



## Get refusal - abuse in our community

This Shabbat, in conjunction with JWA and the Board of Deputies, we mark IDEVAW, the International Day for the Elimination of Violence against Women. We speak out against the scourge of domestic violence which we know pervades all sectors of society without exception. We give support and acknowledgement to those women who suffer in silence in abusive marriages and those who have been unable to move on from abusive relationships.

JWA does an incredible job within our community, supporting women and educating our community about the multiple forms that domestic abuse can take. Far from being restricted to physical violence, it encompasses emotional, psychological, sexual and financial abuse. All these are very real manifestations of the misuse of power and control that so often sadly characterise abusive relationships.

As Jews, however, we have another category to add to the toxic mix that is uniquely ours - Get abuse.

In Jewish law, a Get (a Jewish bill of divorce) must be given by a husband and received by a wife. The Get cannot be imposed by a Beth Din but must be given and received willingly by the parties. Get refusal is a situation in which one member of a couple refuses to cooperate with the issuing of a Get, leaving their former partner unable under Jewish law to marry and, in the case of the wife, to form a new relationship. In situations where there is already an imbalance of power and control, the Get can exacerbate it, giving the man an additional tool in his armour. As a result, the halachic process is often abused, twisting a religious act into an abusive one. Working at the London Beth Din I have seen many husbands attempt to use the Get as a way of keeping their wives in the marriage, threatening that if they leave, they will never receive a Get. Others remain wedded to the delusion of the marriage despite many years of separation, refusing to deal with the Get.

This is not to deny that there can sometimes be justifications for delaying a Get, for example if there is hope of saving the marriage. Nor is it to deny that women sometimes refuse to accept a Get. However, in the vast majority of cases, Get refusal is a manifestation of the same power and control imbalance that leads husbands to abuse wives. For this reason it is common to see Get refusal arise in relationships where other forms of domestic abuse already exist. And, unsurprisingly, divorce is often ultimately a feature of abusive relationships.

The London Beth Din strives to provide support for women in this tragic situation, whether for a short period or an indefinite period. We work, often hand in hand with Jewish Women's Aid, to ensure that women are able to manage this difficult time in their lives.

It takes delicate work to resolve cases where this dynamic exists. Obtaining the consent of a recalcitrant spouse can be very challenging. Our Beth Din uses many strategies, always tailored to the people and relationship in question. These strategies include mediation, use of civil legislation, social pressure and communal sanctions.

The latter are based on precedent in Jewish law (the Harchakot of Rabbeinu Tam) which instruct us, when a Beth Din has ruled in a case of Get refusal, not to accept a Get refuser into synagogue, not to host him, not to do business with him. The negative treatment of a Get-refuser does not come naturally. Even the Talmud states that Jews are by nature compassionate. However, misplaced compassion is not appropriate. As it says in our sources: "He who is compassionate to those who are cruel, becomes cruel to the compassionate" (Rav Elazar, Midrash Tanchuma, Metzora). We all have a duty on both a communal and an individual level, to make it clear that Get refusal is not tolerated.

At the London Beth Din we strive to increase understanding in the community of the abusive elements of Get refusal. If we understand it we are better able to confront it - to confront the behaviour of abusive husbands within our communities and, most importantly to provide every



possible support for the victims of domestic abuse and of Get refusal in what can be a painful and isolating experience.

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