

Get (Bill of Divorce)

Ref: *Sefer Nashim, Hilchot Gerushin, Chapters 1, 2, 3, 4, 5, 6, 7*

📖 | A woman is divorced by writing a bill called a 'get'¹.

10 principles from *Torah* for a *get* to be effective.

1. Man must divorce his wife voluntarily
2. Carried out with a written document
3. Document must communicate that he is divorcing and relinquishing his rights to her
4. It must imply that the connection between husband and wife is being completely severed
5. *Get* must be written specifically for the woman being divorced (*lishmah*)
6. That after writing, the only necessary action left to do is to transfer it to the woman
7. He should transfer the *get* to her
8. He should transfer in presence of witnesses
9. He should give it to her to affect *gerushin* (divorce)
10. Husband or agent should give it to her

📖 | There are other *Rabanim* requirements like

- Dating *get*
- Signed by witnesses etc...

🔔 Reminder:

Pack on *Shtar*



BILL OF DIVORCE (*GET*)

	Acceptable	Witnesses	Both parties present	Who pays	Explanation
Divorce is acceptable only through a written document	✓				
Must be written <i>lishmah</i> (particularly for her and him)	✓			Woman	
Wording must imply that he is sending her away	✓				i.e. not that he is leaving her
He must place document in her hand	✓	✓	✓		This could also be hand of her agent or placed in her property
When he gives <i>get</i> , he should say this is your <i>get</i>	✓	✓	✓		

Get must be given in presence of 2 witnesses.	✓	✓	✓		If not proper witnesses the <i>get</i> is void
 The written document also must be signed by witnesses		✓	✗		However the essential witnesses are at <i>transfer</i>
Get must be read aloud in presence of witnesses	✓	✓	✓		
Witnesses need to know how to read and write and need to understand content of <i>get</i> .	✓				 However, <i>Rabanim</i> were more lenient for signatures on a <i>get</i> as compared to other documents because signatures here are <i>Derabanan</i>
 Dates and place of signature needs to be on <i>get</i>	✓				

 **Reminder:**
Pack on Witnesses



	Acceptable	Witnesses	Both parties present	Who pays	Explanation
Man may write a <i>get</i> and hand it to wife but he may also appoint agents to do this for him	✓		✗	woman	 <i>Derabanan</i> , woman pays fee of scribe. But man must tell scribe to write. Scribe and witnesses need to know identity of wife (and man). If husband appoints agents, the words he uses to instruct them must be very clear otherwise <i>get</i> may be ineffective.
Husband instructs to write and give <i>get</i> to wife, but he is not of sound mind	✗				Includes being a deaf-mute

<p>A minor cannot receive a <i>get</i>. This would have to be handed to her father. If her father is dead, then she may accept it if she can recognise that it is a <i>get</i>.</p>				<p>A minor is 0–12. A <i>get</i> can be given to a <i>naarah</i> (12–12½) or to her father.</p> <div data-bbox="1154 367 1386 501" style="border: 1px solid gray; padding: 5px;">  Reminder:  Pack on Children </div>
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LAWS OF WRITING

	Acceptable	Witnesses	Both parties present	Who pays	Explanation
<p><i>Get</i> must be written <i>lishmah</i> i.e. while writing the <i>sofer</i> must have in mind <i>both</i> the husband and wife concerned</p>	✓	✓			<p>Even if <i>get</i> found with correct names, it cannot be used because it was not originally intended for the correct people</p>
<p> Main text of <i>get</i> written before hand, and places left open for: Man's name Woman's name Date Place Sentence – 'You are permitted to any man'</p>	✓				
<p><i>Get</i> written by a woman</p>	✓		man		<p>i.e. anyone acceptable except 5 below mentioned</p>
<p><i>Get</i> written by a Gentile or a Jew who is an idolater or desecrates Shabbat</p>	x		man		
<p><i>Get</i> written by deaf mute</p>	x		man		
<p><i>Get</i> written by imbecile</p>	x		man		
<p><i>Get</i> written by a minor</p>	x		man		
<p><i>Get</i> written by a slave</p>	x		man		

	Acceptable	Witnesses	Both parties present	Who pays	Explanation
<i>Get</i> must be written with a permanent ink	✓		man		Otherwise it is void
Any material can be used on which to write the <i>get</i> .	✓		man		As long as it is given to wife in the presence of witnesses
<i>Get</i> may be written in any language but custom now is to write in Aramaic	✓		man		However, the message must be clear that so and so divorces so and so.
Wording used should not be ambiguous	✓		man		
<i>Get</i> torn horizontally and vertically	×		man		Because this is method used by Courts to destroy documents. Other tears would <i>not</i> invalidate
2 <i>gittin</i> written on one parchment			man		Depends where written and where signed. But basically 2 women cannot be divorced with one <i>get</i> .

