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Gender issues in Jewish law

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Introduction

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INTRODUCTION

Biblical Judaism is clear when it deals with matters of gender in law or story. The role of men and women is either understood or defined. We may see this initially in the story of creation and the tales of the patriarchs, and subsequently in the historical books as well as the legal material. Men and women—whether single, married, homosexual, or in various other possible states—were given a definite status or were rejected.

Individuals in the long biblical history did not fit into these prescribed patterns; some rejected them dramatically, others quietly. Either way, such individuals were the exception, for most it was impossible to step out of their assigned positions, as the gender roles were well delineated.

Subsequent centuries brought changes, but rarely were they spectacular. The position of women changed slightly, usually in a positive direction, at other times, not. Additional rights were provided eventually, but within set limits. The most celebrated example was the ban on polygamy in the Ashkenazic world ascribed to R. Gershom a thousand years ago. It reflected, as did so much else, a reaction to the changes in northern and central Europe, the world in which these Jews lived. It did not, however, influence the Sephardic communities in their Islamic surroundings.

Radical changes in our understanding of gender began only in the nineteenth century and moved rapidly in the twentieth. Judaism had to react to these changes and did so through the liberal movements—Reform, Conservative, and Reconstructionist—that have slowly influenced the remaining Jewish world.

These changes, sometimes reluctantly made, at other times bold and revolutionary, have influenced the basic concepts of

Judaism, our family structure, our liturgy, our thoughts about leadership, and our halakhah. The changes are still occurring rapidly around us as the discussions within the responsa and liturgy committees of each movement reflect clearly.

What was static for many centuries or subject only to refinement has in the last half-century seen radical changes and a vast amount of experimentation. Perhaps in the area of gender more than any other, modern Judaism has seen itself redefined. This volume discusses some of those changes and new definitions and how they continue to be reflected in the developing Reform halakhah.