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'Peril For Israel Wherever It Looked'

By Abba Eban

Editor's Note: To mark Yom Yerushalayim and the 49th anniversary of the Six-Day War, we travel back in time to June 6, 1967, the second day of the war, and the eloquent statement delivered by to the United Nations Security Council by Israeli foreign minister Abba Eban.

I have just come from Jerusalem to tell the Security Council that Israel, by its independent effort and sacrifice, has passed from serious danger to successful resistance.

Two days ago Israel's condition caused much concern across the humane and friendly world. Israel had reached a somber hour. Let me try to evoke the point at which our fortunes stood.

An army, greater than any force ever assembled in history in Sinai, had massed against Israel's southern frontier. Egypt had dismissed the United Nations forces which symbolized the international interest in the maintenance of peace in our region. Nasser had provocatively brought five infantry divisions and two armored divisions up to our very gates; 80,000 men and 900 tanks were poised to move.

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African-American Christian Ministers Visit Israel In Blooming Of 'Natural' Partnership

By Maayan Jaffe-Hoffman

"My faith, as we interpret the scriptures, we identify with the people of Israel as God's chosen people, and therefore we understand that those who bless Israel receive blessings and those who curse Israel are really fighting against our culture and faith," said A.W. Mays, an African-American Christian leader from Austin, Texas.

Mays was one of 26 African-American members of the National Baptist Convention of America (NBCA) who were hand-picked to travel from the United

States on a six-day educational mission to Israel from May 23-29. The International Fellowship of Christians and Jews (The Fellowship) sponsored the trip to help deepen Christian-Jewish ties and black leaders' bonds with Israel.

Rabbi Yechiel Eckstein, The Fellowship's founder and president, has been working to build bridges between Christians and Jews – as well as Christians and Israel – for more than 35 years. Last year, The Fellowship raised \$138 million in humanitarian aid for Jews in Israel and around the world, almost en-

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Spectators enjoying the Jerusalem Light Festival in Jerusalem's Old City. Yom Yerushalayim, commemorating Israel's liberation of Jerusalem in 1967, will be observed this Sunday.

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Can Lawyers Help Solve The Agunah Crisis?

By Devora Mandell

Family law attorney Martin Friedlander told members of the legal and mental health community who gathered at the Yashar Conference in New York City that perfecting a halachic prenuptial that would be accepted as the norm and used in all sec-

tors of the Jewish community would curtail a host of problems – from *Get* refusal, to establishing basic financial support arrangements, and shortening the amount of time a divorce proceeding, once initiated, would take.

Friedlander specifically outlined a universally-accepted halachic prenuptial which would designate a pre-determined sitting *beis din*, as opposed to a *Zablah*, where the parties each choose one judge, and those two choose a third. He also said the issue of *Shalom Bayis* would be tracked. He said neither of these stalling tactics could be used, thereby forcing legal costs to skyrocket, while extending the time one must cover for living expenses, with the goal of causing one party to run out of money and be forced into a settlement offer that is highly unfavorable to them.

While some say that lawyers should not be involved in liberating *agunot*, and that it should rather be left for rabbinical courts to handle, Nathan Lewin, the renowned American Constitutional lawyer, said, "It's because of lawyers that partial steps have been taken to resolve the problem of *Get* refusal."

Lewin related how, when he was in Yeshiva College, there was uproar when Rabbi Shaul Lieberman at the Jewish Theological Seminary added a clause to the *kesubah* about a halachic prenuptial. "Then I go out into private practice and 30 years later, I am asked by the OU and the Agudath Israel

of America to write a friend-of-the-court brief that it is constitutional to have parties go to arbitration in *beis din*."

Lewin explained he wrote a friend-of-the-court brief supporting the Conservative *kesubah* in the case of Avitzur vs. Avitzur, heard before the N.Y. Court of Appeals, where the Court found that agreements binding couples to alternative dispute resolution forums was constitutionally permissible. The holding in this case was later codified in New York Domestic Relations Law §253.

Lewin said that in 1983 Agudat Yisrael of Israel realized the *agunah* problem was a serious crisis and called a meeting of top legal minds, including Aaron Twersky, Alan Der-showitz, Nathan Lewin, among several others, to Israel. They met in the Agudat Yisrael's offices, and spent an entire day trying to

brainstorm on a legal resolution, "The result was an agreement that *Get* refusal was a barrier to remarriage; it's a simple notion, if someone goes to court to dissolve a marriage, he or she shouldn't be able to say, 'Give me an order that dissolves my marriage while I'm still retaining a barrier to the marriage of my spouse.'"

