

A Statement on *Gittin*

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This paper was adopted on May 28, 1981 by a vote of 12-1-1. Members voting in favor: Rabbis Ephraim L. Bennett, Ben Zion Bokser, David M. Feldman, Edward M. Gershfield, David H. Lincoln, Mayer E. Rabinowitz, Joel Roth, Alexander M. Shapiro, Morris M. Shapiro, Israel N. Silverman, Harry Z. Sky and Henry A. Sosland. Voting in opposition: Rabbi Phillip Sigal. Abstaining: Rabbi Kassel Abelson.

As is well known, the laws of *gittin* are numerous and complex, and the Talmud advised that opinions and decisions in this area should only be made by those who are thoroughly trained in the subject (*Kiddushin* 6a). It has become customary since the times of the Talmud to refer the performance of *gittin* to specialists (*mesadderei gittin*), and even they prefer to consult widely recognized rabbinic authorities when difficult problems arise. The area of *ishut* is one which requires ruling on questions which, if incorrectly decided, may lead to the committing of the cardinal sin of *gillui arayot* and the extremely undesirable status of *mamzerut*. Although we in the Conservative movement have tried to find halakhically justifiable ways to alleviate the plight of the *agunah*, and have tried to soften the damaging effects of *mamzerut*, we are nevertheless committed to preserving the traditional halakhic family structure and the halakhic rules of marriage and divorce observed by religious Jews everywhere.

From time to time, the question is raised concerning the difficulties involved in maintaining the practice of *gittin* in our smaller communities, where there are no experienced *mesadderei gittin* nearby. Proposals have been made that the laws of *gittin* be relaxed so that instead of requiring the services of a scribe and dealing with the intricacies of the traditional handwritten *get*, we print a *get* form the same way that we now print *ketubbah* forms, and let the local rabbi merely fill in the names and the date and place, and have such a document serve as a *get*.

We see no justification to permit such a fundamental departure from the traditional rules of the *get*. One of the most basic rules of the *get* is that it must be written *lishmah*, i.e., specifically for the particular parties to the divorce. As an absolute minimum, this requirement was held to apply to the writing of the names, dates, place, and the phrase "*harei at mutteret lekhoh adam.*" The practice of having a scribe prepare the form of a *get* and leave blanks in which the names, etc., could be inserted later, was

prohibited to prevent the mistaken notion that the entire get could be prepared beforehand (*Gittin* 26a-b).

Although theoretically a *get* with only the names, etc, written *lishmah* might be kosher after the fact (*bede'avad*) and, to prevent *iggun*, it is universal practice not to permit such a get to be written (*Even Ha'ezer* 131; *Beit Shmuel* 131:1; Maim. *Gerushin* 3:7). In the first place, even the formulation of the names of the parties and of the place, and their spelling, is the subject of a considerable body of literature, with much room for error. Second, the requirement of *lishmah* must be properly satisfied. Third, the rabbi will still have to master the enormous body of halakhah concerning the requirement of voluntariness, form of delivery, witnesses, *shelihut*, etc. Fourth, all the objections to printing of a *get* instead of having it hand-written would be revived, as well as questions concerning the writing implements and lettering of the names that will be entered.

In short, the elimination of the work of the scribe would not answer all the potential problems involved in issuing *gittin*. Rather, it would create the use of a document and a procedure which would be at great variance with established halakhic practice, and raise far more questions than it would solve.

Happily, there is no need to resort to such radical revision of the halakhah in order to meet the needs of Jews in small or isolated communities. It is possible for any member of the Rabbinical Assembly to arrange for a get under the supervision of our own competent *mesadderei gittin* by the use of various forms of agency appointment and *shelihut* for delivery, thus obviating the necessity for parties to travel long distances for the *get*. If any rabbi is unfamiliar with these possibilities, he may inform himself very easily by consulting fellow members of the Rabbinical Assembly, or the regional or national Rabbinical Assembly organization. Generally, even what appear to be highly complicated and perplexing situations involving *gittin* can be satisfactorily attended to by our regular *mesadderei gittin*.

VII.

GAMES OF CHANCE

