

GOD

MOSHE SISELSENDER

LIFE

MOSHE SISELENDER

GOD JEWISH ISRAEL

MOSHE SISELENDER

MOSHE SISELENDER

BIO MEDICAL ETHICS
PREVENTING PAIN AND
REDUCING RISK TO NON-
LIFE THREATENING ILLNESS
AND CERTAINLY TO LIFE
THREATENING ILLNESSES
HALLACHIC PERSPECTIVE:
G-D GIVEN AT MT. SINAI 3400
YEARS AGO
PARENTS BUTTING OUT OF
CHILDREN'S LIVES
BIRTH CONTROL & FAMILY

PLANNING ARTIFICIAL
INSEMINATION HOST
MOTHERS MARRIED WOMEN
RAPED SHOULD SHE
SACRIFICE HER LIFE?
PREGNANT AND NURSING
MOTHERS FASTING ON YOM
KIPPUR COMMON LAW
MARRIAGES PILEGESH .
MISTRESSES. WOMEN
OBSERVING LAWS THAT ARE
CONTROLLED BY TIME.-
MITZVOT ESESH
SHEHAZMAN
GROMO HISTORICAL
PARAMETERS OF
ANNULMENTS HISTORICAL
RULINGS REGARDING NON

**HALLACHIC INTERFAITH
CIVIL MARRIAGES.
STATUS
OF JEWISH WOMAN WHEN
MARRIAGE COLLAPSES
AND A
CIVIL DIVORCE IS GIVEN.
SHE
REMARRIES STATUS OF
CHILDREN FROM MAN #2.**

RABBI MOSES FEINSTEIN
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New York 2, N. Y.
Tel. GRamercy 3-5077

ב' ש'ה פ'ינ'ש'ט'י'ן
ר"מ תפארת ירושלים
בנוא יארק

בע"ה

הנהיג ב"ר ב'ר' א'ר'ו'ר'ן א'ר'ו'ר'ן א'ר'ו'ר'ן א'ר'ו'ר'ן
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מתנת תורה ודעת

בעזרת

הרב הגדול בתורה ויראה, מצוין במעלות ומדות טובות,

הרב משה ב"ר מנחם סנדר

הרב הגאון שאול אריה

למד הרבה שנים ביישיבתנו, שקד בתורה וראה ברכה רבה בלמודו
בחוב בג' ופוסקים, וראוי הוא להיות מנהיג עדה בישראל ע"פ דרכי
התורה והיראה, עכ"אמרנו לאסמיכי' בסמיכת חכמים להיורת

רב ומורה הוראה בישראל

וכל עדה אשר תבחר בו תשבע רצון ממנו בעזרת וחפץ ד'
בידו יצליח להגדיל תורה ולהאדירה.

הכו"ח למען כבוד התורה ולומדי' ר"ח ניסן תשס"ו לפ"ק

ישראל אריה

ראש המתיבתא



אנב שמעתי שידידי הרב הנכבד מאד, מוהר"ר משה שליט"א, יסד
מכון בשם "בית מאיר מנתם סגור לתורה והוראה" שמטרתו כעת הוא לתמוך
תלמידי חכמים, מצויינים בעירייתם, שלומדים בישיבות גדולות וכוללים,
שיספיקו ללמוד עניני הוראה, כדי שיוכלו לגדל בתורה ובפרש בהוראה
בלי הביטול זמן של דאגה טרנסת. והריני מברכו שיצליח בענין זה וגם
בשאר ענינים שמוסד זה מכויין לעשות, ושיזכה להגדיל תורה ולהאדירה
לתארת השם ותורתו.

הכו"ה לכבוד התורה ביזם י"א לחודש אדר שני תשמ"א.

משה פיינשטיין

משה פיינשטיין

מאנסי, נוא יארק

RABBI J. KAMENTZKY

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MONSIEY, NEW YORK 10982

בע"ה.

אל כבוד הרב המצויץ בפעליו הכבירים, מוהר"ר ששה
שליט"א שלו וברכת כל טוב.

הגיעני מכתבו היקר בו הוא כותב: שכדעתו לניסד מכון כשם
בית מאיר מנחם עזר לתורה והוראה" שמטרתו היא לעודד אברכים
הרוצים להשתלם בהוראה, ע"י שיטייעם בסכום חשוב כדי שיוכלו
להתעסק בלימודם מתוך מנוחת הנפש בלא מטרות וראגת הפרנסה, ושיש
לו לכ" סיכונים למצוא מקורים לזה. ולפיכך הנני בזה לברכו כי
הפץ ד' בידו יצליח, ודבר נכון מהו. מפני שחלק ההוראה מוזנח
קצת בישיבותינו. ויתן ד' שיזכה לזכות את הרבים כחפצו וכחפץ
המצפה ומיחל לחסדי שמים הבו"ה ביום כ"ד לחודש אדר ב' תשמ"א

פה מאנסי. יאן קאמנצקי

RABBI I. I. PIEKARSKI

98-30 67th AVENUE

REGO PARK, N. Y. 11374

ישראל יצחק פיעקארסקי

רב ואב"ד דק"ק בית יעקב

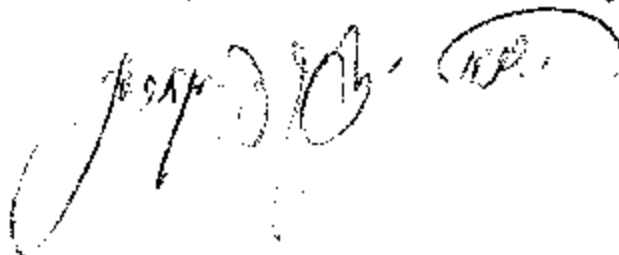
פארעסט היילס, נ. י.

ור"מ דישיבות תומכי תמימים ליובאוויטש

ב"ח

כאשר יזירי הרה"ג הנעלה איש אשכולת כו' מוה"ר הרב ר' משה — שליט"א. הוא למד ויגע הרבה בחלקי שו"ע וכמעט בכל חלקי שו"ע וגם באחרונים, הוא רוצה לזכות העולם ולהסביר הדינים בלשון אנגלי', ועשה כמה וכמה חיבורים, וכמעט הוא מתרגם הערוך השלחן ומה שהוסיף דבר עמי באריכות ע"כ אני אומר יישר חילו ולפעלא סבא. והוא מזכה את הרבים ולכמה פעמים הוא מסביר חומר איסורים ביור"ד ואשמת שבקרוכ במהרה יפיעו מעיינותיו חוצה. וכל הכנסות הוא מקדיש לשיבות לילמו וללמד הוראה להורות לעם ד' ה' דבר הלכה. והי' לו מטירת הנפש לילמוד כל חלקי שו"ע עם המקורים. זאת אומרת בין השעות העבודה ובליילה הכבוקר בהתמחה, ובדאי יהי' חיבוריו לתועלת העולם ולתועלת התלמודים.

ע"ז באמי על החתום יום פ"ח שני שנת תשמ"ג לפ"ק קרוינס.

A handwritten signature in dark ink, appearing to be 'I. I. Piekarski', is written over a circular stamp. The stamp contains some illegible text or a logo. The signature is written in a cursive style.

AL. A. PIEKARSKI
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ראל יצחק פיעקארסקי
בן ואב"ד דק"ס בית יעקב
טארעסס היללם, נ. י.
משנות תוסבני תמימים ליובאוויטש

כאשר ידידי תה"ב החוי"ב איש אשכולות מוכמד בפו"ם תרומיות הרב ר' משה שליט"א מפה עשה על חלק ב' יוד"ה ובפרס בתלכות נדה הוא פתרגם כל לכות מהערון השלחן על שפת אנגלי' הגם שעשה על כל חלקי שו"ע אבל על תלכות נדה הוא חידושו על פני מבל כדי היאך לתמנהג . ואקו' שמיד יצא מהדפוס ויהי' טובה לעול דפוס שאני מכיר לו שהגם שהוא סרוד בעסקיו , והוא גוזל עם בכל יום ויום לילמוד שו"ע ולכתוב חידושו וחסן ד' בידו יצליח . אני מברך אותו שיהי' כתצלת לנכות את הדביס , ויזכה לילמוד תורה במנוחה והרחבת הדעה.

מאם ידידו הדוי"ש והמכרכו בנפם בכ"ס בלב ונפש חסיצת

י"ה מאת ולאו אמת
שלמה ז"ל

1. I. PIEKARSKI
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ד"ר יצחק פיעקארסקי
ב' ואב"ד ד"ר רמ"ק בית יעקב
מארגנס היילס, נ. י.
תוכות תוסבי המיטות ליוכאווים

כאשר ידידי הרה"ב החז"ב איש אשכולות מוכתר בפני"ט תרומיות החב"ד משה שליט"א מפה עשה על חלק ב' יור"ה ובפרט בהלכות נדה הוא פתרגם כל לכות מהערוך השלחן על שפת אנגלי' כדי שיכול כל אחד ואחד להכין וחוא נוסף שלו, והוא נחוצ מאד מאד, הגם שעשה על כל חלקי שו"ע אבל על הלכות נדה הוא מעט יחיד כמינו. ואמינא יישר כוח ותשואות חן עבור וכודאי מצו' גדולה להפיץ וידושים על פני מכל כדי היאך להתנהג. ואקו' שמיד יצא מהדפוס ויהי' טובה לעול וברמס שאני מכיר לו שהגט שהוא סרוד בעסקיו, ותוא גודל עם בכל יום ויום לילמוד שו"ע ולכתוב תידושים וחפץ ד' בידו יצליח. אני מברך אותו שיהי' בהצלחה לזכות את הרבים, ויזכה לילמוד תורה במנוחה והרחבת הדעת.

מאת ידידי הדו"ש והמברכו בב"מ בכ"ס כלב ונפש חפיצת

יה מאת ושל"ו א"ת רמ"ק רמ"ק
ד"ר יצחק פיעקארסקי

MOSHE EMET

VETOROTO EMET

RESPONSA ON FOUR PARTS

OF THE SHULCHAN ARUCH

EVEN HOEZER CHOSHEN

MISHPOT VOL III

YOREH DAYOH ORECH

CHAIM VOL III

MOSHE SISELSENDER

18 IN HEBREW -CHET AND YUD - OR CHAI -STANDS FOR LIFE

Life is the over riding and prime concern for Jews SINCE DAY 1 - 4000 YEARS AGO AND LIFE IS THE NUMBER 1 CONCERN FOR Jews today. Consequently we have to declare that all Jews regardless of their degree of observance or non observance are family. We are responsible for each other. WE MUST LOOK OUT FOR EACH OTHER'S WELFARE. We will leave it to G-d to judge each Jew's religiosity. Our concern in this world must be primarily the physical well being of every Jew in the diaspora and in Israel. It is our sacred duty to ensure and guarantee Jewish unity. Only by banding together as a band of brothers and sisters will we be able to survive the anti Semitism that

keep cropping up from every corner each year a new face and a new threat to our existence. This task of survival is not a job for a lone ranger. We must enlist the combined efforts of the entire Jewish community. That means every Jew of what ever ideological bend and commitment he or she have,; or does not have. Lets face it the non Orthodox Reform and Conservatives or secular organizations like Bnai Brith , Anti Defamation , Jewish Committee and Jewish Congress or out reach organizations as Hillel Lubavitz Esh Daat- are all different expressions of Jews organizing among like minded individuals who share their religious degree of observance or lack of it. OBSERVANT Jews have recognized this basic truth, that it is necessary to go to the grass roots of Jewish society- the individual Jew. Tsvavah movements have found a new frontier to spread Torah and Jewish identity. Lubavitz and other out reach programs have flown into this new frontier to help save Jews. However those Jews who belong to the Reform Conservatives and other non Orthodox groups can not be condemned and written off. WE MUST BEHAVE WITH COMPASSION UNDERSTANDING AND COMMON SENSES AND INTEGRITY TOWARD EVERY ONE. Let us appreciate and compliment every Jew or Jewess for the positive behavior and observance of even one MITZVOH BETWEEN MAN AND MAN AND MAN AND G-D . Let us encourage them to be more committed regarding the laws between man and man and man and G-d. Let us focus on what Jews do observe , rather than what they do not observe. Let us focus on the part of the cup that is full rather than the part of the cup that is empty. Yes, let us aim for the stars for ourselves , but appreciate the accomplishments of others even if they be only one inch. Let us behave toward each other as the gentle breeze in a warm spring day and speak with a soft voice as G-d Revealed Himself to the prophets. Both the laws between man and man and man and G-d were given by G-d at Sinai 3400 years ago. See the prayer of Yigdol at the beginning of the daily morning services and the 13 articles of faith- the anni mamins- recited at the end of the morning daily services. See Rambam Yesodei Hatorah 9,10,11 . See Rambam Mamrim 3:3 Chazon Ish Yorch Dayoh 13:16 as cited by Rav Eliezer Waldenberg Hilchot Medinah 9 :4.

The future of Judaism CAN BE ASSURED ONLY IF THERE EXISTS Rabbis who will commit themselves to master and observe the four parts of the Shulchan Aruch. ONLY SUCH RABBIS ARE AUTHORIZED TO RULE ON ANY LAW OF Judaism. Any representation of Judaism that lacks the laws of the four parts of the Shulchan Aruch applied to fit the cases presented is an other religion Radvaz in responsa and Rambam Yesodei Hatorah 9,10,11 and the 13 basic principles of faith. The Oral Law given by G-d at Sinai 3400 years ago was written in manuscripts and transmitted from one generation to the next. They were known as megilot nistorot Rashi Bava Metzia 92a. These manuscripts were edited and the conflicting laws voted upon and a common law and equitable law approved by the Rabbis of the Mishne and then the Rabbis of the Gemorah . The Mishne and the Talmud was written over a period of approximately 400 years and completed approximately in 400 ACE . Then followed the period of the Rabbonei Savroye , the Gaonim , the Rishonim and the Achronim. All the laws of the Talmud were summarized and codified by The Riff the Rambam the Rosh Tur Bais Yoseph and Ramo. . The codification of Bais Yoseph and Ramo is known as the Shulchan Aruch-. It is the summary of the Talmud and all the responsa -that answered all new questions that arose over thousands of years were responded based on precedents from previous accepted authorities. All are summarized in the four parts of the Shulchan Aruch. Commentaries arose like Bais Shmule Chelkos Mechokek Gro and Taz on Even Hoehzer ; Shach and Taz, Gro Bair Haitiv and Bair Hagolo Pri Chodosh and Pri Megodon on Yoreh Dayoh ; the Shach, Taz, Sma , Ktzos Hachoshen, Nesivot, Gro, Bair Hagolo Bair Haitiv on Choshen Mishpot; Taz and Mogen Avrohom on Orech Chaim. These are only a fraction of the commentaries that exist. Later authorities wrote additional summaries and codifications as the Lubavitzer Rebi the Tzemech Tzedek , the Levush, the Nodei Beychudah , Rav Akiva Eiger, the Chsam Soffer. the Mishneh Brururah and the Aruch Hashulchon on all four parts of the Shulchan Aruch,as well as future laws that will become operational once Jews return to Israel , the laws of trumah maaser sheviot become operational ; the holy temple will be built and the sacrifices will

commence. Tens of thousands if not hundreds of thousands of Responsa and commentaries on the Talmud and Shulchan Aruch were penned over the last thousands of years. Many of these responsa are summarized in Otzer Haposkim on Even Hoehzer Pischei Tsuvah and Gilyonot of Rav Akiva Eiger Hasholom on four parts of the Shulchan Aruch. Some of the responsa penned over the last century are those by Rav Yitzchok Elchonon Spector, Rav Yudelevitz, Rav Henkin, Rav Moshe Feinstein, Rav Yitzchok Herzog, Rav Uziel, Rav Yeciel Yaakov Weinberg- the Shreidei Esh, Rav Mordecai Yaakov Breish- the Chelkos Yaakov and Rav Gorin the Mashiv Milchomo, and Rav Eliezer Berkovitz in Tnai Benesuin Ubeget. Let us mention the Israeli journals Torah She Bal Peh and Noam that have leading scholars express their Torah view on many contemporary burning issues in Israel and diaspora that relate to the very survival of Torah Jews and the State of Israel.

I have attempted to summarize some of these responsa in my seven volumes called Responsa on the Four Parts of the Shulchan Aruch. I explore very controversial areas of Jewish law as the reader will discover once he or she reviews my table of contents. All my books except for one are in English. One volume is in Hebrew.

A kollel must be established and supported for such a purpose. A foundation exists for this purpose. It is Bais Meir Menachem Sender Latorah Vehoroah, Inc. It is a 501c foundation recognized by the IRS. I have endorsements to form a kollel for the study of the four parts of the Shulchan Aruch from Rav Moshe Feinstein Rav Yaakov Kminecki and Rav Yisroel Pikarski.

CHAPTER 1

***GROWN CHILDREN -BEING A PARENT AN IN LAW AND
OUTLAW RESPONSIBILITY MATURITY FINANCIAL
INDEPENDENCE LETTING YOUR CHILDREN BITE THE BULLET
AND SUFFER THE CONSEQUENCES NOT TO SUBSIDIZE
CHILDREN-**

CHAPTER 2

***LAWS OF MARRIAGE REMAINING MARRIED PREVENTING
INFIDELITY OR APPEARANCE OF INFIDELITY AND
PREVENTING ACCUSATIONS -**

CHAPTER 3

*** PRIORITY : HAVING A YESHIVA NOT GO BANKRUPT AND
TEACH TORAH AND JUDAISM OR BEING HONEST**

CHAPTER 4

*** INTERMARRIAGE-* CONVERSIONS**

CHAPTER 5, 6, 7, 8,

9

*** DISPUTES DIVORCE ANNULMENTS**

*** CASE HISTORIES OF MARRIAGE PROBLEMS SINGLE PARENTS**

MARITAL PROBLEM

Chapter 5

Question

Wife has received a civil divorce. Husband refuses to give her a Get. She has won custody of all five children . She has won alimony and child support. She claims that her husband is a control freak. He also has had sexual affairs. He beat her when she was pregnant with her youngest child She claims that her husband forbid her to speak to other men. When she spoke to the gardener, before she got pregnant with her youngest child, her husband claimed that she got pregnant from the gardener. He disowned the youngest child as being illegitimate. She is married 20 years. She also has someone now who is interested in marrying her. She wants our BetDin to annul the marriage. The husband and his family want her to return. **THEY HOPE THAT WHEN THE WIFE SEES THAT SHE CAN NOT GO FREE SHE WILL RETURN.**

CHAPTER 6

QUESTION

My husband raped my three sisters and my mother. He also beat me and threw me down the steps while I was pregnant. Although I got a civil divorce , he refuses to give me a Get. He wants a million dollars as the price for the Get. I have four children with him. He was ordered to give me a Get by the other Rabbinical Courts. One rabbinical Court gave me a letter that I have permission to use all means to corce him to give me a Get. The request of the plaintiff is to annul the agunah's marriage in light of the fact that she has another man who will marry her.

Chapter 7

My husband is a homosexual. He spends too much time with his brother. Once WE went on a trip and I had to go to the bathroom , but he refused to stop. So I wet my pants.

He does not satisfy me sexually. I PRESENTLY AM GOING OUT WITH OTHER MEN. HE ALSO CONTINUOUSLY ARGUES. ONCE HE GOT INTO A SCREAMING MATCH WITH ME AND MY MOTHER , HE LOST HIS TEMPER AND STRUCK ME AND MY MOTHER. He broke my arm I want an annulment since he refuses to give me a Get.

Chapter 8

MY HUSBAND IS VERY BUSY AND SPENDS VERY LITTLE TIME WITH ME I HAVE FOUR CHILDREN He does not satisfy me sexually. He gave me permission to see other men. My husband refuses to give me a Get He was given a Get BY A Rabbi who did not even inform me. He is seeing other women. I want an annulment

Chapter 9

I married a KOHEN . SUORLY AFTER OUR MARRIAGE I BELIEVED THAT I WAS UNDER A CURSE IF I WOULD REMAIN MARRIED TO HIM . I INSISTED TO GET A Divorce and a Get which my husband agreed. WE GOT TOGETHER AGAIN AND WE ARE LIVING TOGETHER I WANT TO REMARRY. Are we permitted Response. DEFINITELY NOT. A DIVORCEE CAN NOT REMARRY HER HUSBAND. IT IS WORSE THAN JUST LIVING TOGETHER.

PILEGESH RELATIONSHIP OR CIVIL COURT MARRIAGE ONLY IS IT PERMITTED OR FORBIDDEN ? It is 100% forbidden unless there exist very dire consequences to have any marriage halachic non halachic or civil .An attorney specializing in marriage and divorce civil law must be consulted regarding common law marriages palimony and child support. HOWEVER IN PRACTICE NO RELIGIOUS GIRL OR BOY WILL

AGREE TO A PILEGESH RELATIONSHIP OR CIVIL COURT MARRIAGE ONLY .

I KNOW OF HUNDREDS OF PEOPLE WHO REMARRIED AFTER A STORMY DIVORCE AND ARE VERY HAPPY I KNOW OF COUPLES WHO ARE MARRIED ALMOST HALF A CENTURY AND ARE VERY HAPPY AFTER A STORMY DIVORCE. ONE MUST TAKE A CHANCE IN LIFE. LIFE IS FULL OF CHANCES. THERE EXIST NO ALTERNATIVES. ONE SEEKING A PILEGESH RELATIONSHIP WILL REMAIN UNMARRIED FOREVER . HE WILL NEVER FIND THE GIRL AND FAMILY WHO ARE RELIGIOUS WHO WILL AGREE.

IF WHAT I AM STATING IS TRUE FOR INDIVIDUALS WHO WENT THROUGH A STORMY DIVORCE, CERTAINLY THIS IS TRUE FOR COUPLES WHO NEVER WERE MARRIED .This attitude is the prevalent attitude today in all religious circles and always existed, even among those authorities who theoretically permitted Pilegsh- the Ramban Raved and Rosh. All of them warned that people will easily have licentious relationships and will not remain with one spouse only which is the critical requirement of pilegsh relationships. You can not have more than one spouse for an extended period of time. The woman must not have a new partner until 3 months passes from the time that the relationship dies.in order to make sure that she is not pregnant. The woman must go to the mikvah 12 days following the day she has her period and at no time must there exist any intention of both spouses to have a permanent relationship otherwise the relationship is converted to halachic marriage. Once the marriage commitment is gone - there exists no halachic marriage -there exists no deterrent for any one spouse to remain consistently with the other spouse. Perhaps people who see them live together will believe that they are married and that can create the appearance of Halachic marriage . If the spouses did in fact want to remain together permanently than that creates Halachic marriage when people know that they are living together. Perhaps both spouses want to create a permanent union and that creates marriage . Who is going to supervise all these individuals? Who exists to read their minds and knows their intentions? If they changed their minds after they first decided to create a permanent union - they are married Halachically and must receive a Get to go free. Aruch Hashulchon in Even Hoezer rules that if a couple live together for over 30 days the assumption is that they are married . No Jewish man or woman wants a licentious relationship. THE ACCEPTED WAY TO HAVE

LEGAL SEX IS ONLY THROUGH MARRIAGE. FURTHERMORE A WOMAN WHO IS NOT MARRIED MAY BE ASHAMED TO VISIT THE Mikvah. Only married woman visit the mikvah 12 days after they have a period. Therefor if she has sex with out dipping in the mikvah there exists a very serious Biblical violation. Thus even the Ramban Raaved and Rosh who theoretically permit Pilegsh relationships, nevertheless, in practice all condemn Pilegsh relationships since all the above mentioned contingencies can very well exist.

However if a couple on their own do have a **PILEGESH RELATIONSHIP OR HAVE A CIVIL MARRIAGE ONLY** we will insist that the woman receive a Get. If the partner-either the man or woman - refuses and there exists no way she or he can receive the Get we will permit them post facto to marry with out a Get. This is the ruling of the overwhelming majority of Rabbinical authorities. There exists a myriad of other variables and only a Rabbi who has mastered and observes the four parts of the Shulchan Aruch is competent to decide if one who has a Pilegsh relationship **OR CIVIL COURT MARRIAGE ONLY** goes free with out a Get.

