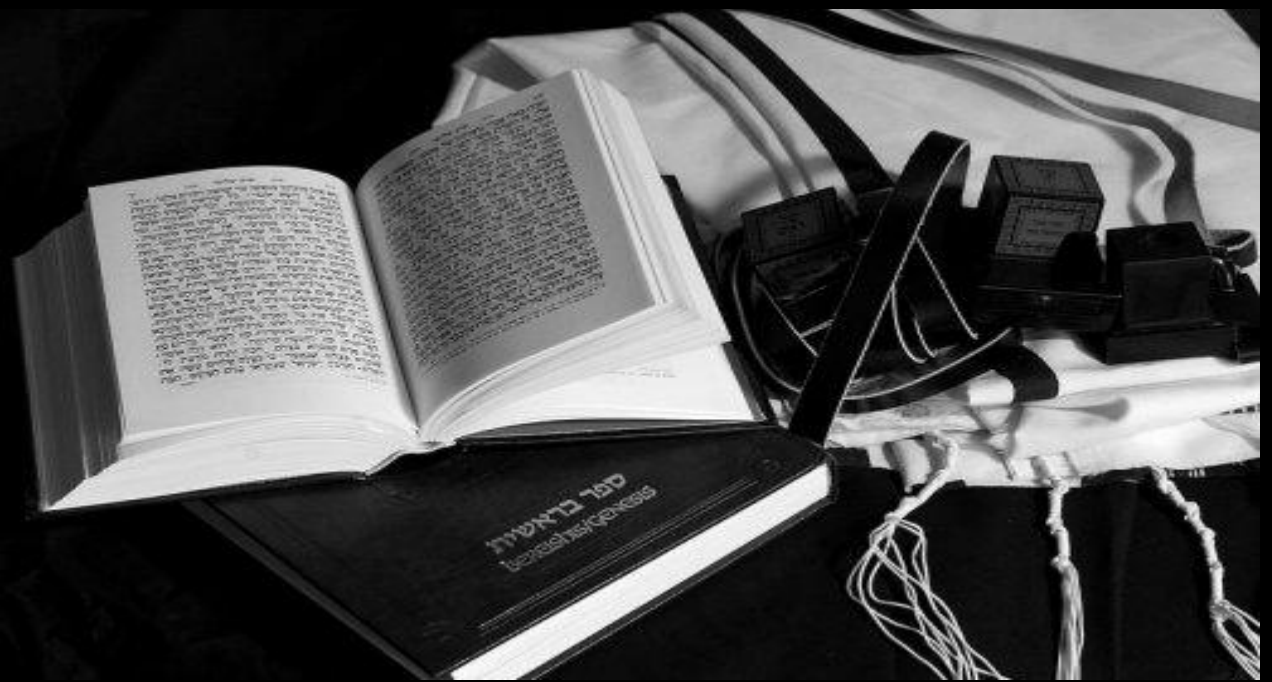


THE BETH DIN: Jewish Law in the UK



The Centre for Social Cohesion

THE BETH DIN

JEWISH COURTS IN THE UK

The Centre for Social Cohesion
Clutha House
10 Storey's Gate
London SW1P 3AY

Tel: +44 (0)20 7222 8909
Fax: +44 (0)5 601527476
Email: mail@socialcohesion.co.uk
www.socialcohesion.co.uk

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THE CENTRE FOR SOCIAL COHESION

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Executive Summary

❖ What is the Beth Din and what does it do?

The Beth Din is a Jewish authority which offers members of the Jewish communities two separate services – civil arbitration and religious rulings. The Beth Din provides civil arbitration as an alternative to court action under the Arbitration Act (1996), which grants all British citizens the right to resolve civil disputes through arbitration. They also provide religious rulings on personal issues of faith which are voluntary, non-binding and limited to an individual's private status.

❖ Is there only one Beth Din?

No, there is no centralised Beth Din in the UK; each of the main branches of Judaism in Britain has its own rabbinic authority and interprets halakha, or Jewish law, for its associated synagogues. For example, the London Beth Din, the Court of the Chief Rabbi and the oldest Jewish court in the UK – established in the early 18th century – is the best-known Orthodox authority representing 30-40% of Britain's 250,000 Jews. Other Orthodox, ultra-Orthodox communities and progressive Jewish movements also run separate Beth Din. The positions held by the different branches of Judaism on key issues demonstrate the plurality of interpretation within Jewish law – specifically between Orthodox and non-Orthodox approaches to religious divorces, conversions and determination of Jewish status.

❖ What is the Beth Din's remit – does it deal with criminal or family law?

No, the Beth Din does not deal directly with matters pertaining to criminal or family law. When functioning as an arbitration tribunal the Beth Din is limited to civil proceedings. The Arbitration Act (1996) preserves the English common law position in respect of matters that are capable of settlement by arbitration: civil disputes (contractual disputes, claims in tort, disputes concerning intellectual property rights and certain statutory claims) can legally be resolved by arbitration; family law and criminal matters cannot.

Religious rulings and services provided by the Beth Din are voluntary and limited to an individual's private status – a religious divorce overseen by the Beth Din, for example, does not affect the individuals' legal status. However, individuals do have the right to consult religious figures on personal matters, including ancillary relief and childcare provisions resulting from divorce. In the UK, family law can only be decided on by a family law court: the outcome of mediation by religious figures can be used as a basis for discussion in a family court, but is always subject to the authority of the court.

❖ Are Beth Din decisions voluntary and/or legally-binding?

All Beth Din decisions are ostensibly voluntary; decisions made within the parameters of the Arbitration Act (1996) are also legally-binding, subject to the approval of civil courts. Both parties must freely agree to accept the judgment as legally-binding; by signing an arbitration agreement with the Beth Din individuals are choosing to be judged by Jewish law. In the event of non-compliance, the arbitration agreement may be taken to secular courts for enforcement. Civil courts, however, retain the right to intervene in any case where the award of the Beth Din is considered unreasonable or contrary to public policy. Unlike civil courts, the Act does not afford a tribunal power to assume jurisdiction over individuals or entities not party to the arbitration agreement: the Beth Din may invite a non-party to submit testimony or produce documents willingly; but it cannot compel that individual or entity to do so.

Religious rulings, however, are not legally binding: they are voluntary and open to all members of the Jewish communities in the UK. However, the Beth Din's religious rulings are often seen as religiously and morally binding – some members of the Jewish communities seek a religious divorce, for example, because they feel it is necessary to maintain a sense of honour within their community.

❖ **What about religious divorce – are women disadvantaged under Jewish law?**

Jewish marriages conducted in synagogues in the UK are registered with the state; religious and civil divorces, however, are separate procedures. A Jewish divorce is not an alternative to a civil divorce. It does not alter an individual's legal status, just as a civil divorce does not dissolve a religious marriage.

