Update from the Beit Din

Message from the Menahel

"With all due respect… why are you involved?"

That was the opening line of a recent letter we received from a local *beit din*. Like many other *batei din*, they had not sent *hazmanot* (summonses) to a husband. They had not insisted he appear. They had not acted on a case in which the couple has been separated for over five years, civilly divorced for three, and where there is extensive, documented domestic abuse. And yet, when we stepped in—because the woman had been left entirely alone—they asked, essentially: Why should anyone else take responsibility when a local *beit din* exists?

It is a fair question.
It is also the question that reveals the paradigm shift we are working to bring about.

For centuries, *halakhah* has

(continued on page 2)

Rav Barry Dolinger, Esq.

Executive Director and
Menahel
of the Beit Din

170

CASES RESOLVED WITH GITTIN

98

OPEN CASES

118

CASES RESOLVED WITH HALACHIC DISSOLUTION OF MARRIAGE

Message from the Menahel-
continued from page 1.

insisted that we do not abandon an *agunah* to isolation. In his powerful teaching (Shu"t Rashbash, Siman 46), the Rashbash explains that when a woman is left chained by a husband who refuses to act, all of Israel become ***ba'alei devarim***—responsible parties with formal legal standing to intervene. Responsibility, in this view, is not territorial. It is communal. It is ethical. It is a mitzvah.

And yet, even good and well-intentioned rabbis—and there are many—often feel they have exhausted their tools. After a *seruv* is issued, after protests or conversations or attempts at persuasion, too many cases simply stall. The system becomes quiet. And the woman, already a survivor of serious abuse, falls into the silence—forgotten not out of malice, but simply because no one believes there is anything more to do.

This is precisely where the International Beit Din enters. Not to replace others, but to expand what is possible.

We take our inspiration this time of year from the zeal of the Maccabees. Instead of battle, we express our zeal through collaboration, Torah, and a deep, expert understanding of coercive control and rabbinic authority. Like the Maccabees, we fight for the safety of Jewish women in their own homes and communities. We all engage in a struggle of light—

As we kindle our menorahs this year, we remember that each flame expands its light simply by being lit.

the light of Torah applied with clarity, courage, and compassion.

And the results speak.
Since last Hanukkah, fifty-seven women have gained their freedom through IBD. Nearly **three dozen received a *gett*** after everyone else had given up hope.

But one case, especially, stays with me.

A husband had refused to give a *gett* for many years. A local *beit din* had worked hard but had reached the end of what they understood they could do. When we became involved, we asked only one thing of that *beit din*: *When the husband calls, please back us up. Confirm that our ruling reflects halakhah.* We then issued a clear *pesak* obligating him to give a *gett* and explained our reasoning directly to him. The local *dayanim* affirmed it. And he gave a *gett*—telling us afterward that no one had ever told him plainly that *halakhah* required it of him.

This is not the path for every case. But it is a glimpse of what communal responsibility looks like:

a shared light, in which women are not abandoned, *halakhah* is not weaponized, and Torah becomes an authentic tool of liberation.

