Initiatives to Address Physical Violence by Jewish Husbands, 218 B.C.E.-1400 C.E.

David E. S. Stein

ABSTRACT. Previous researchers have called attention to documents composed more than 600 years ago in varied parts of the world that attest to physical abuse of wives by Jewish husbands. This article notes that those texts were composed because someone earnestly undertook to address that violence. It shows this by rendering those texts into two dozen vignettes in which wives, their male relatives, and communal leaders sought to stop spousal violence. Of those cases, 23 were initiated by the wife herself or with her consent, within the justice system; and 1 was a moralist's campaign. The article explains how the vignettes emerged from a new reading of the old documents in light of their sociolegal context. It concludes that in Jewish life over many centuries, spousal violence existed concurrently with the courage by some wives (and others) to mount a challenge to it. (An Appendix discusses how to present this material to adults in an educational setting.)

KEYWORDS. Abuse, divorce, Early Middle Ages, history, Jews, marriage, spousal abuse, wife, women

INTRODUCTION

When adult Jews come to terms with the fact of spousal violence among Jews, they do so with regard to their existing view of Judaism. As they attempt to explain to themselves how it is that some Jewish husbands abuse their wives, Jews tend toward two poles. Those who draw inspiration from traditional lore tend to view violence as a mod-

ern phenomenon–an import from outside of Jewish life, a disease of modernity that Judaism must now struggle against. Others, who take pride in the ''advances'' of modern civilization, tend to view the abuse as a centuries-old problem that was made worse by the sexist norms of society. If anything, they say, what Jews have learned from modernity is how to fight domestic violence.

This article takes a different view. Yes, spousal violence was present in Jewish life over many centuries–and so was the will to stop it. Indeed, wives themselves took initiative to end abuse by their Jewish husbands. To support that reading of history, I will present 24 vignettes based on primary source documents. These two dozen true stories focus on challenges to physical violence[1] in a wide range of situations spanning more than 1600 years. None of these events are widely known among Jews today.[2]

Contemporary scholars have discussed the documents from which the vignettes are drawn.[3] They have noted the attested spousal abuse–but then focused almost entirely on the rabbinic response, that is, on ''Judaism's position.'' In so doing, they have overlooked what gave rise to the source documents. Those texts exist only because wives (and others) acted to publicly call their violent husband to account. Indeed, it is because of their effort that we are aware of the abuse at all; in that sense, they literally ''made history.''

I render the laconic source texts via careful consideration of social history and law. Much like a laser can be shined on a two-dimensional hologram so as to create a ''3-D'' image, these legal and moral documents are read in light of their sociolegal historical context. As implicit information is revealed, the lives of real people spring into view. Therefore, most of this article is devoted to constructing the ''laser'' that makes this feat possible–that is, to characterizing the relevant yet little-known historical background.

Finally, an Appendix discusses how to present this material to adults in an educational setting. For in the author's experience, evidence of women as subjects of history (rather than objects and victims) is presented there too rarely.

HISTORICAL EVIDENCE: VIGNETTES

Of the many ways to resist abuse, almost the only evidence surviving from ages past are *legal* challenges. Indeed, of the 24 vignettes

presented in this section, 23 involve the justice system, while the other (P) is an activist's campaign. The legal texts can be classed as:

	Vignette
Lawsuits (18)	
Filed by wife	D,E,F,K,Q,R,T,W
Filed by her family	M,O,V
Plaintiff unknown	B,C,I,J,L,N,U
Other judicial proceedings (5)	
Memo by supervisor of judges	S
Administrative petition by wife	A,H
Request for legal counsel	X
Marriage contract	G

I proceeded chronologically, starting with the earliest case I could identify of physical violence by a Jewish husband, and working forward. For the sake of brevity I was not comprehensive but rather selected cases to show the richly varied tapestry of historical situations and participants.[4] To avoid unwieldy length, I stopped after the number of vignettes reached two dozen. Thus, the following set of vignettes represents the period 218 B.C.E.-1400 C.E.

A. It was 2,217 years ago that Helladote daughter of Philonides, who lived in the Land of Israel, petitioned the king for redress on the grounds that her husband had breached his marriage contract. She complained (in Greek) that "I am being wronged by Jonathas the Jew. He agreed in accordance with the law of the Jews to hold me as wife. Now he does not give me my due, and shuts me out of my house and absolutely wrongs me in every respect."[5]

B. More than 1,000 years ago, a Jewish wife (or her father or brother) filed a lawsuit in a local court of the Babylonian Jews, seeking damages after her Jewish husband grabbed and pulled out some of her hair while quarreling with her. (In its finding of fact, the court confirmed her claim of battery.)[6]

C. More than 1,000 years ago, a Jewish wife (or her father or brother) filed a lawsuit in a local court of the Babylonian Jews, seeking damages after her Jewish husband beat, injured, and bruised her. (After examining the evidence, the court found her claim of battery to be true.)[7]

D. Roughly 1,000 years ago, a Jewish wife in Egypt's leading city

brought suit against her Jewish husband in the local court of the Levantine Jews. She complained that he had beaten her to an extent that she feared for her safety. Although she did not want a divorce, she did want the beatings to stop. (In its finding of fact, the court confirmed her claim of battery.)[8]

E. Roughly 1,000 years ago, a Jewish wife in the Levant sued for divorce in a local court of the Babylonian Jews, saying: ''I do not want my husband, because he is hitting me repeatedly and tormenting me.'' The court examined the evidence and found her claim to be true–that this Jewish husband was (in the words of the presiding judge) ''abusing her without provocation.''[9]

F. Approximately 900 years ago, Sitt al-Dar bat Solomon–a Jewish-woman who lived in Egypt's leading city–filed suit in the local court of the Levantine Jews against her husband, Abraham ben Hananel–the scion of the prominent, middle-class al-Amshati family. She claimed that he had left town on business without her (legally required) consent, that he was vexing her by threatening to take an additional wife, and that he had beaten her. She did not fear for her life and did not want a divorce, but she did want all three behaviors to stop. (In its finding of fact, the court confirmed all three claims.)[10]

G. Roughly 880 years ago, a Jewish bride (or her agent) negotiated a Ketubbah (marriage contract) in Egypt's leading city. Prompted by experience, she insisted that it stipulate that during marriage ''he will not hit her.'' (If he did hit her, it could then be deemed by the court as a clear breach of contract–no excuses. After all, this Ketubbah, like all marriage contracts of that time, was written out by the local court clerk before the wedding and would be reviewed by the president of the Central Governing Council, to certify that it was legally binding.)[11]

H. Approximately 870 years ago, a Jewish woman appeared at a public audience of the president of the Central Governing Council of Levantine Jews, held in those days in Egypt's leading city. (The president oversaw the administration of justice throughout that denomination's communities.) On the spot, she dictated a petition that an attendant gave to the president. In it, she lamented that her Jewish husband had not provided her with even the minimum legal amount of spending money for personal care, nor the basic garments specified by Jewish law: ''Your Excellency, I have been married to this fellow for fifteen years, and I have never received from him a thing–not even a piece of silver for going to the bathhouse; he bought me no cloth-

ing–not even a cap.'' Then she added a complaint about ''vexations and beating'' before concluding, ''Now I throw myself upon God and upon you. I am a captive. Free me!''[12]

