Third International Agunah Summit – June 21st-22nd, 2018

Divorce Settlement Abuse and Extortion in Jewish Law

Thursday, June 21st, 2018

2 - 2:30 p.m. Registration

2:30 - 2:45 p.m. Opening Session. Greetings by Prof. Daniel Sinclair, Fordham University (New York); and Blu Greenberg, JOFA (New York)

2:45 – 4:30 p.m. Session I. “Bargaining in the Shadow of the Law.” Chair: Prof. Joseph Weiler, NYU (New York)

(2 non-transitional, professional practice credits)
Dr. Yael Machtinger, York University (Toronto): “In the Shadows of Legal Pluralism”
Prof. Pamela Laufer-Ukeles, Shaarei Mishpat College of Law (Hod HaSharon): “Negotiating Jewish Divorce: Justice of the Whole is Greater than the Fairness of its Parts”

4:30 - 5: p.m. Break

5 - 6:30 p.m. Keynote address by Israel Supreme Court Justice Neal Hendel “The Role of the State in Dealing with Get Refusal”
Introduction: Prof. Shahar Lifshitz, Bar Ilan University (Ramat Gan)
Commentator: Prof. Suzanne Last Stone, Cardozo Law School (New York)

6:30 - 7:30 p.m. Reception

Friday, June 22nd, 2018

9 - 10:15 a.m. Session II. “A Philosophical Perspective on the Identity of the Extorter and the Right of Divorce”. Chair: Prof. Shahar Lifshitz (1.5 non-transitional, professional practice credits)
Dr. Hila Ben-Eliyahu, Bar-Ilan University (Ramat Gan): “Back to Hohfeld's Table: A Reconsideration of the Problem of Get Deprivation”
Dr. Ram Rivlin, Hebrew University of Jerusalem: “Get Threat: Withholding Divorce as Extortion”

10:15-10:30 a.m. Break

10:30-11:30 a.m. Session III. “An Institutional Perspective: Identifying the Most Efficient Means for Ameliorating Get Distress.”
Chair: Prof. Suzanne Last Stone (1 non-transitional, professional practice credit)
Prof. Michael Broyde, Emory University School of Law (Atlanta): “Do Pre-Nuptual Agreements which Include a Process for Resolving Non-Get Driven Disputes Help or Hinder the Problem of Recalcitrance?”
11:30-11:45 a.m.  **Break**

11:45 a.m.-1:45 p.m.  **Session IV.**  
“Civil Remedies in the Struggle Against Get Refusal.”  Chair:  **Prof. Daniel Sinclair**  
(2.5 non-transitional, professional practice credits)  
**Prof. Benjamin Shmueli**, Bar-Ilan University (Ramat Gan): "Increasing Oppressed Women's Bargaining Power through Private Law Incentives"  
**Prof. Amihai Radzyner**, Bar-Ilan University (Ramat Gan): "Get Procedure After Tort Claims in Israel: The Real Story"  
**Keshet Starr Esq.**, Organization for the Resolution of Agunot (New York): "Religious Divorce Denial, Domestic Abuse and the Politics of Inter-Spousal Torts"  
**Dr. Yehezkel Margalit**, Netanya Academic College (Netanya): "Bargaining in the Shadow of Get Refusal: How Modern Contract Doctrines Can Alleviate the Problem"

1:45 - 2:15 p.m.  **Light Lunch**

2:15 – 3:35 p.m.  **Session V.**  
“Religious Means for Dealing with the Economic Consequences of Get Refusal.”  Chair:  **Prof. Suzanne Last Stone**  
(1.5 non-transitional, professional practice credits)  
**Blu Greenberg**: "The Theological Basis for Get Extortion: What Went Awry"  
**Dr. Avishalom Westreich**, College of Law and Business (Ramat Gan): "The Rabbinical Courts' Financial Revolution and its Effects on Extortion in Divorce"

3:35 – 4:00 p.m.  **Concluding session.**  **Prof. Joseph Weiler**  and  **Prof. Shahar Lifshitz**
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Divorce Settlement Abuse and Extortion in Jewish Law

