Sh'ma

a journal of Jewish responsibility

23/453 APRIL 30, 1993

With jonathan pollard

Avi Weiss

When Jonathan Pollard first asked me to serve as his personal rabbi in May of 1987, I did so with a sense of rabbinic responsibility. I knew little about the Pollard case. But I have always felt that a rabbi's sacred task is to reach out to every Jew--to be there in their time of need, to lend support, and when necessary, to help in a process of growth--even rehabilitation.

Once I learned more about the details of the case, however, I was moved to become one of his political advocates. A rabbi is there for someone right or wrong; an advocate only supports someone he/she agrees with. I have become a Jonathan Pollard advocate because I believe a grave injustice has been done.

During these past six years, I have come to know Jonathan Pollard the man. Since August of 1988, when I was first given clearance to see Jonathan, I have visited him in the Marion Federal Penitentiary 29 times, once every two months. Each time we spend six intense hours talking to each other. I feel as if we have become "brothers". Our relationship is something like that of the biblical David and Jonathan; of Jonathan, David lamented, "I feel distress for you my brother Jonathan."

I have learned much from Jonathan, "my brother". He has taught me much about Jewish pride, about admitting wrong in the most difficult of circumstances, about inner strength in the face of unbearable prison conditions, about going on and believing in our people even as certain segments of the American Jewish leadership and, in earlier years the Israeli government, abandoned him.

Over the course of these years, I've tried to step back to reflect on Jonathan's human condition. What follows is an attempt to connect with Jonathan's soul, to understand his inner feelings and to articulate what I believe to be Jonathan's sentiments on some of the key issues and conflicts he faces. For those in government who may read this piece, let it be said clearly, none of the thoughts here are Jonathan's unless otherwise indicated.

One can only truly understand the moral dilemma Jonathan Pollard faced as a U.S. Naval Intelligence officer when one takes into account the background of his early years.

"If Not Me, Who?"

Jonathan Pollard was raised in a family where loyalties as a Jew and as an American were one. Jonathan was interested in fully becoming part of his country.

At an early age, Jonathan became aware of the horrific toll the Holocaust had taken on his immediate family--75 of whom were murdered by the Nazis. When he was about to become bar mitzvah, he asked his parents to take him to visit the death camps. He made the trip shortly after the Six Day War and the confluence of those two events made a tremendous impact on Jonathan's life and his way of thinking.

Years later, Jonathan's work with Naval Intelligence brought him face to face with information which pointed to a growing deadly threat to the very existence of Israel and therefore to the Jewish people. To his horror, he discovered that material was being withheld. This was in violation of an Executive Agreement between the U.S. and Israel not to mention in violation of the human obligation to save innocent victims from a catastrophe if not genocide. Like Moses in the Bible, "he looked here and there and he saw there was no person" who would bear responsibility.

Jonathan felt he could not simply acquiesce to a policy which itself could result in the death of tens, if not hundreds of thousands of innocent people. He was fully

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aware that his decision to transfer intelligence to Israel was legally wrong, but Jonathan Pollard is someone who understands the imperatives of *zechira*--remembrance and the critical importance of Jewish survival, a survival which is inextricably bound with a strong Jewish state. As he wrote from prison one year before the Persian Gulf war: "The same gas which the Nazis used to murder our European brethren could just as easily be used today by the Arabs to exterminate the Jewish population of Israel. Was I really expected to just let history repeat itself without doing anything to protect our people from such a calamity? Granted, I broke the law. But, to tell you the truth, I'd rather be rotting in prison than sitting *shiva* for the hundreds of thousands of Israelis who could have died because of my cowardice. Have the fires of the concentration camps grown so cold that people have forgotten that 6 million Jews were butchered while the whole world looked on in silence? You see, I just could not walk away from the intelligence embargo and pretend that it didn't exist. I had to act."

What if Jonathan Looked the Other Way?

So Jonathan passed on to Israel classified information concerning the weapons systems and war-making capabilities of various Arab states such as Iraq, Syria and Libya including evidence of Iraqi efforts to produce chemical, biological and nuclear weapons and deliver those weapons of mass destruction to Israel's population centers.

Jonathan deeply regrets the tremendous cost of his actions. The cost to the health of his ex-wife Anne; the cost to his marriage; the cost of his incarceration, the agony of isolation and the mental torture he has been forced to endure.