A Jewish couple seeking a religious divorce must both freely agree to obtain a Jewish contractual divorce document, known as a Get, from a Beth Din, which acts as a witness. Traditionally, a Get may only be granted if both parties agree. Unsatisfactory divorces – where one party refuses to divorce – can present practical problems for the continuation of the other party's Jewish life, especially for women. Men suffer limited social opprobrium by not being divorced while women can be seriously disadvantaged - if she re-marries in the civil courts without a Get she will be regarded as being adulterous and any future child of hers will be considered a mamzer, or illegitimate in Jewish law. As a result, men have only limited incentive to grant their wives a divorce,

Movements within progressive Judaism have reinterpreted Jewish law to alleviate this problem. For example, the Reform Beth Din in Britain grants religious divorces to women without the husband's consent on the basis that an unethical law cannot be a Jewish law. Orthodox communities lobbied for legislative changes to protect women (and men) from unsatisfactory divorces: the resulting Divorce (Religious Marriages) Act (2002) compels the Beth Din to issue a religious divorce if either party to a civil divorce requires it, safeguarding against the religious divorce being used as a bargaining tool. A minority of Jewish women – from highly conservative Ultra-Orthodox communities – will not be protected by this law if their community does not recognise the necessity of civil divorce.

❖ **Is the Beth Din a recognised legal court – does it offer a parallel legal system?**

No, in neither arbitration cases nor religious judgements, is the Beth Din recognised as a legal court nor does it offer a parallel legal system; Beth Din rulings or advice can only be reflected in UK law if both parties freely agree and the decision is approved by the civil courts.

When functioning as a tribunal, the Beth Din facilitates consensual arbitration within the parameters of the Arbitration Act (1996), operating within – and not outside of – UK law. Religious rulings do not confer or change an individual's legal status – they are a matter of personal faith. The Divorce (Religious Marriages) Act (2002), however, recognises the disadvantaged position a Jewish woman can find herself in if her husband refuses her a religious divorce. The Act itself, however, does not grant the Beth Din legal recognition: the law compels the Beth Din to pursue a religious divorce if a party to a civil divorce requests it – the Jewish court must reflect the couple's status according to UK law – not act outside it.

Introduction

In January 2008 the Archbishop of Canterbury Rowan Williams spoke of the “unavoidable” introduction of some aspects of Sharia law in Britain.¹ Since then the media have paid increasing attention to religious courts in the UK and specifically their role within minority communities in a multi-cultural society. The freedom and right to consult a religious body rather than a court of law in civil disputes and personal matters challenges the balance between two fundamental principles of contemporary British society, equality before the law and personal liberty. How does society balance the right to individual freedom in the private sphere if it conflicts with collective values, such as equality for women and freedom under the law from all forms of discrimination?

Family issues such as religious marriage and divorce and childcare provisions, the compatibility of religious law and English law and concerns over the potential emergence of a parallel legal system, are key issues in the discussion of religious courts in the UK. Media coverage has particularly focused on comparisons between Jewish courts, known collectively as the Batei Din (pl.) – or more commonly the Beth Din (sing.) – and Sharia courts. There is, however, considerable confusion over the legal status and remit of Jewish courts in the UK. This briefing will examine how Jewish courts work within UK law to offer arbitration in civil disputes law; the religious functions of the Beth Din; and the plurality of Jewish law amongst the Beth Din the UK.

¹ ‘Archbishop’s Lecture - Civil and Religious Law in England: a Religious Perspective’ & ‘BBC Interview - Radio 4 World at One’, The Archbishop of Canterbury’s official website, 07 February, 2008. See: <http://www.archbishopofcanterbury.org/1581>

Background

Functions of the Beth Din

The Beth Din serve two distinct functions for members of the Jewish communities in the UK:

- Recourse to arbitration of civil disputes using Jewish law
- Rulings on religious matters such as designating religious holidays or granting religious divorces

Arbitration:

Jewish courts function as legally binding arbitration tribunals for civil cases, for example property or employment disputes. Subject to certain procedural rules and safeguards specified by the Arbitration Act (1996), these tribunals offer an alternative to the civil courts. Their decisions, known as awards, can be legally enforced if they are deemed “reasonable” by the civil courts.

Religious Rulings:

The Beth Din also functions as a religious – and not legal – authority, and is self-regulatory. In this capacity Jewish courts rule on a variety of religious matters, and its judges, known as *dayanim*, are also free to mediate between parties wishing to resolve a situation – such as childcare and ancillary relief – according to prescribed interpretations of their faith.

Across the spectrum of Judaism in the UK – in both arbitration cases and religious judgements – the Beth Din is ostensibly voluntary and rulings or advice can only be reflected in UK law if both parties freely submit to the religious court’s jurisdiction and the award or advice is approved by the civil courts. In neither case is the religious court itself recognised as an official legal court.

Organisation of the Beth Din

There is no centralised Beth Din in the UK; each of the main Jewish communities in Britain has its own rabbinic authority.

Orthodox Judaism:

The London Beth Din, the Court of the Chief Rabbi and the oldest Jewish court in the UK (with branches in Glasgow, Manchester and Leeds) – established in the early 18th century – is the religious authority for the United Synagogue, the primary Orthodox synagogue grouping in the UK representing 30-40% of Britain’s 250,000 Jews.² Other Orthodox courts include the Beth Din of the Federation of Synagogues in London and the Sephardi Beth Din of the Spanish & Portuguese Jews’ Congregation in London. The Union of Orthodox Hebrew Congregations also runs a Beth Din in Stanford Hill for Ultra-Orthodox Jews.

Non-Orthodox or Progressive Judaism:

The Liberal, Masorti and Reform movements, which represent over a third of Britain’s Jews (Liberal 8%, Masorti 6% and Reform 20%) – run separate Beth Din and span from the

² Personal interview with David Frei, Registrar of the London Beth Din and member of the Board of Deputies of British Jews Family Law Committee, 07 October, 2008.

traditional to the progressive both in their practices and their attitudes to Jewish law.³ The creation of the Reformist Beth Din in 1948 broke the virtual monopoly of the London Beth Din; since then such non-Orthodox Beth Din have challenged the authority of Orthodox interpretations of Jewish law, and provided alternative religious readings in cases such as religious conversions, divorces and re-marriages.

