

TWICE SILENCED: THAT IS THE FEELING OF BATTERED WOMEN IN THE RABBINICAL COURTS

Get refusal is a cruel phenomenon that is liable to result from abuse on the part of the husband. Sometimes, the insensitive conduct of the dayanim in the rabbinical courts, such as a suggestion to seek “reconciliation” – is dangerous. It is liable to lead the wife to return to a harmful relationship and to be silenced and entrapped. The solution for freeing her and hearing her voice does exist.

Renana Sternlicht, 03 April 2019

“This is the first time in 25 years that my voice has been heard in the beth din.” One of the first women whom I accompanied as a social worker on behalf of the Mavoi Satum Organization said this to me, with tears in her eyes. *Get* refusal does not necessarily follow violence, but in many cases, the victims of *get* refusal whom I accompany turn to us as a result of a problematic marital relationship in which there is abuse of one type or another. Unfortunately, the voice of the wife that has been silenced in the abusive marital relationship, with the husband dominating the wife and only his voice being heard, is sometimes silenced a second time in the beth din. This happens when the dayanim are not sufficiently attentive to what the wife is saying, and not sensitive enough to the abuse that she has experienced.

Thus, for example, when the dayanim suggest to the wife to seek “reconciliation,” they apparently do not understand how dangerous such a suggestion may be. The wife, who has finally been able to admit that things are not good for her and she now wishes to separate from the man who is hurting her, finds herself facing a source of authority who suggests that she resume that harmful relationship. The suggestion contains a hint of threat that if she does not agree, then she is responsible for the breakdown of the marriage, interweaving the silencing of her voice and the perception that her voice is not important.

It is not the Torah and the *halakhah* that chain the victims of *get* refusal and give rise to the sometimes problematic attitude towards them, but rather, the complex working of the system. The dayanim in the rabbinical courts are mostly good people, expert in the *halakhah*, who wish to do what is best, but regrettably, political and systemic considerations often prevail over simple morality.

Imagine a world in which the rabbis are more strict about the commandment to free *Agunot*, or about the precept not to delay justice, and these considerations outweigh the concern about a coerced *get* (i.e., a *get* which is not given willingly by the husband, and is therefore invalid).

As a religious woman, I believe that we are obliged to do all that we can in order to seek and find every halakhic solution that would bring about the release of the *Aguna* and the *Mesorevet Get*; existing halakhic rulings prove that this is possible. In recent years there has indeed been an improvement, and there are some dayanim who impose their authority on the exploitative and the abusive husband, and who display sensitivity towards the complex situation and the wife. But there is a long way to go.

Arguments such as “there is corruption everywhere” or that “in the civil courts the situation is no better” – are unacceptable. The beth din is not simply “another place” and the dayanim are not simply “other people.” The dayanim represent the Torah and its values, and when they act in a way that does not respect these values, it is a sacrilege.

For the wife to have her voice heard in the beth din is a moving experience which has therapeutic value in itself. The care that we, the social workers at Mavoi Satum, give wives is an integral part of the empowerment process that they undergo with the aim of attaining their freedom. We are privileged to accompany these women on their road to freedom and to help them find their lost voice. I pray that we become a society which respects all individuals, empowers all its members and conducts itself according to the values of Torah.

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