

Coercive Control: An Old-New Way of Understanding Domestic Abuse and Get Refusal

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Typically, domestic abuse is conceived of as something physical, along the lines of cuts and broken bones, sexual violence, and even murder. However, the emphasis on physical violence can often cause us to miss the true picture of abuse, which is more complicated and insidious than we might think. To better capture what really takes place in abusive relationships, experts have coined the term “coercive control,” which consists of several different behaviors, all done with one goal in mind: to control and dominate one’s partner.¹

Though coercive control is not limited by gender, men are by far the worst offenders, and nearly every case of *get* refusal that comes before the International Beit Din was preceded by a marriage where coercive control was present. It usually starts at the beginning of the relationship when the man attempts to socially isolate his partner.² Before the marriage, a woman will have a close relationship with friends and family, but after the wedding, they begin to see her less and less. Usually, the husband will justify this distance by claiming that it is important that they spend time together as a couple away from others, or he will actively prevent her from making plans with friends and family. Social isolation is often accompanied by the husband’s attempts to control his wife’s behavior. It may start with small things, such as comments that the dishes must be done a certain way or that the food must be cooked in a particular fashion, but it can quickly escalate. What begin as demands

¹ The concept was developed by Evan Stark. See, for example, his *Coercive Control: How Men Entrap Women in Personal Life* (Oxford, 2007), and Lisa Fontes, *Invisible Chains: Overcoming Coercive Control in Your Intimate Relationship* (Guilford, 2015).

² For a clear description of what this can look like, see Lisa Fontes, *Invisible Chains*, 14-30.

about how she must act in the home soon become dictates about what she can or cannot do in public.

While many of us may imagine that we would refuse to comply with attempts at social isolation and control from a marital partner, many otherwise independent women can be snared by this gradually escalating behavior. The price of non-compliance can be high. Refusing to give in to the husband's demands often leads her to be cruelly punished in the form of lengthy periods of silence, the denial of sexual intimacy, and other vengeful acts.³ Even more problematically, the husband's demands are often coupled with additional acts of humiliation and intimidation that take their toll on his wife's psyche. He might insult her by demeaning her appearance and attacking her insecurities, and he will often lie, making his wife think she is the cause of the marital problems, a behavior commonly known as gaslighting.⁴

Intimidation and threats of violence are particularly effective in ensuring that the wife submits to her husband's coercion. An abusive husband will often engage in extreme behavior to scare his wife and make clear what will happen if she defies him. When angry, he might violently punch a wall, smash dishes on the ground, or drive dangerously. Sometimes, the threat of violence need not even be spoken.⁵ Instead, one day, he may come home with a gun, claiming it is for their protection even as she knows it is most likely to be used against her. Over time, the threats intensify, and the violence along with them, though not always in ways we might expect. One of the most common, yet least recognized, forms of violence in a marriage is sexual violence. Husbands who engage in coercive control often rape their wives and perform other violent sexual acts as a way of humiliating their wives and demonstrating their control.⁶

Though survivors of coercive control may experience physical violence, they often make clear that it pales in comparison to the emotional

³ Fontes, *Invisible Chains*, 42-44.

⁴ Fontes, *Invisible Chains*, 44-56.

⁵ Fontes, *Invisible Chains*, 36-39.

⁶ Fontes, *Invisible Chains*, 51-54. Fontes notes that when rape occurs in a relationship, it is an indication that the woman's life may be at risk.

and psychological abuse they experience. “The violence was not the worst part” is a tragic refrain we’ve become all too familiar with at the International Beit Din. Rather, it is the husbands’ steady stream of threats and humiliations that often leaves women wracked by anxiety and depression. Because they are isolated from friends and family, they cannot easily ask for or obtain help. In addition, the husbands often take steps to put finances under their sole control so that their wives cannot easily access money and leave if necessary.

Though coercive control may be a newer concept, halakhah is no stranger to the profound suffering this kind of control can impose in the context of marriage. More than a decade ago, Rabbi Shlomo Daichovsky of the Israeli Chief Rabbinate issued an important ruling in a case involving a husband who had not been physically abusive but had emotionally and psychologically abused his wife for many years. Rabbi Daichovsky made clear that the husband had no choice but to divorce his wife and declared unambiguously that “Psychological violence is worse and often more dangerous than physical violence. Trampling a person’s dignity, turning them into human dust, a rag and nothing more is worse in many cases than physical violence.” In this case, the abuse took a profound toll on the woman, and he notes that she “sought to commit suicide several times . . . [w]e are talking about a case of absolute despair caused by his actions, and a life of sorrow, pain, and humiliation; a woman enters marriage to live and not to suffer.”⁷

Coercive Control and the Divorce

In marriages where there is coercive control, the most dangerous time for wives is when they attempt to leave. If they feel their control slipping away, abusive husbands are liable to become extremely violent and do anything they can to stop their wives from leaving. As long as

