

door. What is one to do ? How can they carry the magnetic -electric key when there is no Erev? How can one carry a passport or valuables when there is no Erev and there is no Safe deposit box? [Handwritten Orech Chaim Chapter 3- pages 69-115] Can a young mother use a carriage on Shabbot when there is no Erev . If she is to remain imprisoned in her home every Shabbot because of her babies she will go out of her mind| Handwritten Orech Chaim II Chapter 10- pages 136-197] . An Erev can be constructed only by a Rabbi who has mastered and observes the four parts of the Shulchan Aruch. What are the fundamental requirements of an Erev? [ [Handwritten Orech Chaim II pages Chapter 11- pages 198-216]

One is a cripple and can not walk. Is one allowed to operate an electrical motor chair on Shabbot and holidays? The chair operates on electricity only , not on gas or gas plus electricity. [ Handwritten Orech Chaim II Chapter 4- pages 116-117]

The sewer over flows on Shabbot or Holidays . The house is flooded with sewage. There is no one non Jewish who can call the sewer company or a plumber. Can a Jew use the phone to call them? [ Handwritten Orech Chaim Chapter 18- II pages 247-264]

The heating system or the boiler breaks down when the weather is below zero. There are invalids and or babies in the house who can become very ill with a life threatening illness . There are no non Jews who can call the plumber or electrician . Can a Jew call the plumber or electrician by using the phone? Similar question but the facts are slightly different. It is a very hot humid day and the air conditioner breaks down. [ Handwritten Orech Chaim II pages Chapter 6- 93-115 ; Chapter 18- pages 247-264]

## **Chapter 38**

Can a physician travel on the Sabbath or holidays to a patient who is critically ill. What is a physician to do when his tour of duty at the hospital ends on the Shabbot. [Handwritten Orech Chaim II Chapter 19-pages 265-292]

## **Chapter 39**

**Can a close relative travel on Shabbot to ensure that his relative who is critically ill receives the proper medical attention ? Can one travel by plane on Shabbot for this purpose ? What are the Halachic ramifications? [ Handwritten Orech Chaim II Chapter 19-pages 265-292]It is prohibited to travel in an auto to the synagogue on Shabbot and holidays , not even Rosh Hashana and Yom Kippur. One should rather pray in their home alone . G-d is present everywhere. One should have services on weekdays in the synagogue and not violate the laws of Shabbot and holidays.[ Handwritten Orech chaim II Chapter 21-pages 318-323]**

#### **Chapter 40**

**Can one take medicine on Shabbot and holidays? [ Hand written Orech Chaim II Chapter 4 and 5 pages 84-92]**

**Can women use makeup on Shabbot and holidays?[ Handwritten Orech Chaim II Chapter 8A - pages 118-123]**

#### **Chapter 41**

**One must take every precaution not to violate the Sabbath. Traveling in an auto is strictly forbidden on Holidays and certainly on the Sabbath that the violation is much more serious. What if one nevertheless , finds himself on the highway Friday evening and he can not reach his destination without violating the Sabbath what is he to do? Would he leave the car and walk could place his life in jeopardy. Hand written Orech Chaim II Chapter 2- pages 30-68]**

#### **Chapter 42**

**A nursing home , hospital ,very large restaurant or an organization like**

**the army that prepares kosher and non kosher food and cooks by using steam piped into pipes that end up in a kosher or not kosher kitchen that the food is cooked . Can such kosher food be eaten ? How can this heating system be made kosher for use for Passover? Hanwritten Orech Chaim Yoreh Dayoh II Chapter 22 pages 324-339]**

**Can expensive china that was used with non Kosher food be koshered ? Can pots, pans,and silver wear used for non kosher food be koshered? [Handwritten Orech Chaim Yoreh Dayoh II Chapter 15- pages 234-240] Can a kosher caterer use the china , pots, pans and silver wear in a hotel used for non kosher food and kosher them ? [ Handwritten Orech Chaim Yoreh Dayoh II Chapter 15 pages 234-240] ; Chapter 13- 223-225]**

**Can these items be made kosher for Passover? [Handwritten Orech Chaim Yoreh Dayoh II Chapter 13- pages 223-225]**

**Can one use an electric clock to turn on an electric oven on Shabbot to heat food or washing machine to wash dishes that will be used later on the Shabbot? [Handwritten Orech Chaim II Chapter 23- pages 340-346]**

## **Chapter 43**

**Can the same dishwasher be used at separate times for meat and dairy? [ Handwritten Orech Chaim Yoreh Dayoh II Chapter 14- pages 226-233]**

## **Chapter 44**

**Can a business that must be open on the Shabbot or Holidays otherwise they will go bankrupt be sold to a non Jew for the Shabbot. It will then be the**

**business of the non Jew. What is the Hallacha if one's partner is a non Jew or non religious Jew who will have the business operate on the Shabbot or holidays?[ Handwritten Orech Chaim II Chapter 20- pages 293-317]**

## **Chapter 45**

**Can a man who has prostate problems and wears a special bag to urinate pray while wearing this bag otherwise he wont be able to pray at all?[ Handwritten Orech Chaim II Chapter 17- pages 243-246]**