I. Approximately 850 years ago, a couple appeared before a Jewish court of law in Egypt's leading city. The Jewish wife had run away from her husband, who was a Jewish communal professional. She said that after falsely accusing her of stealing his money and utensils, he then beat and cursed her. She did not want this to happen again–and if it did, she insisted on an immediate divorce. (The court examined the evidence and found her claims of abuse to be true.)[13]

J. Roughly 850 years ago, a Jewish wife (or her father or brother) in Spain filed a lawsuit in a Jewish court. The suit claimed that her Jewish husband had struck and injured her, and it sought an injunction against the violence. (In its finding of fact, the court confirmed the claims of battery and injury.)[14]

K. Roughly 820 years ago, a Jewish wife in the Near East sued for her local Jewish court to impose divorce, claiming the full severance payment promised in her Ketubbah–even though she had previously surrendered her claim to it. The judge's finding of fact: ''The defendant married the plaintiff and she remained with him for five years. Meanwhile, he nearly killed her; he harmed her, beat her, and belittled her. He said to her, 'Discount for me your severance payment and I will release you with a divorce!' Under duress from the force of the beating, she later did so; but he changed his mind [about granting divorce] and now promises, 'I will not harm you any more'–this after he used to frighten her and strike her with his hand on her face! She is refusing to return to him, and she has brought proof of the beating, the vexation, and his sale of her valuables [without her permission].''[15]

L. More than 815 years ago, a Jewish wife (or her father or brother) in northern France or Germany filed a lawsuit in a Jewish court of law, seeking redress because her Jewish husband had been hitting her. (After examining the evidence, the court found her claim of battery to be true.)[16]

M. It was 780 years ago, in Egypt's leading city, that a young Jewish wife consented to a lawsuit in her denomination's local court of law against her Jewish husband Sulayman ben Hani, who was a pauper. The couple was living with his parents and his sister. The complaint as filed stated the following: that this woman ''has no home or esteem'' with that family; that they curse, hit, and call her names; that

to torment her, her husband threatens to marry another wife; that ''every day he drives her out of the house''; that he spreads rumors about her and gives her a bad name; and that her husband's family brought a midwife to examine her (i.e., they accused her of adultery).[17]

N. Roughly 780 years ago, a Jewish wife (or her father or brother) in the Rhineland filed a lawsuit in a Jewish court of law, seeking redress. She asserted that her husband repeatedly hit her. (In its finding of fact, the court confirmed this claim of abuse.)[18]

O. About 780 years ago, a rabbi named Jeremiah, who lived in the Rhineland, filed suit in the local Jewish court on behalf of his daughter, seeking both damages and an injunction. He claimed that his son-in-law had been hitting his daughter continually and also had disgraced her by exposing her hair in public. (In their finding of fact, the local judges agreed with his claims.)[19]

P. Some 750 years ago, Rabbi Jonah ben Abraham of Gerona and of Barcelona (Spain), a leading pietist and activist for social justice, composed a moralistic work, *The Gates of Repentance.* He wrote: ''Preachers must investigate the people's ways, to comprehend where they are falling short, so as to warn them. . . . There are warnings that some people do not heed, such as those against injury and battery . . . Many men are violating the prohibitions [against assault and battery] when they hit their wives.''[20]

Q. More than 714 years ago, a Jewish wife in Europe sued her husband in a Jewish court of law, seeking relief. The judge later described the case to a jurisconsult: ''A husband is accustomed to hitting his wife. She sought in court to get him to cease hitting her, but he did not want to guarantee [on pain of an unspecified penalty] that he would not hit her any more; he did not accept our reproof.'' Not giving in, the wife had then appealed to the highest authority: her community. When the synagogue's Torah scroll was taken out for its regular public reading, she stood up on the reader's platform. She exercised her ancient right to interrupt the proceedings and delay the Torah reading in order to bring her case before the congregation. There, according to the local judge, ''she demanded that he either pay the debts she would accrue for living expenses while taking shelter away from home [i.e., pay alimony as the law required], or else guarantee that he would not hit her any more; but again he refused the latter.''[21]

R. More than 714 years ago, a Jewish wife in Europe filed a lawsuit in a Jewish court of law. She claimed that she was vexed and annoyed by her husband's aunt, who lived with them in his home. This led to arguments between the wife and her husband, who often struck her. (In its finding of fact, the court confirmed her claims of abuse.)[22]

S. More than 705 years ago, Rabbenu Peretz ben Elijah of Corbeil, president of the Governing Councils of France, wrote a procedural memo to his region's judges. He began by adapting a biblical quotation before stating his reason for writing: "'The outcry of our womenfolk is heard far and wide' on account of the Jewish men who are violently assaulting and battering their wives! . . . We have heard that some Daughters of Israel are filing complaints about this . . . "[23]

T. Roughly 700 years ago, a Jewish wife in Europe sued for divorce in a Jewish court of law, claiming, "My father was so poor that he was forced to marry me to this man–whom I agreed to accept. But I do not want to be married to him any longer, because he is unbalanced, and I fear that he may kill me in his rage." (The judge's description of the case noted: "The husband rampages daily.")[24]

U. Approximately 700 years ago, a Jewish wife (or her father or brother) in Spain filed a lawsuit in the local Jewish court, seeking relief. She testified that her husband was hitting her daily, until she was so distressed that she found it necessary to leave home and go stay with her parents. She further claimed that her mother-in-law (who lived in the same courtyard) was inciting quarrels between her and her husband and causing him to batter her. (The court examined the evidence and confirmed that he had been hitting her daily.)[25]

V. Some 700 years ago, a Jewish father living in Spain filed a lawsuit in a Jewish court, seeking not only an end to the abuse in his daughter's marriage, but also compensation from her husband. He claimed that his son-in-law once drove his daughter "in a rage" from the home; she went to stay with her parents. Her husband soon came and brought her home. But he drove her from the house again; this time she remained with her parents for a long time. Meanwhile, this Jewish husband did not provide her with the required alimony; she had to borrow from her parents in order to sustain herself. (In its finding of fact, the court corroborated all of these claims.)[26]

W. More than 690 years ago, a Jewish divorcée in Spain appeared in the local Jewish court for the property settlement hearing at the end of divorce proceedings, seeking her full severance payment. Although

she had previously surrendered her claim to a portion of that payment, she now said that she had been coerced by her husband to do so. The judge's finding of fact: "Her husband wanted her [as a condition of divorce] to forgive part of the Ketubbah's severance-payment obligation. He used to quarrel with her over this, and once he even drove her out of his house. When they were later reconciled, she had agreed to surrender her claim; but now she says that she did so only in order to dwell with him in peace."[27]

X. About 600 years ago, a brother or father in North Africa sought legal counsel from a leading Spanish rabbi, newly arrived in the city of Algiers. (Jews there were not used to rabbinic domestic law. Only recently had they stopped a generations-old practice of taking marriage disputes to Moslem courts–which would consider only Moslem witnesses and documents with Arabic characters, and which forced wives who fled abuse to return to their husbands.) The questioner wrote: "There is a wife whose husband so seriously abuses her that she is completely fed up with him, due to the amount of abuse. It is well known that: he is a very difficult man; that she cannot bear any longer the great amount of enmity and fighting; and that he also starves her until she hates life altogether. But she thinks she cannot afford to bring her case to court, because a local judicial expert has prompted her to fear that if she sues for divorce, she will lose her severance payment."[28]

DISCUSSION: CORROBORATION OF ABUSE AND THE INITIATIVE OF WIVES

A high proportion of the above initiatives were undertaken by the wives themselves; in the other legal cases, their consent can be safely inferred (see below). This evidence thus challenges the notion common today that premodern Jewish wives always were expected to passively submit to their husband's authority. Meanwhile, the third-party interventions remind us that a wife was not necessarily all alone when taking a stand against her Jewish husband's violence.

