



## NEWS AT A GLANCE

■ Several Jewish groups, including the American Jewish Committee, the Anti-Defamation League and the National Council of Jewish Women, signed a friend-of-the-court brief supporting the Clinton administration's challenge of the Virginia Military Institute's male-only policies. A decision by the U.S. Supreme Court in the case is not expected before late spring.

■ The mayor of Jerusalem reportedly accused the Israeli government of holding secret talks in Europe on the future of the Israeli capital. Ehud Olmert said two Israeli professors have been meeting with Palestinians and formulating principles for negotiations on the city, which is on the agenda of the "final status" talks set to begin in May.

■ A Jewish Agency official in charge of Israeli immigration said the Jewish state does not consider homosexuals to be undesirable immigrants. The comments came after a Boston gay rights group reportedly complained that a Jewish homosexual there had been advised by the agency not to make aliyah because gay life was easier in the United States.

■ Most Austrian students know little about Third Reich atrocities, doubt that there were any Austrian National Socialists and claim that the Nazis were only a group of German psychopaths, according to a new study by Austria's Ministry of Education. Adolf Hitler and Adolf Eichmann were among the top Nazis born in Austria.

■ A delegation of Arab American officials reportedly plans to observe Palestinians voting Saturday for the Palestinian Council. The group includes former members of Congress and state and local officials.

■ The president of Croatia reportedly proposed turning a former Nazi concentration camp into a memorial for the victims of fascism, communism and the 1991 Serb-Croat war. In his proposal for the memorial at Jasenovac, Franjo Tudjman made no reference to the Serbs killed in the war that erupted when Croatia declared independence and Croatian Serbs rebelled.

## FOCUS ON ISSUES

### Newly packaged prenuptials encourage Jewish court divorces

By Debra Nussbaum Cohen

NEW YORK (JTA) — When Ben and Shafira Wiener were planning their wedding three years ago, they decided to sign a prenuptial agreement.

This prenuptial agreement was not intended to protect their assets from each other in case they split.

It was a newly developed document that, when signed by both of them, would compel them to go to a religious court in the event that they wanted to divorce.

The prenuptial agreement was developed by a prominent Orthodox decisor of Jewish law, Rabbi Mordechai Willig, in response to two trends: an increasing number of Orthodox men who are keeping their wives chained to dead marriages by refusing to grant them a "get," or religious divorce, and the growing number of Orthodox women and men who turn to civil, rather than religious, courts to settle their differences.

For supporters of the prenuptial agreement, the problem is that it is not widely used in the Orthodox world.

Although it received the endorsement of the Rabbinical Council of America in 1993, only about half of the RCA's nearly 1,000 member rabbis urge marrying couples to sign it, Rabbi Basil Herring said.

Herring, who is promoting the use of the agreement, is coordinator of the Orthodox Caucus, an organization of Orthodox rabbinical and lay leaders working with the centrist Orthodox community's major institutions on issues of common concern.

The group includes the RCA, the Union of Orthodox Jewish Congregations of America and Yeshiva University.

"We think 100 percent of the rabbis should be using the prenuptial agreement, but the only way for that to happen is for people to request it," Herring said.

"It's new and different, and many haven't used these things in the past," he said, adding that those rabbis who do use it "tend to be younger."

Part of the problem in getting the prenuptial agreement widely used has been that it was in the form of a computer printout, the rabbi said.

It was not very attractive and was regarded by some rabbis as an afterthought — not as essential as the betrothal document, called "tena'im," or the wedding contract, the "ketubah," which are both signed immediately before a wedding.

To make it more appealing, the Orthodox Caucus put together a specially designed kit, using heavy paper in shades of teal with embossed gold-foil stickers, containing all the marriage-related documents endorsed by the RCA; the prenuptial agreement; the tena'im; and the ketubah.

### 'We have to come up with contemporary responses'

The kit is being sent to rabbis who request it through the RCA, which has sent out about 400 since it was published three months ago.

It is also now being offered to Jewish bookstores, where it will retail for \$18, Herring said.

But to have the prenuptial agreement signed by every Orthodox couple getting married requires more than an attractive certificate, Herring said.

It requires "recognition of some of the realities and problems out there.

