



Agudath Israel of Maryland
אגודת ישראל במרילנד
PROTECTING  ADVOCATING  SERVING

HOUSE JUDICIARY COMMITTEE

THURSDAY, FEBRUARY 20, 2020

HOUSE BILL 833

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 House Bill 833 – Divorce and Annulment – Removal of Barriers to Remarriage. We are grateful to Delegates Attar and Rosenberg for their sponsorship of this bill and to Senator Kagan for sponsoring the Senate version of the bill.

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.

Measures such as these are only brought up for consideration in societies where the civil law is upheld in all of its forms. Over the many generations that the Jewish people have been living in the Diaspora, the rabbinical court system has not had an avenue of meaningful enforcement when it comes to a husband’s giving of a Gett. It must be done at his will and without direct coercion. In Israel, rabbinical courts are granted more robust powers to indirectly coerce the husband in a manner that is in line with their civil law and religious law.

In America where civil law supersedes religious law, the rabbinical court is unable to suggest the more extreme measures when it deals with the recalcitrant husband. Beyond Israel, during the many generations when Jews were numerous in Countries across Europe and other parts of the world, civil laws were not as acutely in certain areas and thus rabbinical courts could exercise greater authority on get enforcement.

As a result, we are here making outreach to our legislature - just as it has been done in other areas - to create a civil measure in the divorce process that can work in tandem with the Gett process carried out in the less formal rabbinical courts in America.



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The manner we seek in some ways is a perhaps an even more ideal approach than has been otherwise implemented across the world and throughout history.

Our goal quite simply is for the State to add a civil item that can be enormously helpful for a large group of Maryland citizens when dealing with the religious portion of their divorce.

It is NOT a matter of STATE interfering with the CHURCH – or even an attempt at mandating something of a religious nature. Rather it is creating a civil tool to better enable religious people to carry out a sacred process as necessary – all in an effort to alleviate the pain of the women in these difficult situations.

This approach has been determined by constitutional scholars – including Maryland's Attorney General – to fall squarely within the parameters of the First Amendment.

The institution of divorce is intended to sever the parties from a marital relationship, leaving each free to remarry. For religious Jews in contemporary society we do need to come on to the State's Courts to both complete its side of the process and to effectively enable the religious side of the process.

House Bill 833 will get us to that place - by requiring the husband to sign an affidavit affirming that "all steps have been taken to remove any and all barriers to their spouse's remarriage", thus enabling both parties to move on with their lives and find happiness and peace.

Thank you for considering this issue and we urge your support for House Bill 833.