

Giving a Get to a Meshumedet^{2 3}

Approved on May 30, 2023 by a vote of 19-0-0. Voting in favor: Rabbis Aaron Alexander, Jaymee Alpert, Adam Baldachin, Pamela Barmash, Emily Barton, Nate Crane, Elliot Dorff, David J. Fine, Judith Hauptman, Joshua Heller, Barry Leff, Amy Levin, Daniel Nevins, Micah Peltz, Joel Pitkowsky, Rachel Safman, Robert Scheinberg, Miriam T. Spitzer, Ellen S. Wolintz-Fields. Voting against: None. Abstaining: None.

שאלה (Question)

Is a husband who has gone through a civil divorce required to execute and deliver a גט (Jewish divorce document) in a case where his wife has left Judaism for another religion? After all, she may not even want a גט, if she no longer considers herself Jewish!^{4 5 6} This question applies to any meshumedet, whether she was Jewish from birth or whether she converted to Judaism in the first place.

תשובה (Response)

To answer this question, we are going to look at four issues:

1. First we will examine the principle that once a Jew, always a Jew, even if said Jew is currently identifying as something other than Jewish.
2. Then we will look at the case where the wife had converted to Judaism in the first place. Can we retroactively annul a conversion on the woman's behalf (with or without her consent) in order to not be required/obligated to give her Jewish divorce?

¹ *The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. Individual rabbis, however, are authorized to interpret and apply halakhah for their communities.*

² Meshumedet = apostate, a Jew who has decided to embrace another religion.

³ The original question specified that the woman in question was a giyoret (convert) who "reverted to a belief in Jesus," but the principles involved apply to any meshumedet, whether a Jew by birth or a Jew by choice, whether she is turning to Christianity or to any other religion.

⁴ This might seem like a strange question in some parts of the US and Israel, but outside the northeast mainline and possibly in other places in the world, rabbis will find it familiar and not strange at all.

⁵ Although it is not the subject of this teshuvah, this matter does touch upon the question of proper methods of divorce in cases of intermarriage. It would be reasonable to ask if there should be Jewish ways to mark the dissolution of an intermarriage or how one should part from one's Gentile spouse. This is a different, albeit related, question, and merits its own examination.

⁶ The corollary to this question is whether a woman whose husband has become an apostate and who has gone through a civil divorce is required to have a גט in order to remarry. This is a serious question because it may prove very difficult to obtain a גט from a meshumad. The Conservative Movement has a mechanism for cases of a recalcitrant husband (and not only an apostate), namely hafka'at kedushin, annulling the original marriage. This is not undertaken lightly, but it does work.

3. We will ask if in all cases a woman must be on-board for a Jewish divorce. Are there circumstances when a גט may be accepted on behalf of a woman who either does not know about it or refuses to accept it herself?
4. Finally, we will look at the needs of the husband to have given a גט regardless of his ex-wife's situation.

1. ישראל אף על פי שחטאה ישראל היא

There is a well-known adage “once a Jew, always a Jew”, or ישראל אף על פי שחטאה ישראל היא (rendered in the feminine). This comes originally from the Talmud, Sanhedrin 44a. The context is God's comment to Joshua after the people of Israel were defeated at Ai. God said: “Israel has sinned” (Joshua 7:11). From this we learn that even when the people sin, they are still called “Israel”.

Applying this principle to our case, we see that the wife is halakhically Jewish even if she has joined another religion. Someone who is halakhically Jewish requires a גט. Rashi talks about this very situation:

הַעֲלָמָה שֶׁנִּתְקַדְּשָׁה⁷ לְאִישׁ וְשִׁנְיָהֶם הָיוּ אֲנוּסִים לְעֵבֶר עַל תּוֹרַת מֹשֶׁה עַל יְדֵי גוֹיִם וְגַם הָעֵדִים כִּיּוֹצֵא בָהֶם, רוֹאֶה אֲנִי שֶׁהִיא צְרִיכָה גֵט. וְשֶׁאִף יִשְׂרָאֵל מִשְׁמַד לְרִצּוֹנוֹ שֶׁקִּדַּשׁ קְדוּשָׁיו קְדוּשֵׁינוּ. שֶׁנֶּאֱמַר חֲטָא יִשְׂרָאֵל אֲף עַל פִּי שֶׁחָטָא יִשְׂרָאֵל הוּא, וְכֹל שֶׁכֹּפֵר שֶׁהָאֲנוּסִים לְבָם לְשָׂמִים

