Rabbinical courts attacked at divorce law conference

By MATTHEW WAGNER

The rabbinical courts bore the brunt of sharp criticism Tuesday as hundreds of attorneys, legal professors, judges and rabbinic court advocates packed into Bar-Ilan University's Mintz Auditorium to discuss the ramifications of a new divorce law amendment.

"In countries like Syria and Jordan, mufis and imams are working with women's rights organizations to see what can be done to improve the situation for women, but here in Israel, our chief rabbi, Shlomo Amar, attacks women's organizations," said Prof. Ruth Halperin-Kaddari, head of Bar-Ilan's Rackman Center for the Advancement of the Status of Women.

Halperin-Kaddari was one of the speakers at the Sixth Annual Conference on Women, Family and Law, organized by the Rackman Center together with Emanah, ICAR, The Israel Women's Network, and Yad La'isha.

The crowd -- which seemed to have a large percentage of religious participants, judging from the men's kippots and the women's head coverings -- verbalized its discontent with the rabbinical courts on several occasions.

Halperin-Kaddari, who is also a member of the UN's Committee on Elimination of Discrimination Against Women, said that she was concerned that rabbinical courts might attempt to fight the legislation.

"Since the finalizing of divorce is still in the hands of the rabbinical courts, they might refuse to grant the woman a get [religious writ of divorce]," she said.

In Israel there is no separation of religion and state in marital and divorce matters. All Jewish Israelis who marry in the country must do so in accordance with Jewish law.

According to the new amendment to the Spousal Property Relations Law, it will be possible to execute the division of jointly owned property prior to the giving of the get. This can be done in cases where divorce proceedings last more than one year or if it is proven that a marriage is in irretrievable breakdown, as well as in cases of domestic violence.

The amendment is designed to prevent a situation in which either the husband or the wife uses the get as a bargaining chip to extract a large slice of property from the other side.

However, the finalizing of the get is still within the jurisdiction of the rabbinical courts.

Halperin-Kaddari raised concerns that the courts might claim that the property arrangement decided by the civil family court was a type of coercion.

"I am unfamiliar with the claim that a get given after the property is split up would be considered a get given under coercion," said Halperin-Kaddari.

"However, I am concerned that rabbinical courts will be unable to convince one of the sides to agree to divorce after all the property matters have been decided."

Ben-Dahan said that in cases where there was no halachic obligation to bring about a divorce, the rabbinical courts had no means at their disposal to bring a quick end to divorce procedures.

"In these cases, the property arrangement becomes the only thing we can use to encourage the sides to finish the divorce quickly. But if the property has already been split up, we will be powerless," he explained.

Ben-Dahan said he was also concerned that if property matters could be settled quickly, there would be no chance to persuade the sides to reconsider the divorce.

"The amendment makes it too easy to get divorced," he said.

Finally he argued that secular couples, unlike religious couples, would not bother to finalize the divorce with a get once the property matters had been decided.