"There are so many cases of recalcitrant husbands who abuse the system in ways that were not anticipated centuries ago that we have to come up with contemporary responses.

"We've reached the point in the Jewish community where women as well as men understand that we cannot expose ourselves to future blackmail.

"With the increasing breakdown of so many marriages there has to be thought given to properly terminating them in a way that does not disadvantage women in particular," he said.

When an Orthodox couple wants to divorce, both parties are supposed to go to a "beit din," or religious court.

But the reality in recent years has been that a growing number of men

have refused to go to a beit din and sign a get, which only a man can grant according to Jewish law.

The result has been that thousands of women — no one is sure exactly how many — have become “agunot,” or women chained to dead marriages without the bills of divorce they require to date and remarry.

Although there are some tools — from shutting a man out of the life of the community to beating him up — that have been used in the past by rabbinic authorities to try to convince a man to give a divorce, they are ineffective or not widely used today.

Some in the centrist Orthodox community tried to find a solution that would protect women from becoming agunot, and also be accepted by Orthodox rabbinical authorities.

The first prenuptial agreements acceptable under Jewish law were used by a few Orthodox couples about a dozen years ago, but were not widely accepted by rabbinic authorities.

The Conservative movement has been using a prenuptial agreement since the late 1950s, said Rabbi Kassel Abelson, chairman of the movement’s Committee on Jewish Law and Standards.

The Reform movement, which does not regard Jewish law as binding, does not require a get to dissolve a marriage.

The Reconstructionist movement urges divorced people to have a Jewish divorce before remarrying, though many of the movement’s rabbis will officiate at the remarriage of someone who has only a civil divorce decree.

In 1993, after more than a decade of debate on the issue, the RCA endorsed the prenuptial agreement developed by Willig, who teaches at Yeshiva University and leads a congregation in the Riverdale section of the Bronx.

The concept of using prenuptial agreements to prevent women from becoming agunot is a good one, said Rivka Haut, an advocate for Orthodox women unable to get their divorces.

But she expressed reservations about “the ambiguous wording” of the agreement designed by Willig.

It permits a man and woman about to step under the wedding canopy the option of including or excluding in their prenuptial agreement three specific issues for a religious court to decide: financial disputes; division of assets; and child support, visitation and custody.

A man’s decision to sign a get should not be dependent on the resolution of any of those issues, said Haut, and if a woman agrees to include the three clauses in the prenuptial agreement, she could be signing away her right to have those issues decided by a civil court.

**‘Let’s not stick our heads in the sand’**

Herring of the Orthodox Caucus agreed that a get should be given apart from any of the other issues between a divorcing couple, but that resolution of the other issues is often demanded by a man before he agrees to give a get.

“This prenuptial agreement recognizes reality. We’re saying, ‘Let’s not stick our heads in the sand,’ ” Herring said.

Ben and Shafirra Wiener, who are now the parents of toddling twin girls, are unequivocal in their certitude that signing the prenuptial agreement was the right thing to do.

“I hope that it doesn’t benefit me per se, but Jewish women and couples owe it to themselves to sign this,” said Shafirra, who stays at home in Teaneck, N.J., with their daughters.

Said Ben, who is in both rabbinical school at Yeshiva University and law school at Columbia University in New York City:

“We both felt this was part of the commitment of love.”

“I hope that in 20 years the question is not ‘Did you sign a prenuptial agreement,’ but ‘Why didn’t you sign?’ ” he said.

“It should be just another document you sign without even thinking about it,” he added. □

**Israeli religious minister says Pope may visit this year**

*By Ruth E. Gruber*

ROME (JTA) — After meeting with Pope John Paul II and senior Vatican officials this week, Israeli Religious Affairs Minister Shimon Shetreet said the pope would likely visit Israel by the end of 1997.

Shetreet also said he had asked the Vatican to investigate what had become of the menorah believed looted by Titus, the Roman emperor, when his forces destroyed the Second Temple in Jerusalem in 70 C.E.

“There is evidence that [the menorah] is in Rome,” Shetreet told reporters.

He added that the investigation into the menorah’s whereabouts could be a symbol “of reconciliation between the Jewish people and the Catholic Church.”