A young woman was married to a man and both of them were forced/anusim to violate the Torah by the gentiles. The witnesses [to the marriage] were also [anusim]. As I see it, she would need a divorce document because even a Jew who is a voluntary apostate by his own choice who married a woman with kiddushin -- the kiddushin hold (the marriage is valid). As it says, “Israel sinned (Josh 7:11), even though he has sinned, he is still a Jew” (Sanh 44a). All the more so when they are forced against their will to be apostates.

(Rashi on Apostates; reported in Responsa of Hayyim Or Zarua 45 (cf. Teshuvot Rashi #171 [Elfenbein #46])

If a couple who were apostates at the time of the wedding need a גט to dissolve their marriage, all the more so a woman who was Jewish at the time of her wedding! After all, ישראל אף על פי שחטאה ישראל היא, once a Jew, always a Jew. A meshumedet does require a גט.

2. In the case of a woman who converted to Judaism in the first place -- can we retroactively annul the original conversion, thus making the entire question moot?

⁷ נִתְקַדְּשָׁה might best be rendered as “betrothed” but I have used “married” throughout the teshuvah for clarity as to why a גט is required at all.

Conversion follows the general principle as expressed in the Talmud: once a person has completed the conversion process, he/she/they is considered Jewish for all purposes.

קיבל — מלין אותו מיד. נשתיירו בו ציצין המעפבין את המילה — חוזרים ומלין אותו שנית. גתרפא — מטבילין אותו מיד. ושני תלמידי חכמים עומדים על גביו ומודיעין אותו מקצת מצות קלות ומקצת מצות חמורות. טבל ועלה — הרי הוא פישראל לכל דבריו.

If he accepts upon himself all of these ramifications, then they circumcise him immediately. If there still remain on him shreds of flesh from the foreskin that invalidate the circumcision, they circumcise him again a second time to remove them. When he is healed from the circumcision, they immerse him immediately, and two Torah scholars stand over him at the time of his immersion and inform him of some of the lenient mitzvot and some of the stringent mitzvot. **Once he has immersed and emerged, he is like a born Jew in every sense.**

(Yevamot 47b)

The Talmud goes on to ask what it means that the convert is like a born Jew in every sense. It answers that if the convert reverts to his prior religion, he is still considered a Jew. For example, if a convert who has returned to Christianity gives a ring to a Jewish woman and says “Behold, you are consecrated to me according to the laws of Moses and Israel” the two are married and require a גט to divorce.

טבל ועלה הרי הוא פישראל לכל דבריו. למאי הלכתא? דאי הדר ביה ומקדש בת ישראל, ישראל משומד קרינא ביה, וקידושיו קידושין.

The *baraita* continues: **Once he has immersed and emerged he is a Jew in every sense.** The Gemara asks: **With regard to what *halakhah* is this said?** It is **that if he reverts back** to behaving as a gentile, he nevertheless remains Jewish, **and so if he marries a Jewish woman (ie with kiddushin), although he is considered to be an apostate Jew, his kiddushin are kiddushin; the marriage is valid.**

(Yevamot 47b)

A convert is a Jew for all purposes,⁸ specifically including marriage and divorce and presumably also including counting in a minyan, ie, leading services; being buried in a Jewish cemetery, etc. We do not have to reexamine the convert at every venture: did you really mean it

⁸ In 1960, the Reform Movement saw it somewhat differently. But even there they said that regarding issues of marriage, the apostate remains a Jew. (emphasis mine):