CHAPTER 10

*** SAVING HUMAN LIFE BORN UNBORN CHILDREN * Yom Kippur Fasting by pregnant women and nursing mothers with infants whose life can be in danger if the mother fasts * What are the size and quantity to eat matza on Passover drink wine for kiddush and the four cups on Passover quantity**

forbidden not to eat on Yom Kippur -over what period of time*CHAPTER 10
* Can a mother who gives birth out of wedlock -she had sexual liasons two or more times marry before 24 months have elapsed since she gave birth?Or do we require her to wait 24 months during the time that the child is being breast fed? CHAPTER 10

* STEM RESEARCH from aborted fetuses harvesting cells foe research
CHAPTER 10

*FORCEFULLY PREVENTING SUICIDE MURDER TERRORISTS
CHAPTER 10

* RESPONSIBILITY OF CIVILIANS TO CHANGE TERRORIST
GOVERNMENT OR FACE CONSEQUENCES CHAPTER 10 * RATIONAL
OF FIREBOMBING OF GERMANY AND JAPAN DROPPING OF
ATOMIC BOMB on JAPAN CHAPTER 10

*STATUS OF INTERNATIONAL LAWS THAT SPELL SUICIDE FOR
COUNTRY ATTACKED BY TERRORISTS WHO DO NOT OBSERVE ANY
LAWS. ARE THE VICTIMS OF THE TERRORISTS BOUND BY
INTERNATIONAL LAWS OF HUMANITY IN WAR WHEN THE
TERRORISTS DO NOT ACCEPT THESE LAWS? WOULD THE VICTIMS
OBSERVE THEM REGARDING THE TERRORISTS AND THOSE WHO
SPONSOR TERRORISM IT WOULD SPELL SUICIDE FOR THE VICTIMS

PEKUACH NEFESH DO CHE KOL HATORAH THE VICTIMS ARE
FORBIDDEN TO HONOR OR OBSERVE SUCH LAWS CHAPTER 10

* US LEGISLATION STRIPPING TERRORISTS FROM THE
PROTECTION AFFORDED PRISONERS OF WAR CHAPTER 10

* USING ALL MEANS TO EXTRACT INFORMATION FROM
TERRORISTS TO PREVENT SUICIDE AND OTHER ATTACKS CHAPTER
10

chapter 11

*REFORM THROUGH OUT THE CENTURIES - The status today in
Halacha of the ten lost tribes- the Samaritans - the Sudducees -the Kariates
the followers of Shabse Tzve and Frank- the false Messias -Their status
regarding marriage divorce conversions SINCE THE MEMBERS OF THESE
HISTORICAL GROUPS DID NOT OBSERVE THE LAWS OF MARRIAGE
AND DIVORCE AND CONVERSIONS WILLFULLY OR UNWITTINGLY
AND DIVORCES AND CONVERSION DID OCCUR WHAT IS THE

STATUS OF THESE CHILDREN AND THEIR DESCENDANTS ?* LAWS OF EVIDENCE CIRCUMSTANTIAL ACCEPTING TESTIMONY OF AGUNAH -WHEN ?

Chapter 12

*** CHILD AND TEENAGE SEXUAL ACTIVITIES AND PREGNACIES COMMON IN MODERN WESTERN SOCIETIES FEMALE CHILD MARRIAGES COMMON IN MIDDLE EASTERN SOCIETIES BY AGENCY OF THE FATHER OR WHEN THE FATHER WAS DECEASED OR ABSENT AWAY ON BUSINESS OR IN CASE OF A DIVORCE THE MOTHER AND OLDER BROTHERS COULD EFFECT SUCH A MARRIAGE . ABUSE OF THIS LAW ARRANGED BY A FATHER TO PRESSURE HIS X WIFE. THE FATHER IS NOT BELIEVED THAT SUCH A MARRIAGE EVER OCCURRED. HIS OWN MARRIAGE WITH HIS WIFE IS ANNULLED. THE WITNESSES IF THEY EXIST LOSE THEIR STATUS AS KOSHER WITNESSES THE FATHER AND ALL PARTIES AIDING AND ABETTING HIM ARE TO BE ARRESTED BY THE CIVIL AUTHORITIES FOR ATTEMPTED STATUTORY RAPE.**

Chapter 13

Birth control is it permitted in those instances when the marriage is not very stable and one or both spouses hesitates to bring children into this world when a divorce could occur with all the financial and psychological consequences. ?

Chapter 14

Can an unmarried woman whose biological clock is slowly ticking away and may soon be too old to conceive get pregnant from artificial insemination . The male donor the father is a non Jew? Can a married woman whose husband is unable to impregnate her and she is considering divorce use artificial insemination from a non Jewish donor?

Chapter 15

Problems with artificial insemination and with surrogate mothers

chapter 16

ALIENATION OF AFFECTIONS

Chapter 17

Should a conference be convened in Jerusalem Israel attended by all Rabbinical organizations as well as their respective Rabbinical Courts - modern Orthodox ultra Orthodox Charedim and the representatives of the Israeli Rabbinate . We would also invite women feminist organizations . We would also invite Rabbinical Courts from Reform and Conservative and Reconstruction Groups . All of them will offer their opinions how to solve the agunah problem.

Response

No. Any one who does not accept the fundamental concept that all the Torah in our possession both Written and Oral Law is Divine has denied Judaism. He is as far as HALLACHA is concerned a believer in a different religion. Radvaz in responsa. Rambam Yesodei Hatorah.

Any one who has not mastered and observes all the four parts of the Shulehan Aruch is not qualified to rule on any law . Certainly he is unqualified to rule on laws of marriage divorce and annulments. To hold a conference and invite all those individuals mentioned above would make a mockery of the foundation of Judaism and jurisprudence. This is the same as calling a conference of brain surgeons and inviting plumbers and electricians

It is not necessary to call any conference. The qualified Rabbi or Rabbis in each generation write responsa to solve all the problems that develop. **THUS I HAVE WRITTEN FIVE VOLUMES OF RESPONSA ON THE Four Parts of the Shulehan Aruch that respond to many burning issues of our generation including agunot. All who accept what I write have a solution for agunah related problems. THOSE WHO OPPOSE ARE FREE TO DISSENT** Holding a conference represented by unqualified individuals is not only dangerous but it will give the seal of approval as to the authority in Judaism for individuals who deny the basic tenets of Judaism and at best are ignorant of the laws involved. Would you let all these unqualified members vote as to which laws we will or will not observe ? **WE FOLLOW THE MAJORITY OF OPINIONS ONLY WHEN DOUBTS EXIST. THERE EXIST NO DOUBTS AS TO THE TRUTH OF BOTH THE WRITTEN AND ORAL LAW AND THAT ONLY ONE WHO HAS MASTERED AND OBSERVES THE FOUR PARTS OF THE SHULCHAN ARUCH IS QUALIFIED TO RENDER AN OPINION IN ANY AREA OF JEWISH LAW.**

THEREFORE WE WILL NOT SIT TOGETHER WITH INDIVIDUALS WHO LACK

THESE QUALITIES IN ANY CONFERENCE TO VOTE ON PROCEDURES AND MEASURES TO CHANGE JEWISH LAW IN ORDER TO SOLVE THE AGUNAH PROBLEM. 4000 YEAR JEWISH LAW PRESENTLY INCORPORATES MECHANISMS TO ALLEVIATE THE PROBLEM OF AGUNOT. IT IS NOT NECESSARY FOR THE UNLEARNED TO DISCOVER THE WHEEL.

MANY OF THOSE INDIVIDUALS MENTIONED ABOVE TO BE INVITED TO THE CONFERENCE ARE DISQUALIFIED TO BE WITNESSES AND CERTAINLY TO PRESIDE AS JUDGES IN A RABBINICAL COURT. HOW CAN YOU HAVE SUCH INDIVIDUALS RENDER EARTH SHAKING DECISIONS ABOUT THE ISSUES OF DISSOLVING MARRIAGES THAT CAN EASILY CREATE A CASTE OF MAMZARIM -ILLEGITIMATE CHILDREN WHEN THE MARRIED WOMAN -THE AGUNAH REMARRIES WITHOUT A GET?

Thus the default position must remain that all marriages unless terminated by a Get given voluntarily by the husband remain in full force for eternity. Unless we maintain this fallback position the entire marriage institution will disintegrate. This position must be maintained because of the forces of the feminists on the one hand. In addition there exists the unprecedented explosion of marriage breakups that cast havoc on the husband and children. Most divorces are initiated by women who have very little to lose certainly financially. The moral environment that leads to divorce is the Pleasure Culture and philosophy that insists upon immediate satisfaction. This culture has zero tolerance and patience. This culture controls the rabbis by hiring and firing them. These rabbis even the ones who call themselves Orthodox are beholden to their benefactors. They would prostitute Judaism if they could only get away with it. This culture is further reinforced by the liberal attitude toward homosexuality and lesbianism. The Reform Conservative and Reconstructionists clergy have already jumped on this destructive band wagon. Thus it is imperative that Torah Jews do not strengthen the forces of assimilation by weakening the last defenses and sacredness of marriage. There must exist the law that no marriage can be dissolved without a Get. Under no condition can we have a global agreement for annulments. This is common law. 90% of all agunot in the last 10 years that we freed agunot were able to receive eventually a Get without an annulment. Or else after we gave them an annulment they received a Get. It is the 10 % that were not freed that Bet Din must get involved and set free when all the terms recited in my volumes 1 2 3 4 5 are met. The final total of agunot that must be given an annulment is less than 1%. All the rest receive a traditional Get when they compromise their positions. Only a Bet Din TILAT HAS MASTERED AND OBSERVES THE FOUR PARTS OF THE SHULCHAN ARUCH IS THE ONLY ONE WHO CAN ANNUL MARRIAGES. THE AGUNAH HERSELF OR A BET DIN WHO DOES NOT MEET THESE REQUIREMENTS CAN NOT ANNUL MARRIAGES.

Then we can have some individuals like Rav Rackman Rav Antelman and myself for

the sake of equity make exceptions and annul those marriages that nothing helps. And prevent agunot to be imprisoned for life. I have enunciated my position in my introduction to vol 1. of my book Responsa of the Four Parts of the Shulchan Aruch. In that manner we will ensure that the marriage institution is not destroyed and the rights of women who are genuine agunot will be protected.

Chapter 18

ALL Jews over the entire world are one band of brothers and sisters otherwise we will not survive. All our religious differences must be subordinated for the survival of Jews and Israel

Chapter 19

A married woman claims that she was threatened that if she does not consent to be raped she will be killed. The Halacha is that she must submit . Is she forbidden to her husband? What happens if she gets pregnant is the child legitimate? What happens if her husband claims that he is a Kohen? What happens if she lied that it was a rape ; it was a consensual affair?

CHAPTER 20

Women and Halacha

A summary of the principles governing the Mitzvoth that an observant Jewish woman follows

Chapter 21

How old is the universe and our planet earth? Reconciliation of Torah and scientific speculation

who cites the following authorities in support of the above rulings: Orchet Chaim #1 ; Rosh Yumo 88:13 cites Baal Hilchos Gedolot ; Ritvah Nidah 44b d'h deksiv ; Ramban Toros Heedom regarding Sakana -danger See laws of Shabbot Nishmot Avrohom Orech Chaim 330 :19 end Rashbo on Shabbos ; Emck Sheola on Shiltos 116 Bair Halacha 330:7 end of D'H oh sofek ;Korbon Nesanel on Rosh Yumo 88:13:10 states that it is the rurling of the the Baal Halocho Gedolot that we will violate the entire Torah in order to save a fetus that is less than 40 days and still does not display any vital signs of life.

However Mogen Avrohom 330:15 and the Nodch Beyehuda Choshen Mishpot Responsa 59 dissent and do not deem a fetus the status of a human and forbid to violate the laws of the Torah to save a fetus , unless the life of the mother would be compromised if the fetus dies and would be aborted. As far as we concerned our ruling in a situation where there exists a conflict among authorities we will save the fetus. Even if only one authority exists that states that the fetus is a human we will rule like him because to save a human even if doubts exist as to the law or as to the facts we will rather err on the side of life. Even if a doubt exists if a fetus is to be deemed a human being -there exist authorities who do not consider the fetus as a human being- we will violate the Sabbath and all the Torah even where there exists a doubt as to the final ruling . In order to save a life.

He also rules that a mother who is advised by physicians not to fast on Yom KIPPUR BECAUSE IT WILL EFFECT NEGATIVELY ON HER MILK SUPPLY AND CAN HURT THE HEALTH OF TORAH HER INFANT CHILD SHOULD NOT FAST.

Chsam Soffer Vol 6 # 23 ; ; bair Halacha 617:d:h Ubros umenokos citing bair haitiv 618from Dvar Smuel ; Meharsham in #1 Daas Torah ;Sharci Tsvah 554 :6;Hakotzei Hamitah on the Matci Efraim #1 . However Har Tzvi rav Tzvi Franf chief Dayan of Jerusalem rules that if the mother has sufficient milk she should fast. The Chazon Ish is more lenient See Har Tzvi Orech Chaim Vol I 201 :1 end.

DO WE RULE LIKE THOSE AUTHORITIES WHO DEEM THE FETUS AS A HUMAN OR NOT? TO SAVE A LIFE WE WILL RULE LIKE ONE AUTHORITY IF NEED BE. HOWEVER IF WE ARE DOING STEM RESEARCH AND ARE PROVIDED WITH THE ABORTED FETUSES WHO WOULD HAVE BEEN DISPOSED ANYWAY WE ARE PERMITTED TO CONDUCT STEM RESEARCH SINCE WE DID NOT AB INITIO ABORT THE FETUS. WE ARE MERELY USING THE ABORTED STEM CELLS FROM A FETUS THAT ALREADY HAS BEEN ABORTED. WE LIKEWISE ARE PERMITTED TO HARVEST CELLS FROM FETUSES . WE WILL RUE IN THE INSTANCE THAT FETUSES ARE NOT DEEMED AS HUMANS IN ORDER TO SAVE LIVES OF BORN HUMANS. WE WILL RULE EEVN AS ONE AUTHORITY TO SAVE A HUMAN LIFE. THIS IS TRUE IF THERE EXISTS NO OTHER WAY TO DO THE RESEARCH. See my Vol I chapter 1 at en and 4 where I describe standard rukles of jurisprudence of ruling like two opposite opinions if we can achieve equity in that manner even though the two positions contradict each other.

The decisor must use HALACHA in an equitable manner . Halacha must not be used blindly ignoring the consequences of the ruling, Thus Rav Akiva Eiger ruled that a single mother who had a child out of wedlock -and had more than one or two premarital sexual affairs -could marry the instan

she found a suitable match and did not have to wait until the child was 24 months old like a widow or a divorcee who had a nursing child

Both a divorcee and especially a widow were not permitted to remarry until after 24 months elapsed from the date that she gave birth. The reason was because the Rabbis of the Talmud wanted to guarantee that the infant not starve to death if his or her mother remarried got pregnant and the milk supply would stop. There were certain exceptions in very dire circumstances that had to be approved by a Rabbi who had mastered and observed the four parts of the Shulchan Aruch,

At the time of Rav Akiva Eiger a mother who had a child out of wedlock was socially ostracized. She could rarely find a man who would marry her. She could possibly murder her child or give it up for adoption in order to hide the fact that she had a child out of wedlock. If she did find a suitable suitor Rav Akiva Eiger relaxed all the laws since it was for the child's advantage.

Likewise in the case of a widow or divorcee if it was to the advantage of the widow or divorcee that the mother not wait 24 months and the welfare of the child was guaranteed in a legally enforced document or guaranteed by a wealthy benefactor such as a relative or the step father- so the child would not starve to death if the mother got pregnant from the new husband and her milk supply would stop- the rules were relaxed. See Pischei Tsuvah to Even HaEzer 13: 11,12,13; Bais Shmule Chelkos Mechokek Ibid and Aruch Hashulchon Ibid See also Sdei Chemed Vol 8 Ishus section 3 pages 147-157

The pregnant woman is deemed as a person who is ill and can possibly endanger their life by fasting. She should not eat more than the size of 2/3 two thirds of an egg at one time. **SHE SHOULD WAIT 6 OR 7 MINUTES THE TIME IT WOULD TAKE TO EAT 3 OR 4 EGGS**. She can drink at one time a little less than a mouth full. Each person measures the amount for themselves. This is true if such portions and waiting is sufficient. However if the person who must eat on Yom Kippur has great pain from hunger or otherwise and requires to eat a greater quantity and not wait that person is allowed and is mandated to do it. See Aruch Hashulchon Orech Chaim 618:14,15. the size of an egg is our middle size eggs Ibid. A healthy person is forbidden to eat or drink any quantity of food or liquid. However they are not liable unless they consumed the size of a little less than our middle sized eggs. And drank liquid a little less than a mouthful See Ibid 612:1-4 for the quantity that one is liable when they eat on Yom Kippur and the time span that one consumes this food -less than 6-7 minutes. See Aruch Hashulchon on Yoreh dayoh 324:5,6 and Orech Chaim 168:13 who rules that the size of eggs have not changed and consequently the measurements of a Kezait -half an egg that one must eat of Matzoh on Passover or less than the size of an egg that one is prohibited to eat on Yom Kippur or a Reviot the displacement amount of liquid that one must drink for Kiddush on Shabbot and the amount of liquid one must consume on Passover for each of the four cups amounts to the displacement quantity of liquid of 1 and 1/2 middle sized eggs. This follows the ruling of the Chsam Sofferr. This is opposed to the position of the Nodch Beyehudah the Gro -the Vilna Gaon and the first Lubavitzer Rebbe Rav Sheir Zalman in his Shulchan Aruch. According to Aruch Hashulchon the amount that a person who must eat on Yom Kippur is half of the amount that they must eat according to The Nodch Beyehudah, the Gro and the Lubavitzer Rebbe. **THEY HOLD THAT THE EGGS TODAY ARE HALF OF THE SIZE OF THE EGGS AT THE TIME OF THE TALMUD. THUS ONE MUST DOUBLE THE QUANTITY. A KEZAIT = A WHOLE EGG A REVIOT REPRESENTS THE**

DISPLACEMENT QUANTITY OF LIQUID OF 3 EGGS.A PERSON ON YOM KIPPUR ACCORDING TO THEM CAN CONSUME AT ONE TIME FOOD = TO TWICE 2/3 OF AN EGG OR 1 AND 1/3 EGGS. THE AMOUNT OF LIQUID REMAINS THE SAME AS Chsam Soffer and Orech Hashulehon However for kiddush and the four cups on Passover one must drink wine amounting to the displacement quantity of 3 eggs . Thus if an ill person is not satisfied with the smaller quantity of food to be consumed at one time or else 2./3 of the size of an egg he can rely on the rulings of Nodch Beyehuda Groh and Rav Shneur Zaman the first Lubavitzer Rebi and consume food at one time that is the equivalent of 1 and 1/3 of the size of our middle sized eggs.

If the ill person is not satisfied with the smaller amount of food and drink they can eat and drink the larger quantity-if they can not wait 6-7 minutes in between bites of the quantity the size of 2/3 the size of our middle sized eggs. That is if waiting could place their life in possible even remotely in danger. Thus they must eat as much food and drink as much liquid that they are satisfied.

Even if a person is not in immediate danger or possible danger if there exists a remote possibility that the person can become dangerous ill that a person should not fast. -Chinuch Mitzvoh 313 Minchos Cinoch Ibid 313:5 darkei Tsuvah Yorch Dayoh 155:18hagot Chochmos Shlomo an individual who is in immediate danger or possible danger does not have to eat in measured amounts but eats as he normally would eat if today was not Yom Kippur THE WHOLE DISCUSSION IS ONLY REGARDING A PERSON WHO COULD REMOTELY COME TO DANGER OR ENDANGER THEIR UNBORN OR BORN INFANT. See Rav Chaim Solevetchik Hazmanim Hasholom laws of Shvit as Hoesser. who always ruled leniently regarding fasting in Yom Kippur. HE EXPLAINED THAT HE ALWAYS RULED VERY STRICTLY REGARDING THE SAVING OF HUMAN LIFE. HE WOULD ALWAYS ERR ON THE SIDE OF LIFE.SEE ALSO ARUCH HASHULCHON ORECH CHAIM 617:4 WHO ALWAYS ADVISE THAT THE ILL PERSON EATS EVEN IF THEY PROTEST AND STATE THAT THEY DO NOT NEED TO EAT.

The nursing mother can violate Yom Kippur and not fast if physicians warn her that fasting will be detrimental to her milk supply and can be damaging to her baby. Just like one can violate the entire Torah to save ones life so too one can violate the entire Torah to save another's life. In this instance the mother must eat and drink on Yom Kippur. The pregnant woman or the nursing mother not only is she permitted to eat but must eat. If she refuses she must be force fed in order to save the life of her unborn or born child. You must force a person to take action or refrain from doing DANGEROUS ACTS LIKE TAKING DRUGS , YOU MUST FORCE A PERSON NOT TO KILL THEMSELVES OR OTHERS. IF A FELON OR TERRORIST WANTS TO KILL THEMSELVES AND OTHERS THE FELON AND TERRORISTS AND ALL OTHERS WHO SEND THEM MUST BE KILLED. If there exists millions who are responsible in not preventing the terrorists or their government from killing innocent people or killing our forces the civilian population is held responsible and can be killed to force the other civilians to change their government. IN THE SECOND WORLD WAR THE

ALLIES KILLED OVER ONE MILLION JAPANESE AND THEN THREW TWO ATOMIC BOMBS ON JAPAN TO FORCE THEM TO CHANGE THEIR GOVERNMENT OR TO SURRENDER . WHEN THE ALLIES WERE ASKED IF IT WAS MORAL AND ETHICAL TO KILL CIVILIANS THEY REPLIED IF IT WAS MORAL AND ETHICAL TO HAVE HUNDREDS OR THOUSANDS OF ALLIED SOLDIERS WOUNDED OR KILLED? THE ALLIES CLAIMED THAT THEY IN THAT WAY PREVENTED THOUSANDS OF AMERICANS AND OTHER ALLIES FROM GETTING KILLED BY THE JAPANESE. THEY DID THE SAME WITH GERMANY AND FORCED THEM TO SURRENDER. THEY DID NOT THROW ATOMIC BOMBS ON GERMANY. THE SAME POLICY MUST BE FOLLOWED BY PRESIDENT BUSH WHO IS THE GREATEST PRESIDENT THAT THE USA EVER HAD REGARDING IRAN AND SYRIA AND NORTH KOREA AND THEIR PROXIES -HIZBULLAH AND HAMAS. IF THE EUROPEANS REFUSE TO COOPERATE AND PROVIDE THE USA WITH PERSONAL CONFIDENTIAL INFORMATION OF THE NAMES ADDRESSES AND TELEPHONE NUMBERS AND ALL OTHER VITAL INFORMATION , THE USA SHOULD NOT LET EUROPEAN AIRLINES LAND IN THE USA . THE USA SHOULD PREVENT EUROPEAN BANKS FROM USING USA CONTROLLED BANKING CHANNELS.

IRAN'S OIL FIELDS SHOULD ALL BE SET ABLAZE AND DESTROYED. 10% OF IRAN SHOULD BE DESTROYED UNTIL THEY CHANGE THEIR GOVERNMENT AND GET RID OF THE MULLAHS. IF THAT DOES NOT HELP THEN DESTROY 20% . GO UP IN SEGMENTS OF 10 % UNTIL THE MULLAHS BECOME HISTORY. IT IS NOT ONLY THAT IRAN DOES NOT BUILD AN ATOMIC BOMB. THE EXISTENCE OF THE MULLAHS IN IRAN AS A GOVERNING BODY IS A CANCER IN THE MIDDLE EAST. THEY ARE A THREAT TO EVERY GOVERNMENT IN THE MIDDLE EAST AND IN THE WORLD. THEY CAN FUNCTION ONLY AS RELIGIOUS LEADERS ; NOT AS GOVERNMENT OFFICIALS WHO SET THE STANDARDS OF POLICY. WHEN A TERRORIST REGIME EXISTS WHO FLAUNTS ALL CIVILIZED NORMS THEY MUST BE TREATED EQUALLY . NO CIVILIZED NORMS OF BEHAVIOR EXISTS FOR THEM . THEY CAN BE TORTURED IN ORDER TO EXTRACT INFORMATION THAT CAN SAVE THE LIVES OF

CIVILIZED PEOPLE. All terrorists regimes and their proxies have lost the status of human beings, ONE IS FORBIDDEN TO BEHAVE TOWARDS THEM AS ONE BEHAVES TOWARD CIVILIZED HUMAN BEINGS. THEY CAN BE TREATED WORSE THAN ANIMALS IF NEEDED TO EXTRACT INFORMATION FROM THEM OR TO PREVENT THEM FROM MURDERING OR WOUNDING US. THEY ARE ENTITLED TO NO RIGHTS. WHAT EVER THEY INTEND TO DO TO US IF THEY HAD THE POWER LET US DO TO THEM; UNTIL THEY CEASE FUNCTIONING AS A GOVERNMENT BODY AND THREATEN ALL CIVILIZED HUMANS. LET THE MULLAHS AND THEIR PROXIES GO BACK TO THE MOSQUE AND DIVORCE THEMSELVES FROM POLITICS. THERE MUST BE A DIVORCE OF STATE AND MOSQUE JUST LIKE WE HAVE A DIVORCE FROM STATE AND CHURCH.