## **Chapter 46**

**Blood spots on eggs which eggs are kosher and which are not ?[ Handwritten Yoreh Dayoh II Chapter 24- pages 347-361]**

## **Chapter 47**

**Both spouses accuse each other of infidelity. The wife and husband admit that they were unfaithful. Both spouses , also accuse each other that they were threatened with murder. The wife accuses the husband that he beat her on several occasions . The husband refuses to give the wife a Get unless she modifies the court ordered alimony payments and return to him a portion of the financial settlement she won in court. He really wants her back. The wife refuses to return. What Halachic support can be used to annul the marriage? Is a wife entitled to alimony as a matter of equity even if she does not live with her husband? Does the court disregard the husband's demand that she modify her alimony payments and annul the marriage on the merits?**

**We will not annul the marriage unless the wife is prepared to attend a Rabbinical trial with her husband and accept our ruling regarding alimony , child support ,custody and visitation rights. Only when the husband refuses to give a Get then we will annul the marriage after all social and civil court remedies have been exhausted to no avail. [needs to be typed]**

## **Chapter 48**

**Wife considers husband immature and refuses to live with him . Wife admits that she has a platonic relationship with a highschool sweetheart. Her new boyfriend left his wife for this woman and wants to marry her. The husband refuses to give her a Get. He wants her back. She refuses. Can the marriage be annulled?[needs to be typed]**

## **Chapter 49**

**The lessons learned from our experiences- how to save marriages. How to choose the right mate and the right family in order to avoid future divorce. [ Handwritten Even Hoezer II Chapter 7 and 8 - pages 71-97] The role of women as human beings , wives, mothers - in the observance of Mitzvochs and Jewish life. The reason for separate roles for men and women . What roles for women can change and what roles of women are eternally different than men's roles? [needs to be typed]**

## **Chapter 50**

**Wife sues and wins a civil divorce and is unwilling to accept a Get . What**

remedies exist to free the husband from the Cherem of Rabenu Gershon prohibiting the husband to marry another wife without first giving his first wife a Get. [ Handwritten Even Hoezer II Chapter 5 pages; 45-52; Chapter 9-98-15 ]

## Chapter 51

Husband refuses to attend a Rabbinical trial and gives an ultimatum to the wife that unless she agrees to his monetary settlement he will refuse to give her a Get.[Handwritten Even hoezer II Chapter 11- pages 132-164]

## Chapter 52

Must the Rabbinical Court withhold an annulment when the wife wins in civil court a settlement for custody , visitation rights and support if the civil court decision violates Torah Law and financially prevents the husband from remarrying because he can not afford to support two households ? The annulment will free the wife while the husband is now the agun -imprisoned . Is the annulment to be made contingent on the wife accepting jurisdiction of the Rabbinical Court on these matters? The wife must accept the jurisdiction of the Rabbinical Court on all family related matters-alimony , child support , custody and visitation rights otherwise we will not proceed further. If the husband refuses to cooperate we will then annul the marriage when all available social and civil court remedies have been tried to no avail. [ Handwritten Even Hoezer II ; Chapter 1, 2, 3, 4 -pages 1–44; Chapter 6- pages - 53-70] ]

## Chapter 53

**Alienation of affections grounds for a divorce and annulment.[ Handwritten  
Even Hoezer II Chapter 10- pages 106-131**

## **Chapter 54**

**The other side of the coin . Position of Rashbah Kesubos 3a -according to Shita Mekubetzes that when an annulment occurs without any Get or semblance of a Get the woman remains Rabbinically a married woman. . This position is supported by Rav Yitzchko Elchonen Spector in Ein Yitzchok book 2 -#42:3, 13 ; Rav Eliezer Waldenberg Tzitz Eliezer vol 1 # 26: 1, 2, 3 ; Rav Shlomo Auerbach Minchos Shlomo vol 1 # 76, Rav Eliyohu Henkin Pirusha Ivra # 1,2,3,4,5, pp1-118. RAV MOSHE FEINSTEIN AND RAV BERKOVITZ DISAGREE AND PRODUCE HALLACHIC PROOF . See my book Responsa on Four Parts of the Shulchan Aruch.**

**IN VIEW OF THE ABOVE I HEREWITH DECLARE THAT ANNULMENTS AS PUBLIC POLICY ARE FORBIDDEN . THE LAWS OF MARRIAGE AND DIVORCE AND THE INTEGRITY OF THE FAMILY AND FAITHFULNESS OF THE SPOUSES TO EACH OTHER WILL BE DESTROYED IF ANNULMENTS BECAME THE STANDARD AND PUBLIC POLICY. We will have to archive the tractates Kedushin Giten Yevomos and Sotah . The Shulchan Aruch Even Hoezer would become history. This was the fear expressed by Rav Solevetchik 50 years ago when this idea was proposed . I agree with Rav Solevetchik.**

**HOWEVER , IN EMERGENCY SITUATIONS WHEN THE COUPLE HAS FIRST HAD A RABBINICAL TRIAL , THE WIFE AGREES TO ABIDE BY ALL THE STIPULATIONS OF THE RABBINICAL TRIAL , THE HUSBAND , NEVERTHELESS REFUSES TO GIVE A GET IN ACCORDANCE WITH THE VERDICT, ALL POSSIBLE MEANS IN CIVIL LAW AND SOCIAL PRSSURE HAVE BEEN EXHAUSTED TO NO AVAIL, THEN WE WILL GIVE A GET ZIKU AND AN ANNULMENT IN ACCORDANCE WITH THE MINORITY OPINION S IN MY RESPONSA**