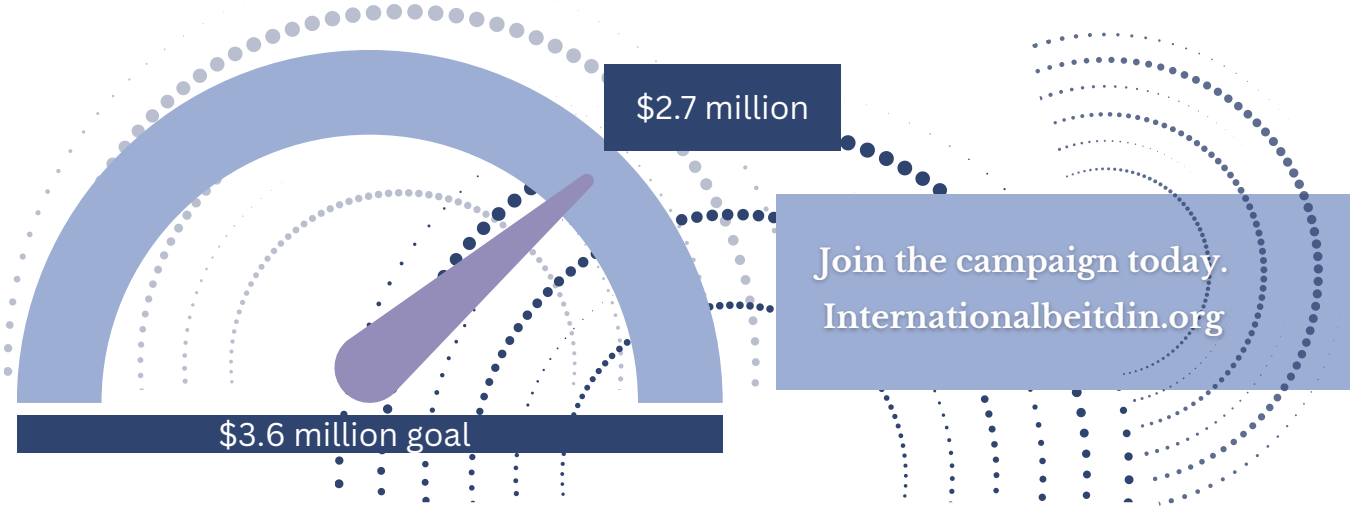
As we kindle our menorahs this year, we remember that each flame expands its light simply by being lit. That is our work: to spread the light of dignity, safety, and freedom to every corner of our community.

To continue doing this holy work—to reach more women, to expand our educational initiatives, to build the paradigm shift our tradition demands—we rely on your support. As you consider your end-of-year giving, I invite you to partner with us by giving a gift to the **Campaign to End Iggun** and help spread the light of real freedom this Hanukkah. **Change is no longer theoretical—it is unfolding right now because of the generosity of committed supporters. If you are able, we invite you to make a one-time or sustaining monthly gift to help accelerate the progress we are making together.**

With gratitude, faithful hope, and steadfast commitment,
Rabbi Barry Dolinger

. he gave a gett—telling us afterward that no one had ever told him plainly that halakhah required it of him.

The Campaign to End Iggun is a $3.6 million initiative to **expand our impact and fundamentally reshape the landscape of Jewish divorce.**



On December 7th, Rabbi Dolinger spoke on a panel at the JOFA conference about our work towards ending Iggun.

Judith, Agunot, and Women Who Persevere

By: Anna Cable, LICSW

As we gather around our Hanukkah menorahs this year, many women will join in the practice of refraining from *melakhah*, from work, as the candles burn. The practice serves multiple purposes. It provides a welcome period of rest and spiritual reflection. Through a brief disruption of routine, the practice elevates the entire household's celebration of Hanukkah into a feeling of *yom tov*. It also marks the role of women, particularly Judith, in bringing about the miracle of Hanukkah. This heroine, upon learning that Jewish forces intended to surrender to a besieging Assyrian army, snuck into the enemy camp in order to slay the Assyrian general, thus opening the door for victory.

All of this, of course, is if the household is supportive. If a husband instead is like many of the *gett*-refusers we encounter at the IBD, this practice, along with many other aspects of Hanukkah, can be recruited as a tool of control. This can unfold in many ways. **In some abusive marriages, husbands actively intervene in women's religious observance**, such as by forcing physical intimacy during *niddah*, insisting on long car trips just before the start of a Jewish holiday, or refusing her access to funds to purchase supplies for Shabbat. For one of our clients, Hanukkah was a time of spiritual deprivation. She and her daughter would watch silently, forbidden from lighting their own candles, and forbidden from singing or chanting the blessings. She knew that she was obligated in the commandment to light the candles, and yet she could not participate.

Anna Cable, LICSW

Intake Specialist

In other marriages, the religious framework of holiday observance is weaponized. The victim's every move is criticized as being not observant enough, even though quite often the supposed religious standard she is held to is based on nothing other than the abuser's whims. Women who experience traumatic births are unceremoniously left alone in the hospital with their newborns, because the husband is supposedly so concerned to not miss praying with a *minyan*. Women with the flu get up and make elaborate Shabbat meals for their husband's family, fearful of what will happen if their preparation doesn't meet his standards. Women who stumble in reciting a blessing are humiliated. The abuser may be aided in this by unscrupulous or careless rabbis who reinforce the narrative that ritualistic stringency trumps concerns about *shlom bayit*, the value of peace within the home.