Moreover, on more than one occasion Jonathan acknowledged that he broke the law and has expressed regret that he did not find a legal manner through which he could pass lifesaving information to Israel. But when confronted with the possibility that his failure to act could result in a physical catastrophe of potentially devastating proportions, Jonathan acted instinctively in defense of the Jewish people. This is why many people now say that Jonathan was legally wrong but morally right in what he did. While Jonathan has not commented on this directly, what he has said is that the motives behind his actions and, perhaps more importantly, the consequences of those actions should be taken into account in terms of mitigating his sentence.

Uncompromisingly American

I saw Jonathan Pollard a few days before the large Pollard demonstration at Congregation Kehillath Jeshurun in New York last June 1992. Just before leaving, Jonathan said: "Tell the people, G-d bless America." Jonathan has often described himself as an unabashedly loyal American. There is little doubt in my mind that at no time did Jonathan Pollard feel that he was damaging American interests.

The American government agrees. Indeed, we must never forget that the American government did not charge Pollard with intent to injure the United States.

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Moreover, the government did not even allege that, from an objective standpoint, someone in Pollard's position with all the information that he had at his disposal would have had any reason to believe that any of the material transmitted by Pollard to Israel would or could cause injury to the United States.

Yet, unlike other cases of espionage on behalf of countries allied with the United States which when prosecuted have typically ended with prison terms in the range of 2-5 years, Pollard was sentenced to life in prison. The government promised it would not ask for life but it did. Judge Stephen Williams of the D.C. Court of Appeals called the Pollard case "a fundamental miscarriage of justice."

If Jonathan Pollard writes or speaks sometimes with a sense of betrayal it is only because he is deeply grieved by the dual standard of justice meted out to him and the government's violation of both the letter and spirit of a written plea agreement.

What Would You Have Done?

On my last visit to Jonathan before Passover this year, I memorized some words he shared with me. "Just as biblical Jews had to achieve spiritual salvation before entering the land of Israel, I had to go through this process of incarceration for these 8 years. My love of *am Yisrael* is not accidental. After 8 years, I've grown to be the person I always should have been. My days of wandering in the desert are coming to a close, there had to be a right time and a right place for me to go home. I'm ready now."

And all of us should be ready to speak out on behalf of Jonathan. Yes, Jonathan Pollard made a decision to transfer intelligence to Israel. Yes, whatever the moral considerations, Jonathan was legally guilty. But now that Jonathan Pollard is in his 8th year of prison we need not agree whether, or under what circumstances, someone may be justified in violating a particular law. In fact, Jonathan is the first to admit that he deserves to be punished.

And we need not all agree that, Jonathan although clearly legally wrong, may have been morally right. All that we need to agree upon is that vengeance in the Pollard case must finally be replaced with justice. Because it is the issue of justice which is at the heart of the Jonathan Pollard case. The excessiveness of Jonathan's sentence--life--is a perversion of American justice. Thus, it is not exoneration that Jonathan Pollard seeks, but rather the application of fair and equal justice. And it is this issue that should demand of us that we not abandon Jonathan to the grasp of vengeful justice.□

Come Memory

Amnon Hadary

The two worst things that befell me are enmeshed in my memory with war. In 1949, having fought in Israel's War of Liberation, I believed, along with the others who lived through that drama, that we had ensured the safe existence of the third Jewish Commonwealth, the renewed Jewish State after 2,000 years. Some years later, I realized how extravagant our naivete had been--as Philip Larkin has written: "Never such innocence,/Never before or since". To be dashed from the peaks of halcyon expectations down into the quagmire of missed opportunities for peace has emotionally disfigured my generation.

How ineffably sad! Since apparently it was not ordained, we were denied the role of precursors of peace. Armed Arab incursions and the inevitable retaliation raids by Israel that followed culminated in the 1956 Sinai Campaign. Eleven years later, the Six Day War. My generation that fought in 1948 realized that the efforts we had made to ensure that our children would be safe were inadequate. Jewish pessimism, held at bay by early euphoria, soon resurfaced. Jeremiah's gloom and doom came back in style: "...I writhe in pain!/My heart moaneth within me!...Because thou hast heard, O my soul, the sound of the horn,!/The alarm of war./Destruction followeth upon destruction."