**A RABBINICAL COURT is qualified only if it HAS AT LEAST ONE MEMBER WHO HAS MASTERED AND OBSERVES THE FOUR PARTS OF THE SHULCHAN, ARUCH and KNOWS HOW TO OVERCOME THE STUMBLING BLOCK THAT IN ALL ANNULMENTS**

**THE WOMAN REMAINS MARRIED RABBINICALLY OR BIBLICALLY AND THE CHILDREN FROM MAN # 2 ARE MAMZARIM RABBINICALLY OR BIBLICALLY.**

**I MEET THIS REQUIREMENT I HAVE THE APPROBATION ON MY RESPONAS ON THE FOUR PARTS OF THE SHULCHAN ARUCH FROM RAV PIEKARSKI THE HALLACHIC ADVISOR TO THE LATE LUBAVITZER REBBI. I HAVE MASTERED AND OBSERVE THE FOUR PARTS OF THE SHULCHAN ARUCH. I RELY ON THE RULING OF RAV MOSHE FEINSTEIN AND RAV BERKOVITZ .**

**HOWEVER MANY ORTHODOX RABBIS WILL NOT ACCEPT ANNULMENTS EVEN IN EMERGENCY SITUATIONS . THEY MAINTAIN THAT THE WOMAN REMAINS MARRIED ,ANY CHILDREN FROM MAN #2 ARE MAMZARIM. RABBINICALLY OR BIBLICALLY. [**

**Handwritten Even**

**Hoezer II Chapter 12 - pages 165-183]**

## **Chapter 55**

**Rav Henkin's position regarding a conditional marriage and divorce . Rav Henkin withdrew his proposal . Reply to the Hallachic issues and problems raised by Rav Henkin.**

**WHEN A CONDITIONAL GET IS GIVEN IT MEETS THE OBJECTION OF THE SHITA MEKUBETZES THAT THE AGUNAH AFTER RECEIVING AN ANNULMENT REMAINS MARRIED RABBINICALLY . HOWEVER IF SHE RECEIVES THE CONDITIONAL GET, IT WILL ERASE ANY RABBINICAL RESIDUE OF MARRIAGE. THEREFORE HER CHILDREN FROM MAN #2 ARE NOT MAMZARIM RABBINICALLY. SHE IS FREE .**

**EVEN WITHOUT A CONDITIONAL MARRIAGE THE STANDARD KSUBAH IS A CONDITIONAL MARRIAGE. I BRING HALLACHIC PROOF TO THIS EFFECT. HOWEVER MANY ORTHODOX RABBIS WILL NOT ACCEPT BOTH OF THESE RULINGS . THEY WILL MAINTAIN THAT THE WOMAN REMAINS MARRIED RABBINICALLY OR BIBLICALLY AND ANY CHILDREN FROM MAN #2 ARE MAMZARIM RABBINICALLY OR BIBLICALLY . [ Handwritten Even**



**Chapter 56**

**Reply to my critics [1] how names in a Get are to be spelled.[2] Under what circumstances the agunah is believed without any witnesses or substantiation. See chapter 15 and the table of contents to chapter 15 for an explanation. Our Bet Din always reviews all underlying documentation and other Rabbinical and Civil Court affidavits before we adjudicate any agunah cases. My critic cites the evidence of a reporter that was present at one of our agunah cases the reporter came at the end of the proceedings of our Bet Din and was not present during the time that we reviewed all the documentation.**

**[3] must the agunah leave the marital home immediately upon discovery of a major defect The answer is definitely no.**

**A letter was mailed to the entire membership of a certain organization bearing the printed names of certain rabbis . and a copy of a Ptur that was intercepted . All the names were encircled -obviously to signal that I had made an error in preparing the Get . This Ptur I issued to a man who divorced his wife and to his wife. Another individual placed into his web page this information that appears in the internet when one types the word agunah. He questions my competence to prepare Jewish divorces since he claims I misspelled the names of the husband and wife. What my critics did not realize is that they bared their ignorance or non observance of the laws of spelling names. Would they have prepared the spelling of the names any differently than I did the Get would have been null and void.**

**One of the cardinal rules is that the Rabbi must meet the couple and ascertain how the names are pronounced. They are spelled the exact way they are pronounced. They must also ascertain other critical information that must be incorporated . They must know if the couple ever used their Hebrew**

**names. My critics totally ignorant or not caring to observe these laws intercepted the Ptur and were not aware if the Ptur was for a Get when both husband and wife are present or it was for an annulment. Without knowing how the names are pronounced and other vital information -since they never met the concerned parties- these critics libeled me. In the process they succeeded in publicizing how ignorant or simply do not observe the laws of marriage and divorce as cited in Aruch Hashulchon -Even Hoezer 129:5;129:42; 129:54;129:61; 129:70 129:125;129:129 .**

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## Chapter 57

All data was changed in order not to reveal the identity of the litigants.