Admittedly, because someone publicly accused a husband of abuse does not mean that he was in fact abusive. However, the court, as a matter of course, conducted an independent assessment of the evidence (which was certainly more complete than what is extant today). Of the 20 situations adduced here in which a public accusation of

abuse was made against a specific Jewish husband, in 17 cases the nature or wording of the texts implies that the court corroborated those accusations.[29] It found that the evidence met the legal standard of proof.[30]

At least in those 17 cases, it is clear that wives had the fortitude to enter a legal setting so as to make accusations of, and testify to, physical abuse that they had experienced. Those women were taking a stand against violence by publicly holding their Jewish husbands accountable. While this is not the only way to resist abuse, it is a historically documented approach.

DISCUSSION: SOCIOLEGAL CONTEXT

The accuracy of historical reconstruction depends on its assumptions and inferences. The vignettes were reconstructed by reading into the primary sources what is otherwise known about the situation facing abused wives at that time. That context will now be explained in some detail, because few people (including Jews) are familiar with it.[31] Nearly all the vignettes involve persons who recognized the authority of rabbis, known as ''Rabbanite'' Jews. [32]

Social and Judicial Structure

After intensive historical research within the past eighty years, scholars have pieced together a solid picture of Jewish life in the period 900-1100 C.E. Nearly all Rabbanite Jews lived in Moslem-controlled lands; all Rabbanites belonged to a congregation affiliated with one of three self-governing, far-flung denominations[33]: two centered in Baghdad (''Babylonian'') and one centered nominally in Jerusalem (''Levantine'').[34] Communal administration and the justice system were run on a denominational basis. Denominations consisted of a federation of dues-paying local congregations. Each congregational compound comprised a synagogue, social service offices, and a courthouse. A local court (Hebrew: *beit din*) usually consisted of a permanent, ordained (rabbinic) judge plus two laymen who served on an ad hoc basis.

The denomination's highest authority in all legal and administrative matters was the Central Governing Council (Hebrew: *yeshivat ge'on ya'akov* or simply *yeshiva* or *sanhedrin* or *chavurah*).[35] This body functioned as a mixture of today's parliament, supreme court, law

school, and religious academy. Council members each served as a leader in a local community. Periodically they met together, supervising the denomination's institutions (administrative boards, supreme court, and academy) and fostering uniformity within member congregations.

Each denomination was headed by a president (*ro'sh* in Hebrew)–an executive and judicial chief who served for life.[36] He presided over the Central Governing Council and appointed and ordained (or confirmed) its members. He hired and fired (or reconfirmed) all local officials including judges. And he supervised all marriages and divorces, and attended to family disputes.

Starting around the year 1100, larger societal upheavals–wars, massacres, changes in political boundaries, and famines–made contact with the old centers more difficult. European Rabbanite Jews, whose numbers were growing, developed the administrative and legal expertise (and will) to form their own regional federations (such as in sections of Spain and in the Rhineland). But Jews there lived in various smaller, competing political jurisdictions; their communities do not seem to have developed as strong or as formal a regional hierarchy. Thus, while many local judges were trained at the same regional academy, it seems unlikely that regional presidents appointed judges throughout the region. Meanwhile, in Moslem-controlled areas, the denominations also gave way to decentralization by the year 1250. Nevertheless, in all areas, the tendency toward the uniformity of judicial interpretation continued via respect for precedent and a sense of common enterprise. Jurisconsults and judges studied legal digests, and cited responsa (see below), from regions outside their own.

For three Babylonian vignettes (B, C, and E), I assumed that the structure and court procedures of its denominations were like those of the concurrent Levantine denomination (about which detailed records have survived). For the judicial vignettes from Europe, I assumed that the regional judiciaries retained the same lawsuit procedure as they had followed before emerging from denominational influence.

Legal Background: Assault and Battery

Assault and battery were prosecuted not as criminal acts but as torts (i.e., civil cases). The victim sued the perpetrator in the local court, seeking a remedy in the form of either an action for damages or an injunction to desist.

Compensation due was a function of the degree of the violence. (This corresponds to American legal gradations of penalties for assault, aggravated assault, battery, and so on.) Repeat offenses were treated more seriously. Therefore, rabbinic sources always attempted to classify physical abuse; if it was either injurious, chronic, or life-threatening, the legists were sure to say so. Translators today must make use of this fact in order to resolve ambiguities in the text; for example, the context of the generic Hebrew verb *hikkah* must be examined in order to discern which nuance was intended: "hit" (once) or "beat" (repeatedly) or "slay."[37]

As noted earlier, the plaintiff's identity often is not clear from the surviving documents. Whether it was the wife was not of much interest to the legist who recorded the case. Perhaps this was because ancient and medieval persons tended to bond more with their siblings and children than with their spouses.[38] A plaintiff could almost as easily have been her father or brother as the wife herself.[39] A father was supposed to stand up for his daughter, and a brother for his sister; those men were part of the resources that many a wife had available. Such relatives were likely more familiar than she with the judiciary, given that often men took a turn serving as a local assistant judge (not unlike jury duty in our time).

Based on the nature of spousal violence (that one lived and often worked with one's erstwhile assailant, who might engage in reprisals) and of the rules of evidence,[40] I contend that a case filed by a father or brother would not have proceeded unless the wife at least assented and was willing to testify. Thus, where her participation in a suit was not stated outright in a source text, I nevertheless infer her consent. Even if she was not the plaintiff, she was resisting abuse.

Legal Background: Marriage and Divorce

Jewish marriage was seen as a private contract between two parties. The roles of wife and husband involved mutual obligations that were spelled out in the law yet subject to some modification by the parties. Among the many requirements, a groom obliged himself to pay a bride a certain amount upon divorce, as stipulated in her Ketubbah (marriage contract). That payment (also called *ketubbah,* for it is the heart of the larger document) functioned like a severance package in a contemporary employment contract; it discouraged the employer-husband from breaking his contract with the employee-wife, and it pro-

vided her with financial security. Thus I translate the term as ''severance payment.'' In so doing, I hasten to add that it was not a token amount; in the major Jewish community of Egypt's leading city in the 11th-13th century, the typical severance payment for a lower-middle-class divorcée equaled nearly *six years* of normal living expenses.[41] (It is not surprising that an abusive husband might also try to evade responsibility for payment.)

