

No Divorce? Then Pay Up

A man imprisoned over his refusal to give his wife a divorce will remain in prison despite his wife's decision to seek damages from a family court, the Israeli High Court of Justice said on Thursday.

The ruling effectively overturns the Supreme Rabbinical Court's decision that allowed the man to be released from jail until the family matters court rules against the wife in the damages claim.

The High Court of Justice will make a final decision on the matter after it convenes to discuss the rabbinical court's decision.

The man refused to grant his wife a get, a divorce given by a man under Jewish law, for over a decade. Three months ago, a three-judge panel of the Supreme Rabbinical Court, chaired by Chief Sephardi Rabbi Shlomo Amar, ruled that the husband's refusal was unreasonable and violated a lower court order, ordering him imprisoned until he agreed to release the woman from their marriage.

Two months later, however, the same rabbinical panel said that unless the family court ruled against the wife, the man would be released indefinitely.

Mavoi Satum, an NGO that helps women whose husbands refuse to grant a get, asked the High Court of Justice to strike down the condition set by the rabbinical court for the husband's arrest. The national government justice system, topped by the High Court, is run separately from the rabbinical court system, which has its own hierarchy and rules only on religious matters.

Under Israeli law, rabbinical courts oversee marriage and divorce between Jews. Usually the High Court of Justice does

not interfere with the rabbinical courts' decisions.

Representatives of Mavoi Satum noted that since the wife had already withdrawn the damages claim to the rabbinical court, she would be forced to refile her claim and ask the court to rule against her in order to have the man imprisoned.

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