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# Women's groups blast bill giving rabbinical courts more powers

By Dana Weiler-Polak

Women's organizations and the Rabbinical Courts Administration squared off in the Knesset Committee on the Status of Women yesterday over a bill to expand the rabbinical courts' authority.

The proposal has not yet been formally submitted to the Knesset as a bill, since Justice Minister Yaakov Ne'eman is still studying it. However, the committee discussed the draft bill the courts administration submitted to Ne'eman for consideration.

"The proposal raised by the rabbinical courts is not a minor matter; it's an earthquake," said Prof. Ruth Halperin-Kadari of Bar-Ilan University. "For years, we have witnessed an ongoing, deliberate offensive by the rabbinical courts in an effort to obtain blatantly civil powers for themselves. If this proposal is accepted, it will deal a mortal blow to women's rights in Israel. The rabbinical courts have no authority to discuss property issues, which are clearly civil issues, unless they are part of a divorce suit."

Attorney Hosea Gottlieb, an aide to Ne'eman, said that "the justice minister inherited this issue from the previous government. Before he formulates his opinion, the minister will hold meetings with all the parties concerned, including women's organizations."

Attorney Shimon Yaacobi, the rabbinical courts' legal advisor, noted that the proposal was drafted in response to a High Court of Justice ruling

depriving these courts of the right to rule on disputes arising from a divorce once the divorce had been granted.

"If a dispute arises after the divorce, the court ruled that this is [something] new, unrelated to the divorce, and therefore the rabbinical court has no ongoing authority," he said. "This can give rise to claims of a get [bill of divorce] issued in error," and hence raise questions about the validity of the divorce, the parties' right to remarry and the legal status of any future children.

This concern arises because under Jewish law, both parties must consent freely to a divorce. Hence if a civil court subsequently interpreted a financial or custody agreement differently than the rabbinical court had, either spouse could claim that he or she would never have agreed to the divorce had they realized the outcome, and hence the get was not free-

ly given.

"Thus the rabbinical courts' view is that if the couple reaches an agreement before the divorce, and disputes arise about it afterward, the case should continue to be heard in the rabbinical court," Yaacobi continued.

Similarly, the threat of women filing damage suits against men who refuse to divorce them could lead to claims that the men did not consent freely, invalidating the get, he said. As a result, the Rabbinical Court of Appeals has ordered all rabbinical courts not to grant divorces if such a threat exists.

But Attorney Suzanne Weiss of the Center for Women's Justice retorted that "damage suits are suits of desperation. [Some] women obtain a get after filing damage suits, but in practice, this is not a forced get, because some men prefer to pay rather than grant the divorce."



Tess Schefflan / Jini

A demonstration in Tel Aviv last week against the proposed bill.