⁷ See Case 016788168-21-1 as cited in *Ha-Din Ve-Ha-Dayan*, vol. 1, Adar, 5763 (2003), 6. Rabbi Yosef Kapach makes a similar point regarding a case of spousal abuse where he writes that “physical wounds can heal and be forgotten, but psychological wounds leave behind disgusting scars that last forever and cannot be healed.” See *Edut be-Yehosaf*, 37.

their wives are within their grasp, they will abuse her, and even if she is able to escape, the trauma does not end, for they will use the divorce process to further exert their control over their wives even after their physical separation. During the civil divorce, abusive husbands attempt to manipulate the legal system and drag out proceedings with the aim of preventing their wives from receiving what they deserve. This problem is only compounded in the Jewish divorce, where only the husband can end the marriage by giving his wife the *get*. For husbands with a history of coercive control, refusing to give a *get* is not just incidental but central to how they operate. It serves not only as an act of revenge but also as their last opportunity to dominate their wives. As long as they can prevent her from marrying anyone else again, they ensure she remains forever under their control.

In our experience, nearly every case of *get* refusal is preceded by a marriage where coercive control is present, and unfortunately, *batei din* can often become an unknowing party to it. Even in situations where an abused woman does manage to find a sympathetic rabbinic ear, few if any *dayanim* (rabbinic judges) are trained to understand the dynamics of abuse, nor do they typically have experience working with survivors of trauma. Further, because *dayanim* have little or no leverage over a recalcitrant husband, they often go out of their way to accommodate him, even if they believe he is in the wrong, out of the hope that it will lead him to give the *get*. In doing so, however, their actions facilitate extortion and further traumatize the woman.

In one particularly egregious case, a client of ours turned to her local *beit din* after years of an abusive marriage in which she had been subjected to all forms of coercive control: social isolation, financial control, humiliation, and intimidation. However, the *beit din* did not want to summon the husband to court because they were concerned that even a hint of pressure might cause him to withhold the *get*. After years of waiting, she was eventually notified that her husband had given the *get* and that she could come to the *beit din* to receive it. Yet when she arrived, suddenly, the story changed. Now the *dayanim* said she could only get it if she was willing to give in to her husband's demands. Hearing

the rabbis encourage her to give in to her husband's extortion left her stunned. After years of his coercive control, it felt as if he had violently humiliated her once more, this time empowered by those she looked up to as moral and religious authorities. As a result, she immediately began to spiral into a dark depression marked by thoughts of suicide.⁸

There is Nothing New Under the Sun

According to most halakhic authorities, acts of physical violence by the husband towards his wife are clear grounds for divorce. In these circumstances, not only is the husband obligated to give the *get*, but he can be physically coerced to do so.⁹ However, not only acts of physical violence can force a husband to divorce his wife. A careful examination of halakhic literature reveals that the rabbis were sensitive to the ways coercive control could manifest in a marriage. They consistently ruled that acts of social isolation, humiliation, and intimidation by the husband towards his wife required the husband to divorce her and give the *get* immediately without any qualifications.¹⁰

Though most assume Massechet Gittin is the Talmudic tractate dedicated to divorce, it is only Massechet Ketubot, and the seventh chapter in particular, where one finds the laws about when a marriage must end. Some of the issues discussed include what happens if the husband

⁸A compelling case can be made that every *agunah* is a situation of *pikuach nefesh*. See, for example, Responsa, *Ein Yitzchak*, vol. 1, Even Ha-Ezer 11, where he argues that if a person is excluded from marrying and properly participating in communal life, it is a fate worse than death and is to be considered *pikuach nefesh*. Therefore, every effort must be made to find halakhic leniency that would allow them to do so.

⁹The topic is an extensive one. For an overview of the halakhic issues, see *Ataret Devorah*, vol. 2, siman 92, 662-672; *Mishpat Ha-Get*, vol. 2, 644-642; *Elu Kofin Le-Hotzi*, 123-133. For a historical overview, see Avraham Grossman, *Pious and Rebellious: Jewish Women in Medieval Europe* (Brandeis, 2004), 212-230; Naomi Graetz, *Wifebeating in Jewish Tradition*, Jewish Women's Archive, <https://jwa.org/encyclopedia/article/wifebeating-in-jewish-tradition>.

¹⁰It should be noted that most Rishonim understand the mishnah as requiring the husband to immediately give the *get* but not necessarily permitting the *beit din* to physically coerce him to do so. An exception to this is the *teshuvah* of the Tashbetz discussed below.

or wife violates halakhic practice or develops blemishes that negatively impact the marital relationship. However, in the first few *mishnayot* of the chapter, the issue of coercive control is most prominent. Each one describes a case where the husband or wife makes restrictive vows that impact the other party in severely negative ways, thereby requiring the marriage to end. In the first example, the husband makes a vow that his wife cannot receive benefit from him, which requires him to appoint a third party who will do so using his finances. If the vow continues for any length of time, he must divorce his wife. As mentioned, withholding intimacy or financial support is a common tactic of coercive control.