If our sacrifices had proved to be wanting, it followed that our children, too, O prophetic hearts! would also have to face mortal danger.

* * * *

In the last few hours of the Yom Kippur War, our son, Oren, fell, on the other side of the Suez Canal. Relatives, friends, members of our synagogue closed succoring ranks around us, sustaining us in our adversity. Among the many condolence letters were scores of tree certificates, particularly apt because the name Oren is Hebrew for pine tree.

The outpouring of solace was not mistaken for sympathy--no one can share your pain, understand your rage--

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not even someone who has undergone a similar loss. It is an affliction that is yours alone, peculiar and unique. There is a danger, at such a time, that you will become alienated, estranged and cynical to the point of misanthropy, hugging anguish to your bosom. Sometimes you even keep the rest of your family at arms length. Most intractable of all is the unremitting question, "why"!

In your hurt, you turn to ritual for consolation. Sitting *shiva* for seven days, and then the *sloshim* ceremony at the end of the first month, and the *yahrzeit* prayer and candle at year's end, and every anniversary thereafter.

The torment is not of the hour, nor limited to a personal yearly observance nor to the collective/national mourning on Memorial Day. There is the unceasing distraction, the misery that grows rougher rather than easier each year. Worse, amnesia lies in ambush at your door.

* * * *

The strangest experience after Oren's death was forgetting.

An Israeli poet has written, "From afar the white headstones are like the hives of honey bees of sweet forgetting..." Amnesia, like shock, can be a safety devise for an organism subjected to too much lacerating stimuli, and a rash of some internal painkiller stills the incapacitating reality. Though psychologists may smile knowingly, the question of the benefits of recollection remains moot.

As early as four years after he fell, I forgot the *yahrzeit*. But somehow either the *Shekhinah*--or a providential happenstance--moved me to plant a tree in commemoration. It was a Friday and I'd finished work early so I drove to what is today the Promenade that overlooks the Old City and walked down to the Jerusalem Peace Forest. The caretaker, anxious to go home, was about to lock his tool shed. Still, he asked did I want to plant a tree? (It is a Jewish National Fund planting site.) When I said yes, I did, he gave me a sapling and a hoe and led me to a terrace, newly prepared near a spigot where, with practiced hand, he dug a small hole. I place the sapling in the hole he had dug and, refilling the hollow with earth, I watered it with a bucket. Only when we had finished did I ask what the date was; with his back already turned as he hurried off, he told me. So on October 24, 1977 I had been granted an appointed sign; on the third terrace down from the planting shed, three rows from the spigot, I planted a Jerusalem pine tree, an oren. It was a private ceremony in an unfrequented, somewhat inaccessible place.

Does a secluded ceremony count as commemoration? Does it help? Admittedly, there is some merit even in an unintended reclusive observance. Certainly it was better than going unremembered. But to grant it even partial sanction overlooks the obvious differences between forgetting, solitary ceremony, and integrating one's private ritual into the communal observance. For without the knot of communal observance how will the dead be bound up in the cluster of the living together with all the others?

In the days of the Second Commonwealth, all Jews ascended the broad southern steps leading into the Temple Mount by proceeding in a direction that was counter-clockwise, but the bereaved families of those times departed the Precincts walking in a clockwise direction so the public could see them face to face and greet them with the consolation, "May you be comforted along with the other mourners of Zion and in the rebuilding of Jerusalem". Now, in our synagogue, the tradition is only slightly modified. When mourners rise to recite the kaddish, the rest of the congregation stands with them acknowledging that we are as one in their sorrow.

* * * *

Meanwhile, "my" forest with its unique and irreplaceable tree has sprouted so that it is considerably taller than I am and the spigot has been removed, probably to a younger section. Ten years after having been planted, Oren's tree is indistinguishable from those surrounding it, perhaps an enactment of the inscription found on headstones, "May his soul be bound up in the bond of ever-lasting life" together with all the others. It is certainly also the realization of a biblical passage:

> "For the land that you are about to enter is not like the land of Egypt from which you have come. There the seeds you sowed had to be watered by your own labors...but the land you are about to possess is a land of hills and valleys, it soaks up its water from the rains of heaven. It is a land which the Lord your God looks after..."

