

**“A Time to Gather Stones” -
The International Religious Court For Solving the Jewish *Agunah* Problem**

According to Jewish law, marriage is a contract of ownership, where the husband "acquires" his wife. Consistent with this perception, divorce is only possible provided that the husband grants his wife a deed, which is called *get*, of his own free will. This legal regime leaves women inherently disadvantaged when they wish to end their marriage, since without receiving the *get* they are forbidden from remarrying and any future child they may bare will be considered illegitimate.

Around the world, the legal framework of family Jewish law affects those who see themselves committed to the Jewish law (*i.e.*, religious orthodox Jews) regardless of existing secular systems of the states regulating marriage and divorce. In Israel, however, the state adopted the orthodox Jewish law regarding marriage and divorce, so that every Jewish person in Israel is obliged to get married and divorce according to orthodox religious law and through the rabbinical institutions. Unfortunately, many men take advantage of the unequal legal framework of Jewish family law in order to achieve better divorce settlements, and many women are forced to "buy" their freedom. This problem is commonly called the *Agunah* problem (*Agunah*, chained or anchored in Hebrew, for she is trapped-in-matrimony).

The *Agunah* problem is one of the burning problems of the Jewish world, in Israel and across the globe, nowadays. Many legal, feminist and religious scholars try to find institutional, legal and religious solutions for this practical and moral problem. The proposed paper focuses on a recent development; the establishment of an international religious court, *The International Beit-Din* (or *IBD*), which is devoted to solving cases of women chained-in-marriage. The *IBD* consists of Israeli and American religious judges, and applies various religious legal solutions that are currently controversial and not in use in rabbinical courts in Israel and around the world.

The paper examines the *IBD* as a legal strategy to promote the changing of the discriminatory norms controlling marriage and divorce in Jewish law. It is comprised of three parts:

The first part describes the founding of the *IBD*.

The second part demonstrates the challenges the *IBD* faces both from within the Jewish legal and rabbinical community and from various state institutions. For example, the *IBD* uses controversial religious legal approaches in deciding divorce cases. In doing so, it challenges: (1) mainstream Jewish law (the orthodox legal norms); (2) religious leaders and organizations, such as the RCA, Rabbinical Council of America; and (3) state religious institutions, such as the Israeli Rabbinical Court and the Rabbinate.

The third part analyzes the *IBD* as a legal strategy used by Jewish orthodox religious feminists to promote social change within the orthodox Jewish community worldwide. This goal encompasses: (1) achieving justice in particular cases; (2) changing the orthodox legal norms governing marriage and divorce; and (3) pressuring both private and state religious institutions and courts to change their approach in cases of women chained-in-marriage.