

AGUNOT, GOATS AND DIVORCE

A commentary on *Parashat Acharei Mot*

By Shelley Marsh

The London Beth Din have taken brave steps by publically naming men who withhold divorces from their wives. To clarify, under Orthodox Jewish law (*halacha*) only men can grant a divorce (known as a *Get*). A husband and wife can lead completely separate lives but unless the husband agrees to give the *get*, his wife remains tied to him, an *agunah* (literally 'chained') woman, unable to marry someone else under Jewish law. This is not a medieval story, this situation remains in the 21st century and it is an international issue. For me, this is an issue that resonates deeply. While many perceive it is only relevant to Orthodoxy and to the marriages in Israel, I perceive *agunot* are at the heart of a human rights issue. This is a subjugation of women, and is an issue that is still not solved.

This *Parasha, Acharei Mot*, translates as 'after death'. It connects to Yom Kippur. One focus is about how one should atone for one's transgressions. The sins of the community go with the goat, into the wilderness, never to be seen again. The term scapegoat is often sourced to this Biblical reference;

"and Aaron shall cast lots upon the two goats, one lot for the Lord and the other lot for Azazel. And Aaron shall present the goat on which the lot fell for the Lord, and offer it as a sin offering; but the goat on which the lot fell for Azazel shall be presented alive before the Lord to make atonement over it, that it may be sent away into the wilderness to Azazel."

Vayikra 16:8-10

Our community has struggled to find an acceptable *Halachic* solution for *agunot*. Women in our communities remain in a metaphorical wilderness, cast aside without status and importantly, without any control over their own destinies. With no choice but

to remain married to men who refuse to release them from failed marriages, *agunot* have no opportunities to begin new relationships, they cannot re-marry and go on to have children.

Many engaged couples are now exploring the idea of a pre-nuptial agreement to try and prevent *agunot*. This isn't a straightforward process, but it highlights again the need to address this issue.

The issue is ultimately one of control. And it is one of forgiveness. When a relationship is over, it is best just to walk away, to leave the other person intact, not in a subordinate position.

At the end of a marriage, both husband and wife may spend time in their own wilderness. Perhaps lost, saddened by the end of a relationship that they would have had high expectations would have lasted a lifetime.

Divorce brings those expectations to an end. Some people might grieve the end of a marriage and express it as feeling like a bereavement. In *Acharei Mot*, 'after death' the challenge is that we need to go into the wilderness and take time for some self-reflection. A marriage fails. There is life after that bereavement. There is time to come out of a period in the wilderness and to forgive oneself and one's ex-spouse for the failed marriage.

Acharei Mot holds a profound message about power, relationships, freedom, reflective thinking and human rights. The London Beth Din has indeed acted bravely. It is time for our community to acknowledge the need to find an on-going solution to the *Halachic* issue of *agunot*. Divorce is an ending of a relationship. Life continues.

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