

## Our Top Three Takeaways On the Agunot Crisis



### **1. A *get* is not, and should never be, a bargaining chip. *Get* refusal is abuse.**

Yup. Basically what it sounds like here. Sometimes people say that it's necessary to fight for custody rights when one side has more money than the other. Keshet Starr—a University of Pennsylvania trained lawyer and head of ORA, the Organization for the Resolution of Agunot—points out that for the last several decades the courts have tended towards joint-custody in a vast majority of cases. As such, if a husband claims to need to refuse a *get* for the purposes of receiving custody, that often means that the court knows something that he is not telling you. As such, we reiterate: a *get* is not a

bargaining chip. *Get* refusal is a form of abuse. Like other forms of abuse, there can be layers of emotional complexity. As Keshet points out, many of these men have thanked her for pushing them to give a *get* after the fact, as it allowed them to move on. As such, it is too easy for us to write ourselves off—*'I would never do that!'*—to see it as something distant and other. But realizing the complexities of a life lived in relationship can invite us to look at *get* refusal as a dangerous, challenging possibility, one that we need to defend ourselves against, but like the worst things in life, just that: possible. Scarily, viably, possible. May we fix ourselves, and our systems, to build a more compassionate world.

## 2. What are the Roads to Change?

One major area of discussion and debate around the *agunah* issue is what the avenues of change might be, and what could bring the necessary changes. While the legal, or *halakhic*, literature is replete with proposed solutions to the *agunah* crisis—notably significant suggestions to modify the marital document, or *Ketubah*—these suggestions have faced serious resistance and criticism by many. This might be reflective of a dynamic system sometimes slow to change, and it is also reflective of the weaknesses of a strength, as the Jewish marital institution is stunningly, shockingly strong. Facing all of this, and noting with hope the major advances in conversation that we have witnessed these last few months, what might we hope for? Put a different way: on a broader level than the important work of freeing individual women from dead marriages, what big-picture change might the social media advocacy bring?

Signing the prenup is a statement about your dedication to bringing change to your community and a means of protecting those you love from your own instincts.

On the simplest level, advocacy births accountability, a challenging, but important word for the Jewish community that we will discuss more soon (stay tuned!). Those optimistic about the shifting tides of power and accountability are ambitious—perhaps it can bring long hoped-for changes to the *get* process, as groundswell support might push the rabbis in *halakhic* decision making roles to be more creative or flexible. Others are less optimistic, with concern that popular support for change may not translate, as the issues are legal complexities often decided by those not on Instagram. A middle ground position hopes for increased support for existing solutions, such as the pre (or post) nuptial agreement.

*A quick aside, for those who nod along when the word prenup is mentioned but need some help here: The prenup, which is usually signed by a couple prior to their wedding, but can also be signed after a wedding, is a halakhic solution that obligates a recalcitrant husband to provide monetary support to his wife for every day they remain married under Jewish law, thereby incentivizing the husband to give the get. This process is ordered by the Beth Din of America, and becomes a legal obligation that is enforceable in secular court. While the prenup has found growing support—particularly among young couples—large portions of the Orthodox community have been hesitant to adopt this measure.*

Many are hopeful that the recent movement and advocacy through social media will fuel widespread communal adoption of the prenup, as education and interest grow among many that didn't know

about this option when they were getting married. How can you help? For couples looking to get married, reach out to sign the prenup with your partner to support the widespread adoption of this important measure. For those that are already married, reach out to sign the postnup to ... support the widespread adoption of this important measure. And before you ask: No, signing this is not a statement about the sorry state of your own relationship! Signing the prenup is a statement about your dedication to bringing change to your community and a means of protecting those you love from your own instincts. If you are a community leader, organize a postnup dinner or event! For change to come, we need all hands on deck. Jump on, and bring some much needed change to our world.

### **3. Advocacy, Agency, and Accountability**

You might be thinking: Did they choose these words because they alliterate in the most alluring and elusive of ways? The answer might be yes, but there is a deeper truth hidden in the pretty A's: The advocacy we have seen in the last few months is beneficial not only to those seeking a divorce, but to our entire religious system.

As any overeager social studies 5th grader might tell you (which this author still identifies as), checks and balances are an important part of any equitable system of governance or leadership. As so many in our country might hasten to inform you, checks and balances are harder to implement and maintain than we might have learned about with history teacher Mr. Shield as a kid (I hope you are reading this, wherever you are!). In the Jewish community, the contemporary era has thrust the question of agency and accountability into close conversation, as the traditional centers of power (rabbinic leaders, non-profit leaders, philanthropists) are put into contact with other, perhaps newer systems of accountability (the law, journalists, and activists).

This is all to say that we might just be witnessing a window into the changing face of our community and the still unclear limits of systems of power uncomfortably rub against each other. No matter your stance on Instagram influencers, accountability offers a deep benefit to all members of a community, as it holds its leaders and systems to a higher level, pushing them to be better and do more. No matter what comes, we'll be here, hoping and watching and working for a better, more honest tomorrow. We hope you join us.