The convert to Judaism who reverts to his former faith is, of course, not deemed a Jew in the full sense of the word. Just as in the case of a born Jew who apostatizes, he is, for example, not to be relied upon with regard to various mitzvot. The wine in his possession is Gentile wine, and his bread is Gentile bread. **But with regard to marriage, he has the same right as an apostate Jew.** CCAR RRR 120-127 Originally published in the Central Conference of American Rabbis Yearbook, Vol. LXX, 1960.

when you joined the Jewish people? Are you really observant enough to “count” as a Jew? And indeed to do so is prohibited because we are not to cause pain and distress to a convert.⁹ Rabbi Marc Angel expresses it very strongly:

Therefore, giyyur IS possible – and it is possible only as birth into the Jewish kinship. Thus, a former Gentile who immerses in water for the sake of giyyur is transformed and recreated. Emerging from the waters of the mikveh, he is newly-born, as an infant emerging from a mother’s womb – a Jewish mother’s womb. That is why he is as irrevocably Jewish as is a Jew by [biological] birth: “Once he has immersed and come up, he is like a Jew in every respect”. Birth cannot be retroactively annulled.”¹⁰

The CJLS has allowed for retroactive annulment of conversions in some very rare, very isolated cases. In 1989 there was a case of people who came to the converting rabbi and lied about who was married to whom and about why they wished to convert. Once the truth came out, the rabbi wanted to know if the conversion could be retroactively annulled. Rabbi Steven Saltzman¹¹, writing for the majority, concluded that: “As rabbis who teach and accept converts, we have a right to honesty during the process. Where it can be clearly demonstrated that the proselyte acted dishonestly, withholding information vital to our ability to make a coherent decision, then the conversion may be considered null and void.” Rabbi Avram Reisner¹², writing in a concurring opinion, says that even Rabbi Saltzman’s cautious insistence on honesty goes too far. He says there can be a case where a convert deliberately lies or misrepresents him/her/their self and it is irrelevant to the sincerity of the convert, for example someone who chooses not to disclose that she comes from a mafia family. She deliberately lied, but it should not impact her conversion because it does not impact her desire to be Jewish. Only in a case where the deceit is

⁹ Bava Metzia 59b:12-14

תנו רבנן המאנה את הגר עובר בשלשה לאוין והלוחצו עובר בשנים מאי שנא מאנה דכתיבי שלשה לאוין (שמות כב, כ) וגר לא תונה (ויקרא יט, לג) וכי יגור אתך גר בארצכם לא תונו אותו (ויקרא כה, יז) ולא תונו איש את עמיתו וגר בכלל עמיתו הוא לוחצו נמי שלשה כתיבי (שמות כב, כ) ולא תלחצנו (שמות כג, ט) וגר לא תלחץ (שמות כב, כד) ולא תהיה לו כנושה וגר בכלל הוא אלא אחד זה ואחד זה בשלשה תניא רבי אליעזר §הגדול אומר מפני מה הזהירה תורה בל"ו מקומות ואמרי לה במ"ו מקומות בגר מפני שסורו רע

The Sages taught: One who verbally mistreats the convert violates three prohibitions, and one who oppresses him in other ways violates two. The Gemara asks: **What is different** with regard to verbal mistreatment, **that three prohibitions are written** concerning it: “**And you shall neither mistreat a convert**” (Exodus 22:20); “**And when a convert lives in your land, you shall not mistreat him**” (Leviticus 19:33); “**And you shall not mistreat, each man his colleague**” (Leviticus 25:17)...

¹⁰ <https://www.jewishideas.org/article/retroactive-annulment-giyyur-conversion>

¹¹ [May a Conversion Obtained Through Deceit Be Annulled?](#) Rabbi Steven Saltzman, 1989.