³ "Major drive to increase Jewish cross-communal collaboration", Reform Judaism press release, 12 September, 2008. See: <http://news.reformjudaism.org.uk/press-releases/major-drive-to-increase-jewish-cross-communal-collaboration.html>

The Beth Din and the Arbitration Act (1996)

Jewish courts can settle civil cases under the 1996 Arbitration Act which grants all British citizens the right to mutually agree to have civil disputes resolved through arbitration. Each Beth Din provides a forum for arbitration in accordance with interpretations of Jewish law for its associated synagogues and members of the wider Jewish communities.

As the 1996 Arbitration Act makes clear, Jewish courts functioning as arbitral tribunals are a voluntary, impartial and legally-binding alternative to national courts for civil – and not criminal or family law – cases. The Arbitration Act lays out the following three “general principles” on which it is founded:

- “(a) the object of arbitration is to obtain the fair resolution of disputes by an impartial tribunal without unnecessary delay or expense;
- (b) the parties should be free to agree how their disputes are resolved, subject only to such safeguards as are necessary in the public interest;
- (c) in matters governed by this Part the court [High Court or county court] should not intervene except as provided by this Part.”⁴

The mandate of an arbitral tribunal in England, Wales or Northern Ireland, therefore, is to obtain the impartial resolution of civil cases without unnecessary delay, expense or intervention.

In the last ten years arbitration has been encouraged in the UK as a precursor to court action and is most commonly used for the resolution of commercial disputes, particularly in the context of international transactions.⁵ Many consumer contracts – for example, holiday disputes – now either require or recommend arbitration.

The elements of arbitration that appeal to international businesses – speed, impartiality, low cost and confidentiality – make it an attractive method of dispute resolution for individuals involved in civil cases. David Frei, Registrar of the London Beth Din and member of the Board of Deputies of British Jews Family Law Committee, outlines the advantages to arbitration:

*“It’s an alternative to the courts [and] has a number of advantages: it’s usually cheaper, it’s often quicker with the courts clogged up with so many cases and, very important, it’s confidential ... once you have arbitration, nobody knows about it.”*⁶

Parties seeking arbitration are free to mutually choose an arbitrator, to appoint an arbitrator each or to appoint a number of arbitrators.⁷ The Beth Din, therefore, provides a forum for

⁴ The Arbitration Act (1996) – General Principles (part 1; section 1 a-c), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_1

⁵ The Civil Procedure Rules (1999)– commonly known as the *Woolf Reforms*– recommended arbitration, a form of Alternative Dispute Resolution (ADR), as a way to speed up and streamline the process of taking civil cases to court in England, Wales and Northern Ireland.

⁶ Personal interview, 07 October, 2008.

⁷ If three arbitrators are to be appointed, each party chooses one and these two together chose the third arbitrator.

arbitration for Jewish individuals seeking dispute resolution in accordance with the Halakha, or Jewish law. Jonathan Greenwood, a solicitor who has represented many Jewish businesspeople at the London Beth Din, says:

*“Orthodox Jews go to the Beth Din to settle their disputes ... They believe it is a religious obligation to go there rather than the secular courts. But it is also quicker and cheaper.”*⁸

David Frei, Registrar of the London Beth Din, says of the UK’s primary Orthodox rabbinic court:

*“All we do is act as courts of arbitration. Now in English Law, anyone can act as an arbitrator. You don’t have to have any special qualification. All you need is parties to agree that you should be the referee in their dispute.”*⁹

Rules applicable to Arbitration tribunals

Settlements under arbitration do not have to be based on English law: once the decision is made to seek arbitration, the parties can choose to be judged by any rules or laws that they mutually agree upon. The 1996 Arbitration Act states:

“The arbitral tribunal shall decide the dispute—

- ♦ in accordance with the law chosen by the parties as applicable to the substance of the dispute, or
- ♦ if the parties so agree, in accordance with such other considerations as are agreed by them or determined by the tribunal.”¹⁰

The 1996 Act further states:

- ♦ “Parties may make such arrangements by agreeing to the application of institutional rules or providing any other means by which a matter may be decided”
- ♦ “It is immaterial whether or not the law applicable to the parties’ agreement is the law of England and Wales or, as the case may be, Northern Ireland”
- ♦ “The choice of a law other than the law of England and Wales or Northern Ireland as the applicable law in respect of a matter provided for by a non-mandatory provision of this Part is equivalent to an agreement making provision about that matter”
- ♦ “An applicable law determined in accordance with the parties’ agreement, or which is objectively determined in the absence of any express or implied choice, shall be treated as chosen by the parties.”¹¹

⁸ Innes Bowen, “The end of one law for all?” *BBC News*, 28 November, 2006. Available at: <http://news.bbc.co.uk/1/hi/magazine/6190080.stm>

⁹ Personal interview with David Frei, 07 October, 2008.

¹⁰ The Arbitration Act (1996) – ‘Rules applicable to substance of dispute’ (part 1; section 46), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_3#pt1-pb9-l1g46

¹¹ The Arbitration Act (1996) – ‘Mandatory and non-mandatory provisions’ (part 1; section 4), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_2#pt1-pb1-l1g4

Parties agreeing to allow a Beth Din to act as their arbitration tribunal are therefore choosing to be judged by Jewish law. Consent to be judged accordingly is accepted from both parties either in writing or if their agreement is “recorded by any [other] means”.

Arbitration awards

In its judgements, or awards, arbitration tribunals are empowered under the 1996 Arbitration Act to order individuals to pay money or carry out other actions, if they have agreed on the principle of such remedies in advance:

“The tribunal may order the payment of a sum of money, in any currency.

(5) The tribunal has the same powers as the court—

(a) to order a party to do or refrain from doing anything;

(b) to order specific performance of a contract (other than a contract relating to land);

(c) to order the rectification, setting aside or cancellation of a deed or other document.”¹²

In addition, the Act specifies that:

“(2) This includes, for instance, making—

(a) a provisional order for the payment of money or the disposition of property as between the parties, or

(b) an order to make an interim payment on account of the costs of the arbitration.

(3) Any such order shall be subject to the tribunal’s final adjudication; and the tribunal’s final award, on the merits or as to costs, shall take account of any such order.

