

Book 161 Moshe Siselsender

ANNULMENT MARRIAGE

FACTS

THIS IS A SECOND
MARRIAGE FOR BOTH
SPOUSES.

HUSBAND IS A GER A
CONVERT .

HIS CONVERSION
PERFORMED IN USA
ACCEPTED IN ISRAEL BY
RABBANUT.-RABBINICAL
AUTHORITIES.

UNLESS WE HAVE
EVIDENCE OTHERWISE WE
WILL ASSUME THAT THE

USA RABBI WHO
PERFORMED THE
CONVERSION WAS
DILIGENT AND MADE SURE
THAT THE MR. A THE GER
THE CONVERT OBSERVES
MITZVOT AND ABSTAINS
FROM ALL PROHIBITED
ACTIVITY AS AN
OBSERVANT ORTHODOX
JEW.

THE WIFE COMPLAINS
THAT HE DRINKS CURSES
BLAMES HER FOR HIS
MISFORTUNE IN ISRAEL.

THE COUPLE IS MARRIED FOR TWO YEARS. THE WIFE KNEW HIM FOR TEN YEARS. ALL THIS TIME HE DID NOT DRINK NOR CURSE.

OTHERWISE SHE WOULD NOT HAVE MARRIED HIM.

LATELY HE LOST HIS JOB FELL INTO A DEPRESSION AND BEGAN DRINKING CURSING AND BLAMING HIS WIFE.

APPROXIMATELY ONE MONTH AGO HE DISAPPEARED AND UPON

FURTHER INQUIRY IT WAS DISCOVERED THAT HE HAD FLED TO THE USA .

THE WIFE IS INFURIATED AND DEMANDS A GET A JEWISH DIVORCE.

HE REFUSES AND DEMANDS THAT HIS WIFE JOIN HIM IN THE USA WHERE HE IS NOT CURTAILED WITH RESTRICTIONS HE ENCOUNTERS IN ISRAEL.

THE WIFE IS AFRAID TO JOIN HIM IN THE USA SINCE

HE NOW DRINKS AND CAN EASILY TURN VIOLENT AND POSSIBLY KILL HER. SHE LEFT HUSBAND #1 BECAUSE HE REFUSED TO RELOCATE AND COME TO ISRAEL.

QUESTION IS THE WIFE ENTITLED TO AN ANNULMENT? RESPONSE.

I TRIED TALKING TO THE WIFE AND EXPLAINED TO HER THAT THE REASON HER HUSBAND SECRETLY

DEPARTED WITH OUT
TELLING HER IS BECAUSE
HE DID NOT WANT TO
HAVE HER ALERT THE
RABBINICAL AUTHORITIES
AND PREVENT HIM FROM
LEAVING ISRAEL WITH OUT
FIRST GIVING HER A GET A
JEWISH DIVORCE.

SINCE HE LOVES HER AND
WANTS THE MARRIAGE TO
CONTINUE AND MUST
LEAVE ISRAEL
OTHERWISE HE WILL NOT BE
ABLE TO WORK HE HAD NO

OTHER WAY TO DEPART
UNLESS HE USES THIS
STRATEGY .

I EXPLAINED THAT HE
TURNED TO ALCOHOL
BECAUSE OF HIS
DEPRESSION.

LEAVING ISRAEL WAS
MEANT TO CURE THE
CAUSE OF HIS DEPRESSION.
IN THE USA HE WILL FIND A
JOB IN HIS PROFESSION.

I TRIED TO REASSUR HER
THAT HER HUSBAND LOVES

HER AND HAS NO INTENTION OF HURTING HER.

WOULD HE HAVE WANTED TO HURT HER HE COULD HAVE STABBED OR CHOKED HER PREVIOUSLY WHEN HE WAS DRUNK. HOWEVER THE WIFE IS NOT CONVINCED AND DEMANDS A GET A JEWISH DIVORCE OR AN ANNULMENT.

IS THERE ROOM FOR AN ANNULMENT?

RESPONSE .

THERE EXISTS A DISPUTE
BETWEEN RAMBAM AND
RABBENU TAM.

RAMBAM HOLDS IN LAWS
OF MARRIAGE 14:8 THAT
IF A WIFE REFUSES TO HAVE
SEXUAL RELATIONS
BECAUSE SHE ARGUES
MOUS ALAI. MY HUSBAND
IS DISGUSTING TO ME WE
WILL FORCE THE HUSBAND
TO GIVE HER A GET JEWISH
DIVORCE. REASON JEWISH

DAGHTERS ARE NOT
CAPTIVES AND CAN NOT BE
FORCED TO HAVE
MARITAL REALTIONS.