¹² [On Annuling a Conversion obtained by Deceit -- Concurring opinion](#) Rabbi Avram Reisner, 1989.

material to the conversion should it matter if the convert lied to the beit din. Otherwise a conversion must be unappealable. We find that the Rambam deals with a similar case (emphasis mine):

גר שלא בִּדְקוּ אַחֲרָיו אוֹ שְׁלֹא הוֹדִיעָהוּ הַמִּצְוֹת וְעִנְשָׁן וּמָל וְטָבַל בְּפְנֵי שְׁלֵשָׁה הַדְּיוֹטוֹת הָרִי זֶה גֵר .
אֶפְלוּ נִוְדַע שֶׁבִּשְׂבִיל דְּבָר הוּא מִתְגַּיֵר הוֹאִיל וּמָל וְטָבַל יֵצֵא מִכִּלְל הַעֲכוּ"ם וְחֹשֵׁשׁ לֹא עַד שִׁיתְבָּאֵר
צְדָקוֹתָיו . וְאֶפְלוּ חִזַּר וְעָבַד עֲבוֹדָה זָרָה הָרִי הוּא כִּי־שִׂרְאֵל מוֹמֵר שֶׁקְדוּשָׁיו קְדוּשָׁיו .

When a court did not check a [potential] convert's background and did not inform him of the mitzvot and the punishment for [the failure to observe] the mitzvot and he circumcised himself and immersed in the presence of three ordinary people, **he is [nonetheless] a convert. Even if it is discovered that he converted for an ulterior motive, since he circumcised himself and converted, he has departed from the category of gentiles** and we view him with skepticism until his righteousness is revealed.

Even if afterwards, [the convert] worships false deities, he is like an apostate Jew. [If he] consecrates [a woman,] the consecration is valid.

Rabbi Gedaliah Felder,¹³ whose work the *Nachalat Tzvi* is one of the most important works on Jewish divorce law, also says that we do not annul the conversion.

בְּסִפְרֵי נַחֲלַת צְבִי ח"א (עמ' סה) דְּתַנִּי בְּדִבְרֵי גְרוֹת לְשֵׁם אִישׁוֹת, וְאֵע"ג דְּאִין לְגַיֵר לְשֵׁם אִישׁוֹת
דְּחֹשֵׁשׁ לָהּ (רָאָה רַמְבַּ"ם פ' יג מְאִסּוּרֵי בִיאָה, יוֹר"ד ס' רסח) מ"מ בְּנִתְגַיְרָה אֲמַרִינָן שְׂמָא קְבָלָא
הַדָּת בְּלִבְ שָׁלֵם, אֵע"ג שְׂאֵנוּ רָאִין שְׁנִתְקַלְקְלָהּ, . . . וְלֹא אֲמַרִינָן הוֹכִיחַ סָפּוּ עַל תְּחִלְתּוֹ דְּדִבְרֵי רִשְׁבִּ"ג
(חֲלִין לֵט, ב) דְּשֵׁם בְּאוֹתוֹ מַעֲשָׂה עֲצָמוּ נְאָמַר וְכַמְבָּאֵר בְּש"ד בְּשֵׁם הַיִּשׁוּשׁ (יוֹר"ד יב, ד וְרָאָה
בַּתְבו"ש שֵׁם ס"ק ד) מִשָּׂא"כ בְּנִידָן דְּדוֹ-וְלָכֵן הָיִיתָ שְׂאִין לָנוּ לְבַטֵּל הַגְּרוּת

In my book the *Nachalat Tzvi*, part 1, page 65, I dealt with the issue of conversion for the sake of marriage. Even though conversion should not be done for the sake of marriage lest it be suspect, (see רַמְבַּ"ם פ' יג מְאִסּוּרֵי בִיאָה, יוֹר"ד ס' רסח) once she has converted, we consider that she converted whole-heartedly. Even though we can see that she later went astray . . . we don't say that her end proves her beginning. . . and we do not annul her conversion.

(257 נחלת צבי - ב / פלדר, גדליה בן צבי עמוד)

In the wake of attempts by the Israeli chief rabbinate to annul conversions in 2008, many rabbis issued strong teshuvot (responsa) proving that conversions could not be retroactively annulled and that converts, like all Jews, remain Jewish whether or not they observe any specific Jewish law.

¹³ Rabbi Gedalia Felder (1921/2–1991), was a Canadian rabbi and halakhic authority. His book, the *Nachalat Tzvi*, is one of the primary sources for issues of adoption, proselytes, and divorce.

