

Determination/Despair

Agunot Speak About Their Chains

by Lisa Rosenberg

L'auteure examine les difficultés particulières de la femme juive dont le mari refuse de lui céder un divorce religieux.

It doesn't have to be bruises on the body. If you have scars in your soul, it's worse, believe me it's worse. It's hard to heal. The bruises become blue and yellow and disappear, but when you have the scars inside, it's hard to heal. (Dafna)¹

The scars inside of Dafna and women like her are the result of emotional abuse that is sanctioned by Jewish law, *halakhah*, which gives only men the power to dissolve a religious marriage, by granting a document called a *get*. Any Jewish man who decides to withhold a *get* leaves his wife an *agunah*, literally meaning one who is anchored or chained. In North America, if an *agunah* is observant and lives according to Jewish law, even if she has a civil divorce, she can never remarry in a religious ceremony, and if she subsequently has children, they will be considered *mamzerim*, bastards. Yet, loopholes within the law exist for their husbands, who can remarry and start new families. A woman can also become an *agunah* if her husband dies without witness, or if he is not mentally competent to give her the *get*. The vast majority of *agunot*, however, have been victimized by Jewish men using the privilege accorded them.

Thus far, little remedy exists for *agunot*, as the vast majority of orthodox rabbis continue to interpret the law as immutable; in addition, the law maintains that a “coerced” *get* is not valid. However, many husbands do want to give their wives a *get*, but only in exchange for large

sums of money or custody rights. In Israel, where marriage and divorce fall entirely under the jurisdiction of religious law, every married woman, regardless of her level of observance, is a potential *agunah*. It has been estimated that there are currently 8,000 to 16,000 *agunot* in Israel (Adams).

Collective chains

Problems of *agunot* will continue to be discussed, and hopefully resolved, on a case-by-case basis. (Biale 112)

It is my hope and intent that the experiences women face as *agunot* will begin to be collectively viewed and analyzed. Each and every *agunah* is important. Her suffering is real and every means possible must be used to free her. Yet, in dealing with the issue, one *agunah* at a time, the systemic nature of this problem is diminished. If rabbis, or the general Jewish community, had to face the stories of 50 *agunot* at once, it would not be so easy for everyone to ignore this injustice,

Jewish feminist framework, as much of my previous work has done, is not enough. The “personal is political” is paramount, and unless Jewish feminists learn this and listen to the voices of *agunot*, their analyses will be devoid of life. How can this great inequity, the denial of a *get*, that indirectly besmirches all Jewish women, be addressed without taking into account the perspectives of *agunot*, the perspectives of their captors/husbands, and the perspectives of those to whom *agunot* turn, the rabbis?

By interviewing *agunot* and analyzing their stories together, I want to begin this process of inclusion. In my preliminary interviews for my dissertation, I was attempting to determine, first and foremost, how these women conceptualized their experiences. More specifically, I was interested in knowing how becoming an *agunah* mediated their relationships with their husbands, their children, the rabbis, and the general Jewish community. What reasons did their husbands give for being so vindictive? Why were they withholding the *get*? Were they using it for black-

Any Jewish man who decides to withhold a get leaves his wife an agunah, literally meaning one who is anchored or chained. If an agunah is observant and lives according to Jewish law, even if she has a civil divorce, she can never remarry.

or to keep *agunot* silenced and compartmentalized. Collectivity calls to account.

In addition, the experiences *agunot* face must be analyzed together if the scholarship on feminism and *halakhah* is to grow and bear fruit. Bringing together Jewish law, civil law, and Jewish women's activism around *agunot*, and analyzing them within a

mail? What were their religious backgrounds? Did the *agunot* perceive support from any sector of the Jewish community, especially the rabbis? How had this affected their views/practice of Judaism? How had this affected their children? If they did not receive their *gittin*² in the future, would they remarry without a *get*?