(4) Unless the parties agree to confer such power on the tribunal, the tribunal has no such power.”¹³

This also applies to apportioning the costs of the tribunal. The Act says that “the tribunal may make an award allocating the costs of the arbitration as between the parties, subject to any agreement of the parties.”¹⁴

The tribunal’s decisions regarding costs and payments are all legally enforceable: “An award made by the tribunal pursuant to an arbitration agreement may, by leave of the court [High Court or a county court], be enforced in the same manner as a judgment or order of the court to the same effect.”¹⁵

¹² The Arbitration Act (1996) – ‘Remedies’ (part 1; section 48), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_3#pt1-pb9-l1g48

¹³ The Arbitration Act (1996) – ‘Power to make provisional awards’ (part1; section 39), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_3#pt1-pb7-l1g39

¹⁴ The Arbitration Act (1996) – ‘Award of costs’ (part 1; section 61), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_3#pt1-pb9-l1g48

¹⁵ The Arbitration Act (1996) – ‘Enforcement of the award of costs’ (part 1; section 66), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_4#pt1-pb11-l1g66

Safeguards under the Arbitration Act

The 1996 Arbitration Act contains many safeguards:

- Arbitration must be voluntary for both parties
- Arbitration must be impartial
- Civil courts retain the right to overturn an arbitration award
- Arbitration is limited to civil cases

It must be noted, however, that these safeguards are only applicable and/or enforceable when a religious court is acting as an arbitration tribunal under the 1996 Arbitration Act.

❖ **Consent**

Under English law arbitration is a consensual process: in this case the litigating parties choose to sign an arbitration agreement agreeing to accept the judgment of the Beth Din as binding. The 1996 Arbitration Act does not afford a tribunal power to assume jurisdiction over individuals or entities not party to the arbitration agreement. When functioning as an arbitration tribunal, the Beth Din may invite a non-party to submit testimony or produce documents willingly; but it cannot compel that individual or entity to do so.

David Frei says:

“Arbitration is an established system of dispute resolution. And all that the [London] Beth Din do is work within that system. We constitute ourselves as a court of arbitration. We cannot coerce anybody to come before us unlike a court – if they don’t want to come we have really no sanction against them ... We’re dealing with consenting individuals who are coming to determine civil matters in front of us.”¹⁶

❖ **Impartiality**

The impartiality of arbitrators is central to the arbitration process: the 1996 Act states that “the object of arbitration is to obtain the fair resolution of disputes by an impartial tribunal.” The Act instructs tribunals to “act fairly and impartially as between the parties, giving each party a reasonable opportunity of putting his case and dealing with that of his opponent.” Tribunals are also required to adopt procedures “suitable to the circumstances of a particular case.”¹⁷

The 1996 Act permits a party to the tribunal to apply to “the court” – a High Court or a county court – for the removal of an arbitrator if there are “justifiable doubts” as to that arbitrator’s impartiality. Alternatively, a party can apply to the court to remove an arbitrator in the event that: they do not possess the qualifications required by the parties’ arbitration agreement; if they suffer from physical or mental incapability; or if there are failures in conducting the proceedings “properly”.¹⁸

¹⁶ Personal interview, 07 October, 2008.

¹⁷ The Arbitration Act (1996) – ‘General duty of the tribunal’ (part 1; section 33), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_3#pt1-pb7-l1g33

¹⁸ The Arbitration Act (1996) – ‘Power of court to remove arbitrator’ (part1; section 24), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_2#pt1-pb5-l1g24

❖ **Enforcement by civil courts**

By signing an arbitration agreement both parties agree to accept the judgment of the Beth Din as binding. In the event of non-compliance, the arbitration agreement may be taken to secular courts – often the Court of Appeal – for enforcement. Civil courts, however, retain the right to intervene in any case where the award of the Beth Din is considered “unreasonable”.

Once the tribunal has reached a decision, either party is able to appeal to “the high court or a county court” to have the decision overturned “on the ground of serious irregularity affecting the tribunal, the proceedings or the award”. The Act adds that:

“Serious irregularity means an irregularity of one or more of the following kinds which the court considers has caused or will cause substantial injustice to the applicant—

- (a) failure by the tribunal to comply with section 33 (general duty of tribunal);
- (b) the tribunal exceeding its powers (otherwise than by exceeding its substantive jurisdiction: see section 67);
- (c) failure by the tribunal to conduct the proceedings in accordance with the procedure agreed by the parties;
- (d) failure by the tribunal to deal with all the issues that were put to it;
- (e) any arbitral or other institution or person vested by the parties with powers in relation to the proceedings or the award exceeding its powers;
- (f) uncertainty or ambiguity as to the effect of the award;
- (g) the award being obtained by fraud or the award or the way in which it was procured being contrary to public policy;
- (h) failure to comply with the requirements as to the form of the award; or
- (i) any irregularity in the conduct of the proceedings or in the award which is admitted by the tribunal or by any arbitral or other institution or person vested by the parties with powers in relation to the proceedings or the award.”¹⁹

Therefore, all agreements reached under the 1996 Arbitration Act can be reviewed and potentially overturned by the civil courts.

CASE STUDY: SOLEIMANY vs SOLEIMANY

Civil courts can question the legality of a Beth Din decision in the event of “the award or the way in which it was procured being contrary to public policy”. In the case of *Soleimany vs Soleimany* – a financial dispute between two Iranian Jewish merchants, a father and son, who were exporting Persian carpets in contravention of Iranian Revenue laws and export controls – the London Beth Din recognised that the original contract was illegal, but since this illegality was regarded as irrelevant under the applicable Jewish law an appropriate award was made. The UK Court of Appeal, however, ruled that the underlying contract was illegal as it contravened the law of Iran and that the award of the Beth Din was therefore contrary to public policy and could not be enforced.

Source: *Soleimany v Soleimany* [1998] APP.L.R. 02/19. See also Abdulhay Sayed, *Corruption in International Trade and Commercial Arbitration* (Kluwer Law International, 2004) pp. 414-415.

¹⁹ The Arbitration Act (1996) – ‘Challenging the award: serious irregularity’ (part1; section 68), The Office of Public Sector Information.
 See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_1

Elsewhere, the 1996 Arbitration Act states that if legal proceedings (including criminal proceedings) have been brought against one of the parties to an arbitration tribunal, the party may apply to the civil courts to “stay the proceedings” and to seek to settle the issue first through arbitration:

“A party to an arbitration agreement against whom legal proceedings are brought (whether by way of claim or counterclaim) in respect of a matter which under the agreement is to be referred to arbitration may (upon notice to the other parties to the proceedings) apply to the court in which the proceedings have been brought to stay the proceedings so far as they concern that matter.”²⁰

However, the act adds that the civil courts are not obliged to comply: the court can refuse to stay legal proceedings if it is “satisfied that the arbitration agreement is null and void, inoperative, or incapable of being performed.”²¹

Under the 1996 Arbitration Act, arbitral awards by the Beth Din are legally binding. Simultaneously, the Act allows civil courts to overturn the tribunal’s final decisions.²² Jewish courts, therefore, do not offer a parallel legal system; arbitral awards remain subject to English law and public policy.