**Revealing confidential information documents and work product of another person without authorization.**

**Violating another persons privacy Violating a copyright or a patent belonging to another or plagiarizing another's writings. causing damage to others, and violating another's privacy and using confidential property without authorization.**

**See Aruch Hashulchon Choshen Mishpot 154:6 , 154:11 ; 153:1,2,3. See Responsa Mayim Halacha by Rav Yonah Metzger He cites Leket Hakemeh #334 and Yoreh Dayoh Kunteros Shanim . He also cites Hokev Lev Yoreh Dayoh #49 of the grand larceny violation of Halacha by invading another's privacy and using confidential information without authorization, that is also deemed as larceny. See Aruch Hashulchon Choshen Mishpot 348:1 ; Such individuals are liable for all damages Ibid 348:3 If one steals in order to hurt another person one is in violation. If one is an accessory or uses the stolen goods of an other person ;or assists directly or indirectly in the invasion of privacy ;using without authorization confidential information ; one is in violation of the laws prohibiting slander and libel . One is in violation of Aruch Hashulchon Choshen Mishpot 348:13,14,15. Both the original person who commits the larceny or the one who uses the stolen goods or intercepted property can be held accountable. Ibid 348:14;353:5;356:1 ;349:4;359:3 even if someone borrows without permission it is deemed the same as stealing. Certainly if some one uses intercepted property without authorization without permission such an act is considered grand larceny especially where the intent is to hurt another person and destroy his credibility. See Ibid 359:8 ; Talmud Sanhedrin 57A Mishne Lamelech on Rambam Gezailo chapter 1 ; See my responsa # 56 and # 57 re this matter. Loshen Horo and Motzei Shom Rah - Speaking evil about other people and speaking and spreading slander and libel falsely of another person has become perfectly legitimate. The books of the Chofetz**

**Chaim -the bal Mishne Brurah- who wrote the classic books Shmiras Haloshon - against slander and libel do not exist . Like the Roman Cicero they believe that when one is ignorant of the laws one should destroy a rival's reputation. Until the rival is able to fight back you will have won your case. This is an old lawyer's trick.**

**[ Handwritten Even Hoezer Choshen Mishpot II Chapter 17-pages 314-322]**

**Copyright and patent infringement according to Hallacha- Jewish law.**

**[ Handwritten Even Hezer Choshen Mishpot II Chapter 18- pages 323 -325 ]**

### **Chapter 58**

**All data was changed in order not to reveal the identities of the litigants involved**

**Can officers of any organization dismiss another member without due process of the laws of the Shulchan Aruch ? If these officers leak confidential and embarrassing information before conducting a trial in accordance with Jewish Law to ascertain if the charges are true regarding one of their members to newspapers. can these officer be sued for slander and libel in a Rabbinical Court and in civil court? Must such officers answer a summons to a Din Tora? What are the Hallachic consequences when they refuse to answer the summons to attend a Rabbinical trial ?**

Unless the defendant can convince the Rabbinical Court that they will attend another Rabbinical Court mutually acceptable to the plaintiff the Rabbinical Court can invoke the sanctions authorized by Bais Yoseph in Choshen Mishpot 98 and Yorehdayoh 334 citing Riff and Paltoi Goan excommunicating the recalcitrant party after a temporary excommunication. No one is permitted to talk or have any business with them. They are not to be counted in a Minyon , can not function as kosher witnesses and certainly not function in any religious capacity as Rabbis or judges in a Rabbinical Court. Only one who observes Hallacha can be a witness or a judge in a Rabbinical Court. See Aruch Hashulchon Choshen Mishpot 100:5; Ramo Choshen Mishpot 28:15; Choshen Mishpot 33;1,2; Even Hoezer 11:4; Yoreh Dayoh 119:14; Yoreh Dayoh 243:6,7.

Hallacha is not a supermarket that one can choose and pick what one will observe.

The same is true in secular professions. One who violates the norms and standards of the profession can have his licence revoked.

## **BACKGROUND**

It must be emphasized that Jewish Law makes provisions for individuals to accept as witnesses individuals who normally would not be deemed competent to testify . This is true only when both litigants agree to such an arrangement. Likewise if both litigants agree a trial can be conducted by individuals who otherwise are not deemed competent in accordance with Hallacha. See Choshen Mishpot chapter 22. Likewise the community can legislate and enact that certain witnesses or judges not competent according to Halacha should be considered eligible to be the witnesses or judges. However if one of the litigants argues that the witnesses or the judges have a conflict of interest and are abusing their new status just described to unlawfully injure them then the community is forced to proceed to a regular Rabbinical trial. See Ramo Choshen Mishpot 37:21 Pesach Hagilyon Ibid Responsa Rav Yaakov Kuli Ezras Noshim #2; Raam Vol 1 end Responsa #12. The unconventional trial can not have greater leniency than a regular trial . In a regular trial if the witnesses or the judge has a conflict of interest such witness or judge is

disqualified. See Choshen Mishpot 37:1 ;Aruch Hashulchon Choshen Mishpot 37:1

It is the contention of the member who was expelled that there exists a conflict of interest of many of the individuals who were the judges in his expulsion. He had open confrontations with them on many other issues at other times .

Furthermore this organization does not have the status of a “community ”. It is a loose organization of individual members each one having a mind of his own and at no time surrendering their individual personality or degree of religious preferences to a central body of elders. This organization can not as far as Jewish Law enact any laws that will obligate any member. All such by-laws must be approved by ALL the members . Otherwise any member who vetoes these by-laws is not duty bound to obey them. .

Even when a secular government enacts laws they must be codified and equally applicable to all residents of the country. Arbitrary rules made up as they go along - at the whim of individuals or groups also known politically as dictatorships , carry zero weight in Jewish Law and do not bind anyone. It is nothing else than brute force and exploiting the weaknesses of individuals who are afraid to challenge and fight them. That is the law that applies to regimes and bodies who control a country without the approval of its citizens. This organization does not control any country and their by-laws -even if they would detail all the procedures - carry no weight as far as Halacha is concerned, unless they are codified , accepted by every member and every new member signs a statement that he read the by-laws and agrees to be subject to them.

