

by Nava Bak, Yedida Goldman, and Shira Hecht

**O**ften, advancements in women's status and stature within the Orthodox Jewish community meet with opposition from segments of their own society. The institution of *Toanot Beit Din*, female Rabbinic Court Advocates, stands out as a notable exception.

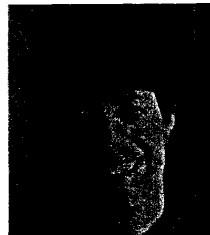
While preparing to become *toanot*, women spend much time immersed in intense study of some of the most complicated sections of the Talmud (codified Oral Law and rabbinic commentaries) and *Shulchan Aruch* (Code of Laws). Yet, beyond receiving official authorization from both the Sephardic and Ashkenazic Chief Rabbinate of Israel, *toanot* feel that they have been accepted by the rabbinic community at large, as well. One of the *toanot*, Rachel Levmore, notes that "all the rabbis, as well as the *haredi* (ultra-orthodox) men and women with whom I have come into contact, view me [with] respect and trust...and I have not felt any suspicion or resentment." A close look at the goals of the program and the need it aims to fulfill will shed light on its universal acceptance.

Shira Hecht and Nava Bak, graduates of Stern College, and Yedidah Goldman, a current student, attended the Michlalah program in Jerusalem together during their Freshman year.

### Toanot: In Defense of Women

To fully understand the role of a *toanot* (singular), we must first understand the unique construct of Israel's dual legal system, comprised of both civil and rabbinic courts, with both systems exercising parallel jurisdiction in some areas of the law while maintaining sole jurisdiction over others. Specifically, the areas of divorce and marriage are solely regulated and governed by the rabbinic courts. Therefore, all women in Israel, regardless of their religious background—Jewish, Christian, Moslem—must go to *beit din* (religious court) in order to obtain a divorce. Other areas of litigation, such as financial matters and community disputes, may be brought to a *beit din* instead of civil court upon the agreement of all parties involved. Unlike the *batei din* in the United States, the *batei din* in Israel have the same powers as civil courts in all fields under their jurisdiction.

A Rabbinic Court Advocate, or RCA, plays a role in *beit din* similar to that of a lawyer in



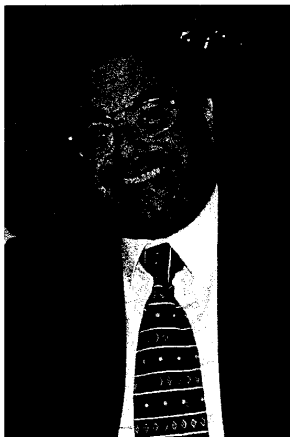
Nurit Fried, director of *toanot* program

civil court. While civil lawyers may represent clients in *beit din*, they are at a disadvantage if they are not proficient in the relevant areas of Jewish Law. It is an extensive knowledge of Torah, and not necessarily that of civil law, that enables one to argue the intricacies of *halakha* (Jewish law) upon which the *beit din* will formulate its decisions. Therefore, an RCA with an in-depth knowledge of Torah in addition to basic legal training is the best candidate to argue a case before a *beit din*.

Originally, the position of RCA was held only by men who had been *yeshiva*-trained in *halakhot*. A decade ago, Rabbi Shlomo Riskin, dean of Ohr Torah Stone Institutions, approached the Chief Rabbinate with the following thesis: ninety percent of all cases that appear before a *beit din* are divorce cases; obviously, fifty percent of the litigants in those cases are women. In ruling on divorce, all the facts must come to light. These facts are often painful and embarrassing and deal with intimate issues. Since a woman would understandably feel self-conscious sharing such details with a male RCA, many pertinent facts may fail to ever reach the ears of the judges. Without knowing such potentially crucial information, a *beit din* cannot reach a *din tzedek* (righteous decision).

In the past, although a woman could be represented by a female civil lawyer, certain problems arose. Besides the obvious lack of familiarity with *halacha* that generally accompanies a civil law degree, non-observant female lawyers would often appear before a *beit din* in dress and manner inappropriate in a religious

court. Rabbi Riskin proposed that women acting as RCAs, or *toanot*, would bring both dignity and greater justice to these cases. After much effort to gain recognition, the proposal was accepted by the two Chief Rabbis, the Knesset, and the Supreme Court. The Israeli law was then amended to allow for the possibility of female RCAs.



**Rabbi Shlomo Riskin, dean of Ohr Torah Stone Institutions**

Advocate Program was established to formally train and certify women for the position of RCA. Taking into account the required examinations administered by the Chief Rabbinate and the Religious Affairs Ministry to prospective RCAs, the program places primary emphasis on the study of *halakha*. The women concentrate on learning the *halakhot* of *Hoshen Mishpat* (testimonial law and civil damages), *Even HaEzer* (laws of personal status) and women's rights. Most participants in the program already have a degree in civil law, social work, psychology, or education. Under the supervision of legal experts and rabbinic scholars, these women are also trained in marriage and personal counseling and learn the religious court system's procedures and how to benefit their clients' rights within that framework. One of Ohr Torah's directors defines the program's aims as to "strengthen women's education and at the same time have them take an increased part in community responsibility."

