



Women Advocates Make their Mark



A graduate of the Women's Advocate Program rests her case before the Jerusalem Rabbinical Court. Photo: Gershon Ellinson

“After a great deal of heart-wrenching introspection and years of suffering, I decided to get a divorce,” declares Sara Bier (not her real name), a religious woman in Israel who admits to being physically and verbally abused by her husband. “I knew I had to go through the religious court, but I felt intimidated by all those learned men. I was sure my ex-husband would impress them with his Gemara learning. I didn’t know who to turn to.”

Bier, who was married for sixteen years before she filed for divorce, and who has six children, found hope

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By Leah Abramowitz

when she met Lily Horovitz, a *toenet*, or woman advocate. “Lily has been a godsend,” Bier says. “I think she’ll be able to facilitate the divorce quickly, with minimal stress.”

Rabbinical court advocates are usually males who are yeshivah trained. In 1990, however, a major breakthrough took place when the chief rabbinate of Israel first recognized that women could serve as advocates in rabbinical courts. Consequently, Midreshet Lindenbaum opened the Monica Dennis Goldberg Women’s Rabbinical Court Advocate Program, the first school in the world to train women and certify them as advocates in the rabbinical courts. Midreshet Lindenbaum is under the auspices of Ohr Torah Stone Colleges and Graduate Programs.

Explaining the need for women

advocates, Horovitz says: “A woman will more readily open up to another woman; she can mention intimate details that she wouldn’t tell an all-male religious court.”

At thirty-four, Horovitz, who had worked as a teacher and school principal, enrolled in the Women’s Advocate Program. “I always liked learning but never had an opportunity to delve into the vast sea of the Talmud,” Horovitz says. Aside from her interest in learning Gemara, she was motivated to help women in abusive relationships. Her father, the late Rabbi Meir Yehuda Getz (the *rav* of the Kotel), often counseled couples. She remembers as a child hearing shouting and crying coming from behind the closed door of the rabbi’s study. When Horovitz was older and working as a teacher, she noticed a colleague who came to work with a

black eye. “[The teacher] said she had fallen off a ladder,” says Horovitz. “After speaking to her for some time, she admitted that her husband had punched her in a fit of rage. I helped her recognize that she was in an abusive situation. Eventually she filed for, and obtained, a divorce; I accompanied her throughout the process.”

“What was revolutionary and incited a great deal of objection in religious circles ... has now become a norm,” says Nurit Fried, the director of the Women’s Advocate Program. According to Rabbi Shlomo Riskin, dean and founder of Ohr Torah Stone Colleges and Graduate Programs, *dayanim* (religious judges), rabbis and the general public have come to appreciate *toanot* (pl. of *toenet*).

Students in the Women’s Advocate Program, which is situated in Jerusalem, study for three years to pass a rigorous exam administered by the rabbinate. The students have classes three times a week and are required to do independent study. The program offers classes in Jewish law as well as in marriage counseling, mediation and negotiation. When it first opened, the program was supported by Israel’s chief rabbinate. The first graduates, many of whom

were professionals—social workers, teachers and lawyers—did extremely well on the tests, getting higher grades than many of the males who took the exam. Out of twenty-one students, nineteen passed with flying colors.

“There’s probably a reason why [the women did so well],” says Rachel Gordin, a graduate of the program. Gordin, who is married to Rav HarEl Gordin, the rabbi of Herzliya, and who never actually practiced as a *toenet*, says, “The women taking the test [to

Toanot have made batei din less partial to men.

become] court pleaders saw their studies as a way to better the lives of women in general; the males [taking the exam] were merely interested in getting professional recognition and making a living.” Subsequently, the program ran into difficulties. The rabbinate suddenly changed the test requirements, making the exam almost impossible to pass.

Toenet Osnat Sharon of Yad L’Isha meeting with clients. Yad L’Isha—The Max Morrison Legal Aid Center and Hotline For Women—was established by Ohr Torah Stone to represent women who cannot afford the services of a toenet. Photo: www.sassontiram.com



That year, no men and one woman passed. Fried and her students took the examination board to court for changing the requirements without informing the program, and won.

