

# The Withholding of a Religious Divorce (Get) as a Form of Domestic Abuse: Is there a Remedy?



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In the US, approximately 10% of the Jewish population defines itself as Jewish Orthodox. In such traditional Jewish households, a couple who chooses to divorce will do so with a Jewish decree of divorce, referred to as a Get. Among practicing Orthodox Jews, the Jewish Get is required in addition to the civil decree of a divorce. The husband must give his wife the Get, the Jewish divorce document, and the wife must accept it, in front of witnesses. In the United States, as well as other countries where Orthodox Jews reside, if an observant Jew obtains a civil divorce judgment, that person still may not have a religious marriage until a Get is given and received. This applies to all practicing Orthodox Jews.

Those who have dealt with matrimonial matters with Jewish clients, have likely been confronted with the issue of the Get, or the Orthodox Jewish Divorce. Acquiring the Get, in many cases, can take on a life of its own. This is especially likely if the parties are observant and follow specific laws and traditions regarding the method that the Get must be given. Martin Friedlander has been involved in an organization, called Yashar. Its purpose is to assist divorcing couples and create a fair environment where the parties can resolve their marital issues on a level playing field. A prenuptial agreement is utilized to anticipate some of the issues that may arise in the future.

As part of the work, the Yashar organization conducted a study overseen by Dr. David Pelcovitz and approved by the Institutional Review Board of the Einstein School of Medicine. The study was conducted by examining 126 spouses, children, and adult children who were asked to answer a prepared survey on the impact on the family when one party withholds a Get.

In the study, the age of the women ranged from 22 to 65, with the average age being 45 and 46. Ninety-eight percent the women had children, from one child to five children or more. The children's ages ranged from 10 months to 38 years. Only 9 children were under 3. Among this group, only 74% received a Get and 82% already had a civil divorce.

Psychometrically reliable and valid psychological measures were used to systematically measure the impact of the Get refusal on women and their children. These measures included the following:

**The Conflict Tactics Scale Revised (CTS2) – Physical Assault Subscale** – a measure that assesses the presence of physical violence in marital relationships and has demonstrated high levels of reliability and validity.

**The Yllo's Controlling Behavior Questions (Yllo, 1990)** – A scale that measures emotional abuse in the marital relationship. Because this measure has not been extensively researched, it was used in an exploratory manner, serving more as a qualitative than a quantitative measure of controlling behavior.

**PCL-C**, a shortened version of the PTSD checklist which assesses PTSD in parents.

**The Duke Health Profile** – a general measure of emotional, social and health functioning in parents.

In addition to parental measures, there were measures completed by children to assess emotional and behavioral problems in children and adolescents, which included the following:

**Strengths and Difficulties Questionnaire (SDQ)** This is self-report questionnaire comprised of 25 questions that assess emotional and behavioral problems in children ages 11-17.

**Children's Perception of Interparental Conflict Scale (CPIC)** – A measure that assess a child's understanding of his or her experience of parental conflict.

Based on the administration of these scales, the findings detailed below illustrate the emotional, behavioral, and social cost the Get refusal had on the women and children we studied.

**PTSD CORE FINDING:** A surprisingly high percentage of the agunot in the study had post-traumatic symptoms similar to those seen in survivors of combat or severe domestic violence. Women in this sample who had not received their Get had higher PTSD scores on the PCL-C scale than women who had received their get.

A t-test was conducted to examine whether there were differences in PTSD depending on whether or not the women has received a get.

Another t-test was conducted to look at differences on the Duke health profile scores, depending on whether the woman has received a get or not. The subscales from the Duke that were examined were: total health, total dysfunction, physical health, mental health, social health, anxiety, depression, general health, perceived health, pain, self-esteem and disability. There were differences in the total dysfunction score, as those who received a get had less dysfunction (M=64.62, SD=14.70) than those who had not received a Get (M=57.76, SD=16.63)\* (The higher the score the less dysfunction).

