

# Agunot – The Most Pressing Issue on our Agenda

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Of all the important issues related to the status of women in Orthodox Judaism being discussed here – prayer, tzitzit, bat mitzvah, torah study – none is more important than that of *agunot*. Indeed, it is the single most pressing problem in the Orthodox world today – for three reasons: It causes human suffering, it involves an injustice and it threatens the entire future of Orthodox Judaism.

## On human suffering

*Agunot* are women who have been caused undue suffering by their husbands – and by ineffectively addressing the issue, the rabbinate intensifies their suffering. Over 95% of the women who come to *Mevo Satum* for help have been physically and emotionally abused. Indeed, there is a frightening and disturbing correlation between the state of *agunat* and abuse.

Emotional abuse is already a widespread phenomenon in the Jewish

שער שביעי: מאמרים באנגלית

community. Subtle and exhibiting no external evidence, it is far harder to detect than physical abuse. When one person dominates another, abuse results. In many cases, the husband dislikes the woman's friends, and prevents her from meeting them. He does not allow her drive, do the shopping or even talk on the phone. He does not give her money and humiliates her verbally, assailing her self-esteem with insults such as, "You're ugly", "You're fat", "You're stupid", "Why would anyone want to be with you?"

According to a 1993 Haifa University study, one in seven women in Israel is physically abused. The number becomes much higher when emotional abuse is included. Moreover, Jewish women tend to stay with abusive spouses far longer than non-Jewish women do. In fact, studies show that while on the average, non-Jewish women leave their spouses 3-5 years after abuse begins, Jewish women tend to stay in abusive relationships for 7-14 years. According to Dr. Eisikovits, who conducted the Haifa University study, "In the patriarchal structure that characterizes most Israeli families, women are expected to be passive, family-oriented, and responsible for the quality of life in the family. For the most part, they are prepared to compromise". He adds, "Women are not expected to leave the family framework even when violence takes place, which explains why most women remain after being beaten."

Abusive men are the ones most likely to deny their wives a *get*. A man who has habitually hurt his wife, who considers his wife an object to control and contain at any cost, when given the opportunity to hold her back and keep her chained to him by the court system, will undoubtedly take that opportunity. And because the system as it stands place the power to divorce in the hands of the man, for abusive men the *get* is just the last of many weapons available to him to hurt his wife. It is a state-sanctioned, or rather a Beit Din-sanctioned form of abuse.

Furthermore, abuse within marriage does not even merit judicial recognition. We know of countless cases of women who have come into the Beit Din with records of abuse only to be told by the religious judges to try to reconcile their marriages – to do *shalom bayit*. We know one woman whose abusive marriage sent her to a battered women's shelter as well as a hospital. Her husband, however, protested to the judges, "What, I only hit her once."

The judges then proceeded to sent them back to do *shalom bayit*. She is still waiting for her *get* – nine years and counting. In essence, the judges seem to be saying that within a Jewish marriage, some abuse can be expected that it is normal. In non-Jewish systems, marital abuse – cruelty – represents immediate grounds for divorce. Here, abuse is effectively sanctioned – and allowed to go on.

Indeed, an *agunah* is by definition an abused woman: She is abused both by the man that takes away her freedom and her life by chaining her to an abusive marriage or by extorting money or property from her, as well as by the religious judicial system that grants the abuser excessive rights and power over her. These women continue to suffer because the system allows them to suffer.

## On Justice

The divorce process causes women – not men – to suffer. Some claim that the *agunah* issue is not a one-sided problem because a man seeking a divorce also requires the consent of his wife. While that is true to some extent, the system remains rigidly unjust to women, while providing accessible solutions for men. Consider the following:

- For every Jewish man waiting for his wife's consent, there are a thousand women waiting for their husband's consent.

Men can get extricate themselves from this predicament by getting 100 rabbis to sign a document that permits them to remarry – something that happens about 15 times a year, according to Chief Rabbi Rav Bakshi-Doron. By contrast, in the 50 years of the state of Israel, the religious courts have forced a man to give his wife a *get* a total of 14 times, according to Prof. Alice Shalvi, founder of ICAR.