TARGETED ASSASSINATIONS OF THEM AND THEIR PROXIES IS ONE TRILLION % PERMITTED AND MANDATORY

It is forbidden to follow any international Law that curtails the right of the USA to uproot the mullahs in Iran from functioning and threatening all civilized countries of the world. Any

international laws that contradict what we have written are null and void. As President Bush so intelligently stated that USA DOES NOT NEED THE PERMISSION OF THE INTERNATIONAL COMMUNITY TO SURVIVE. WE DO NOT NEED THE PERMISSION OF ANY COUNTRY TO UPROOT THE MULLAHS IN Iran and the Hizbullah Hamas and all terrorist groups. All civilians aiding and abetting them can be killed. Regardless what the international community says or agrees. ALL THEIR CONVENTIONS OF HUMANITARIAN TREATMENT FOR CIVILLANS DOES NOT APPLY TO TERRORISTS AND ANYONE AIDING SUPPORTING THEM AND THEIR ACCOMPLICES.

See Talmud Sanedrin 59, 105 ;All humans must observe the seven principles of morality not to steal not to kill not to commit adultery not to be cruel to animals or non human life to establish courts of law and police forces and armies to enforce these universal principles of humanity . These principles must be applied to everyone and not single out any segment of the population. . They must be applied to everyone regardless of the person's sex color of skin or religious or national origin. All people and nations can create their own interpretations and application of these universal principles , as long as they do not discriminate against anyone and treat all humans equally. See Responsa Ramo. If they believe that these principles were given by G-d at Sinai 3500 years ago as the monotheistic religions do then they are worthy of eternity and salvation See Sanehdrn 105 see Responas Hilchot Medinah by Rav Eliezer Waldenberg and Respons Hachuka Al Pi Hatorah Vol I . See Rambam Melochim 8 :10 ,11 . -Ignorance of law is no excuse Rambam Melochim 10:1 .The civilians can be killed if they do not change their terrorist government They then are accomplices in terrorism and murder. See Rambam Melochim 9:14

A PERSON MUST BE FORCEFULLY RESTRAINED HOSPITALIZED OR IMPRISONED TO SAVE HIS LIFE OR THE LIFE OF ANOTHER PERSON THAT THEY HAVE IN THEIR CONTROL LIKE IN THIS INSTANCE WITH THE PREGNANT WOMAN OR THE NURSING MOTHER. See Aruch Hashulchon Orech Chaim 618:4.

ANY PHYSICIAN JEWISH OR NON JEWISH MAN OR WOMAN is believed that the person must eat on Yom kippur. Or if the patient themselves states that they must eat. If there is a conflict between physicians or between physician and patient we will always follow the decision of the person who says that they must eat unless a competent physician says that eating is dangerous for the patient. Only when the physician states that it is not necessary for the patient to eat-but eating will not harm the patient- and the patient disputes and claims tht he or she must eat or else they will feel worse then the patient is believed and they eat. See Aruch Hashulchon Orech Chaim 618:4and Ibid 618:1-16

Chapter 11

REFORM THROUGH OUT THE CENTURIES - The status today in Halacha of the ten lost tribes- the Samaritans - the Sadducees -the Kariates the followers of Shabse Tzve and Frank- the false Messiah -Their status regarding marriage divorce conversions SINCE THE MEMBERS OF THESE HISTORICAL GROUPS DID NOT OBSERVE THE LAWS OF MARRIAGE AND DIVORCE AND CONVERSIONS WILLFULLY OR UNWITTINGLY AND DIVORCES AND CONVERSION DID OCCUR WHAT IS THE STATUS OF THESE CHILDREN AND THEIR DESCENDANTS ?

Horav Feinstein solved the problem of all Jews who are non observant or belong to the reform and conservative movement and all other historical reform movements. Rav Feinstein stripped all their members of the status of kosher witnesses. **CONSEQUENTLY ALL THEIR MARRIAGES ONCE THEY FAIL AND THE COUPLES SEPARATE AND DO NOT HAVE A KOSHER Get -Jewish divorce and then remarry another man without a Get the offspring from union #2 are not considered mamzarim -illegitimate.**

Rav Feinstein requires all descendants of all historical groups who claim roots from Jews like the ten lost tribes to undergo a traditional conversion. Thus even if at some point one of their mothers or grandmothers were not Jewish by converting they now become Jewish. This follows the ruling of Rav Yakov Emden regarding the Karaites. Rav Yakov Emden also rules that all their witnesses were deemed non kosher thus all their marriages could be annulled and if they remarry with out a kosher Get the children from marriage #2 are not mamzarim. The rulings of Rav Feinstein and Rav Yakov Emden follow the ruling of Radvaz in his responsa *Sec Sdei Chemed in os" m' mumrim*.

See my Vol I Chapter 21 regarding the Moranos who were forced to convert in 1492 by Spain and Portugal and remained in those countries after all the other Jews elected exile in other countries in Africa - the countries under Moslem rule like Algiers Morocco Turkey and Egypt. I indicate the basis for conditional conversion. See Responsa Radvaz #6 regarding the halachic status when the Moranos got married at Church. At issue was the case of a woman who married at church. They were living together as husband and wife and all the Moranos knew about this fact since they lived in the same neighborhood. The woman got pregnant and had a child. Shortly after she got pregnant -before the child was born - her husband abandoned her. The woman thereafter made her way to North Africa and wanted to remarry. The Radvaz ruled that her previous marriage had no standing as far as Halacha is concerned, Yes of course she was married in the eyes of the Spanish government who recognized the church wedding as binding. However since no Halachic marriage took place with kosher witnesses who can testify as to the date of the wedding and the place of the wedding and that the groom gave a ring to the bride there exists no halachic marriage, The fact that the other moranos or anusim were living in the neighborhood and knew that the couple were living as man and wife does not change the ruling. First of all who says that these individuals were observant of Jewish law? If someone violates Jewish Law out of habit even though in the beginning they were forced but later they violate

the laws because they do not care anymore they are not kosher witnesses. Furthermore the Rivosh states that even if they were kosher they must witness the giving of a ring to the bride. Common knowledge that they are living as husband and wife is not sufficient. The authority is from the REOH THAT IS A MINORITY OPINION . RIVOSH CLEARLY INDICATES THAT WE NEVER WILL RULE LIKE A MINORITY OPINION IF AS A RESULT IT MEANS THAT WE WILL KEEP THE AGUNAH IN CHAINS. ON THE OTHER HAND WE WILL RULE LIKE A MINORITY OPINION IN ORDER TO FREE AN AGUNAH see Taz Even Hoezer 17:15; TAZ Yorch Dayoh and Ginot Veradim. In this respect the Rivosh would over rule the ruling of Rav Henkin -500 years after the Rivos- and other authorities who argue that the fact that the community knows that a couple are living together as husband and wife creates marriage, In addition the fact that no mikvahs existed in Spain after the religious Jews elected exile rather than to convert- the condition that they could remain in Spain -meant that the couple did not observe the laws of family purity. Thus reasoned the Rivosh that the couple would not really care to have a marriage in accord with Halacha ,once they were married in church that was recognized and mandated by the state -Spain. This is true even according to the Gaonim who posit that every Jew and Jewess who have sex create Halachic marriage since no one wants to live in sin. The Rambam dissents in Gairushen 10: and states that the default position unless proven otherwise is that they are engaged in free sex - fornication , not in a committed relationship -halachic marriage . Rivosh agrees with Rambam , but changes the relationship to that of a Pilegesh - mistress like Ramban in responsa #284 Responsa of Rashbah attributed to Ramban espouses. He cites Tosephta beginning of Kedushin that unless there exists definitive agreement of both spouses to have a halchic marriage with two witnesses present to attest to this fact, by default there is no halachic marriage.

Consequently when it is impossible to have the husband give a Get we will annul the marriage . However it is of interest that Rivosh did not request proof from the agunah regarding all his assumptions that spelled the framework of his annulment. He did not require proof that there was no giving of a ring in the presence of kosher witnesses. He did not request proof that the agunah never dipped in the ocean or rivers with flowing waters when she had her periods. Thus the couple would have observed the laws of family purity and they would therefore would have insisted that a halachic marriage take place . They would not have permitted themselves to have sex without a halachic marriage. However the Rivosh did not explore all these alternative possibilities if they did or did not occur. His goal was to free the agunah, not to search

for reasons to keep her chained. The Rivosh mandated that those who opposed his rulings prove that the facts as he assumed them were in error. He placed the burden of proof on others , not the agunah.

The agunah had to bring no evidence at all . It was up to those who criticized the decision of the Rivosh to prove that the people were observant. The Rivosh assumed that they were not observant. This was the fallback position. See my Vol 1 Chapter 1 :13 for a very lengthy discussion regarding this matter. Once the Rivosh was satisfied tha the woman substantiated that HER MARRIAGE WAS DEAD THAT IS THE CRITICAL FACTOR- she escaped from Spain to North Africa with out her husband even if it was not true that he abandoned her , equity would dictate that she be freed in order to enable this woman to go on with her life. So the Rivosh freed her. OD COURSE HALACHIC SUPPORT EXISTED . BUT THE RIVOSH SOGHT TO FIND THE HALACHIC SUPPORT TO FREE THE WIFE. WHENEVER POSSIBLE HE DISREGARDED DISCOVERING FACTS THAT WOULD HAVE CHANGED THE FREEING OF THE AGUNAH. BOTH THE RIVOSH AND RAV FEINSTEIN 500 YEAR SLATER SHIFT THE BURDEN OF PROOF AWAY FROM THE AGUNAH.

Rav Moshe Feinstein in all his responsa does the same. He believes the agunah's allegations and gives his decision based on her allegations. He states the law under the set of circumstances as reported by the agunah. He relies on the legal strategy known as peh sheosur haoeh shehiter. THE MOUTH THAT INFORMED US THAT THE AGUNAH WAS A MARRIED WOMAN AND CONSEQUENTLY IS FORBIDDEN TO MARRY ANYONE ELSE IS THE SAME MOUTH THAT PROVIDES US-THE BET DIN WITH THE FACTS THAT ENABLES BET DIN TO RULE THAT WE MUST COERCE THE HUSBAND TO FREE HIS WIFE. THIS IS TRANSLATED IN OUR DAY AND AGE WHEN WE CAN NOT COERCE- TO ANNUL HER MARRIAGE. This strategy can be used only if there does not exist any witnesses that she is a married woman having married halahically with all the provisions what constitutes a halahic wedding, The witnesses must meet the strict requirements described in detail in my Vol 1 chapter 1:13. For example if the agunah lives in an other city and no one here knows her , we will then accept the testimny of the agunah even with out substantiation. Or in a mobile society one person knows very little about another even in the same city. .See Aruch Hashulchon 152;5 , When a woman claimed that my husband divorced me -he gave me a Get, she is believed even i she has no certificate from the Rabbinical Court -a ptur. Bet Din ARE NOT PERMITTED TO DEMAND THAT THE HUSBAND GIVE HER AN OTHER Get.

This is true if no witnesses exist that she was married. Would the woman have declared that she is single she would have been believed. Now that she tells the truth we accept everything she states even with out substantiation.

Likewise if an individual whom we do not know claims that at one time he or she was not Jewish and they underwent a kosher conversion they are believed. This is true only if no witnesses exist here who knew them when they were not Jewish . The fact that somewhere else witnesses exist does not change this law .See my Volume 1 of Resposon on Four Parts of the Shulchan Aruch chapter 15 . See Aruch Hashulchon Yoreh Dayoh 268:14 ,15,16 Prisha on Tur Yoreh Dayoh 268:18; Yoreh Dayoh 268:10 Shach Ibid. Would this person who claims that they converted in accordance with halacha have claimed that they are born Jewish they would have been believed.

When an agunah states outrageous charges against her former mate and no witnesses exist that she was ever married we mandate that she substantiate all her charges. However if it is impossible to substantiate her charges we will nevertheless consider if equity dictates that she should be set free. The reason is because even if she be lying we will still fall back and rule like Rambam that when a woman claims arbitrarily my husband disgusts me-mous alai- we will coerce her husband until he agrees to grant her a Get. Rambam Gairushen 2:20 . The reason is because a woman is not a slave who can be forced to have sex with someone she hates. See Rambam Ishus14:8.

It boils down to a case by case determination on the part of the Rabbinical Court to determine what is the most equitable solution for the agunah for the husband and for the community. Each generation is different. Even if in a generation the men and women are liars and will concoct outrageous lies against their former spouses in order to get freed however if circumstantial evidence exists that supports the allegations of the agunah , she will be believed. See Even Hoezer Ramo Chapter 17:2;Pischei Tsuvah Even Hoczer 17:9 A woman is believed to state that her husband gave her a Get even if the husband denies it. If circumstantial evidence exists that substantiate her position. Thus even if there is no Pptur -the certification from a Rabbinical Court that she was divorced from her husband if she declares that she is divorced in her husband's presence or makes the declaration in the same city as her husband lives and this information reaches her husband and he denies that he gave her a Get , she is believed . Likewise if a woman known to have been previously married marries someone else in her husband's presence or in the same city where he lives and this information reaches the husband and he protests that he never divorced her we assume that he did give her a Get , but is trying to ruin her present marriage, because

no woman would have had such audacity as to pose as having been divorced when she in reality is not. She would be committing adultery and her children from man #2 are mamzarim -illegitimate. Therefore no Jewish woman knowing all this information would have committed such a barbaric act with such dire consequence unless it was in reality true. The certain commentators cited by Otzer Haposkim on Ramo 17:2 explain that the Rabbis in such circumstances as we described annulled her marriage if in reality a Get never was given by her first husband. It was the position of Ramo that the law that a woman is believed to state that her husband divorced her as stated in his presence or when he would discover this very soon and he denies having the Get that the wife is believed is not applicable in our day since the generation have lost their integrity. Many women will abuse this law. However if circumstantial evidence exists Ramo would admit that we will still believe the woman. Bais Shmuel Even Hoezer 17:4 and Chelkos Machokek 17:3,4 declare that even without circumstantial evidence the woman would be believed if she proceeded to get married. She does not have to leave her husband.

We will rely upon circumstantial evidence even when we suspect that the woman is otherwise lying can be seen from the case when a woman confesses that she had an affair with another man and consequently she no longer is permitted to remain with her husband. Since many women trying to extricate themselves from their marriage and marry others would abuse such a law the woman is not believed, We elaborated previously in Chapter 5 regarding this matter. However if circumstantial evidence exists that what she is stating is true then we will believe her. See Ramo Even Hoezer 115:6. Another situation when circumstantial evidence causes us to believe the statements of the woman whom we suspect may be lying. The woman claims that her husband does not have an erection and she demands a Get. See Ramo even Hoezer 154:7 and Aruch Hashulchan Ibid.

Of course we must get substantiation for everything the agunah alleges. otherwise every woman will concoct charges that her husband is a monster as was illustrated in chapters 5,6,7,8. Every husband can be blackmailed by scheming wives. Once she wins in the civil courts custody child support and alimony and Bet Din blindly annul her marriage based on her say so Bet Din are guilty of aiding and abetting in grand larceny as far as Jewish Law is concerned. However when it is impossible to get the evidence and the marriage is dead, then we will believe the agunah if circumstantial evidence exists to support her allegations. See my introduction to Vol I of my Responsa on Four Parts of the Shulchan Aruch. Also Chapter 15 for all sources for this position.

As mentioned previously if no circumstantial evidence exists we will not -repeat not - annul the marriage. Only with at least circumstantial evidence Bet Din weighs what is the most equitable solution for the husband for the children and for the agunah. When Bet Din have been convinced that the marriage is dead. They are convinced beyond a shadow of a doubt that the marriage is dead- otherwise the agunah would not concoct such outrageous charges that could very well be fabrications Bet Din will annul the marriage. On the other hand, if the charges are true then certainly the agunah should be set free. The bottom line is that if there exists nothing to gain by keeping the agunah in chains we will free the agunah. However Bet Din must have evidence or circumstantial evidence that the husband is a monster in addition to the fact that the marriage is dead.

From personal observations over the past 50 years one can not force any spouse to live with them. All attempts to drag the matter over years is counter productive and will hurt the children first of all. The spouse who is being rejected must let go. Let him or her find someone else and cut loose from the rejecting spouse who is a psychological cancer for them. Let them begin anew relationship and have other children with an other spouse and family who will cherish them. In this world there exists many many available spouses who will appreciate them. Why fight to keep someone and remain in a family that do not deserve you. Love must be reciprocated, otherwise if you are normal get out. And offer your love to someone who will reciprocate.

In following chapters we will discuss the issues of birth control if it is permitted in those instances when the marriage is not very stable and one or both spouses hesitates to bring children into this world when a divorce could occur with all the financial and psychological consequences.

See also Even Hoezer chapter 4 Sec Aruch Hashulchon Even Hoezer 4 :62 end and 42:50, 51. See Otzer haposkim end of chapter 4 for a summary of the position of the major combatants pro and con and their reasoning in this explosive issue. See also sde Chemed os m mumar lehachis uletoeven umumar bizman hazeh for the thinking

regarding Jews who do not observe Jewish law. Some Jews claim they are not Orthodox they are reform or secular. Some Jews identify with Orthodoxy but do not observe all the ritual Laws . Other Jews claim that they observe all the ritual laws, but are lax regarding the laws between man and man - especially to members who do not identify with their clan or group within Orthodoxy. . Others neither observe all the rituals and also do not adhere to all the laws between man and man. All these individuals technically are not accepted to be witnesses . If they are appointed as witnesses to a wedding and the marriage dies and the husband refuses to give a Get, the Rabbinical court can disqualify the testimony of all such witnesses, The marriage of this woman can be annulled when we no longer can coerce the husband to give a Get.

Bais Yoseph states that most of the Moranos or Anusim remained loyal and intermarried within their group .Aruch Hashulchon refuses to accept a blanket endorsement that all descendants of Moranos intermarried only with other Moranos. Aruch Hashulchon , however , stipulates that each case be separately investigated. This is so since other authorities opine just the opposite that the Moranos in fact had the highest rate of inter marriage and most of them are not Jewish . Consequently there exists no problem of Mamzarut -illegitimacy . However the Kariates married within their group. Rav Yaakov Emden disputes this assumption regarding the Kariates and also posits that they are possible non Jews requiring conversion. In addition he posits that all their witnesses are unkosher (they deny Orthodoxy in favor of the Kariate tradition of interpretation. That itself is sufficient to disqualify anyone from being a Kosher witness. According to Radvaz in his responsa any belief system that denies the authenticity of the Oral tradition as being Divinely given by G-d is deemed an other religion just like Islam and Christianity. Accordingly anyone who identifies with such beliefs is automatically incompetent to be a witness to effect a halachic marriage . See Aruch Hashulchon Yoreh Dayoh chapter 2 for similar ruling. That is the reason Rav Moshe Feinstein disqualifies all witnesses testifying at weddings of Conservative Reform and other non Orthodox movements. We have gone further- we will disqualify the witnesses who are not ethical and do not behave in accordance with halacha regarding their fellow men. See my Vol 1 Resonsa on Four Parts of the Shulchan Aruch chapter 1 :13 .

We then can annul such a marriage if the husband refuses to give a Get . Of course ONE HAS TO CAREFULLY WEIGH If an annulment will not do an injustice to the equity for the husband and children and the marriage institution in addition to equity for the wife. All other alternatives have been tried to no avail . The wife and her family are prepared to carry out their obligations set by the Rabbinical Court

regarding child support alimony visitation and custody. The husband refuses to come to a Din Torah or follow its verdict to give a Get if that is what the Court ordered.

Those who claim that the Moranos married only other Moranos have the problem of Mamzarut. Possibly a woman who did not receive a Jewish divorce from her separated husband married a second time and had children from man # 2 The resulting child is a mamzer -illegitimate. However if we consider all their witnesses as being unkosher As stated by Rav Feinstein Rav Yakov Emden Shalash Yaavetz Vol 2 #152 permits marrying Kaarites once they convert and accept Orthodox Judaism. Radvaz Responsa See vol 1 #73 and #119 permits marrying Kariates. See also the Mahri bar Rav See Otzer Haposkim Even Haezer 4 : 175 :2 end . See 175:3 cites Yeshuot Yaakov # 27 who in turn cites Shomayim Rosh #220 to permit Kariates to marry other Jews. Responsa Rambam permits Kariates to marry other Jews ibid Otzer Haposkim chapter 4 - 175:9. Sefer Yemai Yoseph argues that Rav Avrohom the son of the Rambam accepted the entire community of Kariates living in Cairo to convert to Orthodox Judaism and permitted them to marry other Jews see Ibid 175:1 1

However Yam Shel Shlomo Kedushin chapter 4 :10 prohibits karaites to marry . This is the position of Bais Yoseph on Tur Even Hoezer end of chapter 4 and Ramo. End of 4:37. Mabit Vol 1 # 19; and # 37 citing Rav Amram Goan prohibits marrying Kariates . Also Knesset Hagdollo Even Hawser Hagoes Bais Yoseph 25 see Ibid Even Hoezer - 4 174:2 prohibits marrying Kariates. Also Pnai Moshe Ibid 175:7 end prohibits. RAV Bezallel #3 prohibits. See bair Haitiv Even Hawser 4:49 and Pischei Tsuvah 4:45 cites Nodeh Beyehudah # 5 who presents both sides of the controversy and refuses to rule either way. However if a Kariate comes to us after leaving his community we can presume that he represents the majority of Kariates who are not descendats of divorced homes that the entire issue of mamzarut arose. That Kariate can marry a Jew. The issue of Kariates does not exist in the USA . In Israel there exists a tiny community of Kaiates. In the usa we have the issue of non Orthodox women remarrying with out an authentic Get . Rav Moshe feinstein and those who agree with him solve this priblem by ruling taht all non Orbodox are not competent to be witnesses. Ignorance of the law is no excuse. Growing up in a non Orthodox environment is no excuse. With all the objections from the non Orthodox Rabbis Rav Moshe Feinstein , nevertheless , is able to unify all Jews . There exists no problem of illegitimacy. Rrav Moshe Feinstein annulled all non Orthodox marriages when the husband refused to give a Get. We will likewise annul those marriages even of Orthodox Jews if they behave against Halacha in their dealings with other individuals . See my Vol 1 chapter 1:13. Rav Feinstein in Igros Moshe Even Hawser Vol 4 # 20

likewise annulled the marriage of an Orthodox couple married by an Orthodox Rabbi when the couple years later were unable to produce witnesses that they in fact had a Halachic marriage. Rav Feinstein permitted the offspring of marriage #2 to marry when her mother was unable to receive a Get from husband #1 and remarried with out a Get. Rav Feinstein did not require the mother to produce any witnesses. The fact that no witnesses came to testify was sufficient to have Rav Feinstein rule that no marriage ever existed. Likewise Rav Moshe Feinstein ruled that a man was not a Kohen and could marry a convert when no witnesses appeared that he was a Kohen. The man who was not religious He hardly ever went to synagogue and did not participate in the honors given to Kohanim . His father also was not religious and both he and his father violated Sabbath. Rav Feinstein ruled that the man was not a Kohen. Until proof is produced that he is a kohen or that there existed a halachic marriage the default and fallback position is that there is exists no marriage.

See my Vol 1 Chapter 1:13. All this is true only when all alternatives have been tried with no results and the agunah will remain imprisoned for life. The agunah and her family are willing to observe the stipulations of Bet Din regarding alimony child support visitation and custody. **ALSO IT IS EQUITABLE TO ANNUL THE MARRIAGE AND THIS IS THE BEST SOLUTION FOR ALL INTERESTED PARTIES- THE HUSBAND THE CHILDREN AND THE MARRIAGE INSTITUTION. ALL OTHER CASE MUST BE SOLVED BY THE WIFE AND HUSBAND . THUS WE WILL ANNUL NO MORE THAN A FRACTION OF ONE PERCENT OF ALL CASES OF MARITAL STRIFE among religious women that exists. ALL OTHER CASES MUST PROCEED USING THE NORMAL CHANNELS WITH THE HUSBAND GIVING A GET. SEE MY INTRODUCTION TO MY VOL 1 OF RESPONSA TO FOUR PARTS OF THE SHULCHAN ARUCH. EVEN THOUGH IN EARLIER YEARS WE ANNULLED MANY MORE MARRIAGES OF AGUNOT WE HAVE BECOME MORE CONSERVATIVE AFTER REALIZING THAT MOST OF THESE AGUNOT DID IN FACT RECEIVE REGULAR GITEN JEWISH DIVORCES ON THEIR OWN LATER FROM THEIR HUSBANDS. Nevertheless, every one of the annulments that we gave were one trillion percent in accordance with Halacha.**

We now will annul **ONLY THE CATEGORY OF CASES WHEN THE HUSBANDS REMARRY WITH OUT A Get or convert to an other religion or disappear and a possibility exists that they are dead or are demanding blackmail of thousands or millions of dollars . Or else the husband is addicted to drugs gambling he is a sexual pervert he has affairs with other women he is afflicted with sexual ly**

transmitted diseases or he beats his wife or makes threats that he will beat injure her or kill her and living with him is impossible. No woman in the world with the exception of a very insignificant few women in the entire world would accept such abuse. The fact that he does not get along with her friends or family is not a consideration. The husband did not marry her friends her parents and her family. If he abused them let them not come to their house. Would we have the power we would prevent all her friends and family who are causing problems from coming to their house. We will annul after we substantiate that these facts are authentic and have not been concocted by the agunah and her family. The bottom line is that each case is handled individually and we will not pre judge any case. We are very reluctant to grant annulments, but when equity dictates for the agunah we will err on the side of not being equitable for the husband and children if necessary. The institution of marriage will not be destroyed if we do annul marriages. The other Orthodox rabbis guarantee this. They do not recognize our annulments. Thank G-d. It is a question of integrity and compassion to free the agunah which we will do. We really have no quota that we will annul no more than a fraction of one percent. However statistically the population of women who have marital strife who come to us and then meets all our requirements - is less than one percent of the total cases of marital strife that exist among religious women who require a Get.