One who prohibits his wife by a vow from benefiting from him—up to a month, he must appoint a provider; beyond this, he must divorce her and pay the *ketubah*. R. Judah says: For an Israelite—one month, he maintains; two months—he divorces and pays the *ketubah*; and for a priestess—two months, he maintains; three months—he divorces and pays the *ketubah*.¹¹

The Talmud, however, questions the husband's ability to make such a vow, for the marriage contract obligates a husband to support his wife.¹² As a result, it interprets the mishnah as a case where the husband refused to support his wife but permitted her to keep her own financial earnings, which would normally go to him, and support herself from them. He must only appoint a third party to provide for her if she cannot get by on her own. Either way, it is clear to the rabbis that withholding in this

¹¹ Ketubot 7:1. Translation from *The Oxford Annotated Mishnah* (Oxford, 2022).

¹² Ketubot 70a. It should also be noted that the language of “one who prohibits his wife by a vow” is somewhat vague, for a husband cannot make a vow that restricts his wife's behavior. This is another reason why the Talmud reinterprets the mishnah as it does. For a critical historical reading of this mishnah and the ones that follow, see Shmuel Safrai, *Mishnat Eretz Yisrael: Ketubot*, vol. 2 (Michelet Lifshitz, 2023), 415-423.

fashion is a clear sign there has been a breach of the marital relationship and that the wife must leave.

The next *mishnayot* involve more direct examples of coercive control in which a vow is made that would prevent the wife from eating fruit or adorning herself with jewelry.¹³

One who prohibits his wife by a vow from tasting any one fruit—he divorces and pays the *ketubah*. R. Judah says: For an Israelite—one day, he maintains, two—he divorces and pays the *ketubah*; and for a priestess—two, he maintains, three—he divorces and pays the *ketubah*. One who prohibits his wife by a vow from adorning herself with any one sort of adornment—he divorces and pays the *ketubah*. R. Yose says: For poor women—if he did not set a limit; and for wealthy women—thirty days.¹⁴

At first glance, the meaning of these *mishnayot* is not completely clear, for a husband does not have the power to make a vow that restricts his wife's behavior.¹⁵ As a result, the Talmud offers two different interpretations of the mishnah, both of which assume the wife is the one who initially makes the vow and that the husband chooses not to nullify it.¹⁶ His unwillingness to do so, in the eyes of the rabbis, indicates a breakdown

¹³Though it could be argued the first mishnah is also an example of coercive control, in which the husband vows not to support his wife, the Talmud ultimately understands it as a case in which the husband refuses to support his wife, but she can keep any income she might earn as her own.

¹⁴Ketubot 7:2. Translation from *The Oxford Annotated Mishnah* (Oxford, 2022).

¹⁵See Talmud Yerushalmi, Ketubot 7:2.

¹⁶See Ketubot 71a, which states that the wife made a vow that eating a particular fruit or adorning herself with jewelry is forbidden to her. On Ketubot 71b, it states that the case in the mishnah is slightly different. It is one where the wife makes a vow that if she adorns herself with jewelry, she will be forbidden to have sexual relations with her husband. In both cases, the husband's refusal to nullify the vow is seen as a sign the marriage must end.

of the marital relationship that requires the marriage to end. However, Tosafot offers a third approach.¹⁷ Though the husband cannot make a vow that directly restricts his wife's behavior, he can make a vow that sexual relations with her will become forbidden to him if she violates a condition he has made clear. For example, he can say, "If you eat from a particular fruit or adorn yourself, the pleasure of sexual relations with you shall be forbidden to me."¹⁸ Though one should always be cautious about reading rabbinic texts through the lens of modern concepts, it is noteworthy how similar the cases in the Mishnah are to modern examples of coercive control. Through making a vow, the husband attempts to control his wife's behavior regarding matters of food and dress, both classic examples of coercive control. Furthermore, he exerts this control through the threat of withholding sexual relations, a common intimidation tactic used by husbands.¹⁹

Social Isolation

If this were the only instance of the rabbis showing concern for coercive control in the context of a marriage, one would have a right to be skeptical. However, the *mishnayot* that follow only seem to confirm that the rabbis were aware of the behaviors that make up coercive control and understood just how problematic they were. The very next mishnah

¹⁷Tosafot, Ketubot 71a, s.v. *bishlema le-rav*. The approach of Tosafot is also cited by the Ramban, Ketubot 71a, s.v. "ha" and with slight variation by the Ran as brought in the *Shita Mekubetzet*, Ketubot 71a, s.v. *bishlema le-rav*. According to the interpretation of the Magid Mishnah (Hilchot Ishut 12:24), this is also the approach of the Rambam as well; however, it should be noted that the Rambam is only explicitly like Tosafot regarding a vow made by a husband that his wife cannot go to her father's home. See Hilchot Nedarim 10:12.

¹⁸The approach of Tosafot was codified by the Shulchan Aruch and affirmed by numerous Achronim. See Tur, Even HaEzer 72; Shulchan Aruch, Even HaEzer 74:1; Chelkat Mechokek, Even HaEzer 74:2; Beit Shmuel, Even HaEzer 74:1; Shulchan Aruch, Yoreh Deah 235:3; Taz, Yoreh Deah 235:5; Shach, Yoreh Deah 235:11.