The triumphal Arch of Titus, located near Rome’s Colosseum, has a carving showing a huge menorah being carried during a procession of Jewish prisoners brought back to Rome after Titus’ conquest of Jerusalem.

The State of Israel modeled its own menorah emblem after this carving.

But some scholars say that because the carving shows a menorah with a double octagonal base, Titus did not capture the original menorah, which could be traced back to Moses.

The original menorah had a three-legged stand.

Shetreet met the pope to renew Israel’s longstanding invitation for a papal visit.

The pope has frequently stated that he wants to visit the Holy Land.

Shetreet told reporters that a trip was “more likely to take place in 1997 than in 1996, but I don’t exclude 1996.”

A papal visit to Jerusalem, he said, “would encourage the peace process.”

The last papal visit to the region was a trip by Pope Paul VI in 1964.

Conditions for a new papal visit have been considerably eased since Israel and the Vatican established diplomatic relations two years ago. The Vatican also has relations with the Palestinians.

Shetreet said there should be no problem if the pope wanted to visit sites under limited Palestinian autonomy during his trip.

In a speech Saturday to diplomats accredited to the Vatican, the pope welcomed the progress of peace in the Middle East, but warned that differences over the status of Jerusalem could put the peace progress in danger.

He reiterated the Vatican position that Jerusalem should be a unique, multireligious entity and called for international guarantees to ensure this.

In another development Wednesday, the Italian Bishops Conference issued a statement saying that Catholic-Jewish dialogue was on the right track but had not been able to root out anti-Semitism.

“The dialogue between Jews and Catholics has been fruitful,” the statement said, “but it is not yet sufficient enough to extirpate the demon of anti-Semitism, which is always lying in ambush.”

The statement was released to mark Italy’s seventh annual “Day of Catholic-Jewish Dialogue.” □

**NEWS ANALYSIS****Repairing agency's image challenges new Shin Bet head***By Gil Sedan*

JERUSALEM (JTA) — The Israeli media hardly missed a superlative in their praise for Rear Adm. Ami Ayalon, the outgoing commander of the navy who was confirmed this week as the new head of the Shin Bet, Israel's domestic secret service.

He was described by the media as a brave and honest soldier who has the right stuff to become the Israel Defense Force chief of staff — a post that has never gone to an Israeli naval commander.

Yet, his modesty also was highlighted, and it was ironic that the media-shy Ayalon became the first Shin Bet head to have his identity revealed even before he assumed office.

For years, Israelis did not have the faintest idea who ran either the Shin Bet or the Mossad, the foreign intelligence service.

In the name of personal security, their names were classified and were not released until they had already left office.

That practice was based on the notion that the less that people know about security, the less security is compromised.

However, that notion no longer conformed with current realities, where the media and other sources of information make full secrecy almost impossible.

For example, the name of the outgoing head of the Shin Bet, Carmi Gilon, has long been available on the Internet.

Foreign Minister Ehud Barak and other Israeli officials said this week that there was no longer any justification for keeping the name of the head of the Shin Bet classified.

But Prime Minister Shimon Peres disagreed.

Speaking during Sunday's weekly Cabinet session, at which Ayalon's appointment was approved, Peres said the publication of Ayalon's name would not set a precedent.

The prime minister said that in the future, censorship should be reimposed on the identity of the leader of the Shin Bet.

Peres also stressed that any information regarding the head and other officials in the service, as well as details of Shin Bet activities, should continue, as in the past, to be subject to military censorship.

**Slaughter of a sacred cow**

Still, unveiling the name of the Shin Bet head symbolized the slaughter of yet another one of Israel's sacred cows.

Until 1973, everything surrounding the Jewish state's security operations was off-limits when it came to public scrutiny.

Aharon Bachar, the late columnist for the Israeli daily *Yediot Achronot*, in the early 1970s wrote a critical article about Gen. Rehavam Ze'evi, now a Knesset member from the far-right *Moledet* Party.

To bypass censorship, Bachar couched the article in terms of a Mexican general who was depicted as ruthless and arrogant — a far cry from the image of Israeli officers at that time.

Although Ze'evi's name was not published, everyone knew to whom Bachar was referring.

The article, which represented one of the few instances when the beloved IDF was described in the press in negative terms, caused a national uproar.