**2. Suicidality and other Psychological Difficulties:**

**CORE FINDING: High levels of thoughts of suicide and difficulty managing anger**

- There was an alarmingly high endorsement by the Agunot women (i.e., women who can't remarry within the faith because they are not granted a Jewish divorce by their husband) of serious psychological issues, which they reported as subjectively being the result of being trapped in an unwanted marriage: Most alarming was our finding that **81% of the women reported thoughts of suicide or self-harm.**

**3 Physical Violence in the Marriages of the Agunot:**

**CORE FINDING: A high rate of physical violence in the marriages of the agunot.**

The experience of physical violence was examined in women who had been, or currently are, Agunot, as measured by the Conflicts Tactics Scale. Only 32% of women report that their ex-husband never physically abused them in any way. Nearly half (47%) of women reported that their ex-husbands physically abused them in multiple ways.

The Agunot themselves also reported some physical violence toward their ex-husbands. Twenty-eight percent reported physically abusing their husband in some manner and 6% reported abusing their ex-husband in at least three different ways. Table 3 below shows the percent who agreed to each of the statements, both about themselves and their ex-husbands.

Table 3. Percent of respondents who agree to each of the statements about themselves and their ex-husband

Statement	% Agunot	% Ex-husband
Kicked, bit or punched	5.4%	33.6%
Slapped	13.5%	30.8%
Beaten up	2.7%	20.4%
Hit with something	6.4%	30.5%
Chocked	0%	18.1%
Slammed against a wall	0%	30.2%
Grabbed	10.3%	47.2%
Thrown something that could hurt	3.7%	29.0%
Used a knife or gun	.9%	8.3%
Pushed or shoved	11.8%	52.3%
Twisted arm or hair	.9%	28.7%
Burned or scaled on purpose	0%	.9%

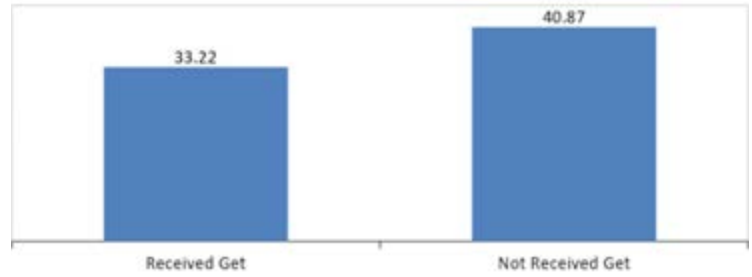


Figure 1. Differences in PTSD scores depending on whether the woman has or has not received her get.

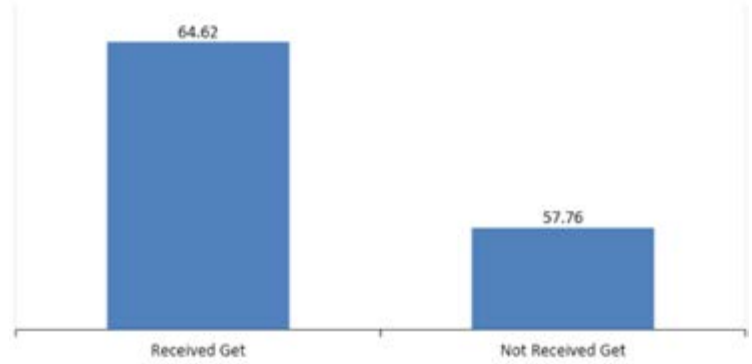


Figure 2. Differences in the dysfunction score between women who have and have not received their get.

#### **4. Emotional and Sexual Abuse:**

**CORE FINDING: 62% of the women report being made to do sexual acts against their will. The majority of the women report feeling controlled, intimidated and frightened by their ex-husbands.**

Table 4 below shows the percent of each of problematic behaviors that were reported as being present.

<b>Statement</b>	<b>Affirmative (Yes) Responses</b>
You felt you were treated like a subordinate, like a servant by your ex-husband; making you wait on him or making important decisions alone	81.1%
You felt intimidated and frightened (e.g. by your ex-husband's shouting looks, smashing things)	78.0%
You felt isolated by your ex-husband controlling who you could see or call or where you could go	69.8%
You felt you were made to do sexual things against your will	62.0%

We statistically assessed the data to determine whether there was a relationship between the amount of physical abuse and controlling behavior exerted by the ex-husband and we also sought to determine how frequently the children were exposed to conflict relating to the divorce.