¹⁹For additional sources on the danger of a husband using threats or intimidation with his wife, see Gittin 6b-7a; Responsa, Mabit 2:158. For general sources on the prohibition of threatening another, see Sanhedrin 58b; Rambam, Sefer Ha-Mitzvot, prohibitions, 300; Semachot 2:4-5; Responsa, Iggerot Moshe, Yoreh Deah 4:30.

states that if a husband attempts to socially isolate his wife from her family and the wider community, this too is grounds for divorce, and he will be required to give the get.

One who prohibits his wife by a vow from going to her father's house—when he is with her in the town: one month—he must maintain her, two—he divorces her and pays the *ketubah*; and when he is in another town, one festival—he must maintain her, three—he divorces her and pays the *ketubah*. One who prohibits his wife by a vow from going to a house of mourning or to a house of celebration—he divorces and pays the *ketubah*, because he has locked [the door] before her.²⁰

The examples in the Mishnah can perhaps best be understood as attempts by the husband to prevent his wife from spending time with her family and friends. In the time of the Mishnah, it was understood that even during marriage, a wife would visit her father's home and that this was something to be encouraged.²¹ While some leeway is given to the husband to limit the frequency of these visits, he cannot cut off the relationship and must allow his wife to visit her father's home at least several times a year. If he tries to socially isolate his wife, he will be required to divorce her. A similar concern is stated regarding attempts by the husband to stop his wife from going to communal activities, whether they be a house of celebration, typically understood to be a wedding or *sheva berachot*, or a house of mourning. By being unable to go to a house of celebration, the wife loses an important opportunity to socialize with others. However, it is not obvious to the Talmud why there should be a

²⁰ Ketubot 7:4-5; Translation from *The Oxford Annotated Mishnah* (Oxford, 2022).

²¹ See, for example, Pesachim 8:1, where it is assumed that a wife will spend her first *regel* after the wedding at her parents' home, a custom that is also mentioned in Shir HaShirim Rabbah 8:2.

problem if she cannot go to a house of mourning. What benefit could there be for her there? The Talmud eventually concludes that if she were not to attend houses of mourning, “tomorrow she will die, and there will be no one to eulogize her.”²² The rabbis understood that the Jewish community is held together by a contract of sorts, and that if one does not participate and assist others in need, no one will do so in return. A husband’s attempts to socially isolate his wife are driven by this very logic. If his wife does not stay in contact with members of her community, no one will think to check on her and perhaps discover the abuse.

According to some Rishonim, the vows made by the husband in these examples should be understood along the same lines as the previous *mishnayot*. He vows that were she to go to her father’s home or to a house of mourning or celebration, sexual relations with her will become forbidden to him.²³ However, a more striking interpretation is suggested by the Ri Migash, who notes that the examples of the mishnah cannot be explained as situations where the wife makes a vow that the husband refuses to nullify. Unlike vows made by a wife that restrict food and dress, vows that restrict movement are not within the husband’s purview to nullify. Instead, the Ri Migash suggests that the mishnah should be understood as a case where the husband made the vow preventing his wife from going to her father’s home, a house of mourning, or a house of celebration out of the misplaced belief that he had the halakhic power to do so. After this, any time she might attempt to go to her father’s house, he would physically restrain her.²⁴ Ri Migash notes that even if the husband were told his vow had no effect, he wouldn’t listen, implying that his desire to prevent his wife from leaving had nothing to do with halakhah but reflected his own need to control her.

A husband’s attempts to socially isolate his wife are also discussed elsewhere in the Talmud, where the behavior of Papos ben Yehuda is condemned; he “would lock the door before his wife and leave” when

²² Ketubot 72a.

²³ See Rambam, Hilchot Nedarim 10:12 and Ritba as cited in Shita Mekubetzet, Ketubot 71b.

²⁴ See Ri Migash as cited in the Shita Mekubetzet, Ketubot 71b.

he left his home.²⁵ According to Rashi, he did this to prevent her from speaking with other men, but in doing so, he created enmity between him and his wife, which permanently damaged their marriage.²⁶ The Rambam further develops this theme and clarifies that a wife “is not in prison [in her own home] such that she cannot come and leave.”²⁷ It is important to know that in many of the cases that have come before the IBD, husbands do go so far as to make their wives prisoners in their own homes. It is not uncommon that he threatens to hurt her if she tries to leave and even takes away her car keys or siphons gas from her car to keep her trapped in their home.

Humiliation

At the end of the *mishnayot* related to restrictive vows between a husband and wife, one final and important example of coercive control appears. The Mishnah states that if a wife requests her husband nullify a vow that she has made but he responds that he will only do so on condition that she act in a way that publicly embarrasses herself, he must divorce her immediately. The husband is clearly attempting to humiliate his wife by acting in a way that she would find degrading.