Only women with a broad secular

## Recent Court Cases

**1.** A couple applied mutually for divorce because the husband, who had an extra female X chromosome, wanted to undergo sex-change surgery and become a woman. The question arose if the surgery is done before the divorce is final, does the wife still require a *get* (Jewish writ of divorce) from her husband, or is the *get* irrelevant once he is no longer a man? Is the ex-husband, after the fact, still considered a man according to *halakha* (Rabbinical law)? The answer was that, yes, he is still considered under Jewish law to be a man and that he must grant his ex-wife a *get* even after undergoing sex-change surgery. The woman received her divorce.

**2.** An advocate tells of a case in which the male plaintiff refused to relate to her or even look at her during the trial. He carefully held his hat in front of his face throughout and carefully avoided eye contact. After the trial, he approached the advocate and asked her, "Are you observant of the laws of the Torah and the Commandments?" The advocate answered, "I try to be." They struck up a conversation and developed a dialogue. Much of the husband's animosity was soon dispelled and the advocate was able to persuade him to agree to favorable divorce terms.

**3.** After approximately ten years of violence, a 35-year-old woman with six children complained to the police who referred her to a shelter for battered women. She filed for divorce, but the court referred the couple to a marriage counselor. When the woman returned home from the shelter, the violence, although now mostly verbal, continued. The woman again filed for divorce using an advocate to represent her. The court was now convinced of the seriousness of the situation. The husband had until then refused to grant a divorce. The advocate eventually obtained a divorce for her client.

education and at least four years of yeshiva background are accepted into the program. Prospective students are required to be married and religious. Additionally, they must hold a B.A. from a recognized university or an equivalent degree from a religious seminary. Nurit Fried, director of the program, sees the university background of most toanot as enhancing the reputation of the rabbinic courts in the eyes of secular Israeli society. Because of a broader involvement with society than the typical male RCA, Fried feels that toanot "have more rapport with the general public."

**A Toenet Confronts Challenge**

Teyna Akerman, the first graduate of the program, was exposed to the workings of the beit din while pursuing a personal real estate matter. Her fascination with the legal proceedings of beit din prompted her to

apply to this new and innovative program. A graduate of Michlalah Jerusalem College, she met the requirements and was accepted into the program. Upon completion of training, Akerman was approved and certified by the Sephardic Chief Rabbi at the time, Eliahu Bakshi-Daron. However, shortly after Akerman's certification, the program faced a serious challenge when the Chief Rabbinate became hesitant to certify more women as toanot. Its primary concern was the motivation of the women applying for certification: they felt it was driven more by personal feminist interests than by a desire to further the pursuit of justice. When the issue was brought to the Supreme Court, Akerman testified. She stressed that the sole objective of the toanot was to work within the guidelines of halakha to benefit their clients and secure justice in beit din. Akerman's testimony paved the way for future toanot, as the Supreme Court ruled for the continuing authorization of toanot. More than 50 female advocates have been accepted by Israeli courts. Akerman feels that toanot have encountered nothing but help and support from *rabbanim* and *dayyanim* (judges).

Often, after a case is decided by beit din, matters such as child custody remain unsolved. These issues fall to the civil court system. This has frustrated many toanot, who, although trained in the fine points of halacha, are not necessarily qualified to argue cases in civil court and so are unable to represent their clients in both courts. Because of this, Akerman recently began pursuing a legal degree at Hebrew University Law School. Additionally, Akerman

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has expressed optimism towards Ohr Torah's proposal to establish a joint program with Bar Ilan Law School. Perhaps the best gauge of the intensity of the program is Akerman's statement that, in

terms of rigor and demand, "the most difficult law school doesn't even compare to the toanot program."

Last year, as part of the Yeshiva University Joint Israel Program, a group of students was addressed by Mrs. Levmore about her experiences as a toenet. Levmore, who graduated Yeshiva University High School for Girls/Brooklyn, received her bachelor's degree in chemistry from Brooklyn College, attended Michlalah Jerusalem College, and eventually settled in Efrat, the home of Ohr Torah Stone Institutions. She became interested in pursuing a career in *limudei kodesh*, and when the toenet program began, Levmore thought that it was the perfect choice for her. As a certified *toenet*, Levmore has represented both husbands and wives before the beit din. Levmore stressed that before proceeding with a divorce, toanot always attempt to help reestablish *shalom bayit* (peace in the home). She has been "repeatedly thanked for the warm care" she offers.

At the end of her remarks to the students, Levmore imparted an inspiring message. "By serving as a role model, my wish is that women of all ages will immerse themselves in learning Torah and actively help form a society through their accomplishments and surpass what has been in particular professions. I know this is a pretty tall order, but I know it can be done. It is up to young students like yourselves to rise up to the challenge." **A**

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