

A New Form of Domestic Abuse in the Jewish Community

Walking away from an abusive marriage can be a long and harrowing ordeal. Just ask Hannah, of Marblehead, MA, who fled her Israeli husband more than two decades ago, leaving Jerusalem with her newborn child. Her son was 17 when her husband finally granted her a Jewish writ of divorce, or a Get. Or ask Beth, a single mom in Newton, who recently paid \$30,000 to her ex-husband in exchange for her Get. In the many years before receiving their Get, both Hannah and Beth were modern day “Agunot,” women chained to marriages that have long been over. Despite their civil divorces, Hannah and Beth were considered legally married under Jewish law and could not remarry in a Jewish ceremony until receiving their Get.

Neither of these women is Orthodox. Get refusal is a domestic abuse issue that exists in every segment of our Jewish community. Jewish law requires the consent of both parties to complete the Get process. For most of Jewish history a classic “Agunah” was a woman whose husband never returned from war. Without a body, there was no proof of death, leaving the woman in a tragic state of limbo, unable to move on with her life. With a rising divorce rate in the Jewish community, women often obtain the status of “Agunah” by way of Get refusal, a powerful tool in the hands of men, who, according to Jewish law, must initiate the Get process. In some cases, men use the threat of Get refusal as a bargaining chip in financial or custodial negotiations. In Israel, where all marriages and divorces must go through the religious Rabbinical Courts, the rate of Get refusal by both Orthodox and secular men is climbing. In a recent study, one in three women divorcing in Israel is subject to threats of Get refusal and extortion. Sadly, most of these women are young mothers leaving a first marriage. Without a Get, they cannot remarry.

In my experience as an Agunah activist, I often see women willing to give up financial resources or their right to child support in order to escape a dead marriage. The future of these women and their children is compromised in the name of Jewish law. To me, a passionate feminist and observant Jew, that is deeply troubling. As a research associate at the Hadassah Brandeis Institute, I am working with the HBI and Rabbi Aryeh Klapper of the Boston Bet Din, to create “The Agunah Taskforce of Greater Boston.” The Rabbinic community is joining forces with advocates to promote solutions for Jewish families. One preventative measure is the use of a prenuptial agreement, requiring a Get if there is a civil divorce. The Halachic prenap was co-authored by Dr. Rochel Levmore, a Rabbinical Court advocate who is now serving on the committee to appoint Rabbinical judges in Israel. I have partnered with Dr. Levmore to create a website to support Agunot and educate women on the Jewish divorce process.

These prenups have been upheld in civil courts in NY and CT. However, not all Rabbis require couples to sign the prenap and this solution is only a preventative measure. Sadly, a systematic rabbinic solution to the Agunah problem remains elusive. It is within the power of a Rabbinical Court to free a woman by declaring that the original marriage was invalid and thus, a Get is not needed. (a process known as Mekach Taut) A Rabbinical Court can also annul a marriage without the consent of a recalcitrant spouse. (Hafkaat Kidushin) These powers are used sparingly, however, and must meet nuanced Halachic standards. Most women suffering from Get refusal have no access to Halachic resolutions and are often turning to social media to exert pressure on their ex-husbands. Recently, newspapers reported the arrest of two Rabbis charged with kidnapping and torturing a husband refusing to grant a Get. These Rabbis were hired and paid by the wife, who hoped to finally end her own suffering. How far will women have to go to protect their basic right to be free?

It always fascinated me that Jewish law allowed divorce. With all the hoopla about finding your “Bashert,” the one person who completes your soul, it would seem reasonable for the Torah to prohibit divorce. “Stick it out,” you might think the G-d of Israel would say. “The Chosen People should know a thing or two about choosing right the first time.” And yet, there is an entire Talmudic tractate, called “Gittin,” that describes the Jewish way to get out of a marriage. For most couples, a Jewish closure to their marriage can be comforting and even healing. For women like Hannah and Beth, however, the legal nuances of Jewish divorce laws cause pain, financial disaster, and loss of personal autonomy. Total consensus on a perfect solution may be impossible in the current climate of Jewish Halachic debate. Nevertheless, our goal must be to create a large enough network such that women threatened with Get refusal will have a place to turn. We must commit to these women that we release free them from their dead marriages, that we will perform their future marriage(s), and that we will defend their children from the pernicious claim of illegitimacy under Jewish law. As a mother of four daughters, I cannot afford to stand at the sidelines of this debate. Neither can you.

Please join me on Thursday evening, December 6th, at the Hadassah Brandeis Institute in Waltham to learn more about what is being done to support women suffering from Get refusal and how you can help. I also invite you to join me in NY on Sunday, December 8th, for a daylong conference on Women and Jewish law, sponsored by JOFA, the Jewish Orthodox Feminist Alliance. If you would like more information on either of these events, please email me at layah@brandeis.edu.

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