If he said to her [your vow will only be void]:
“On condition that you tell so- and- so what you
said to me,” or “what I said to you,” Or “that she
should fill up [a container] and pour it out on
a dungheap,” he must divorce her and pay the
ketubah.²⁸

²⁵ Gittin 90a.

²⁶ See Rashi, Gittin 90a, s.v. “Papos”

²⁷ Rambam, Hilchot Ishur, 13:11. That said, the Rambam does write that a woman shouldn’t leave the home too frequently because it would be inappropriate, but as Rabbi Nahum Rabinovitch notes in his commentary *Yad Peshuta*, the Rambam does not say a woman’s comings and goings should be limited as long as there is a reason for them.

²⁸ Mishnah, Ketubot 7:5. Translation from *The Oxford Annotated Mishnah* (Oxford, 2022). Words in brackets added by this author.

In the first example, the husband says he will not nullify the vow unless his wife first shares details of their intimate conversations with others.²⁹ The Talmud concludes that there is no constructive purpose for this other than to cause her embarrassment, and therefore, if he makes this demand, he is required to divorce her. The same applies if the husband says he will not nullify her vow unless she fills up a container of water and pours it out on the ground. Though this may not seem like a dramatic request, the Talmud clarifies by citing a *baraita* that the husband's intention was for her to do this not just once but ten times. By doing something so absurd in view of the public, she would appear mentally unstable and experience great humiliation.

In its discussion, the Talmud expands upon the examples of this *mishnah* by citing an additional case where a husband vows that his wife must not loan or borrow any household items to or from their neighbors.³⁰ This is problematic because, by being unable to share with others, she will develop a bad reputation in the eyes of her neighbors. Therefore, any attempt by the husband to control his wife in this way will require him to give the *get* immediately.

For some *poskim*, this ruling provides clear justification that even when no vow has been made, a wife does not need to submit to unreasonable demands made by her husband that would cause her shame and embarrassment. When asked how a woman should respond if her husband tells her to go out in their yard and pretend she is riding an imaginary horse, as kids do, or to act like a donkey or dog, Rabbi Yosef Chaim of Bagdad (1835-1909) states in unambiguous terms that she can refuse to do this if it will cause her embarrassment.³¹ As proof for this position, he cites the Talmud in Ketubot that a wife need not listen to her husband if he demands that she fill up water and spill it out on the

²⁹ Ketubot 72a.

³⁰ Tosafot once again make clear that if the wife does not listen to the husband's demands, the consequence will be that sexual relations with her will become forbidden to him. See Tosafot, Ketubot 72a, s.v. "hamadir et ishto shelo tishal."

³¹ Responsa, Torah Lishma 319. See also Torah Lishma 270 where this logic is used to justify why a son need not listen to his father if he asks him to act in ways that will cause him embarrassment.

ground, for in both cases, the wife is made to appear mentally unstable in public and would be humiliated.

Financial Control

Elsewhere in Ketubot, the Mishnah discusses a husband's attempt to control his wife's use of the household finances, an issue that frequently emerges in cases of coercive control. The Mishnah states:

One who sets his wife up as a shopkeeper or appoints her as a guardian may exact an oath from her any time he wishes. R. Eliezer says: Even concerning her spindle or her dough.³²

According to the Mishnah, a husband may designate his wife as his shopkeeper, allowing her to function as his legal agent and run his store. However, along with this responsibility comes the right of the husband to make his wife take an oath at any time that she has not taken any of the store's proceeds for herself or spent them without her husband's permission. Rabbi Eliezer then adds that a husband can also force his wife to make a similar oath regarding the finances of their home, what he describes as matters of "her spindle or her dough."

In commenting on this mishnah, the Talmud debates whether Rabbi Eliezer's position applies only if the husband has already appointed his wife to be his shopkeeper. On the one hand, it is perhaps logical to allow a husband to make his wife take an oath regarding the finances of their home if she is already required to do so due to her role at his store. However, the Talmud ultimately concludes that we do not rule like Rabbi Eliezer, and therefore it limits the husband's ability to make his wife take a vow regarding the household finances. The reason for this is clear. If he had the power to do so, he could be overly exacting and controlling, demanding that she constantly take vows that she has

³²Ketubot 9:4. Translation from *The Oxford Annotated Mishnah* (Oxford, 2022), 113.

not misspent their money, thereby making the marital relationship intolerable.³³

Tosafot, on the *sugya*, explore a similar question by citing the Talmud Yerushalmi, which asks whether a wife is financially liable if she were to break something in the home. Given that her husband is most likely the legal owner of their possessions, would she be obligated to pay him for the damages? According to the Yerushalmi, the answer hinges on whether the wife would be considered as one who is paid to watch another's property (*shomer sachar*) and would be fully liable no matter how the objects became broken or whether she is like one who is not paid to watch another's property (*shomer chinam*) and may not be liable in all circumstances. In the end, the Yerushalmi concludes that a wife is neither a *shomer sachar* nor a *shomer chinam* and is exempt from all damages due to a *takkanah* of the rabbis. If this were not the case, the Yerushalmi explains, any damage in the home would cause a legal dispute, and "there would be no peace in the home at all."³⁴

The ruling that a husband may not control his wife's access to the household finances is later affirmed by Mahari Mintz (1405-1508) when asked whether a husband can prevent his wife from giving *tzedakah* to her sister. He explains that as long as the couple has the financial means, the husband cannot stop her and derives his ruling by citing from the mishnah and gemara mentioned above.

