

Abstract

The present M.A. thesis deals with the role of Jewish religious law in the legal system of the State of Israel. The aim of this work is to describe unique nature of Israeli legal system due to the incorporation of Jewish religious law. The thesis focuses at the marital and divorce law. This legal branch was the most influenced by Jewish religious. The case of agunot, literally chained women, was chosen as an example of the application of Jewish religious law in the legal system of a modern country.

Agunah is a woman who is not permitted to remarry because she has not been given a divorce list nor she is widowed. The problem of agunot is rather ancient and Jewish scholars have tried to find a solution for many centuries. However, nowadays when society calls for an equality between genders and for standard human rights, this issue is even more pressing than ever before. Hardly is a woman accorded right to human dignity if her husband can keep her at his own mercy. At the absence of systemic legal tool, the whole community, including the Orthodox rabbis, should be willing to exert moral pressure such as banning lenient men from synagogue offices and honors to help women to be released from their marriage. More so because the motive behind withholding a *get* is in most cases economic or other benefit.

There are proposed solutions how to help women to be released from marriage and to begin a new life. Some of them are very old and they are developed in many responsae, other are recent. All of them have the same aim – to free a woman from her nonfunctional marriage by means of legal tools that do not contradict Jewish religious law.

Keywords: Judaism, halakhic literature, the position of woman in Jewish society, history of religious law, State of Israel, marital law.