

## Jewish Divorce Talk

### Episode One – Get Refusal Talk

**Baer:** Hello and welcome to "Jewish Divorce Talk," a show about divorce, separation, co-parenting and other unique considerations that arise when couples divorce in the Jewish world. On each episode, I'm joined by experts and guests who discuss divorce and related topics from different angles and give their opinion and perspectives that often challenge the way people view divorce in the Jewish community, countering the stigma and driving for reform.

I'm your host, Eliana Baer, New Jersey divorce lawyer and a partner at Fox Rothschild, a national law firm with over a thousand attorneys across 29 offices, offering over 70 diverse services. In this episode, I'm joined by Keshet Starr, the Executive Director of the Organization for Resolution of Agunot (ORA), the nonprofit organization addressing the agunah crisis on a case-by-case basis worldwide. At ORA, Keshet oversees advocacy and early intervention initiatives designed to assist individuals seeking Jewish divorce, along with prevention initiatives to eliminate abuse from the Jewish divorce process.

Keshet has written for outlets such as the *Times of Israel*, *The Ford* and *Haaretz*, and frequently presents on issues related to Jewish divorce, domestic abuse and the intersection between civil and religious divorce processes.

Keshet has also authored academic work focused on Get refusal and domestic abuse, and is a Wexner Field fellow. A graduate of the University of Michigan and the University of Pennsylvania Law School, Keshet lives in central New Jersey with her husband and four young children.

Hi Keshet, welcome to the podcast.

**Starr:** Hi. Thank you so much for having me.

**Baer:** So, you obviously have a very, very dynamic background. But I just want to start at the beginning: Can you tell me a little bit about what ORA is and why it's important to the Jewish community?

**Starr:** Sure. So, we are an issue advocacy group, and we are all about taking abuse out of the Jewish divorce process.

ORA stands for the Organization for the Resolution of Agunot. And we really do a mix of advocacy for people who are struggling to obtain a Jewish divorce, to offering early stage resources for people starting out with a divorce and not sure where to go, all the way to education and preventative strategies so that we can not only help people that are struggling today, but change the culture and the framework so that we don't have to see the same issues crop up over and over again.

**Baer:** You do quite important work and you obviously started out as a lawyer, still are advocating in many, many ways. Can you tell me a little bit about your background and the journey that you took to get to where you are today?

**Starr:** Absolutely. And it's funny because life really takes you places you wouldn't expect.

So, in law school I was very interested in something related to family law and social justice work. What I liked about family law is that families are so messy and law is so structured and the idea of combining them seemed like it would not go well a lot of the time. So, that really intrigued me.

**Baer:** It's not structured if you want to know the truth.

**Starr:** It's not, exactly. It really felt like there's a real power in the law. It's really important information and not a lot of people have it, and there is just an enormous opportunity to make an impact.

So, I didn't know what that would look like, but I got interested in domestic abuse. And in a very serendipitous moment I happened to interview for an internship with an agency that had just that month got in a grant to work on cases in the Orthodox Jewish community that had domestic abuse and I had never thought about domestic abuse in orthodoxy. It made sense, but it hadn't really crossed my mind before. And I took the internship and I, ironically, I really fell in love with the work. I think that being able to serve the community that I was also part of was rewarding. And I really saw a need, that people are trying to go through this divorce process and they don't know where to start. And the place where ORA came in is that I initially wanted to essentially be a matrimonial litigator that helped survivors of domestic abuse. And that was my plan. And then we took a little turn because the economy collapsed, and so there were hiring freezes all around. I happened to hear about a position at ORA and I thought "Perfect, I'll learn more about this Get thing, that will then help me go back to be a matrimonial litigator with this added skillset."

And I ended up falling in love, again, with community work. And I found that the educational aspect and the opportunity to look at the issue kind of from a bird's eye view and affect change on a broader scale was really, really appealing to me. And so, I ended up choosing to really continue my career in the policy and advocacy space as opposed to going back to litigation.

It did not turn out as I expected at all. But it's been a really meaningful and interesting and rewarding ride.