Any organization, medical society, attorney’s society or any other professional group that is a private organization or a state licensing group can enact by laws and force its members as a condition of entry to be governed by these rules or else they are denied entry according to Jewish law . This is the thrust of Choshen Mishpot 7 :11; see Shach Sma Ibid Chapter 22 and 37:20,21 . See Shach Ibid However that is not the case with the organization under question . The plaintiff contends that there exists no codified rules. That is very easy to verify. Let the organization produce the code of rules that govern admission and expulsion and let us see if the member who was expelled signed a statement that he accepts to be expelled at the decision of the officials at this organization ;and he agrees to have them publicize his expulsion in the

newspapers.

It is obviously true that innocent patients, clients and students must be protected. No professional can be permitted to abuse the confidence the professional won. No professional can exploit this confidence for their own interest or pleasure. If Torah Law does not permit the acceptance of the testimony of a complaining female charging a man with sexual wrongdoing, the Rabbis always made provisions for a restraining order forbidding the man to talk or have any contact with the woman who lodged the complaint. Aruch Hashulchon Even Hoezer 22:4; Otzer Haposhkim Ibid. If he violated this ban he was severely punished. Furthermore, the testimony of women was accepted where there existed circumstantial evidence that what they were charging was true. Aruch Hashulchon Choshen Mishpot 15:3; Aruch Hashulchon Even Hoezer 17:17. But if the accused argued that he wanted an impartial Rabbinical Court to adjudicate the case since the Rabbinical Court who was trying him were his enemies his wish was granted. Choshen Mishpot Ramo 7:7. Equity is a two way street. There must be safeguards to protect the professionals from concocted charges or a conspiracy. That is why no individual or organization is above the law. Every one- every private individual or state licensing body is subject to a review from peers or a Bet Din trial or a civil law trial and is subject to the law. **EVERYONE IS ACCOUNTABLE.** This is the very issue that this organization was found guilty. They refused to subject their action of expulsion of this member to the scrutiny of an impartial tribunal. **IF WHAT THEY SAY IS TRUE THEY SHOULD NOT HESITATE TO DISPLAY ALL THEIR EVIDENCE FOR THE SCRUTINY OF AN IMPARTIAL COURT.** See Aruch Hashulchon Choshen Mishpot 75:1.

Jewish Law states that even if one synagogue controls a designated synagogue in a community; if another synagogue exists and the leaders of the second synagogue enact other by-laws the first synagogue can not impose its authority upon the members of the second synagogue in the community. This is even more true when the officers of the first synagogue have a conflict of interests with the party they are accusing. That is the ruling of Ramo Choshen Mishpot 37:21 Pesach Hagilyon ibid; Rav Yyaakov Ku Ezras Noshim #2; Raam Vol1 end Responsa #12.

The member who was expelled contends that this trial was an attempt on their part to frame him on concocted charges.

Certainly a matter of this nature must be adjudicated by an impartial tribunal. **THIS IS THE ISSUE .**

Certainly it is correct that it is theoretically possible according to Jewish Law to have a trial outside of the framework of Halacha -the Beth Din trial . However when this privilege is abused the plaintiff -the member who was expelled has a right of due process in front of an impartial tribunal. This is what the entire issue is about .

## **DECISION**

What follows is my position in accordance with Jewish Law. **ONE CAN NOT CHOOSE AND PICK WHEN ONE WILL FOLLOW HALACHA .** Either you follow halacha in all matters or else you are in the same category as the non Orthodox who admit that they also have a right to elect which Jewish laws they will follow. What comprises administrative matters in addition to who can be a member?

It is obvious that the officers of this organization also grant themselves a dispensation not only to decide who can or can not be a member according to their own standards not hampered by Halacha ;but also when and to whom they can leak this confidential and embarrassing information to the news papers regardless of any consequences.

One can give the Reform and Conservatives the benefit of the doubt as



Taz Yoreh Dayoh 99:8 states that if someone honestly believes that certain laws do not exist he is deemed a shogeg -an unintentional sinner. He is deemed as a tinok shenishba bain hoakum -as a child captured and raised among non Jews and does not know any better . This is the position of Rambam Mamrim 3:3 . What excuse can these officers of this organization give ? They did not know that what they did is forbidden? Such an excuse does not fly See Rambam Melochim 10:1 states if one claims ignorance to humane laws such as the law against theft, adultery or murder such individual is deemed guilty.. One should have learned

### Psak Din -Rabbinical Ruling

I declare this member is one million percent exonerated. Every person is considered innocent unless proven guilty. See Magid Mishne on Rambam Isurei Biah 20:5 end; Aruch Hashulchon Choshen Mishpot 34:14. This is especially true with an individual who is a Talmudic scholar. See Igros Moshe Orech Chaim 1-#53 ;Rambam Aidim 11:3.See Radvaz Ibid- those individuals testifying against this member would first have to establish that they are competent in accordance to Jewish Law to testify. A Talmudic scholar is presumed competent to testify until proven guilty by the testimony of two competent witnesses. Responsa Mahrik 189. Anyone not a Talmudic scholar can not testify until their competence is first established in accordance with Halacha. There does not exist a presumption for one not a Talmudic scholar that he is competent to testify. See Radvaz on Rambam Aidim 11:3. Certainly we do not remove the presumption of innocence from anyone-even one who is not a Talmudic scholar - on non substantiated testimony. The accusing party has the burden of proof. We are not permitted to take any punitive action against the defendant before trial and conviction in accordance with Jewish Law has taken place. The accused has the right to challenge his conviction . Those who convicted him must prove to an other Rabbinical Court -like the court of the chief rabbi in Israel- the basis and evidence to support their conviction. See Rivosh # 281. See Ramo EvenHoezer 22:2 ;Bais Yosef on Tur even Hoezer 22. Otherwise you would force each person to have video tapes of all their activities 24 hours a

day seven days a week 365 days a year to prove that they are innocent of wrong doing.

