

# 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, muftis 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 Emunah, ICAR, The Israel Women's Net-

work, and Yad La'Isha.

The crowd – which seemed to have a large percentage of religious participants, judging from the men's kippot 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 irretrievably broken down, 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.

According to Jewish law, a *get* given by a husband under duress is void. Only in situations where there is a religious obligation to divorce, such as cases of infidelity or domestic

violence, can the rabbinical court use sanctions against one of the sides, such as suspending a driver's license or preventing exit from the country, to force agreement.

"Rabbinical courts might have the audacity to claim that only when the husband is permitted to use the *get* as a bargaining chip to extort his wife will it be a kosher divorce," said Halperin-Kaddari.

Rabbi Eli Ben-Dahan, administrative head of the rabbinical courts, who was on the same panel with Halperin-Kaddari, rejected the possibility that rabbinical courts would disqualify *gittin*.

"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 Ben-Dahan.

"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.