

# Inter-Agency Orthodox Network

## A Brief Piece about 'Get' (Traditional Jewish Divorce)<sup>1</sup>

In Orthodox Jewish life, **the married state is the ideal** one for adults: "It is not good for the person to be alone" (Genesis 2:18). "He who finds a wife has found happiness" (Proverbs 18:22). Marriage is seen as the most powerful context in which to show and experience love, kindness, concern, and respect. Orthodox Jews expect to fulfill the mitzvah of having children, and to raise those children, within marriage.

Nevertheless, the Jewish Tradition understands that **not all marriages succeed**. The Torah (Deuteronomy 24:1-2) mandates a **procedure to end a marriage**, allowing the couple to find marital happiness elsewhere. This **procedure constitutes a mitzvah**. It is known colloquially as '**getting a Get.**' Literally, 'Get' means 'legal document.' In practice, it refers to the Jewish bill of divorce.

According to Halachah (Traditional Jewish law), once a Jewish couple are married, they remain so until a Get is issued. This is true even if they have arranged a **secular divorce**. Should a wife bear a child from another man before receiving a Get, that child would be considered a **mamzer** (illegitimate) and would not be able to marry within the Jewish community.

If a husband and wife wish to explore ending their marriage according to Jewish law, they may consult with a **beis din/beit din** (Jewish ecclesiastical court). If the court senses that the couple is not sure of its desire to proceed with religious divorce, it **may encourage the couple to seek reconciliation** and may refer the couple to counseling.

Jewish divorce is no-fault and non-adversarial. Once **both parties agree to the divorce** and have **physically separated**, the Get may be granted. The **Get document**, which pronounces a Jewish woman free to remarry, is prepared by a **sofer (Jewish scribe)** in the presence of the parties and under the supervision of an expert rabbi. The Get has a **standard text**, always written in 12 lines. The only **variables** are the names of the couple and the location of the procedure. The husband hands the Get to the wife in the presence of two authorized **witnesses** and before **the three members of the rabbinical court**. The writing and presentation of the Get take about **one and a half hours**. There is a **fee** to retain the services of the scribe and other personnel.

The Get itself remains in the files of the officiating rabbi. It is torn so that it cannot be used again. A **certificate of proof** called a *petur* will be issued to both parties, permitting each to remarry. At this point the couple are said to have 'gotten their Get.'

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<sup>1</sup> This piece is informational only.

If being in the same room is difficult for emotional or logistical reasons, a Get **can be arranged in two parts**. The process **can also be arranged by proxy**.

Unfortunately, it sometimes happens that a recalcitrant spouse refuses to grant or to accept a Get out of spite or in an attempt to extort property or other concessions. A woman in this situation is referred to as an **agunah** (literally ‘a chained woman’). A number of communal efforts are made to preclude this outcome.

There is **no statute of limitations** following the arrangement of a civil divorce. A Get may be prepared even years afterward.

Acknowledgements: “Divorce in Judaism,” Rabbi Shraga Simmons, [www.aish.com](http://www.aish.com); “You tied the knot and now it’s time to cut the ties,” Chicago Rabbinical Council (see [www.crcweb.org](http://www.crcweb.org)).

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