A battered woman could sue her assailant, seeking damages and an injunction to desist, regardless of whether or not that person was her husband. Within the context of marriage, an added grounds for suit was breach of contract (for he had pledged to honor her), although in that regard the nature of redress was less well defined.

Wives had a right to flee for their safety. Now, a wife by definition contracted to be a home-based producer of goods and services; if she removed herself from the home for an extended period of time, she faced sanctions for ''failing to report for work.'' But seeking shelter away from home was legal if she could prove abuse (or neglect) on her husband's part. An abused wife who could show that she was in physical danger was not obliged to return home. Meanwhile, her husband was held liable for debts she incurred to pay for living expenses.[42]

Under certain conditions, a wife also had the option to exit her marriage. In many communities during this time period, she could initiate divorce proceedings–that is, apply to the court to oblige her husband to grant divorce–as the plaintiffs in four of our cases presumed.[43] If she succeeded in proving serious, ongoing abuse, then she was entitled to a court-enforced divorce and her severance payment (plus her other assets); if she lacked convincing proof of abuse, she could still get divorced if she were willing to forfeit the severance payment.[44] What constituted ''serious, ongoing'' abuse or ''convincing proof'' was often disputed in the lawsuits; as we have seen, a large sum was at stake.

Resolving Lawsuits

The court procedures of early medieval Rabbanite Jews are summed up in legal compendia and known from the Cairo Geniza, a document repository where two courts sat 700-900 years ago. The late S. D. Goitein noted that those procedures were rooted in '' 'freedom of contract,' the right of the parties to choose the conditions that met their

needs best'' (ii, p. 328). Local courts almost never handed down rulings; rather, they prompted the parties to reach a settlement (informed by Jewish law). As Maimonides wrote, ''Ask the litigants at the outset, 'Do you want a judgment according to law, or a settlement of reconciliation?' A court that consistently effects reconciliation is to be praised, for that is the sort of judgment that brings with it harmony [*shalom*]'' (*Mishneh Torah,* Book of Judges, Lore of Courts § 22.4). Passing judgment on the lives of others was held to be arrogant overfunctioning by the court and ultimately ineffective.

Typically a lawsuit proceeded in the following way (see flow chart, ''Jewish Court Procedure for Lawsuits circa 1100 C.E.'') (Figure 1):

1. The court recorded the plaintiff's complaint and opened the case.
2. The court both established the facts of the case and outlined what seemed relevant from a legal perspective. As Goitein explains, ''The judges would hear the depositions and arguments of the parties, examine the witnesses, and study the documents submitted to them.''[45]
3. The court issued a finding of fact.
4. The parties (and sometimes also the presiding judge) submitted the official finding to a neutral jurisconsult (Hebrew: *poseq*), so that the parties could measure their positions against prevailing practice. The jurisconsult's responsum (*teshuvah,* or *pesaq din*) served as useful input but did not decide the case (contrary to today's conventional wisdom).[46] It carried weight but was not the last word–much like an advisory opinion issued by a state attorney general today.[47] As Goitein explains, ''After receipt of the opinions of the legal experts, . . . the parties knew what they could expect from a judgment and tried to come to an agreement as favorable as possible to each side.''
5. The court (as well as communal elders, extended family, and onlookers) tried to mediate a negotiated resolution.

6a. Usually the parties negotiated a settlement agreement, including penalties for noncompliance, which the court clerk wrote down. The judges signed as witnesses.

6b. If that round of mediation failed, the court ruled on the case. Often, however, it pre-empted later protest by first checking with the denomination's higher authorities. Here is where queries were addressed to a president (*ga'on*), who informally consulted a relevant Central Governing Council board as needed. Then he

sent a responsum. The authority of his reply was provisional rather than absolute; it was understood that such interpretations of Jewish law could later be overruled by superior knowledge or reasoning. (Meanwhile, at least within the boundaries of the sultan's empire, a president's rulings had the force of the state behind them.) Again, Goitein explains:

> If the parties did not come to an agreement, the court would often not hand down a judgment immediately, but would first make sure to have the support of its superiors, one or more of the three chief judges [of the denomination], or . . . of the [president] who had appointed them [and who supervised that local judge as well]. Many queries preserved by the Geniza or in the collections of responsa are just such veiled feelers [i.e., memos]. . . . The judge submitting the questions was not in doubt about the answer, as can be seen from the way he presented the matter, but he wanted to have a ruling from above in order to fortify his own position. . . . The parties, too after having failed to reach a settlement, would apply to the high court of [the Central Governing Council,] whereupon [it] would instruct the lower court how to deal with the case.

Such a judicial system may sound byzantine and bureaucratic. Yet that society was very process-oriented. Its judicial procedure is best viewed as that society's sincere attempt to reach consensus and restore harmony among its members.[48]

DISCUSSION: INTERPRETING THE DOCUMENTARY EVIDENCE

All of the source texts are terse or fragmentary–and thus need many inferences and assumptions in order to be understood. In addition, like any witnesses, they cannot tell us ''the absolute truth''; rather, their accounts are true within the limitations of historical documents.

Most vignettes (15) come from responsa–either an advisory opinion by a legal expert, or a directive from a judicial supervisor or chief judge. Of the various documents generated in a court case, only selected responsa were consciously preserved, because they might be useful in later cases. Regarding this type of literature, the historian's work can hardly be overstated, as one scholar explains:

> In many cases the author of the responsum has failed to reproduce the full text of the question. Since a responsum was often written on the same piece of parchment as the question, the answer . . . contained but cryptic references to the case under discussion. The collectors [and ''codifiers''] of the Responsa, being interested only in the legal discussions, [often] left out the questions entirely. . . . To reconstruct the original question, therefore, a thorough and painstaking study of the answer is necessary, requiring an intimate knowledge of talmudic law and rabbinic style.[49]