Despite all these tactics and stressors, women often find comfort in Jewish spiritual life. Some women gratefully draw upon the practice of *niddah*, which involves refraining from sexual intimacy around the time of menstruation, as a means of protecting themselves from sexual coercion. Some use their religious knowledge, even if only internally, as a source of sanity. As one client told me: "He's claiming to be such a religious man, but meanwhile he's calling me the worst possible names in front of our children - he's a total hypocrite." Some women are able to make use of small practices, such as reciting Psalms or saying small daily prayers, as an insistence on their own worth.

Seeking a *gett* from a *gett*-refuser, seeking Jewish legal remediation in the face of horrific abuse, is the ultimate example of religious reclamation. The women who come before the International Beit Din value the Jewish legal frameworks of marriage and divorce, even when Jewish law has been distorted to torment them. **Very often these women, like Judith, have been told that loss is inevitable; we work with many women who have been told, by their husbands or other *batei din*, that there are no paths to freedom. Like Judith, these women move forward anyway.** And like Judith, their perseverance can offer a miracle to all of us: that *halakhah*, and Jewish tradition, will bring more justice to the world.

Beit Din Jurisdiction in Cases of Divorce: Where Must a Couple Go to Have Their Case Adjudicated?

By: Rav Zachary Truboff

Rav Zachary Truboff

Director, IBD Institute for Agunah Research and Education

At first glance, common sense would suggest that a dispute between two parties should be adjudicated locally, before the *beit din* of their community. This arrangement is beneficial for multiple reasons. It minimizes the financial and logistical burdens of travel, reduces the likelihood of disruption to work and family life, and places enforcement of the court's rulings in the hands of local authorities who are best positioned to ensure compliance. Yet in practice, the question of *beit din* jurisdiction is more complex, especially in cases of divorce. Many communities no longer have a single recognized *beit din*, and in New York alone, there are dozens, if not hundreds. Moreover, **when the parties reside in different locations, the question becomes unavoidable: which *beit din* is halakhically authorized to hear the case?**

Although the Talmud does establish certain principles for determining *beit din* jurisdiction, the social and legal reality it presumes largely ceased to exist by the medieval period if not before. As Jewish communal life evolved, new halakhic frameworks emerged to regulate where disputes should be adjudicated, and **two concepts became especially significant: *beit din kavua* (an established or fixed court) and the principle of *holech achar ha-nitba* (that a case follows the defendant)**. Both were developed primarily to prevent litigation abuse, as it was not uncommon for people to file false claims against wealthy individuals in a distant *beit din* to exert pressure on them. They either incur significant expense and inconvenience by traveling to litigate the case with the hope of being found innocent, or they could agree to an unjust settlement simply to avoid the burden. Principles meant to establish clear jurisdiction were designed to restore fairness by limiting such extortionary tactics.

Beit Din Kavua

The concept of *beit din kavua* is most often traced to the Maharik (1420–1480), one of the foundational Ashkenazi poskim, particularly on matters of judicial procedure [1]. Responding to a widespread abuse of process, he

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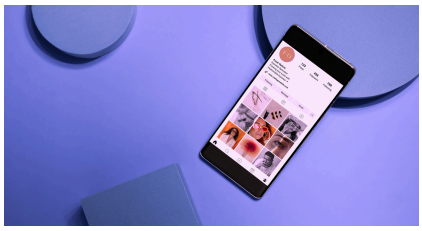

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Support our work today.

Spotlight on Education

In summer 2025, a woman came to an IBD education event held in a private home as a plus-one. The hosts did not know who she was. At the end of the event, she came over and introduced herself to our staff.

