



Agudath Israel of Maryland
אגודת ישראל במרילנד
PROTECTING  ADVOCATING  SERVING

SENATE JUDICIAL PROCEEDINGS COMMITTEE

TUESDAY, FEBRUARY 18, 2020

SENATE BILL 536

DIVORCE AND ANNULMENT - REMOVAL OF BARRIERS TO REMARRIAGE

TESTIMONY OF RABBI ARIEL SADWIN,
 EXECUTIVE DIRECTOR, AGUDATH ISRAEL OF MARYLAND

SUPPORT

Agudath Israel of Maryland (AIMD), the Mid-Atlantic regional office for Agudath Israel of America – a nearly 100-year-old national Orthodox Jewish advocacy organization with chapters across the country, speaks on behalf of the Orthodox Jewish communities across Maryland.

We issue this testimony in **support** of Senate Bill 536 – Divorce and Annulment – Removal of Barriers to Remarriage. We are grateful to Senator Kagan for sponsoring this bill and for championing its cause, as well as Delegates Attar and Rosenberg for their sponsorship in the House.

A bill of this nature that seeks to “remove the barriers to remarriage” is of particular relevance to the Jewish community. Rabbis and community leaders have endlessly agonized over the tragedy of husbands refusing to give their wives a Jewish religious divorce - known as a Gett - and over the profound suffering such recalcitrance has caused these women who are indefinitely bound to their failed marriage. They have wrestled with the rabbinical court system’s lack of meaningful enforcement power and the elusiveness of finding a remedy within Jewish law that enjoys the consensus of leading rabbinic authorities.

Our focus here is simple – the State has a legitimate role in alleviating the pain of the women in these difficult situations. And, this bill’s approach has been determined by constitutional scholars – including Maryland’s Attorney General – to fall squarely with the parameters of the First Amendment.

Divorce is intended to sever the parties from a marital relationship, leaving each free to remarry. The state’s secular purpose of granting a divorce is plainly ineffective if the spouse seeking or consenting to the divorce were otherwise able to restrain the other from ever remarrying. SB 536 is intended to help prevent such a result. It will ensure that parties to a marriage will not be able to secure a civil divorce under Maryland law unless they have provided an affidavit affirming that they have taken all steps in their power to remove any and all barriers to their spouse’s remarriage, thus enabling both parties to move on with their lives.

It is surely appropriate for the state to concern itself with this issue. Not because government should promote the practice of religion (because it should not), rather it is the state’s ability to withhold the potential of a civil divorce that still bars one spouse’s ability to remarry. Consequently, government should make sure that no party who has come to court seeking the benefits of civil divorce should retain power over the other’s future marital status. The vindictive manipulation we have seen flouts Maryland’s granting of a civil divorce and surely runs contrary to the public policy of our state.

Thank you for considering our view on this issue and we urge your support for SB 536.