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Chapter 4

RAV
to
CESTZ

Response to Those
 authorities like like Rav
 Fitzchok Elchonen, Rav Echezra
 Waldenberg and Rav Shlomo
 Auerbach that Rasha Ksufos
 that a ^{na} ~~na~~ ^{according to Shita MeKubeta}
 annulments unders as
 there exists a bet or a
 semblance of a bet the
 woman remains married
 halachically. Any children
 from man # 2 are
 Mamzaram halachically

Rav Eliezer Berkovitz
 in Tnai Genesis
 Ubeget responds the
 following:

Rav Berkovitz cites
 the responsa ~~of~~ where
 Rasha elaborates on the
 above thesis.

Rasha maintains that
 since the Rabbis have the
 power to annul marriages
 a man knowing this fact

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will voluntarily give a
Get in order that his
previous sexual activity
with his wife not be
converted to non
Halachic "fornication".
This would be according
to Rambam. According
to Ramban, Raavad and
Rosh it would be converted
to Pilegesh - mistress
status. Even according
to Rambam if the Rebbi
converted to Pilegesh
status by annulling the
marriage, no
violation exists. Only
when the couple at
initial had no Halachic
marriage at any time
and embarked on a
Pilegesh relationship
does Rambam consider
this a violation

Be it as it may,
Rashba holds that the
Rabbis have the power to
annul marriages.

Certainly if the man
refuses to give a Get in
the case of Ksubos 3A
The Rashba will agree
that the Rabbis will
annul the marriage. For,
ab initio we will
hope that the husband
give a Get, but if not,
Then the Rabbis will
annul.

We can maintain
that this is true only
when a Get exists
about a defective
Get, but not otherwise.

However Rashba
brings evidence to his
position from Rashi
Shabbos 231 104 that one

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WITNESS is believed
or hearsay evidence is
accepted to free an
Agunah whose husband
is presumed to have
lied, because the
Rabbin's annulled
the marriage.

Thus Rashi expands
the instances when
annulments can be
given. (1) when a
Get or at least a

defective Get
exists (2) when there
exists at least one
witness even if the
witness is not

otherwise deemed as
a competent witness.

(3) hearsay evidence.

Thus if we
 increase the doubts
 in the Agemah case
 if a defective
 witness creates
 further circumstantial
 evidence that the
 husband died we
 will annul the
 marriage. Then the
 woman is no longer
 a woman married
 Rabbinically and the
 children from men
 #2 no longer are
 Memzorim Rabbinically

This is precisely
 what Rav Mordecai
 replied to my query
 about the above problem in
 233

1980 when I addressed
the above problems

See Rashba Response
1006 see Rashba response
1151 where he explicit

agrees that
annulments
can be
given in
practice not
only in
theory. In
#1006
Rashba states
that we still
have to
research the
subject. But
in #1151
he has
reached a
conclusion
that
annulments
can be
given
see Berkovitz
pp. 161

See Riv
IV 22 part 4.
see also Mevram
Eshkolon #48
we agree because we confiscate
both hold that
Rashba ruled that
annulments can
be given in
practice. Also
Palkone Yerucham
holds that annulments
can be given
Also Meri Yevochas
99 rules that annulment
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~~7~~
can be given in
practice this is cited by
see Be'er Mitzva
That Benveniste
Ueber page ~~109~~¹⁶⁰.
also Bais Joseph
in Even Hozer
end of chapter 28
holds that annullments
can be given.

Same cautions to
be strict but does
not dispute that
post facto annullment
can be given.

In Egypt The Rabbeis
annulled marriages in
The 1800- as recorded
in Nehama Mitzraim
(printed in 5665) pp.
172 A-B. 235

Those who were strict
as did not annul
marriages if there
existed another
salvation. But when no
other salvation exists
and we can not
force the husband
we must annul
marriages. See
Berkwitz. 162.

Furthermore there
exists no difference,
about annulling
marriages immediate
after the marriage or
after the passage of
many years
See Good p. 162
Middle. We will
not state that the wife during
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the marriage rescinded
 the presumptual agreement
 that of the chessboard
 misbehaves and ~~to~~
 breaches the terms of
 a Jewish married
 man that she
 unconditionally agrees
 to Gallaehie Mamma
 see Berkovitz dhd p 167
~~177~~, in name of Middle
Reah. Sitrah and
Rashi.