**Baer:** So, we obviously both work with the firm community quite a bit. And if you could go back and think about what your first reaction was to your first position where you learned about more domestic abuse in the Jewish community, did it surprise you? What did you learn about the extent of the abuse in the Jewish community that kind of gave you pause and sent you on this path?

**Starr:** It definitely surprised me. And I'll share as well, I grew up traditional. I grew up in Hawaii, so very, very out of town I like to say.

**Baer:** Same as New Jersey, it's just the same.

**Starr:** Exactly. And I really chose to become Shomer Shabbat and Kosher observant as an adult. And definitely when you're new to Orthodoxy, I think part of the sell, so to speak, is really this idyllic family life. That if you keep shabbos, you're gonna have this beautiful shabbos table and all of these things.

And so it was definitely jarring to me to realize that not everyone has a beautiful shabbos table, and that on the contrary, in an abusive context, an abuser might use shabbos against the victim.

You know, I worked on a case where the abuser would intentionally be more violent on shabbos knowing that while the victim would eventually call for help, it would have to reach a higher threshold for her to pick up the phone and call the police on a shabbos than it would on a Wednesday.

So, seeing that, I think it forces you to develop a more mature faith and to realize that there is no formula for a perfect family. I think Judaism offers tools that can enhance and deepen family life for healthy couples. But that, unfortunately, dysfunction and unhealthy relationships are everywhere. And being aware of that, that it doesn't mean you're doing something wrong or you didn't sort of implement the tools correctly, that this is part of life, is important. And also realizing that Judaism does contain a process for divorce. You don't have to stay in relationships forever that are deeply hurtful.

**Baer:** And getting into that process a little bit more, because obviously that's the bulk of what you do at ORA is with regard to Get refusal and things of that nature. Just based on your experience, what would ever motivate somebody to refuse to give their wife a Get?

**Starr:** So one of the interesting things about our work is that because we're not directly representing anyone, we are allowed to talk to everyone. And so we often will speak to the Get refuser and the agunah and other players involved. We really hear from Get refusers what's going on. And I would say you see a couple top items, top choices, in terms of what's behind the Get refusal. I would say for a minority of cases, they really want the relationship to continue and it's part of an unwillingness to realize that the relationship is really over.

In other cases, it is straight out revenge. They feel that they've been wronged by the other person or wronged in the divorce process. And the Get sort of offers an opportunity to even the score.

Far and away the most common, though, is that they are using the Get to obtain something. It's a tool. And they're using the Get in order to, say, re-litigate a divorce that's been settled in order to feel like they have an insurance policy: If they don't like how the divorce turns out, they can then re-litigate. Or straight out sometimes: You want a Get, I want custody, or I want the house, or I want a million dollars and a boat. Whatever it is. And so, the expression of it will vary, but it's very often a tool to obtain something.

And really, the common thread with all of those is that it's a way of exerting control over someone else. Domestic abuse is fundamentally about this power and control dynamic. And especially when that's already present in the relationship, the Get can just be this very tempting opportunity to hold onto control, because even if every other connection is severed --you're not living together, you don't have kids together, your finances have been settled-- the Get is sometimes the last thread that really ties these two people together. So, it can become the focus for all of those controlling energies.

**Baer:** Would you consider that a form of religious extortion?

**Starr:** Yes, and we really frame it as not only domestic abuse but also spiritual abuse. And spiritual abuse is when you essentially weaponize faith and turn it into a form of abuse. What you see actually is, that

this happens in all faith communities. It's not only a Jewish problem. It happens everywhere. Because if religion matters wherever you are, then religion will almost certainly be part of the abuse. And so, it's a way of turning this religious process into a way of hurting someone else. Which then has a really deep impact on the victim because not only are you being hurt, but you're being hurt with your religion as the weapon.

**Baer:** Right. It would seem that rabbis would be unanimous in condemning this type of behavior and condemning religious extortion at all levels and in all forms, including Get abuse. I call it Get abuse, but it's Get refusal, which is in actuality abuse.

Are there rabbis out there that do support this type of behavior?