- Rabbi David Golinkin¹⁴ wrote: “Furthermore, this ruling will deter all future conversions. If a conversion can be annulled years after it is performed, it means that all conversions are conditional – so why bother converting at all? This ruling is a Hillul Hashem, a desecration of God’s name, which makes a mockery of thousands of converts and hundreds of teachers and rabbis who have worked so hard to convert them.”¹⁵
- Dr. Zvi Zohar¹⁶ wrote: “However, there is no justification for anyone to hold, that halakha enables retroactive annulment of giyyur based upon the proselyte’s future conduct. This determination is based upon several grounds. One is that the normal position of halakhic tradition is that ritual acts (in general) and ritual acts affecting an individual’s personal status (in particular) are valid, irrespective of the subjective intent of the parties involved and irrespective of their subsequent conduct. Another is, that the central and major halakhic sources go out of their way to stress the point, that giyyur is valid immediately and irrevocably, however the proselyte subsequently chooses to conduct himself.”¹⁷

A conversion holds, even if the convert subsequently changes his/her/their mind, and even if it is not 100% certain what their original intentions might have been. Only in cases of out and out deceit can a conversion be retroactively annulled. The cases where the CJLS has allowed retroactive conversion are cases of fraud in the original conversions, cases where the converts lied to the converting beit din about their marital status or about other information pertinent to the conversion. We have no reason to believe that this case fits that model. We judge people on where they are at the moment. It would be very hard to prove false pretenses. Therefore we cannot retroactively annul the conversion, even though it would be helpful in this case. The husband is required to execute a גט.

It would behoove us as a Conservative Movement to encourage our rabbis to discuss this situation with our potential converts. While no one wants to discuss divorce when people are planning their married lives together and no one wants to suggest that a current conversion candidate may later decide to revert to a prior religion or choose an altogether new one, converts should know that the principle of *אף על פי שחטא ישראל הוא* will apply to them as well, and converts, like all Jews, should know the importance of gittin, Jewish divorce. We might even

¹⁴ David Golinkin is President of The Schechter Institutes, Inc. and President Emeritus of the Schechter Institute of Jewish Studies. For twenty years he served as Chair of the Va’ad Halakhah (Law Committee) of the Rabbinical Assembly which gives halakhic guidance to the Masorti Movement in Israel. He is the founder and director of the Institute of Applied Halakhah at Schechter and also directs the Center for Women in Jewish Law.

¹⁵ [A Responsum Regarding the Annulment of Conversions](#) The Schechter Institutes Responsa in a Moment: Volume 2, Issue No. 9, June 2008

¹⁶ Dr. Zvi Zohar, Chauncey Stillman Professor of Sephardic Law and Ethics at Bar-Ilan University, and Senior Research Fellow at the Shalom Hartman Institute in Jerusalem

¹⁷ <https://www.jewishideas.org/article/retroactive-annulment-giyyur-conversion>

consider adding something that emphasizes the idea of *הוא ישראל אף על פי שחטא ישראל הוא* to the declaration that the *גר* makes upon conversion, ensuring that they know that from now on they always will be considered Jewish. This should be worded in a strong and explicit way.

3. What happens if she does not accept the *gett*? -- גט על ידי זיכוי

There is a general halakhic principle that a *גט* cannot be issued to a woman without her knowledge and consent.¹⁸ This is for the protection of the woman and it is not a rule that we want to argue with in principle. There is also an halakhic principle that some actions can be taken on behalf of another, even without their knowledge and consent, if those actions come to benefit the other person.¹⁹ The question then becomes whether there are isolated cases where a *גט* can be issued without the wife's knowledge or consent, because it would be a "benefit" to her. This is called *גט על ידי זיכוי*. There are three potential answers to the question of whether a *גט* can be issued without the wife's knowledge or consent:

- A. No, A *גט* can never be given without her knowledge and consent.
- B. While there are cases where a *גט* can be issued without the wife's knowledge or consent, this case does not qualify.
- C. Yes, a *גט* can be issued without the wife's knowledge or consent and this is an example of such a case.