If her sister is in need of *tzedakah*, and she wants to give to her family members, this is correct behavior according to her wealth like all wealthy women, and her husband cannot stop her. As it is taught (Ketubot 7:5), One who prohibits his wife by a vow from going to a house of mourning or to a house of celebration, he divorces and pays the *ketubah*, because he has locked [the door] before her. In the Talmud, Rabbi Huna says "One who prohibits his wife by a vow from borrowing or loaning a sifter, sieve, or millstone, he must divorce his wife and pay the *ketubah*,

³³ See Ketubot 86b. Rambam, Hilchot Sheluchin ve-Shutafin 9:4; Shulchan Aruch, Even HaEzer 97.

³⁴ Tosafot, Ketubot 86b, s.v. Rabbi Eliezer. Talmud Yerushalmi, Ketubot 9:4; Rambam, Hilchot Ishut 21:9.

because he gives her a bad name. Therefore, one learns that regarding all the ways of women, even those things which cost money, a husband cannot prevent his wife from doing them. All the more so regarding neutral matters he cannot stop her, and even more so regarding the giving of *tzedakah*, which is a great mitzvah.³⁵

***Teshuvot* on Coercive Control**

In turning to the responsa literature regarding cases of abuse, one also finds important *teshuvot* from major halakhic authorities, both Rishonim and Achronim, which make clear that attempts at coercive control are grounds for requiring a husband to divorce his wife.³⁶ One of the most significant was written by the Tashbetz, Rabbi Simeon ben Zemah Duran (1361–1444), who was originally from Spain but spent most of his rabbinic career in Algiers. He was asked about the following case:

Regarding a woman whose husband causes her to suffer to such a degree that she despises him, and everyone knows he is a very difficult man. She cannot tolerate him because of the many fights and squabbles. Also, he starves her until she hates life, and she cannot go to the *beit din* because one of the judges threatened her that if she comes to *beit din* and asks for her *ketubah*, she will lose it.

It should be noted that several important points emerge from the description of the case. First, one must know that most *teshuvot* on the subject of abuse and divorce rarely provide much, if any, background to the case. Usually, it's no more than a sentence or two. While it may

³⁵ Responsa, Mahari Mintz, 7.

³⁶ For additional *teshuvot* regarding cases in which it appears there is emotional and psychological abuse but not physical violence, see Responsa, Yachin u-Boaz 2:44; Responsa, Maharsham 5:38.

appear that the Tashbetz's description of the case isn't much more than this, he still includes key details that provide important context. Though he does not mention that the husband's abuse included hitting his wife, it is clear he fought with her and acted in ways that caused her serious emotional pain and suffering.³⁷ What clarifies this as a case of coercive control is the fact that the husband not only fought with his wife but restricted her access to food, effectively starving her. This kind of behavior is not uncommon in cases of coercive control, where a husband prevents his wife from receiving basic resources such as food or medical care to show his dominance.

The case description also includes another important detail. When the wife approached a *dayan* to raise the issue of divorce, he not only refused to act but told her that if she appealed to the *beit din*, she would lose her *ketubah*, her only financial asset in the context of the marriage. As mentioned earlier, rabbis often fail to recognize the significance of coercive control in marriage and the impact it has on the one being abused. Their failure to intervene can lead to a wife's being trapped for many years and can even put her life at risk. While it's unclear whether the rabbi in this particular case understood the extent of the abuse, his actions only reinforce the power of the abusive husband and grant him the appearance of religious sanction.

In his ruling, the Tashbetz makes a direct comparison between the abusive behavior of the husband and the example from the mishnah discussed above of a husband who makes restrictive vows on his wife. He even goes so far as to note that the abuse in the case before him exceeds that described in the mishnah.

Even when a husband prohibits his wife by a vow,
where there isn't so much suffering caused, the

³⁷ Though this *teshuvah* is often cited as a precedent that a husband can be compelled to give the *get* in cases where a husband hit his wife, a close reading makes clear that there was no direct physical violence. This is also made clear by the Maharsham, who cites this *teshuvah* as precedent for a case in which there was no physical violence. See Maharsham 5:38.

rabbis say he must divorce her and give her the *ketubah*, as it says in many places (Ketubot 70a, 71b). All the more so this is true when the suffering is frequent and we must say that he should divorce her and give the *ketubah*, for a person cannot live together with a snake in a basket.³⁸

To fully capture the suffering of the wife, the Tashbetz invokes a Talmudic principle that being trapped in a marriage with an abusive husband is like being forced to “live together with a snake in a basket.” The end result is that one is constantly bitten and always in pain. To emphasize this point, he also cites verses from Mishlei, which make clear that one would rather be poor but live with those one loves than be rich and live with one who hates them.