**Starr:** So unfortunately there are. There's a huge range of people out there with rabbi in front of their name and they have a range of experience. When it comes to rabbis who are educated enough specifically in the divorce area to make high-level decisions, you're generally talking about a very short list of people who really have that expertise. But that doesn't mean you don't have a long list of people that will put themselves forward as having that expertise and wanting to weigh in. I wouldn't say it's the mainstream, but they are out there and they do exist.

**Baer:** And how do you respond to that?

**Starr:** Sometimes it is clear that there just isn't a value match. So, I was emailing back and forth just today with someone who clearly has a different take on Get refusal than I do, and I gave them the benefit of the doubt with one communication.

**Baer:** That's nice of you.

**Starr:** Yeah, I'm probably a little too nice. And when that value discrepancy became clearer, I said, you know, "We're done. We don't need to keep communicating about this." So, there are times when you're just not on the same page and we don't share the same values and goals, and so we're probably not going to get along.

In many situations, though, I think the barrier is often educational. Someone might really not realize how something works. Or for example, I've worked with rabbis who have been told that everyone can get an order of protection, they're easy to get and they're a way to kick your husband out of the house. So, in some cases, just explaining that that's not actually the case and offering some statistics and further research can change how they feel about things. And it may not work. But that is always where I would start because I do think that so much of this stems from taking facts for granted that are not real facts on the ground and from just deep misinformation.

**Baer:** Absolutely. And this is kind of a nebulous question, but how can we hold Get refusers accountable? Because we are constrained as... at least in New Jersey ... New York is a little bit better in terms of making rules, procedures, case law that supports a victim of this type of abuse. New Jersey, the jury's kind of still out, no pun intended, but the jury is still out on what extent can a court hold a Get refuser accountable.

How can we in the legal profession, and perhaps even in the larger Jewish community, try and combat this issue when we're, you know, fighting with one hand tied behind our back, at least from a legal perspective?

**Starr:** Absolutely. So I will say the first step is education. And it might sound like I'm beating a dead horse, but I happen to think it's really the core. And unfortunately, there are many, many people out there who are struggling with the Get, or who have a lot of anxiety about whether the Get will be given freely, and who are working with counsel that just don't know the first thing about this, and why would you if you haven't been taught it. I didn't learn it in law school.

And so just educating yourself. If you're an attorney in this space, this is an important practice area and I think it's also important to be open when taking on cases about the skill level you have in this area because if that is something they're struggling with, they need counsel that have basic familiarity.

We also work very closely with counsel to fill in those gaps. And so in that gap filling and litigation support work, it's very clear that a lot of attorneys just don't know this and the case comes in and now they have to figure it out.

I also think that from the legal side, understanding Get refusal through the lens of domestic abuse is really critical. Because in our legal system, we hear religion and everyone's like, nope, not here, this isn't something we can talk about. And what we try to do at ORA, especially when we're educating legal audiences, is explaining that you don't have to understand all the religious back and forth and the this. You don't have to know all the ins and outs. All you have to realize is that this is a form of domestic abuse. If this is happening in a case, that means that there is a domestic abuse dynamic in this case.

And I think that often attorneys and other legal professionals, they just don't know what to do with it. So, they can miss that piece or even think, "Well, if you're not getting remarried tomorrow, why do you need to get today? Why does it matter?" So, just understanding what's going on, that alone shapes the way that we understand the character of the people in the courtroom, which is often very important as courts make determinations. And I think that lens is just a critical starting point.

**Baer:** Do you find that legal audiences are, I guess, receptive to treating victims of abuse in the manner that they need to be treated? Meaning, recognizing post-traumatic stress disorder, recognizing that a victim of abuse may be triggered by one thing or another that wouldn't trigger somebody without those countervailing circumstances? Do you find that the legal profession judges, lawyers, experts, are really in tune with the larger issue of abuse? Especially in the context of Get refusal, especially in the context of abuses that tend to arise with the Jewish community. Do you think that there needs to be more education in that area as well?

