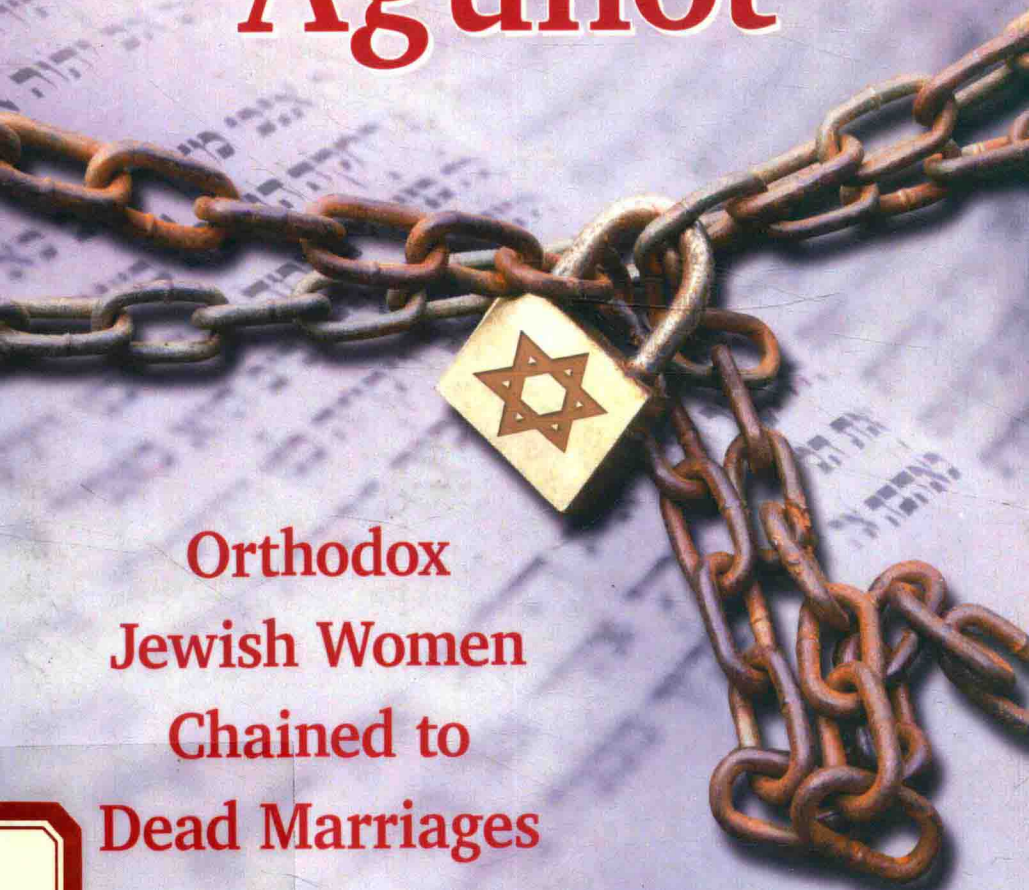


The Wed-Locked Agunot



Orthodox
Jewish Women
Chained to
Dead Marriages

Susan Aranoff *and* Rivka Haut

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*Orthodox Jewish Women
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SUSAN ARANOFF *and*
RIVKA HAUT



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תפארת בנים אבותם

To my Parents

Max and Lila Bernstein

Who taught me by word and deed
to love the Jewish people and Judaism,
to act with kindness and to pursue justice.

עטרת זקנים בני בנים

And to my children

Rachel, Yaffa, Deena, Tsvi, Aryea and Miriam
May they follow in their grandparents' footsteps.
—Susan Aranoff

In Memoriam

It is with love and sadness that we write this dedication on behalf of our mother, Rivka Haut, z"l, co-author of this book. This book is a culmination of a lifetime of work that our mother performed on behalf of *agunot*. While she did not live to see it through to publication, it gives her voice and her spirit a way to live on.

Our mother, though, would undoubtedly say that this book needs to give voice to the *agunot* most of all. It is for them that she worked tirelessly, with an unwavering focus, for as long as we can remember. Many a childhood dinner was interrupted by a woman calling in distress; our mother would speak with the woman immediately. She never asked anybody to wait, she never took a penny in payment for her time. Our mother had other passions and other projects, but she always came back to the need to end, as she would put it, *agunah* agony.