Thirteen years after the Yom Kippur War, while we were on a Zionist mission in England, I forgot again. The Zionist Student Society at Cambridge invited me to lecture on how war is reflected in Israeli literature. When they asked me for a title, I suggested that the talk be announced as "The Israeli Soldier, A Reluctant Hero".

On the appointed day, my wife and I drive to Cambridge, found the designated College and were ushered into a hall quite full of young women and men. My lecture dealt with the dialectical tension between the often incredible heroism of Israel's solders and their no less remarkable recoil from war as expressed in their poetry and prose. The paradigmatic Bible passage, "Behold the fire and the wood; but where is the lamb for the burnt offering?" in Genesis 22--the story of the sacrifice of Isaac--is the self-perception that accompanies soldiers into battle. As Haim Guri wrote in his poem, "Heritage",

> The old man raised his head. Seeing
> That it was no dream and that the angel
> stood there--the knife slipped from his
> hand...
> But he bequeathed that hour to his
> offspring. They are born with a knife in
> their hearts.

The lecture was well received which pleased me, of course, then, toward its end, and, during the question and discussion period, a withering headache began inching its way up the back of my neck. In the warm glow of acceptance, I ignored it trusting it would go away. But as the night wore on the headache became increasingly insupportable so that by morning, unable to down another pain killer, I turned to my wife and asked, "What went wrong? What can have induced such suffering?" Bemused Rivka looked at me and said, "The date. It's the date."

It was, of course, October 24, and I had forgotten. I had not lit a *yahrzeit* candle, nor recited kaddish nor even looked at a photograph of Oren. The memory suppressed is merely pain deferred for subsequent punitive payment.

* * * *

A segment of an Amihai poem came to me. It describes the sound of a memorial siren that rises and stays suspended heavily above.

> Sometimes I hear the siren sound from the depths
> Of my life and in the tunnels of underground
> trains
> Of distant places many days and many years later.

The caretaker of the Peace Forest had been memory's agent in Jerusalem; eight years later, in England, Rivka and Amihai had joined forces to remind me to remember.

I learned the lesson well. Six months later, I was asked by the Israeli Embassy in London to compose a memorial ceremony for the Yom HaZikaron annual gathering for Israelis in England on official business. My liaison was the cultural attaché. Pleased with the material I had prepared, she asked if I would mind if she consulted an Israeli professor who taught Hebrew literature at the university in England. I agreed, of course, and a meeting was set.

One of the readings I had found was the Hebrew translation of the poem entitled, "The Young Dead Soldiers". The professor liked it, too, but had difficulty placing the piece, guessing first one and then a second famous Israeli poet. When I told her that it was written by Archibald MacLeish, she was put off. "But he isn't one of ours." I admitted that the man who'd been the Head of the Library of Congress was neither an Israeli nor a Jew, but asked how that disqualified him. She retorted, "How can lines written by a stranger, however fine, be appropriate when we gather to mourn our dead. It is almost a *hillul hashem*, a sacrilege." It is not. Just as we did not invent war, bereavement, too, is not ours alone. Is it not one of the ambitions of Zionism that in rejoining the family of nations, we lose what has been our uniqueness to the point of abnormality?

* * * *

And so it became even more evident to me that in order to have consequence, neither does Oren's death need to be singular. My personal tears, my soul's lament, could be put in perspective, illuminated by MacLeish's question, "What has not heard them"? MacLeish dedicated his poem to Lieutenant Richard Myers but clearly the meaning he wanted to convey was meant for us all.

> The young dead soldiers do not speak.
> Nevertheless, they are heard in the still houses:
> who has not heard them?
> They say: We were young. We have died.
> Remember us.
> They say: Whether our lives and our deaths were
> for peace and a new hope or for nothing we
> cannot say; it is you who must say this.
> We were young, they say. We have died.
> Remember us.

And yet I had forgotten, twice.

Every culture has its own characteristic way of commemorating its war dead. In Israel, there is a deep personal/collective identification with all the fallen. Besides hundreds of small local cemeteries, each with its military section, there are countless memorials de-

voted to various branches of the service or to a particular battle or a front. There are quiet little gardens throughout the country dedicated to the memory of a young person who fell in battle.

In her poem, "*L'Kol Ish Yesh Shem*", Zelda celebrates the indelible personality of each human being. Because we never leave a wounded or dead fighting man in the field, we have no tomb of the unknown soldier; neither are there graves of unknown soldiers because every person has a name.

