

February 17, 2020

Favorable Statement by
Keshet Starr, Executive Director
of the
Organization for the Resolution of Agunot (ORA)
On
Divorce and Annulment--Removal of Barriers to Remarriage Act
Senate Bill 536
To the
Senate Judicial Proceedings Committee

February 18th, 2020

The Organization for the Resolution of Agunot (ORA) is a not-for-profit organization addressing domestic abuse in the Jewish divorce process, with a particular focus on the issue of the *get*, or Jewish divorce. ORA works to resolve current cases of Jewish divorce denial by working within civil and Jewish law to publicize situations of ongoing *get* refusal and brainstorm strategic solutions to these challenging cases. In addition, ORA operates a helpline to guide callers through the complexities of the Jewish divorce process. Finally, ORA works to educate communities on the abusive nature of *get* refusal and encourages individuals and communities to adopt preventative measures to avoid future instances of Jewish divorce denial.

ORA typically works on approximately 75 cases at any given time. While the particulars of each case vary, our caseload demonstrates the risks of long-term *get* refusal. For instance, ORA is currently assisting a woman, “Tamar,” in obtaining a Jewish divorce from her husband, “Jacob.” Tamar and Jacob separated in 1974 and have lived separately ever since, but Jacob refuses to issue Tamar a *get*. Without obtaining a *get*, Tamar is still considered married under Jewish law and is unable to remarry and move on with her life.

While the length of Tamar’s case is extreme, her situation highlights the fact that *get* refusal is a form of domestic abuse, which is defined as a pattern of coercive control. In situations of *get* refusal, one spouse refuses to relinquish power and control over the other, using the Jewish divorce as a weapon in the process. In many of our cases, the *get* is either withheld long after the civil divorce is concluded or used as leverage in negotiating (or re-negotiating) the terms of the divorce agreement. For instance, a *get* refuser may inform his or her spouse that the price of his or her freedom is giving up all financial claims to the marital home, even if the civil court had ruled otherwise.

The passage of the Removal of Barriers to Remarriage Bill will provide an important tool to help ensure that the *get* is issued at the end of the civil divorce process and not delayed indefinitely or used as a means of extortion. Additionally, the Bill sends an important statement that *get* refusal is unacceptable behavior in our society and that our legal system will not condone such abusive conduct. Furthermore, legislation to prevent *get* refusal does not only assist those in the Jewish community, but also other faith communities as well, increasing the positive impact of the Removal of Barriers to Remarriage Bill. With respect to any Constitutional concerns regarding the separation of church and state, the Attorney General of Maryland has written an opinion that the Bill does not present any Constitutional challenges.

ORA supports the passage of the Removal of Barriers to Remarriage Bill, which will prevent future cases like Tamar's and help ensure that the divorce process is not manipulated into a form of domestic abuse in Jewish and other faith communities. We urge a favorable report, and thank you for holding this hearing today.