She tackled the issue on both a global and an individual scale. First and foremost, she believed that a *halachic* solution was necessary, feasible and within reach, and she tirelessly advocated for change on a rabbinic level. Simultaneously she worked with individual *agunot*, making calls to rabbis and community leaders, organizing demonstrations, accompanying them to the *beit din*. As a prominent *beit din* Rabbi commented to us after her passing, they weren't necessarily "happy" to see her but they always respected her. Through her tireless efforts towards these goals, we believe she truly changed the culture of the Orthodox Jewish world.

It feels incomplete to talk about our mother without also talking of our father, Rabbi Yitzchak Haut, z"l. Our father devoted himself to the cause of *agunot* with the same fervor that our mother did. He was co-author of one of the original prenuptial agreements, he worked with many women to provide legal advice, and he wrote a book called *Divorce in Jewish Law and Life*. We remember being

alarmed when our parents returned from a demonstration against a recalcitrant husband, and told us that our father had been accosted and knocked to the ground!

Our parents were partners in fighting for the *agunah* cause with body, mind and soul. They both had an amazingly deep love and commitment to Torah, and this love is what drove them to seek change for *agunot*. They absolutely could not abide *halachah* being twisted in a way that hurt families. They had a complete faith that a solution could be found within Orthodoxy to right this wrong.

We pray that this book can be one more step towards that solution. The work of raising awareness was started by our parents and Susan Aranoff long ago. Now we need those of vision and courage to take this further into the next generation. Our mother believed in a world where her beloved children and grandchildren would be proud to live and practice as spiritual and *halachic* Jews. It is up to us to make that vision real.

—Sheryl Haut and Tamara Weissman

Acknowledgments

First and foremost I wish to acknowledge the impact that my *agunah* advocacy had on my children during my decades long involvement with this issue. Looking back, I cannot begin to calculate the hours that this work took away from time spent with them. Sadly, it also exposed them to a very dark and disturbing aspect of Orthodox Jewish life. For all the time stolen and the troubling things they heard and saw, I apologize.

I lament the loss of the late Rivka Haut, my co-author, just before we entered the final stages of writing the book. Our shared hope was that this book would help bring about, at long last, justice and freedom for *agunot*. What the future holds is unknown, but as this book testifies, Rivka devoted every fiber of her being to this struggle. Only the countless *agunot* whom Rivka counseled have a true sense of her selfless dedication to their cause. May her family be consoled by this book as a memorial to her life's work. May her memory be a blessing.

Though I completed the book on my own, I continued throughout to write in both our names, using the first person plurals "we," "our," and "us." When Rivka passed away, there were chapters yet to be completed and chapters yet to be written. We never had a chance to write the Conclusion or edit the manuscript together. The responsibility, therefore, for any omissions or errors in this volume, falls squarely on my shoulders.

I wish also to acknowledge the dedication and precious camaraderie of the late Honey Rackman, another tireless worker for the cause of justice for *agunot*. Much of this book transpires before Honey and I began to work together so her representation in this volume conveys only a small sample of her unflagging efforts to free *agunot*. The same is true of my dear friend and Agunah International co-director Estelle Freilich, who has done more than

her share of Agunah International's recent work. Thanks also to my co-director and dear friend Rachell Maidenbaum Gober for her support in the battle to free *agunot*. The contribution of Dr. Elona Lazaroff, a friend and colleague, who was part of the Agunah International team for several years, should also be acknowledged.

I owe thanks to several people who read all or part of the manuscript of this book and offered comments and corrections. Most of all, I am greatly beholden to Nechi Sirota, who meticulously read and critiqued both the original and a revised version of the manuscript of this volume. Her astute questions and insights led to invaluable improvements throughout the book. Dr. Susan Weiss, an outstanding attorney and *agunah* advocate, read several chapters of the manuscript. I was particularly fortunate to be able to draw on Dr. Weiss's expertise pertaining to prenuptial agreements and civil remedies. Thanks also to Dr. Phyllis Chesler and Dr. Sheryl Haut whose comments enhanced the book. None of these people, of course, should be implicated in any of the shortcomings and errors that may remain in this book.