> Each man has a name
> Given him by God
> And given by his father and mother...
> And given by his yearning...
> Given him by foes
> And given by his love.
> Each man has a name...
> ...given by his death.

Perhaps it is because ours is a shared, if quite small geography, the landscape dotted with milestones, the grave stones of those who say, "We were young...We have died...Remember us." So we invoke memory... "for peace and for a new hope..." and I remember Oren.□

WHEN ELIJAH KNOCKS. *Charles A. Kroloff.* Behrman.

This taut statement of how Jews--and others--should respond to homelessness shows how bleeding-heart sentimentality can become tough-minded, realistic, ethical determination. The copious practical details and human accounts clinch the case.

SIX DAYS IN JUNE. *Eric Hammel.* Scribners. $30.

This detailed but unpedantic account of "how Israel won the 1967 Arab-Israeli war" reviews those perilous, triumphant hours most readably. For a change the specifics--on the Arab as well as the Israeli side--involve one in ways that belie knowing how it all turned out.

LIBERATORS. *Lou Potter with William Miles and Nina Rosenblum.* Harcourt. $29.95.

This account of the World War II "Negro" 761st Tank Battalion and its service under Patton will appeal to Jewish readers as a needed reminder of government required segregation and this group's liberation of Dachau. Many of the camp pictures were new to me, punctuating the haze of the decades and the habituation of memory.

Remembering the rav

Sh'ma mourns the loss of Rabbi Joseph B. Soloveitchik, *zt'l*, the master teacher/philosopher of halakhah of our time. He taught countless people and ordained more than 2,000 of his students, possibly more than any other person in history. Rabbi Soloveitchik was Modern Orthodoxy's central intellectual and spiritual leader for nearly fifty years. In recent years with the growing translation and availability of his writings, his influence spread deeper and deeper within the Jewish community.

Rabbi Soloveitchik's most profound contribution was in the realm of halakhic thought. Swimming against the stream of the theology prevalent at that time, he almost singlehandedly restored halakhah as a central category of Jewish religion and authenticity. He formulated a teleology of halakhah. "When man, the crowning glory of the cosmos, approaches the world--he finds his task at hand--the task of creation...The perfection of creation...is expressed in the actualization of the ideal halakhah in the real world." (*Halakhic Man*, pp. 105, 107)

As a phenomenologist of halakhah and exegete of its classic texts, he was without peer. Yet he showed that the halakhah was more than the sum of its myriad details and observances. It is a joint divine-human partnership, a way to seize life whole, a method of confronting the dilemmas and anxieties of existence, a way to be fully and deeply human, lived out in a covenantal community.

His passing is a deep loss for all of Jewry. May his soul be bound up in the bond of life.

The Editors

--but others say about--

Liberalism

I would like to challenge several points raised by Rabbi Arnold Jacob Wolf in his thoughtful article, "Liberalism is not enough" (*Sh'ma*, 23/451).

• *Clinton's cabinet is not diverse because it is 70% lawyers*: People who are interested in public policy often seek law degrees so to find them in government positions is neither more surprising nor more sinister than to find clergy writing in these pages. Appointees should be judged by their actions.

• *Spending a lot of money on the inauguration was wrong*: Most of this money went for labor and American-made goods. The voluntary transfer of private funds from those who wish to spend it to those who are willing to work for it seems to me to be a good thing.

• *The bombing of Iraq in the first days of the Administration was wrong*: In fact, Iraq ceased its provocations immediately thereafter. It can be argued that the firm but very limited American response sent a necessary message that resulted in less rather than more violence in the long run.

• *Clinton reneged on his promise to the Haitians*: The promise was made thoughtlessly, and to implement it would have been a disaster for the Haitians and for us. Clinton really had no choice.

• *The withdrawal of women from the workforce after World War II* was more a matter of "putting them back in their place" than of empowering them to return home to their children as Rabbi Wolf asserts. It took decades for women to recover from that setback, and it is ingenuous to suggest that "men and women" would prefer to repeat the process today.

