestic abuse/violence is a problem in the Jewish community?

Please explain briefly why you believe this.

- 5) If you answered yes to (4), is there a particular group(s) that you believe has a greater problem with domestic abuse/violence than others?

____ Orthodox ____ Conservative ____ Reform ____ Reconstructionist
____ Other: _____ No, I do not

- 6) Do you believe that Jews who intermarry are at a higher risk of domestic abuse/violence than Jews who marry other Jews?

- 7) During your rabbinical training, did you receive any training on the issue of domestic violence; such as what to do if a congregant comes to you with a domestic violence claim, and/or how to react to both the victim and the abuser? Please briefly describe.

- 8a) If a congregant came to you with a complaint of domestic violence, how would you direct her/him?

- 8b) Would your response vary depending on whether the abuse was physical, mental, or emotional?

- 8c) Would you suggest that the victim go to a therapist/counselor/psychologist?

- 8d) Would you suggest that the victim go to the police or try to get a protective order?

- 8e) Would you suggest that the victim leave the abuser? Would you be able to suggest where the victim could go?

- 9) Would you want to speak with the abuser? How would you direct him/her?

- 10a) Do you subjectively believe that your congregants would feel comfortable coming to you to discuss a domestic violence problem?

- 11) Do you believe that concern about the Jewish community finding out about the abuse would cause a Jewish abuse victim to avoid discussing the abuse with her/his rabbi?

- 12a) What efforts, if any, have you seen/heard about in the Jewish community to reach out to or help victims of domestic abuse/violence?
- 12b) Has your congregation participated in any of these? Please explain briefly.
- 12c) Have you ever spoken to your congregation about this topic? When/how often?
- 13) What, if anything, can the Jewish community do to encourage domestic abuse victims to come forward?
- 14) Do you think that a victim's personal understanding of Jewish law (i.e., the rules for obtaining a divorce, the concept of "shalom bayit" (peace in the home)) might affect her/his decision to come forward/seek help/leave her/his abuser? Briefly explain.
- 15) Comments/questions/anything you would like to add.

APPENDIX C: INTERVIEW QUESTIONS FOR JFS

INTERVIEW: QUESTIONS FOR JEWISH FAMILY SERVICES ON THE TOPIC OF DOMESTIC ABUSE AND THE JEWISH COMMUNITY

This is a completely voluntary interview, to be completed employees of Jewish Family Services, upon their consent, in Austin, Texas. Please answer all questions honestly and to the best of your ability. If you consent to it, a tape recorder will be used during this interview; if not, then the author will only take notes by hand. The tape will be labeled with a code, and not by your name. After the paper is turned in, the tapes will be destroyed.

You have the right to refuse to answer any individual question during this interview, or to stop the interview altogether. You have the right to choose whether or not you want to be mentioned by name in the paper. If you choose to be mentioned by name, you have until the paper is turned in to change your mind. The author will provide you with this date, and a means of contacting her, before the interview begins.

You will be asked to sign a consent form before this interview begins.

This interview will be used as part of a paper on the Jewish community and domestic violence for a law school class. There is a possibility that the author might submit the final paper for publication. Please feel free to ask me if you have any questions. Thank you for participating!

- 1) How long have you been working at JFS?
- 2) Please briefly describe any training for your position, focusing on training for dealing with domestic violence.

[Read to interviewee] Domestic abuse and violence takes many forms, and people often have different understandings about what abuse is. For the purposes of this interview, domestic abuse/violence should be understood as any physical, mental, or emotional abuse directed by one person toward their significant other (including girlfriends/boyfriends and fiancées) or spouse.

Please understand the following questions are not meant to illicit information about any specific case, but rather to get a general sense of the JFS response to domestic violence. The author is not attempting to breach any confidentiality between JFS and any individual.

3a) What is JFS protocol if someone should call/come in with a domestic violence complaint?

3b) Who would the person speak to?

3c) What advice would be given, or what options would be offered?

3d) Would that vary depending on the nature of the abuse (physical, mental, or emotional)?

3e) Would that vary depending on the victim's religious background (Orthodox, Conservative, Reform, Reconstructionist, etc.)?

4) Do abuse victims commonly express a disbelief that this sort of thing happened in the Jewish community?

5) Does JFS record any religious information, i.e., what sect the person identifies with or what congregation they attend, about abuse victims? Is there a tendency to get more calls from a particular sect? Please understand that this will not be assumed to mean that any sect has a greater tendency toward abuse; this is just a gage of who is reporting it.

6) Would you ever want to speak with the abuser? How would you direct him/her?

7a) Do you believe that Jewish domestic violence victims generally feel comfortable going to their rabbi to discuss a domestic violence problem? Do any factors affect this, such as age, sect, etc.?

7b) Do you believe that concern about the Jewish community finding out about the abuse would cause a Jewish abuse victim to avoid discussing the abuse with her/his rabbi?

8) Do you think that a victim's personal understanding of Jewish law (i.e., the rules for obtaining a divorce, the concept of "shalom bayit" (peace in the home)) might affect her/his decision to come forward/seek help/leave her/his abuser? Briefly explain.

9a) What efforts, if any, have you seen/heard about in the local Jewish community to reach out to or help victims of domestic abuse/violence?

9b) Beyond Austin?

10) What more can the Jewish community do to encourage domestic abuse victims to come forward? Help them once they do?

11) Comments/questions/anything you would like to add.