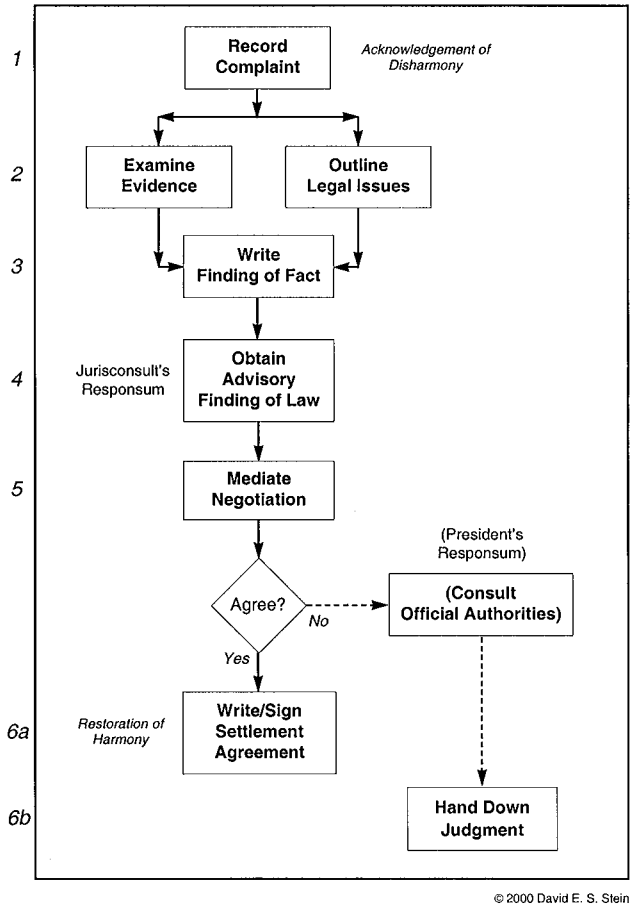
In other words, what we have of the original case is at best a second-hand account: The local court's written description of the case (finding of fact) was sent to an offsite legal expert or to a higher authority, who responded on its basis. Later, collectors and codifiers (also with no first-hand experience of the case, and copying by hand) distilled the local court's formulation,[50] preserving only the details deemed relevant to legal precedent.[51] This included special circumstances that could affect how legal principles were applied. Fictitious names were supplied as needed to keep the issues clear. But actual names, places, and dates were not of concern to the legists who edited responsa for posterity, and were not preserved.

The interpretive challenge, then, is to flesh out the distilled description of the case, by inferring more about the judge's original formulation from the wording and topics of the reply. (This is like hearing one side of a telephone conversation and guessing what's being said on the other end of the line.) On the other hand, using a responsum has one advantage as a historical source: the local court has already certified that abuse took place.[52]

Meanwhile, a third of the vignettes (8) derive from original documents. With them, the main interpretive challenge can be the poor condition of the text; in some cases, all we have are fragments of the original, so that details such as date, names, and place may be missing. Another challenge is determining precisely what type of document a given text represents. While expert scholars have made a determination, they are not always correct.[53]

Of the original documents, three of the vignettes (D, F, I) derive from negotiated settlement agreements.[54] Such texts provide little direct information as to who or what precipitated the suit, for by its nature a settlement focuses on the future, not on the past. But given

FIGURE 1. Jewish Court Procedure for Lawsuits Circa 1100 C.E.



what the husband promised *not* to do in the future, I inferred what he must have done in the past.[55] Meanwhile, given both prevailing law and what the wife agreed to accept, I inferred her goals in the case.

Like most court documents in the Cairo Geniza, marriage settlements were written in the vernacular so that all parties would clearly understand their obligations. Because I do not read Judeo-Arabic (that

is, Arabic written with Hebrew letters), I have relied on Goitein's published summary translations.

Finally, all of these texts were written in a world vastly different from our own; contemporary readers are sure to misunderstand their stories to some extent. Yet I believe that my conclusion is robust, even if I have erred with regard to some details.

CONCLUSION

Women, when faced with physical violence by Jewish husbands, even in the distant past, sometimes have drawn upon the resources of family and society so as to resist the abuse openly. And third parties have intervened to address the violence as well. Such cases challenge our common conceptions of battered wives, Jewish history, and women's subdued place in traditional Jewish life.

NOTES

1. "Physical violence by Jewish husbands" appears to be the kind of "domestic" abuse most often denied as real by contemporary Jews. For the sake of brevity I have spotlighted that type of abuse alone. (The restricted scope of this article does not mean that the author considers other kinds of abuse to be less important.) In this article, "physical" spousal abuse includes not only hitting but also shutting a wife out of the house, driving her from the house, or prompting her to take shelter elsewhere.

2. Five of these cases were later included in classic Jewish "law codes"; others were available only to those who pored over early medieval responsa collections (see below); and still others were forgotten for centuries, rediscovered only in the past few generations, and published in scholarly works.

3. For example: Julie Ringold Spitzer, *When Love is Not Enough: Spousal Abuse in Rabbinic and Contemporary Judaism* (NY: Women of Reform Judaism, 1995); Rachel Biale, *Women and Jewish Law: An Exploration of Women's Issues in Halakhic Sources* (NY: Shocken Books, 1984); Samuel Morrell, "An Equal or a Ward: How Independent is a Married Woman According to Rabbinic Law?" *Jewish Social Studies* XLIV/3-4 (Summer-Fall 1982):197-198; Mordechai Frishtik, "Violence Against Women in Judaism," *Journal of Psychology and Judaism* 14 (Fall 1990): 131-153; and Naomi Graetz, *Silence is Deadly: Judaism Confronts Wifebeating* (Northvale, NJ: Jason Aronson, 1998).

4. That is, I omitted ten additional known cases from the period of study. Regarding some of them, not enough is known to reconstruct the initial challenge to abuse. Meanwhile, documents related to still more cases must be extant; they would surely come to light in a more comprehensive study.

5. [A]Dated papyrus fragment (petition) published and transl. in Victor Tcherikover, ed., *Corpus Papyrorum Judaicarum* (Cambridge, MA: Magnes/Harvard, 1957), no. 128 [218 B.C.E .]. This document is nonrabbinic (better: prerabbinic); according to Tcherikover, it is written in standard Hellenistic petitionary form. Only a fragment has survived; the reference to Jewish marriage is obscure and the translation is based in part on a restoration. The gaps in this fragment leave open the possibility that the marriage documents had been drawn up in a Jewish office but followed a generic Hellenistic pattern rather than a specifically Jewish one. From what remains we can safely infer that the couple lived in Samaria, then under the control of the Ptolemaic (Hellenistic) ruler in Egypt. Because the wife's name is Greek, some scholars have doubted whether she herself was a Jew. I know of no evidence otherwise that intermarriage was ever performed under explicitly Jewish auspices, but am not expert in that time period. In any event, Tcherikover noted that ''the obligation of the husband not to drive his wife out of the house is a usual clause in every [Hellenistic] marriage contract of the Ptolemaic period.'' (No contemporaneous Jewish marriage contracts are extant.) The petitioner goes on to request involvement by district officials in order to effect some kind of financial settlement. Tcherikover wrote, ''Helladote, evidently, requests from her husband the return of her dowry and the fulfillment of the obligations undertaken by him to support his wife.'' To my knowledge, this case has not been discussed in contemporary domestic violence literature.

6. [B]Responsum of a Babylonian president [prior to 1000 C.E.]; adduced in '*Arba*' *Turim* [''*Tur*''], *Choshen Mishpat* § 424; as repr. in *Otsar ha-Geonim, Baba Kamma* #220. Compensation in a generic case of pulling out a person's hair was already addressed in Mishnah *Baba Kamma* 8:6, which categorized it as battery involving little lasting humiliation or pain, and without permanent injury. (Eventually this approach was adopted as halakhah; see *Shulchan Arukh, Choshen Mishpat* § 420.41). What is queried in this case is what to do when the parties are married to each other–that is, bound by an existing complex of contractual and reciprocal economic arrangements. Dating is uncertain; the *Tur* attributes the reply to Rav Hananiah (Hanina) Gaon, but there were several presidents with this name between 613 and 938 C.E. At any rate, names attached to early ''gaonic'' responsa, as they have come down to us, are quite unreliable.

