

Amihai Radzyner | **Rabbenu Gershom in the State of Israel: Enforcing Get on the Woman or Permitting the Husband to Marry a Second Wife?**

Rabbeinu Gershom, the important Ashkenazi sage who lived in the 11th century, is credited with two revolutionary regulations in Jewish family law: the prohibition on polygamy and the prohibition on divorcing a wife without her consent. Over the generations, dozens of halakhic authorities have dealt with the question of which of the two regulations is more severe. The importance of this question is reflected in cases which the wife must be divorced but refuses to accept the divorce bill (*Get*). Should we force her to accept it, as the husband is forced to do in the opposite case, or would we rather allow the husband to marry a second wife?

The article examines this question in the legal reality in the State of Israel. Israeli law allows the rabbinical court, subject to certain conditions, to choose between the two options. However, examination of its judgments throughout the years shows that rabbinical courts will almost always prefer to allow a husband to marry a second wife, and they do not send the recalcitrant wife to prison (Israeli law allows forcing a divorce by sending the *Get*-refusers to prison). The article offers a number of halakhic, legal, value-based, and practical explanations for this.