In the case at hand no witnesses ever testified . The officers of the organization who accused him of wrong doing, refused even to release the names of any witnesses, if they even exist? . The officers of this organization claim that would the member attend their non Halachic trial they would let him confront his accusers who are the witnesses. The member was in his right not to attend a non Halachic trial. The burden of proof according to Halacha is on the officers of this organization. See Magid Mishne Rambam Ishurei Biah 20:5 end.

They failed to produce any proof as required by Jewish Law. See Rambam Ishus 24:18 See Bais Shmuel Even Hoezer 22:5;Orech Hashulchon Even Hoezer 4:32, 22:4;Responsa Rivosh #41,42; Rambam Aidim 9:3 Choshe Mishpot 33:3 ; Aruch Hashulchon and Choshen Mishpot 28:22. Choshen Mishpot 33:1 .

As a matter of fact they refused to reveal the identities of the individuals who accused and were witnesses against this member as required by Jewish Law. See Orech Hashulchon Choshen Mishpot 28:22.. The member submitted written arguments to this organization. This is sufficient in accordance with Halacha in the particular circumstances. See Orech Hashulchon Choshen Mishpot 28:16.

I find that no evidence exists in accordance with Halacha to substantiate any of the charges . Since no evidence exists it follows that according to Halacha-Jewish law This member was slandered and libeled. This is called motze shem rah. Even if evidence would exist it is strictly forbidden to bad mouth any human . It is called loshen horah -evil speech. The Chofetz Chaim author of the Mishne Bruara on Orech Chaim wrote several books called Shmiras Haloshen -watching ones tongue. Unless it can serve a purpose of saving another human from harm it is strictly forbidden to bad mouth any human. What purpose was served in this instance of leaking derogatory information to newspapers? One can discern from the consequences of what harm could and did result to the victim of the motive of those who leaked the derogatory information. Since these individuals who leaked the information have little knowledge or regard for Jewish Law , it would be permitted in this particular case to sue those who leaked the libel in civil court , as

well as the newspapers who printed the libel and any one who publicized the libel on the internet. See Aruch Hashulchon Choshen Mishpot 26:2. See table of contents of my chapter 57 for sources for this last statement. The wiser course may be to work within the Bet Din process.



## Chapter 59

**Responsa analyzing Rav Eliezer Berkowitz Tnai Benesuin Ubeget  
-Conditional Marriage and Divorce**

**Since over 400 leading Rabbinical Halachic authorities vetoed use of such annulments at the turn of the 20<sup>th</sup> century regarding French Rabbis' proposal for conditional marriages and likewise other leading Rabbis vetoed the proposals of Rabbis of Constantinople, Turkey-**

**WE WILL OPPOSE AS PUBLIC POLICY CONDITIONAL MARRIAGE AND DIVORCE. MANY OF THE DANGERS AND PRECAUTIONS EXIST TODAY AS FEARED BY THE 400 RABBIS WHO OPPOSED THE FRENCH RABBIS PROPOSAL AND THE OTHER RABBIS WHO OPPOSED THE PROPOSAL OF THE RABBIS OF CONSTANTINOPLE, TURKEY .**

**IN THE CASE OF EMERGENCY AND WE FOR SEE PROBLEMS WITH THE MARRIAGE , I WILL USE A CONDITIONAL MARRIAGE AND GET. I WILL RELY ON MINORITY OPINIONS WHO PERMIT ITS USE.**

**HOWEVER MANY ORTHODOX RABBIS MAY NOT ACCEPT IT EVEN POST FACTO. THEY WILL ARGUE THAT THE WOMAN**

**REMAINS MARRIED RABBINICALLY OR BIBLICALLY AND ANY CHILDREN FROM MAN #2 ARE MAMZARIM RABBINICALLY OR BIBLICALLY. [ Handwritten Even Hezer II Chapter 14- pages 229-243]**

**Chapter 60**

**Debunking the outrageous lies slander and libel against orthodox Rabbis and the Torah itself regarding the marriage ceremony.**

**Marriage is created when the wife accepts by taking a marriage ring to be faithful to her husband and not to have sex with any other man. The wife in this sense belongs and is purchased by the husband. She becomes at the same instant sacred to G-D. Fidelity to the husband is at the same instant fidelity to G-d. Even if her husband would consent that she have sex with another man she would be breaching her vows to G-d would she do that.**