7. [C]Responsum from an anonymous Babylonian president [prior to 1000 C.E.], publ. in Teshuvot me-ha-Ge'onim Kadmonim (Berlin, 1848) § 44; Teshuvot ha-Ge'onim ha-Kitsrot § 135; as repr. in Otsar ha-Geonim, Baba Kamma #221 and Ketubbot #477.

8. [D]Cairo Geniza fragment (settlement agreement) [c. 1000 C.E.] in the Taylor-Schechter Collection [hereinafter ''TS''], Cambridge, England 6 J 2, f. 2; Goitein, p. 466 n. 132. (Geniza fragments cited herein were translated from Arabic and summarized by S. D. Goitein in *A Mediterranean Society, Vol. III: The Family* [Los Angeles: Univ. of California, 1978]. The wife had sought shelter away from home, for which she faced sanctions herself unless she could prove abuse by her husband; see discussion, below.

9. [E]Responsum of R. Joseph b. Isaac ibn Abitur of Egypt [c. 1000 C.E.]; adduced by R. Solomon ibn Adret, vol. 7 #477; repr. in *Otsar ha-Ge'onim, Ketubbot* #476.

10. [F]Cairo Geniza fragment (settlement agreement) [c. 1100 C.E.]: TS 12.129; Goitein, p. 188 (also vol. II, p. 110).

11. [G]Cairo Geniza fragment (Ketubbah) [c. 1120 C.E.]: TS NS J 378; Goitein, p. 144. Custom stipulations were not unusual in Levantine marriages; and unlike the body of the Ketubbah, which was written in Aramaic (an official "legal language"), they were stated in Arabic (the vernacular), so that they would be clear to all parties. According to M. Friedman, out of dozens of marriage contracts and their fragments extant from that period, this is the only case of a stipulation that mentions spousal battery. (One *engagement* contract similarly mentions it.) Thus I infer that this stipulation is the result of actual experience. Exactly what happened–in his past or hers–to prompt the stipulation is unknown. Given the topic, it must have been insisted upon by the bride (or her agent) rather than the groom.

12. [H]Cairo Geniza fragment (petition) [c. 1130 C.E.]: TS 8 J 22, f. 27; Goitein, p. 186. Like the Muslim sultan, a Jewish president held regular public audiences, in order for his denomination's Jews to submit petitions directly for redress of grievances. The president normally would have responded by dispatching a minor official from the local court to investigate the situation and make a recommendation regarding local court action.

13. [I]Cairo Geniza fragment (settlement agreement) [c. 1150 C.E.]: Bodleian Library (Oxford Univ.) MS Heb. c 28 (Cat. 2876), f. 7; Goitein, 187-188; 466 n. 133.

14. [J]Responsum of R. Meir b. Todros ha-Levi Abulafia of Toledo (*Ramah*) [c. 1150 C.E.], as adduced in *Sefer Meisharim,* Path 23.5, by R. Jeroham b. Meshullam, Provence (c. 1320); also adduced in *Beit Yosef* at *Even ha-Ezer* §74.

15. [K]Responsum of Moses Maimonides #385 [c. 1180 C.E.]; Blau edn. (1960), vol. 2, p. 664. Two versions of this responsum are known; wording of the query differs slightly between them.

16. [L]Responsum by Rabbi Isaac ben Samuel ("the Elder") of Dampierre [prior to 1185 C.E.]; adduced by Rabbenu Peretz ben Elijah of Corbeil (see n. 23). Further details have not survived.

17. [M]Cairo Geniza fragment (complaint filed with the judge) [1220 C.E.]: Elkan N. Adler Collection (JTS, NY) NS 16, f. 30; Goitein, p. 175 (also vol. II, p. 463). Further details have not survived. From Goitein's third-person description of the case, I infer that the wife did not file the suit herself.

18. [N]Responsum of Rabbenu Simchah ben Shmuel of Speyer [c. 1220 C.E.]; adduced in *Beit Yosef, Even ha-Ezer* § 154.15. The text of his reply reads much like the responsum, cited in [J], of R. Meir b. Todros ha-Levi Abulafia; R. Simchah was probably quoting his prominent Spanish predecessor. This case reminds us that family dynamics were much more complex than our contemporary focus on husband-and-wife admits. Goitein indicated that abuse by extended family members was not uncommon. First, families of the time were characterized by "great reverence for the senior members [of the extended family, and by] prominence in the house of the old lady who presides over a bevy of daughters, daughters-in-law, and grandchildren" [i, p. 73]. Second, "the most common actual complaints of a wife were that the mother-in-law was not considerate, did not honor her, imposed on her too much work, and suspiciously supervised her comings and goings" [iii, p. 173]. He mentions five other cases known from Geniza fragments where a wife sued for redress because her mother-in-law and/or sister-in-law (living in the same dwelling) was intolerable. Many other responsa deal with such cases as well. Meanwhile, brides often tried to forestall

husbands' marrying additional wives by inserting a stipulation into her own Ketubbah that "he agrees not to take another wife without this wife's consent; and if he ever does, he agrees to divorce this wife at once with full severance payment."

19. [O]Responsum of Rabbenu Simchah ben Shmuel of Speyer [c. 1220 C.E.], as adduced in responsum of R. Benjamin Ze'ev of Arta (Greece, early 1500s) #88. I detect two separate but juxtaposed cases in our source texts. The *Beit Yosef* (see [N]) quotes an extract, interjects "and afterwards," and then quotes a second extract. Meanwhile, in the version adduced by R. Benjamin Ze'ev, R. Simchah is quoted as stating, "After I wrote my first responsum, a letter came to me from R. Jeremiah . . . " Because R. Simchah refers to the latter without patronymic or place name, I infer that they knew each other and that R. Jeremiah lived nearby.

20. [P]Book excerpt (activist's campaign), Rabbi Jonah ben Abraham Gerondi, *Sha'arei Teshuvah* 3.75-3.77 [c. 1250 C.E.]; as repr. on *The CD ROM Judaic Classics Library, Fourth Edn* (1994).

21. [Q]Responsum of R. Meir ben Baruch (*Maharam*) of Rothenburg [prior to 1286 C.E.], Berlin ed. (1892) #780, p. 319; cf. Prague ed. #81 and #927; gloss by R. Moses Isserles on *Mordechai, Ketubbot* 186; cf. *Mordechai, Ketubbot* ch. 4, Riva di Trento edn., as adduced by *Darkhei Moshe, Even ha-Ezer* § 154 n. 11. The text of his reply reads much like the responsum, cited in [J], of R. Meir b. Todros ha-Levi Abulafia; R. Meir was probably quoting his prominent Spanish predecessor. The responsum refers to the plaintiff's challenging the defendant "again, in the synagogue." I infer that this is a cryptic reference to the ancient right of any complainant who felt treated unjustly to interrupt public prayer until satisfied that justice would be done. Goitein described it as "an appeal to the highest authority . . . the technical term for the procedure was 'to call the Jews for help.' . . . Female 'callers for help' are also referred to" [ii, pp. 324-325]. (See also Abraham Millgram, *Jewish Worship* [Philadelphia: JPS, 1971], pp. 557-558.) In our case the wife probably raised the issue on a Monday or Thursday, rather than on the Sabbath. (The responsum exists in several versions with varying descriptions of the case; what I have translated is a composite.)

