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Refusing divorce should be as unkosher as a pig

More needs to be done to stop men refusing divorces to their wives, says Shoshanna Keats Jaskoll



(Photo: Gotty Images)

I met Orly a year ago. At kilometre 16 of a 22 km hike to raise awareness for *agunot* — women trapped in Jewish marriage. We walked side by side, lamenting the impact of the rocky desert floor on our aching city feet. I was there as an activist. Orly was there as an *agunah*. As we walked, she revealed that after five years of refusing to give a *get*, (Jewish divorce), her husband disappeared. She hadn't seen him in five years. Still technically his wife and raising their children alone, she was unable to remarry or move on in any real way. When we parted, I told her that at next year's hike, I hoped to see her as a free woman.

"Next year's hike" took place earlier this month. Orly was there, but she was not free. Another year had passed and she was still with Yad La'Isha, the organisation that arranged the hike and provides legal representation to women like Orly. Three hundred women walked together, some current and former *agunot*, others journalists and many there to support the cause.

Yad La'Isha is one of several organisations working to change the phenomenon of *agunot*. Their strategy is to work within the state religious courts, making change from inside. Some bodies, such as the Centre for Women's Justice, work around the system, using civil law or independent religious courts to free

agunot. Others, such as the International Young Israel Movement, ORA, and the London School of Jewish Studies, work within the community, encouraging the signing of prenuptial agreements that can prevent *get* refusal.

Change doesn't come easily to laws made thousands of years ago. The very idea that a woman can be trapped in marriage is rage-inducing and yet, here we are. The good news is that the concerted efforts of organisations and activists, together with awareness and action on the part of the community, are changing reality for *agunot*.

Devorah Brisk, who works for Yad La'Isha, has spent the past 20 years representing *agunot* in court, and has observed a shift in the judges. "The difference is immense. They didn't speak to us, they called us liars when we first started. Now, they give us cases, they take things more seriously, the process is shorter and they issue more orders to divorce."

Moreover, in Israel, religious courts have teeth. Because they are part of the state legal system, judges can — when they choose — levy sanctions on people who refuse to comply with court orders to divorce their spouses. Indeed, that refusal to follow this order — a *chiyuv get* — in Israel can land the recalcitrant spouse in jail.

A recent change to a law in Israel gave Israeli religious courts jurisdiction over any couple seeking divorce, even if they are not Israeli citizens. That is, a man who refused an order from a diaspora religious court to divorce his wife — and has travelled to Israel — can be detained or jailed in Israel. This shift has exponentially strengthened the diaspora courts.

Rabbi Pinchas Goldschmidt, Chief Rabbi of Moscow has used the law to free over a dozen women and the London Beth Din succeeded in leveraging it to free five women who had been waiting for their freedom.

One Argentinian woman, whose husband had abandoned her 19 years earlier, obtained a *get* when she discovered he was living in Israel and asked the court to order him to divorce her. Faced with jail — and now a public bigamist — he gave the *get*.

Yet, for many, widening the purview of a system that works only slightly better than before and has been known to be abusive is not the answer. Indeed, how painful it is that these are considered "successes". This is why other solutions are vital. Until a systemic change is made and *get* refusal is as unkosher as pig, our greatest tools are education and pre-nups.

Around the Jewish world, agreements are available that are signed either before or after marriage. These pre- and post-nups are documents (several versions are available) signed by the couple agreeing to certain conditions in the event that one desires a divorce.





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Each of us can make a difference. Spread the word, encourage couples to sign pre-nups or postnups, and call out the scourge of *get* refusal and its deleterious effect on the involved parties and the community at large.

I am not giving up on Orly. I hope to see her at next year's hike as a free woman. Until then, let her story inspire us to action to prevent *agunot*.

Shoshanna Keats Jaskoll is a writer and activist

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