❖ **Remit of arbitration tribunals**

The 1996 Arbitration Act preserves the English common law position in respect of matters that are capable of settlement by arbitration. Contractual disputes as well as a number of non-contractual claims (including claims in tort, disputes concerning intellectual property rights and certain statutory claims) can legally be resolved by arbitration. Family law and criminal matters cannot: when functioning as an arbitration tribunal the Beth Din – and any other religious court – is limited to civil proceedings.²³

Bridget Prentice, parliamentary Under-Secretary of State for Justice, told the House of Commons in October 2008 that:

*“Arbitration [under the Arbitration Act 1996] does not apply to family law and the only decisions which can be enforced are those relating to civil disputes.”*²⁴

As an arbitration tribunal, therefore, the Beth Din cannot resolve family law or criminal cases. Her Honour Judge Dawn Freedman, also a member of the United Synagogue congregation, says:

*“The [London] Beth Din is only a court in so far in that it is a court of arbitration in respect of civil disputes – it’s purely a civil court.”*²⁵

²⁰ The Arbitration Act (1996) – ‘Stay of legal proceedings’ (part1; section 9), The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_2#pt1-pb3-11g9

²¹ Ibid

²² Ibid

²³ The Arbitration Act (1996) – ‘Saving for certain matters governed by common law’ (part 1; sections 81), The Office of Public Sector Information.

See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_4#pt1-pb13-11g81

²⁴ Parliamentary Under-Secretary of State, Ministry of Justice Bridget Prentice, Matrimonial Proceedings: Religion, House of Commons Written Answers, 23 October, 2008 Column 560W. See:

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081023/text/81023w0020.htm>

²⁵ Personal interview Her Honour Judge Dawn Freedman, Crown Court Judge in Harrow, London, and spokesperson for the United Synagogue, 07 October, 2008.

Recognition of religious courts

The UK government recognises an individual's right to use religious courts "to deal with personal matters." Parliamentary Under-Secretary of State for Justice Bridget Prentice told the House of Commons in October 2008 that:

*"Any member of a religious community has the option to use religious courts and to agree to abide by their decisions but these decisions are subject to national law and cannot be enforced through the national courts save in certain limited circumstances when the religious court acts as arbitrator within the meaning of the Arbitration Act 1996. Arbitration does not apply to family law and the only decisions which can be enforced are those relating to civil disputes."*²⁶

However, the enforcement – or overruling – of an arbitral award made by a Beth Din operating under the Arbitration Act is not official recognition of the Jewish court. The Beth Din facilitates arbitration; it is the "seat of arbitration", not a legal court.²⁷

David Frei believes that the assumption that Jewish communities in the UK have a recognised system of courts is a common mistake. He says:

*"The great misnomer is that the Jews have been given the right to have their courts. Nobody gave us that right. Nobody sat down and said 'the Beth Din is recognised'. Any court of arbitration is recognised. [...] We have no official recognition."*²⁸

The legitimacy granted by the 1996 Arbitration Act to the Beth Din – or any other religious court – amounts to nothing more than recognition of the tribunal's jurisdiction in any one case, which is dependent on the condition of mutual consent of the parties involved. It should also be noted that arbitral awards made in a Beth Din – or any religious court functioning as an arbitration tribunal – do not gain any additional religious legitimacy as a result of being reached under the Arbitration Act.

²⁶ Parliamentary Under-Secretary of State, Ministry of Justice Bridget Prentice, Matrimonial Proceedings: Religion, House of Commons Written Answers, 23 October, 2008 Column 560W. See:

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081023/text/81023w0020.htm>

²⁷ The Arbitration Act (1996) – 'The seat of the arbitration' (part 1; section 3), available from The Office of Public Sector Information. See: http://www.opsi.gov.uk/Acts/acts1996/ukpga_19960023_en_2#pt1-pb1-1g3

²⁸ Personal interview, 07 October, 2008.

The Beth Din as a Religious Authority

Jewish courts rule on a number of religious matters affecting the individual, families and the Jewish communities. In this capacity the Beth Din is not operating as an arbitration tribunal; it is an autonomous religious authority that is voluntary, non-binding and open to all members of the Jewish communities in the UK. For some Beth Din rulings are seen as religiously and morally binding; many others do not seek religious advice from the court.

Religious functions of the Beth Din

The Beth Din regularly provides rulings and guidance on personal issues of faith such as conversions, religious divorces, burial practices, and determining personal status – whether an individual is Jewish according to the halakha, or Jewish law.

The Beth Din also oversees and regulates a number of religious services provided by the synagogue for members of the congregation. These include:

- ♦ **Hechsher** – the certification of restaurants and food manufacturers whose products contain only kosher ingredients and were produced in accordance with the halakha, or Jewish law
- ♦ **Shochetim** – the ritual slaughter of animals according to Jewish dietary laws
- ♦ **Mohelin** – circumcision specialists

Crown Court Judge Dawn Freedman, a spokesperson for the United Synagogue and the London Beth Din, says:

“Like every other religion, every religion has conversions: just determining Jewish law for a host of areas to do with Sabbath observance, medical ethics and the like. We have a remit which is far beyond acting as a court of law.”

The two most common matters that come before the Beth Din are conversion and religious divorce.

The Beth Din, Divorce and Family Law

Religious rulings and services provided by the Beth Din are voluntary and limited to an individual's private status. A religious divorce overseen by the Beth Din does not affect the individuals' legal status. Individuals do have the right to consult religious figures on personal matters, including ancillary relief and childcare provisions resulting from divorce. In the UK family law can only be decided on by a family law court: the outcome of mediation by religious figures can be used as a basis for discussion in a family court, but is always subject to the authority of the court.

❖ **Divorce**

Jewish marriages conducted in synagogues in the UK are registered with the state.²⁹ Synagogues employ a civil Registrar of Marriages to ensure that a marriage in a synagogue is also registered as a civil marriage. However, religious and civil divorces are separate

²⁹ The 1836 Marriage Act mandated civil registration of marriages in England and Wales. However, some Ultra-Orthodox Jews may dispute the necessity of obtaining a civil marriage.

procedures. A Jewish divorce is not an alternative to a civil divorce. It does not alter an individual's legal status, just as a civil divorce does not dissolve a religious marriage.

Judge Dawn Freedman says:

"In order for the Jewish people who have been civilly divorced to re-marry according to religious practice, they have to have, in addition to their civil divorce, what's called a Get, which is a Jewish bill of divorce. It doesn't take the place of a civil divorce. It's something which in order to get married religiously again, you have to have from a religious perspective."³⁰

A Jewish couple seeking a religious divorce must, therefore, both freely agree to obtain a Get (Pl. Gittin), a Jewish contractual divorce document, from a Beth Din. In the Jewish tradition the mutual giving and receiving of the Get symbolises the end of the marriage. In this capacity the Beth Din is not functioning as a court; rather it is a witness to the consensual dissolution of a religious marriage. David Frei says:

"In Jewish law, marriage is a contract between husband and wife. They marry, they part. And the court has actually nothing to do with it. All [the Beth Din] are doing is acting as a referee to see that the document was written properly, there were two witnesses who signed it, that's all we're doing. We are not dissolving the marriage."³¹

Many members of the Jewish communities seek a religious divorce because they believe they have a religious obligation to do so. Many Jewish couples also feel they require a religious divorce to maintain a sense of honour within their community.