A. A *גט* can never be given without her knowledge and consent

An argument can be made that the principle is ironclad: a *גט* cannot be issued without the wife's knowledge and consent, period. There are no exceptions. The Rambam, for example, states: *הגט לאשתו וזה הוא הנקרא גט לאשתו. אכל יכול לעשות שליח להוליד הבעל אינו יכול לעשות שליח לקבל*. "A husband may not appoint an agent to **receive** a *גט* for his wife. He may, however, appoint an agent to **deliver** a *גט* to his wife. Such an agent is referred to as a delivery agent (*sh'liach holachah*)."²⁰ *Mishneh Torah Hilchot Gerushin* 6:3 This could be understood to mean that her knowledge is necessary to the *גט* process; as we will see, most poskim do not rule this way.

¹⁸ This was not always the case. According to the Talmud, a man may divorce his wife without her consent (for example, by throwing the *גט* into her yard). Rabbenu Gershom issued a takkanah (ruling) that mandated the consent of the wife in cases of divorce and we hold by that. When the Shulhan Arukh brings the cases of a *גט* that was thrown into a woman's yard, it concludes that the wife needs to know and to accept the *גט*. Even HaEzer 139.

¹⁹ In a different context, the Rambam, for example, says: *הכותב גט שחרור לעבדו וזכה לו בו על ידי אחר ואמר זכה בגט זה לפלוני עבדי יצא לחרות אף על פי שלא הגיע גט לידו שזכין לאדם שלא בפניו*. When a person composes a bill of release for his slave and gives it to another person to acquire on the slave's behalf, saying: "Take possession of this bill of release for so and so, my slave," the slave is granted his freedom even though the bill of release did not reach his hand. For it is possible to acquire something of benefit to a person outside his presence. *Mishneh Torah Slaves* 6:1

B. A גט can occasionally be given without her knowledge and consent, but this case does not qualify.

Then there is the argument that while there may be exceptions to the rule, the case of a woman who has left Judaism and is refusing to accept a גט is not among them. HaRav Uziel²⁰ wrote that if the woman refuses to accept the גט, we have to take her at her word. She is acting on principle -- the principle of opposing the Torah. She knows what she is doing and she is doing it deliberately, therefore giving her a גט against her will is not effective. The husband cannot give her a גט על ידי זיכוי; it would not be a זכות /benefit for her.²¹

Absent further information, we do not have to assume that our case is like the case of Rav Uziel. This particular wife may not be making a strong principled case of opposing the Torah. It is more likely that she is simply be uninterested in a גט, just thinking it does not apply to her anymore.

C. There are cases where a גט may be given without the woman's knowledge or consent because it benefits her.²²

Most sources conclude that there are cases that a גט can be given without the knowledge or agreement of the woman. This case appears to qualify.

The Shulhan Arukh maintains that the takkanah of Rabbenu Gershom continues to apply, even though the time period has expired. It brings Rebbenu Gershom's ruling to our very case:

י"א מי שהמירה אשתו מזכה לה גט ע"י אחר ונושא אחרת וכן נוהגין בקצת מקומות ובמקום שאין מנהג אין להחמיר ומותר לישא אחרת בלא גירושי הראשונה :

One whose wife is an apostate grants her a גט through an emissary and then he can remarry, and such is the custom in some places. But in places where that is not the custom, we should not be strict in this matter, and he should be allowed to remarry without divorcing the first wife.

(Shulhan Arukh Even HaEzer 1:10)

²⁰ Rabbi Benzion Uziel was the Sephardic Chief Rabbi of Palestine/Israel from 1938-1953

²¹ ולדידי נראה בנדון דידן שהתנגדותה לגט היא התנגדות עקרונית לתורת ישראל ורצונה הוא לא להתגרש כדי לעבור ביד רמה ולהראות התנגדותה לדת, ובודאי הגמור שאין לומר בה בטלה דעתה אצל כל אדם, ואין זכוי הגט מועיל לה ולבניה

(סימן עב- זיכוי גט לפרוצה | הוועד להוצאת כתבי הרב עוזיאל זצ)

²² In the Conservative Movement גט על ידי זיכוי is frequently employed as a method of ensuring that the delivery of the גט was properly achieved. We also work on the principle that having a גט is **always** to the benefit of the woman.