She told us that she saw an event invitation on a friend's refrigerator and requested to join. **She wanted to learn more about the IBD, since she was in the process of a divorce, and she was concerned about her *gett*.** Over the next few weeks, we brought her on as a client.

She began working with one of our experienced caseworkers. After a few ups and downs in her local beit din, our caseworker helped bring this case to the finish-line. This client, who happened to find out about us from an invitation on her friend's refrigerator, got her *gett*.

It's not unusual for our educational events to result in freed *agunot*. But that's not the only reason we do them.

After another one of our events this year, we received an email from a professional Jewish educator who had attended. "I came home staggered," he wrote, because he had never before understood that Iggun was about coercive control.

Our educational events are a crucial step towards changing our communal narrative around the true nature of Iggun.

To coordinate an IBD education event in your community, be in touch with Rabbanit Leah Sarna: lsarna@internationalbeitdin.org

In 2025, **the International Beit Din held twenty-five educational events** in addition to our May conference. These events took place on **3 continents, 4 countries**, and **7 states.**

Beit Din Jurisdiction in Cases of Divorce - continued from page 5

ruled instead that litigation must take place before the defendant's established local court, and that only the defendant—not the plaintiff—may seek to transfer the case elsewhere. For the Maharik, a locally recognized court possesses full authority to adjudicate disputes within its jurisdiction. The Rema later adopts and formalizes this position, establishing the doctrine of *beit din kavua*. He rules that where a city has appointed or accepted judges, a litigant may not bypass them in favor of *zabla*—an ad hoc beit din in which each party selects one judge and the two select a third [2]. The Rema explicitly justifies this rule by citing earlier precedent that judges authorized by the community cannot be rejected by the litigants, even if they are not expert judges [3].

The institution of a *beit din kavua* presupposed a communal structure that was once standard in Jewish life, particularly prior to emancipation. Jewish communities functioned as legal and political communities. Individuals held formal membership, communal leaders were elected, and judges were appointed to serve as the community's official *beit din*. **In the modern period, however, this structure has largely disappeared.** Contemporary Jewish communities often include many synagogues, overlapping affiliations, and no single representative authority empowered to appoint judges for the entire community. In addition, people relocate frequently or participate simultaneously in multiple communities. **In light of these realities, Rav Moshe Feinstein sharply limits the applicability of *beit din kavua*, arguing that it does not exist in New York**, where no single court is appointed or accepted as binding by the community as a whole, and where multiple independent rabbinic associations operate in parallel [4].

Rav Moshe Feinstein's position was later affirmed by Rabbi Shemuel Landesman, a veteran American *dayan*, who writes unequivocally that "**in the United States one does not find a *beit din* in a city that can be considered a *beit din kavua*** [5]." He explains that a *beit din kavua* can be constituted in only one of two ways: "either the *dayanim* are appointed by the duly elected communal leaders of the city in the presence of the city's rabbis, or the *dayanim* are chosen directly by the residents of the city in the presence of the city's rabbis." Contemporary American Jewish communities, which lack both formal communal membership and a unified mechanism for judicial appointment, are therefore structurally incapable of establishing a *beit din kavua* in the halakhic sense [6].

<u>Holech Achar Ha-Nitba</u>

Although often assumed to be Talmudic in origin, most *poskim* understand the principle of *holech achar ha-nitba* also to have been formulated by the Maharik [7] and later codified in *Shulchan Aruch* [8]. Like the doctrine of *beit din kavua*, it was designed primarily to prevent litigation abuse by restricting a plaintiff's ability to forum-shop in ways that would pressure a defendant into an unfair settlement. **The more difficult question, however, is whether this procedural rule applies at all to cases of divorce.** A common assumption is that when a wife seeks a divorce, she is the *tovea* (plaintiff) and her husband the *nitba* (defendant), and that jurisdiction must therefore follow the husband. However, a close analysis of several *teshuvot* reveals little agreement on this matter.

Those who claim that *holech achar ha-nitba* applies to divorce often cite a *teshuvah* of the Rashba, yet a closer reading reveals this is not the case [9]. Rather than applying the principle to determine jurisdiction for a divorce dispute, he ruled only on the question of whether a husband is obligated to travel to his wife's location to give a *gett*. In the end, he explains that since the *gett* may be received through *shelichut* (an agent), the wife may either come to the husband's locale to receive it from him or appoint an agent to receive it on her behalf.