As it is explained in the Torah, “Better a dry crust with peace than a house full of feasting with strife” (Proverbs 17:1) and it is also written, “Better a meal of vegetables where there is love than a fattened ox where there is hate” (Proverbs 15:17). Fighting is more difficult than lacking food, and what good is there for a woman whose husband causes her to suffer by quarreling with her every day.

The seriousness with which the Tashbetz treats the woman’s suffering is clear when reading the *teshuvah*, and he eventually rules that not only must the abusive husband divorce his wife, but he can be compelled to do so. Part of this ruling stems from his concern that if there are no consequences for the husband’s actions, he can use the halakhah as a weapon against his wife. In effect, he would not only be able to abuse

³⁸This same *kal v’chomer* is made by the Rashba and the Gra regarding actual physical violence. See Responsa, Rashba (attributed to Ramban) 112; Beur Ha-Gra, Even Ha-Ezer 154:10.

his wife, but the law would allow him to get away with it.³⁹ The Tashbetz also addresses the role of the *dayan*, who, consciously or not, aided and abetted the abuse. Not only does he make clear that the *dayan*'s actions were wrong, but he states that the *dayan* should be excommunicated for failing in his role as a religious leader.

Another important *teshuvah* dealing with coercive control was written by Rabbi Yehudah Miller (1660-1751). Though not well-known today, in part because his *teshuvot* remained in manuscript and were only published recently, Rabbi Miller was a leading halakhic authority of German Jewry during the 18th century. He was a contemporary of rabbinic figures such as the Chacham Zvi and the Shevut Yakov. Their writings contain correspondence with him, which make it clear they held him in high regard.

Part of what distinguishes this particular *teshuvah* is that it contains perhaps the most extensive description of any divorce case from the pre-modern era. The case involves a woman named Rachel who was cruelly abused by her husband for many years and made numerous attempts to leave the marriage. As in the case of the Tashbetz, the husband, for the most part, did not physically abuse his wife but instead engaged in coercive control through a variety of means such as social isolation, humiliation, and intimidation. Though written nearly three hundred years ago, the *teshuvah* presents a nearly textbook description of coercive control as it is understood today. Nearly every detail cited in it has also taken place in cases that have come before the IBD.

The beginning of his [the husband's] corrupt behavior was that he became extremely angry when his wife refused to listen to him and steal precious objects from her father's house. He regularly fought with her until several times in the depth of winter he would close the door to their bedroom and make her stand outside all night. He said many horrible things to her and would curse her and parents. Eventually he

³⁹He cites God's words of condemnation regarding the actions of Ahab and Jezebel, who hired men to give false testimony against Nabot so that he would be killed and they could take possession of his vineyard. God says, "Would you murder and take possession?!" See Kings 1, 21:19.

did not speak to her out of increasing anger for three straight days and would not allow her to enter their bedroom. He regularly would seclude himself with single and married women, both Jewish and not Jewish, by telling them to make his bed. His wife would ask him why he secluded himself with women forbidden to him. She even tried to push her way into the room, but he would keep the door closed. The women would be with him for several hours such that all the people of the community would speak about it. The wife's parents would rebuke him, but it was to no avail.⁴⁰

At the beginning of the marriage, the husband tried to coerce his wife into stealing from her parents, an action presumably meant to cause her humiliation and make clear that she must submit to his control. In addition, he would verbally abuse her on a daily basis and force her to sleep outside their room in the cold as a way of punishing her when she defied him. This was combined with a refusal to speak with her for days, causing her to feel alone and isolated in her own home. To add insult to injury, the husband also engaged in extramarital affairs, which he flaunted before his wife and which were known to the entire community.

Rabbi Miller goes on to describe how, eventually, the woman became pregnant, but as her due date approached, her husband took the house key from her, effectively making her a prisoner in her own home. Because she feared he would not even call for a midwife to assist in the delivery, she decided to flee to save her life and that of her unborn child. Somehow, she managed to reach her parents' house, where she was able to find temporary refuge, but the husband would not relinquish control over her. He used his connections with the non-Jewish authorities to compel her to return to him, and when she did, the abuse only worsened. Like the examples in the Mishnah, the husband took away his wife's jewelry and left her without proper clothing while also preventing her from seeing her parents for many years. Though he refused to have sexual relations with her, he still forced her to go to the *mikvah* and then lied publicly that she had cheated on him and that because he was a kohen, she was now forbidden to him. The abuse reached its

⁴⁰ Responsa, Rabbi Yehudah Miller, 14.

peak when, despite having not had sexual relations with her for some time, he cruelly raped her.

The level of detail presented above is rare in *teshuvot*, and it only further heightens the sense that Rabbi Miller felt it was essential that the abuse be clearly documented so readers would understand the pain and suffering that had taken place. Using poetic rabbinic language, he offers an essential insight understood by all victims of trauma and abuse. No matter how many words they try to use to describe what has happened to them, they are never enough to capture the full depth of what they experienced.