**The man at the instant of marriage pledges in the Ksubah to behave as Jewish husbands behave. Jewish husbands do not have other lovers, they are loyal, loving, understanding, support their spouses and children; do not abuse or threaten or hurt their spouses emotionally, psychologically, and certainly not physically. They are not addicted to foreign substances, alcohol, drugs, are not gamblers- bet on horses or any form of gambling. They do not disappear. They are not homosexuals or bi-sexuals they are not impotent. They pledge to satisfy the sexual needs and emotional needs of the wife. They pledge love and understanding, to respect the wife and honor her more than themselves and make her feel important. The wife pledges the same in return. In return for support of shelter food and all her physical needs she pledges that whatever money she makes or fruit of the assets she possesses or will possess will belong to the husband. He can enjoy and take possession of the fruit of her assets not the actual asset. This is the meaning -what the wife possesses belongs to the husband. If a couple negotiate that the wife forfeits material support the fruit of her assets do not belong to the husband. She does not belong to the husband. She does not become her husband's possession. Yes, she belongs to her husband only sexually. She is the Kinyon sexually of her husband. Her husband belongs to her. Since the edict of Rabenu Gershon Meor Hagola 1000 years ago a married man can take no more than one wife. He can not have any other woman as a mistress. All Ashkenazim accepted this edict. Sefardim swear in the Ksubah the same. Thus the husband belongs sexually to the wife. There only exists a problem when the marriage breaks up and the husband refuses a Get that only he can grant. If a husband breaches these understandings then grounds may exist to coerce him to grant a Get. When The Rabbis are powerless,**

**the couple has gone to a Rabbinical trial , the wife is prepared to follow all the stipulations of the Rabbinical Court, and the husband still refuses a Get we will give a Get Ziku and annul the marriage . This is true if all civil remedies have been exhausted and the husband still refuses to give a Get. But only a Rabbi ,who has mastered and observes the four parts of the Shulchan Aruch, can make this determination after he has conducted a Rabbinical trial. No one else.**

**We also discuss the question of the wife not having proper disclosure of the perils of an Halachic marriage. Since the perils of of Agunot is presently public knowledge and has been that way for the last 25 years, no woman claim today that she did not have proper disclosure. The fact that the woman did not consult a Rabbi who is knowledgeable of all the laws and the perils of a Halachic marriage deprives her of the argument of insufficient disclosure. Just like no man can argue that he did not know that he will have to pay for alimony and child support if the marriage does not work out. Ignorance of the law is no excuse. He should have consulted an attorney. So too, the agunah and her family should have consulted a Rabbi.**

**The woman can not argue that the husband's misbehavior existed before in latent form and therefore constitutes Mekach Tout-a mistake in the marriage. The husband's refusal to give a Get is not evidence that he is a sadist and always was a sadist -and is and always was sick. I do not agree that this conclusion is a valid basis for a Mekach Tout - a mistake in the marriage. If she does become an agunah , she should go to a Rabbi who has mastered and observes the four parts of the Shulchan Aruch to help her extricate her from this very serious situation. See Even Hoezer II Chapter 15- pages 244-304.**

### **Questions I was asked and issues our Rabbinical Court dealt with**

**1-Husband converts to Islam and moves to an Arab country and marries two Moslem women . He refuses to give his wife a Get unless she sends him her five children that he had with her so he can convert them to Islam. The wife has remained an Agunah for 29 years.**

**2. Husband converts to Islam , joins the terrorists and kills Jews. He refuses to give his wife a Get.**

**3. Husband belonged to the Russian Mafia. He disappeared 10 years ago. No one has any contact with him for the last 10 years.**

**4. Husband wants five million dollars as the cost of giving a Get. He beat his wife and almost killed her.**

**5. The Rabbinical establishment in Israel placed a husband in jail for refusing to give his wife a Get. He was given his first ever job to be a kosher supervisor at the jail. The husband instead of agreeing to give his wife a Get, became more resolved not to give her a Get.**

**6 . The husband throws his wife down a flight of stairs. He also violated a protection order and smashed her head that required surgery. The husband is serving a jail sentence. He refuses to give her a Get.**

**7. Husband raped the wife's relatives . She refused to continue living with him . He refuses to give her a Get.**

**8. The husband is serving a 30 year sentence for sexually molesting his daughters. He refuses to give a Get.**

**9. The husband has Alzheimer disease. Is there anyway of freeing the wife?**



10. Husband claims he is Napoleon. He climbs a tree and preaches that G-d revealed himself to him and that he will be the new Messiah. He refuses to give his wife Get.
11. The wife has hallucinations and she married a man who claims to be a Kohen. She insisted that he divorce her. They got a civil divorce and a Get. Now they want to reconcile and remarry. It is prohibited for a Kohen to remarry his wife once he gave her a Get. Is there a way out?
12. The husband marries his mistress after divorcing civilly his wife. He refuses to give her a Get.
13. The husband wants one million dollars for the Get. The wife was cheating on him.
14. The wife changed locks and did not let the husband into the house. She represented to everyone that she is presently married to an other man and is living with him . The husband is living with his girlfriend. He refuses to give his wife a Get.
15. The wife is dating other men. She claims her husband gave his permission. He refuses to give her a Get.
16. The wife claims that the husband is homosexual. He refuses to give her a Get.
17. The wife is dating other men. She claims that the husband does not satisfy her sexually . He refuses to give her a Get.
18. The husband molest his son sexually. The wife leaves, the husband refuses to give her a Get.
19. The husband threw a heavy object at the wife . He missed her .Would he have hit her she would have been badly hurt . She leaves. He refuses to give her a Get.
20. The wife claims she is destined to give birth to the new Messiah . Her family claims she is seeing a psychiatrist. The husband refuses to give her a Get.
21. The wife has Alzheimer. Is there a way out for the husband?
22. The wife met her mate through the internet. After 500 e-mail letters they decided to get married. After one week of marriage the husband had enough. He refuses to give a Get.
23. The wife throws a knife at the husband. She misses. He leaves and refuses to give her a Get.
24. The husband cheats on the wife with a non Jewish girl who converts. He refuses to give his wife a Get. He then marries this girl after getting a civil divorce. This marriage then dies and he refuses to give this new wife a Get. The new wife never observed Halacha - Jewish Law. She had converted only in name. Can we claim that she never really was Jewish and her conversion is null and consequently she needed no Get? Once she converts again and begins to practice she can marry another Jew?
25. The wife divorces her husband civilly and also has a Get. She marries a non Jewish man and has children with him. This marriage goes bad. Can she return to her