Violence and control

In 1991, I was very physically abused, and I was afraid for my life. My two older boys, they were my bodyguards. (Dafna)

When I interviewed these *agunot*, at first I was surprised to learn that one of the women had been emotionally abused during her marriage, while

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the others had been both emotionally and physically abused. Yet, upon closer scrutiny, it is not surprising in the least that battered wives can become *agunot*. Jewish law gives abusive men a means to continue to control their wives, their very lives, even after a civil divorce has taken place. The abuse continues, albeit in a different form. Mental abuse and religious abuse blend together. Thus, it is crucial that *get* abuse be seen in broader terms, as a form of violence against Jewish women.

Children

What affect does a husband's withholding of the *get* have on the children from this marriage? All of the *agunot* spoke at great length about this aspect of their situations. It appears from their stories that a great deal of the emotional turmoil that their children are going through, or have gone through, stems from the nature of divorce itself. Yet, the denial of a *get* adds a whole other aspect to the relationship between children and their fathers. How this general and specific turmoil are interwoven is, as of yet, still unclear and should be studied further. From these *agunot* we can begin to see a glimpse of this.

Moriah's children are still young,

but they do understand what is going on between their parents:

They're aware that he hasn't given me the get. They know he's doing it to hurt Mommy. They've raised it with him. He tells them Mommy doesn't want a get. I have to talk to them a lot. They know the issues.

Dafna's husband also twists everything around with their children. When Noar asked his father to give Dafna a *get*, Gilad replied, "Listen, I have to punish her."

Standing to account

When there was a rabbinic will, there was a *halakhic* way. (Greenberg 44)

When *agunot* cannot escape from their situations, they must plead for help before rabbinic authorities and hope that the Jewish community will take up their cause. How have *agunot* been treated by rabbinic authorities and by the Jewish community? Have they received any support at all? How has their treatment affected their views of the Jewish religion and their practice of Judaism?

Although, of course, each *agunah* blames her husband for what he has done to her life, they all definitely perceive most rabbis and communal institutions to have been either explicitly against them, indifferent to their pain, or sympathetic, but unwilling to intervene. Moreover, in each of the interviews, each *agunah* paints the picture of a mostly uncaring Jewish community. Thus, taken individually and collectively, their stories warn that Jewish communities had better take note of the plight of *agunot* and pressure communal institutions and rabbinic authorities to employ the methods they do have available to them to help end the suffering of these women and their children. Failure to do so will not

only perpetrate injustice, but it may also result in the loss of committed women and children as they turn way from Judaism.

Moriah went to see Rabbi Ochs, who heads the Toronto *beth din*,³ but he told her that if her husband did not want to give her the *get*, he could not force him to do so. She had put her faith in the hands of the rabbis because she believed they would help her, especially since her husband had abused her. She had thought "they wouldn't tolerate this if there were an ethical or moral foundation to Judaism." With the notable exception of the International Coalition for *Agunot* Rights (ICAR), Moriah believes that the Jewish community does not want to hear about *agunot* or *get* involved because they do not want to believe that this type of abuse is happening, and this makes her feel isolated. She finds this resistance comes mostly from the orthodox community because of the prevalent belief that husbands and wives should stay together, no matter what happens, for the children.

The result of living as an *agunah* and not finding anyone to take up her plight has caused Moriah to ask, "Where do you turn if all the leaders of the community and figures of authority say I can't help you?" In Moriah's case, the answer has been to turn away from ultra-orthodoxy. She now finds adherence to *halakhah* to be "oppressive," and hypocritical:

The image of Jewish women in ultra-orthodoxy is just an illusion—being "A Woman of Valour."⁴ Women are second-class citizens. It's a halakhic issue—the law stayed archaic and never changed.

Moriah does continue to keep *Shabbat* and to celebrate the holidays. She wants to impart the warmth of Jewish tradition to her children in a bright and joyful way.