Noah Moses, the late publisher of *Yediot*, visibly

upset, walked up and down the halls of the newspaper, muttering: "I will allow everything, but I will not let them tear apart the army."

A few months later, the 1973 Yom Kippur War broke out — and many lamented the fact that the media had not been more critical of the armed forces before that time.

The Shin Bet, too, has had its difficult days. A slow but steady process of criticism has forced the agency down from the Olympus of national esteem.

It was criticized for having failed to foresee the intifada, the 1987-1993 Palestinian uprising; for its involvement in the killing of prisoners suspected of terrorism; for unjust arrests; and for its cruel interrogations of Palestinian terrorists.

Finally, and most notably, it was criticized for the security lapses that allowed a lone gunman to assassinate Yitzhak Rabin.

Against this background of the Shin Bet's increasingly tarnished image, Ayalon was greeted warmly when he was named to head the agency.

Although the agency's officials do not know him, they hope that he will be able to turn the clock back to the glorious days when the little that was known about the agency was only good.

It was Gilon, the outgoing head of the Shin Bet, who recommended that Ayalon succeed him.

Gilon knew that this would mark the first time that an outsider became the organization's leader.

But he also knew all too well that the only way to rehabilitate the agency's image in the wake of the Rabin assassination was to let a new broom sweep the floor.

Ayalon was appointed this week to a job he could have had last year, when he was first offered the leadership of the Shin Bet.

At the time, Rabin had wanted to appoint an outsider to succeed then outgoing Shin Bet head Ya'acov Perri.

Ayalon reportedly refused to accept the job at the time because he did not want to "spy after Jews."

But circumstances have changed since confessed assassin Yigal Amir, a religious Jew, ended Rabin's life after a Nov. 4 peace rally in Tel Aviv.

**Penetrating rays of sunlight**

As some senior Shin Bet officials were recently quoted as saying, when Ayalon reads some of the material they have prepared for him about Israeli extremists, he will change his mind about spying on Jewish targets.

As he assumes the leadership of the Shin Bet, Ayalon confronts a host of challenges — including the fact that Israeli Jews now indeed fall within the purview of the organization's intelligence and security efforts.

He will also have to confront the new realities on the ground in the West Bank.

As a result of the recent IDF redeployments in the territories, Shin Bet agents will no longer be able to operate freely in the region's Palestinian population centers.

Moreover, the Shin Bet will have to learn to work with the Palestinian secret service in the West Bank.

But perhaps the greatest challenge of all confronting Ayalon will be to satisfy the Israeli people.

Even if he manages to restore a large measure of secrecy to the agency's operations, he will no longer enjoy the virtual immunity enjoyed by his predecessors.

And even through the thick veil of censorship, Israelis will keep a close watch on their secret service.

They have learned too often and too well that the shadowy agency needs penetrating — perhaps healing — rays of sunlight. □

**Attacks on Israelis in West Bank will not halt Palestinian elections***By Naomi Segal*

JERUSALEM (JTA) — Israeli leaders reaffirmed their commitment to the upcoming Palestinian elections despite the killing this week of two Israeli soldiers near the West Bank town of Hebron.

No group claimed responsibility for Tuesday night's attack, but the army reportedly said the drive-by shooting of an Israeli army doctor and medic was carried out by Palestinian gunmen.

The two Israelis killed in the ambush north of Hebron were identified as Maj. Oz Tibon, 29, and Sgt. Yaniv Shimel, 20.

They were buried Wednesday at the Mount Herzl Military Cemetery in Jerusalem.

The ambush came in the wake of calls from the Islamic fundamentalist Hamas movement to avenge the Jan. 5 slaying of Yehiya Ayash, a Hamas activist who topped Israel's most-wanted list for masterminding a series of suicide bombings that killed scores of Israelis.

Israeli officials have neither confirmed nor denied their involvement in the killing of Ayash, who died in an explosion at a Gaza Strip hideout after he spoke into a booby-trapped cellular phone.

The ambush near Hebron also took place amid warnings from Israeli and Palestinian officials that Islamic militants might try to sabotage the Palestinian elections, scheduled for Saturday.

The attack came only days before the balloting, when Palestinians will for the first time elect an 88-member council that will run Palestinian affairs in the autonomous areas of the West Bank and Gaza Strip.