- Jewish husband? What would be the law if she did not have a Get from her husband #1? What is the law if husband #2 is Jewish?
26. The husband turns out to be a drug addict, and an alcoholic. The wife leaves and insists on a Get. While she is waiting for the rabbinical Court deliberation, she claims that she was raped. Can she marry the rapist? What is the law if the affair was consensual. Is there any way she can marry her paramour? What is the law if she was promiscuous and she had a number of affairs with several men. Can she marry the last man?
27. The husband refuses to give his wife a Get. She has an affair with a non Jewish man. Can she marry him after her marriage is annulled? What is the law if the man was Jewish?
28. The wife did not receive a Get only a divorce. She marries husband #2 and has several children with him. Husband # 1 gives her a Get now. Is there a way to legitimize her children from husband #2? What if husband #2 refuses to give her a Get? What is to be done? Husband # 3 never gave wife #1 a Get and wife #2 a Get. What is to be done?
29. Child marriages are illegal according to Halacha. Post facto in countries where child marriages are legal in civil law, a father can betroth his minor daughter- under the age of twelve. What happens if a father abuses this rare exception when he is in the midst of a marital conflict and claims that he betrothed his minor daughter, refuses to reveal the name of the groom, or the witnesses unless the mother of the minor concedes certain matters in the marital conflict. What is the law? Is the minor child considered a married woman forbidden to eternity to get married ?
30. What is the law - in those countries and cultures like Yemen when minor marriages were legal according to civil law if the girl once she grew up got married without knowing that her father who resides in a foreign country- already married her to some other suitor without informing her when she was a minor? The previous husband refuses to grant her a Get. Can modern medical techniques and x-ray machines and bone and body development prognosis be used as evidence that at the time of the marriage contracted by the father, the girl was no longer a minor. Consequently the marriage is null and void, since a father can not contract a marriage for a daughter once she no longer is a minor without her consent?
31. What is the law if the first husband converted to Islam and refuses to give his child bride a Get?
32. A group living in Asia or Africa converts to Judaism claiming that they are the decedents of the ten lost tribes. Their neighbors threaten that they will massacre them if

- they practice Judaism . Are they permitted to denounce their Judaism publically?
33. Is it proper for organizations to reclaim such Jews if they will be abandoned and put into jeopardy.
34. A man belonging to such a group as described in 32. converts in the USA while a student here. He never really observed all the laws of Halacha. When he returns to his native country can he denounce his Judaism and abandon his Jewish practices? He can not remain here because of immigration laws.
35. Is cloning permitted in order to cure genetic disorders that cause disease? Is there any prohibition in harvesting genetic tissues from aborted fetuses -that would have been destroyed anyway -to perform lifesaving experimental work in cloning to cure diseased organs or a disease. If the government refuses to fund the same, are private donors or investors permitted to finance such research?
36. Is birth control permitted to be used when one of the spouses refuses to have intercourse otherwise ? Is it better to get married and use birth control rather than remain single?
37. Can birth control be used when one of the spouses can have a nervous breakdown if they have children?
38. Up to what point do parents support financially their children?
39. Is a woman who has problems conceiving permitted to use the eggs of a relative -a sister or mother? If part of their womb are transplanted to the woman and the woman conceives who is considered the mother the donor or the woman carrying the fetus?
40. Is a Kohen permitted to have a transplant given to him from a dead donor? A Kohen is not permitted to touch a dead person.
41. Can a kohen study medicine where cadavers have to be cut as part of the training?
42. A woman can not find a spouse. Her biological clock is ticking and if she does not get pregnant very soon she may not be able ever to have children. She yearns to be a mother. Is there a Halachic way that she can become pregnant , although she is not married? What are the ramifications if she uses artificial insemination? If she would be married and her husband's sperm is not potent enough to get her pregnant and she uses artificial insemination what are the ramifications?
43. A woman not married became pregnant from her boyfriend who promised to marry her. He relents. Another man wants to marry her. She is over 40 and has very great difficulty finding a spouse. What is she to do? If she waits until after she gives birth and 24 months after the child is born the suitor will not wait. Is there A Halachic

**loophole to keep this man?**

**These are a small fraction of the questions that came to our Rabbinical court . The facts had to be altered to protect the privacy of the individuals. The reader will get an idea of the Halachic principles applied.**

**[These Responsa need to be typed ]**

**Last printed responsa is # 35 All the others need to be typed The responsa at the end of # 33 of a woman who is incontinent and must always wear a bag needs to be typed. She is permitted to dip in the Mikvah with her bag.**

**Responsa in Hebrew regarding Agunot typed as well as in manuscript form and hundreds of tapes in English exist . All the agunah cases that came before our Rabbinical court were taped. They can not be revealed to third parties without changing the names and identification facts to protect the privacy of the individuals.**