On that basis, in 1983, Lewin says, "Agudath Israel of America, with the help of the New York State Assembly and Sheldon Silver, who was very active



(L-R) Martin Friedlander, Talia Faigenbaum Alyza Lewin, and Nathan Lewin at the Yashar Conference in New York City.

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Mandell

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and very supportive, got the 1983 Get Law enacted. I personally drafted the language of the 1983 NY Get Law and have notes in my files from Rabbi Moshe Sherrer asking me, 'Please, it's an emergency situation, the Assembly is only in session for a couple more weeks.'

Lewin said that today every time he visits Israel, he is asked to visit the Rabbinical Court to discuss cases of Israeli husbands who have absconded to the United States without giving their wives a *Get*. While the Israeli Rabbinate would like to extradite these men, Lewin explains that's since "they haven't committed a crime, so it's impossible to extradite them... the answer is, again, to look at creative novel legal mechanisms that might affect them in some way." Lewin suggests establishing a registry for those who impose barriers to remarriage in order to shame them, just as there are registries of sex offenders. He also suggests having one's tax return audited at the request of the wife who has not received a *Get*.

Talya Faigenbaum, an attorney from Australia, explained that Australian courts will not enforce a prenuptial agreement that requires parties to go to



Rabbi Simcha Feuerman speaking at the Yashar Conference.

arbitration in *beis din*. However, she has found alternative solutions that are proving effective in obtaining a *Get* in Australia, where an order of protection is issued on the grounds of abuse and control. Under Australian law, abusive behavior is not necessarily classified as "physical abuse," and it is considered abuse to prevent your partner from keeping connections with his or her spiritual beliefs or practices. Thus failure to provide a *Get* and thereby prevent a woman from moving on with her Jewish religious life may fall into the category of spousal abuse and ultimately criminal law.

Alyza Lewin, law partner and the daughter of Nathan Lewin, said this issue is very personal as she has a close relative who is trapped as an *agunah*. She spoke of the Get Law that is currently before the city council of Washington, D.C., which she describes as brilliant.

"The first part is modeled on the NY Get law requiring an affidavit accompanying a complaint for divorce that the plaintiff will remove all barriers to remarriage. The second part recognizes that putting up any kinds of obstacles to remarriage are a form of abuse which could be equivalent to a tort where one could seek damages," Alyza Lewin explains. "It was originally narrowly drafted to apply to this specific religious group, but is now broad enough to apply to people who are being stalked, harassed and prevented from maintaining personal relationships."

Addressing the question of the point at which one can establish *Get* refusal, Alyza Lewin said, "I have a problem labeling it *Get* refusal and think '*Get* abuse' is a better term, because if in the negotiations a woman is being asked to take positions, or give up rights, to obtain the *Get*, to give up, and give up, and give up, that is a form of abuse as it's going on. We don't have to wait until the *Get* refusal at the end...even if at the end of the day she receives her *Get*, she's been abused, because she's had to give up all these things, and that's been going on long before the final day the recalcitrant spouse may decide not to show up, even though he said he'd show up."

Finally, Alyza said, "Lawyers can only do so much," and passionately pleaded that *dayanim* and *batei din* do more for women in this precarious position. "There is definitely a sense that women have,

when they go before a *beit din*, that the system is stacked against them." She said it is up to the *dayanim* to change that. "There has to be a way that women feel [it's] not only lawyers in secular society trying to empower them, or trying to give them the tools. When we go before the D.C. Council, they look at us and say, 'Why are you asking the state legislatures to solve your religious complications, shouldn't your community be able to do that?'"

Reflecting on the ability of *rabbanim* to find solutions for a myriad of halachic problems, Alyza said, "Throughout history where there's been a genuine serious determined will, there's been a way, and if there are *batei din* out there who have started to come up with some sort of the halachic solutions, they need to pub-

licize it and not be so afraid when they actually come out and help a woman, and free an *agunah*, that they have to keep it a secret. They have to publicize it because the fact that there are *batei din* out there who will turn around and come up with halachic solutions for the women that will deter recalcitrant spouses of the future."

Alyza Lewin believes that is how women will feel the system is no longer stacked against them, "It is crucial that we create those opportunities for women so women don't feel the system, the Jewish system, Jewish law, has abandoned them," she said.

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