Isserles says that if the wife was an apostate, her bill of divorce can be acquired for her through an emissary, and if she returned to Judaism later, she would not need another גט document. ואם אשתו מומרת וזוכה לה גט ע"י אחר (ע' בת"ה סי' רל"ז ובפסקיו סי' מ"ד) כמו שנתבאר לעיל סי' א' אע"פ שחזרה בה אח"כ אינה צריכה גט אחר (שם בת"ה (אבן העזר קמ:א))

The Terumat HaDeshen (Israel Isserlin, 1390 - 1460, Austria) expands on this idea. Most of this source is about what happens to a woman whose husband is a *meshumad*,²³ but he takes a quick break to discuss our case, that of a woman who is a *meshumedet*. The Terumat HaDeshen says that a man whose wife has become a *meshumedet* and who wants to remarry can give a גט through an emissary before he remarries. And if at a later date the woman returns to Judaism, she is considered already divorced and she does not need a different גט.

שנשתמדה אשתו ורוצה לישא אשה אחרת מזכה לה גט ע"י אחר קודם שישא אחרת משום חשש חרם רבינו גרשון ז"ל ואם תחזור היא בתשובה לאחר זמן מגורשת היתה בקבלה זו ונראה לפי דעתי שכן הוא המנהג שלא להצריכה גט אחר מ"מ הואיל והתוס' מביאים הירושלמי ומפרשי ליה נ"ל (Terumat Hadeshen #237)

Rav Uziel²⁴ speaks also about the case of a woman who has left Judaism. He explains that those who are strict on the matter and who require the woman to have a second גט if she returns to Judaism are actually saying that even though the first גט does not entirely free the woman from the marriage, *it does free the man to remarry*. Our case is about a man who wants to give his wife a גט -- by this ruling he absolutely should do so and after he has, he is free to remarry. Rav Uziel goes on to add that giving a גט to a woman who is living with another man is definitely to her benefit; it is better for her to be divorced than married if she is with someone else. So the divorce would hold if she returned to Judaism.

והוא הדין לאשה הנאסרת על בעלה מזכה לה גט ע"י אחר ויש מחמירים בזה ע"כ. ומריהטת לשונו משמע דהמחמירים סוברים שצריכה גט אחר, משום דהגט הראשון שעל ידי זכוי אינו מתיר אותה

²³ Isserlin rules that the גט from an apostate husband may be accepted by anyone on behalf of the wife, even if she does not know about it, because the divorce is a benefit to her. This is relevant to our case as well.

עוד תשובה וז"ל מעשה היה בימי רש"י על מומר שנתרצה לתת גט לאשתו והורה רש"י ז"ל לאחר לקבל הגט שלא מדעתה עכ"ל. ואחד מהגדולים העתיק מספר האגודה וז"ל אשה שנשתמד בעלה מותר לכל אדם לקבל גיטה שלא מדעתה דאנן סהדי דזכות הוא לה

²⁴ Rav Uziel rules differently in different cases. In the case of the woman who refuses to accept the גט, he says that we cannot accept the גט on her behalf because it would not be of benefit to her. In case of the woman who has left Judaism, we can accept the גט on her behalf because it would be a benefit to her.

לעלמא אלא רק מתיר את בעלה להנשא עם אשה אחרת עליה. וכמו שכן פירש דברי הרמ"א הרב השואל בנוב"י (אה"ע מהדו"ק סי' צ"ב).

B'Mareh HaBazak (contemporary collection of questions from around the world, answered by Kolel Eretz Hemdah²⁵) cites the woman who has left Judaism as an example of a permitted “גט על ידי זיכוי” because if she is sleeping with other men, it is obviously better for her that she do so as a single woman rather than as a married woman.

באשר לאשה מומרת, כתבו פוסקים שהבעל יכול לזכות לה גט על-ידי אחר לפי שזכות היא לה להתגרש, שוודאי היא מזנה, ומוטב שתזנה פנויה ולא אשת איש ("תרומת הדשן" סי' רלז ובפסקים רנו, רמ"א שו"ע אבן העזר סי' קמ, ה ובסי' א, י) יש מחמירים אף בזה (מהרי"ק שורש קמא).