Additionally, Jewish law contains specific rulings governing divorce, many of which serve practical purposes for the continuation of one's Jewish life.

FACTBOX: ORTHODOX REQUIREMENTS FOR DIVORCE

- ♦ Both individuals need to be halakhically Jewish – have maternal ancestors who were Jewish, as recognised by an Orthodox Beth Din or have converted to Orthodox Judaism
- ♦ The husband must willingly give the Get to his wife; she must freely accept it; and the process must be witnessed by someone acting on behalf of the Beth Din
- ♦ Jewish marriages are not dissolved by a civil divorce – Jewish couples need to produce a Get certificate in order to re-marry in an Orthodox synagogue

Source: The London Beth Din

³⁰ Personal interview, 07 October, 2008.

³¹ Personal interview, 07 October, 2008.

FACTBOX: ORTHODOX POSITION ON DIVORCE

Repercussions for men: A man whose wife refuses to accept a Get will remain married in the eyes of the Orthodox community – known as an Agun – and is not permitted to re-marry in an Orthodox synagogue. If he has a child from another Jewish woman, the child will be considered halakhically Jewish– as long as, at the time of conception, the mother is unmarried and the legitimate child of a Jewish mother.

Repercussions for women: A woman whose husband refuses to grant her a Get is known as an Agunah and is similarly prohibited from re-marrying in an Orthodox synagogue. If she re-marries in the civil courts without a Get she will be regarded as being adulterous. Any future child of hers will be considered a mamzer, or illegitimate in Jewish law. Being a mamzer – which can also refer to a child born from an incestuous union – has important social and religious penalties: no mamzer, or any child of a mamzer, may marry in an Orthodox synagogue – except to another mamzer. Additionally, a divorced woman should wait 92 days before re-marrying and cannot marry a Cohen, or Jewish priest.

Note: Traditionally, a Cohen is a direct male descendant of the Aaron, the brother of Moses, and is part of a holy order. A male Cohen cannot marry a divorcee, a prostitute, a convert, or a “profaned” woman -source: Leviticus 21:7
Source: The London Beth Din

Unsatisfactory divorce cases can have serious implications for both parties, especially women: men suffer limited social opprobrium by not being divorced while women can be seriously disadvantaged. As a result, men have only limited incentive to grant their wives a divorce and an Orthodox Beth Din cannot compel a husband to issue a divorce, nor can it grant one to his wife independent of his wishes. David Frei says:

“If a man doesn’t want to come, we have no powers as I’ve said, and this often happens, then the woman is stuck. She may have a civil divorce but she can’t marry another Jewish person in a synagogue.”³²

❖ **The Divorce (Religious Marriages) Act 2002**

Since 2003 civil divorce courts in England have been granted powers designed to rectify the specific problem in Jewish law of either party becoming an Agunah (fem.) or Agun (masc.), or literally, “chained” to one another. Prior to this a man could withhold the Get in order to extract a more favourable divorce settlement – knowing that unless he grants his wife a Get she cannot have legitimate Jewish children.

The Divorce (Religious Marriages) Act 2002 empowers civil courts to postpone granting a Decree Absolute until both parties have done all that is required of them to dissolve their marriage religiously.³³ The act, which amended the Matrimonial Causes Act 1973, safeguards against either party refusing to grant or receive a Get as a potential negotiating tool in civil divorce cases.

³² Personal interview 07 October 2009.

³³ The Divorce (Religious Marriages) Act 2002, available from The Office of Public Sector Information. See: http://www.opsi.gov.uk/acts/acts2002/ukpga_20020027_en_1

The Divorce (Religious Marriages) Act 2002 applies to members of the Jewish faith or to any other “prescribed religious” group. The Act applies if a decree of divorce has been granted but not made absolute and the parties to the marriage concerned fulfil the following criteria:

- “(a) were married in accordance with—
 (i) the usages of the Jews, or
 (ii) any other prescribed religious usages; and
 (b) must co-operate if the marriage is to be dissolved in accordance with those usages.”³⁴

The Act defines “prescribed” as follows:

- “(6) ‘Prescribed’ means prescribed in an order made by the Lord Chancellor and such an order—
 (a) must be made by statutory instrument;
 (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”³⁵

The Act further states that it is at the discretion of a religious community itself to decide whether the act is applicable and, if so, to ask the Lord Chancellor to prescribe the religious group for that purpose. At present the Jewish communities are the only religious group authorised to make use of the Divorce (Religious Marriages) Act. In March 2008, Lord Hunt of Kings Heath, the Parliamentary Under-Secretary of State, Ministry of Justice, told the House of Lords that:

*“[The Act] applies to members of the Jewish faith or to any other prescribed religious group, including Islam. The option does, however, depend on the religious community itself deciding to make use of the provisions of the Act and then asking the Lord Chancellor to prescribe the religious group for that purpose. No application has been received from any Islamic group requesting such recognition.”*³⁶

The Act is often misrepresented as an example of legal recognition of the Beth Din by the state. David Frei concedes that in such cases:

*“[It is] tacitly understood at the end of the day that the religious divorce will go through a Beth Din.”*³⁷

However, unlike a civil divorce, religious divorces do not affect one’s legal status. The Divorce (Religious Marriages) Act, therefore, signifies recognition of the Beth Din as a religious authority, not a legal court.

³⁴ The Divorce (Religious Marriages) Act 2002 (part 1; section 1), available from The Office of Public Sector Information. See: http://www.opsi.gov.uk/acts/acts2002/ukpga_20020027_en_1

³⁵ The Divorce (Religious Marriages) Act 2002, (part1; section 6) available from The Office of Public Sector Information. See: http://www.opsi.gov.uk/acts/acts2002/ukpga_20020027_en_1

³⁶ House of Lords (Written Answers): Justice: Sharia Law - Hansard 3 Mar 2008: Column WA154

³⁷ Personal interview, 07 October, 2008.