Speakers Biographies

Thursday, June 21st, 2018

Opening Session

1. **Professor Daniel Sinclair, Fordham University (New York)**

   Professor Daniel Sinclair LL.B. (Hons) (University of London), LL.M. (Monash University), LL.D. (Hebrew University), Rabbinical Ordination (Jerusalem) is Emeritus Professor of Law at the Striks CMAS Law School in Israel where he teaches Jewish Law. He is currently Fellow in Jewish Law, and Visiting Professor of Law at Fordham University Law School in New York and a Senior Fellow in the Institute on Religion, Law and Lawyer’s Work at Fordham University Law School. Recent appointments include Adjunct Professorships in Public Health Law at Tel-Aviv University and to the Sir Zelman Cowen Centre at Victoria University Law School, Melbourne, Australia where he specializes in the in the area of law and religion.

   Prof. Sinclair’s publications in the field of Jewish Law and Comparative Biomedical Law comprise over 60 articles and several books including *Tradition and the Biological Revolution* (Edinburgh University Press, 1989), *Jewish Biomedical Law: Legal and Extra-legal Dimensions* (Oxford University Press, 2003) and the entry on “Jewish Bioethics: The End of Life” in the 2013 *Oxford Handbook of Jewish Ethics*. Previous positions include Dean of Jews’ College, University of London, and Rabbi of the Edinburgh Hebrew Congregation. During his period in the United Kingdom, Prof. Sinclair contributed to the Science and Technology Committee of the House of Commons in the area of human genetics, and served as a member of the Ethics Committee of the Royal College of Physicians. He is a member of an Advisory Group to the European Union on the ethics of science, and has contributed to position papers on cloning and clinical trials. The focus of his current research is comparative biomedical law and the role of religious law in democratic societies.

2. **Blu Greenberg, JOFA (New York)**

   Blu Greenberg, author and lecturer, is the founder of JOFA, the Jewish Orthodox Feminist Alliance. She has been involved in the Aguna issue for over four decades and is currently active in the work of the International Beit Din, a court dedicated to resolving difficult Aguna cases through the application of systemic, halakhic solutions. She has written extensively on Jewish religion and halakha as well as on the Jewish family and home. She received an M.A. in Jewish history from Y.U. Revel Graduate School and an M.S. in Clinical Psychology from City University. Her books include *On Women and Judaism: A View From Tradition* and *How to Run a Traditional Jewish Household*.

   She is married to Rabbi Irving Greenberg and they are the parents of five children and 23 grandchildren, seven of whom served in the IDF.
Session I. “Bargaining in the Shadow of the Law”

3. **Professor Joseph Weiler, NYU (New York)**

Professor Joseph Halevi Hurwitz Weiler teaches at NYU School of Law as European Union Jean Monnet Chair and is the Senior Fellow of the Minda de Gunzburg Center for European Studies, Harvard.

He was President of the European University Institute in Florence from 2013 until 2016, and for several years, he was also the Director of the Tikvah Center for Law and Jewish Civilization. He holds a diploma from the Hague Academy of International Law.

Professor Weiler is the author of works relating to the sui generis character of the European Union. He is a Fellow of the American Academy of Arts and Sciences.

4. **Professor Yael Machtinger, York University (Toronto)**

Yael Machtinger recently received her PhD in Socio-Legal Studies, at York University. Yael’s Doctoral Dissertation focusing on religion, law, and storytelling is a comprehensive, qualitative study of Jewish divorce (get) refusal and the first comparative study between Toronto and New York.

Engaging with diverse stakeholders, Yael concentrates on a classic socio-legal quandary - the gap between law on the books and law in action. Machtinger incorporates socio-legal literatures dealing with religion, identity and culture, as well as gender and storytelling and brings the diverse literatures of social theory, religious feminism and legal pluralism together in examining women’s narratives of being “chained” to a forced marriage.

Machtinger’s research has been generously funded by the Ontario Graduate Scholarship, the Social Sciences and Humanities Research Council Doctoral Fellowship, the Religion and Diversity Project Fellowship, and the Dr. Percy and Bernice Singer Award. She has made a number of contributions to scholarly collections including: Women’s Rights and Religious Law, published by Routledge Press and When Prayers are Not Enough: Religion, Gender, and Family Violence, published by Brill Press.