Rav Feinstein argues that even if the non observant person does not know that it is wrong to violate Jewish law he still is not a kosher witness. See Igros Moshe Even Hoezer Vol 1. See also Aruch Hasbulchon -Yoreh Dayoh 2:6, 119: 14 and Choshen Mishpot 34:14 that if someone violates any Jewish Law even once-for his pleasure -not because one does not believe in the laws or out of spite that person becomes incompetent to be a witness. Thus all these people would not be considered as kosher witnesses and the wedding never was binding in accordance with Hallacha. Therefore the children from man #2 are not mamzarim . See my Responsa Vol I end of chapter 1 and Chapter 2 what I write regarding this matter.

I have not recorded here the position of those Rabbis who will consider as valid witnesses the testimony given by of irreligious people who do not know that their violation of Jewish Law is wrong they are considered as a child who has been held captive and he is a shoggeg unwitting sinner. These rabbis wil state that such non observant Jews are kosher to testify . Therefore the first marriage is a HALLACHIC MARRIAGE. IF THE WOMAN REMARRIES WITH OUT A Get from her first

husband the children from marriage #2 are mamzarim . Rav Henkin and Rav Eliczer Waldenberg -in his pamphlet hosiru michshol metoch and in his responsa Tztz Eliezer. espouse such a position. See Even Hoezer end of chapter 4 for the position of such Rabbis and their opposition to permit any marriage with the Karaites who had halachic marriages even though they were not observant of Orthodox practices of Jewish law. When the couples separated and did not receive a Get in accordance of Halacha -they had their own practices that did not meet the requirements of Halcha - the woman is deemed never divorced and still married. When she contracted another relationship and had children , they were considered mamzrim.-illegitimate. Therefore no Jew permitted to marry Karaites because each family is suspect perhaps there occurred an instance of a married woman having been separated from her husband never receiving a halachic Get remarrying and having children who are considered mamzarim -illegitimate fo all future generations. This position was held by many authorities.

The same reasoning is applied to Reform and conservative and Reconstructionist and non observant secular Jews who get married with one of their rabbis or in court by Rav Henkin Rav Eliezer Waldenberg and many other rabbis who did not accept the reasoning of Rav Feinstein.

Rav Feistein is supported By Rav Isaac Herzog -Ahkenazi chief Rabbi and Rav Uziel - Sefardic chief Rabbi of Israel at the time the State was formed. Rav Shlomo Zalman Auerbach supports this position. Thus Rav Feinstein and all who agree with him have in effect enabled kllal yisroel - Jews to remain one people able to marry each other with out worrying that somewhere in the past there was a grandmother that did not receive an authentic Getb -Jewish divorce and therefore all descendants are illegitimate. THE SAME EQUITY AND GOAL ORIENTED Halachic approach must be used regarding safeguarding the interests of the agunah her husband her children and the preservation of the marriage institution -all within the parameters of Halacha- Jewish law.

Rav Moshe Morgenstern

CHAPTER 12

*** CHILD AND TEENAGE SEXUAL ACTIVITIES AND PREGNACIES COMMON IN MODERN WESTERN SOCIETIES FEMALE CHILD MARRIAGES COMMON IN MIDDLE EASTERN SOCIETIES BY AGENCY OF THE FATHER OR WHEN THE FATHER WAS DECEASED OR ABSENT AWAY ON BUSINESS OR IN CASE OF A DIVORCE THE MOTHER AND OLDER BROTHERS COULD EFFECT SUCH A MARRIAGE . ABUSE OF**

THIS LAW ARRANGED BY A FATHER TO PRESSURE HIS X WIFE. THE FATHER IS NOT BELIEVED THAT SUCH A MARRIAGE EVER OCCURRED. HIS OWN MARRIAGE WITH HIS WIFE IS ANNULLED. THE WITNESSES IF THEY EXIST LOSE THEIR STATUS AS KOSHER WITNESSES THE FATHER AND ALL PARTIES AIDING AND ABETTING HIM ARE TO BE ARRESTED BY THE CIVIL AUTHORITIES FOR ATTEMPTED STATUTORY RAPE.

RESPONSE

THE FATHER IS NOT BELIEVED THAT SUCH A MARRIAGE TOOK PLACE SINCE HE HAS AN INTEREST TO PRESSURE HIS WIFE AND WIN CERTAIN PRIVILEGES IN CIVIL COURT . THE FATHER REFUSED TO DIVULGE THE NAMES OF THE GROOM NOR THE WITNESSES WHO MUST BE PRESENT AND WITNESS THE GROOM GIVING A MARRIAGE RING TO THE FATHER FOR HIS DAUGHTER. WE WILL ASSUME THAT SINCE THE FATHER REFUSES TO RELEASE THE NAMES OF THE BGROOM AND WITNESSES THAT THEY DO NOT EXIST. IN ORDER TO EFFECT A WEDDING THE FATHER MUST PRESENT PROOF THAT THEY IN FACT EXIST. THAT THE WITNESSES ARE TORAH OBSERVANT . IF HE FAILS TO PRODUCE PROOF IN DEFAULT THERE EXISTS NO HALACHIC MARRIAGE SEE MY VOL I :13 This is addition to the fact that the father must meet the requirements of all witnesses. When a witness has a personal agenda and stands to gain from his testimony he is not believed. Furthermore arranging a marriage for a child under twelve in the USA is criminal and subject all parties who aid and abet this despicable action to criminal charges. Would the groom and witnesses ,if they exist surface they will surely be arrested by the civil authorities. Consequently they will never appear. Thus from the position of Jewish Law a marriage never took place. This despicable event is similar to what the Talmud Yevomot 110a states regarding a man called Narash . Narash succeeded in alienating the affections of a young orphaned girl married as a child to someone else. However her first marriage was arranged by her mother and was only Rabbinical. . Since the young girl was now over twelve years old Narash could marry her in a Biblical ceremony that was superior than a Rabbinically sanctioned marriage when she was under twelve and was arranged by her mother. Since Narash in effect took advantage and exploited this law the Rabbis for the sake of equity annulled his marriage. So too, we will annul the marriage , if it ever occurred that the father arranged. See also Tur Even Hoozer 155 and Aruch Hashulehon 155:36 that it is the ruling of Tur that if a husband by the act of marrying his wife commits a scandalous outrage that even today the Rabbis have the power to annul such a marriage. Thus the marriage of the daughter is annulled.

Furthermore , the husband in this despicable act presented vivid proof of his despicable character. No woman in the world would agree to remain married to such a man. As I have pointed out in my volume I chapter 17 A that there exists an umdenah demuchoch metocho a self evident Categorical Truth A GIVEN that no woman in the world will agree to get married if the husband turns out to be such a monster. Thus we kill two birds with one stone . We will likewise annul the marriage of the

mother.

Chapter 13

Birth control is it permitted in those instances when the marriage is not very stable and one or both spouses hesitates to bring children into this world when a divorce could occur with all the financial and psychological consequences. ?

Response

YES it is permitted ; but in practice one should have children immediately. No child is a mistake. If one suspects that there might be trouble one should not get married. If they do get married they must have children immediately . One must fight to preserve one/s marriage for the sake of your spouse and especially the children . Every child has a soul that was ordained by G-d to be born to two parents . Who are we to interfere with Divine design? Yes we must marry into a family and a spouse

that shreds these same cardinal principles of the sacredness of marriage and that each child is a blessing. The Messiah will only come when all the souls of the children ordained by G-d to be born are in fact born.

EXPLANATION

The Talmud Niddah 13a discusses the issue of destroying semen of a married person. The Talmud relates the story recorded in Genesis that the sons of Judah -Aer and Onen when they had coitus withdrew their penis and released their semen outside of the vagina in order that their wife not get pregnant. They feared that if their wife become pregnant and bear children she would lose her beauty. The Bible relates that both died in their youth as punishment. Also that the people who perished in the great deluge at the time of Noah were punished because they engaged in similar activities as Aer and Onen the sons of Judah. The Zohar I svery strict about the severity of this sin.

However the Talmud itself yevomot 13b permits three married women to use birth control a young girl under the age of twelve because a pregnancy could endanger her life . A pregnant woman who has coitus with her husband lest she get pregnant again -although the chances are very rare - and she endanger the fetus she is already carrying. Also a nursing mother who has coitus with her husband is permitted to use birth control lest she get pregnant and her milk supply will stop and her infant will die from starvation. Rav Meir mandated that she must use birth control . Rav Meir was very conservatives in all his ruling and even if the possibility that the woman becomes pregnant again when she is already pregnant or is breast feeding her infant are very rare, nevertheless Rav Meir would not take any chances, He therefore mandated that the woman use birth control .

There exists a controversy if destroying semen is Biblical or Rabbinical. Rabbenu Tam holds that it is Biblical . However this only applies to men, not to women. Men are obligated - it is a Mitzvah - to have children , not women. No man can have children with out a woman. But the obligation lies on the man ; the woman receives a reward for assisting the man to observe a Torah precept. Therefore the Torah forbid a man to destroy his seed and waste his semen. According to Rabbenu Tam there exists no violation Biblical or Rabbinical if a woman destroys her own seed or that of a man -her husband. Thus if a woman uses birth control there exists no violation . Rabbenu Tam in Sefer Hayoshor rules that once a man has two children and has complied with the Mitzvah of having children there no longer exists a Biblical violation of destroying his semen, only a Rabbinical violation. Thus many Rabbis would permit using birth control once the man has two children and his wife would suffer physical or mental danger if she becomes pregnant.

The Ramban teaches that both a man and a woman violate only a Rabbinical violation when they destroy semen . The Ramban does not link the prohibition of not destroying the man's seed with the Mitzvah of having children . The Ramban is consistent with his other rulings that one violates only a Rabbinical violation if a man holds the hands or hugs or displays any form of closeness with a woman that it is forbidden to have sex with her such as Niddah when the woman had her period and did not dip in the Mikvah after 12 days from the start of her period. See Bais Shmuel Even Hoczzer 20:1 Shach Yoch Dayoh 157:10; 195:19,20 . The couple violate a Biblical Law only when they have sex.

Likewise , Ramban rules that having a Pilegesh relationship that a couple live together - -

explicitly ruling out halachic marriage- is permitted providing the couple do not sleep with anyone else during the time of the Pilegsh relationship and following three months after the relationship ceases lest the woman is pregnant. Each partner can walk out and does not need a Get. However if one sleeps around having various partners then one violates the Biblical Law of engaging in fornication. However Ramban did not want his ruling to be publicized lest people abuse the ruling and sleep around and engage in fornication. See my Vol I Responsa on Four Parts of the Shulchan Aruch Chapter 12 for my analysis regarding conditional marriages and divorces. See Responsa Rashbah attributed to Ramban 284. So too if the man or woman destroys the seed of the man the violation is only Rabbinical.

The question further is does using birth control when one is engaged in coitus really fall into the category of destroying seed? Aer and Onen discharged their semen outside the vagina. When the semen is discharged in a condom or a diaphragm in the vagina is this also deemed as destroying semen?

The Achiezer Rav Chaim Grozofsky vol 3#25 opines that using a thin condom is a natural way of intercourse since both spouse enjoy the relationship. Achiezer cites Yam Shel Shomo Yevomos 1:8 rules like Rabbenu Tam that only men are obligated not to destroy the seed of men or their own seed. This is linked with the Mitzvah of having children. Since women have no Mitzvah they likewise have no prohibition seed. This is similar like women have no prohibition to shave the hair of her face. Yam Shel Shlomo also rules like Rashi that the women discussed in Yevomot 12b who are permitted to use a diaphragm can insert the diaphragm before coitus. There exist authorities like Rav Akiva Eiger who rules that women are prohibited to use a diaphragm before coitus. They can only wash themselves and remove the seed after coitus.

Achiezer Ibid further states if a man has a forbidden relationship and uses a condom there would exist no semen reaching the vagina of the woman, nevertheless, both partners commit adultery. The violation is created with penetration, regardless if there is no ejaculation of semen that reaches the vagina. So we see that using a condom is deemed -intercourse to create a violation of adultery. So too, when one has coitus use of a condom is deemed intercourse and is not in the category of wasting one's seed. However such an analysis applies only if destroying seed is deemed only Rabbinical. According to Rabbenu Tam who holds that destroying the man's seed is a Biblical violation, any time the seed is wilfully destroyed one violates the sin of fornication. Sex is permitted only when the fruit of this act can generate new life. When the couple do not place obstacles in the generation cycle. Placing a condom by the man interjects mechanical interference with the generation of new life and constitutes fornication and destruction of potential life. Once the egg is fertilized by the sperm and the egg is implanted in the uterus or womb new life begins as the cells divide, grow and develop. At this point as we explained in chapter 10 and in my book Halachic Perspective: Bio Medical ethics Ohr Tsipora Chapter 6 The Halachic Status of the unborn child that it is tantamount to murder to abort a fetus, even if the fetus is less than 40 days. However this is only the opinion of the Bahhag. Other authorities hold that the first 40 days before the cells develop into the beginning of a fetus and there exist a heart and a heart beat the cells and organisms are deemed as only potential life but have a halachic status of water. Thus the semen is not tantamount to life and has not achieved that status until 40 days pass by. Certainly we will violate all the Torah to save this potential life, but it is not deemed life. Rabbenu Tam holds that the man -the potential father who is commanded Biblically to procreate has a special mission to ensure that his seed is not destroyed before

he has two children . This mission is Biblical. It has nothing to do with investing the semen with the status of a living entity. Thus the Rabbenu Tam will admit that once the father has two children and he has fulfilled his mission Biblically to procreate he no longer has the mission Biblically to ensure that this semen is not destroyed, Yes, a man even if he has fulfilled his Biblical mission to have two children -a boy and a girl , others claim that having two boys or two girls also fulfills Biblically ones mission to procreate. However Rabbistically one is required to continue and have children . Thus Rabbenu Tam states in Sefer Hayosher that if one has two children he still is forbidden Rabbistically to destroy his seed. On the other hand a woman who is not instructed as a Mitzvah and is not obligated to have children , only to assist her husband in observing this Mitzvah to bear his children ;but has no prohibition not to destroy his seed or her seed. Rabbenu Tam links the prohibition of destroying the husband' seed with the Mitzvah -the obligation either Biblically or Rabbistically of procreating. The Bahag on the other hand , does give a higher status to the semen and certainly to the fertilized egg as it develops the first 40 days. He teaches that one should violate the entire Torah to save it. However Rabbenu Tam and certainly the Ramban will not subscribe to such a theory . Although they may agree that one can violate the entire Torah to save potential life, even if we do not grant these cells before 40 days the status of a partial human being . After 40 days they acquire the status of a partial human being . See my book Halachic Perspective Bio Medical Ethics Ohr Tzipora Chapter 6. Abortions are tantamount to murder -Rav Feinstein , Rav Tzvi Frumer and Rav Pickarski. These rabbis do not make a distinction. However they all discuss the case after the egg has been fertilized and implanted. Rav Waldenberg in Tzitz Eliezer and other Rabbis stipulate that the cells have to be 40 days. Prior to 40 days only in emergency situations like in the case that testing the amnio indicates that the fetus can develop into a Tay Sach baby that will not live longer than 2-3 years in great pain that Rav Waldenberg permits abortion.

Consequently if the woman uses a diaphragm and prevents a pregnancy she will be destroying the seed of her husband that represents at most potential life. The first 40 days the eggs even when fertilized by the semen and started to develop into cells , the cells are deemed as water only. Rabbenu Tam links the violation of destroying seed only to the husband. He has the obligation to preserve the seed. His wife has no such obligation . It is not destroying life since life does not appear until 40 days have elapsed. Such is also the position of Ramban for both the man and woman. However Ramban ,however claims that even before 40 days both have an equal obligation Rabbistically not to destroy the semen- to preserve potential human life. Thus in the case of a conflict of not destroying the man's seed as opposed to safeguarding the life of a girl under twelve if she become pregnant or safeguarding a woman against a new pregnancy when she is already pregnant and the new pregnancy can harm the existing fetus or safeguarding the food supply of a new born infant for the first 24 months we will vote in favor of saving existing life and the woman is permitted or mandated to use birth control. ALSO IF THE WOMAN IS ILL AND PHYSICIANS CLAIM THAT A PREGNANCY CAN BE DANGEROUS TO HER PHYSICAL OR MENTAL HEALTH WE WILL SANCTION BIRTH CONTROL. LIKEWISE , I CLAIM THAT PROHIBITING THE USE OF BIRTH CONTROL WHEN A MARRIAGE IS NOT VERY SECURE CAN PRECIPITATE A DIVORCE AND MOTIVATE THE WIFE'S PARENTS TO CONVINCHE HER TO LEAVE HER HUSBAND. THE WOMAN IS THEN PERMITTED TO USE BIRTH CONTROL UNTIL THE MARRIAGE BECOMES MORE STABLE. ONLY THEN THE COUPLE SHOULD HAVE AS MANY CHILDREN AS THE HEALTH OF THE MOTHER WILL ALLOW. OTHERWISE YOU

ARE CAUSING THE FATHER TO SUPPORT FOR 20 YEARS HIS CHILD AND ALIMONY TO HIS WIFE UNTIL THE CHILD GROWS UP OR SHE REMARRIES. IN EFFECT YOU ARE PREVENTING HIM TO REMARRY and have more children and observe the Mitzvah of having children that is Biblical. Even after he has two children , he still has a RABBINICAL Mitzvah to have more children. HE CAN NOT AFFORD TWO FAMILIES. ALSO HIS FIRST MARRIAGE WOULD HAVE LASTED IF NO SUCH PROHIBITION AGAINST THE USE OF BIRTH CONTROL EXISTED. .

IT IS TRUE NEVERTHELESS THAT A COUPLE IN A FORBIDDEN RELATIONSHIP VIOLATE THE LAW EVEN WHEN THEY ARE USING CONTRACEPTIVES. . Obviously it is better that they use contraceptives and the woman not get pregnant and give birth to an illegitimate child- a mamzer. However the violation exists even if no life will be generated as a result of their affair and it is deemed as adultery and is punishable . Once it is established that a married woman did in fact have an affair there was penetration even if there was no ejaculation she is forbidden to her husband , See Tur and Ramo Shulchan Aruch Even Hoezer 20:1 and commentaries.

If one uses contraceptives in a marital setting even if both partners enjoy the coitus if no life is generated there exists a violation according to Rabbenu Tam who teaches that it is Biblical. The fact that the three categories of women can use birth control is because the semen is deemed as being in the category of a rodef. A rodef is anyone who endangers the life of someone else . THE SEMEN IF IT WILL IMPREGNATE THE WOMAN UNDER TWELVE CAN ENDANGER HER LIFE. LIKEWISE THE SEMEN IF IT CAUSES A PREGNANT WOMAN TO START A NEW PREGNANCY CAN ENDANGER THE LIFE OF THE EXISTING FETUS. THE SAME REASONING CAN BE APPLIED WHY A NURSING MOTHER CAN USE BIRTH CONTROL. WOULD SHE GET PREGNANT AGAIN HER MILK SUPPLY CAN STOP AND HER INFANT CAN POSSIBLY DIE FROM STARVATION. THIS THEORY OF RODEF IS USED BY THE RAMBAM TO JUSTIFY DESTROYING A FETUS IF IT IS ENDANGERING THE LIFE OF THE MOTHER ANY TIME BEFORE THE HEAD IS BORN. SEE Rambam Rotzeach ushmiras hanefesh 1:9

THUS WE STATE THAT OUR DISPENSATION OF USING BIRTH CONTROL IS BECAUSE THERE EXISTS A DOUBT IF THE LAW IS LIKE RABBENU TAM THAT IT IS BIBLICAL OR IF THE LAW IS LIKE RAMBAN THAT IT IS ONLY RABBINICAL. EVEN IF IT IS LIKE RABBENU TAM IF THE WOMAN USES A DIAPHRAM , NOT THE MAN USING A CONDOM THERE EXISTS NO VIOLATION . RAMBAN STATES THAT IT IS ONLY RABBINICAL. ONCE WE HAVE ESTABLISHED THAT THE VIOLATION IS NO MORE THAN RABBINICAL THEN WE CAN ASSERT THAT CONTRACEPTIVES MAY NOT BE DEEMED AS WASTING SEED. POSSIBLY THE LAW IS LIKE THE ACHIEZER TEACHES-RAV CHAIM OZER GROZANSKY THUS WE HAVE A SFAK SAKA- A DOUBLE DOUBT THAT ALL DECISORS AGREE IS NO MORE THAN A Rabbinical violation . In such a situation the law states that IN A SITUATION OF DURESS AND GREAT PAIN LIKE WE DESCRIBED IT WE WILL BE PERMITTED TO USE BIRTH CONTROL TO PREVENT THE EMERGENCY SITUATION .

Thus to summarize in other words -if the wife uses a diaphragm according to Rabbenu Tam there exists no violation and according to Ramban there is a Rabbinical violation . But when we combine the

thinking of the Aschier it is permitted when an emergency situation exists such as possible danger to her life physical or mental. This is also true if the husband has two children according to Rabbenu Tam in Sefer Hayosher who rules that then the sin that exists is Rabbiicak even if the husband destroys the seed and he wears a condom. If we combine the position of Achiezer he would be permitted provided there exist an emergency situation.

In conclusion in the case of an emergency situation as posed in the question using of birth control by the wife would be permitted. Even according to Rabbenu Tam there is no violation. The Ramban states that it is only Rabbinical. Under such dire circumstances as described it would not be considered wasting seed. Would the marriage not work out and the woman gets pregnant the husband would be obligated to support the child for the next twenty years. He would also have to pay alimony to his wife since she is caring for his child. On the other hand would the couple practice birth control once they determine that they will remain married the marriage becomes stable then they can have children. Furthermore there exist no pressure to separate from their husband once problems arise lest the wife gets pregnant. If they practice birth control the couple can work out their problems with out worry that the wife will end up with a child or many children during this trial period and will have greater difficulty remarrying with a child or many children. It will also reduce or eliminate the pressure from the wife's family to convince her to leave her husband lest she becomes pregnant if she remains with him. I already mentioned that if the husband refuses to agree to free the wife our Rabbinical Court can possibly annul their marriage if equity dictates to do so. Therefore by practicing birth control and using our Rabbinical Court many marriages can be saved. The pressure to leave the husband can be eliminated from the wife and her family. The same applies for the husband and his family.

The various Rabbinical authorities grant a dispensation to use birth control when the woman is advised by physicians that a pregnancy can place her physical or mental health in danger. Rav Moshe Feinstein in one of his responsa permitted a man to marry his loved one who suffered from kidney ailments. Doctors advised her that it was dangerous for her to get pregnant. Even though he was not obligated to fulfill his marital dutic before he married her, so why get into such a situation and have to use birth control? use a condom. This man was bringing himself into a situation that he was forced to use a condom or she would use a diaphragm in fulfilling his marital obligations - in order to have sex with his wife. The fact that the semen could not impregnate her was secondary. That was not his primary intention. True, there existed no other way than that the seed would be destroyed by using a diaphragm or a condom. However his seed would be instrumental in serving a noble purpose. It enabled him to fulfill his marital duties. Therefore it is not deemed as being wasted. The question is posed let the couple not have sex or get divorced and the wife's life wil, not be in danger? THE ANSWER IS THAT THE HUSBAND IS OBLIGATED TO HAVE COITUS AS AN OBLIGATION OF MARRIAGE. The only way he can fulfill his obligation is by using birth control. Therefore his seed is fulfilling the obligation of having sex with his wife. Therefore it is not deemed wasted or destroyed. It serves a purpose. So too, in our case that we posed having sex by using birth control fulfills a purpose and therefore is not deemed wasted,

Likewise if a man's wife is a Niddah. She had her period and she has to wait twelve days before she dips in the Mikvah and can have intercourse. If a man is very hot and has an erection and has a

choice of having sex or destroying his seed . The ruling of Rav Yehudah Hachosid that is sanctioned by other authorities is that he should destroy his seed.. The reason is that the semen is not wasted it is released and prevents him from having intercourse with his wife during the time she is a Niddah.

