

WOMEN UNCHAINED a film by Beverly Siegel in

# The New York Times

## To Address Divorce Refusal, Orthodox Jews Look to Prenuptial Contracts

By MARK OPPENHEIMER | March 16, 2012

CHICAGO — Before a packed house of 350 men and women at a Jewish educational center, Beverly Siegel, suggested three questions that religious Jewish women should ask before divorcing: “Do I get a get? Do I not get a get? Hmm, what kind of get should I get?”

Ms. Siegel, a Chicago filmmaker, was screening her 2011 documentary, “Women Unchained,” about Jewish women whose husbands refuse to give a religious divorce known as a get. Less religious Jews divorce with no thought to the get. But in traditional Judaism, the husband may withhold the divorce. The women are considered agunot, or “chained wives.” A recent survey found that between 2005 and 2010, there were 462 cases of agunot in North America.



**Rabbi Gedalia Dov Schwartz said that for these women, a possible recourse was annulment, depending on the circumstance.**

Even if she has obtained a civil divorce, a chained wife, or agunah, cannot remarry within the faith. If she does, children from her new marriage carry a stigma forever. In exchange for a get, husbands often extort reduced alimony, favorable child-custody arrangements, even cash payouts.

Ms. Siegel became interested in agunot after a friend from synagogue told her that his daughter was being refused a get. The friend eventually had to cover his son-in-law’s expenses, more than \$400,000, to secure the get, including paying outstanding mortgage and credit-card bills.

In prewar European villages, a man might answer his door to find muscled goons hired by his father-in-law to encourage him, so to speak, to release his wife. In Israel today, some reluctant husbands are jailed until they issue gets. But in the United States, secular courts cannot interfere in a religious divorce, and violence is likely to result in an arrest, as in the case of a [Lakewood, N.J., couple](#) apprehended last July for arranging the kidnapping and beating of a man who refused to give a get. So, some are promoting a more civilized solution.

During a discussion after “Women Unchained,” Ms. Siegel urged Jewish couples to sign the prenuptial agreement devised 20 years ago by the [Beth Din of America](#), a leading Orthodox religious court.

Couples who sign the Beth Din of America halakhic prenuptial [agreement](#) — “halakhah” means Jewish law — agree to have all religious aspects of their divorce decided by a Jewish court. More important, the husband agrees that if the couple

*Continued*



**Beverly Siegel at the premiere of the film she directed, “Women Unchained,” at the Spertus Institute in Chicago. The film documents the experiences of Jewish women whose husbands refuse to grant them a religious divorce.**

Peter Wynn Thompson for The New York Times



# The New York Times To Address Divorce Refusal, Orthodox Jews Look to Prenuptial Contracts (*continued*)

By MARK OPPENHEIMER | March 16, 2012

separates, he will pay his wife \$150 per day until they are religiously divorced, adjustable for inflation. In other words, he will support his wife until he gives her a get.

There are many versions of the religious prenuptial agreement, but the one promoted by the Beth Din of America, which is based in New York, seems most widely used. Asked how many couples sign the agreement, Rabbi Shlomo Weissmann, the court's director, said not enough.

"The goal would be to have it universally adopted across the entire Orthodox community," Rabbi Weissmann said by telephone. "Repeatedly and consistently, even in extremely adversarial situations, the prenup has worked to prevent agunah situations and the improper use of the get in divorce negotiations."

In 2006, the Rabbinical Council of America, a separate organization affiliated with the Beth Din of America, passed a resolution encouraging rabbis not to perform a wedding without a halakhic prenuptial agreement. About two years ago, Rabbi Weissmann said, a Beth Din of America survey found that about 70 percent of its affiliated rabbis required or encouraged couples to use the document.

"There certainly are segments of the Orthodox Jewish community that have not embraced it," Rabbi Weissmann said. "When we talk about wedding practices, these are ancient and sacred practices, and when you start tinkering with them, people start getting nervous."

Hannah Scholl, 23, a graduate of Stern College, an Orthodox women's school in Manhattan, is not married, but she encourages her religious friends to use the halakhic prenuptial agreement. It is not always an easy sell, she said.

"I have a friend who is bright, who has considered that not everything will end up perfectly," Ms. Scholl said last week, hours before the Jewish holiday of Purim. "And I have been badgering her about signing a prenup. I think there's this discomfort with it in the more right-wing community, because it is considered innovative on some level."

And talking about a prenup can seem like a bad omen, Ms. Scholl said. "Some people are uncomfortable with it because they feel, 'Why are you starting a marriage thinking along the lines of it dissolving?'"

Ms. Scholl is one organizer of a social media campaign on behalf of the country's most famous agunah, Tamar Epstein. Ms. Epstein is still religiously married to Aharon Friedman, the tax counsel for the House Ways and Means Committee. They were separated in March 2008, and she received a civil divorce in April 2010. But Mr. Friedman has refused to give her a get. Their case has been covered by [The New York Times](#), [Politico.com](#) and [The Huffington Post](#). At public events, Ms. Epstein has encouraged women to sign halakhic prenuptial agreements.

During the panel discussion at Spertus, the Jewish educational center near Grant Park in Chicago, [Rabbi Gedalia Dov Schwartz](#), who is featured in "Women Unchained," mentioned one possible hope for chained wives: an annulment.

If a marriage began under false pretenses, Rabbi Schwartz said in a telephone interview, it can be considered never to have taken place. Such a case might involve a spouse's failure to disclose homosexual tendencies, an abusive streak or a gambling addiction. "If he had this addiction," Rabbi Schwartz said this week, "and he had covered it up, and once they get married, he goes through his money, his wife's money, he cleans out her accounts, he's gambling it away, he goes to the casinos, and back and forth — that's a deception."

Rabbi Schwartz cautioned that for an annulment to occur, a spouse's flaw must have been present but hidden before the marriage. In the end, the prenuptial agreement matters because a rabbi can only do so much.

"I can't break the law," Rabbi Schwartz said — although others sometimes do. He said he had recently met a Russian Jewish immigrant from a "semi-Hasidic" community. "I was talking in his presence about the problem of the chained women," the rabbi said, "and he said in Yiddish, 'What's the problem? We don't have a problem! We beat them up.'"

END