When Dafna moved to Canada from Israel with her family, she hoped her marriage would improve, but soon after she realized this hope was fruit-

less and filed for a civil divorce. When Gilad began to refuse her a *get* and she began to seek remedy, she “found out that nothing has changed, and the rabbis here and the rabbis in Israel think in the same way.” When she spoke with Rabbi Ochs, the answer he gave her was very similar to the answer he gave Moriah:

Rabbi Ochs told me that he doesn't have the power to do anything. Even if somebody forced Gilad to give me a get, and he came to the beth din and said it's against my will to give my wife a get, the get is not valid. He has to do it of his own free will.

Dafna was also upset, like Moriah, that Rabbi Ochs failed to “consider especially when there is violence in the house, when there is abuse.” Dafna does not feel that most people in the Jewish community understand what she is going through, and she now believes that even if she had “hundreds of support people around me, as long as the rabbis think I have to pay the price, nothing will change.” Like Moriah, Dafna has a religious background, although she was never ultra-Orthodox, but her opinion of Judaism has also changed because of her experiences:

I think that Judaism doesn't like women very much. To sit around the table and sing [“A Woman of Valour”] every Friday night that the woman, she is the centre of the house, you have to respect her and everything. When it comes to action, this is only a song.

When Sharon's husband broke her hand, it was horrible enough that when she called the police, the only thing they did upon arriving at the house was tell Josh to go to another room. Even more hurtful, however, was the response she received from the rabbi at her synagogue. When he saw Sharon in a cast and asked her what happened, and she trusted him and truthfully told him, he could not believe it. Josh was such an upstand-

ing member of the community. Even though Sharon said she had no reason to try to save her marriage any longer, he said he was sure they could work it out and advised her to go back home. The next evening, Friday night, Josh received a ritual honour at the synagogue. When Sharon consulted Rabbi Ochs about her problems getting Josh to agree to a religious divorce, he had no answers for her. She kept making appointments to attend the *beth din* with Josh, but he repeatedly cancelled them.

Although Sharon received support from women in her local chapter of a national Jewish women's organization, she believes that the Jewish community is generally “oblivious” to the plight of *agunot* because they do not know very much about the problem or else they are aware of the issue, but do not know how they can help. Thus, she is very happy to see ICAR get off the ground and begin to disseminate information. Like Moriah and Dafna, Sharon's experiences of Jewish law's intrusion on her life has changed her perspective on and practice of Judaism. She does not have warm feelings toward the religion, nor does she attend services any longer:

I cannot pray in a service any more. It means nothing to me. And I used to be fairly religious....

When Sharon's husband broke her hand, it was horrible enough. Even more hurtful, however, was the response she received from the rabbi. When he asked her what happened, she trusted him and truthfully told him, he could not believe it.

I used to keep a kosher home. I used to keep the holidays religiously.... I cannot do it, knowing that I'm not the only one.

Lily's husband told her that she did not deserve a *get* because she had broken up their family. She was a horrible person and was not entitled

to anything, not even alimony. She was amazed that instead of taking her side, the orthodox rabbi that had officiated at her own wedding married Sam and his girlfriend, knowing that she had not received the *get*. Lily began to speak to rabbis and communal leaders, yet:

Nobody could, not one person could come forward and answer my question, how can this be happening, and nobody could help me. So, whenever a question was asked, can you help me and listen to my story, the doors would just close. I was considered a person that nobody wanted to touch. And by that I mean keep her far, far away.

After her civil divorce, Lily found some solace by heightening her involvement in the Jewish community, and she became very active in her synagogue. Lily knew that everyone in the community⁵ was aware of her problem, but she almost never talked about being an *agunah*, because whenever she did venture forth a statement about needing a *get* it was “just like putting down a curtain, it was just a word you didn't say....” Lily says that being an *agunah* did not change her practice of Judaism, but it did change her conceptualization of it. Ethics and justice are no longer the corner-

stones they were once touted to be. As she sums it up, “the Jewish religion hands an awful lot to men.”