Likewise if the man has to give a sample of his semen to the physician to examine in order to prescribe a cure since the couple can not have children The husband can release his semen in a condom preferably while having intercourse and give it to the doctor. Again the rationale is that as long as the release of the semen is serving a purpose it is not considered wasting and destroying the semen.

From what we have written regarding religious individuals if someone who is not religious has an affair with a partner they are advised to at least use contraceptives and birth control not to get his partner pregnant and not to possibly contract sexually transmitted diseases . We are not sanctioning sex outside of marriage. WE ARE STATING THAT IF ANYONE VIOLATES THE LAW ANYWAY, THEY SHOULD AT LEAST NOT BE STUPID .

Sources Otzer Haposkim on Even Hoezer Chapter 23 Sub sections sifim 1-5 .

Chapter 14

Can an unmarried woman whose biological clock is slowly ticking away and may soon be too old to conceive get pregnant from artificial insemination. The male donor the father is a non Jew? Can a married woman whose husband is unable to impregnate her and she is considering divorce use artificial insemination from a non Jewish donor?

RESPONSE

According to Rav Moshe Feinstein in Igros Moshe Even Hoezer Vol I #71; Vol II # 11 ; Vol III #14 this woman would be permitted. Rav Moshe FEINSTEIN RULES REGARDING A MARRIED WOMAN WHO CAN NOT GET PREGNANT FROM HER HUSBAND AND IN ORDER NOT TO GET A DIVORCE HE GAVE A DISPENSATION TO BE INSEMINATED FROM A DONOR WHO IS NOT JEWISH. THE REASONING IS THAT ADULTERY ONLY EXISTS IF ANY MAN -

OTHER THAN HER HUSBAND- PENETRATES THE MARRIED WOMAN'S VAGINA ; NOT IF SHE IS INJECTED WITH HIS SEMEN.

The citations are from Talmud and Bach on Tur Yoreh Dayoh 195; Taz Yoreh Dayoh 195: 7 and Shach 195:10 who cite Smak who cites Rabbenu Perez that a married woman should not sleep using the linens that a strange man slept on . Perhaps he ejaculated semen on the linens . When the married woman will sleep there naked she may get pregnant from the semen of this other man -not her husband. THEN IF SHE HAS COITUS WITH HER HUSBAND IT WILL NOT BE POSSIBLE TO ASCERTAIN WHO IS THE FATHER HER HUSBAND OR THE STRANGE MAN. HOWEVER THERE EXISTS NO QUESTION THAT THE CHILD IS NOT ILLEGITIMATE EVEN IF SHE GOT PREGNANT FROM A STRANGER -NOT HER HUSBAND, AS LONG AS THERE WAS NO PENETRATION FROM HIM . IT IS PENETRATION THAT CAUSES ADULTERY EVEN IF THERE IS NO EJACULATION.

The Talmud relates that the daughter of the prophet Jeremia got pregnant from her father's semen when Jeremiah bathed and his daughter followed him to the bath and got pregnant from his semen that was deposited in the water. The resulting child was Ben Sira. Ben Sira was one trillion percent legitimate.

Thus being inseminated from an other man's semen would be in accordance with Jewish Law providing the donor is not Jewish . Then the child's lineage follows the mother and not the father when he is not Jewish . The chances that the offspring would marry the offspring of the donor are almost nil . We do not have to be apprehensive of such a possibility even if the father would be Jewish See Aruch Hashulchon Even Hoezer 4:56.

However there exists many other Rabbis who dispute Rav Feinstein's conclusions and his dispensation However one who is faced with no choice can depend upon RAV MOSHE FEINSTEIN AND ALL THE OTHER RABBIS WHO AGREE WITH HIM. SEE OTZER HAPOSKIM Even Hoezer chapter 23 subsections 1-5. See also Nishmat Avrohom Even Hoezer 1:1,2 for an anthology of authorities pro and con and the consequences. There exist additional questions in this area that have to be explored a greater length. Rav feinstein and the Taz and other RABBIS DEEM THE DONOR AS THE FATHER. HE WILL HAVE OBSERVED THE Mitzvah of having children. Many Rabbis who prohibit a woman who can not conceive from her husband ,nevertheless if she uses artificial insemination she will not be considered as committing adultery and is permitted to live with her husband. As pointed out in chapter 13 she is permitted to use a diaphragm when she lives with her husband during the 9 months that she is carrying her child from a different donor.

SURROGATE MOTHERS

The same authorities who permit artificial insemination may also permit test tube babies. WOMEN WHO CAN NOT CONCEIVE HAVE A NUMBER OF EGGS REMOVED AND TESTED TO DISCOVER WHICH ONE IS THE MOST POSSIBLE TO FORM AN EMBRYO ONCE FERTILIZED. THEN SPERM IS SUPPLIED BY THE HUSBAND THAT IS USED TO FERTILIZE THE EGG. SEVERAL SAMPLES MAY BE NECESSARY TO REINFORCE THE SPERM COUNT NECESSARY TO FERTILIZE THE EGG AND CAUSE IT TO IMPREGNATE THE WOMAN

WHERE THE EMBRYO WILL EVENTUALLY BE IMPLANTED. IF THE HUSBAND'S SPERM IS NOT POTENT THE SPERM OF A DONOR -NOT THE HUSBAND -CAN BE USED TO FERTILIZE THE EGG. OF COUSE THE COUPLE'S PERMISSION MUST BE OBTAINED. BUR WHAT HAPPENS IF NOT? WHAT HAPPENS IF THE SPERM OF AN OTHER DONOR -NOT THE HUSBAND IS USED WILLFULLY OR IN ERROR? OR THE EGGS OF AN OTHER WOMAN ARE USED WILFULLY OR IN ERROR ? ALL THIESE VARIABLES GO INTO THE EQUATION THAT THE HALACHIC AUTHORITY MUST WEIGH . WHAT HAPPENS IF A BAY IS BORN. ARE YOU GOING TO RETURN THE BABY IF DNA TESTING DO NOT CONFIRM THAT THE COUPLE ARE THE REAL BIOLOGICAL PARENTS? DOCTORS CLAIM THAT DNA TESTING TIDAY IS 99.99 % RELIABLE. DIFFERENT TIHAN 10 YEARS AGO. The fertilized egg is implanted into the womb of the wife who provided the egg. If it is not successful the procedure is repeated several times. In the contingency that the wife is not able to carry the fertilized egg to term , then ,the services of an another woman can be employed. However if this is done then there exist many problems - legal financial and Halachic. Some rabbis will even permit the fertilized wife's egg to be implanted in a relative's womb like her mother or sister or an other married woman. As long as there exist no penetration of a man not her husband .

The question is who is the mother- the one who supplies the egg? Such is the opinion of Chidushei Rav Akieva Eiger on Yoreh dayoh 89:10 . However Rav Yosef Engel in Bais Hootzer erech Ov posits that it is the birth mother who is deemed the mother. See Rashi Megillah 13a d"h uksheyo; See also Targum Yonathan Breashis 30:21 There exists a Haggadah that Rachel was carrying the fertilized egg of Her sister Leah and Jacob that had been surgically implanted in her womb. Joseph was born and she was considered the mother. Likewise Leah was carrying rthe fertilized ebgg of Rachel that was surgically implanted in her womb and Dina was born and Leah was considered her mother. SeE ALSO Techumim vol 5 5744 page 248,264. All citations from Nishmat Avrohom even Hezer by Avrohom Avrohom . If the mother who carries to term is not Jewish then the child would require conversion even if the father is Jewish and the woman who supplied the egg is also Jewish.

As I mentioned earlier regarding artificial insemination the matter is clouded indispute . Those authorities who oppose artificial insemination oppose even more vigorously test tube babies where the fertilized egg is implanted in the womb of a married woman. Or an other woman that having a relationship with is forbidden. I am not going to get into the technical issues of the debate. All I can state is that a couple who have no children and it is the wife who can not conceive and physicians are not able to help her can consider test tube babies. . One can rely on those authorities who permit test tube babies where there exists no other alternatives .

Chapter 15

ARTIFICIAL INSEMINATION

There exist many Rabbinical authorities as cited by Tzitz Eliezer and he agrees with them that having the sperm of another man other than her husband deposited by injection into her vagina -with no penetration at all by an other man not her husband - is considered adultery. Even if the sperm is deposited directly to her womb it is adultery. The fact that the husband gave his approval is irrelevant. This is similar to a woman having sexual relations with an other man with the agreement of her husband -they have an open relationship. She agrees that he have sex with other women. This is adultery. Even if both feel that it is proper and not cheating ,since they are open about the affair and have the consent of their spouse it is still adultery. See Mashrik Avnei Nezer Igros Moshe and Even Hlawser 178:1 . and Pichei Tsvah Ibid. Ignorance of the law is no excuse. Such a woman is forbidden to remain with her husband and live with him. She is deemed a sotteh. She is likewise forbidden to marry her paramour. If the paramour is non Jewish she is still deemed a soteh and forbidden to her husband. Even Hoeser chapter 178 .

The Tzitz Eliezer- Rav Waldenberg claims that the same is true with artificial insemination.

SURROGATE MOTHERS

Obviously the same would apply with surrogate mothers. There is an other factor also to be considered. What happens if the surrogate mother has sex with her partner or husband. What if the implant of the fertilized egg did not work . She is supposed not to have sex at least for three months to test if the implant took hold. But what guarantee exists that she did in fact follow the agreement? What proof exists that the child she gives birth is really the original fertilized egg from the wife and her husband and not the result of the sperm of her partner or husband and her own egg?

DNA testing is not recognized by most Rabbinical authorities. DNA testing is continuously being updated. What was considered scientific truth a few years ago is presently discarded by the civil legal authorities as unreliable in rape cases and in murder cases. Convictions handed down previously are overturned on the basis of new DNA testing. When a married couple have a child we assume that the father is the husband since most of the time that this woman has sex is with her husband, This is true regardless if the spouses share the same religion or not. This law is accepted in the civil courts of New York State. . THIS DOES NOT HELP US IN THE CASE OF THE BABY CARRIED BY A SURROGATE MOTHER. Thus we have no way to prove that the child is really that of the couple who could not procreate on their own. Furthermore according to Rav Yoseph Engel

and many other authorities the mother is considered the birth mother , not the woman who donated the egg. If the surrogate mother is not Jewish the child is deemed not Jewish . The child must be converted. Even after the conversion the child is deemed a new person and is not deemed as the offspring - father. Even though biologically the child is his and he has to support the child . See

Rav Uziel cited by Otzer Haposkim Even Hoeser 71: 4:14 on Mahdura Tanya Mishptei Uziel on Choshen Mishpot and Mahdura Tanya Yoreh Dayoh #61 foot note 80. Therefore the man is not considered as having observed the mitzvah of having children . Even if the surrogate mother b

Jewish , what guarantee exists that she did not have sex with her partner or husband ? She is supposed to abstain and not have sex or use a diaphragm. But what if she did not? What if her partner or husband refused to use any contraceptives ? What if her present pregnancy is the result of such intercourse ? Even if she did abstain but when she found out that the implant did not succeed once or many times the surrogate mother did not want to lose her fee and proceeded to have unprotected sex willfully in order to get pregnant and pass off this pregnancy as the original implant? What guarantee exists? What if the DNA test does not confirm that the child is from the sperm of the husband and of the egg from the wife who could not procreate? DNA testing positive or negative is not recognized by Halacha. It still could very well be his child .Or else not. ARE YOU GOING TO RETURN THE BABY? A HUMAN BEING IS A WORLD UNTO THEMSELVES. SO WHAT IF THE BABY IS NOT REALLY YOURS...ONE WHO SAVES A HUMAN BEING IS THE SAME AS ONE WOULD SAVE THE WORLD Rambam end of laws of Rotzeach and Shmirat Hanefesh.

Even if the child is not yours, if you raise a child it is SIMILAR -NOT THE SAME in the eyes of Halacha as you gave birth. One who raises an orphan in his house is considered as if he or she gave birth to the child. Such a child can carry the name or names of the parents who raise them . A child is born in seven or nine months . The biological parents give the child his genes ;but the adopting parents who raise the child transmit and create the environment that shapes the child's life. According to Halacha the child can carry the name of the parents who raise them. See my Vol I chapter 18.

Therefore in conclusion one should consult a Rabbi who has mastered and observes the four parts of the Shulchan Aruch before using artificial insemination or surrogate mothers. There exist countless other psychological legal and financial problems. Such an operation costs thousands of dollars to the physician the surrogate mother and attorneys. There are also psychological problems immediately and later when the child is born and afterwards. What happens if the child wants to discover its biological father in the case of artificial insemination Or the child wants to find its surrogate birth mother? What happens if the surrogate birth mother sue to keep the baby immediately or later? What happens if the child wants to remain with the surrogate mother and her family? Are you going to give visitation rights to the surrogate mother? What happens if she is not Jewish? Do you need her permission to convert the child? The answer is definitely yes. Once the child gets older the child is legally permitted to veto the decision that he was converted while an infant and elect to be non Jewish. Thus there are more problems than meet the eye. Such a non conventional operation can create many problems for an existing marriage and can G-d forbid cause a divorce rather than prevent a divorce. Adoption remains an other option . But it has a myriad of problems to the adopting parents and to the children being adopted especially if they are from non Jewish biological parents. The child must undergo a conversion. Many of them have psychological problems later on in life.

CHAPTER 16

ALIENATION OF AFFECTIONS

Many in-laws interfere in a marriage and succeed to break it up. That is unfortunately a fact of life. The spouse who listens is an idiot especially if children or even one child exists. But that is a tragedy.

The one who gets hurt the most is the child or children. The in laws and the wife who leave the marriage rob the child or children from their parent. This is grand larceny. The psychological damage they cause the child or children can not be described. This is in addition to the grand larceny that the in laws and the wife cause the husband by forcing him to pay child support and alimony. He may not be able to afford to remarry because he can not support two house holds. Thus he can not have any additional children.

For such treachery the in laws will enjoy the company of their daughter whose affections they alienated from her husband. Bet Din will not intervene in the case of in -laws alienating the spouse's affection as long as the husband refuses to give a Get. If he decides never to give a Get the wife will remain an agunah for life . They will have her company until they die. They will choke because of their ability to turn their daughter against her husband. She will be able to remarry only when her husband whom she abandoned decides to give her a Get. If it takes him one year two years five years ten years or longer to get back on his feet the wife and her parents will be forced to wait. The hole they dug for him will be used to bury them and their daughter who was stupid enough to listen. The same compassion and mercy they exhibited toward their son in law and his children will be shown to them. These individuals are not human and no mercy or compassion is to be shown to them.

It is never a mistake to get married and have a child immediately. Such is Jewish law. Every child is the greatest blessing . If there would not exist only that one child in the world it would be worthwhile for G-d to create the world. See Rambam Rotzeach ushmirot hanefesh end of chapter 1:16 See Talmud Sanhedrin 37A. One who saves one human is the same as he saved a whole world. Yes, it is worthwhile to go through hell and back to save one's marriage.

I know someone whose wife abandoned him after they had a child . It took him many years to get back on his feet. He refused to relinquish his wife and son. He had the support and encouragement

of Rav Moshe Feinstein and Rav Henkin. The husband had two Rabbinical trials presided before Rav Moshe Feinstein and Rav Henkin. The wife was ordered to return. Her parents were ordered to cease and desist interfering. They refused. The husband did not abuse his wife. He was not a substance abuser. He was not an alcoholic. He did not gamble. He did not cheat with other women. He did not have sexually transmitted diseases. He did not beat his wife nor threaten her with violence. He did have a very great fault. He was stupid that he wanted to remain with such a family. However the Court could not force him to give a Get.

Unfortunately his wife never agreed to return, but he did save his child. He has a great relationship with his father. The father was able to give his child a sense that the marriage was not a mistake. That the son was not an accident nor a mistake. That his birth was planned that he was wanted. That his father sacrificed many years of his life to try to preserve a home for him with both parents. The fact that a divorce finally occurred was not the work of his father. Rav Moshe Feinstein volunteered to tell the son this fact. YEARS LATER WHEN THE FATHER PUBLISHED HIS BOOKS Rav Moshe Feinstein wrote in his approbation that he knew the father since he gave him a Rabbinical degree. The father always behaved as a TALMUDIC SCHOLAR SHOULD BEHAVE. The father went on and remarried and has been happily married and has other children for almost over forty years.

Is he sorry that he spent all the time trying to save his first marriage? Definitely not. If he had to do it over again, G-D FORBID he would follow the same course. Does he give the same advice to others to follow. Definitely. The reason is that marriage is sacred, Children born are the holy of holies. The father has no pangs of guilt that would he have acted differently his marriage would have been saved, He tried everything in the world for seven years. More could not be done. Then he moved on. The father honored all his obligations regarding his child.

The husband after seeing that his wife refused to return finally gave her a Get and soon after he remarried. It took many years for his wife to remarry.

Was this the right decision on the part of the husband? The husband was fighting to preserve for his child a normal life. His wife's parents refused to let go of their daughter after she got married. They were the ones who wanted to transform the status of the marriage and the child to a mistake. The marriage was not a mistake and certainly the child is no mistake. It was the in laws who made a gigantic mistake.

YEARS LATER AFTER THE X-MOTHER IN LAW AND THE X-FATHER IN LAW DIED THE CHILDREN OF HIS X IN LAWS BEGGED THE HUSBAND FOR FORGIVENESS. FORGIVENESS WAS GRANTED.

That is the reason that Jews traditionally refuse to accept the rulings permitting PILEGESH OR ANY FORM OF CONDITIONAL MARRIAGES. ONE MUST GET MARRIED FOR LIFE. THE PUNISHMENT FOR ANYONE WHO INTERFERES WITH A MARRIAGE AND ESPECIALLY WHEN CHILDREN ARE BORN HAS NOT BEEN WRITTEN YET. ONLY G-D IN HIS GREAT

WISDOM WILL ORDAIN THE REWARD FOR THOSE IN LAWS WHO PRESERVE THE MARRIAGE OF THEIR CHILDREN AND VISIT HIS WRATH ON THOSE IN LAWS WHO BREAK UP THE MARRIAGE OF THEIR CHILDREN.

It is the mission of BET DIN TO TAKE A HANDS OFF APPROACH. LET THE WOMAN WHO LEAVES HER HUSBAND REMAIN AT HIS MERCY. IF HE DECIDES NEVER TO REMARRY SHE WILL REMAIN AN AGUNAH FOR EVER. THIS IS TRUE AFTER BET DIN HOLDS A TRIAL AND ORDERS HER BACK AND ORDERS HER PARENTS NOT TO INTERFERE.

WHEN PARENTS BREAK UP THEIR DAUGHTER'S MARRIAGE THEY WILL BE REWARDED WITH HER COMPANY FOR LIFE. LET THEM CHOKE ON HER.

As long as the husband offers her an alternative to return we will not get involved . If he takes a pilegsh or marries civilly we will then annul her marriage.

THIS IS OUR PERSPECTIVE. WE ARE VERY HARSH TOWARD FEMINISTS WHO PREACH THAT A WOMAN HAS A RIGHT TO abort her child and to abort a marriage and to CHANGE LOVERS AT THE DROP OF A HAT REGARDLESS OF THE PAIN AND SUFFERING AND GRAND LARCENY INVOLVED TOWARD THE CHILDREN AND HUSBAND. FEMINISTS HAVE AN ALTERNATIVE NOT TO GET MARRIED. LET THEM HAVE ONLY A Pilegsh relationship. We are not forcing any one to get married according to Halacha . If they do get married they must follow the laws of Halachic marriage. There exists a population of individuals that Rav Moshe Feinstein rules that an Orthodox Rabbi should refuse to officiate and have a Halachic wedding. If a woman has been married and has extra marital affairs and then receives a Get from her husband, such a woman most likely will engage in other extra marital affairs after she has an Halachic marriage. Why should the Orthodox Rabbi place this woman in a situation that she will have committed adultery when she has her extra marital affairs. The same reasoning was used to prohibit Rabbis from marrying a couple in the Soviet Union who are not religious . That couple if they get divorced would not not to obtain a religious divorce since the government discourages such a quest by punishment and the fact that there existed few Rabbis who were learned to give Gitten. Thus the woman will start a new relationship with out a Get . She will be committing adultery . Her children from man # 2 will be mamzarim. Thus by not having a Halachic marriage we avoid these problems. There exist many Rabbis who likewise advise not to officiate in a halachic marriage for irreligious couples for the same reasons. I insist that they use a conditional marriage. If a couple even if they are religious insist o having a conditional marriage otherwise they refuse to have a halachic marriage as an insurance policy that the wife will not end up an agunah I will use a conditional marriage. As I mentioned several times Rav Piekarsky although he endorsed my conditional marriage advised me in practice not to use them. However if the couple insist that they must have the conditional marriage otherwise they will not have a halachic marriage -or will have a civil court marriage Or a marriage with a reform rabbi then I will use a conditional marriage and tell the couple that many Rabbis will not recognize it.

Those feminists who refuse to accept Torah Law and consider Halachic marriage degrading because the man "acquires" the wife should not have a Halachic marriage . They should have a Pilegish relationship. We are not forcing Jewish Law down any one's throat. I have explained in my Table of contents to vol 1 # 60 that acquired means that the man has exclusive sexual rights to his wife That is effected by the bride accepting the ring given by the groom. The wife acquires exclusive sexual rights to the husband by the Ksubah where in he pledges the same and also to behave as Jewish husbands behave through out 4000 year sof Jewish history. Jewish husbands are forbidden to have an other sexual partner by Cherem of Rabbenu Garshun . Thus both partners pledge fidelity. There is nothing degrading about such a pledge -the wife pledged fidelity by accepting thr ring . She does not become his property . If any thing the husband at marriage must obey his wife and please her. The Sefardim who never accepted the Cherem of Rabbenu Gershon have the men swear in the Kesubah that they will not take another sexual partner. **FEMINISTS WHO ARE NOT HAPPY WITH HALLCHIC MARRIAGE SHOULD HAVE A PILEGESH RELATIONSHIP.**

WE ARE OPPOSES TO PILEGESH RELATIONSHIPS AS DISCUSSED IN CHAPTER 9. HOWEVER WOULD ANY MAN- ON HIS OWN INITIATIVE -WHO IS PRUDENT ARGUE KIM LI THAT I ACCEPT THE RULINGS OF RAMBAN ROSH RAAVED RAV YAAKOV EMDEN ANI OTHERS WHO ENDORSE A PILEGESH RELATIONSHIP HE COULD DISCOVER WHO THE IN LAWS ARE BEFORE COMMITTING HIMSELF AND BEFORE HAVING CHILDREN . HE WOULD THEN AVOID A TON OF PROBLEMS. HE MUST FIRST CHECK WITH A DIVORCE ATTORNEY REGARDING THE LEGAL PROBLEMS OF COMMON LAW MARRIAGE PALIMONY AND CHILD SUPPORT IF CHILDREN ARE BORN. SEE MY VOLUME 1 FOUR PARTS OF THE SHULCHAN ARUCH. CHAPER 13 REGARDING THE ARGUMENT OF KIM LI FOR HALLACHIC SUPPORT AND BASIS. AS I POINTED OUT IN CHAPTER 9 NO RELIGIOUS FAMILY AND GIRL WILL AGREE TO A PILEGESH RELATIONSHIP. HE MAY END UP NEVER MARRYING . OR ELSE HE WILL MARRY A GIRL FROM POPULATION WHO ARE BASICALLY NOT RELIGIOUS SHE MAY VERY WELL NOT GO TO THE MIKVAH. BECAUSE SHE IS EMBARRASSED THAT PEOPLE WILL LABEL HER A PROSTITUTE WHO ILAS SEX WITHOUT BEING MARRIED. THE FEAR OF THE ROSH IN HIS RESPONSA 500 YEARS AGO IS STILL TRUE TODAY. THIS IS A VERY SERIOUS BIBLICAL VIOLATION.

ANALYSIS- ANOTHER PERSPECTIVE

WHAT THE HUSBAND DID WAS ONE MILLION % WRONG . It was wrong regarding his wife . It was wrong regarding his son and it was wrong regarding himself.