❖ **Mediation**

Family law is the sole preserve of the national court system. When overseeing religious divorces the Beth Din does not have jurisdiction over matters resulting from a civil divorce, for example ancillary relief and childcare provisions. Judge Dawn Freedman says:

“[In divorce cases] the Beth Din would never ever be involved in financial provision, distribution of the matrimonial assets or in relation to anything to do with children.”³⁸

Individuals have the right to consult religious figures for advice on family matters resulting from civil divorce including ancillary relief, and visitation rights prior to going before a family court. Such advice is not arbitration and cannot be conducted under the 1996 Arbitration Act; instead it is regarded as mediation – an informal, voluntary and non-binding method of dispute resolution.

Parliamentary Under-Secretary of State for Justice Bridget Prentice told the House of Commons in October 2008 that:

“If, in a family dispute dealing with money or children, the parties to a judgment in a Shari'a council [or other religious authority] wish to have this recognised by English authorities, they are at liberty to draft a consent order embodying the terms of the agreement and submit it to an English court. This allows English judges to scrutinise it to ensure that it complies with English legal tenets.”³⁹

English judges, she reiterated, scrutinise such agreements to ensure they comply with English legal tenets:

“Religious courts are always subservient to the established family courts of England and Wales.”⁴⁰

Jewish couples undertaking a civil divorce may therefore seek advice from their Rabbi on how to approach the settlement terms of their divorce. Here the Rabbi is acting as a spiritual rather than a legal authority. Mediation by the Beth Din is uncommon, however, and usually only sought after by a minority of very Ultra-Orthodox Jews. David Frei says:

“The vast majorities of Jews don’t even dream of coming to us [the London Beth Din] because they go through civil divorce and in the civil divorce ancillary relief is included as is the issue for children. At the very ultra-orthodox end of the spectrum, there are those who will come to us for some guidance. That’s very few.”⁴¹

³⁸ Personal interview 07 October 2009

³⁹ Parliamentary Under-Secretary of State, Ministry of Justice Bridget Prentice, Matrimonial Proceedings: Religion, House of Commons Written Answers, 23 October, 2008 Column 560W. See: <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081023/text/81023w0020.htm>

⁴⁰ Ibid

⁴¹ Personal interview, 07 October, 2008.

Interpretations of Jewish law in the UK

Jewish law or halakha – path or way in Hebrew – is a set of principles that guides religious practice and belief as well as daily life. It consists of two forms: the Written Torah, or Chumash, which Jews believe is the word of God as dictated to Moses; and the Oral Torah, interpretations of ancient Jewish scholars passed through generations orally contained in written form in the Talmud.

However, Jewish law is not a monolithic entity: in the 1500 years since the completion of the Talmud, codification of Jewish law has resulted in a variety of commentaries and reinterpretation, usually in the form of responsa, or questions of Jewish law put to leading Rabbis of the time.

Positions on key issues

The main differences between interpretations of Jewish law can be found in the positions held by different branches of Judaism on key issues, specifically between Orthodox and non-Orthodox approaches to religious divorces, conversions and Jewish status. For example:

❖ *Divorce*

Traditionally, Jewish law stipulated that the woman's consent was not necessary for divorce, and the Get can be given against her will. However, over one thousand years ago a leading German scholar Rabbenu Gershom ben Yehuda (c. 960-1028), known as Rabbi Gershom, decreed that a husband could no longer divorce his wife without her consent. The decision was accepted as binding by European Jewry.⁴²

Although religious divorce is widely regarded as a mutually consensual process, especially amongst Orthodox communities, some argue that rabbinic courts can issue a Get of benefit, known as a Get Zikkui, a divorce issued to a husband without his wife's consent. According to some Talmudic scholars, if the divorce can be seen as conferring benefit upon an individual then the Beth Din can appoint an agent to receive a Get on an individual's behalf.⁴³

For example, the Reform Beth Din in Britain extends the idea of 'benefit' to women and grants religious divorces to women without the husband's consent. A Reform Get, however, is not generally recognised by an Orthodox Beth Din; and neither party would be allowed to remarry in an Orthodox synagogue. Jonathan Romain, Rabbi of Maidenhead Reform Synagogue, says:

"On the basis that an unethical law cannot be a Jewish law [...] a Jewish husband who is already civilly divorced from his wife but refuses to give her a get out of malice or for financial gain is no longer acting as a husband should and therefore forfeits any right to withhold it. The Reform Beth Din awards the get on

⁴² 'Rabbenu Gershom ben Yehuda', The America-Israeli Cooperative Enterprise: Jewish Virtual Library. See: <http://www.jewishvirtuallibrary.org/jsource/biography/RabbenuGershom.html>

⁴³ Dan Cohn-Sherbok, *Judaism: History, Belief and Practice*, (Routledge, 2003) pp. 455-456

its own authority, and both releases the woman from the relationship and permits her to remarry in a Progressive synagogue.”⁴⁴

CASE STUDY: GET ZIKKUI

In July 2008 the Sephardi Beth Din divorced a woman without her consent. According to the Sephardi Beth Din the Get Zikkui was issued to Karin Gabay, who had been divorced in the civil courts, as a protective measure. A spokesperson said:

“The get was issued to protect Mrs Gabay from becoming an agunah [...] the procedure adopted was primarily for the benefit of the wife and to protect her claims.”

Additionally, the court issued a responsa (religious ruling) by Dayan Saadia Amor, head of the Sephardi Beth Din, which concluded that it was “permissible to divorce her,” in part because she “dressed provocatively in public, worse than a common harlot.”

The decision was criticised by other rabbinic authorities: the London Beth Din questioned Sephardi jurisdiction over the case whilst the Beth Din of the Federation of Synagogues in London said there were no grounds for a Get Zikkui. Jewish women’s rights organisations also condemned the decision: Sharon Shenhav, head of a women’s-rights project, said:

“Jewish women have the right to expect to be treated with fairness and justice.”

Others said the Sephardi ruling was politically inappropriate and risked drawing media attention to potential abuses amongst Britain’s Jewish communities. Journalist Miriam Shaviv wrote at the time:

“Every time the possibility of sharia law being introduced in the UK is raised, the day gets closer when our right to run Jewish courts will be questioned. So far, politicians have distinguished between sharia courts and halachic ones because ours are perceived to be fair to women and compatible with modern values. This ruling, which shows otherwise, is not only a gross injustice, but endangers the entire system for those of us who believe in it.”

