A Statement on *Gittin*

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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 hand-written *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 lekhol 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'ezzer 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