She has also been awarded the President’s University-Wide Teaching Award for Excellence in Teaching and the Dean’s Award for Excellence in Teaching. She has sat on numerous academic committees, most recently, on the Law and Society Tenure Track Hiring Committee, and a double term on the Faculty of Liberal Arts and Professional Studies Committee on Teaching, Learning & Student Success.

She has presented papers at numerous conferences, and guest lectured on a variety of subjects. Machtinger was recognized as one of the 24 Jews changing the world by the Canadian Jewish News. She also chairs the “By Women for Women Education Program” at the largest Orthodox synagogue in Canada, BAYT.
5. **Professor Ruth Halperin–Kaddari, Bar-Ilan University (Ramat Gan)**

Professor of Law and Founding Head of the Rackman Center at Bar-Ilan University, Israel, Ruth Halperin-Kaddari is an expert on the legal status of women and the family in both the civil legal system and traditional Jewish law. In addition to her work as a professor, she is the Vice President of the Expert Committee of the UN Committee on Elimination of All Forms of Discrimination against Women (CEDAW) to which she was elected for three times, and has also served as the Chair of the Advisory Committee to the Authority for the Advancement of Women at the Prime Minister's Office (2002-2007). She is also involved in international academic collaborations on the theme of women, state, and religion, and participates in international litigations as an expert on Israeli family law.

A graduate of Yale Law School (LL.M.; J.S.D.), she has published extensively in her areas of expertise including family law in Israel, legal pluralism, feminism and Halacha, and international women's rights. She is a recipient of numerous research grants and prizes, including two major grants from the Israel Science Foundation (2000, 2005); the Zeltner Award for Young Legal Scholars (2000); the US State Department’s Woman of Courage Award (2007); the "Ot Katan" Award for the Advancement of Gender Justice through Voluntary Work, awarded by the Ruach Nashit NGO in Israel (2014); in March 2016 she was awarded with the Rappaport Prize for Women Generating Change in Israeli Society; and in January 2017 she received the Knights of Quality Government Award by the Movement for Quality Government in Israel.

6. **Professor Pamela Laufer-Ukeles, Shaarei Mishpat College of Law (Hod HaSharon)**

Professor Pamela Laufer-Ukeles is Professor of Law at the Academic Center of Law & Science (Shaarei Mishpat College of Law) in Hod Hasharon Israel, where she is also a member of the Health Care Administration faculty. Previously she was a tenured faculty member at the University Of Dayton School Of Law in Dayton, Ohio. She researches and teaches in the fields of family law, medical ethics and the law, torts, alternate conflict resolution, reproductive rights, and gender theory.

Her articles have appeared in numerous law journals and edited books, including Indiana Law Journal, Connecticut Law Review, and George Mason Law Review.

She received her JD from Harvard Law School and her B.A. in Philosophy and Economics from Columbia College, Columbia University.
Keynote address “The Role of the State in Dealing with Get Refusal”

7. **Justice N. Hendel, Supreme Court (Israel)**

Justice Hendel was born in the United States and attended high school at the Yeshivah of Flatbush. After graduating in 1969, he attended New York University and graduated in 1973 with a BA in sociology and Jewish studies. He went on to study law at Hofstra University, and completed his law degree in 1976. He was admitted to the New York State Bar Association and worked in the Legal Aid Office and in private practice.

In 1983, Justice Hendel made aliyah to Israel, and settled in Beersheba. From 1983 to 1988, he worked in the southern district prosecutor's office. In 1988, he became a judge on the Beersheba Magistrate's Court, a position he held until 1997. From 1997 until 2009 he served as a judge on the Beersheba District Court, eventually becoming its Vice-President. In 2009, he was nominated to serve on the Supreme Court of Israel by the Judicial Selection Committee.

8. **Professor Shahar Lifshitz, Bar-Illan University Law School (Ramat Gan)**

Prof. Lifshitz is professor of law at the Bar-Illan University Law School, where he served as Dean between 2012-2017. Professor Lifshitz is the founder and the chair of the Bat-Illan Institute for Jewish and Democratic Law. He is an expert in the fields of family law, human rights and Judaism, multiculturalism, Jewish law, and contract law. Lifshitz serves as co-chair of the Forum for Cooperation between the Israeli Supreme Court and Israeli Legal Academia, an organization he founded together with Prof. Yaffa Zilbershats and former Israeli Supreme Court President, Dorit Beinisch. He also served as President of the Israeli Institute for Private law. Lifshitz served as member and framer of the Israeli Legislative Committee of the "Pension Act," and was involved in the 4th amendment to the Israeli marital property law, which significantly improved the situation of women who were refused a get by their recalcitrant husbands.