There was a significant relationship between the amount of physical abuse reported from the ex-husband and the degree to which his behavior was controlling. There was also a significant relationship between the frequency at which their children were exposed to conflict relating to the divorce and the amount of physical abuse from the ex-husband,

The more controlling the behavior of the husband and the more frequently the children were exposed to conflict relating to divorce, the higher levels of physical abuse reported.

- 69.8% describe husbands who isolated them by controlling who they could see or where they could go. 78% felt intimidated by their ex-husband's shouting
- Marital sexual coercion is associated with high levels of psychological distress and impairment. The finding that 62% of the women report being forced to engage in sexual activity against their will is of particular concern given the robust research literature on how the process of marital rape increases risk for depression, suicidality and significant impairment in functioning.

#### **Conclusions:**

These findings clearly document the severity of the emotional, psychological and social toll suffered by women trapped in an unwanted marriage. The high level of physical and sexual violence coupled with the prevalence of emotional abuse highlights the importance of understanding the devastating toll of being an Aguna.

#### **Children of Agunot**

To our knowledge, this is the first study of children of agunot that used systematic, psychometrically reliable and valid measures. We found compelling evidence of the damage caused by living in such a psychologically difficult environment.

#### **Emotional and Behavioral Symptoms:**

**CORE FINDING: Over one-quarter of children have "very high" levels of emotional difficulties as defined by the psychometric properties of the measures described above; over one-quarter also have significant difficulties with peers.**

## Children

The percentages below indicate the emotional and behavioral symptoms (difficulties) present in children of agunot at above-average levels:

- 33% had higher than average emotional difficulty scores
- 38% have higher than average emotional symptoms
- 15% have higher than average conduct problems
- 23% have higher than average hyperactivity scores
- 27% have higher than average peer problems
- 49% have higher than average impact scores

## Children Then, Adults Now

The percentages below indicate emotional and behavioral symptoms present in adults who were children of Agunot at above average levels:

- 32% had higher than average emotional difficulty scores
- 37% have higher than average emotional symptoms
- 10% have higher than average conduct problems
- 29% have higher than average hyperactivity scores
- 47% have higher than average peer problems
- 13% have higher than average prosocial scores
- 47% have higher than average impact scores.

## Children Then, Adults, Now:

**CORE FINDING: Almost one-half of adult children of agunot report higher than average social problems; 37% have higher than average emotional symptoms.**

The lingering impact of growing up in a home where a mother was trapped in an unwanted marriage was very clear. The adult children of agunot reported the following symptoms .

- Social difficulties (47%), and higher-than-average difficulty managing emotional distress (37%). These symptoms were typically reported years after their mothers were given a Get.

The overall implications of our research on the impact of being forced to stay in an unwanted marriage highlights the importance of considering the devastating toll often suffered by the women and their children. It is our hope that judges, attorneys and mental health professionals take this into consideration in weighing the need for appropriate intervention to help this vulnerable

## References

1: Aguna in Hebrew means “chained”. Under Jewish law, a man must give a religious divorce willingly and the wife must accept the same willingly. If a husband refuses to provide a Get (Orthodox Jewish divorce), then the wife remains “chained” to the marriage and cannot remarry religiously.

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population avoid a level of emotional suffering that can linger for generations. Sensitizing the general population to this toll can lead to a number of benefits, including heightened awareness, community advocacy and outreach.

## From the Legal Perspective


A colleague of Martin Friedlander who practices law in Australia indicated that Australia passed a law which allows that withholding a Get is a basis alone for the continuation of the order of protection after the order was already been made. Perhaps a similar law should be implemented in the US, that is, that the withholding of a Jewish religious divorce should be considered a form of abuse and coercive control which warrants the granting or extension of an order of protection.

In this case, when a spouse, namely the husband, is exercising dominion and control over the wife by refusing to give the Get due to the parties’ religious beliefs and practices, the husband is effectively exercising a form of coercive control as the wife cannot remarry pursuant to her religious beliefs. Thus, consideration should be given to possibly amending the current statute which details the grounds for obtaining and continuing orders of protection, so that I may include not giving or accepting a religious divorce, as it could be considered consistent with a pattern of exercising coercive control.

The fact that both parties at the time of the marriage subscribed to religious tenants, would indicate that the said refusal of giving a Get would constitute undue control by one party. Just as one entered into a marriage under religious principals with a religious ceremony, they must dissolve it the same way. This should not be considered to violate any constitutional laws.



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