

## **The First Word: Sages of Israel - Take modernity by the horns**

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SUSAN WEISS , THE JERUSALEM POST

On November 7 and 8, a cadre of Orthodox rabbinic judges is scheduled to come to Jerusalem from 15 countries to discuss the problem of agunot (women bound to dead Jewish marriages because their husbands refuse or can't deliver a bill of divorce to them). According to conference organizers, this is the first time in hundreds of years that the rabbis have convened for this purpose and they are expecting great things.

Wow, do I hope they succeed. But I guess I'm insulted. No one has asked me what I think. In fact, no woman - activist, aguna, home-maker or otherwise - is invited to be at the conference in any capacity, and certainly not being given an opportunity to air her views. So, in the hope that someone will bring this to the attention of the rabbis, let me tell you, and them, what I want, what I don't want and what will happen if I don't get what I want.

**FIRST, WHAT I don't want:**

- I don't want rabbis to hunt down an estranged husband in California who has had a sex-change operation and force him/her to give a get. I certainly don't want to pay the plane fares and expenses of rabbis, detectives and hoodlums necessary for such a project - true story.
- I don't want the rabbis to pay a man who converted to Islam and is living in Morocco with his Muslim wife 10,000 taxpayer dollars in order to cajole him to give a get to the wife he abandoned in Israel - true story.
- I don't want the rabbis to convince the National Insurance Institute to waive the debt of a recalcitrant criminal-husband in exchange for the get - true story.
- I don't want new laws that will allow the rabbis to apply pressure on recalcitrant husbands by putting them more often in solitary confinement, without canteen rights and without telephone contact with the outside world (proposed legislation - more or less).

- I don't want expanded grounds for ordering a husband to give a get.
- I don't want the rabbis to apply penalties against husbands after 13 years of get-refusal.
- And I don't even want them to endorse the signing of prenuptial agreements that require husbands to pay increased spousal support until they deliver a get.

THESE ARE the "solutions" we make do with now. But if you examine these approaches closely, it's clear that they perpetuate the problem of Jewish women and divorce and do not solve the issue systemically. They are band-aids, salves, temporary measures that allow the current situation to continue in all its glory and absurdity. They all leave the matter of divorce - or no divorce - in the hands of husbands/men.

HERE'S WHAT I do want:

- I want a "prenup" that reworks Jewish marriage in such a way that women are equal partners and can initiate a divorce. There are documents like this. Some were even suggested about 100 years ago in France. They require some fancy legal footwork and fictions. They involve conditions and agencies. But they work.
- I want courts that can declare the marriage over. Rabbinic judges can do this. Many Orthodox rabbis agree.
- I want an option to rework the Jewish marriage ceremony so that it is not based on kinyan - an exclusive conjugal servitude given from wife to husband that can only be divested by the unilateral act of the husband (ie., the get). Rabbi Meir Simcha Felblum suggested this years ago.

"Nonsense," you may say to me. "No way will you get what you want. Be happy if you get what you don't want. Don't overreach."  
But I am compelled to.

NOW, WHAT will happen if I don't get what I want? If I don't get what I want, more and more women - and men - will opt out. Who wants to be stuck in a relationship they can't get out of? Couples will (and do) fly to Greece, or Turkey, or Italy or Cyprus to get married in a civil ceremony and come back to Israel for a party, which may or may not include an alternative religious ceremony.

Women who got married in an Orthodox ceremony to the wrong men will (and do) thumb their noses at the need for a get. They will (and do) start new relationships and bear children that the rabbinic establishment will shun and ban from other Jewish marriages. People won't (and don't) get married at all. New Modern Orthodox, flexodox, or whateverdox religious sects will (and are) developing separately from the establishment, creating their own rules and their own courts - just as the Reform and Conservative movements have already successfully done outside of Israel. (Some of us may think that some of these developments are positive, but I don't think it's what most Orthodox rabbis want.)

In short, if I don't get what I want, rabbinic obstinacy will create what they claim to want to prevent: mamzerim, the fragmentation of the Jewish community, "free sex," the breakdown of the Jewish family and an attenuation of Jewish identity and their statutory monopoly over Jewish religious practice in Israel.

So, as I see it, the rabbinic judges coming to Jerusalem have two options: They can take modernity by the horns and ride with it, making our tradition a living one. Or they can shun modernity, fortify their fortress of holiness and leave Jewish women in the dust.

*The writer is the founder and executive director of the Center for Women's Justice.*