Rambam In laws of Gerushin2:20
States that if the torah law
stipulates that he must divorce his
wife the Rabbinical Court WILL
COERCE HIM BY FLOGGING
UNTIL HE RELENTS AND
GRANTS HIS WIFE A Get.

The man is beaten until he dies.
Rambam rationalizes .Every Jew
wants to observe the torah It is his
evil inclination that does not

permit him. By beating him his evil inclination is subdued.

The truth of the matter is that in effect there is an annulment.

However this is procured by forcing the husband by beating.

In reality there exists no free will that the husband is giving the Get willingly. He is not. He gives the Get because he wants to escape being beaten and possibly being killed.

ON THE OTHER HAND
RABBENU TAM HOLDS
THAT WE WILL NOT FLOG

THE HUSBAND AND FORCE
HIM TO GRANT HIS WIFE A
GET. OTHERWISE EVERY
WIFE HAVING AN
ARGUMENT WITH HER
HUSBAND WILL DEMAND A
GET AND YOU WILL
DESTROY THE ENTIRE
INSTITUTION OF MARRIAGE
“LO HINACHTO BAS
LEAVROHOM OVINU”

SINCE TODAY THE
RABBINICAL COURT HAS
NO POWER TO FLOG THE
HUSBAND INTO

SUBMISSION WE WILL
ANNUL THE MARRIAGE.
{RAV MOSHE FEINSTEIN}
THE LAW IS THAT THE
HUSBAND MUST
WILLINGLY OF HIS OWN
VOLITION GIVE THE GET
JEWISH DIVORCE.

IF THE HUSBAND IS
FLOGGED INTO
SUBMISSION HE IS
CLEARLY NOT GIVING THE
JEWISH DIVORCE OUT OF
HIS OWN FREE WILL.
CLEARLY THERE EXISTS

ANNULMENT. HOWEVER
THE ANNULMENT COMES
AS A RESULT OF A
BEATING.

IN TODAYS SOCIETY WE
CIRCUMVENT THE PROCESS
BY ANNULLING.[RAV
MOSHE FEINSTEIN]

IN ISRAEL THE
RABBINICAL COURT HAS
POWER TO IMPRISON THE
HUSBAND. HOWEVER ONCE
THE HUSBAND LEAVES THE
JURISDICTION OF ISRAEL
THE RABBINICAL COURT

LIKE IN THE USA IS
POWERLESS.

ONCE THE HUSBAND
LEAVES THE DOMICILE
RATHER THAN THE WIFE
LEAVING WITH THE
ARGUMENT OF MOUS ALI
MY HUSBAND DISGUSTS ME
RABBUNU TAM WILL
CONCEDE THAT AN
ANNULMENT CAN BE
GIVEN. YOU NO LONGER
HAVE THE CASE OF
LO HINACHTO BAS
LEAVROHOM OVINU .THAT

THE MARRIAGE
INSTITUTION WILL FALL
APART- EVERY WOMAN
WILL LEAVE ARGUING
MOUS ALI MY HUSBAND
DISGUST ME.

IT IS THE HUSBAND NOT
THE WIFE WHO LEFT THE
DOMICILE.

EVEN THOUGH THE
HUSBAND MAY HAVE HAD
VERY GOOD REASONS FOR
LEAVING ISRAEL HE COULD
NOT ADJUST AND BECAME

DEPRESSED AND STARTED DRINKING AND CURSING NEVERTHE LESS IT WAS HE WHO LEFT.

WHEN EVER AN ARGUMENT ARISES WHERE ONE IS TO LIVE IN ISRAEL OR ELSE WHERE THE SPOUSE DEMANDING TO LIVE IN ISRAEL PREVAILS.

IF THE OTHER SPOUSE THE HUSBAND CAN NOT LIVE IN ISRAEL THEN HE SHOULD FREE THE WIFE AND EACH SPOUSE CAN FOLLOW THEIR

OWN PREFERENCE.

IN THIS CASE IT MEANS THAT THE HUSBAND MUST FREE THE WIFE.

SUCH WOULD HAVE BEEN THE VERDICT OF THE ISRAELI RABBINICAL COURT. THEY WOULD HAVE BLOCKED THE EXIT OF THE HUSBAND. SINCE THE HUSBAND ELUDED THE RABBINICAL COURT THEN AN ANNULMENT IS IN ORDER.