Before being appointed dean, he served as a judge in the Israeli Standard Contract Court. In addition to his work at Bar-Ilan University, he co-directs the Israel Human Rights and Judaism project at the Israeli Democracy Institute, together with Prof. Yedidia Stern and Prof. Hanoch Dagan. Among Prof. Lifshitz’s achievements is formulating the family law chapter in the Israeli Democracy Institute’s Constitution by Consensus project.

He served as Gruss Professor for Talmudic Law at the Law School of the University of Pennsylvania in the fall semesters of 2014 and 2015, and as a visiting professor at Emory Law School, in 2017, and at Columbia Law School, in the fall of 2009, where he taught an advanced course in family law. Additionally, he was a visiting scholar and Berkowitz Fellow at New York University Law School in 2005-2006, and visiting Professor of Law and Distinguished Fellow of Jewish Law and Interdisciplinary Studies at Cardozo Law School, in 2006-2007, and again in the spring of 2009.
Professor Suzanne Last Stone, Cardozo Law School (New York)

Suzanne Last Stone is University Professor of Jewish Law and Contemporary Civilization at Yeshiva University, Professor of Law at Cardozo Law School, and Director of the Center for Jewish Law and Contemporary Civilization and co-director of Versa: The Israel Supreme Court Translation Project at Cardozo Law School. She is also an Affiliated Visiting Professor at Tel Aviv Law School. She has held the Gruss Visiting Chair in Talmudic Civil Law at both the Harvard and University of Pennsylvania Law Schools, and visited at Princeton and Columbia Law Schools.

Professor Stone writes and lectures on the intersection of rabbinic texts and legal theory. Her publications include: "In Pursuit of the Counter-text: The Turn to the Jewish Legal Model in Contemporary American Legal Theory," (Harvard Law Review); "The Jewish Conception of Civil Society," in Alternative Conceptions of Civil Society (Princeton University Press); “Feminism and the Rabbinic Conception of Justice” in Women and Gender in Jewish Philosophy (Indiana University); and “Rabbinic Legal Magic,” (Yale Journal of Law & Humanities). In Fall 2010, she delivered the Franz Rosenzweig Lectures at Yale University.
**Friday, June 22nd, 2018**

**Session II. “A Philosophical Perspective on the Identity of the Extorter and the Right of Divorce”**

10. **Professor Shahar Lifshitz, Bar-Illan University Law School (Ramat Gan)**

11. **Dr. Hila Ben-Eliyahu, Bar-Illan University Law School (Ramat Gan)**

   Dr. Ben-Eliyahu received an LL.B and LL.M cum laude at the Faculty of Law, Hebrew University, where she also completed her thesis in Jewish Law.

   She has post-doctorates from Harvard University and Bar-Ilan University.

   Her research focus is in the interface between private international law and Jewish law, Jurisprudence and Judicial decision-making, and halachic aspects of religious and state issues.

   She is the Academic Director of the Center for Jewish and Democratic Law at Bar-Ilan University.

12. **Dr. Ram Rivlin, The Hebrew University of Jerusalem (Jerusalem)**

   Dr. Rivlin is a Lecturer at The Hebrew University of Jerusalem Faculty of Law. He clerked for Justice Ayala Procaccia of the Israeli Supreme Court.

   During 2011-2012, he was a Fulbright Fellow and a Postdoctoral Tikvah Scholar in Residence at NYU School of Law.

   Before joining the Hebrew University, he served also as a fellow in the Edmond J. Safra Center for Ethics (TAU).

   Dr. Rivlin writes mainly in theory of family law and in normative ethics, with special interest in questions of coercion and consent.
Session III. “An Institutional Perspective: Identifying the Most Efficient Means for Ameliorating Get Distress.”

