

Divorce

Divorce in Jewish History

In the Torah (Deuteronomy 24:1) divorce is defined as when the husband "writes a bill of divorcement, hands it to [the wife], and sends her away from his house."

This text put all of the rights for divorce in the husband's hand, with no mention of the wife's ability to initiate or reject the divorce.

This imbalance between men and women continues to be a complicated dilemma through Jewish history.

Fortunately, the rabbis who wrote the Mishnah (an early rabbinic legal code) made it possible for a woman in some cases to request that a *beit din* (court) request that a husband initiate a divorce.

When a marriage is divorced, a divorce certificate called a *get* is issued and the husband gives it to his wife.

Contemporary Issues

In Orthodox communities, a husband must give his wife a *get* in order for her to be released from the marriage and for her to be able to re-marry. When a husband refuses to do so, the woman is referred to as an *agunah* (translated as "chained wife.") The issue of women being *agunahs* is a painful and complicated moral issue in the Orthodox community.

In most cases, the community puts negative pressure on the husband to give the *get*, but unfortunately, even pressure doesn't always resolve the situation.

Secular Divorce

In the Reform and Reconstructionist movements, a civil divorce is considered acceptable in dissolving a marriage. Many couples will also go to their rabbi for a *get*, as well as civil divorce, as a ritual way of bringing closure to the marriage.

In the Conservative and Orthodox communities, a *get* is required to dissolve a marriage.

Divorce in Israel

In Israel, the religious court is government-funded and has the final say in divorce. There is no civil marriage and all Israeli Jews, whether secular or progressive Jews, must marry according to Orthodox law and so can only be divorced through traditional means—i.e. the husband must consent to give his wife a *get*.

Unfortunately, many men use this power imbalance to bribe their wives or abandon them into being an *agunah*. There are legal groups working to help improve the situation for women who want to divorce in Israel.

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