**Starr:** Absolutely. And I think one deep challenge of the divorce system, and I wish I had a super easy solution for this one, but is that sometimes a divorce happens because it didn't work out, we grew apart. But other times a divorce happens because one person severely harmed the other. One of the challenges is that our divorce system is not interested in dealing with that at all. It is interested in solving the problems of who gets what and where the kid's gonna be on a Wednesday afternoon and let's figure this out.

When a victim of abuse is standing there saying, "No, I want my trauma to be recognized." I think that can often read to the court as this person is obstructive and annoying and making this process take longer and be more difficult. And one of the downsides, in a way, of not having no-fault divorce-- which is pretty recent, in New York when I first started you had to choose a fault to get divorced in New York-- is that in some ways you had a validation. That if you got divorced under the ground of cruel inhumane treatment, you felt that there was some acknowledgement. And I think that trauma and the sense of being harmed in marriage, that kind of has nowhere to go and it doesn't fit in the system as it stands right now. And so, I think that also creates a lot of conflict and a lot of misunderstandings.

**Baer:** Yeah, I completely agree with that assessment. In the weeds, legal side of things, I think that there's really a dearth of knowledge in terms of how to deal with victims of abuse, how they react to certain stressors, et cetera.

So yeah, that's... education is very important. I completely agree.

I'm going to switch gears a little bit to the prevention side of things. And I know there was a big push several years ago, and continuously, with regard to this halachic prenup. Can you explain what it is and whether there's been buy-in, in the Jewish community, and kind of how that's unfolded?

**Starr:** Sure. So, the halachic prenup is essentially an antenuptial agreement that a couple signs that creates an incentive structure that prevents the Get from being an issue later on. Which sounds a little convoluted, but that's pretty much how it works. And the way it does that is, it essentially sends the issue of the Get to arbitration, to a single arbitrator. So, instead of the forum shopping that you will often see in the religious court selection process, you have already selected your forum. And it enforces a support obligation that's part of religious law that is also civilly binding. So essentially, for every day that you don't cooperate with the Jewish divorce process, you owe your spouse an amount of money to represent your obligations as a spouse under Jewish law.

And it's framed in a way to meet the needs of Jewish law to make sure that any divorces that result are considered fully valid, but also as a legally enforceable arbitration document. So, it essentially helps kind of marry the two systems and offers a tool that bridges both systems. And it focuses again, on the Get alone. And the reason we are such big fans of it at ORA is that it really changes outcomes for couples who sign it. But more importantly, I would argue it creates a culture change.

That if you live in a community where everyone is signing one of these prenups and it's built into the fabric of the community, that is not a community where you wanna be a Get refuser. And we really see Get refusal rates go down significantly in communities that have a certain saturation level when it comes to the prenup.

Now, in terms of buy-in, when you're working with an Orthodox community, change is not the most welcome thing, and it takes a while. It's not a fast process. However, what I think we're seeing in the modern Orthodox community are the fruits of years of consistent efforts in education. We go to high school seniors in schools around the country every single year. We have a cohort of college students every single year. And the cumulative effect of that is really powerful.

So, we're seeing that impact in the modern Orthodox community, and we are starting to see more buy-in, more engagement. It's become a much less taboo topic in the ultra-Orthodox community. So, I think we're going to get there. It just is a process. And the more insular the community is, the longer it's going to take till it becomes normative.

And different communities may be seeing different forms of these prenups as well, that it's not necessarily a one-size-fits-all, given just the broad cultural disparities between different segments within Orthodoxy.

**Baer:** I can tell you that in the cases that I've had where there was a halachic prenup, Get refusal was never, never an issue. Even where there were cases where there was domestic abuse, pre-existing domestic abuse, there was never an issue with Get refusal.

But obviously, there are some denominations where the buy-in might be harder. What you're saying is, I suppose it's just a product of time. Time, patience and education, which seems to be the theme. So, if there are people listening right now that need some tips about how to get through a divorce in the Jewish community, what are your top tips? What would you tell people?

**Starr:** First thing I would say is get help. And I say this, whoever it's from, we offer a Jewish divorce helpline. But I really can't emphasize enough how critical it is to get guidance for your situation. These are not one-size-fits-all cases. And while we want there to be resources out there, we also really advise people to get that one-on-one guidance.