13. Professor Suzanne Last Stone, Cardozo Law School (New York)

14. Professor Michael Broyde, Emory University School of Law (Atlanta)

Michael J. Broyde is a law professor at Emory University and a member of its Center for the Study of Law and Religion. He served as a member, dayan and director of the Beth Din of America for close to twenty years and was deeply involved in its PNA to address situation of recalcitrance. He is the author of the Tripartite Agreement as well, which was recently published in Hebrew by Techumin, and has written many articles and a book on the agunah problems entitled "Marriage Divorce and the Abandoned Wife in Jewish Law"

15. Professor L. Fishbayn Joffe, Hadassah-Brandeis Institute (Boston)

Professor Lisa Fishbayn Joffe is the Shulamit Reinhartz Director of the Hadassah-Brandeis Institute at Brandeis University. The mission of the HBI is to support the study of Jews and gender. At HBI, she founded the Project on Gender, Culture, Religion and the Law that explores the tension between women’s equality claims and religious laws. Her research focuses on gender and multiculturalism in family law and on the intersection between secular and religious law. She is the author of Gender, Religion and Family Law: Theorizing Conflicts Between Women’s Rights and Cultural Traditions (2012); The Polygamy Question (2015); Women’s Rights and Religious Law, (2016) and was guest editor of a special issue of Nashim: A Journal of Jewish Women’s Studies and Gender Issues on New Historical and Legal Perspectives on Jewish Divorce (Volume 31, 2017). She is co-editor of the Brandeis University Press Series on Gender, Culture, Religion and the Law and the HBI Series on Jewish Women. She is a co-founder of the Boston Agunah Task Force, devoted to research, education and advocacy for women under Jewish family law. Professor Joffe is a member of the Association for Jewish Studies Task Force on Sexual Misconduct. She holds three law degrees, from Osgoode Hall Law School and Harvard Law School, served as law clerk to Justice Iacobucci of the Supreme Court of Canada, and was called to the bar of the Law Society of Upper Canada.
16. Rabbi Aryeh Klapper

Rabbi Aryeh Klapper is Dean of the Center for Modern Torah Leadership (CMTL), which brings rigorous traditional scholarship, interdisciplinary openness, and a deeply humanist understanding of halakhah to every aspect of Jewish and public life. CMTL develops present and future Modern Orthodox leaders, male and female, through unique programs of intense Talmud Torah that catalyze intellectual creativity and educational innovation. He is a cofounder of the Boston Agunah Task Force and serves as Senior Dayan on the Boston Beit Din.

17. Shanna T. Giora-Gorfajn, Esq.

Shanna T. Giora-Gorfajn is an associate at The Wagner Law Group P.C., where her practice focuses on family law and estate planning. She is a member of the Massachusetts Bar Association and the Women’s Bar Association. Before entering private practice, Ms. Giora-Gorfajn served for two years as a law clerk to the Justices of the Massachusetts Probate and Family Court. She is a graduate of Columbia Law School and Cornell University.

Session IV. “Civil Remedies in the Struggle Against Get Refusal.”

18. Professor Daniel Sinclair, Fordham University (New York)

19. Professor Benjamin Shmueli, Bar-Ilan University (Ramat Gan)

Prof. Benjamin Shmueli is an Associate Professor at Bar-Ilan University Law School, formerly a Senior Research Scholar at Yale Law School (2013-15) and a Visiting Professor at Duke Law School (2006-08). He earned his PhD, as well as his other two degrees, at Bar-Ilan University. His research interests are tort law, the intersection between tort law and family law, domestic violence, parent-child relations, comparative law, and Jewish Law. His book, Maimonides and Contemporary Tort Theory: Law, Religion, Economics, and Morality, co-authored with Prof. Yuval Sinai, is forthcoming in Cambridge University Press. He won a few grants and prizes, among them: ISF—Israel Science Foundation, The Memorial Foundation for Jewish Culture, Israel Institute Research Grant, Schusterman Foundation, and Riklis Prize for studies in Jewish law. He has published over 45 articles in the US, Canada, UK, and Israel, in publications including L. & Contemp. Problems; Wake Forest L. Rev.; McGill L; Harv. Negot. L. Rev.; Mich. J.L. Reform; Colum. Human Rights L. Rev.; Colum. J. Gender & L.; Duke J. Comp. & Int’l L.; Yale J. L. & the Human;

He is the Editor-in-Chief and the founder of an Israeli peer-reviewed law review and also directed the Center for Commercial Law at Bar-Ilan University.