22. [R]Responsum of *Maharam* of Rothenburg [prior to 1286 C.E.], 1968 ed. #946; transl. Irving Agus, *Rabbi Meir of Rothenburg* (1947), *Even ha-Ezer* #297, p. 326 (adapted).

23. [S]Procedural memo, Rabbenu Peretz ben Elijah of Corbeil [prior to 1295 C.E.], published by M. Guedemann, *Geschichte des Erziehungswesens und der Cultur der Juden in Frankreich und Deutschland* (Vienna, 1880) I, 263; with one letter of the transcription corrected by Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (NY: JTS, 1924; Westport, Conn.: Greenwood, 1972):216. Also adduced in responsum #88 of R. Benjamin Ze'ev of Arta (Greece, early 1500s). See also n. 53. The opening clause echoes the start of a similar document on the subject of spousal *neglect,* written a century earlier in the same vicinity by R. Peretz's eminent predecessor, Rabbenu Tam. Being a near quotation from Jer. 8:19, it is best understood as conveying rhetorical force rather than a literal report. (In those days, every educated Jewish male knew the Bible by heart, so the readers would surely hear overtones from later in that biblical passage: "Because the daughter of my people is shattered, I am shattered. . . . I will weep day and night for the slain daughters of my people" [8:21, 23].)

24. [T]Responsum of Rabbenu Asher ben Yechiel (*Rosh*) #32 [c. 1300 C.E.]; as adduced in *Tur, Even ha-Ezer* § 154, p. 73a.

25. [U]Responsum of R. Solomon ibn Adret (*Rashba*) ''traditionally attributed to Nachmanides'' (Tel Aviv, 1959), #102 [c. 1300 C.E.].

26. [V]Responsum of R. Solomon ibn Adret (*Rashba*), rev. ed. (Bnai Brak, 1958), vol. 1, #692-693 [c. 1300 C.E.]; also adduced by R. Moses Isserles, *Shulchan Arukh, Even ha-Ezer* §154.3.

27. [W]Responsum of R. Solomon ibn Adret (*Rashba*), rev. ed. (Bnai Brak, 1958), vol. 1, #883 [c. 1300 C.E.].

28. [X]Responsum of R. Shimon ben Tzemach Duran [*Sefer Tashbets*], 2:8 [c. 1400 C.E.]. For background, see also: 1:13; responsa of his local contemporary, R. Isaac bar Sheshet Perfet (*Ribash*), 102, 148, 94; and Abraham Hershman, *Rabbi Isaac bar Sheshet Perfet and His Times* (1943), pp. 32-34, Appendix.

29. [Y]In the remaining three specific cases (A, H, and M), all we have today are the initial claims that were advanced. Perhaps they speak for themselves. Two of those wives poignantly described extensive and long-standing abuse.

30. [Z]By virtue of those wives' having convinced the court, a skeptic has little grounds to assert that they may have been ''hysterical'' or ''overly sensitive'' or had filed a ''frivolous lawsuit.'' (A review of the legal rules of evidence, as they pertained to spousal abuse cases, is beyond the scope of this article.)

31. *Main References for Context*. The classic talmudic texts that relate to the topic (such as in *Ketubbot*) and legal compendia (such as Maimonides' *Mishneh Torah*, Lore of Marriage) are vital. The three great reference works on Jewish life in this period are: Jacob Mann's pioneering *The Jews in Egypt and in Palestine Under the Fatimid Caliphs* (2 vols., 1920-1922; repr. 1970) and *Texts and Studies in Jewish History and Literature* (2 vols., 1931-1935, repr. 1970), and S. D. Goitein's magisterial *A Mediterranean Society* (6 vols., 1967-1993). M. A. Friedman's *Jewish Marriage in Palestine: A Cairo Geniza Study* (JTS, 1980) is also noteworthy.

32. The exception is vignette A, from a nonrabbinic source whose context is discussed in note 5.

33. ''Denomination'' is a more descriptive term for what scholars usually call a ''gaonate.''

34. ''Levantine'' is a more geographically accurate term for what scholars usually call ''Palestinian.'' Although that denomination was mostly centered in the Land of Israel, its main institutions were sometimes based in Syria or Egypt. (Around the year 1100, ''Levantine'' member congregations meanwhile also thrived in Lebanon, North Africa, Spain, Italy, Yemen, and India.) (Goitein i,3:65; v,A,1:21)

35. ''Central Governing Council'' is a more functionally accurate term for what scholars usually call ''the Academy.''

36. The president (always a male) was generally referred to and addressed as ''His Eminence'' (*ha-ga'on*), the name by which Jewish historians usually refer to this era (''Gaonic Age'').

37. Unfortunately, some researchers have misread the verb *hikkah*–depending perhaps on whether they are inclined to play down the reports of violence, or be alarmed by them.

38. Goitein observed that the tenor of the Mediterranean Jewish world circa 1000 included ''tender care of brothers for sisters and vice versa, and in general stronger emphasis on the ties of blood than on those created by marriage'' [i, p. 73].

39. In the procedural memo cited for vignette X, Rabbenu Peretz discussed the proper action to be taken ''upon the petition of [an abusive husband's] wife or upon the petition of another of her near relatives.''

40. See note 30, in parentheses.

41. Prior to marriage, a groom had to demonstrate that his net worth was sufficient to provide the *ketubbah* if need be. (It would be his wife's due also if she were widowed.) Typically, in a family of modest means, the groom contracted to pay 40 gold dinars, including 5 dinars given to the bride herself ''up front'' at the wedding. (A ''sign-on bonus.'') Meanwhile, half a dinar was the usual per-month allowance for a wife whose husband was abroad on business. [Goitein, vol. III preface, x; App. D, 310-311] Thus, with a severance payment of 35 dinars, a lower-middle-class husband guaranteed his divorcée or widow enough to live on for nearly six years. Meanwhile, during marriage, in order to ensure that a future severance payment remained viable, a husband was required to secure his wife's permission before disposing of any assets.

42. Although contemporary scholars have written of the right to shelter (''legal separation'') as a mid-13th-century innovation, it was operative already in several much earlier cases, including the case of vignette D (c. 1000).

43. Vignettes E, K, T, and X; in W, either party might have filed for the divorce. I am not aware of a comprehensive historical review of a Jewish wife's right to initiate divorce, a complex topic due to many competing considerations. Clearly that right was enforced (even in the absence of abuse) among all Rabbanite denominations in much of the Levant, Babylonia, and Spain for centuries (c. 700-1200 C.E.), and to some extent in Northern Europe. By 1300 rabbinic authorities widely called it into question, and by 1400 it seems to have been rare.