Beyond that, a few top tips: Not all religious courts are created equal. They vary tremendously. And I have told many, many people this over the years: I would rather you spend six months debating which court you're going to sign with, then sign in five minutes and spend six years regretting it. So, really take your time, do your research and know your rights in the process.

And I think that when you are being pressured to sign immediately, "You must sign by this afternoon or you're never gonna get your Get and everything's gonna be terrible." That is a bad sign. That itself is a warning sign that you're not dealing with a forum that is probably going to have a wonderful process.

And so, take the time to do your research on the ways in which the court and the Beth Din system interact are complex. So, make sure that you're getting advice from professionals with crossover expertise. I see so many people getting one stream of advice from an attorney, one stream from a rabbi. If you try to do it all, it cancels each other out and you end up confused and in a weaker position. So, look for that crossover guidance.

And it's so important to realize that sometimes we have to choose the best of the bad options. But you will never lose by doing your research, by knowing what those options are, however ideal or not ideal they are, and making a choice with your eyes open. So, every litigant has rights in any process, whether religious or secular. To know those rights and to take the time you need to educate yourself and to make a decision with agency, I think that is often the most you can do in these processes. They are all imperfect systems, but to navigate them with knowledge and the power that comes from having a knowledge of how things work.

**Baer:** Completely agreed. You mentioned briefly a helpline. Could you tell me more about that? Is that someplace people can turn if they just need more information in general about divorce in the Jewish community or Get refusal, et cetera?

**Starr:** So, that is a program we started several years ago when we realized people were waiting to call us several years already into the process.

And essentially, anyone can call, again, at any stage. It comes at no cost. And our most common calls are from people who are at the beginning of the process. They don't know which Beth Din to go to. They don't know if they should be going to Beth Din or to court. They may need referrals to attorneys, to mental health providers, to organizations that provide financial assistance, so we can also connect them with some of those local resources.

They may just need support and a listening ear. Some people have a strong network around them and other people really don't and they're really isolated. So, just having more people to speak to and that are in your corner can itself make a difference. Anyone is very welcome to call and reach out. And again, it's really a mix of strategic guidance, connecting people with referrals that would make their situation easier and offering that support that you don't have to do this alone.

**Baer:** That must be an invaluable resource to people who are just kind of lost in the ether somewhere.

Confused, disinformation... you know, it runs the gamut of just the terrible advice people get and the paralyzing nature of divorce itself. I mean, that is such an invaluable resource.

**Starr:** Thank you.

**Baer:** I wish you the best of luck with that one. That's really wonderful. Keshet, where can people find out more about you?

**Starr:** Absolutely. You can find our website at [www.getorora.org](http://www.getorora.org). You can also follow us on social media and you can also follow me as well, @KeshetStarr.

**Baer:** And I don't know if people know this, but Keshet is like organization queen, posts her tips and tricks for working moms and for weekly menus for Shabbos.

Your content is just so engaging and so great. And also your weekly reads and podcasts, like that is just, I mean, I follow it and I've gotten some really good podcast recommendations from you too.

**Starr:** Thank you so much. I love a true crime podcast any day of the week, so I try to spread the wealth.

**Baer:** What is it with us lawyers and our true crime podcast?

**Starr:** I know. Like that's what we need to do when we're going for a walk around.

**Baer:** Exactly.

**Starr:** But that is what we do. I can't get enough.

**Baer:** It's just what we do. Yeah, exactly.

Well, Keshet, it's been great having you on. Thank you so much and we look forward to hearing the great developments that are yet to come.

**Starr:** Thank you so much.

**Baer:** And of course you can find out more about me at [foxrothchild.com/elianabaer](https://foxrothchild.com/elianabaer), where you can also find my latest blogs. You can find me on LinkedIn at Eliana Baer and on Instagram @elianatbaeresq. If you've enjoyed this episode and you want to listen to more, please like and subscribe to this podcast on Apple or wherever you get your podcasts.

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