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The Observer

The official student newspaper of Yeshiva University's Stern College for Women

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Stern College's Obligation to Obligate Prenups

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After having periodically been given the metaphoric cursory nod of recognition during the past ten years, the agunah problem has hit Stern College full-force. A Stern graduate, who epitomizes the mensch the school strives to produce, has been turned into an agunah.

The message that Stern College gives its students is complex, in keeping with the complex world of American Modern Orthodoxy. Top level academia with top-level yirat shamayim together with top level eshet chayil homemaking is presumably the aims that Stern College strives to inculcate in the students. These bright, committed young women entrust the teachers, professors, rebbeim and administration at Stern and Yeshiva University in general, with their futures. The women open their minds and hearts to absorb all the lofty messages, philosophies, halakhic practices that can possibly be transmitted from the top level faculty, alongside the cutting-edge scholarship.

A Stern College graduate, Tamar Epstein, married a man who on paper seemed to epitomize the ultimate chosson one would wish on every Stern girl. A frum Harvard law graduate, with a glorious career ahead of him. Indeed, this fellow reached the highest echelons of government with a kippah on his head. Is this not the pinnacle of American Modern Orthodoxy? Unfortunately, when Ms. Epstein realized that she had made a mistake she found herself embroiled in a severe case of get-refusal. Instead of being admired as a

kiddush Hashem, the man was vilified in the public media in what is a true chillul Hashem. But all this came too little and too late. Another "Modern-Day Agunah" was created.

The term "Modern-Day Agunah" was coined in a Dec. 1999 kol koreh— a publicized message emanating from a group of eleven leading roshei yeshiva at the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University, including Rabbi Hershel Schachter and Rabbi Mordechai Willig, which endorsed halakhic prenuptial agreements. It can be viewed, more than twelve years later, at theprenup.org. The roshei yeshiva stated that they "strongly urge all officiating rabbis to counsel and encourage marrying couples to sign such an agreement."

The prenuptial agreement of the Beth Din of America had been developed by Rabbi Mordechai Willig, a rosh yeshiva of RIETS. Yeshiva University's other leading rabbonim simply cannot say, "We tried...we issued a kol koreh." The agunot in the United States today belie the validity of that attitude. Just the opposite - if one begins a mitzvah, one must finish it.

Twice in the past few months, Rabbi Hershel Schachter spoke to Yeshiva University students - both men and women - and recommended to every marrying couple "to fill out this prenuptial agreement" while referring to the Binding Arbitration Agreement of the Beth Din of America. Both in Israel in January, and in New York in March, Rabbi Schachter explained the halakhic rationale of the prenuptial agreement.

The time has come for Stern College to take a stand as "Stern College" - its rabbonim, teachers, administration - clarifying that each and every student of Stern and her chosson sign a pre-nup. This should have been done years ago, especially taking into account the Dec 1999 "Kol Koreh" of the 11 Roshei Yeshiva of YU and the latest public lectures of one of YU's leading poskim. Although Stern is an "academic" institution--it is more than that. It is a "yeshiva" institution which prepares its students for a successful Orthodox Jewish life on many levels. It is not enough to sanction the holding of events where outsiders/professionals come to speak to the student body about the agunah problem and prenuptial agreements. That was done when Tamar Epstein was a student and did nothing to prevent her from becoming an agunah. As teachers, mechanchim, professors and religious leaders we are responsible for these women and we do not know whom they will want to marry or who will be their mesader kiddushin. We have to empower the women to be able to say - it is my community's minhag- the "Stern College requirement" - that every couple must sign a pre-nup. If indeed it is issued as a school policy, psakor a similar form--then it will not be difficult for the women to insist on a pre-nup when the time comes. The result will be that it will

become common knowledge that if a young man is set to go out with a "Stern Girl" - he will be required to sign a prenup if they become engaged. It will be part of the package. There is no doubt that the Stern college administration can find the way to do this in an acceptable manner.

Stern College for Women is described as "empowering each student to claim her own voice and forge her own path". Stern College is part of Yeshiva University which states that "One of the foundations of Yeshiva University is the importance of enriching and enhancing Jewish life and growth both on our campuses and in the Jewish community at large." There is no field more important in which the students of Stern College need empowerment as ensuring that not one student will become an agunah. If Yeshiva University seeks to enhance Jewish life for the individual and in the community, its rabbinic leaders and faculty are responsible to set their students out on the path of that life with the proper halakhic tools to do so. A clear policy must be set by the school's leadership and rabbonim.

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