

Implementing the Enactment of Rabbenu Gershom Against Bigamy in the Ketubot of Eretz Israel

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In the last period of the Ottoman Empire, a custom emerged in Jerusalem and its surroundings of adding the enactment of Rabbenu Gershom against bigamy (the chadrag clause) to ketubot of the Ashkenazi community. This addition was a response to the challenge the community faced from dominant Sephardic rabbinical judges who claimed that the ban of Rabenu Gershom was no longer valid in the Land of Israel. During the British Mandate for Palestine, the chadrag clause continued to spread among the Ashkenazim, even after they became the majority and the dominant community in the Land of Israel. This appears to have been the results of the reluctance of the British rulers to impose their European value about monogamy on the native population of Arabs and Jews. Therefore, Ashkenazi rabbinical leaders continued to encourage the Ashkenazi community to implement the chadrag clause of. At the time, it also became common to implement it in the Sephardic and Mizrahi ketubot, as part of the struggle against bigamy in non-Ashkenazi communities, which was strongly supported by the Chief Sephardic Rabbi, Ben Zion Uziel, and was also part of the melting pot ideology of the Zionist movement.

No significant changes took place in the first decades after the establishment of the State of Israel, and the chadrag clause continued to be implemented in ketubot of all ethnic groups. At that time, the Israeli legislation imposed severe criminal sanctions for bigamy on all citizens, and the Supreme Court gave a broad interpretation to these sanctions. The Chief Rabbinate also followed this trend and legislated an enactment that forbade bigamy. A change in the course of adding the chadrag clause to ketubot occurred in the 1970s, following the ideology and policy of Chief Sephardi Rabbi, Ovadia Yosef, who raised the flag of “return to the old glory” of the Sephardic and Mizrahi traditions. As a result, Sephardic and Mizrahi judges of the Supreme Rabbinical

Court ruled that in ketubot of non-Ashkenazi the presence of the chadrag clause is absolutely invalid and wrong. Indeed, this usage stopped, and the official rabbinate in local municipalities began to supply Sephardic and Mizrahi couples with their traditional version of ketubot.

At the same time, we begin to encounter among Ashkenazim as well a retreat to their old version, as their tradition of being obligated by the enactment of Rabbenu Gershom was no longer challenged by other communities, and at the same time it was strongly supported by the legal system of the State of Israel.