—Susan Aranoff

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Preface

This book chronicles the plight of *agunot* (sing. *agunah*), Jewish women chained to dead marriages because their husbands refuse to give them a *gett* (pl. *gittin*), a Jewish divorce. This volume also records our thirty years as advocates for justice and freedom for these women. We begin with the story of how we first became aware of the neglected suffering of *agunot* and decided to set up Agunah Inc., an organization whose mission was to advocate for the rights of *agunot* and their children. Subsequent chapters comprise case studies through which the reader learns about the emotional and spiritual trauma and unconscionable choices that confront *agunot* when they turn to rabbis and rabbinic courts for help. These case studies also recount our role in assisting these women in their attempt to escape their intolerable marriages. The cases illustrate the *agunah* abuses we encountered repeatedly in the rabbinic court system: financial extortion, pressure to drop charges of domestic violence or to agree to custody and visitation rights for unfit fathers, procedural irregularities such as a rabbinic court issuing an invalid divorce document or a rabbinic judge adjudicating a case despite close ties to one of the litigants. As these stories unfold, we also describe the slurs and threats that were directed at us because we challenged this system. Finally, this book includes chapters that recount efforts to provide remedies for the *agunah* problem through civil legislation, prenuptial agreements and the establishment of a new, bold rabbinic court dedicated to solving the *agunah* problem.

We have counseled approximately two thousand women from all over the world, the United States, Israel, Europe and Latin America, but this book deals only with American *agunot*, who constitute the vast majority of our caseload. In 2013, Dr. Susan Weiss published *Marriage and Divorce in the Jewish State: Israel's Civil War*, an excellent book dealing with the *agunah* scene in

Israel, the country with the world's largest Jewish population. There are numerous newspaper and periodical articles covering the situation in other countries.

While this book contains a good deal of material explaining the *halakhot* (Jewish laws, sing. *halakhah*) dealing with marriage and divorce, it is far from a full analysis of this vast body of law. For a more comprehensive presentation of these laws the reader can turn to the following books: *Divorce in Jewish Law and Life* (1983) by Irwin Haut, *Women and Jewish Divorce* (1989) by Shlomo Riskin, *The Tears of the Oppressed* (2004) by Aviad Hacohen, *Agunah: The Manchester Analysis* (2011) by Bernard Jackson and *Za'akat Dalot* (2006) by Monique Susskind Goldberg and Diana Villa. These five books are just a sampling of the numerous books and articles written on the *halakhot* concerning Jewish marriage and divorce. *Za'akat Dalot* is in Hebrew but has a useful English summary of the contents of the book. The bibliographies of these books will provide the reader with a myriad of additional sources to pursue both in English and Hebrew.

What is unique to this book is our extensive day-to-day experience with and intimate knowledge of the deeply flawed rabbinic court system and its impact on *agunot* and their families. This knowledge has enabled us to present, not an academic, theoretical analysis of Jewish jurisprudence, but rather the real life stories of how this ancient legal tradition impacts the lives of women and children in a 21st century Western democracy. It is the story of how a subculture in the United States, the Orthodox Jewish community, persists in complying with its own legal system though its laws deny women and children rights that are theirs under the civil legal system.

To assist the reader, we have included a glossary of Hebrew and Yiddish words and Jewish communal institutions and media. We did not follow any strict scholarly rules for spelling these words. Our aim was to choose a spelling that made it easiest for those unfamiliar with these languages to correctly sound out the words.

In most of the chapters, we have used pseudonyms, including for rabbis. Some background details about the cases in this book have been modified or omitted so that the identities of individuals are protected. The cases we present are representative of scores of others in our files with similar story lines. We regret having to use pseudonyms for rabbis, for naming them would hold them accountable as individuals for their conduct. We have provided an alphabetical list of the pseudonyms at the end of the book. Any name that does not appear on that list is a real name. Specifically, in some chapters (Rubin, Chapter 6; Zitrenbaum, Chapter 9; Goldstein and Shereshevsky, Chapter 11; Light, Chap-

ter 16) we felt at liberty to use the real names of those involved because the information in those chapters had been reported in the media and was widely known by the public. We also felt free to use the real names of rabbis whenever their names did not provide a clue to the identity of a specific case.

