

OPINION

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Quarrel, And Resolution, With Rav Soloveitchik

After 25 years of virtual silence, I am being pressured to write about a chapter of my life that has caused me more pain and embarrassment than any other.

I evoked the anger of my esteemed and revered teacher Rabbi Joseph B. Soloveitchik with a lecture I gave in 1976 at a Rabbinical Council convention. The embarrassment was that he felt the need to apologize to me, but I could not give that apology adequate publicity out of my respect and love for him.

What prompts me now to tell the entire tale is that my relative silence has caused some rabbis to exploit the Rav's initial anger as a basis for resisting the justifiable claim of *agunot*, women whose husbands refuse them a Jewish divorce, for relief. Even England's chief rabbi, Jonathan Sachs, in one of his books has cited the rebuke of me as if they were the Rav's final words.

Israeli Supreme Court Justice Menachem Elón had just published his three-volume masterpiece on Hebrew law, in which he recommended the more extensive exercise of the power of rabbis to annul marriages. I had always held that view. In my lecture I pointed out one way in which it could be done: The Talmud suggests that if after the marriage is consummated something happens which the wife does not wish to suffer, she should be able to claim that she can no longer take it. This thought was rejected only because the Talmud sages held that a woman prefers any marriage to none and therefore she is presumed to have wedded "for better or for worse." I recommended that a survey of women would prove that this presumption was no longer valid.

Three of the greatest Talmudic scholars in Israel agreed with me. One even expressed surprise that the Rav did not know that the Talmud sage Mordechai in the seventh chapter of Tractate Ketubot had so stated.

The Rav did not hear my lecture. Perhaps he was given a recording. But one must know

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how deeply the Rav felt that our marriages are forever — in marriage one cleaves to a spouse and they become one, to be separated only by death. While this is the ideal, the Torah itself provided for divorce. Catholics may not read the Bible that way, but Jews do.

I could not fathom why the Rav differed with me; shortly thereafter I saw him in Boston. He said to me, "You may be right and I may be wrong. You see the halacha historically and I see it metahistorically."

Aye, in metahistory marriages are forever — but not in real life. It was the Rav's conception of the ideal that precipitated his outburst. But most

halachists and I see divorce as a biblical remedy for a bad marriage, for the relief of anguished wives. He did, too, but only theoretically: In a world in which no women are made to suffer — a world that does not exist.

I knew I was right and he was wrong. Yet who would believe the Rav would apologize? So those who think he opposed the annulment of Jewish marriages are mistaken. And never was he critical of Rabbi Moshe Feinstein, who often resorted to annulments.

I waited a long time before reporting on my conversations with the Rav, and when he became ill, and one of my colleagues who knew the truth died, I realized that few would give credence to my story. I reported it in an essay in *Shma* (March 8, 1985), a journal read almost exclusively by sophisticated Jews — including the Rav. Never was there a denial of my report by any kith or kin of his.

And now, to my utter disbelief, a rabbi in a Jewish publication and Chief Rabbi Sachs dismiss my proposal with the "proof" that the Rav disapproved of a more extensive use of annulments. Nor do they mention my proposal for a survey of the modern woman regarding an abusive marriage being preferable to none at all.

This is the tragedy. While many of us are trying to relieve misery, as Rabbi Feinstein did, others are mistakenly catholicizing Judaism with a metahistory they know is not for the real world. □