In an important *teshuvah* by Rav Meir Arik (1855-1925), he addresses a marital dispute in which the couple is separated, and the wife refuses to accept a divorce [10]. As a result, the husband seeks to compel her to appear before a *beit din* in his city to rule on the matter and determine whether he may be permitted to marry another woman. Central to Rav Arik's analysis is a fundamental question: in cases of divorce, who is properly defined as the *tovea* and

who as the *nitba*? He notes that it is not self-evident that the party seeking to dissolve the marriage is the plaintiff. On the contrary, it can also be argued that the party seeking to preserve the marital bond is the true *tovea*. Faced with this conceptual uncertainty, and given that *holech achar ha-nitba* itself is a post-Talmudic enactment, **Rav Arik declines to apply the principle to divorce cases at all.** Instead, he reverts to the original procedural rule that one may summon the other party to the *beit din* of his own locale. In his case, this meant the husband could summon his wife to his *beit din*, and by implication suggests that in contemporary cases, a wife seeking divorce may likewise summon her husband to the *beit din* of her choosing.

Rav Moshe Feinstein also examines whether the principle of *holech achar ha-nitba* applies to a marital dispute, specifically when spouses reside in different locations and disagree over jurisdiction [11]. He first rejects the argument that the wife must appear before the husband's *beit din* on the basis of *kibbud ba'al*, emphasizing that marital honor is reciprocal and does not empower either spouse to force the other to come to them. Rav Moshe then distinguishes between two specific scenarios. In the first, the wife has left the marital home but has not expressed a desire to divorce. In such a case she is presumptively treated as a *moredet*, and the dispute is therefore adjudicated in the husband's locale. In the second scenario, both parties have already agreed to divorce, and Rav Moshe explicitly states that *halakhah* provides no rule determining jurisdiction. Notably, he does not address the intermediate and most contested scenario: where one spouse seeks divorce and the other actively resists it.

Halakhah does not establish rigid jurisdictional rules governing where a divorce case must be heard.

Given the confusion about whether the principle of *holech achar ha-nitba* is to be applied in cases of divorce, where exactly does this lead us? Rav Yitzchak Oshinsky, *av beit din* of the Regional Beit Din of Jerusalem, offers a comprehensive analysis that attempts a resolution [12]. He convincingly demonstrates that **the procedural rule of *holech achar ha-nitba* cannot be applied to divorce at all**. The classical rationales for the rule—whether understood as a core principle of law or as a protective enactment—are all grounded in ordinary civil disputes, particularly financial claims. It was either intended to prevent litigation abuse or it assumed that the beit din of the defendant was best positioned to resolve the case. Rav Oshinsky shows that neither of these reasons meaningfully applies to divorce cases, where the dispute is not over finances but the dissolution of the marriage, and where no beit din possesses superior coercive authority based on location.

On this basis, he concludes that the Rema's rule of *holech achar ha-nitba* does not govern jurisdiction in divorce proceedings between spouses. He notes that the prevailing practice among Israeli batei din is to determine the venue based on the couple's last shared residence. However, he emphasizes that this practice is not compelled by classical halakhic sources, but rather reflects procedural enactments by the Israeli Chief Rabbinate in order to create uniformity and administrative clarity within a centralized rabbinical court system.

Conclusion

Taken together, this analysis points to a stark conclusion for contemporary American practice. **Because a *beit din kavua* does not meaningfully exist in the United States, and because the rule of *holech achar ha-nitba* cannot be coherently or consistently applied to divorce proceedings, *halakhah* does not establish rigid jurisdictional rules governing where a divorce case must be heard.** At minimum, this means that no clear halakhic principle requires the party seeking divorce to submit to the other party's preferred *beit din*. More plausibly, it suggests that **the party seeking divorce may summon the other party to a *beit din* that they best believe is capable of adjudicating the case fairly and bringing it to a proper halakhic conclusion.**

This is especially significant in the American context, where many *batei din* fail to adhere consistently to basic halakhic procedures. *Hazmanot* (summons) are often delayed or never issued, *siruvim* (rulings which establish that one side has refused to come to *beit din*) are withheld even when a party has failed to appear, and *batei din* frequently will not rule the husband is obligated to give the *gett* even when there are clear grounds due to coercive control and domestic violence [13].