Explanation

Even if his wife and her parents were one million percent wrong. .And they were since they attended

a Rabbinical trial and were found to be wrong. You can not force a woman to have sex with any man she hates including her husband. When a woman argues *mous alai my husband disgusts me even though I loved him a year ago and had children with him , but today I no longer love him , you can not force her to have sex with him. The most that Bet Din will do is not to get involved . We do not force him to give a Get and we do not force her to have sex with her husband. Otherwise it is marital rape. However if the husband sees after one year that the wife does not change her mind he should on his own give her a Get. What does he need her. There exists other women in this world that he can marry Even non Jewish women can convert and accept to observe one hundred per cent of Judaism. They can have a trial period during which they live in a religious house and observe 100% of Judaism . Then they can undergo a conversion in accordance with Jewish Law. HALLACHA Thus the husband has a whole world of girls to choose. He is not free unless he first frees his first wife. What does he need a woman and her family who do not want him? Would he want additional children with such a woman and such a family? In every marriage you marry the wife and her family. IN CERTAIN INSTANCES THE FAMILY EXERTS MORE INFLUENCE AND IN OTHER INSTANCES LESSER INFLUENCE. WHY NOT MARRY INTO A FAMILY WHERE THE INFLUENCE WILL BE TO COMPLEMENT AND HELP YOU ?*

IN CERTAIN INSTANCES THE FAMILY EXERTS MORE INFLUENCE AND IN OTHER INSTANCES LESSER INFLUENCE. WHY NOT MARRY INTO A FAMILY WHERE THE INFLUENCE WILL BE TO COMPLEMENT AND HELP YOU ?

THE SON WAS NOT REALLY HELPED. IF HIS MOTHER WAS NOT MARRIED AND COULD NOT HAVE HER MARITAL RIGHTS FOR Many YEARS AND HAD TO REMAIN WITH HER PARENTS THE PSYCHOLOGICAL DAMAGE TO HER IS IMMEASURABLE , THAT EFFECTED THE CHILD . SO HOW DID THE FATHER REALLY HELP HIS SON ? WHERE IN THE TORAH IS IT WRITTEN THAT THE HUSBAND CAN BE THE PLAINTIFF JUDGE AND JURY AND IMPRISON ANY PERSON AND CERTAINLY HIS X WIFE FOR Many YEARS ? IS THIS REALLY LOVE THAT HE PROFESSED TO HAVE? OR IS IT REALLY A SADISTIC REVENGE ? YES , THE HUSBAND WAS WRONGED . BUT TWO WRONGS DO NOT MAKE A RIGHT. MORE DAMNING IS THAT HE ACCOMPLISHED NOTHING . HIS WIFE HE DID NOT GET BACK. HE IMPRISONED HER BY NOT GIVING HER A GET. HE ALSO IPSO FACTO IMPRISONED HIMSELF. None of the Rabbis stated that he had a right to imprison his estranged wife for MANY years. They ordered his wife to return ;but never gave him permission to imprison her for many years.

THE HUSBAND'S ARGUMENT THAT WHAT HE DID WAS FOR HIS SON IS FALSE. HE HARMED HIS SON , NOT HELPED HIM. EVEN IF IT IS TRUE THAT HE HELPED HIM WHERE IS IT WRITTEN THAT SUCH HELP CAN BE DONE AT THE EXPENSE OF IMPRISONING HIS WIFE FOR Many YEARS AND CAUSING HER TO SPEND Many YEARS TILL SHE FOUND A SUITABLE HUSBAND WHO AGREED TO MARRY HER AND TAKE IN HER SON . WHAT THE HUSBAND DID IS UNFORGIVABLE. IT WAS STUPID BEYOND DESCRIPTION

The husband DID the most stupid thing for himself by not freeing his wife. He did not have a moment of rest free from harassment from his wife and wife's family for MANY years. He was always pursued by lawsuits to increase child support and alimony. THEY COULD HAVE SUED HIM IN COURT FOR PREVENTING HER TO REMARRY. THEY CONTACTED HIS EMPLOYERS AND HE LOST HIS JOB. This happened several times.

This did not happen. But what if the husband would have lost his temper and would have killed his in laws who were pursuing him. ? Then the question of imprisoning an agunah would have slipped into a murder case. The husband would then have been arrested and would have to serve life in prison. What he intended to imprison his wife for life would have ended up with him not having his wife his child and never able to remarry and start a new life. If he did not murder them he ended up with an ulcer from the aggravation.

WAS ALL THIS WORTH WHILE? Rav Moshe Feinstein and Rav Piekarski always used to say to stay away from individuals who are crazy , abnormal and evil . One can deal with an atheist or irreligious person but one can not deal and is not permitted according to Halacha to deal with such individuals. .Rav Piekarski years later forbade me to join a Rabbinical organization that had such individuals. I ignored such controversial individuals who opposed me me regarding agunot. I answer such individuals in my volume 1 with out mentioning their names. I will not stoop to their level. . What ever you do you will end up getting hurt. One must cut one's losses and have nothing o at the most as little to do with such people as possible. ONE MUST BEWARE FROM SUCH INDIVIDUALS AND HAVE NOTHING TO DO WITH THEM IN ANY CAPACITY.

WOULD THE HUSBAND COME TO BET DIN HE COULD HAVE ENDED THE MARRIAGE AS A MISTAKE. TO GET MARRIED TO A WOMAN WHO LISTENS TO HER PARENTS AND IS UNDER THEIR TOTAL DOMINATION REPRESENTS GROUNDS FOR A DIVORCE Would the wife have objected to a Get we would have freed the husband anyway. . We do not annul a husband's marriage we will give Get even if the wife objects or officiate at a second marriage after acquiring a Get for the wife, She would then accept the Get when she decides to accept it. Meanwhile the Rabbis would have officiated at the husband's new marriage. NEVER IN A MILLION YEARS WILL A HUSBAND AGREE TO SUCH ABUSE. IF THE WIFE WANTS A GET IT IS G-D SENT. HE SHOULD HAVE GIVEN HER A GET THE FIRST DAY THAT THIS FACT BECAME EVIDENT.

The husband in this case refused to recognize reality. Would he have accepted that his marriage is dead free his wife and focus to help her as much as possible financially with the child the husband could have possibly salvaged the goodwill of his x wife and cooperated together to raise the child in a much more normal atmosphere . At least there would not have existed all the hatred and acrimony that reflected itself for decades . After the mother remarried she had another child with her new husband , The son attended a yeshiva selected by both his father and mother. The son attended full time yeshiva married joined the kollel and received Smich ordination life became normal for all the warring parties. after the passage of many years.

HALLACHIC JUDAISM HAS A BLACK EYE IF IT CAN NOT ADDRESS THE PROBLEM OF ANY AGUNAH WHO LEAVES HER HUSBAND EVEN IF SHE IS ONE MILLION % WRONG . However the agunah must first substantiate either with proof or with circumstantial evidence her argument. Bet Din must weigh what equities should be given priority. The equity of the wife or the husband's equity or the children's equity. All the issues of the domestic dispute must be taken as an entire package. At a Din Torah Rabbinical trial attended by both spouses. If the husband refuses to attend or refuses to obey our verdict we will proceed with out him . If the wife and her family refuse to obey our verdict we will not get involved any further. Only after all other means have been tried with no avail and the wife and her family will obey the ruling of Bet Din and the husband refuses to attend the Rabbinical trial or attends and is ordered to give a Get and refuses then we will give a Get Ziku and annul the marriage . These procedure will ensure equity for everyone. SEE MY VOLUME 1 , 2 , 3 , 4 AND 5 FOR A DETAILED HALLACHIC ANALYSIS.

THE REASON THAT WE WILL ANNUL THE MARRIAGE IS BECAUSE OF EQUITY.
SEE Ohel Yitzchok vol 2 : chapter 1 and 2 See Even Hoetzher 115:6 Ramo ;Bis Shmuel See Rabbenu Yaruchem Even Hawser Otzer Haposkim vol -2 at end for responsa from Rav Herzog and Rav Uziel regarding coercing a husband when the wife committed adultery , but the husband refuses to free her with a Get. See Chsam Sofferr Ibid citing Mogen Avrohom. When a wife argues I had sex with an other man -not my husband -and circumstantial evidence exists that she is telling the truth then she is believed. See Even Hawser 115:6 and Bais Shmuel. If She conceals herself with this man for a period of time that she could have had sex. Likewise if this man substantiates her story of infidelity that is deemed circumstantial evidence. Since the wife is forbidden to the husband we will then coerce the husband to give her a Get because of equity. The husband loses nothing -his wife is forbidden to him. The wife benefits she can marry another man once she receives the Get. OTHERWISE SHE WILL HAVE SEX WITH Jewish and non Jewish men. That is the rationale of Rav Herzog in Ohel Yitzchok

That I suspect is the rationalization of Rambam Isshus 14:8 that if a wife argues *mons alai* -my husband disgusts me we will coerce the husband to grant her a Get. The Rambam sates as his reason Jewish women are not captives to be forced to have sex with a man they hate. The Rambam was ahead of the game. He did not have to wait until the wife commits infidelity . . . Other authorities like the Mahrsham ,Rav Eliezer Waldenberg and Rav Ovadia Yoseph do state that reason THAT IF WE WILL NOT COERCE THE HUSBAND THE WIVES WILL COMMIT INFIDELITY. SO WHY WAIT? WHY PUNISH RELIGIOUS WOMEN WHO WANT OUT FROM A MARRIAGE? .

We had a case that a Kollel wife with two children left her husband for no good reason. He refused to give her a Get. Several years passed . The husband went into hiding. The wife seeing that no rabbi could or would help her started dating non Jewish and then Jewish men. She started having sex with them. She approached our Rabbinical Court and provided us with the names addresses ant telephone numbers of the men she had sex with. We contacted them. They admitted and substantiated the agunah's story. We annulled the marriage.

WE HAD ANOTHER CASE THAT A WIFE SPLIT UP WITH HER HUSBAND. SHE CHANGED THE LOCKS. SHE INTRODUCED HER BOY FRIEND TO EVERYONE AS HER NEW HUSBAND. HER HUSBAND TOLD US THAT SHE WAS HAVING SEX WITH THIS BOYFRIEND. Although her husband had a girl friend that he was having sex with he refused to give his wife a Get. The boy friend confirmed the fact that he was having sex with the agunah. He however hesitated to marry her lest his children be deemed *manzarim* -illegitimate even after we annulled her marriage. In both cases the wives were forbidden to return to the husbands since they are deemed *Sotot*. A woman who has sex with an other man is forbidden to the husband, Thus it was futile to keep them chained. SEE Aruch Hashulchon even Hawser 6:28 that the wife is believed that she had sex if circumstantial mevidence exists to substantiate her *elia* .See Ramo in Even Hoczter chapter 115:6 and 178 when we possess circumstantial evidence coupled with an admission by the wife that she had sex with an other man she is forbidden to the husband. Bet Din will coerce the husband to divorce the wife. Since we no longer can coerce we will annul ther marriag See my vol Responsa Four Parts of Shulchan Aruch. 1 2 3 4 5 .See Otzer Haposkim Even Hawser 6 chapter 11 and in back of the volume . He cites Rav Akiva Eiger and Rav Herzog Ohel Yitzchok who rule in that manner.

We also had a case where a husband used to visit prostitutes . His wife caught him in the act. She in turn got a boy friend and started having sex with him . The husband refused to give her a Get . We were able to substantiate the facts. We annulled the marriage.

We also had a case where the husband again had a mistress and also beat his wife. She in turn

got a boy friend with whom she had intimate relationship. She has sex with him while her teen age daughter was sleeping in another room . We substantiated all these facts. The husband refused to give her a Get . **THE HUSBAND FINALLY MARRIED HIS GIRL FRIEND BUT REFUSED TO GIVER HIS WIFE A GET . WE ANNULLED HER MARRIAGE .** The wife was also a convert **WHO NEVER WAS RELIGIOUS FROM DAY ONE.** Since she did not observe Jewish law plus the fact that she committed adultery - we annulled her conversion. Thus even if one questions our annulments since the wife was not religious her conversion is annulled *ab initio*. Thus she never was Jewish Thus her marriage to her husband was null and void.see rambam Isurei Biah 13 :14,15,16. **WE WILL THEN RULE LIKE THOSE AUTHORITIES THAT THE CONVERSION IS NULL AND VOID.** The wife was then advised to convert again. And become religious.

We had another case where the husband who originally immigrated with his wife to Israel returned to the Arab country that he came. He sent for his wife who refused to join him . He married two Moslem wives there and converted to Islam. He refused to give his wife a Get unless she send her five children back to the Arab country and have them convert to Islam In the meantime the wife found a boy friend with whom she was having sex. We substantiated all the facts. We annulled the marriage. See *Otzar Haposkim on Even Hawsar 17 beginning Tur Even Hawsar 44* who cite authorities that a marriage to a non religious person or one who converts never was binding. Even if he was Jewish and then converts the marriage can be annulled *ab initio*, See *Avnei Meluim* chapter 44. See my vol 1 chapter 10 .

We had an other case that the husband abandoned his wife . He joined the Russian mafia and was not heard from for ten years. It was possible that he was dead. In the interim the wife had a boy friend with whom she was having sex. We substantiated all the facts. We annulled the marriage.

We had an other case the husband abandoned the wife and joined Hamaa and to prove his loyalty murdered two Israelis. He was in prison for life. He refused to give a Get. The wife was having sex with an other man. We annulled his marriage after substantiating all the facts. Rav Moshe Feinstein also annulled such a marriage of an inmate convicted for murder who refused to give his wife a Get. This fact was told to me by Rav Klass the publisher of the Jewish Press when I visited his office in 1997. Rav Klass was a member of our Rabbinical Court until he became ill .See ou vol 1 chapter 10 where I discuss annulling a marriage when a husband becomes irreligious and certainly if he converts to an other religion after the wedding. See *Uur Even Hawsar 44 Avnei Meluim* *Ibid otzar Haposkim Even Hoezer 17 beginning .*

We had a case where the husband divorced civilly his wife remarried but refused to give her a Get. There existed several flaws in the procedure of the marriage as well as with the witnesses at the marriage. We annulled the marriage. Many of the above cases mentioned briefly here are explained in great detail in my volume 4 and 5 . Vol 5 is in Hebrew.

Over 90% of the agunah's we freed were going out with other men . Many confessed that they had sex with other men.

BET Din's not getting involved means that by our inaction we leave the women with no other alternative. We are the ones who are causing women to give birth to illegitimate children. Rav Yaakov Emden in his Responsa Shaalet Yaavetz vol # 2 #15 states as the motivation for endorsing Pilegsh - having a mistress for men who can not get married that if no dispensation could be found men would visit prostitutes or else have affairs with married Jewish women or else have affairs with non Jewish women or simply destroy their own seed.

Should not Bet Din have the same compassion for Jewish women who are one million % wrong for leaving their husbands ?

IN my VOL 1 of Responsa on the Four Parts of th Shulchan Aruch Chapter 12 I discuss conditional marriages that are based in the final analysis on a Pilegsh relationship. At the instant of halachic marriage conditions are contracted by both spouses that the marriage is viable as long as the marriage lasts. If the marriage dies we will b initio annul th emarriage .

SEE MY VOLUME 1 , 2 , 3 , 4 AND 5 FOR A DETAILED HALLACHIC EXPLANATION . We conduct a trial and address all domestic issues involved . Only when the husband refuses to give a Get if that is the verdict and the wife and her family agree to obey all the rulings of our court do we give a Get Ziku and annul the marriage.

Should a conference be convened in Jerusalem Israel attended by all Rabbinical organizations as well as their respective Rabbinical Courts - modern Orthodox ultra Orthodox Charedim and the representatives of the Israeli Rabbinate . We would also invite women feminist organizations . We would also invite Rabbinical Courts from Reform and Conservative and Reconstruction Groups . All of them will offer their opinions how to solve the agunah problem.

Response

No. Any one who does not accept the fundamental concept that all the Torah in our possession both Written and Oral Law is Divine has denied Judaism. He is as far as HALLACHA is concerned a believer in a different religion. Radvaz in responsa. Rambam Yesodei Hatorah.

Any one who has not mastered and observes all the four parts of the Shulchan Aruch is not qualified to rule on any law . Certainly he is unqualified to rule on laws of marriage divorce and annulments. To hold a conference and invite all those individuals mentioned above would make a mockery of the foundation of Judaism and jurisprudence. This is the same as calling a conference of brain surgeons and inviting plumbers and electricians .

It is not necessary to call any conference. The qualified Rabbi or Rabbis in each generation write responsa to solve all the problems that develop. **THUS I HAVE WRITTEN FIVE VOLUMES OF RESPONSA ON THE Four Parts of the Shulehan Aruch that respond to many burning issues of our generation including agunot. All who accept what I write have a solution for agunah related problems. THOSE WHO OPPOSE ARE FREE TO DISSENT .**

Holding a conference represented by unqualified individuals is not only dangerous but it will give the seal of approval as to the authority in Judaism for individuals who deny the basic tenets of Judaism and at best are ignorant of the laws involved. Would you let all these unqualified members vote as to which laws we will or will not observe ? WE FOLLOW THE MAJORITY OF OPINIONS ONLY WHEN DOUBTS EXIST. THERE EXIST NO DOUBTS AS TO THE TRUTH OF BOTH THE WRITTEN AND ORAL LAW AND THAT ONLY ONE WHO HAS MASTERED AND OBSERVES THE FOUR PARTS OF THE SHULCHAN ARUCH IS QUALIFIED TO RENDER AN OPINION IN ANY AREA OF JEWISH LAW.

THEREFORE WE WILL NOT SIT TOGETHER WITH INDIVIDUALS WHO LACK THESE QUALITIES IN ANY CONFERENCE TO VOTE ON PROCEDURES AND MEASURES TO CHANGE JEWISH LAW IN ORDER TO SOLVE THE AGUNAH

PROBLEM . 4000 YEAR JEWISH LAW PRESENTLY INCORPORATES MECHANISMS TO ALLEVIATE THE PROBLEM OF AGUNOT. IT IS NOT NECESSARY FOR THE UNLEARNED

TO DISCOVER THE WHEEL.

Thus the default position must remain that all marriages unless terminated by a Get given voluntarily by the husband remain in full force for eternity. Unless we maintain this fallback position the entire marriage institution will disintegrate. This position must be maintained because of the forces of the feminists on the one hand. In addition there exists the explosion of marriage breakups that cast havoc on the husband and children. Most divorces are initiated by women who have very little to lose certainly financially. The moral environment that leads to divorce is the pleasure culture hedonism- that insists upon immediate satisfaction . This culture has zero tolerance and patience. The people who espouse this culture control the rabbis by hiring and firing them. These rabbis - even the ones who call themselves Orthodox are beholden to their benefactors. They would prostitute Judaism if they could only get away with it. This culture is further reinforced by the liberal attitude toward homosexuality and lesbianism. The Reform Conservative clergy have already jumped on this destructive bandwagon . Thus it is imperative that Torah Jews do not strengthen the forces of assimilation by weakening the last defenses of and sacredness of marriage. There must exist the law that no marriage can be dissolved with out a Get. This is common law.

Equity

Then we can have a minority of individuals like Rav Rackman Rav Antelman and myself for the sake of equity make exceptions and annul the marriages of those agunot who can not be helped and the husband refuses to give them a Get. AS I STIPULATED ON NUMEROUS OCCASIONS ANNULMENTS WILL ONLY BE GIVEN AFTER ALL CIVIL AND SOCIAL SANCTIONS AGAINST THE HUSBAND HAVE BEEN TRIED TO NO AVAIL. A Rabbinical trial has taken place where the husband refuses to attend or refuses to abide by the decision to give a Get. The wife and her family are willing to abide by the decision of Bet Din regarding all matters -child support alimony custody and visitation rights. I have enunciated my position in my introduction to vol 1 of my book as well in Vol 1 2 3 4 5 of my Responsa of the Four Parts of the Shulchan Aruch.

Chapter 18

18 IN HEBREW STANDS FOR LIFE

Life is the over riding and prime concern for Jews SINCE DAY 1 4000 YEARS AGO AND LIFE IS THE NUMBER 1 CONCERN FOR Jews today. Consequently we have to declare that all Jews regardless of their degree of observance or non observance are family. We are responsible for each other. WE MUST LOOK OUT FOR EACH OTHER'S WELFARE. We will leave it to G-d to judge each Jew's religiosity. Our concern in this world must be primarily the physical well being of every Jew in the diaspora and in Israel. It is our sacred duty to ensure and guarantee Jewish unity. Only by banding together as a band of brothers and sisters will we be able to survive the anti Semitism that keep cropping up from every corner each year a new face and a new threat to our existence. This task of survival is not a job for a lone ranger. We must enlist the combined efforts of the entire Jewish community. That means every Jew of what ever ideological bend and commitment he or she have; or does not have. Lets face it the non Orthodox Reform and Conservatives or secular organizations like Bnai Brith , Anti Defamation , Jewish Committee and Jewish Congress or out reach organizations as Hillel Lubavitz Esh Daat- are all different expressions of Jews organizing among like minded individuals who share their religious degree of observance or lack of it. OBSERVANT Jews have recognized this basic truth, that it is necessary to go to the grass roots of Jewish society- the individual Jew. Tsuvah movements have found a new frontier to spread Torah and Jewish identity. Lubavitz and other out reach programs have flown into this new frontier to help save Jews. However those Jews who belong to the Reform Conservatives and other non Orthodox groups can not be condemned and written off. We can attack the leaders, but the battle is futile. We will lose the war. WE MUST BEHAVE WITH COMPASSION UNDERSTANDING AND COMMON SENSES AND INTEGRITY TOWARD EVERY ONE. See Rambam Mamrim 3:3 Chazon Ish Yoreh Dayoh 13:16 as cited by Rav Eliczer Waldenberg Hilcot Medinah 9 :4.

Chapter 19

A married woman claims that she was threatened that if she does not consent to be raped she will be killed. The Hallacha is that she must submit. Is she forbidden to her husband? What happens if she gets pregnant is the child legitimate? What happens if her husband claims that he is a Kohen? What happens if she lied that it was a rape; it was a consensual affair?

Response

The Hallacha is very clear that if a married woman has relations with an other man she is forbidden to her husband. The Tur and Ramo Even Hoezher 20:1 states that he elaborates about the laws of infidelity of a married woman who -when the Temple existed and the great Sanhedrin was in session at the temple if found guilty of infidelity was given a capital punishment. The great Sanhedrin was not convened at the Temple mount since 40 years before the destruction of the Temple, or approximately since the year of the common era of 30 thus for the last 2000 years there exists no capital punishment as far as Hallacha is concerned. However a woman if found guilty of infidelity is forbidden to her husband. The children of the forbidden relationship are illegitimate.

However in order to be found guilty of infidelity two kosher witnesses must witness the act of infidelity. They must be present and seen according to the Bbaahag the actual penetration. Other authorities state that if they witness the man and woman in the position of coitus -the man must be going up and down on top of the woman. Both must be naked. See various authorities cited in Otzer Haposkim chapter 11. The Hallacha is like the ruling of the Rambam Ishus 24:18, that in order for Bet Din to force the husband to divorce his unfaithful wife two witnesses must have witnessed the infidelity. So is the ruling in Even Haoezher chapter 115.

We will not believe the confession of the wife that she had an affair. We will suspect that she is

lying and concocted this slander in order to have her husband divorce her in order to marry a lover. Since the husband has complete control over the issuance of a Get the woman concocted this lie in order to win her freedom. See Talmud Bavali Nedorim 90a and b . See Ran ibid that even if the woman is telling the truth and she did have an affair , the rabbis annulled her marriage an instant before the affair. Thus she was single at the instant of the affair and she did not commit adultery. Thus even if she did get pregnant from the paramour she was at that instant a single woman. The child therefore is legitimate.. Only a child from a married woman having a Halachic marriage who has an affair is illegitimate. Furthermore, since most of the time that she had coitus was with her husband we will claim that she got pregnant from the husband , and not from her lover. See Even Hoehzer chapter 4. Incidentally New York State civil law also has a similar ruling that paternity is ascribed to the husband and not to the lover. See also Even Hoehzer chapter 115 for same ruling.

Obviously the cheating wife and her paramour have committed adultery. But under the circumstances Bet Din can not coerce the husband to divorce his wife. If the husband wants to forgive his wife they can continue living together as husband and wife. Now days that the husband can not divorce his wife without her consent since the Cherem of Rabbenu Gersho 1000 years ago, that was accepted by both Ashkenazim and Sefardim . - the husband is not believed that he accepts the confession of his wife that she had an affair. We suspect that he is lying and exploits this occasion in order to divorce his wife with the consent of Bet Din, since he otherwise can not divorce her forcefully. See even Hoehzer chapter 115 and commentaries.

