



## The Pre-Nuptial Agreement

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*Mazal Tov!*

Getting married is a wonderful experience and a time of great blessing and optimism. We have great hopes for the future and all of us anticipate that the relationship we are embarking on will last our lives.

Even if we are realistic and acknowledge that all too many marriages end with a separation or a divorce, we would like to think of ourselves as the kind of people who would be decent about a settlement; that we would do the right thing by each other. It feels distasteful, particularly at this stage to think about such matters. To plan for the contingency seems almost like a betrayal of our faith, our judgment and our partner.

The purpose of a pre-nuptial agreement is not to plan for failure. On the contrary, it becomes a clear demonstration of your commitment to each other right now, that come what may, you do intend to look after each other's welfare and protect their interests against possible harm or abuse.

A Jewish marriage is called Kiddushin, containing the word "Kodesh" meaning holy. A Jewish wedding is more than just a ceremony which marks a defining point in your new household; it sanctifies your relationship and establishes a new religious reality with responsibilities and consequences in Jewish law.

Just as a civil relationship can be ended through the civil divorce process in the civil courts, the sanctified relationship from your Chuppa is ended through the process of a religious divorce, called a Gett. This is prepared in a Jewish religious court, called a Beth Din.



The purpose of a divorce is to make a clean and final separation between two parties. The goal is to establish a settlement where each can go their own way and when the time is right to remarry. Just obtaining a divorce in one jurisdiction leaves either a civil-legal or alternatively a religious bond between two people who ought to be separate.

If there is a civil divorce without a Gett, then the parties will be unable to have a subsequent Jewish religious wedding. Moreover, there may well be problems in Jewish law for any children born with new partners. In exceptional and tragic cases, the threat or even fear of this may be used by one divorcing partner in an abusive manner against the other.

The purpose of the pre-nuptial agreement is that both of you commit now to doing the right thing by each other. By this simple contract in civil law, the 'pre-nup' overcomes the problem that a civil divorce court cannot write or require a Gett. The civil courts will uphold a pre-nuptial agreement which says that in the sad event of a matrimonial dispute, the parties agree to come before the Beth Din and follow their instructions regarding Jewish religious separation.

The language of the pre-nup has been carefully constructed to conform with both civil and religious jurisdictions.

As of necessity, it defines the Beth Din which will be responsible for oversight and allows for an alternative if you move interstate or overseas. It then empowers the Beth Din to ensure that the parties do what is necessary to effect a Gett and with this, for the Beth Din to ensure that the maintenance responsibilities of the religious marriage are properly complied with until the religious divorce is completed.



The pre-nuptial agreement is now a standard requirement in weddings in the United Synagogue in London and in many orthodox communities the world over.

The pre-nuptial agreement is like an insurance policy for something we hope will never happen. We hope that when you place your signatures on the pre-nup it is the last time you will ever need to look at it. We hope that you will never have to rely upon it; that it will never be used. However, when you have signed it, you enter your married life with greater security and confidence.

We encourage you to sign the pre-nup as a gesture of reassurance and as a demonstration of your commitment to the person you love most.

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