

# About the “Gett”



## Obtaining a Jewish Divorce



## ABOUT THE “GETT” – JEWISH DIVORCE

### About The Gett

Though we romanticise the idea of marriages being made in heaven, many are not eternal and the parting of ways is seldom heavenly. Jewish marriage and divorce is no exception.

The same way as a ring handed over under the Chuppa establishes a formal moment of betrothal; the Jewish tradition establishes a formal moment of closure with the handing over of a “Gett”.

Although a couple might separate, obtain a civil divorce dividing up their assets and making due provision for maintenance of children etc., enabling each one to get on with his or her own life, from a Jewish point of view the Gett must not be overlooked.

Jewish law considers both parties still married to each other until the wife has accepted the Gett. Neither will be able to marry again in a Jewish ceremony. A relationship with a new partner would even be considered adulterous. Children born of such a subsequent relationship may be designated as *Mamzerim*. The stigma of a *Mamzer* is not just in the label. A *Mamzer* is only able to marry a partner who is a *Mamzer* him/herself. This is a draconian sanction imposed by the Torah to encourage parents to act within the tradition if only for the sake of their kids.

It is possible for a couple who have been living together for a prolonged period without having been formally married to have established a de facto relationship in Jewish law (especially if they have raised children), which would require a Gett if they separate and subsequently one of them wishes to have an orthodox wedding.



The Gett itself is a short document, written according to set Biblical and Rabbinic protocol by a *Sofer* (specially trained scribe). The instruction to write the Gett, the writing itself, and the handing over are all undertaken in the presence of designated kosher witnesses who supervise the events, ensuring that all is done without any constraint, duress or reservation. The Gett declares that the two parties are no longer married and are now free within the Jewish tradition to go their separate ways.

The Gett procedure does not necessarily require the divorcing couple to appear together and in many cases, this may be the last thing they would want. The Torah requires two stages, which can be separate; first, that the husband appear to authorise the writing of the Gett (Deuteronomy 24.1). Thereafter, once it has been written, the Gett must be physically handed over to his wife.

Under circumstances where the parties cannot appear together, the Beth Din will appoint an agent to oversee the process. In small communities, which do not have a fully constituted Beth Din (Rabbinic Court) and resident *Sofer*, the husband will not authorise the *Sofer* directly, but will issue a *Harsha'ah* (authorisation) for a *Kitvu Utenu Gett* ("write it and hand it over"). The *Harsha'ah* names a *Sofer* and witnesses of a designated Beth Din. The Gett is drawn up by the Beth Din and then brought to where the wife is resident for delivery.

### **At the Beth Din**

The handing over or *Mesirah* usually takes place in front of a Beth Din (but always in front of a presiding Rabbi with two kosher witnesses).

Stepping into Beth Din, the Jewish ecclesiastical court can be a disorientating experience, particularly when the circumstances are emotionally wrenching. Please do not





hesitate to ask any questions that will help us to put you at ease.

In the Beth Din, you will meet the Rabbis of the Beth Din, and the scribe (*Sofer*), who will write the Gett. Additionally there will be witnesses and agents of the Beth Din who supervise the writing and delivery of the Gett.

If they wish, the parties may certainly bring a family member or a friend for support.

### **Authorising the Gett**

The Gett is a document which is written specifically for the divorcing parties. The very first questions of the Beth Din will be to establish the names and even nicknames that you and your fathers are most commonly called by. There is often some discussion about how English names are correctly written in Hebrew letters.

Both parties will be questioned to establish that the Gett is being freely authorised and will be accepted without duress.

The husband will be asked to stand and formally appoint the witnesses, agents and scribe according to protocols of Jewish law.

The process is normally conducted entirely in English with the exception of a number of phrases which must be recited in Hebrew. For convenience, all Hebrew is written in English letters on the documentation.

The husband will be asked to take ownership of the ink, writing tools and paper by taking them from the scribe and raising them in the air as a symbolic act of acquisition. They are then handed over to the scribe for the Gett to be written.



## Writing the Gett

The writing of the Gett (*Ketivah*) takes approximately an hour. It is conventional for the parties to be present in the building during the writing.

Once the Gett is completed, it is carefully scrutinised to confirm both the accuracy of names, time and place - and that it is indeed the Gett which was authorised before the named witnesses and agents. The husband reaffirms his instructions to the Beth Din and its officers that the Gett be handed over.

## Delivery of the Gett

The *Mesirah* is the handing over of the Gett. Until *Mesirah*, the divorce is not complete. The divorcing wife will be asked to remove any rings, in order that there be no barrier whatsoever between her receiving hands and the Gett. She will be asked to stand and to read the prepared declarations acknowledging her willing acceptance of the Gett from her ex-husband through the Beth Din and its agents.

The Gett is handed over by folding it in a special way, then dropping it into her cupped hands – in a manner which indicates that she has neither snatched it, nor had it thrust upon her. She raises the Gett then places it under her arm, after which she walks a few paces with it, symbolic of her taking ownership of the document and of her independence.

From this point, the divorce is effective.

The Gett itself is then returned to the Beth Din. It will be scored through with a knife or scissors which was the traditional way of registering that a document had been acted upon. The Gett is retained by the Beth Din in its archives. The parties to the Gett will be issued with



certificates confirming that they have divorced in due course.

### **After the Delivery**

The Beth Din will normally advise both parties of any religious restrictions which may apply to them regarding their re-marriage. A divorcee must wait 93 days to remarry. Cohanim are not allowed to marry a divorcee.

It is customary for the man to give the remaining ink, paper & writing implements back to the scribe before he leaves. It is also customary for the parties to leave the Beth Din separately, indicative of their separation.

***We hope that you will let us know what assistance we can give you both during and after the formalities. We know that this is a difficult time and we wish you every happiness in the future.***

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#### **Glossary of Relevant Terms**

<b>Ayd(im)</b>	Witness(es)
<b>Beth Din</b>	Jewish Ecclesiastical Court
<b>Chatimah</b>	Signing
<b>Dayan(im)</b>	Judge(s) on the Beth Din
<b>Gett</b>	Jewish Bill of Divorce (or other deed)
<b>Harsha'a</b>	Authorisation
<b>Ketivah</b>	Writing
<b>Kitvu Utenu</b>	Where the Gett is authorised to be written later
<b>Mesirah</b>	Handing over of the Gett
<b>Mesirat Moda'a</b>	Expression which indicates intention to annul the Gett
<b>Shaliach</b>	Agent of the Beth Din or one of the Parties
<b>Sofer</b>	Scribe

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If you have any questions regarding the Gett:

How to obtain one,  
If you need one,  
The specifics of the procedures,  
How they all relate to the civil divorce and settlement,  
The cost,

Please do not hesitate to be in touch.

We shall handle your enquiry sympathetically, with every confidentiality and discretion.



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