

FAQ - Halachic Prenup/Postnup for Canada

1. *What is the Halachic Prenup/Postnup for Canada?*

It is a straightforward legal document to be signed by a Jewish couple either before their wedding (Prenup) or after their wedding (Postnup) to agree that if, God forbid, their marriage ends in divorce, both will participate in a Gettt (Jewish divorce) and will not refuse to participate in freeing their spouse for any reason. It is increasingly common for couples to sign this, and for rabbis to insist on it before officiating at a wedding. It has been proven to be the most effective measure to prevent a woman from becoming an Agunah (chained or stuck in her marriage because her husband refuses to give her a Gett). The Halachic Prenup/Postnup for Canada, prepared by Rabbi Michael Whitman, is the first version written in accordance with Canadian law.

2. *We are happily married. Why should we sign the Halachic Postnup for Canada?*

Signing this document, together with hundreds of other Jewish couples, creates a powerful statement of our community that we will not tolerate refusing to participate in a Gett. It will help induce every couple getting married to sign the Halachic Prenup for Canada before their wedding. And it says to every woman who is suffering as an Agunah, "You are not alone. The entire community will do whatever it takes to make sure this nightmare will end!"

3. *Why is the Halachic Prenup/Postnup for Canada so important?*

The pain of someone, usually a woman, suffering from their spouse's Gett refusal, is deeper than you can imagine. To be stuck in a dead relationship, without the ability to move on is a terrible form of domestic abuse. The most practical and helpful solution is to sign a Halachic Prenup before marriage, or Postnup after marriage. With this document, we can virtually eradicate the horror of Agunah. But only if we use it. There is no step to take that is more helpful to removing the stain on our community of Gett refusal, than to sign a Halachic Prenup or Postnup.

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4. *Is the Halachic Prenup/Postnup for Canada valid according to Canadian and Quebec law?*

Yes. In the opinion of a group of the greatest legal minds in Canada, convened by Rabbi Whitman – including former judges, lawyers, and law professors – this document is the strongest document possible in light of Canadian and Quebec law. It creates a secular, legally binding contract that can be upheld by a judge in court.

5. *Is the Halachic Prenup/Postnup valid according to Jewish law?*

Yes. It was written with input from some of the leading authorities in Jewish law in our time. It is based on a document written by the preeminent Halachic authority of our generation, Rabbi Moshe Feinstein. It is approved, supported, and endorsed by the RCA (Rabbinical Council of America), and its most respected Halachic authorities: Rabbi Gedalia Schwartz and Rabbi Mordechai Willig, among others. It is endorsed and used by dozens of the most respected and trusted Rabbis across Canada whenever they officiate at weddings. It is strongly endorsed by leading experts in this field, including Dr. Rachel Levmore and Rabbi Jeremy Stern.

6. *Isn't it uncomfortable asking an engaged couple or a happily married couple to sign a document that relates to divorce? Does it create an Ayin Hara (evil eye)?*

On the contrary, every Jewish couple has a document called the Ketubah, which is signed just before the wedding ceremony and read aloud under the Chuppah. This document provides a financial settlement to the bride in the event her husband dies first or their marriage ends in divorce. Our rabbis understood that a strong marriage is based on the couple pledging to each other love and respect even when times are hard. A couple who signs the Halachic Prenup for Canada is making a pledge to protect Shalom Bayit (peace and harmony in their home) not only on their most joyous day, but every day. This is, in fact, the key to a strong and loving relationship.

7. *Do other rabbis require using a Halachic Prenup in order to officiate at a wedding?*

Yes. It was recently reported that over 75% of mainstream orthodox rabbis already require a Halachic Prenup in order to officiate at a wedding, and that number is rising. Rabbi Michael Whitman, along with most of the orthodox rabbis of Montreal, plus many more rabbis across Canada, requires its usage in order to officiate at a wedding.

On September 23, 2016, a historic announcement was made by the RCA (Rabbinical Council of America – the largest organization of orthodox rabbis in the world) that **requires** rabbis to use a Halachic Prenup. Other rabbinic organizations such as the IRF have already taken this step. Please see full details [here](#).

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"This resolution will remove any perceived stigma associated with signing the agreement. Requiring rabbis to officiate only at weddings with halachic prenups eliminates the concern often expressed by couples that signing a prenup casts aspersions on their characters or their marriage. With the adoption of this new resolution, signing the prenup is no longer about the couple and the expectations that its rabbi has of them, but is about the rabbi and the professional standards that he must maintain."

Rabbi Elazar Muskin, Vice President of the RCA said, "Seeing that there is a halachic prenup at every wedding is everybody's responsibility. Mothers and fathers should not walk their children to the Chuppah unless a prenup has been signed. Friends should not let friends get married unless a prenup is signed."

8. *But my fiancée or husband/wife is the nicest, kindest person in the world. She/He would never do something to cause me pain?*

Every woman who lives through the nightmare of Agunah, whose life and the lives of her children have been damaged by a cruel spouse, was also in love at one time, and also felt, at one time, that this is my "Bashert." Sadly, people change. A person during a divorce can be unrecognizable from how they appeared when everything was going well. At the same time, what kind of a person would refuse to sign this document? Would you marry someone who won't pledge never to refuse to participate in a Gett? Would you allow your daughter to marry a man who refuses to sign an agreement never to make her an Agunah?

9. *Why does the document designate the Bet Din of America in New York and not our local Bet Din?*

The Bet Din of America is just the quarterback. They will refer to the local Bet Din. But divorce law doesn't depend on the place of the marriage, it usually depends on the location of the couple at the time of divorce. Therefore, it needs to be a Bet Din with international ties to whom to refer, Practically, in Montreal, the couple will not go to New York, and the Montreal Vaad will do the Gett here. Also, because of the chance a couple could be living elsewhere at the time of divorce, such as the US or Israel, there is an advantage to also signing the regular RCA Prenup, which is stronger than the Canadian version in those places. Therefore, I suggest signing both versions. But it is imperative that the couple only designates one single Bet Din. Much of the delay in giving a Gett is actually arguing about which Bet Din to use. Therefore, since the RCA version must list the BDA, the Canadian version also must do the same.

10. *Where can I learn more about preventing Agunah and the Halachic Prenup/Postnup for Canada?*

http://www.adathcongregation.org/page_prenup.html

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