44. As Goitein pointed out, when abused wives opted for divorce without severance payment, the abuse did not then appear in the court records; and so today we would not know to classify those cases as ''domestic violence.'' Thus, we can say nothing about the prevalence with which women resorted to this option.

45. This and the following two quotations come from Goitein, Division ii, pp. 328, 338-339.

46. A ''responsum'' is a rabbinic authority's considered written response to a written question. Composing memorable responsa required not only knowledge, time, a good library, and a certain temperament, but also the talent to perceive the essential issues in a tangle of details, and a flair for writing. Historically, most rabbis have written no responsa, while a few composed a thousand. Prolific writers were well-respected experts whose opinions were widely sought, or who held leadership roles in a large-scale judicial hierarchy.

47. The ''ruling'' of an early medieval responsum thus tells us little as to how the case was ultimately resolved.

48. Once a wife brought suit against her husband (assuming that she had proof of abuse), the resolution of the case depended greatly on local community leaders' willingness to hold him accountable for his actions.

49. Irving Agus, *Rabbi Meir of Rothenburg* [1947], pp. xxi-xxii. I leave for others to judge whether my knowledge of "talmudic law and rabbinic style" is "intimate" enough for the purpose at hand.

50. In the vignettes, what I sometimes quote for the sake of simplicity as the judge's description of the case was, in reality, probably a summary by a later editor rather than a verbatim account.

51. In addition, the occasional existence of variant versions of the same responsum (e.g., K, P) shows that some distortion of the picture can take place during 700 years of transmission.

52. See note 30. And my dating of the vignettes drawn from responsa is based on when the respondent was known to have flourished or died.

53. Rabbenu Peretz's memo can be considered an original source document for our purposes, because what is relevant to us is his attestation that women were filing lawsuits to enjoin spousal abuse; later editing would not have altered that clause. His document was misunderstood by Finkelstein (pp. 69-71, 216-217), whose error has been repeated by Graetz (pp. 123-125). Finkelstein called it a *taqqanah* ("ordinance") and stated that R. Peretz was proposing an innovation. Finkelstein did not realize that the Jewish justice system was familiar with spousal abuse cases, and that every judicial measure mentioned was already standard practice, both in the Rhineland and in other countries. In addition, by analogy from the Levantine model, it may be that the regional judiciary was more hierarchical than Finkelstein assumed, for R. Peretz's apparently official title (*Encyclopaedia Judaica* 13:284) is much like that borne for centuries by the president (*ga'on*) in the Middle East. Therefore, I read the document as a procedural memo–a supervisor of judges' reminder of the proper way to deal with certain kinds of cases. The text's appeal to the consent of the judges is best understood as the normal courtesy extended to erstwhile colleagues and students in a consensus-seeking society.

54. In the Cairo Geniza, fragments have been found of settlement agreements that ended at least ten lawsuits involving physical violence by the husband.

55. Goitein wrote that in general in that society, husbands took pride in treating their wives well; therefore, it seemed safe for me to assume that no husband would have signed any document that implied that he might even think of abusing his wife in the future, unless the weight of both past evidence and the law were clearly against him.

56. Proper interpretation of past Jewish communal and legal responses to physical spousal abuse requires knowledge in three areas of study: social history, law, and family/gender studies. Unfortunately, while various discussions have been published, none that I am aware of displays competence in all three areas. Furthermore, like most of us, writers about violence tend to have emotional reactions and biases that distort their interpretation of the evidence. A literature review is beyond the scope of this article.

57. It is this author's hope to complete an article within the next two years that discusses seven such legal responses.

Received: 02/00
Revised: 05/00
Accepted: 08/00

APPENDIX

Teaching This Material

The best starting point of any examination of spousal abuse may be the *efforts to stop the abuse*. Indeed, the author first edited this article's vignettes for use in a synagogue adult education course on "the history of Jewish responses to domestic violence." They appeared on a handout in the first session, which focused on the initiative of the wives. The session's refrain was, "It has sometimes happened that, even in the distant past, Jewish women have drawn upon their resources–within and without–so as to make things right for themselves!"

In contrast, presenters on the topic of abuse usually begin with other themes: proving the existence of violence among Jews, or assessing the authorities' responses to it. Ironically, those approaches collude with the very image of "wife as victim" or "wife as object" that abuse presumes.

One way to use such vignettes is to make them the centerpiece of an experience of connecting with one's ancestors on the basis of *strength* (self-possession and accountability) rather than *weakness* (victimization and abuse). Specifically, I suggest the following steps: give an introduction that sets the stage, prompting curiosity and receptivity; appoint one student, who seems likely to set a calm, positive tone, to read (or lead) the refrain; distribute the handout; invite everyone to take turns reading a selection aloud, with the refrain being recited unhurriedly in between; and read all the vignettes before inviting comments.

Given the emotional reactivity that most people bring to the topic, it seems vital to allow students to take in a sense of the *whole* of this information, before proceeding to analyze its details.

Students may ask right away: After wives took the initiative to stop abuse by Jewish husbands, then *what happened*–what were the Jewish communal and judicial responses?

This is not an easy question for historians to answer, for several reasons: (1) Every case had its own particulars that affected how general principles might be applied. (2) Rabbis and other communal leaders preferred to support litigants' reaching their own solution rather than impose one on them. (3) The records–where still extant–are not clear-cut; jurisconsults' advisory opinions were preserved side-by-side, and sometimes in tension, with academic discussions (part of Jewish spiritual training) of related considerations. And this lore in-

volved dozens of disparate communities during more than a thousand years.[56]

Furthermore, at this stage of learning, most students do not yet understand their ancestors' lives well enough to fairly assess whatever answer a teacher might give. They first need to pay a visit to their ancestors, to meet them on their own terms, as it were. Therefore, I recommend that teachers explore with students the sociolegal context for the wives' initiatives. That is, say in reply, "Before we try to answer your question, I first want to address another issue raised by the vignettes: Why did abused wives even *think* to complain through legal channels?" (What led them to believe that there was hope of getting redress for their complaints? What was court procedure like? What were the laws relating to assault and battery, outside of the marriage setting? What was marriage like? What legal constraints were placed on the actions of husbands and wives? What were the lives of women like?) This too is a way of linking up emotionally with one's fore- bears–and the engine for it can be the students' new curiosity.

Eventually they may ask again, "So what happened to these women in the end?" One good reply is: "To be honest, I'm not sure." Even when we know the outcome of a long-ago lawsuit–which is true for very few of the cited cases–who can tell what the parties' lives were like two months or two years later?

A second good reply is to gently pose a challenging question: "How much difference would it make if you knew the answer?" Ultimately we are not responsible for the violence of others; rather, we are each responsible only for our own resistance to that violence and our own search for justice. Therein may lie the "success" of these forebears, regardless of whether their lawsuits or their campaigns were won. In the right spirit, I like to pursue with my students the thread of selected vignettes: exploring the history of the search for justice as revealed in both negotiated settlements and responsa.[57] For such encounters can connect us not only with our ancestors but also with God.