Although no group claimed responsibility for the attack, Prime Minister Shimon Peres put the blame on Islamic militants, saying that "gangs" of Hamas and Islamic Jihad terrorists were targeting Israelis.

He added that they could not be allowed to sabotage the peace process or the upcoming elections.

"We'll not let groups like these determine whether or not there will be elections," Peres told reporters Wednesday.

The Israeli coordinator of activities in the West Bank and Gaza Strip said the ambush was timed to disrupt the Palestinian voting.

"The timing is no coincidence," said Maj. Gen. Oren Shahor. "It was meant to disturb the elections process."

**Hebron closed off**

In the attack, gunmen opened fire from a passing vehicle on the car in which the two Israelis were traveling on the Jerusalem-Hebron road.

The army closed off Hebron after the attack and launched a search for those responsible.

Hebron, with some 400 Jewish settlers living among about 100,000 Palestinians, has long been a flashpoint for violence.

It is the only West Bank town slated for redeployment that has not yet been handed over to Palestinian self-rule.

The Israeli army is to withdraw from major parts of the city in March, leaving a presence primarily in the enclave where the settlers live.

The attack took place in a location, which, under the terms of the most recent Israeli-Palestinian accord, remains under full Israeli control.

That accord, signed Sept. 28 in Washington, was approved by the Knesset on Tuesday in a vote of 48-44.

Settler leaders condemned Tuesday's shooting,

which came a day after an Israeli was moderately wounded in a separate shooting attack on the outskirts of the West Bank town of Bethlehem.

In that incident, a religious Jew was shot and wounded in a ceramics shop near Rachel's Tomb in an area patrolled by Palestinian police. Three suspects were arrested by Palestinian security forces.

The shooting in Hebron prompted calls on the government from settler activists to slow down the continued implementation of the accord for extending West Bank autonomy. "Instead of heading towards peace, we see the disintegration of the protection of the citizens of Israel," said Yehudit Tayar of the Yesha Council, which represents Jewish settlers in the West Bank and Gaza.

Right-wing activists have planned a number of protest activities timed to coincide with the Palestinian elections, including a demonstration Saturday night in Jerusalem.

But settler activists denied claims by Israeli police officials that they would attempt to disrupt the voting in eastern Jerusalem, which they oppose on the grounds that any balloting there will compromise Israel's sovereignty over the entire city. □

**Dutch foreign minister meets with Palestinians at Orient House***By Naomi Segal*

JERUSALEM (JTA) — Despite strong objections from Israeli officials, Dutch Foreign Minister Hans Van Mierlo met this week with Palestinian officials in eastern Jerusalem.

Mierlo's talks Wednesday at Orient House, the Palestine Liberation Organization's de facto headquarters in eastern Jerusalem, disrupted what was otherwise described as an amicable and productive visit to Israel by a delegation led by Dutch Prime Minister Wim Kok.

Internal Security Minister Moshe Shahal initially called the visit to Orient House a "grave matter," but later backed off from the issue, saying that it was not very significant.

Israel opposes visits by foreign officials to Orient House on the grounds that they undermine Israeli sovereignty over all of Jerusalem.

Israeli-Palestinian negotiations regarding Jerusalem and other so-called "final status" issues are scheduled to begin in May.

Israel traditionally does not comment on visits to Orient House by foreign officials, unless they involve a foreign minister or higher-level official.

The European Community has decided as matter of policy that its foreign ministers will continue to visit Orient House.

During the Dutch delegation's visit, Kok offered to help Israel set up artificial islands along its coastline as a possible answer to the country's shortage of land. □

**Ex-Shin Bet head agrees to MIA post***By Naomi Segal*

JERUSALEM (JTA) — Ya'acov Perri, a former head of Israel's domestic security service, the Shin Bet, has agreed to become the prime minister's adviser on missing and captured Israeli servicemen.

Perri is expected to replace Yossi Ginossar, who is ending his term in the post. As part of his new duties, Perri would meet with the families of missing servicemen and coordinate contacts with organizations attempting to obtain information about them.

Perri, who is now director general of Cellcom, a cellular phone company, left the Shin Bet last year. □