Structure/agency

Though all of the women interviewed got out of abusive marriages, their strategic responses to their con-

straints as *agunot* range from actively fighting for the *get* to limited pursuit of the *get* to limited accommodation to relative stasis. Understanding how and why this range occurs is a crucial step in determining where reaction becomes action or reaction becomes powerlessness. Viewed in this respect, a much larger study of *agunot* would not only further the development of Jewish feminist theory, but it may

put it, "what happens when the *agunah* is 20 years old or 25, and she doesn't have children?" Since having a child while an *agunah* is the most severe consequence of deciding to be free, already having children was at least one positive aspect for most of the *agunot*.

Yet, Moriah, who is still of childbearing age, refuses to remarry and have more children without the

get. While no longer ultra-orthodox, she still remains orthodox, bound to *halakhah*. She does not want to cut herself off from Judaism as she has chosen to practice it, so she is caught. To embrace freedom is to lose her Jewish identity, her way of life, but to hold on to orthodox Judaism is to forego later love. She has been an *agunah* for five years now, and the future is still unravelling, but for now stasis: "I don't want to be a martyr. I don't want to wait, but what are my options?" The irony is not that her husband is no longer observant, it is that she feels ostracized from the community of which she wants to be a part.

Lily received her *get* after 16 years, when a sympathetic rabbi finally intervened and her husband finally agreed. Three decades ago Lily became a divorcee and an *agunah* in a city with a relatively small Jewish community. The bargain she made was to participate in this community,

but she would keep quiet about her private suffering. Because of her belief in Judaism, she never remarried. From our vantage point today, Lily's pursuit of the *get* may seem to be limited acceptance. Over 16 years, she called the rabbis she knew, and her family also called rabbis in the cities throughout North America in which they lived. Did she choose, or did she feel powerless to avoid, being the martyr that Moriah does not want to become?

Perhaps Lily reasoned that it was less painful for her to keep quiet and to ensconce herself in the community than to speak out and risk adding ostracism to her loneliness. On the other hand, as Lily reviewed her life and her accomplishments in the community, she seemed to have gleaned a great deal of satisfaction from being both independent and strong. Staying an *agunah* meant that she did not have to be bound to another man. When Lily finally received her *get*, it was no longer of relevance to her life:

Sixteen. Sixteen years. But, I never opened up that piece of paper. I've never opened up the get to see what it says. It's like, you want that chocolate bar, and when you get it, it doesn't taste as good as you thought it was going to. It just lost all its flavour.

Unlike Lily, Dafna has been seeing a man that she is seriously involved with. Unlike Lily and Moriah, she really does no longer care about being religious or being part of the organized Jewish community. Then, why does she care about being an *agunah* when she desperately wants to be free of such a horrible man? Because she wants to return to Israel, where her two oldest sons are, and without the *get* this would be virtually impossible because she has virtually no money. She is living on welfare right now, and her family in Israel is of very modest means and could not support her and her youngest son until she established herself, so the Israeli government subsidy for returning citizens is of utmost importance. How-



Rochelle Rubinstein Kaplan, "Muzzle," linocut print, 1994.

also even be generally applicable to feminist theories of women's dis/empowerment.

The one consistent factor that should be mentioned is that each of the women interviewed already had two to three children by the time they obtained their civil divorces. As Dafna

ever, the subsidy is a family budget, and Dafna cannot receive it without Gilad while she is still married to him. No matter who she has contacted or what documentation she has compiled, she is no closer to returning. Dafna definitely wants to be free, but since she has tied her freedom to Israel, she continues to wait in limbo in Canada. She has no hope that Gilad will give her the *get*. Recently, he told her that when she receives that *get* she will be a widow.

Sharon, who displayed great determination in leaving her husband, did not want to be a battered wife, and she did not want to be an *agunah*:

I got my get because I would not take no for an answer and because I wasn't going to let him scare me in any way. My situation, I think, was not typical in that I did have a career, that I wasn't financially dependent on him.

What is it that distinguishes her situation from Moriah's, Lily's, or Dafna's? Money. Although both Moriah and Dafna were told by their husbands that they would hand over the *get* for cash, neither could afford to pay the price, even if they had wanted to do so. Money gave Sharon the courage and the wherewithal to beat Josh, who fancied himself a "wheeler-dealer" who was going to get rich, quick, at his own game.