Throughout this wide-ranging piece, there is the implication that God wants us all to be liberal Democrats. My view is that if God has a plan for us, the stated ideals of both major parties fit comfortably within it, just as the actual behavior of both parties falls woefully short. The almost uniquely American separation of politics and religion is a source of strength of America, and especially for American Jews. I will gladly suffer the lack of Rabbi Wolf's benevolent influence in the government sector in return for the assurance that we will also remain free of the scarier visions of the religious right.

Charles S. Brenner
Lexington, MA

Intermarriage/conversion

Regarding Arnold Jacob Wolf's reaction to Efraim Y. Colombraro (*Sh'ma*, 23/451)...The only mitzvot that the Reform are "recovering" are those that they themselves "dumped". Of course, Wolf supplies no criteria as to which mitzvot the Reform choose to recover and which they prefer to ignore...

How many Reform Jews (a) have grandparents who were also Reform and (b) have not intermarried? That is the true test of "keep the faith in American Reform". If the only way that Reform can renew itself is by a) defection from the Orthodox (and Conservative) or (b) by accepting as Jews people who would *never* meet the traditional standards for conversion, then that is clear evidence of the weakness of that movement.

What does "the direction of his or her Jewish life" mean? If one does not focus upon mitzvah observance as the attempt to fulfill G-d's will, one is living an ego-centered life--not the life of a Jew or Jewess. The issue is not "how many commandments one observes", it is the commandment to observe these commandments despite the inconvenience involved, despite the "quaintness" involved, despite the fact that one's political, social or "moral" sensitivities are disturbed. And, to observe them because G-d commanded us to observe them. Such unswerving commitment has been the basis for the survival of *Am Yisrael* through the centuries.

Zvi Weiss
Edison, NJ

Divorce

Regarding divorce (*Sh'ma*, 23/450), an analogy comes to mind from my field of perinatal health. Over the last several years, there has been much publicity and brouhaha about the unacceptably high caesarean section rate in American hospitals. No individual woman wants to think that her caesarean was unnecessary, but a 25-30% section rate is too high. Similarly, no one wants to think that his or her divorce didn't have to happen, but a 20-25% national rate is too high!

The Jewish community needs to welcome and offer services to divorced men and women and their children, but we also need to find ways to help couples avoid the pain, expense and loss of divorce in the first place.

Naomi Bromberg Bar-Yam
Newton, MA

The words of Leona Gordon Conford (*Sh'ma*, 23/450) on "Getting my *get*" speak to many of the concerns that many of us, including those of us who write *gittin*, have concerning the *get* ceremony.

I was certified as one able to write a *get* (*mesadder gittin*) by the Joint *Bet Din* (rabbinical court) of the

Conservative Movement in 1989. My mentor at the Seminary, Rabbi Edward Gershfield, taught me that every rabbi in the past had his own *Seder ha-Get* (order of the proceedings), varying the wording and even the procedures. Thus, I decided to make modifications in my *Seder ha-Get* that would be more inclusive of the wife and would include not only the required legal wording but also moralist language.

When the husband and wife appear in my office in person (which is not always the case, since he may appoint me as his agent to do this), and he hands her the *get*, he not only says the traditional words "This is your *get*...and you are free to marry anyone," but also adds:

> The *get* which I have just given to you says the following: Being of sound mind and under no constraint, mindful of the civil divorce which effectively terminates our marriage, hopeful that each of us will be blessed with a meaningful new life, I, _____, hereby release you, _____, from your religious marriage bonds with me under Jewish law. With this document, I affirm your right, and secure for myself the same right, to remarry under the auspices of the synagogue and Judaism.

And the wife addresses the husband as follows:

> Being of sound mind and under no constraint, mindful of the civil divorce which effectively terminates our marriage, I, _____, accept this *get* from you, _____, with the same hope that each of us will be blessed with a meaningful new life, with the right that each of us has secured to remarry under the auspices of the synagogue and Judaism. We are now released from our marriage bonds to each other under Jewish law. Just as we began our marriage in holiness under the *huppah*, so may we end our marriage with a sense of holiness and mutual respect.

Does this change everything? Certainly not. The *get* ceremony is still largely male-oriented. My witnesses and I are male. And even if we can force the couple to say nice words to each other (though one couple actually refused), we can't force them to *be* nice to each other.

Nonetheless, wherever possible, the *get* ceremony should be made into one of "mutual participation" and should be seen not only as a legal requirement but also as a rite of passage.

Gershon Schwartz
Baldwin, NY

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