FURTHERMORE,

RABBENUE TAM AGREES
THAT IONCE THE HUSBAND
LEAVES AND NO LONGER
CAN OFFER HIS WIFE
MARITAL RIGHTS –SEX NOR
SUPPORT HER HE MUST
GIVE HER A GET. IN OUR
CASE THE HUSBAND IS IN
THE USA AND IS NOT
OFFERING MARITAL
RIGHTS NOR SUPPORTING
HER THERFORE HE MUST
GIVE HER A GET.

TRUE IF THE WIFE AGREES
TO SETTLE IN THE USA HE

WILL RESTORE THE
MARITAL RIGHTS AND
SUPPORT BUT THE WIFE
REFUSES TO SETTLE IN THE
USA. THEREFORE
ANNULMENT IS THE
ANSWER.

OUR RABBINICAL COURT
WRITES A GET ZIKU WE
SUSTITUTE FOR THE
HUSBAND AND WRITE A
GET FOR HIM SINCE IT IS
REALLY A FAVOR FOR HIM.
WITH OUT GRANTING A GET

THE HUSBAND CAN BE
PLACED IN CHERM
EX COMMUNICATED. NO
ONE WOULD HAVE ANY
BUSINESS WITH HIM HE
WOULD BE FIRED FROM HIS
JOB. NOW AFTER WE GIVE
THE GET FOR HIM HE AGAIN
BECOMESA CITIZEN IN
GOOD STANDING.

TECHNICALLY ONCE WE
WRITE A GETZIKU THE
HUSBAND IS ALSO FREE TO
REAMARRY. HOWEVER WE
INSIST THAT THE HUSBAND

GIVE A GET IF HE WANTS TO REMARRY. IN THAT WAY WE WILL NOT NEED TO RELY ON THE ANNULMENT THAT IS OPPOSED BY MANY AUTHORITIES AND IS PROBLEMATIC.

IT IS GIVEN ONLY BECAUSE THERE EXISTS NO OTHER CHOICE.

ONCE THE HUSBAND IS MOTIVATED TO REMARRY AND GRANTS A GET WE DO NOT HAVE TO RELY ON THE ANNULMENT.

SEE MY BOOKS ABOUT
ANNULMENTS IN MY WEB
SITE WWW.AGUNAH.COM
TAP SAVING ALL
MARRIAGES SHOLOM
BAYIT

SEE BOOKS 10E[ENGLISH]
10H [HEBREW] AND 11
[ENGLISH] FOR GREATER
ELABORATION AND
SOURCES.

I HAVE WRITTEN A TOTAL
OF 161 BOOKS OF REPONSA
AND ESSAYS ON JEWISH
LAW. MANY OF MY BOOKS

HAVE THE ENDORSEMENTS
OF RAV MOSHE FEINSTEIN
AND RAV PIEKARSKI THE
HALLACHIC ADVISOR TO
THE LATE LUBAVITZER
REBBI RAV SHNERSON HE
ALSO GAVE SMICHA AT
LUBAVITZ.

PART 2

WHAT IF THE THE
INDIVIDUAL IN THE ABOVE
CASE TURNS OT TO BE
DANGEROUS ?

THERE EXISTS NO
GUARANTEE THAT ONE
WHO IS DRUNK WON'T
TURN VIOLENT .

WHAT IF HE POSSESSESSES
A GUN. WHILE DRUNK AND
ANGRY WHAT STOPS HIM
TO SHOOT HIS VICTIM?

THE TALMUD IN YOMA
RECORDS THAT ONE IS
MANDATED TO VIOLATE
ALL LAWS TO SAVE A
LIFE.

THIS IS RECORDED AS
HALLACHA IN SHULCHAN
ARUCH ORECH CHAIM
LAWS OF SABBATH.

Even if there exists a doubt one
can violate all laws of the Torah.

RA MOSHE FEINSTEIN
RULED THAT EVEN IF
THERE EXISTS A FRACTION

OF 1% ONE CAN VIOLATE
ALL THE LAWS OF THE
TORAH.

THIS MEANS THAT WE WILL
NOT ADVISE THE WIFE TO
GO BACK AND LIVE WITH
THE HUSBAND WHO LEFT
SINCE HE IS ADDICTED TO
ALCOHOL.