The perfect opportunity arose when Sharon met a con-artist, and she asked this man to help her scam Josh. Sharon still had fifty-thousand dollars that was owed to Josh from division of property sitting in an account, and once the con-artist convinced Josh to invest in his business, saying "all he needed to do was put in fifty-thousand dollars and he could stand to make two million dollars within a year," Sharon said she would free up the fifty-thousand dollars if he would sign all the divorce papers and show up at the *beth din* to sign the *get*. Josh hurriedly agreed and Sharon received her Jewish divorce.

Yet, when I asked Sharon what happened to the fifty-thousand dol-

lars that Josh "invested," it became apparent that Sharon had, in a circuitous way, paid money in exchange for the *get*:

It was gone. It was lost in a week. It cost me, it actually cost me about fifteen thousand dollars to set this up, because these guys had to have seed money to show that they already had investors with hundreds of thousands of dollars ... which, of course, I was supposed to get back after they got his money, but I knew I'd never see it again, because they were con-artists I was dealing with.

Sharon's choice was to spend this amount of money to free herself from this man. Buying the *get*, since she had the money, made perfect sense. "I figured fifteen thousand and all the rest of my legal costs was cheaper than it would have been to have to keep going for years and years." Emotionally cheaper as well. Sharon was lucky that Josh did not profit from this sale. Most men who extort take their money to the bank.

Conclusions

Women who see themselves as free of *halakhic* restraints are, in fact, free. (Baker 64)

Or are they? In telling *agunot* that they could be free, are we blaming them for their victimization? In telling *agunot* that they could be free, are we asking those who are orthodox to divorce themselves from their communities and perhaps even their families? Are we not really asking them, if they are observant and want to remain so, to divorce themselves from their very identities? How does this affect children, our continuity, if their mothers are *agunot*? How does this affect children, our continuity, if they are born *mamzerim*? When we state that *agunot* could be free, are we absolving the rabbis and the Jewish community from finding a solution that befits and honours Judaism? Or are these women really choosing to

retain their status needlessly? Must we uphold *halakhah* at all costs, lest we lose ourselves in assimilation? Can a solution really be found without dealing with *halakhah*? In delving into the lives of Moriah, Dafna, Lily, and Sharon, we can begin to hear faint echoes of answers, but unless we capture the roar of the many *agunot* who remain bound to vindictive, cruel men, and seek and find remedy, no Jewish woman should consider herself free. In Dafna's words:

I feel like there is an invisible chain around my neck, and somebody is pulling it as much as he wants, and the system allows him to do it. Don't cry for me. Help me, don't cry, I need actions, not sympathy.

Lisa Rosenberg is in the fourth year of her PhD in Women's Studies at York University. While her general interest is the development of Jewish feminist thought in North America over the past 20 years, she is specifically focussing on the plight of agunot for her dissertation.

¹All names and other identifying characteristics have been changed to protect the privacy of the women interviewed.

²Plural of *get*.

³Jewish religious court.

⁴Traditionally, a husband sings this prayer to his wife every Friday night.

⁵Lily lives in a small Jewish community.

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LYN LIFSHIN

Auschwitz

there was an
electrical fence
you couldn't climb
it but could
speak thru it

families were taken
together they
took their luggage
into the camps
their hair wasn't

cut they were in
a different position
than anything anyone
there had seen these
people had special

cards that said
gassing and quarantine
we didn't know why
they'd be kept six
months there was a

school for the children,
a theatre. They were
told to write letters
to relatives in the
ghetto to say they

were working, together.
The ss came to play
with the children.
What we didn't know,
that at midnight there'd

be a note. The lake of
ashes. Those cremated
were dumped in it
they said they were
going to Heidibrook.*

There was no Heidi, the
train went right to
the crematorium

**A resort they believed they were
going to that did not exist.*



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