Looking back on that early period when everything was a battle, Fried notes the tremendous successes that have been achieved since then. “Tens of women have been helped in court by our graduates,” Fried elaborates. “Not only have our graduates succeeded in obtaining divorces in several notorious [*agunah*] cases, but they have also attained higher alimony payments, improved custody rights and other gains for their clients. Moreover, even the most *Chareidi* judges have learned to accept female pleaders and to appreciate their Torah-imbued efforts. The initial objections have practically disappeared,” says Fried.

Rabbi Eli Ben-Dahan, the director of the rabbinical courts, maintains that most *toanot* are “extremely devoted.”

“In fact, if I were to criticize the *toanot*, I’d say that some of them are a bit too outspoken when a *pesak din* [rabbinic decision] is contrary to their expectations—due to their sincere concern for their clients,” says Rabbi Ben-Dahan.

Not all of the program’s graduates have succeeded in this competitive field. Over 200 women have studied at the school in the last decade and a half; about fifty of them actually work as advocates. Horovitz, for example, has an office in Jerusalem and handles between eight and ten cases at any one time. Some of her clients are men. “Some male clients feel that [*toanot*] are more sympathetic, and that they see the whole picture, not just the immediate problem presented,” she declares. Horovitz feels that she and the other *toanot* have been successful in accelerating the divorce procedure, which is known to be notoriously slow. She also believes that *toanot* have made *batei din* less partial to men.

Toanot such as Rachel Levmore have been instrumental in helping to enforce certain laws that apply pressure on recalcitrant husbands. Israeli

law permits a rabbinical court to punish a recalcitrant husband by taking away his passport, closing his bank account and even imprisoning him. However, in some cases, imprisoning the husband can backfire. “Husbands who are jailed for refusing to give a *get*, or husbands who are [in prison] because they’ve committed a crime have little motivation to cooperate with the court. The very walls that isolate them from society also prevent them from being interested in agreeing to a divorce,” says Levmore, who serves as Coordinator for Matters of Agunot and Get Refusals in the Jerusalem Rabbinical Court—the first woman to work in the all-male establishment.

In March 2000, the Knesset passed a new law giving *batei din* important rights within the prisons. *Get* refusers in jail can lose certain privileges if they continue to be in contempt of a *pesak din*. Such privileges include the right to have reading material, to receive visitors and to buy food from the canteen. *Batei din* also have the authority to have one put into solitary confinement. Levmore tries to educate both prison officials and rabbinical court judges about this law and sifts through unresolved cases to find ones that might be assisted by it. Some of the most difficult and lengthy cases were resolved as a result of this law.

At the age of 41, with seven children, Levmore became a *toenet*. “I had always enjoyed learning Torah, so I was attracted to join the course for *toanot*. [Additionally,] people often turned to me for guidance, and it seemed that this kind of job was suitable for me,” recounts Levmore. After graduating from the program, Levmore began building up a private practice. Somehow, difficult cases gravitated toward her. She was unusually successful in helping women in limbo. In 2000, she was appointed to her current position. Levmore sees the advances in her career as part of a process. “Look what has been accomplished in such a short time,” Levmore says. “If in 1990, the first outreaches were made to bring women into the *beit din* as ... *toanot*,

within ten years, a woman was hired to be an integral part of that same court system. I would say it’s not a revolution, it’s an evolution.”

Despite the advances made, however, there are still some cases that seem hopeless. Currently Horovitz is involved in a case that has been in court for three years, with no end in sight. “Most religious women don’t even apply for a divorce until the situation is really impossible,” she says. “They generally wait an average of fifteen years [by

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which time they] have five children; [until they are ready to divorce, they are] either hoping things will get better, or blaming themselves for the bad marriage.” Horovitz points to the younger children in these families, whom she calls “*shalom bayit* offspring” (children the couples had in the hope that the marital strife would cease).

This is not to say that Horovitz—or *toanot* in general—encourage divorce. “When I see that there’s a way to help the couple stay together, I make an all-out effort to get [the spouses] to reconsider,” Horovitz says. Currently, Horovitz is studying secular law. She feels that she will be a better court pleader if she is well-versed in both legal systems. Furthermore, since some cases move over to the civil courts, becoming a lawyer will enable her to

continue to represent her clients.

To be sure, there is still some opposition to the concept of women advocates. “Some *Chareidim* feel that our inroad in the *beit din* will lead to Orthodox women entering other religious fields,” says Fried. “They feel that women pleaders in religious courts are inappropriate, even immodest.” To this Fried counters by stating that for many years secular female lawyers—dressed immodestly and lacking respect for the *dayanim*—were allowed to represent their clients in religious courts.