THE FACT THAT HE
STARTED DRINKING NOW
AFTER HE LOST HIS JOB
DOES NOT MEAN THAT HE
WON'T REPEAT THE SAME

IN THE USA. IN THE USA IT IS EASY TO GET A GUN. THAT IS NOT THE CASE IN ISRAEL. THEREFORE THE WIFE CAN POSSIBLY BECOME A MURDER VICTIM . NO ONE CAN GUARANTEE THAT HE WILL NOT COMMIT MURDER. THE FACT THAT HE REALLY LOVES HIS WIFE WEIGHS MORE ON THE SIDE THAT HE WILL KILL HER IF HE BELIEVES SHE IS GOING TO LEAVE HIM FOR GOOD.

HE WANTS TO MAKE SURE
NO ONE ELSE HAS HER. IF
SHE IS DEAD NO ONE ELSE
WILL HAVE HER. THEN HE
CAN COMMIT SUICIDE OR
AWAIT A PRISON TERM
FURTHERMORE SINCE
THIS MAN DID NOT INFORM
THE RABBI WHO
CONVERTED HIM THAT HE
IS ADDICTED TO ALCOHOL.
HIS CONVERSION CAN BE
ABROGATED AB INITIO.

A CONVERT CAN NOT

TAKE EXCEPTION TO ANY
LAW THAT HE WILL NOT
OBSERVE. IT IS AGAINST
JEWISH LAW TO BECOME
ADICTED TO ALCOHOL.
ONCE ONE IS DRUNK HE
BECOMES A SHOTEH AN
IMBECILE. HE IS NOT
RESPONSIBLE FOR HIS
ACTIONS. HE NO LONGER
CAN OBSERVE MITZVOT .
HE NO LONGER CAN
FUNCTION AS A NORMAL
HUMAN BEING.

AND WHO SAYS THAT HE

STARTED DRINKING AFTER
LOSING HIS JOB PERHAPS
HE LOST HIS JOB BECAUSE
HE WAS DRUNK.

AT ANY RATE NOT
INFORMING THE RABBI
WHO CONVERTED HIM
THAT HE IS ADDICTED TO
ALCOHOL WHEN HE IS
VERY FRUSTRATED WOULD
IN EFFECT CAUSE HIS
CONVERSION TO BE
CANCELED AB INITIO.
THIS IS DIFFERENT THAN

ONE WHO ABANDONS
OBSERVANCE OF RITUALS.
AS STATED IN RAMBAM
LAWS ISOREH BIO
CHAPTER 13 END . IN THAT
CASE IF A CONVERT
ABANDONS OBSERVANCE
OF RITUALS HIS
CONVERSION
NEVERTHELESS IS VALID.
HE IS NOT HURTING ANY
ONE . HOWEVER ONE WHO
IS ADDICTED TO ALCOHOL
WHEN UNDER GREAT
STRESS CAN TURN VIOLENT

AND POSSIBLY COMMIT
MURDER. THEREFORE HIS
CONVERSION IS
ABROGATED AB INITIO.
SINCE HE IS NOT JEWISH
THERE IS NO NEED FOR A
JEWISH DIVORCE . A GET.

THIS IS A VERY HARSH
DECISION.

ONE CAN DISAGREE . THE
HUSBAND MAY CONTINUE
TO PRACTICE JUDAISM
HOWEVER THIS

ARGUMENT THAT HIS
CONVERSION IS NULL AND
VOID CAN BE USED AS
ADDITIONAL AMMUNITION
TO BOLSTER THE
ANNULMENT.

FURTHERMORE HE DID NOT
INFORM HIS WIFE THAT
WHEN UNDER STRESS HE IS
ADDICED TO GET DRUNK.
THEREFORE THS IS
CONSIDERED A MEKACH
TOUT. IT NEGATES THE
MARRIAGE. MARRIAGE IS
CONSIDERED LIKE A

PURCHASE. IN A PURCHASE NOT DISCLOSING CRITICAL INFORMATION VOIDS THE PURCHASE. THE SAME IS TRUE IN MARRIAGE. THE WIFE NEVER WOULD HAVE MARRIED HIM HAD SHE KNOWN THIS FACT.

POSSIBLY SHE MAY HAVE ACCEPTED HIM. BUT SHE NEVER WAS TOLD.

THEREFORE WE VOID THE MARRIAGE. SEE MY

BOOKS 10 E [ENGLISH]
BOOK 10H[HEBREW]AND

BOOK 11 [ENGLISH] FOR ALL SOURCES.