Prologue

"I (God) will go down and I will see whether they have acted according to *her outcry* that has come to Me"—Genesis 18:21

Rashi ad loc. "...and our rabbis taught '*according to her outcry*' the cry of *one* woman whom they murdered in a cruel way."

According to the Babylonian Talmud in the Tractate Sanhedrin, page 109b, as well as the Midrashim, the anguished outcry of one persecuted woman in Sodom reached God's ears causing God to descend from the heavens to investigate. The citizens of Sodom, angry that one woman, contrary to the city's cruel public policy, had dared to distribute food to the poor, punished her by smearing her with honey and exposing her to swarms of bees who stung her until she died. In a straight reading of the verse the antecedent of the possessive pronoun "her" is the city of Sodom, but the Talmud and Midrash interpret the use of the singular possessive, "*her outcry*" to teach that the cries of *one* abused woman were sufficient cause for God to become involved. Upon confirming the cruelty of Sodom's inhabitants toward that woman, God destroyed the entire city.

Countless *agunot*, innocent of any wrongdoing but sentenced to years of loneliness and suffering, have been crying out in pain. They live in a state of limbo, forbidden to remarry and bear children. The Orthodox rabbinate, entrusted with providing moral leadership and interpreting and implementing *halakhah* (Jewish law), has failed to respond to these women's cries, insisting that under Jewish family law a man is empowered to keep his wife in marital chains even if he has abused and abandoned her. God has commanded, the rabbis maintain, that these women can only be freed from their marriages when their husband-tormentors consent to freeing them. The rabbis, saying

that they must be faithful to God's commandments, insist they are powerless to help these women.

One of these women is Blima Zitrenbaum. In February 1996 on a *Shabbat* (Sabbath) morning, Blima, a 33-year-old mother of seven children, was found in her bedroom, bludgeoned by a heavy instrument, unconscious in a pool of blood. Her young daughter who found her and ran to a neighbor, who called for help. The police suspected Blima's estranged husband Joseph was the assailant. Local police in Monsey, New York, were not unfamiliar with the family because Blima had previously obtained an order of protection against Joseph, and the police had been at the Zitrenbaum home numerous times to deal with disturbances. Joseph, a known drug addict, was sought by the police in connection with other crimes as well. A manhunt was launched and Joseph was apprehended by a group of religious Jews in an Orthodox neighborhood. Blima remained in critical condition for weeks and it was unclear if she would survive. She emerged from a coma and was able to return to her family.

Jewish media covered the story, as did the secular press, including *The New York Times*. The Orthodox world was shaken by this vicious crime, so rare in religious circles. We were deeply distressed by the news because we were alerted to Blima's situation by a concerned person who had contacted us several months before, in the hope that we could help Blima obtain a *gett*, a religious divorce. Blima had appealed to several rabbis to help her in obtaining a *gett*. Her community was aware of her problems and her effort to secure a *gett*. They provided financial assistance, but the rabbis maintained that, without Joseph's consent, they could not release her from her marriage bonds. Even after Joseph was convicted of attempting to murder her, the rabbis held that Blima must remain married to him until he agreed, of his own free will, to give her a *gett*.

Chana's case is less graphic but heartbreakingly compelling. Chana was briefly married to a violent man who abused her. She obtained a civil divorce, but was unable to obtain a religious divorce. Her ex-husband was demanding a large sum of money in exchange for a *gett*, money she couldn't and didn't want to pay. Chana was 38 years old and childless. Unless she was freed soon from her dead marriage, she might remain childless forever. This was particularly cruel since Chana was the child of Holocaust survivors whose entire families had been murdered. Time was on her husband's side; he had the luxury of delaying indefinitely while her biological clock was ticking. Chana had spoken to many rabbis. After perfunctory efforts to help her, they all said the same thing: "Our hands are tied. That is the *halakhah*. We can do nothing."

We believed, however, that the rabbis could do more within the bounds of the *halakhic* (Jewish legal) system to help *agunot*, and we challenged them for their inaction. We heard the outcry of innocent *agunot*, and we resolved to do something about it.