Mehram Elshkar
 Mahit Rivosh
 Marrik require
 all ~~many~~ communities of
 a country to agree for
 annulments not only
 one community. However
 they are strict and
 represent the strict
 position in the
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Only if the couple first consent to
a Rukhminia that ~~is~~ certificate is
prepared to follow ~~the~~ regulations of
Rukhminia Court. Husband ~~must~~
refrain a bet. 91/10 mides provided

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Government Portion is
that even one
Public can annul
providing he has
Maskered and
observes the
four parts of the
Shullean Bugh.
This is to be done
on a case by case
basis not as
public policy. Public
policy must be that
Annulments are
against Halacha
Only in emergency
& nations can
annulments be

used.
Nor should conditional
marriages and conditional divorce
be given as public policy
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Q) Rabin who must be considered in his
fractured and otherwise the few parts of the
glutted in an unbroken situation...
before using conditional divorce and divorce

Max Newman

to

In view of appointment of
two Rabinical Decisors
at the French proposal at
the turn of the century.
And the opposition of
Rab Kook and Rav Uzziel
to the proposal of the
Rabbinat of Constantople
to have conditional
marriage as we can not
support as public policy much
Rav Elyahu ben Isaac
withdrew his
proposal for conditional
marriage and divorce
See my Essay re
Rav Kook and
conditional
marriage and
divorce for the same
reasons. ~~only in
emergency situations
can this be used
divorce used to a private
manner.~~

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after
not

Ben-Kovitz - Men Be'dushin
U. Legat.

Conditional MAMMAGES and
 divorces should never be
 used as public policy. Such
 use would destroy the
 sanctity and spirit of
 Halachic Marriage. The
 Talmud Kedushin Gitten, Yevomos
 and Sotah would be
 archived. All the Laws of
 Eben Hozer would become
 history. The objection of
 Prof. Solovitchik to R. Av
 Sackman's proposal of
 annulments would become
 real. All the objections of the
 400 Rabbinical authorities
 who vetoed the use of
 Conditional marriages
 are very real today as
 they were 100 years ago
 when they opposed the French
 Rabbinat's proposal. ^(A) All
 the leading Halachic
 authorities oppose the
 proposal of the Rabbis in

(A) See

Torah organizations partnership and
 certain patriarchy by the sexes part of
 war liked by the feminists
 have in a central pillar
 in their agenda.
 seen as liberal agenda
 in the male for
 the fact. without she
 need for a
 call woman with
 the help of
 civil courts
 can crush the
 male gender in
 the war of the
 sexes.

Constitutional Turkey for
 conditional marriages. These
 objections are valid today.
 It is the conservatives
 The feminists who can
 little and know less
 about values who
 champion amendments as
 public policy in order
 to replace Torah Law
 with their foreign
 liberal agenda. ^{The lot!}
 They are the fore
 runners to the total
 abandonment of Torah
 in all areas of
 life. They are the
 goe runners to lesbians
 and homosexuality - in
 all spheres. The sexes can
 function independent of
 each other. ^{Now days a}
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woman can ¹³ even get
pregnant without a
husband. she All she
has to do is visit
a fertility clinic.

Men only do
this is ~~the~~ ~~all~~ ~~the~~
another reason why an woman's
~~menstruation~~ without men is

foreign to Halacha
and is forbidden.

This is ^{another} reason
why giving women
Aliyah together with

men and mixed
sitting is forbidden

We already spoke
about this subject
earlier in another response
~~At~~ The same feminist
who advocates an
equal women's ~~movement~~
major group with no

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men, and ~~not~~ allowed for
women, mixed
sitting. women
praying with Talit and
Tefilin are also
Many times the same
who ~~have~~ cast
abuse and ridicule on
the Mitzvah of
Mikvah and even
on the Mitzvah of
Brit Millah -
Circumcision.
The Torah forbids
to add or subtract
from the Mitzvah of
the Torah. One leads
to the other - and finally
to denial of Torah and
God Himself.