

# Make 5754 the Year of FREEDOM FOR AGUNOT

Each of these stories is an actual case history

"The *beit din*, though they were convinced that my husband sexually molested my daughter, insisted that I drop criminal charges against him in order to secure my *get*. The rabbis said that the mother of the next child he molests can press charges." Received *get* after 3 years as an *agunah*.  
-Naomi

"My husband who has been estranged from me for 15 years still refuses to give me a *get* because he wants *sholom bayis* (family harmony). My children have told him they won't say *kaddish* for him if he doesn't give me a *get*." Still an *agunah* after 15 years.  
-Esther

"I was hospitalized with a concussion after my husband beat me with a baseball bat. The *beit din* rabbis refused to sit in a room with my husband because of his violent outbursts, yet they ruled that I must go on a vacation with him for *sholom bayis*. Received *get* after 5 years as an *agunah*.  
-Ruchie

"The *beit din* granted my husband unsupervised visitation with my children despite the fact that he had broken my son's arm in a fit of anger." Still an *agunah* after 3 years.  
-Suri

"My family had to mortgage their home to obtain \$120,000 to pay my husband for my *get*. The deal was arranged with the full knowledge and cooperation of the *beit din*. We were appalled." Received *get* after 2 years as an *agunah*.  
-Barbara

"My husband infected me with a venereal disease. He is living openly with his mistress. I fear I will never obtain my *get*. The rabbis say there is nothing they can do to free me." Still an *agunah* after 4 years.  
-Miriam

## THE TIME TO ACT IS NOW!

If you want to put a stop to:

- I. The flagrant abuse of Jewish law
- II. The degradation of Jewish women
- III. The excuse that *balakhab* provides no solution
- IV. Rabbinic inaction masquerading as helplessness
- V. The *bilul haShem* that the dysfunction of many *batei din* forces Jewish women to go to civil courts

**Courts should punish blackmailers – not reward them**

# Our Proposals for

**1** A committee of respected halakhic scholars must be established to seriously study the problems of *agunot* and to explore and utilize halakhic remedies so that there will no longer be *agunot*.

**2** Establish a grievance committee. There is no court of appeals from a *beit din* (Jewish court). Litigants who believe that they have been treated unjustly should have a means of being heard. There should be an impartial committee, made up of rabbis and lay people, including women, to investigate serious complaints.

## ***For the sins which we have committed before You:***

על חטא *By advising battered wives to return to their husbands in the name of shalom bayis...*

על חטא *By permitting extortion to be used in ransoming a get...*

על חטא *By closing our eyes to the sexual abuse of children...*

על חטא *By allowing children to be used as bargaining chips in get proceedings...*

על חטא *By preventing the birth of Jewish children because agunot are unable to marry...*

על חטא *By threatening women and children with eviction from their homes as the price of a get...*

על חטא *By not condemning those dayanim who charge exorbitant fees in get cases...*

על חטא *By permitting batei din that are corrupt to continue to exist...*

על חטא *By refusing to use all available halakhic remedies against recalcitrant spouses...*

**3** Address corruption in *batei din*. *Dayanim* (judges of the Jewish court) who indulge in unethical behavior should be removed from their positions. Fees should be regulated.

**4** End extortion. Recalcitrant spouses should not profit from abusing *halakbab*. Rabbis should forbid this practice. *Batei din* should ensure that the *get* not be used as a bargaining chip by directing that it be given at the beginning of the process and separating it from any other issues pertaining to the termination of the marriage.

## **WE CALL FOR:**

The establishment of a *beit din* for every major metropolitan area in which:

*Dayanim* are:

- Scholars who are respected for their integrity and knowledge of Jewish law
- Paid by the community, not the litigants.
- Well paid commensurate with their stature.

The *beit din* should:

- Strictly adhere to halakhic guidelines as befits the conduct of a court.
- Meet at regular sessions known to the community.
- Meet in a dignified location provided by the community.

When the Orthodox community establishes such a court, it will have its own inherent dignity and its decisions will be respected and adhered to. Once again, Jewish law will be accorded the respect that it deserves. Can anyone say we are asking for too much?

## **A CALL TO ORTHODOX RABBIS:**

We ask you to provide rabbinic leadership. Help us to establish a committee for *beit din* improvement. Help find halakhic solutions to the *agunah* tragedy. Join us in beginning to repair the damage suffered by the entire Jewish world by this miscarriage of justice. Help us to make this New Year the year of *Freedom for Agunot*.

**Rabbis: We need more than your sympathy  
We need your action – now!**

# community action

**5** To safeguard *tzniut* (modesty), a wife should always bring another woman with her to the *beit din*. This is especially important to alleviate embarrassment when intimate sexual matters are discussed.

**6** Standardize *beit din* procedure so that all *batei din* function in basically the same way. All *batei din* must make use of all available halakhic remedies, such as issuing *serutim* (contempt citations). Each litigant should fully understand the process at the beginning and should read and understand every word of every document signed.

