

FREEING AGUNOT: A LEGACY OF RABBI GEDALIA DOV SCHWARTZ Z"TL

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Rabbi Gedalia Dov Schwartz z"tl had a long and illustrious rabbinic career as a highly respected *Posek*, pulpit rabbi, *Av* and *Rosh Beit Din*, author and editor. He was, perhaps, equally, renowned for his warmth and humility. We of AGUNAH International came to know, in particular, one facet of his rabbinic leadership -- his sensitivity to the suffering of *agunot* and his commitment to finding *halakhic* ways to break the chains of *iggun* to free these women to remarry.

Over a period of about five years, we referred *agunah* cases to Rabbi Schwartz, and we experienced first-hand his empathy and sensitivity in dealing with each case. We were moved by the compassion he expressed regarding the suffering of each *agunah* whose case he was considering. In several cases, when weeks went by and we had heard nothing from Rabbi Schwartz, we feared that he had concluded that he could find no way to free the *agunah*. However, when we called to follow up, Rabbi Schwartz, told us that he had not given up and was still searching for a *halakhic* solution.

Each case outlined in the dossiers we submitted to Rabbi Schwartz was challenging and complex. The cases involved *agunot* who had turned to other rabbis and *Batei Din* but remained trapped in their dead marriages for years. Rabbi Schwartz's records of these cases remain in his files, but the *P'turim* (permits to remarry) he issued provide some insight into Rabbi Schwartz's rulings. In these *P'turim*, copies of which we have on file, Rabbi Schwartz briefly explained the reasoning and grounds behind his decisions to free each *agunah*. He cited Rabbi Moshe Feinstein, Rabbi Yudelevitz, Rabbi Tzvi Pesach Frank, the *Yabia Omer* of Ovadia Yosef and the Maharsham in support of his decisions.

In one case, though the officiating rabbi at the wedding was Orthodox, the witnesses to the marriage and to the *ketubah* were not observant, and Rabbi Schwartz ruled the marriage invalid, freeing the *agunah*. In another case Rabbi Schwartz ruled that because, at the time of the wedding, the groom did not disclose his past mental health problems, the marriage was a *Mekach Ta'ut*, a transaction under false pretenses. No *gett* was required because the groom deceived the bride by concealing that information from her. In a third case, a respected *Beit Din* had issued a *seruv* against the recalcitrant husband and there had been a street demonstration against the husband, to no avail. Rabbi Schwartz took the case and found a way to free the *agunah*, citing physical and emotional abuse in the marriage and evidence that the husband was a homosexual as grounds for freeing the *agunah*. In another case in which a husband was guilty of sexually abusing his children, Rabbi Schwartz freed the wife by declaring the marriage a *Mekach Ta'ut*. In the *P'tur* for this *agunah*, Rabbi Schwartz wrote, "No woman would have ever accepted a marriage if she would have known that such criminal acts would have taken place." Further, Rabbi Schwartz wrote, that the extensive period of time that this woman was an *agunah* "makes it obligatory to adopt a lenient view." In another case, Rabbi Schwartz freed the

agunah on the grounds that she had been deceived because the husband had pledged not to use drugs after the marriage but broke that pledge. Furthermore, it came to light that the husband had concealed that he had a criminal record in his past.

Quietly, Rabbi Schwartz worked case by case to free the *agunot* we referred to him. His signature on each of the *P'turim* meant that normal life could begin again for these women. Who knows how many families were created and how many children will be born because of his signature?

With his solitary signature, Rabbi Schwartz took sole responsibility for freeing each of these *agunot*. One of his rabbinic colleagues said in remarks at Rabbi Schwartz's Shloshim that Rabbi Schwartz chose to sign some personal status rulings by himself because he felt that he, more than his associate rabbis, could withstand the criticism that might occur regarding these rulings. The reticence of his colleagues to co-sign his *P'turim*, did not deter Rabbi Schwartz. He did what he thought was right.

What is now urgently needed is for Orthodox rabbis to step forward to study and continue Rabbi Schwartz's life-saving approach to breaking the chains of *iggun* and for the Orthodox community to support the work of those rabbis. This would help remove the blight of *iggun* from Jewish family law and life and would be a powerful tribute to Rabbi Schwartz's legacy .