

מי שֶׁהַדִּין נוֹתֵן שְׂכּוֹפִין אוֹתוֹ לְגַרְשׁ אֶת אִשְׁתּוֹ וְלֹא רָצָה לְגַרְשׁ. בֵּית דִּין שֶׁל יִשְׂרָאֵל בְּכָל מְקוֹם וּבְכָל זְמַן מִכֵּין אוֹתוֹ עַד שֶׁיֵּאמֶר רוֹצֵה אֲנִי וַיִּכְתֹּב הַגֵּט וְהוּא גֵט כָּשֶׁר. וְכֵן אִם הִכּוּהוּ עֲכוּ"ם וְאָמְרוּ לוֹ עֲשֵׂה מַה שֶׁיִּשְׂרָאֵל אוֹמְרִין לָךְ וְלָחֲצוּ אוֹתוֹ יִשְׂרָאֵל בְּיַד הָעֲכוּ"ם עַד שֶׁיִּגְרַשׁ הָרִי זֶה כָּשֶׁר. וְאִם הָעֲכוּ"ם מַעְצָמֵן אֲנָסוּהוּ עַד שֶׁכָּתַב הוֹאִיל וְהַדִּין נוֹתֵן שֶׁיִּכְתֹּב הָרִי זֶה גֵט פְּסוּל. וְלָמָּה לֹא בָטַל גֵּט זֶה שֶׁהָרִי הוּא אָנוּס בֵּין בְּיַד עֲכוּ"ם בֵּין בְּיַד יִשְׂרָאֵל. שְׂאִין אוֹמְרִין אָנוּס אֲלֵא לְמִי שֶׁנִּלְחֵץ וְנִדְחַק לַעֲשׂוֹת דְּבַר שֶׁאִינוֹ מְחֻיָּב בּוֹ מִן הַתּוֹרָה לַעֲשׂוֹתוֹ כְּגוֹן מִי שֶׁהִכָּה עַד שֶׁמָּכַר אוֹ עַד שֶׁנָּתַן. אֲבָל מִי שֶׁתִּקְפוּ יָצְרוּ הָרַע לְבַטֵּל מִצְוָה אוֹ לַעֲשׂוֹת עֲבֵרָה וְהִכָּה עַד שֶׁעָשָׂה דְּבַר שֶׁחֻיָּב לַעֲשׂוֹתוֹ אוֹ עַד שֶׁנִּתְרַחַק מִדְּבַר הָאָסוּר לַעֲשׂוֹתוֹ אִין זֶה אָנוּס מִמֵּנִי אֲלֵא הוּא אָנוּס עֲצָמוֹ בְּדַעְתּוֹ הָרַעָה. לְפִיכָּךְ זֶה שֶׁאִינוֹ רוֹצֵה לְגַרְשׁ מֵאַחַר שֶׁהוּא רוֹצֵה לַהֲיֹת מִיִּשְׂרָאֵל וְרוֹצֵה הוּא לַעֲשׂוֹת כָּל הַמִּצְוֹת וְלִהְתַּרְחַק מִן הָעֲבֵרוֹת וַיִּצְרוּ הוּא שֶׁתִּקְפוּ וְכִינֵן שֶׁהִכָּה עַד שֶׁתִּשָּׂשׁ יָצְרוּ וְאָמַר רוֹצֵה אֲנִי כְּבָר גֵּרַשׁ לְרִצּוֹנוֹ. לֹא הִיָּה הַדִּין נוֹתֵן שְׂכּוֹפִין אוֹתוֹ לְגַרְשׁ וְטַעַם בֵּית דִּין שֶׁל יִשְׂרָאֵל אוֹ שֶׁהָיוּ הַדְּיוֹטוֹת וְאֲנָסוּהוּ עַד שֶׁגֵּרַשׁ הָרִי זֶה גֵט פְּסוּל הוֹאִיל וַיִּשְׂרָאֵל אֲנָסוּהוּ יְגַמֵּר וַיִּגְרַשׁ. וְאִם הָעֲכוּ"ם, אֲנָסוּהוּ לְגַרְשׁ שֶׁלֹּא כַּדִּין אִינוֹ גֵט. אַף עַל פִּי שֶׁאָמַר בְּעֲכוּ"ם רוֹצֵה אֲנִי וְאָמַר לְיִשְׂרָאֵל כִּתְבוּ וְחַתְמוּ הוֹאִיל וְאִין הַדִּין מְחֻיָּבוֹ לְהוֹצִיא וְהָעֲכוּ"ם אֲנָסוּהוּ אִינוֹ גֵט :

If the law requires that a man should be compelled to divorce his wife and he refuses to do so, the Jewish court anywhere, at any time, should lash him until he says *I am willing*; then he should write the *get*, and it will be valid. So too, if non-Jews flogged him, saying to him: "Do what the Jews are telling you," and if pressure is exerted on him by Jews through non-Jews until he gives his divorce, it is a valid *get*. Why is this *get* not nullified, seeing that he is compelled by non-Jews or by Jews? The rule concerning a person who has committed a misdeed under compulsion applies only to one who has been pressured to do a thing to which he is not biblically bound.