In reply to the question , a woman who is threatened to be killed must submit even if she be married. Pekuach nefesh doche kol hatorah kulo- the saving of a human life supersedes the entire Torah. The married woman is forbidden to elect to become a martyr in order not to be violated. Although one must elect to be a martyr rather than violate the three cardinal sins-murder incest and the worship of idols ; this only applies if the individual actively performs an act. However the woman who is raped does not perform an act . It is the rapist who is performing the act of raping her. The same would be true if a Jewish male prisoner is threatened to be killed unless he submits to homosexuality. He is not performing the act . . The perpetrator is the active participant. He is serving the role of the female. See Yoreh Dayoh Ramo 157 :1; Shach Ibid 157:8 see Pischei Tsuvah from Chavat Yo'ir that one does not have to be a martyr not to violate a rabbinical Law -not to kiss a married woman or a Nida -according to Ramban. See Ramo Yoreh Dayoh 157:1.

Both Christianity and Islam are considered monotheistic religions . They can define the parameters of their concept of monotheism, though differing from what we believe. Both Christians and Moslems who adhere to their faith- without killing others to convert them -will merit the world to come. See talmud Sanhedrin 59and 105; Rambam Melochim 8:10,11;See Bais Yoseph Yoreh Dayoh 147 and Ramo Yoreh Dayoh Dayoh 147:3 Pischei Tsuvah Yoreh dayoh 147:2 and 151:2 ; Ramo Yoreh Dayoh 151:4;Shach Yoreh Dayoh 151:7: Ramo Orech Chaim 156:1 end citing Ran end first chapter- Avodo Zara ; and Rabenu Yeruchem- nsif 17:halacha 5 ; Levush Ibid end ; Yavetz -Rav Yaakov Emden , Mahritz Chayot, Rav Herzog Hachuko Leyisroel al pi Hatorah vol 1. A Jew must

not adopt an other faith .

Within Christianity there exists a basic central cardinal belief of the mysterious Partnership of the G-d Head that is critical for all believers to accept otherwise they will not attain salvation. According to Judaism such a belief is permitted for Christians who are the sole interpreters of their faith. The concept that is not pure monotheism is not permitted for Jews. Jews would be obligated to become martyrs and not betray the belief in pure monotheism. Likewise , Jew must elect to be martyrs and not accept Islam according to Raadvaz. He is challenged by Maimonide in Igros Hashmad who advises Jews to convert and escape at the first opportunity to a country that has religious liberty. However the son of the Rosh writes in Beshomayim Rosh that after the destruction of the temple and the abolition of the Great Sanhedrin 2000 years ago, there no longer exists any capital punishment. Therefore he reasons since becoming a martyr is the taking of your own life- that must be decided by a SANEHDRIN , THAT NO LONGER EXISTS. SO NO ONE CAN ELECT TO BE A MARTYR. NO INDIVIDUAL RABBI OR GROUP OF RABBIS CAN RULI IF SOMEONE SHOULD BE KILLED OTHER THAN THE GREAT SANEHDRIN. Certainly not the person himself-the martyr. Therefore according to the son of the Rosh if someone is forced to convert to Christianity or any other religion , one should not elect to become a martyr. It is deemed as a suicide not a sanctification of G-D-S NAME.

THEREFORE, ALSO IF A MALE PRISONER IS FORCED TO BE THE MALE IN A HOMO SEXUAL ACT EVEN THOUGH HE IS PERFORMING THE ACT HE IS NOT REQUIRED TO BECOME A MARTYR AND LET HIMSELF BE KILLED. SOLDIERS AT WAR ARE PERMITTED TO KILL THEIR ENEMIES OTHERWISE THEY THEMSELVES WILL BE KILLED BY THEIR ENEMIES. HAKOM LEHORGEHO HASHKEM VEHORGGO. IF ONE WANTS TO KILL YOU PREEMPT THE ATTACK AND KILL HIM. CERTAINLY SUCH A SITUATION EXISTS ON THE BATTLEFIELD. CERTAINLY SUCH A SITUATION EXISTS TODAY WITH IRAN HAMAS FATAH HIZBULLAH AL QUEDA AND THE OTHER TERRORIST GROUPS. ANYONE WHO HAS COMPASSION FOR THEM WILL IPSO FACTO ASSIST IN THE KILLING OF AMERICANS EUROPEANS JORDANLANS EGYPTIANS SAUDI ARABIANS THE ARABS IN THE GULF STATES AND ISRAELIS AND ALL OTHER JEWS. AND ALL SUNNIS .

The married woman then is permitted to her husband as I discussed earlier. However this law that she is permitted to her husband is true only for the wife of a man who is a yisroel or levi but not if her husband is a descendent of the Biblical Aaron and is a Kohen a member of the priesthood.

However it is the ruling of the Shulchan Aruch Even Hoehzer chapter 6 that when the wife of a Kohen claims she was raped or had a consensual affair she is not believed . We suspect that she concocted the infidelity or rape story in order to win her freedom in order to marry her lover. Since the Rabbis do not believe her she is permitted to remain with her husband. Even according to the Ra in Nedorim that in the contingency that she is telling the truth the Rabbis annulled her marriage the same is true with the wife of the Kohen . The Rabbis annulled her marriage so she was single at the instant of the infidelity. ONLY IF SHE IS MARRIED DOES SHE COMMIT ADULTERY AND IS

LATER FORBIDDEN TO HER HUSBAND. NOT IF SHE WAS SINGLE AT THE INSTANT OF INFIDELITY. EVEN IF THE PARAMOUR IS NOT Jewish she can still live with her husband. The law is that if any Jewish woman had coitus with a non Jew she can never marry a Kohen. In our case the rabbis annulled her previous marriage she continues living with her husband as a Pilegesh -a mistress. The law is that one violates a law negative commandment only if there exists Hallachic marriage and coitus. If there exists only coitus and no hallachic marriage only pilegesh relationship there exists no violations . See Rambam Isurei Bih 15:1 even though Rambam opposes Pilegesh relationship Ishos 1:1,2,3 - that is true only if a couple decide on their own to have a Pilegesh relationship; not if Bet Din annuls their marriage and the couple are forced to continue the relationship in a Pilegesh relationship. See my vol I Responsa on Four Parts of Shulchan Aruch chapter 12. Thus even though she had coitus with a non Jew if she continues living with her husband in a pilegesh relationship , she does not violate the law. of a woman who had coitus with a non Jew who is not permitted to have a Hallachic marriage to a Kohen. The same law would apply for a divorcee or a convertee who is not permitted to have a hallachic marriage with a Kohen . See Melamid L.choel -Rav Hoffman . However if they have a Pilegesh relationship there exists no violation. See Darkei Moshe Even Hochzer 7:13 and Otzer Haposkim ibid citing the teacher of the Ritvah on his commentary to Kedushin that the violation of a Jewish woman marrying a Kohen who had coitus with a non Jew is only Rabbinical and in times of great duress and hardship the Rabbis relaxed the law. The Rabbis have the power to do this.

The reasoning of the Rabbi of the Ritvah is the following : The Rabbis of the talmud concluded that the offspring of a married woman and a non Jew is not a mamzer -illegitimate. In that decision that in effect removed a grave injustice. Through out the centuries Jews and especially Jewish women were at the mercy of anti Semites. In many cases these anti Semites singled out Jewish women who were married or just got married to rape them. This is indicated in the Talmud. Would the offspring of these illicit sexual relationships be deemed illegitimate then a fatal blow would be struck to the survival of the Jewish people. WE WOULD PERMIT ANTI SEMITE! TO EXPLOIT OUR OWN LAWS TO OUR FATAL DETRIMENT. In effect we would thus have a sinister outcome as a result of our own laws. THE FACT THAT OTHER ACCEPTED TALMUDIC REASONING WAS USED TO PASS AS ACCEPTED HALLACHA THE LAW THAT THE OFFSPRING OF A MARRIED WOMAN AND A NON Jew is legitimate does not diminish the life saving effect of such a law. The Rabbi of the Ritvah applied the same logic to the case that the wife of a Kohen was raped by a non Jew. JUST LIKE A NON Jew has no power to exploit our laws to create a caste of illegitimate children when he impregnate a married woman , so too he has no power to destroy the marriage of the wife of a kohen by raping her. Bravo to such thinking. However in the case of a loose woman who has sexual relations with non Jews ,of course, she is forbidden to marry kohen.

In the case of the Darkei Moshe -the Ramo-Rav Moshe Isserles[1530-1572] the Rabbis relaxed the law following the pogroms that are known as gezaroot Estreich. Estreich means Austria. Massacres of Jews occurred then and only those Jews and Jewesses who converted could possibly have been saved. The anti Semites raped thousands of married Jewish women many of them wives of Kohanim . The rabbis annulled all the marriages . Thus permitting all the wives including the wives

of the Kohanim to return to their husbands. These pogroms occurred prior or during the lifetime of the Trumet Hadeshen Rav Yisroel Isserlein [1390-1460]

When mass pogrom in 1648-1649 occurred when the hordes of Cossacks under Chmielnicki killed 100,000 Jews raped all Jewish women whom they captured and destroyed 300 communities. the same dispensation of the Trumot Hadeshen and the Darkei Moshe could have been used to enable all the raped married Jewish women -including the wives of Kohanim to return to their husbands. I do not know what the Rabbis of the era actually did. I know that I would have used this dispensation. I also would use this dispensation for all the married Jewish women -including wives of Kohanim who saved themselves by being in brothels and serving German soldiers.

The Darkei Moshe citing the Trumot Hadeshen in Tur Even Hoehzer 7:13 declares that the Rabbis of that era annulled the marriages of all the captured Jewish women. Thus even if these women encouraged the anti Semites to have sex with them -they initiated the sex -in order to save their lives or other Jewish lives, their status at the time of the infidelity would be single. Thus they were able to return to their husbands. The Darkei Moshe explicitly declares that the Rabbis even permitted the wives of the Kohanim to return to their husbands. I discuss this matter at length in my volume 1 of my Responsa on the Four Parts of the Shuchan Aruch Chapter 12. . So too this law can be followed during the Holocaust era, the wives of Kohanim are permitted to return to their husbands, These women saved their lives by volunteering to be in brothels and serving the Germans. See Otzer Haposkim chapter 7 : 11:54- the dispute between Mahrik responsa #167 cited in Even Hawser 178 and Rashbah See Avnei Meluim Even Hoehzer 7:4 . According to Mahrik the woman who on her own initiates the sex in order to have her tormentor fall in love with her and spare her or other Jews is nevertheless forbidden to her husband since she in fact betrayed her husband. According to Rashbah, Ramban and Rashi Ksubos 26b and Reoh -the disciple of Ramban- the woman is permitted to her husband. Since the woman is following Halacha that permits her to save her life or the life of other Jews, Halacha is not going to punish her. This follows the thesis of the Tur mentioned earlier that when ever the woman violates Halach and would be subject to capital punishment would the Temple and the great Sanhedrin exist today, then she is forbidden to her husband. Since the woman in our case is not in violation of Halacha, it follows that she is not forbidden to her husband.

Evidence is from Yael who slept with Sisrah in order to woo him and lull his sensibilities and win his confidence and then kill him when he was asleep She did this because she wanted to help the Jew at the time of Devorah from their mortal enemies who wanted to exterminate them as the Palestinians do today to the Jews and the Shiites do to the Sunnis and the Sunnis do to the Shiites in Iraq and Lebanon and send their suicide bombers. Yael was permitted to remain with her husband, since she acted in accordance with Halacha. See Shoftim haftorah reading parshat

beshalach. . Rabbah claims she was permitted to her husband. Queen Esther likewise was permitted to Mordecai her husband even though she slept with Achashvarut, and got pregnant from him and

gave birth to Cyrus emperor of Persia who freed the Babylonian Jews and enabled 40,000 Jews to return to Israel and build the second Temple. The Mahrik will dissent and rules that both Yael and Esther were forbidden to to their husbands. See Shvut Yakov vol 2 #117 who supports the position of Mahrik. The Avnei Nezer rules like the Rasbah See Avnei Nezer Even Hoehzer vol 1 # 28 .He cites Rabenu Tam , Bal Hamoer and Ramban in Milchomot Perek Ben Soreh Umorch. See Rav Moshe Feinstein Igros Moshe even Hoehzer vol 4 # 44 who concurs in this ruling. See Even Hoehzer chapter 178 toward end that we rule like Rabenu Tam .

Rabenu Tam , Bala Hamoer and Ramban select a novel position and interpretation of Talmudic texts . . They rule from talmudic evidence that there exists a prohibition of marrying a member of any fath who is not Jewish. They hold that this prohibition does not permit the prohibition of a married woman to be forbidden to an other man sexually. They claim that she is already forbidden . AIN ISSUR CHAL AL HOISSUR Consequently they claim that the prohibition of eshet ish with all the consequences -that the children from man #2 are mamzarim -illegitimate -and she is forbidden to her Jewish husband do not exist when a married Jewish woman has relations with a non Jewish man. However the overwhelming majority of authorities dissent from their position. See Shach Yoreh Dayoh 157:14. Rabbenu Tam Ramban and Bal Hamoer will agree that the Jewish woman has committed adultery. But they hold that only in the case when she has sex with a Jew -not her husband then the serious consequences exist. Not when the paramour is a non Jew.

Thus the children from a married woman and a paramour who is not Jewish are not mazarim - illegitimate. SEE Even Hoehzer 4:19t The reason is that only when the relationship results in a sin that the one violating gets a capital punishment or kores then the woman is forbidden to her husband forbidden to marry the paramour and her she has with the paramour are mamzarim -illegitimate. This is not the case when she has relations with a non Jew. Yes, she commits adultery , but without the serious consequences. Again the overwhelming majority of authorities disagree and rule that the woman and her paramour even if he be non Jewish are punished. The woman is forbidden to marry the paramour and is forbidden to return to her husband. True the children she has with the non Jewish paramour are not mamzarim -illegitimate. But that is all. See Igros Moshe Even Hawser vol 4 # 44. In cases of great duress and hardship we will rule like Rabbenu Tam .

Thus if the husband of the Jewish woman who betrayed him with the non Jew divorces her with a Get then she is permitted to have a Halachic marriage once the non Jewish paramour converts. We will also use another loophole that the convert is like an new person. He is reborn See Even Hoehzer 178:19 Bais Shmuel 178 : 13

Thus in cases an agunah who can not obtain a Get from her Jewish husband marries a convert from the Reform or conservatives she will not be in violation of the terrible sin of eshet ish according to Rabbenu Tam. ONCE THE AGUNAH IS STRANGLERED AND GIVEN NO OTHER CHOICE SHE WILL VIOLATE THE LESSER SIN OF MARRYING A NON Jew or a convert to Reform or Conservative "Judaism" Her children from this man are legitimate. . The reason is because their converts are not considered Jews. The reason is since they do not accept that Torah i

Divine and deny the Revelation and the thirteen basic principles of faith and consider that it is not mandatory to observe any of the ritual laws like the Sabbath Dietary or Family Purty Laws . See my extended comments to the table of contents to chapter 15 in my vol 1 of Responsa on Four Parts of the Shulchan Aruch. . Thus those individuals who oppose our annulments -and in effect are aiding and abcting in strangling the agunot- leave the door wide open for the agunot to marry a non Jew or a convert to Reform or Conservative "Judaism". In effect they are encouraging intemarrriage. This position has the support of the Avnei Nezer who cites Rabbenu Tam , Ramban and Bal Hamoer.

Consequently both Yael and Esther were permitted to return to their husbands.. According to Rabbenu Tam Ramban and Bal Hamoer.

Rav Moshe Feinstein has a different way of solving this problem Rav Feinstein rules that the man who claims to be a Kohen has to prove that he is a Kojhen. IF HE IS NOT RELIGIOUS AND HARDLY ATTENDS THE SERVICES NO PROOF EXISTS THAT HE IS A KOHEN .HE DOES NOT GET THE FIRST ALIYA AT THE READING OF THE TORAIL HE DOES NOT OFFICIATE AT A PIDYON HABEN . WHEN THE FIRST BORN MALE IS 30 DAYS OLD A KOHEN IS GINEN -5 SILVER COINS. A KOHEN IS ALSO GIVEN THE HONOR OF RECITING THE BENEDICTIONS -BLESSING JEWS AT THE SYNAGOGUE. IF THE KOHEN IS NOT RELIGIOUS AND DOES NOT ATTEND SERVICES THE ABOVE PROOF THAT HE IS A KOHEN DOES NOT EXIST. EVEN IF HE GETS ALL THE HONORS IT IS ONLY PROOF THAT HE IS A KOHEN OF CHAZAKE AT MOST RABBINICAL. IT IS NOT PROOF THAT HE IS REALLY A KOHEN . Over thousands of years we have lost tract who is really a descendant of Kohanim. It will take the coming of the Messiah and the arrival of Elijah the prophet to inform us who really is a Kohen. See Responsa Rav Akiva Eiger ;Tzitz Eliezer; Responsa Droshat Tzion by Rav Izvi Hirsh Kalisher diciple of Rav Akiva Eiger . We can not rebuild the holy temple in Jerusalem because we must have the services of real Kohanim. Nowadays we do not know who is a Kohen SEE MAHRSHAM CITED BY PISCHEI TSUVAH EVEN HOEHZER 7:1 -who uses this concept to permit a woman captured by heathens-whom we suspect violated the kohen's wife - to return to her husband since it is very questionable if her husband is really a Kohen. THUS WE CAN USE THIS FACT AS ADDITIONAL ADJUNCT TO BE LENIENT. ESPECIALLY IF THE MAN IS NOT A SABBATH OBSERVER THEN HE DEFINITELY IS NOT BELIEVED THAT HE IS A KOHEN. IF PROOF DOES NOT EXIST BY DEFAULT THE MAN IS NOT DEEMED A KOHEN REGARDLESS THAT HIS NAME IS Cohen or Kaplan . Thus , until the Messiah arrives no temple can be built on the Temple Mount. THUS THE DISPUTE WITH THE Moslems is moot regarding their fear that Jews will replace their mosques at the temple mount with a third temple.

THIS POSITION WAS TOLD TO ME IN PERSON BY Rav Moshe FEINSTEIN. HE WROTE A SIMILAR POSITION IN Even Hoehzer vol 4 # 20 . I that case by default a married woman remains unmarried unless kosher witnesses come forward to testify when she had a Hallachic marriage and i what place it occurd. They must name the precise date. They can not refresh their memories from th benediction books handed out at the wedding. Failing the witnesses coming forward the woman's

status remains unmarried. Children from man # 2 are kosher -legitimate. Rav Moshe Feinstein permitted a daughter born to a mother who remarried with out a Get to be married in a halachic wedding. Although Rav Feinstein discusses only the daughter I insist that the reasoning applies to permit the mother to remarry when she can not receive a Get-Jewsi divorce from her husband. See my chapter 1:13 - Roots in my vol 1 of Four Parts of the Shulchan Aruch.

Thus we see that the Torah had a heart and will find loopholes. However this does not mean that any Jewish man or woman can exploit the law and commit adultery. We will rule like all the strict and harsh opinions regarding any one who exploits our lenient rulings in emergency situations. See Chapter 4 in my volume 1 of Four Parts of the Shulchan Aruch for the dynamics that I am discussing.

However those who want to exploit the law will commit infidelity even if no such law exists. All one needs to do is type into one's computer when they are at the internet the words "cheating wives." And one will be shocked at what is available.

We must present the entire Torah and all loopholes for the benefit of bona fide agunot and women who encounter tragedy-are raped - or make a serious mistake and have an affair in order to preserve and save their marriage. If we are afraid perhaps certain individuals will exploit these loopholes to discard all the Torah observances and create havoc, we will permit those individuals to have a veto power over the Torah. We will be fostering not Hahlacha but superstition. Any inaccurate laws preached is no more than superstition, and is not the Torah given by G-d at Sinai .

Any one who wants to exploit these laws will be doing so at his own risk and expense. As long as we state the law accurately our responsibility ends. See my introduction to Volume 1 of Four Parts of the Sulchan Aruch. WE WILL NOT PERMIT THESE LAWS TO DIE BECAUSE OF THE FEAR THAT CERTAIN INDIVIDUALS WILL ABUSE THE HALLACHIC PROCESS.

PERMITTING THESE LAWS AND ALL MY RESEARCH TO DIE IS FAR WORSE THAN ANY ABUSE AND DISTORTION PERPETRATED BY DISHONEST INDIVIDUALS. THIS WAS THE GUIDING LIGHT OF THE RABBIS OF THE MISHNE AND THE GEMORAH WHO TRANSCRIBED MANY OF THE MANUSCRIPTS SINCE THE TIME OF MOSE SIN THE EXODUS AND WANDERING IN THE DESERT FOR 40 YEARS. 1500 YEARS LATER THESE MANUSCRIPTS WERE VOTED ON AND THE TALMUD WAS CREATED AND COMPLETED APPROXIMATELY 400 ACE. THE LAW WAS VERY CLEAR THAT THE LAWS CONTAINED IN THE TALUD KNOWN AS THE ORAL LAW WAS FORBIDDEN TO BE WRITTEN. THE ELDERS RED THE MANUSCRIPTS AND TAUGHT THE LAW ORALLY. WHEN THE SAGES REALIZED THAT IF THE ORAL LAW WILL NOT BE WRITTEN DOWN IT WILL BE FORGOTTEN, THEN THEY USED A LOOPHOLE AND ORGANIZED IT INTO THE MISHNE TOSEFTA BRAITOT AND GEMORAH. THEY CLAIMED ES LASOS LAHASHEM HAFIRU TORSECHO AT CERTAINN TIMES THE SAGES MUST VIOLATE THE LAW OF THE TORAH IN ORDER TO SAVE JUDAISM. AS RAMBAM EXPLAINS THIS CONCEPT A PHYSICIAN MAY AMPUTATE A LIMB IN ORDER TO SAVE

THE LIFE OF THE PATIENT. WE TOO WILL APPLY THE SAME LOGIC TO PUBLISH ALL MY RESEARCH IN ALL MY BOOKS. AND EVEN PUBLISH IT ON THE INTERNET. IN THAT WAY Jews all over the world will benefit from my Torah. Many non orthodox Rabbis from reform and Conservatives have their positions and rulings on the internet. Many Orthodox Rabbis have their positions and research on the internet. One needs to go to google on the internet and type in what ever subject he or she is interested in exploring . Immediately they will be bombarded by a flood of information representing Holyoke or inaccurate representation of halachah that is for all intents and purposes superstition. They will also discover the position of those individuals who do not accept halachah. And those individuals who are espouse hedonistic philosophies . 90 % of all agunot that came to us were dating men even though they did not have a Get. Many of them confessed that they were having affairs since they did not consider themselves married. In such an environment Orthodox rabbis must move heav'ens and earth to set agunot free according to the guidelines that I have elaborated in all my five volumes of Responsa on the Four Parts of the Shulchan Aruch. If they do not agunot will flaunt Halhcha as the facts that exist. What is the worst that can happen? The other agunot will walk out of the marriage with out any paper from the Rabbis setting her free ? I have already described in Chapter 13 of my volume a safe harbor method for agunot to become free in the contingency that no Orthodox Rabbi agrees to proceed according to my five volumes to set her free. If on the other hand Orthodox Rabbis will accept my guidelines or will establish their own guidelines and set a record number of agunot free and very few will receive Gitten , so what? When marriages are dead anyway the Halachic way is for the spouses to part ways get divorced and marry another spouse and continue living. Life does not die because one spouse refuses to continue in a marriage. Yes , libraries should be published on how to save marriages. ORGANIZATIONS AND FOUNDATIONS SHOULD BE CREATED AND ALREADY EXIST TO SALVAGE EXISTING MARRIAGES. HOWEVER WHEN A MARRIAGE IS DEAD AND CAN NOT BE RESURRECTED THE INJURED SPOUSE EVN IF HE BE ONE TRILLION PER CENT RIGHT MUST LET GO . IF HE REFUSES AFTER BET DIN HAS A RABBINICAL TRIAL AND TAKES INTO CONSIDERATION ALL THE MARITAL ISSUES MUST COERCE THE HUSBAND TO GIVE A GET. IF BET DIN IS POWERLESS TO COERCE LIKE IS THE SITUATION IN ALL DEMOCRATIC COUNTRIES THEN BET DIN MUST GIVE A GET ZIKU AND ANNUL THE MARRIAGE. IF NOT, THE AGUNOT WILL FLAUNT HAHLACHA ANYWAY. 90 % OF AGUNOT -EVEN THE ORTHIDOX ARE PRESENTLY FLAUNTING HAHLACHA.