If all the heavens were parchment and all the trees were quills and all the water in the ocean was ink, it would still be impossible to put all the details of the case into writing. In part, because they are so embarrassing, and in part because one forgets certain details because of the great pain.

In fact, one of the most striking aspects of the *teshuvah* is that, at a certain point in the case description, the narration switches from the third person to the first person, and it appears as though the words recorded are not those of Rabbi Miller but of Rachel herself. She offers a desperate plea to Rabbi Miller that she finally receives her freedom after so many years of pain and suffering.

And now, instruct me, our teacher and master, if he is not obligated to free me with a *get*. I don't request anything from him, not a single penny of that which I brought into the marriage that is now his, and all the more so not the *ketubah* or the additional portion of the *ketubah*, and not anything from my jewelry or garments or any objects of value from the home, it will be what it will be. I am even willing to accept upon myself

the stricture of not marrying another man, as long as I am free from him, and he no longer can abuse me. His wicked name will not be called on me.⁴¹

Rabbi Miller's *teshuvah* makes clear he understood the extent to which coercive control had destroyed Rachel's life, and by giving voice to her suffering, he also made clear that halakhah required he act boldly to help her even when others might not do so. In a typical legal dispute, the *beit din* will not accept testimony from one side nor rule if the other is not present, for they may wish to challenge it and offer their own version of the facts.⁴² However, Rabbi Miller argues that there are halakhic grounds to accept the wife's testimony even though it's likely the husband would contest it.⁴³ As a result, he rules that the husband must immediately give his wife a *get* and that he can even be physically coerced to do so. In the end, what appears to have distinguished Rabbi Miller from his rabbinic colleagues, both past and present, was his willingness to listen to the woman and hear her pain. Coercive control is always an attempt by abusive husbands to do the opposite. It is a strategy used to take away their wives' agency and voice.

The examples discussed in the Mishnah and Talmud show the rabbis were sensitive to the fact that husbands may employ the means of coercive control to abuse their wives. In many ways, the *teshuvot* of the Tashbetz and Rabbi Miller can be seen as a continuation of this tradition, one that is also maintained in several key rulings of the Israeli Chief

⁴¹ The shift in language is also noted by the editors of Rabbi Miller's published *teshuvot*. See Responsa, Rabbi Yehuda Miller, p. 40, footnote 1.

⁴² This is a significant topic that deserves its own analysis, but for some basic sources on the issue, see Bava Kamma 112b; Shevuot 31a; Sanhedrin 7b. The Shulchan Aruch rules that testimony should not be received but also enumerates certain exceptions. See Choshen Mishpat 28:15-16. For more on how later *poskim* address this matter, see also Nodeh Be-Yehudah Mehadura Kamma, Even Ha-Ezer 72; Maharam Shik, Choshen Mishpat 2; Netanya District Religious Court, case 286251/1.

⁴³ This includes the fact that she did not request her *ketubah* and that some aspects of the husband's bad behavior appeared to be public knowledge.

Rabbinatē.⁴⁴ Rather than assume their hands were tied, as was likely with their peers, both the Tashbetz and Rabbi Miller turn to halakhah to find the language necessary to address complex cases of abuse with a clear sense of justice.

The concept of coercive control offers crucial insights that can guide us in better addressing domestic abuse and the problem of *get* refusal that so often accompanies it in the Orthodox community. The Rambam writes in no uncertain terms that it is forbidden for a Jewish woman to be held captive by her husband whom she hates and forced to have sexual relations with him against her will.⁴⁵ While it is easy to read his words and think they only describe the distant past, we would do well to remember that they apply equally today.

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⁴⁴ In addition to the ruling by Rabbi Daichovsky mentioned above, see also Netanya District Regional Court, case 1040764/11; case 256526/13; case 966775/4; case 284462/9. These rulings primarily focus on behaviors of coercive control by the husband as grounds for mandating the *get*, but some also invoke the concept of *moredet* as well, including the *teshuvah* of Rabbi Yehudah Miller. According to many authorities, if a woman claims that her husband is disgusting to her and she no longer wants to be with him, the husband may be obligated to give the *get*. This can be due to his abusive behavior, and in recent years, the concept of *moredet* has been more commonly used in rulings of the Israeli Chief Rabbinatē. For more on this, see Avishalom Westreich and Amichai Radzyner, “Mahapchanut ve-Shamranut be-Pesikat Beit ha-Din ha-Rabboni: Al Akifat Gerushin be-Taanat ‘Mais Alai,’” *Iyunei Mishpat*, vol. 42. More recently, Rabbi Aryeh Ralbag has engaged in close readings of several Rishonim and Achonrim to creatively argue that emotional and psychological abuse can serve as grounds to coerce the husband to give the *get*. See “be-Din Kefiyah le-Get be-Mevazeh u-Maknit Ishto,” *Moriah*, Year 32, vol. 3-4, 2023, 218-223.

⁴⁵ *Mishneh Torah*, Hilchot Ishut 14:8.