Prof. Shmueli has participated in over a hundred conferences, among them the American and European Law and Economics Association Annual Conferences, keynote at Fordham (Annual Wolff Lecture), and conferences at the universities of Yale, Columbia, Princeton, Duke, Toronto, UCL—London, Fordham, McGill, UConn, Hamburg, Bologna, Humboldt University – Berlin, Stockholm, and more.

20. Professor Amihai Radzyner, Bar-Illan University (Ramat Gan)

Amihai Radzyner is a Professor of Jewish Law and Legal History in the Faculty of Law of Bar-Ilan University.

His research focus on the Talmudic Law, History of Jewish Law and its research, the History of Israeli Law and current Halakhic Family Law in Israel. Many of his publications can be found at https://biu.academia.edu/amihairadzyner.

He is also the Chief Editor of the "HaDin veHaDayan (The Law and its Decisor): Rabbinical Court Decisions in Family Matters" (published by the Rackman Center), a position he has held since 2003.


Keshet Starr, Esq., is the Executive Director of the Organization for the Resolution of Agunot (ORA), the only nonprofit organization addressing the agunah (Jewish divorce refusal) crisis on a case-by-case basis worldwide. At ORA, Keshet oversees advocacy and early intervention initiatives designed to assist individuals seeking a Jewish divorce, and advocates for the elimination of abuse in the Jewish divorce process. Keshet has written for outlets such as the Times of Israel, The Forward, Haaretz, and academic publications, and frequently presents on issues related to Jewish divorce, domestic abuse, and the intersection between civil and religious divorce processes. Keshet published an article on get refusal as a form of spiritual abuse in Nashim: A Journal of Jewish Women's Studies and Gender Issues. A graduate of the University of Michigan and the University of Pennsylvania Law School, Keshet lives in central New Jersey with her husband and three young children.
22. Professor Yehezkel Margalit, Netanya Academic College (Kiryat Ono)

Yehezkel Margalit is Senior Lecturer of Law at Netanya Academic College and Bar-Ilan University; PhD (Law); M.A. (Law); LL.B. Bar-Ilan University. Visiting Research Scholar, New York University Law School (2011-2012); Research Associate: Agunah Research Unit, Centre for Jewish Studies, University of Manchester (2008-2010). Author of the books The Jewish Family – Between Family Law and Contract Law (2017); Determining Legal Parentage - Between Family Law and Contract Law (Cambridge University Press, forthcoming, 2019).

Session V. “Religious Means for Dealing with the Economic Consequences of Get Refusal.”

23. Professor Suzanne Last Stone, Cardozo Law School (New York)

24. Blu Greenberg, JOFA (New York)

25. Professor Avishalom Westreich, College of Law and Business (Ramat Gan)

Avishalom Westreich is an Associate Professor (Senior Lecturer) of Jewish Law, Family Law, and Jurisprudence, at the College of Law and Business in Ramat Gan and a Research Fellow at the Kogod Research Center for Contemporary Jewish Thought at Shalom Hartman Institute, Jerusalem.

He was a Visiting Scholar at the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics, at Harvard Law School (Fall 2017), a Helen Gartner Hammer Scholar-in-Residence at the Hadassah-Brandeis Institute (Fall 2016), and a research fellow at the Agunah Research Unit at the University of Manchester (2007–2008).

Dr. Westreich’s research deals primarily with the dramatic changes in the family during the second half of the twentieth and the beginning of the twenty-first centuries, focusing mainly on marriage, divorce and reproduction. In this respect, his research examines the changes in the structure of the Jewish family as reflected in the agunah problem, and explores this problem’s main civil and religious solutions. His publications include Assisted Reproduction in Israel: Law, Religion, and Culture (Brill Research Perspectives Series, 2018), No Fault Divorce in the Jewish Tradition (Israel Democracy Institute, 2014 [Hebrew]) and Talmud-based Solutions to the Problem of the Agunah (Agunah Research Unit, vol. 4, 2012).
Concluding session.

26. Professor Joseph Weiler, NYU (New York)

27. Professor Shahar Lifshitz, Bar-Illan University Law School (Ramat Gan)