On this point, it is worth citing the words of Rabbi Yakov Segal, who served as the rabbi of Kapush, Hungary, before the Holocaust, and later became a posek in Brooklyn:

> If a community and its *beit din* are not conducted according to Shulchan Aruch and the *poskim*, then the law changes: in such a case, even the plaintiff has the right to say, "Let us go to the *beit din* of the community that conducts itself according to Shulchan Aruch," and the defendant cannot insist on going before the *beit din* of his own community. Such a court has no authority to compel the plaintiff to appear before it [14].

The consequence of *batei din* failing to follow halakhic procedures is that women who have already endured severe harm during the marriage may find themselves trapped in prolonged proceedings or pressured into conceding to extortion simply to secure their freedom. I**n high-conflict divorces, particularly where coercive control took place during the marriage, the choice of *beit din* is not a matter of convenience or preference, but of *pikuach nefesh*, personal safety, and survival.** Women who have experienced coercive control and domestic violence are at much greater risk of depression and self-harm. It is thus essential, both halakhically and morally, that women retain the ability to bring their cases before *batei din* that are procedurally rigorous, attentive to power imbalances, and capable of addressing such cases with the seriousness they demand—so that the divorce process does not become an extension of the abuse it is meant to bring to an end.

Notes

[1] Maharik 21.
[2] Choshen Mishpat 3:1.
[3] Choshen Mishpat 22:1, citing Rabbeinu Yerucham (Meisharim, Netiv 2, Ḥelek 8).
[4] Iggerot Moshe, Choshen Mishpat 2:3. See also Beit Avi 5:142.
[5] R' Shemuel Landesman, "Keviat Herkev Beit ha-Din," Divrei Mishpat 203-211.
[6] It should be noted that there are poskim who argue that a beit din can have the status of a beit din kavua even if it was not formally appointed by the community. See Shevet ha-Levi (5:212) and "Maamadam shel batei ha-din ha-atzmiim," Paamei Yakov 57, 79-81. For a contemporary application, see Rav Yeruham Ulman's Me-Lishkat ha-Darom, Appendix 1.
[7] Maharik 1.
[8] Choshen Mishpat 14:1.
[9] Rashba 5:95.
[10] Imrei Yosher 1:38.
[11] Iggerot Moshe, Choshen Mishpat 1:5.
[12] Rav Yitchak Oshinsky, Orot ha-Mishpat 4, 229-245.
[13] For more on this, see The Broken Beit Din System: A Reflection on Powerlessness. https://www.internationalbeitdin.org/the-broken-beit-din-system-a-reflection-on-powerlessness/
[14] Mishnat Yakov 1:67.

Did You Know?: IBD Client Services

The International Beit Din is so much more than a court. While our *dayanim* are busy holding hearings and issuing rulings, IBD staff provide guidance, support and education to dozens of *agunot* each year whose cases are being heard in other *batei din*. Here is a small sample of the types of questions we answer regularly:

- **"My husband claims he cannot give a *gett* until after the civil is settled. What can I put into the settlement that will help ensure a smooth *gett* at the end?"**
- **"I have been summoned to Beit Din X, what should I expect? How can I set myself up for success?"**
- **"Beit Din X told me I need to agree to the following extortionary conditions. What are my options?"**
- **"My *beit din* told me to sign this document. I don't understand it. Can you help?"**
- **"Why won't Beit Din X tell my husband he needs to give a *gett*? Are there sources I can bring to support my claim that he needs to according to *halakhah*?**
- **"The *beit din* suggested relying on this expert to determine what would be best for our children. Can I trust him? Should I agree?"**
- **"My *beit din* said I can only bring one person with me to my hearing. Who should I bring?"**

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