A discussion on Agunot based on Mishnah Torah

Gerushin 2:20

Some Textual Questions to ask Chanichim:

- How much pressure do you think should be applied to give a get?
- Should the rule be changed that he has to give a get if he is under pressure?
- Do you think that it is appropriate to deal out a physical punishment in these circumstances?

Some General Questions to ask Chanichim:

- What do you think should happen in situations such as natural disasters, war, terrorist attacks etc., where the husband did not give a get for whatever reason?
- What further actions could the community be taking to help put pressure on those not giving a get?
- How could the process for agunot be reformed to better support these women?

Some Personal Questions to ask Chanichim:

- Have you ever been in a situation where you have had to find a different way to achieve a goal?
- Have you ever been forced to do something that you did not want to do?
- How did these situations make you feel?

Other sources and quotes to bring into discussion:

Mishna Gittin 6:5

האומר, כתבו גט ותנו לאשתי, גרשיה, כתבו אגרת ותנו לה, הרי אלו יכתבו ויתנו. פטרוה, פרנסיה, עשו לה כנמוס, עשו לה כראוי, לא אמר כלום. בראשונה היו אומרים, היצא בקולר ואמר, כתבו גט לאשתי, הרי אלו יכתבו ויתנו. חזרו לומר, אף המפרש והיצא בשגרא. רבי שמעון שזורי אומר, אף המסכן:

If a man says, “Write a get and give it to my wife”, [or] “Divorce her”, [or] “Write a letter and give it to her”, then they should write it and give it to her. If he said, “Release her”, [or] “Provide for her”, [or] “Do for her as the law dictates”, [or] “Do the proper thing for her”, he has not said anything. Originally they said that if a man was being led out to execution and said, “Write a get for my wife”, they may write a get and give [it to her]. Later they said, even if he were leaving for a sea voyage or for a caravan journey. Rabbi Shimon Shezuri says: even if he were dangerously ill.

Mishna Yomit on Gittin 6:5

Usually a husband must state that he wishes the get to be written and give to the woman. However, in extenuating circumstances where the husband seems to have been facing immanent death, it is highly unlikely that when he instructed someone to write a get, he wanted the get to be written but not given to his wife. After all, why else would he want a get at this point? Therefore, one who hears the husband says “Write a get for my wife” may write it and also give it to her... These men would have wanted to write out a get that would go into effect should they not return, not an unlikely scenario. This would prevent their wives from being left as “agunot” a woman who doesn’t know if her husband is alive or dead and therefore cannot remarry.

Orot Hamilchama 3

“A forced position that still has inner will”

מאנס שיש בו רצון פנימי

A Related Story:

For three years, Los Angeles resident Patricia Sultan, waited to receive a Jewish divorce from her husband, known as a get. Since obtaining a civil divorce from her home in Belgium, the rabbinical court (beit din), which is responsible for dissolving Jewish marriages, told Sultan that it would need her divorce papers to be translated from French to English, that it would be a complicated process, and she would have to wait until she heard back from the court for her divorce to be finalized.

“They never called back,” Sultan said in a phone interview with the Journal. “I had very confusing information and I didn’t understand how it would work.”

Without a get, women married in Orthodox Jewish ceremonies are unable to remarry within the Jewish faith. They become known as agunot — literally “chained” women, tied to their husbands who refuse to sign the get. Husbands may refuse to give their wives gets for many reasons, including extorting them for money, or as a way to exercise control over them. It is an issue that has plagued rabbinical courts for centuries.

Sultan kept calling rabbis and synagogues, hoping for answers. But none came. Then, just before Passover this year, Sultan found Esther Macner and her nonprofit organization Get Jewish Divorce Justice, based in the Pico-Robertson neighborhood. She called Macner on a Friday, and by the following Tuesday her ex-husband had signed the get and paid half the fees. Sultan didn’t even have to see her husband in person.

Macner told the Journal that Sultan and her ex-husband thought they needed to resolve financial matters before she could receive her get, which was not true. They also were misinformed that they needed their civil divorce decree translated from French to English.

I feel like I’m getting myself back together,” Sultan said. “I’m not tied to this man anymore. It’s a relief. “Getting the get is an earth-shattering experience for any agunah,” Macner said. “It is a rebirth of her life, and many of the women are isolated. It deserves a communal celebration.”

Some Interactive Resources:

Video: Discussing controversy on Jewish Divorce Law (Agunot) with Dayan Binstock (J-TV) <https://www.youtube.com/watch?v=cHVmFEEAqcl>

Video: Agunot Awareness Day <https://www.youtube.com/watch?v=-Jhgxy3dfYU>

Video: A Former Agunah’s Message <https://www.youtube.com/watch?v=G7fyonKFq9Q>

Article: A Day for Agunot (Jerusalem Post) <https://www.jpost.com/opinion/a-day-for-agunot-543688>

Podcast: Women Unchained from JOFA (Jewish Orthodox Feminist Alliance) <https://soundcloud.com/jewishorthodoxfeministall/women-unchained-mp3?in=jewishorthodoxfeministall/sets/recordings-from-2007-and-2010>