PLACING *GET* IN HER HANDS

<i>Get</i> (Bill of Divorce) Ref: <i>Sefer Nashim, Hilchot Gerushin,</i> Chapters 1, 2, 3, 4, 5, 6, 7	Acceptable	Witnesses	Both parties present	Who pays	Explanation
Placing <i>get</i> in her hand can also refer to other parts of her body, her courtyard or her agent.	✓		both		Even if her courtyard is rented or borrowed.
If wife is in husband's domain, <i>get</i> must come to her hand or some container which could be regarded as her domain.	✓		both		For example, a container or couch belonging to her
If both parties are in the public domain and husband throws <i>get</i> to wife			both		<i>Get</i> acceptable if it lands closer to her than to him.

SHLUCHIM

	Acceptable	Witnesses	Both parties present	Who pays	Explanation
Woman appoints <i>shaliach kabalah</i> to receive <i>get</i> from husband	✓	2 witnesses for appointing 2 witnesses for receiving	Woman		
Husband appoints <i>shaliach holachah</i> to deliver <i>get</i> to wife	✓	x	man		Witnesses not needed because it only involves transporting the <i>get</i> and not the divorce itself
Woman appoints agent to fetch <i>get</i> from husband (<i>shaliach havaah</i>)	✓	x	woman		Again, this agency only involves transporting <i>get</i> .
When agent <i>delivers get</i> to wife it must be given in the presence of witnesses (and read out in presence of witnesses)	✓	2			
Anyone acceptable to be a <i>shaliach</i> except 5 exceptions as per writing	✓				
Husband can revoke <i>get</i> if he does this <i>before get</i> reaches her hand		2	man		Only if witnesses hear the revocation before wife receives original
Husband can also revoke <i>get</i> before it is written		2	man		This revocation annuls <i>get</i> itself. Whereas the previous example, that <i>get</i> could be used again. Man receives <i>makat mardut</i> (stripes) for revoking as it may cause wife to marry illegally i.e. she may not know that <i>get</i> was revoked.



OUTSIDE OF ERETZ YISRAEL

	Acceptable	Witnesses	Both parties present	Who pays	Explanation
<p>Within <i>Eretz Yisrael</i>, agent does not witness signing or writing of <i>get</i>. Just hands <i>get</i> to wife.</p> <div style="border: 1px solid gray; padding: 5px; background-color: #f0f0f0;"> <p>Reminder:  <i>Get</i> (Bill of Divorce) Ref: <i>Sefer Nashim, Hilchot Gerushin</i>, Chapters 1, 2, 3, 4, 5, 6, 7 of witnesses</p> </div>	✓		x		In <i>Eretz Yisrael</i> it is easy for Courts to verify witness signatures. Babylon is regarded as <i>Eretz Yisrael</i> .
<p>Delivery within Diaspora or between Diaspora and <i>Eretz Yisrael</i>, agent must witness writing and signing of <i>get</i></p>	✓	At both writing and hand over of <i>get</i>	x		He then must announce to wife in front of witnesses <i>Befanay nichtav ubefanay nichtam</i> i.e. confirmation that <i>get</i> was written and signed in front of him.
<p>If witnesses to writing of <i>get</i> in Diaspora could be verified, then agent need not say '<i>Befanay nichtav ubefanay nichtam</i>'</p>	✓				
<p>Blind person delivers <i>get</i> in Diaspora</p>	x				Because he is unable to say ' <i>Befanay nichtav ubefanay nichtam</i> '

	Acceptable	Witnesses	Both parties present	Who pays	Explanation
<p>Agent given clear instruction and deviates from instruction e.g. give <i>get</i> to her in this place and he gives it in another.</p>	x				
<p>Agent of woman told to collect <i>get</i> in one place and he collects it in another.</p>	x				