Source:

Simon Roker, “The council-house single mother of seven divorced against her will”, The Jewish Chronicle, 24 July, 2008. See: <http://community.thejc.com/articles/the-council-house-single-mother-seven-divorced-against-her-will>
 Miriam Shaviv, “Why this forced get is a scandal,” The Jewish Chronicle, 24 July, 2008. See: <http://community.thejc.com/articles/why-forced-get-a-scandal>

Similarly, Progressive Judaism permits marriage between a divorced woman and a Cohen, or priest whereas Orthodox Judaism does not. David Frei says:

“[Liberal, Masorti and Reform Judaism] are schismatic groups, if you like, who don’t practice Orthodoxy, so it’s much looser in that case.”⁴⁵

❖ Conversion

⁴⁴ Jonathan Romain, “Why Britain needs and alternative Beth Din” The Jewish Chronicle, 28 August, 2008. See: <http://www.thejc.com/articles/why-britain-needs-alternative-beth-din>

⁴⁵ Personal interview, 07 October, 2008.

Whilst Orthodox synagogues traditionally regard conversion as undesirable, Reform Judaism has reinterpreted scripture to encourage conversion:

“Reform Judaism is not missionary but sees no reason why a person should not become Jewish if they so wish. This is especially the case if the person is engaged or married to a Jew, and their conversion will help unify the family and ensure that any future children will be brought up in the Jewish faith.”⁴⁶

❖ **Jewish Status**

Across the spectrum of Judaism in the UK from Ultra-Orthodox to Reform there is a commitment to Jewish status determined by matrilineality only. Children with Jewish fathers but non-Jewish mothers are not considered officially Jewish. In August 2008, Jonathan Romain, Rabbi of Maidenhead Reform Synagogue, asked whether given the rise of mixed-marriages it might be possible to find a compromise:

“Rather than simply dismiss [patrilineals] as non-Jews, is it not the task of the Beth Din to find ways of including them in the wider family of Judaism? It might be on an individual case-by-case basis, or through finding a collective formula.”⁴⁷

⁴⁶ ‘Conversion’, The Movement for Reform Judaism website. See: <http://www.reformjudaism.org.uk/a-to-z-of-reform-judaism/?id=28>

⁴⁷ Jonathan Romain, “Why Britain needs and alternative Beth Din” The Jewish Chronicle, 28 August, 2008. See: <http://www.thejc.com/articles/why-britain-needs-alternative-beth-din>

Conclusion

The term 'Jewish courts' is misleading: the Beth Din is not a legal court. Instead, it offers members of the Jewish communities two separate services – civil arbitration and religious rulings – neither of which constitute a parallel legal system.

Under the Arbitration Act (1996) all British citizens have the right to resolve civil – and not criminal or family – disputes through arbitration, however decisions can be legally overturned if they are deemed unreasonable or contrary to public policy.

Separately, the Beth Din provides religious rulings on personal issues of faith which are voluntary, non-binding and limited to an individual's private status. Individuals also have the right to consult religious figures as a precursor to a family court case but this is always subject to the authority of the civil courts.

The Beth Din's rulings are often seen as religiously and morally binding – some members of the Jewish communities seek a religious divorce, for example, because they feel it is necessary to maintain a sense of honour within their community. The threat of social opprobrium can lead to abuse in a minority of cases, particularly amongst the close-knit Ultra-Orthodox communities who see women as the bearer of traditional notions of honour and sometimes question the necessity of civil law.

Elsewhere, however, reinterpretations of Jewish law within branches of progressive Judaism challenge traditional patriarchal religious divorce rules. Similarly, the Divorce (Religious Marriages) Act (2002) – lobbied for by the Orthodox communities – compels the Beth Din to issue a religious divorce if either party to a civil divorce requires it and safeguards against the religious divorce being used as a bargaining tool. The Act is open to all religious groups in the UK though no others have taken advantage of it.

The Beth Din, therefore, is neither a legal court nor a parallel legal system. In both arbitration cases and religious judgements, Beth Din rulings or advice can only be reflected in UK law if both parties freely agree and the decision is approved by the civil courts. The Beth Din facilitates consensual arbitration within – and not outside of – the national legal framework laid out in the Arbitration Act (1996). Similarly, the Divorce (Religious Marriages) Act (2002) does not grant the Beth Din legal recognition: rather it compels Jewish individuals and the Beth Din to reflect the situation according to UK law – not act outside it.

GLOSSARY

- ♦ **Agunah (plural Agunot)**

A woman who is 'chained' to her Jewish husband who refuses to grant her a Get (Jewish divorce document). A man will also be an **Agun (plural Agunim)** if his wife refuses to accept a Get.

- ♦ **Beth Din (plural Batei Din)**

Court of Jewish religious law.

- ♦ **Cohen (or Kohen, plural Kohanim or Cohanim)**

A Hebrew priest; a direct male descendant of the Aaron, the brother of Moses.

- ♦ **Dayan (plural dayanim)**

Judge in a Jewish court

- ♦ **Get (plural Gittin)**

Jewish divorce document

- ♦ **Halachically Jewish**

A status that applies to any person whose ancestors on the maternal side were Jewish, as recognised by an Orthodox Beth Din or someone who has undergone a conversion to Orthodox Judaism.

- ♦ **Mamzer (plural Mamzerim)**

A Jewish child whose status is religiously 'illegitimate'. Such a child, together with any descendants, cannot marry in accordance with Orthodox Jewish law. A child will be a mamzer if he or she is born to a Jewish mother who married her husband in an Orthodox Synagogue but who did not obtain a Get from him before she became pregnant by another Jewish man with that child – even if she did obtain a civil divorce.

Source: Faith, Sharon and Deanna Levine, *Getting your Get*, 6th ed (Cissanell Publications; 2008) p.28. See: http://www.gettingyourget.co.uk/sixth_2008_edition_15-5-08.pdf

Faith, Sharon and Deanna Levine, 'Divorce, Religion and the Law', *Family Law Journal (Legalease)*, December 2002/January 2003, pp. 18-20.

See: [http://www.gettingyourget.co.uk/GyG_-_scanned_articles_for_website_\(17-8-08\)%5B1%5D.pdf](http://www.gettingyourget.co.uk/GyG_-_scanned_articles_for_website_(17-8-08)%5B1%5D.pdf)

The Centre for Social Cohesion

The Centre for Social Cohesion (CSC) is a non-partisan think-tank that studies issues related to community cohesion in the UK. Committed to the promotion of human rights, it is the first think-tank in the UK to specialise in studying radicalisation and extremism within Britain. The CSC is headquartered in London, and was founded in 2007 to promote human rights, tolerance and greater cohesion among the UK's ethnic and religious communities and within wider British society.

CSC publications include:

Hate on the State:

How British libraries encourage Islamic extremism

Crimes of the Community:

Honour-based violence in the UK

Virtual Caliphate:

Islamic extremists and their websites

Islam on Campus:

A survey of UK student opinions

Victims of Intimidation:

Freedom of speech within Europe's Muslim communities

The West and the Future of Islam

A Debate between Ayaan Hirsi Ali and Ed Husain



The Centre for Social Cohesion