The Nahalat Tzvi (Rabbi Gedalia Felder, Toronto, mid-20th century) concludes that most aḥaronim rule that when the husband of an apostate woman wants to remarry, this is a case where גט על ידי זיכוי applies (rather than the more extreme 100-Rabbi-Heter).

רב האחרונים דרשו זכוי גט היכי דהבעל רוצה לשא אשה על אשתו, אכל לא הטר מאה רבנים (נחלת צבי - ב / פלדר, גדליה בן צבי עמוד 257)

Rabbi Isaac Klein (*A Guide to Jewish Religious Practice*; New York: Jewish Theological Seminary, 1979, pp. 496-497) concludes that since the woman is already divorced civilly and possibly even remarried to another man, clearly she wants the divorce and clearly being divorced according to Jewish law would benefit her and any future children she might have.²⁶

To sum up, in the case of the ex-wife who has apostatized to another religion, the husband should execute a גט על ידי זיכוי, whether or not she cares about it and whether or not she accepts it, after all, who knows if someday she will return to Judaism.

4. For the sake of the husband

A woman needs a גט to complete the divorce process and to be able to remarry. In our day, there are men who withhold the giving of the גט to their ex-wives as a tool of leverage in custody disputes, as a way to extort money, to exert leverage over other issues in the separation, or just because they can. The man in this case specifically does not want to be such a husband. He asked the question because he wants to follow Jewish law, and, in common parlance, do the

²⁵ Founded in 1987, Kolel Eretz Hemdah was established in order to train Rabbis and religious leaders for the national-religious community in Israel and abroad. The Kolel responds to Halakhic inquiries received from rabbis in Jewish communities around the world. These fascinating responsa, many of which deal with our developing modern world, have been collected in a series of books entitled "B'Mareh HaBazak". (Sefaria)

²⁶ We might even argue that having a גט is *always* a benefit to the woman.

right thing by his ex-wife. Even if the woman is not interested in the גט because she no longer identifies as Jewish, even if the woman refuses to accept the גט, the husband should execute the גט anyway for his own peace of mind and serenity of spirit -- so that he knows that he “did it right”.

Furthermore, a man must also be divorced before remarrying; for this reason too he should issue a גט to his wife.

Conclusion פסק

According to Jewish law, an apostate Jew is still a Jew. This woman is still considered a Jew by halakhah, and thus her husband must give her a גט. The possibility that this particular Jew became a Jew by conversion in the first place is immaterial; absent clear, present and relevant fraud, we cannot retroactively annul conversions just as we cannot retroactively annul birth. Given that this woman has openly declared herself to be a practicing member of another religion, we can consider her the right candidate for a גט על ידי זיכוי and not ask her to come in to receive the גט.²⁷ She is then divorced according to Jewish law and if she should return to Judaism, we can consider her fully divorced; she already has a גט. Even though there are rare cases where a man might remarry without a גט, for the most part we do require a man to have a גט before remarrying, so the husband himself needs this גט. He needs it as well for his psychological well-being. He needs to know that he is in no way like those husbands who withhold a גט from their wives as a power play.

For all these reasons, a husband is required to execute and deliver a גט to a woman who has left Judaism, whether she was born Jewish or became Jewish through conversion. A Jewish marriage requires a Jewish divorce, whether or not both partners are still practicing Judaism.

²⁷ We understand that we must try to have it both ways. This woman is both halakhically Jewish and actively practicing another religion. Whether or not she should even be invited in to receive the גט in person is a question we should leave to the individual rabbi on a case by case basis. On the one hand, if the rabbi sees that this is a situation where she would be amenable and respectful, the rabbi might invite her in to receive the גט in person. On the other hand, the rabbi might be very uncomfortable asking a practicing Christian or someone practicing whatever religion other than Judaism to participate in an extremely Jewish ritual, even if she is amenable and respectful. Having it both ways is a challenge. גט על ידי זיכוי is probably the best answer in most of these cases.