Horovitz, like most of the graduates of the program, is careful to distance herself from Orthodox feminists who are interested in having women take on functions that are traditionally practiced by males. She does assert, however, that while she accepts the dictates of the Orthodox rabbinate and its interpretation of *halachah*, she thinks that *dayanim* could be a bit more flexible and accommodating to women.

Indeed, for Horovitz, an unexpected advantage of working as a pleader is being able to further the rights of women. “I didn’t start out as a proponent of women’s rights,” she says, “but there is a glaring inequality [between the sexes] in Israel, in the workplace, in the attitude of the male population towards us, and yes, in the religious courts as well.” Two years ago, Horovitz helped write and direct a film, called *Doubly Assaulted*, on the subject of abused women. In it, she demonstrated how, in addition to suffering physical or verbal abuse, women are often forced to leave their homes for a shelter. “I’d like to see a shelter established for male abusers. Why shouldn’t *they* leave the house, rather than the wives and children?” she says.

Having succeeded in attaining recognition and even respect, *toanot* are at a crossroads. Since special civil family courts were established in 1995 to deal with family issues, there are fewer divorce cases going to the *beit din*. Furthermore, more and more couples are choosing to come to agreements

regarding property division, child custody and alimony payments outside of court, whether civil or religious, and arrive at the *beit din* for a single session, “just for the piece of paper.” Therefore there is less of a need for *toanim*, male or female. This also explains why at least 10 percent of the more successful female advocates go on to study civil law, as Horovitz is doing, so that they

can have more professional choices and opportunities to assist *agunot*.

Most of those attending the Women’s Advocate Program today are young women who are more interested in the intellectual challenge rather than in meeting the requirements of the test for *toanot*. Interestingly enough, a number of women from *Chareidi* backgrounds are enrolled in

the program, as well as women from abroad who want to start a similar program elsewhere.

Taking the historic view, Fried says, “Even the revered *bnot* Tzelaḥchad must have had opponents in their time, yet, in the end, they attained recognition with the Divine words, ‘*Kein dovrot bnot* Tzelaḥchad,’ ‘the daughters of Tzelaḥchad are right.’” **JA**

Preventing Agunot: One Rabbi’s Advice

Interview by Matis Greenblatt

Rabbi Yechezkel Feldberger served as a rabbi in Denver, Colorado, for approximately thirteen years. During that time, he arranged around 200 gittin (divorces), of which there was not even one case of an agunah (a woman whose husband refuses to grant her a Jewish divorce). Perhaps this was no accident; Rabbi Feldberger’s approach may be helpful to those in the rabbinate who are involved with couples contemplating divorce.

MG: Can you describe the methods you used to help prevent the incidence of agunot?

YF: *Though each case obviously has its own unique characteristics and dynamics, there are certain principles that I generally followed:*

- *Never threaten. Threats never succeed and frequently delay progress.*
- *Be patient. Don’t push too hard as this may serve to harden positions and retard results.*
- *Enlist friends and confidants. The rabbi is often seen as the protagonist of the partner seeking the divorce. Thus, the partner against whom the divorce is being sought views the rabbi as belonging to the “other side.” It is therefore essential that friends and confidants of the latter partner be enlisted to persuade [the other party] to agree to the divorce.*

MG: Are men more likely to obstruct the processing of a get?

YF: In my experience, men and women are equally responsible.

MG: How did you deal with [spouses who used] extortion?

YF: I would emphasize that it is unseemly to use religion as a means for personal gain.

MG: Complaints are sometimes heard about a husband’s access to a heter meah rabbanim, a process that frees him to marry without the benefit of a get.

YF: The *heter* is available in very rare situations, such as [in cases where] a woman is mentally incapable of receiving a *get*. I personally never used it.

MG: How did you handle fees?

YF: I look upon [the task of] arranging for a *get* as one of the rabbi’s functions and responsibilities. Fees never got in the way of completing a *get* and may be waived from one or both parties if necessary to facilitate the process. The rabbi must never allow personal inconvenience to get in the way of arranging a *get*. One woman lived five hours away from Denver and was not willing to travel to receive the *get*. To accommodate her, [members of] my *beit din* and I drove to her home, spending the entire day traveling there and back.

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