Men who choose to defy *halacha* and remarry without permission suffer no repercussions, while women are severely sanctioned: Any future offspring will be considered *mamzerim* – veritable outcasts from the Jewish community. Similarly, men who defy *halacha* by having an adulterous affair suffer no repercussions, while women automatically forfeit their alimony and child

support, forever forbidden from either remaining with their spouse or marrying the partner to their adulterous affair.

- Women have a biological clock and men don't.

The current system of unequal exit power from marriage means that while men enjoy almost complete marital freedom, for some women, marriage can be the equivalent of a potential jail sentence. There are countless cases of *agunot* whose husbands have remarried, with them living abroad or sometimes even in Israel. They can and do get on with their lives, only to leave their wives dangling in limbo. Women don't have that power. This means all Israeli Jewish women, married or potentially married, or any woman, who gets married according to Jewish tradition, can become *agunot*. In short, the system is inherently sexist, unfair, and unjust.

## On the future of Orthodox Judaism

The system as it stands threatens the entire future of Orthodox Judaism. As long as there is even one *agunah*, we have a system that maintains and supports abuse. This is *our* system, and consequently affects us all – even if we are not *agunot*, women, or even married.

Many of you married women are probably saying to yourselves: See how lucky I am, my marriage is not *like that*. And many husbands are saying: See, my wife complains that I don't take out the garbage enough – she should be grateful that I'm not like some other men. And many singles are saying: I'd better be really, really careful and sure before I get married. *This* is what we've been reduced to – a system in which all relationships are seen as potentially abusive.

The result is a lowering of standards. You may have a beautiful rose garden, when one day a weed grows. Suddenly you're spending time on your weeds. And your roses wilt a bit. But you don't care. As long as they aren't weeds. So before you know it, your rose garden is full of mediocre-looking roses, but you find yourself saying, thank God we have roses here and not weeds. You realize that what used to be a beautiful garden is nothing more than a potential garden

of weeds. That's what we've become. We've lowered the standards according to which we expect to treat each other within marriage.

It's a distortion of Judaism. We have frequently confronted rabbis with calls for radical change. They often respond saying, "But this is the way it is, this is the way God intended it, this is the Torah, there's nothing to be done." But all of the Torah is practiced by people – as it says in Deuteronomy, "It is not in the heavens." In this area in particular, personal views and historical contexts have had a very strong influence on practice. Rabbenu Tam is a case in point: When he ruled against his predecessor Maimonides, declaring that coercion of the husband is *against* the law, he based his ruling on the determination that women are *shachtzaniot* [arrogant] – that they don't sufficiently fear their husbands. This ruling reflected his personal views of what women are or ought to be.

We need to recognize the human hand at work in *halacha* and work for positive change within Judaism. Because when you say, "It's *halacha*, there's nothing we can do," You're essentially saying that *halacha* has no room for compassion, *that it forces us to choose between humanity and halacha*. The implied message, then, is that *halacha* is inhuman. Is that the message we wish to send? Does a belief in justice and equality require that I abandon Judaism? I truly hope not. Yet, religious Judaism cannot claim integrity as long as women are literally jailed into their lives by Jewish practice. The moment we prefer suffering to change, we lose our humanity.

## Conclusion

Those who hold Orthodox Judaism and Jews dear must take action to solve the problem of *agunot*. I am not a professional in either family law or *halacha*. I stand here as a member of society. On a personal level, my work with *agunot* has led me to question many aspects of my Jewish practice. Yet, I choose to believe that it is possible to change, that Orthodox Judaism retains the capacity to be humane, just and fair. That is why I dedicate myself to this issue – because I insist on a *just* Judaism. I cannot sit back when women continue to

suffer in the name of Judaism. Until we change the way the divorce process works, until we strive for equality in human relationships, in marriage and divorce, Orthodox Judaism will suffer along with those who accept its dictates. So as long as my Judaism perpetuates human suffering, I, as a human being, as a member of the Jewish community, must fight. So must we all.