## Prayer for Agunot

*Creator of heaven and earth, may it be Your will to free the captive wives of Israel when love and sanctity have fled the home but their husbands bind them in the tatters of their kenubot. Remove the bitter burden from these agunot and soften the hearts of their misguided captors. Liberate Your faithful daughters from their anguish. Enable them to establish new homes and raise up children in peace.*

*Grant wisdom to the judges of Israel, teach them to recognize oppression and rule against it. Infuse our rabbis with courage to use their power for good alone.*

*Blessed are You, Creator of heaven and earth, who frees the captives.*

יהי רצון מלפניך שימלאו  
החמך להתיר את נשות  
ישדאל האסורות ביד  
אישירן. נשים שקדושה  
ואהבה כבר מזמן סרו  
ממעטן. אך הן שבויות  
ביד בעליהן וקשורות  
בכבלי כתובתן. הסר נא  
מעליהן את עליון המג  
ודכך את לבם התועה של  
שוביך. פתח הרצונות של  
רשע ושלח בנתק חפשי.  
הן בידן לבנות בית  
בישראל ולגדל ילדים  
באתבה ואחזה. בשלום  
העיבה שופטינו  
כבראשונה ויעצינו  
כבתילה והן בלבם רוח  
הכמה הגבורה, רוח עצה  
התשיה להציל עשוק מיד  
רוחף ואשה משביה.  
ברוך אתה, מתידי אסורים.

**7** Computerize the *gittin* (Jewish divorce decrees) issued in Orthodox *batei din*. Too often, records are lost, making it impossible to determine if a proper *get* has been given. Every *beit din* should utilize computers to record *gittin*. Establish a central data base for larger metropolitan areas.

**8** Mental health professionals should be consulted when dealing with issues such as custody and visitation. Standards of child support and maintenance should be at least equal to the guidelines of civil court.

## URGE YOUR RABBI TO:

1. Bar recalcitrant spouses from holding office and receiving honors in your synagogue.
2. Use pre-nuptial agreements when performing marriages.
3. Include the prayer for *agunot* during the *Rosh haShana* services.
4. Join with our committee to study and improve *beit din* proceedings.

We are aware that several rabbis are in the forefront of the struggle to help free *agunot* and have already initiated some of these positive steps.

We would like to know if your rabbi is one of them so that we may publicly acknowledge the courage of those rabbis and congregations who have justly made this issue a priority, redeeming it from decades of neglect.

## DID YOU KNOW THAT..

In the rare instance when the wife refuses to accept a *get* (Jewish divorce decree) the husband can be released from the marriage by obtaining the signatures of 100 rabbis (*beter meab rabbanim*).

If a man remarries without granting his wife a *get*, his children from the second marriage are legitimate. Should a woman remarry without receiving a *get*, her children from the second marriage are branded *mamzerim*, bastards, unable to marry another Jew except another *mamzer* for ten generations.

**A Get is only a woman's issue if men have no daughters, sisters or mothers**

# Why now?

1. 500 Rabbis were invited to a conference on *agunot*, 5 came.
2. Metropolitan *batei din* report that 20% of divorce cases that come before them go unresolved, creating hundreds of additional *agunot* each year.
3. The shame of Orthodox Jewish courts is being increasingly exposed in the secular media.
4. Fifteen years of meetings, appeals to conscience, picketing and demonstrations have not worked.

## Your actions will make a difference – so will your inaction

- Let us know if the prayer was recited in your synagogue.
- Call our committee for a speaker to educate your congregation or community group about this issue.
- Establish a *gemilat chesed* fund earmarked for *agunot* or send contributions to the Agunah or GET organizations.
- Volunteer your help by contacting us.

Agunah, P.O. Box 131, Brooklyn, NY 11230 • 718-253-8855

GET (Getting Equitable Treatment), P.O. Box 131, Brooklyn, NY 11230 • 718-435-1310

## WHO WE ARE

**Agunah** is a volunteer organization founded and directed by Orthodox women. Its primary goals are pursuing halakhic remedies for *agunot* and improvement of *beit din* proceedings. No fees of any kind are required.

**GET** is a volunteer organization of Orthodox men and women who work with individuals who are having difficulty obtaining a *get*. It has the additional function of educating the public, by its speakers' bureau and programs, about the problems endemic to the *get* process and the need for prenuptial agreements. No fees of any kind are required.

We seek redress of a condition which can no longer be tolerated (*davar she'ayn hatzibur yachol la'amod bo*).

Justice, concern for the less fortunate and equity are the foundations of Jewish law. The dignity of the law suffers when Jewish families are victimized by those, male or female, who abuse it.

Jewish law, in all its humane aspects, must be respected.

**AGUNOT:** We need your input. In order to gather even more data we ask that you contact us so that our research will be more complete. Your experiences are important to us because you are important to us.

*God said, "I will go down to see whether they have acted altogether according to her outcry (הכצעקתה) that has come to Me" (Bereshit 18:21).*

*Rashi's comment makes the point that God was willing to destroy an entire city – Sodom – because of the unjust suffering of one righteous woman.*

*Even one agunah is too many.*

The publication of this document has been made possible through the generosity of a private individual.

## We are in crisis We must act