The sky will not fall if my writings are published on the internet. To desist from publishing out of fear that the unscrupulous will abuse this advanced and accurate knowledge to create havoc and destroy the entire marriage institution is a chance that we must take. This is equivalent to the limb that the surgeon must amputate in order to save the life of the patient. Historically , there always will exist Jews who will tear down what I write regardless if they are correct or wrong. Type in the words agunah or Rabbi or Rav Moshe or Moses Morgenstern and go into the internet and the reader will see the support and praise I receive from those individual who support what I and Rav Rackman are doing in freeing agunot. On the other hand one will see the criticism leveled against both Rav Rackman and myself. THUS ALL THOSE WHO CRITICIZE ME WILL BE A COUNTER WEIGHT TO PREVENT AN EPIDEMIC OF WOMEN OBTAINING ANNULMENT

RATHER THAN GO THROUGH THE TRADITIONAL PROCESS OF RECEIVING A GET. ALL THESE RABBIS WHO CRITICIZE ME WILL NOT RECOGNIZE THE ANNULLMENTS AND FORCE THESE WOMEN TO PURSUE RECEIVING A TRADITIONAL GET. IN THE CONTINGENCY THAT THESE AGUNOT DO NOT RECEIVE A TRADITIONAL GET, SO WHAT THEY ARE FREE. THE HUSBAND IN THE LONG RUN IS BETTER OFF HIS X WIFE WILL REMARRY AND HE NO LONGER WILL HAVE TO PAY ALIMONY. THE CHILDREN FROM THE BROKEN HOME ARE BETTER OFF THEY WILL HAVE A MALE IN THE HOUSE RATHER THAN GROW UP IN A SINGLE FAMILY HOME WITH THE MOTHER ALONE. IT IS A WIN WIN SITUATION. EVEN IF THE WORST THING HAPPENS AND MY WRITINGS ARE ABUSED. THE BOTTOM LINE IS THAT THE AGUNOT WILL GO FREE. POST FACTO ANY AGUNAH IS FREE WHEN SHE ARGUES MOUS ALAI -MY HUSBAND DISGUSTS ME. NO MORE MARRIAGES ARE GOING TO BE BROKEN AS A RESULT OF MY WRITINGS. IF ANYTHING MORE PEOPLE WILL AGREE TO HAVE A HAILAHIC MARRIAGE BECAUSE THERE EXISTS AN ESCAPE VALVE. ESPECIALLY IF PEOPLE WHO OTHERWISE ARE AFRAID WILL HAVE A PRENUPTIAL AGREEMENT AS I DESCRIBE IN VOL 1 CHAPTER 12.

RAV RACKMAN AND I PRESENTLY ARE CRITICIZED BECAUSE WE HAVE FREED HUNDREDS OF AGUNOT. THIS IS BEFORE I HAVE MARKETED MY BOOKS ON THE INTERNET OR IN BOOK FORM. I AM POSITIVE THAT ONCE I MARKET MY BOOKS THAT A VOLCANO OF CRITICISM WILL ERUPT. I REALLY WILL BE DISTURBING THE STATUS QUO. THOSE CRITICS WILL EMERGE IN A CRUSADE TO SAVE THEIR OWN SKIN AND STIFLE ANY CRITICISM OF THEIR INACTION AT THE EXPENSE OF AGUNOT. SUCH A RESPONSE ALWAYS ERUPTED EVERY TIME A NEWS STORY APPEARED IN THE PRESS WHAT RAV RACKMAN AND I ARE DOING TO FREE AGUNOT. Regardless of the ulterior motives involved there exists a positive effect. Annulments have been discouraged. Traditional Giten are being given. In 90 % of the time this works after many years. 10 % of the time it does not work. It is these 10% of agunot that Rabbis must address. We annul the marriages of approximately 1% of all agunot. The others can receive a traditional get once the wife recognizes that the husband must also be able to remarry. All financial matters -alimony child support and marital assets, as well as, custody and visitation rights must be adjudicated in accordance with Torah Law by a Rabbinical Court that has mastered and observe the four parts of the Shulchan Aruch.

There did not exist one period in Jewish history that leaders have not been torn apart from criticism especially when they suggested novel approaches in order to solve problems that have plagued Judaism. The books of the Rambam were burned by Jews-WHO OPPOSED HIS NOVEL APPROACH IN MANY AREAS OF JUDAISM- in Paris in the 1200. Less than 100 years later the books of the Talmud were burned by anti Semites again in Paris.

However one must write responsibly. Otherwise one must select what part of one's writings can be placed on the internet or even published. The internet reaches an audience of friends and enemies

and anti Semites. So one must be very careful. When in doubt do not publish it on the internet or in books. The audience reached in books is of course much smaller than the one on the internet.

The woman should not tell her husband lest he consult with Rabbis who will rule according to the strict interpretation or are simply ignorant of halacha. Jewish Law. See Nodei Beychudah in responsa that he ruled that a son in law not advise his father in law that he had an affair with the father in law's wife.. The father in law is not obligated to believe him even if the son in law informs him of the affair. The Node Beychuda has an extensive responsa citing the reasons pro and con for informing or not informing the father in law. In conclusion he rules not to inform him. So why create problems? In order to prevent embarrassment not he nor the wife are to reveal their infidelity. They should repent their sin and not repeat the infidelity. Both must keep their mouths shut.

Chapter 20

JEWISH WOMEN IN HALACHA-JEWISH LAW

G-D dictated as Halacha Moshe Mesinai in the Oral Law that dictates the foundation of Jewish Law that Jewish women are required to observe all positive Mitzvahs commandments and negative lavim prohibitions the same as men . However women are exempt from observing those mitzvohs esse shezman gromo those positive commandments that Have time limitations . Thus women are exempt from the Mitzvaot of lulav and esrog and sitting in the Sukah on the holiday of Sukot since these mitzvot are precipitated by the occurrence of the holiday of Sukot once a year. Likewise women are exempt from blowing or hearing the shoffer on Rosh Hashana . Again the reason is because the Mitzvah is precipitated by the occurrence of rosh Hashana-once a year. Women likewise are exempt from putting on Tefilin and Tzitzit because these Mitzvot are viable only during the day and not at night.

What happens if a Jewish woman even though she is exempt from observing the above mentioned Mitzvot never less on her own volunteers to observe them does she receive Divine reward ? The answer is yes. Not only is she permitted to observe Mitzvot Esse shel hazman gromo , but she also should make the blessing that men make when observing the Mitzvah. This is the position of Ramo on Orech Chaim chapter 17, who follows the position of Rabbenu Tam on Tosfos Eruvin 96a divre hamatchil Michel bas Shaul ; Tosfos Rosh Hashana 33a divrei hamatchil -Ho ;Raaved on Rambam Tzitzit 3:9 . This is the position followed by Ashkenazim . See Aruch Hashulchon Orech Chaim chapter 17:1,2,3,4 . The position of Rambam Tzitzis 3:9 and Bais Yoseph followed by Sefardim is that the Jewish woman should not make a blessing.

The only exception to the above law is that Jewish women do not put on Tzitzit See Aruch Hashulchon Orech Chaim chapter 17:3 and Tefillin Aruch Hashulchon Orech Chaim 38:6. This is based on Yerushami Brochos chapter 2:3 page 14 Michal the daughter of King Shaul the wife of King David did don tefillin every morning. There exists a dispute among the Rabbis if the rabbis agreed or opposed what Michel the daughter of King Shaul did. Likewise the wife of the prophet Yonah went to the Holy Temple at Jerusalem three times a year. Again women are exempt since this Motzveh is triggered by time. Again there exists a dispute if the Rabbis agreed or disapproved. It appears that both Michel the daughter of Shaul and the wife of Yonah consulted and followed the ruling of those Rabbis who approved. In my Responsa on Four Parts of the Shulchan Aruch vol 1 chapter 2 I discuss the fact that King Shaul had his Rabbinical court annul the marriage of Michel to David. Michel married another man. Then when David came into power, he had his Rabbinical Court annul the second marriage of Michel and he married Michel again. This Halachic matter is shrouded in dispute. Nevertheless King David relied on the rulings of those Rabbis who agreed with him. So, too Michel and the wife of Yonah relied on the rulings of the Rabbis who agreed with what they did.

The Babylonian Talmud Ervin 92a cites the opinion of those rabbis who permit women to don tefilin as well as those who oppose. The Jerusalem Talmud likewise cites the opinion of both schools. The halacha follows the decision that women should not don Tefilin or put on a tallit with Tzitzit. There exists an opinion that the reason is because Tefilin and Tzitzit are considered male garments. Neither men nor women are permitted to wear the garments of the opposite sex. This is a negative prohibition. However if a tallit would be designed only for women then according to Rav Moshe Feinstein in Igrot Moshe vol 4, women would be permitted to wear such a tallit.

However no authority exists that permits women to put on tefillin. However since men do not don Tefilin the whole day the way they used to thousands of years ago it is questionable to state that tefilin are now considered a male garment. Furthermore the source for this statement is allegedly an interpretation of Targum Yonason. Many authorities question the authenticity of such authorship. See Yitzchok Yoseph -son of Rav Avadia Yoseph- Otzer Dinim leisho Ubat. The decision nevertheless is that women do not don Tefilin. Aruch Hashulchon Orech Chaim 38:6. What happens if women defy such a ban and on their own do put on tefilin? They at most are in violation of a custom. There exists no Biblical or Rabbinical violation other than acting in a

conceited manner. The person who wears Tefilin must have pure thoughts and be very strict about their personal hygiene. Otherwise he is not permitted to wear Tefilin. Men must put on Tefilin so they take a chance that they will fulfill these requirements. Women are not obligated to put on Tefilin, So why take any chances.? If these requirements are not met there exists a great sin, Aruch Hashulchon Orech Chaim 38:6 .

The non Orthodox have the women don Tefilin and wear a Talit. Of course I oppose all innovations of the non Orthodox. However I personally believe that in this situation the women encourage the men to also don Tefilin and wear a Talit, that they would not have done otherwise. Thus even if the only time that both men and women don Tefilin is Sunday, it is worthwhile. Because one violates certain laws in no license to abrogate all laws. See Rambam Tefilah 15:6 ,7 , who rules that a Kohen who is not religious should nevertheless bless the congregation. He should not refrain from observing the Mitzvoh of blessings Jews , even if he does not observe other Mitzvot. One gets credit for every Mitzvah separately. It is not all or nothing.

Archuch Hashulchon rules in Orech Chaim 272:5 that women are obligated Biblically to make or listen to Kiddush on the Sabbath. They likewise are obligated to make or listen to Havdallah on Saturday night Aruch Hashulchon Orech Chaim 296:5. Orech Hashulchon in both places establishes a cardinal principle . In those areas that both men and women share equal obligation each can recite the blessing and will exempt the other. Thus women are permitted to make kiddush or havdallah and exempt the men and other women. The reason that women are obligated to make or listen to Kiddush and Havdallah is because they are obligated not to violate the negative prohibitions of Shabbot. So too they are obligated to observe the positive Mitzvot regarding Shabbot. The same applies for making Kiddush and havdallah on the holidays. The same applies for eating matzhot on Passover. Women must listen to the reading or read the Megillah on Purim and light candles on Chanukah because they also were beneficiaries of the miracle of Purim their lives were saved and on Chanukah women also were victims of the Greek persecution and ban on observance of Judaism. Any man or woman who violated the ban was killed. The Agadah -story- exists of Chanah and her seven children who died a martyrs death defying the edicts of the Antiochus the Greek King. According to the Netziv the Mashiv Davar Rav Naftali Tzvi Yehudah Berlin both the reading of the Megillah on Purim and lighting the Chanukah candles on Chanukah are Rabbinical. The Rabbis have discretion to make Mitzvot they decree obligatory on both men and women even though the

Mitzvot are triggered by a specific event that is time regulated - a mitzvah asei shel hazman gromo. The Rabbis use their judgement if it is in accordance with public policy to include or exclude women. In the case of reading or listening to the reading of the Megillah on Purim and lighting the candles on Chanukah they made a judgement call to include them since women were also beneficiaries of the miracle. However they forbade women to read the Megilah in public as the baal koreh in the synagogue because they wanted to ensure greater sanctity at the synagogue and lessen the occasion of precipitating sexual thoughts that could be triggered with a woman officiating and reading the Megilah as the baal koreh. The same reasoning prompted the Rabbis to forbid the calling to the Torah of women on weekdays and on the Sabbath and holidays. The same reasoning is true for having a mechitza- a separation between men and women when praying. The Babylonian Talmud Succot 51b records similar reasoning that motivated the Rabbis to enact a physical barrier a separation of the sexes at the Holy Temple in Jerusalem. This citation is the source for the Mechitza separation of the sexes in our synagogues.

The fact that women and men today are integrated at secular universities business and social events does not mean that the presence of women does not excite sexually men. To have a society with restrictions would be akin to the society of Saudi Arabia and Iran. However one can not compare being present at the university business and social events to one being present at the synagogue at prayer before the Almighty.

Having sexual thoughts during prayer invalidates any prayer recited. See Orech Hashulchon Orech Chaim 75:2,2,3-regarding reciting the Shema in the presence of women who have any area of her body uncovered that should be covered. This includes when a married women is present who does not cover her hair. Ibid 75:6, 7.

See also Even Hoezer 115and Zohar Parshot Noso as to the importance of married women covering their hair. The length of a woman's skirt or dress must be below the knee. She must not wear a tight dress or a dress that exposes her bosom or is tight fitting and the contour of her bosom is exposed. See Orech Hashulchon Orech Chair 75:10. The length of the sleeves must be below the arm pit. See through dresses blouses are forbidden. Ibid 75:10. If a woman possesses such immodest clothes she must wear underneath another blouse that covers the area of her body that her blouse does not cover. When women sit separately from men in the synagogue that has a mechitza- a separation barrier -the fact that their dress does not meet the dress code will not invalidate prayers. The mechitza must be high enough that when women stand up the mechitza extends the entire length of their sholders. See Igros Moshe Orech Chaim laws of Mechitza. A woman must wear modest clothes that is not sexy

even outside the synagogue. The type of clothes one wears signals the type of person one is. Immodest clothes that are sexy can arouse males. Many women unwittingly transmit the wrong signals that they will agree to an affair by the clothes they wear - especially shorts. Males may get the impression that even though the woman says no they really mean yes if they are nagged enough. Consensual sex or rape if she disagrees and murder if she resists can follow. If the woman is married she can compromise her marriage. Women should follow the role model of 4000 years of Jewish women in their dress code. One simply has to observe how USA postal female employees and British airline hostesses are dressed and one will see that a smart respectable woman can dress attractively even though it is not sexual.

Thus women can read the megillah or light the candles and exempt other women or men. However women do not read the megillah in public-in the synagogue. This custom arose out of consideration to protect the modesty of women and to ensure the sanctity of the prayer service - that no man develop sexual thoughts during the public reading by a woman. This is the reason that women are not given an aliya in the synagogue when the congregation are reading the Torah on the week days- Monday and Thursday and on the Sabbath and on holidays. According to Halacha **HAKKOL OLIM LEMINYON SHIVAFILO NOSHIM**. All people are permitted to be called up for an aliya. Hahogot Maimonides on the laws of kriat hatorah-reading of the Torah notes that in the case where a congregation has a minyon a quorum of only Kohanim it would be permitted to give aliyot to women. Since there exists dire circumstances and it is not possible to give aliyot only to men. The Kohanim can not be given any aliyot other than the first and Maftir. Then women can be given the other aliyot. We will then throw to the wind our caution -our custom of creating an atmosphere that is more conducive for purity of thoughts -kovod hatzibur. Unless emergency situation exists we will not depart from tradition at the synagogue. The non Orthodox started out in the early 1800's with mixed seating in order to give greater equality to women in the services. Slowly the non orthodox discarded one law after another until in the late 1800's it was impossible to distinguish the services of a Reform Temple from the services of a Protestant Church, other than the fact that they did not invoke the Christian prayers.

THUS WE SEE THAT THERE EXISTS NO DISCRIMINATION. ALL THE AREAS THAT WOMEN HAVE EQUAL OBLIGATION Biblically THEY CAN EXEMPT MEN Biblically If women are obliged only Rabbinically and men Biblically then they can not exempt men.

The question arises regarding Birkot Hamozon Grace after the meal. There exists opinions Raaved and Rashba that women are equally obligated Biblically as men in all three blessings. Then women can exempt men. Aruch Hashulchon Orech Chaim 186:1, 3. According to the opinions that certain blessings exist in the saying of Grace that relate only to men and men are obligated Biblically while women are obligated only Rabbinically then women can not exempt men in those blessings. In the second blessing of Grace one thanks G-d that men have been given the Mitzvah of circumcision. In the same blessing one thanks G-d that Jewish men inherit the land of Israel. {Women inherit the land where there do not exist a male heir in the immediate family the sister{s} have no brothers. Likewise if the parent wrote a will while alive bequeathing property to his daughter {s}. Otherwise women did not inherit the land of Isreal whenafter the 40 years of wandering in the Sinai desert. Women ,however, recite all blessings Rabbinically. See Aruch hashulchon Orech Chaim 186 :3 who cites Rosh and Tosphos that the question if women are obligated to recite the Grace is Biblical or Rabbinical has not been resolved. Consequently women should not exempt men since women can not exempt an other in a Mitzvah that they themselves are not obligated. However if men are not required to recite the Grace Biblically only Rabbinically then women can exempt them. This would occur if men eat bread the size of a kazait- the size of an olive or the size of half an egg See Aruch Hashulchon Orech Chaim 168:13. This is the position also of the Chsam Soffer Orech Chaim Responsa 127 and Tashbatz vol 3 Responsa 33. However the following authorities argue that the size of eggs have shrunk to half from what they were at the time the Talmud was written. They therefore, double the size of a kezait. A kezait instead of being the displacement size of half an egg is now is the displacement size of a whole egg. These dissenting authorities are the Node Beyehudah, the Gro and Rav Zalman the first Lubavitzer Rabbi who wrote the Rav Shulchan Asruch. A- reviot the measure one must drink for kiddush that formerly was an egg and a half according to the dissenting authorities now equals the displacement value of three eggs. However other authorities one of them the Taz rules that if one makes Kiddush on liquor one fulfills his obligation if one drinks a whiskey glass of the liquor even though the liquor glass's size is much smaller than the displacement size of one and a half eggs and certainly smaller than the displacement size of three eggs.

In this case women must but have not eaten a full meal and are still hungry. The women must have eaten a full meal so they would have been obligated Biblically to recite the Grace. However since the second blessing mentions that we thank G-d for

the Mitzvah of circumcision and the fact that men inherited Eretz Yisroel the land of Israel that does not apply to women then there remains a question that even if women eat the amount of food that they are Biblically required to recite the Grace -they are no longer hungry- but their recitation is still Rabbinical. The authorities who hold that women recite the blessings Biblically hold that the blessings refer generically to the Jewish people not only Jewish males. True a segment of the Jewish people are circumcised and inherit the land of Israel; but women are still part of the Jewish people and share in all the sanctity of the Jewish people even though they themselves can not perform a particular Mitzvah. thus women for example can bind the Tefilin on the hand or head of a male her husband son or brother and the man would make a blessing. See Otzer Dinim Leisha Ubat by Yitzchok Yoseph.

Likewise women although exempt from reciting the Shma daily since the shma is time oriented, nevertheless women are permitted and should be encouraged to recite the Shma daily together with all the blessings before the Shma and following the Shma before reciting the Shmona Esra- the Amida See Aruch Hashulchon Orech Chaim 70:1

Women are obligated to pray. There exists a dispute if women must pray the same as men three times a day. It is the opinion of Rambam beginning of Laws of Tefila and Sefer Hamitzvot Mitzvah 5 from the Sifri. - that praying is a Biblical Mitzvah. The position of Rif is the same. One can pray anytime 24/7/365. Therefore prayer is not a Mitzvah regulated by time. Accordingly women are equally obligated to pray. However the Rabbis instituted a schedule when prayers are to be recited and the contents of prayer. See Aruch Hashulchon Orech Chaim 80:1, 106:5. When the Rabbis regulated prayer they did not exclude women even though the schedule is time oriented in the morning afternoon and night.

However the opinion of Ramban Rashi and Tosfos is that praying, although it is a cardinal article of Judaism is not deemed Biblical, but it is Rabbinical. Aruch Hashulchon Orech Chaim 89:2,3,4,5,6; 106:6,7. Women the same as men must beseech G-d. They must praise Him beseech G-d for all their needs and thank Him- That is

the composition of the amida prayer. Women according to Rashi and Tosfos are required to pray three times a day Rabbinically.

However according to Rambam a woman and man Biblically can pray anytime and compose their own prayer. Both men and women Rabbinically must pray according to the schedule set up by the Rabbis and must use the precise formula of the prayers. Both Ashkenazi and Sefardic formulas were authorized. By the anshei kneset hagdola at the time following the destruction of the first Temple 550 BCE See Aruch Hashulchon 106:7

However many women do not follow this ruling. Aruch Hshulchon Orech Chaim 106:7 complains that women in his time were derelict and did not pray three times a day. They pray when ever they want and compose their own prayers. The reason may well be that they rely on those authorities that the Rabbis at the instant when they decreed scheduled time for prayer exempted women, since public policy is best met by not making it obligatory on women to abide by such a time schedule. Imposing such an obligation would conflict with the role that women follow take care of the children at home and their very nature. You can not dictate to a woman when and how she must act. She will pray when she wants and is ready. See Sdei Chemed on the section Mitzvot asei shel hazman gromo maarechet mem part 4 klaf 136 pp 252-274.who cites the opinion of the Rav Berli above mentioned.

My grandmother followed this tradition. She was the daughter of Rav Moshe Katzenelenbogen author of Ohel Moshe who received an approbation from Rav Yitzchok Elchonon Spector Rav of Kovne. Yeshiva University is named after him. My great grandfather was of a sage who lived over 100 years ago. He was Rabbi of Mezritz Poland

Women are obligated to recite all the birkot hashacar thanking G-D for getting up in the morning and enjoying the blessings of good health- being able to see and hear and walk. Women also should recite the blessings for the Torah. Women are equally obligated to learn all the laws that are applicable to them. Women are obligated to recite 100 blessings a day the same as men. Women can recite all these

blessings the entire day until shortly before they go to sleep . Such was the custom followed by my grandmother Mirel wife of Rav Shaul Arye ben Yoneson Rabbi in a community in the USA. , who raised me. My mother sent me to learn Torah because there existed no yeshivot where I was born. She was unable to see me for seven years. Such was the wish of my father Rav Menachem Sender who died when I was one year old. I was an only child.

Even those Rabbis who rule that women are equally obligated as men to pray the same services will agree that only a man acting as a Chazan who leads the services can exempt other men who do not know how to pray. The reason is because only in a minyon can the chazan exempt an other who does not know how to pray. Since women are not permitted to be part of the minyon of 10 men who compose a quorum they can not be the chazan. Consequently they can not exempt a man . However if women get together and pray one woman can exempt an other woman. Such a union is not considered a minyon even if 1000 women pray together.

Even though it is very praiseworthy that women today want to participate fully in all the rituals of Judaism , nevertheless , women should not form separate prayer groups. If they do form their own prayer group and recite kaddish and read the Torah and recite the blessings over the Torah, they have violated the negative prohibition of taking the name of G-d in vain. Women must pray in a minyon with men sitting separately with a mechitza -separation wall and hear kadish and kedusha and the reading of the Torah. When a woman as well as a man answer aman yehai shmai rabbo following the reading of a blessing , they will merit olem habo eternity - heaven.

Both women and men are a united integral part of the Jewish people. They are dependent upon each other for fulfillment. There exist certain Mitzvot that are the exclusive domain of women. Only married women must go to the Mikvah 12 days after completing their period and make a blessing. The same is true after childbirth. Only women light the candles Friday before the Sabbath and recite a blessing. Only women take Chala - a piece of dough after baking and burn it and recite a blessing.

Just like no women can get pregnant with out a male , so too no man can hav

any children with out women. So too, women must listen to the blessings by a male chazan who leads the services in a quorum of ten men and answer aman yehai shmai rabbah and together with all the other men will merit -olem habo - heaven and eternity.

It is mandatory to observe all the customs that the sages have enacted and not lool to appease fads and trends . Let women observe the laws of Nidah and Mikvah and all the other laws. We do not need any innovations. Only in emergency situations like the cases where women are agunot the husbands refuse to grant then a Get will we look for loopholes in order to free them. However nothing will happen to women if they do not get aliyot . Granting them an aliya and breaking tradition will only pave the way for the shattering of other laws and will lead to non Orthodoxy and the abandonment of all of Judaism. We will not look for loopholes -kulos to appease the women or men who want to cast off the customs and historical experience that kept JEWS UNITED AND ABLE TO WITHSTAND ALL THE TRIAL TRIBULATIONS AND HOLOCAUSTS FOR THE LAST 2000 YEARS. See my book The War Against the Jew and the non Jew. What happens when there does not exist freedom of speech and religion? What happens when there does not exist divorec of church and state?

Chapter 21

Tora and Judaism must address all reality. When archeologist and scientists present empirical evidence that bones exist that they carbon dated to have lived millions of years ago we must reconcile with our understanding of the Bible that claims that G-d created the world in seven days. There exists two ways to reconcile [1] We can state that the archeologists' and scientists' data is not accurate. Who says that the oxidation of matter 5768 years ago occurred at the same rate that it occurs today? There exists no one alive today who was alive 5768 years ago when the world was created who took such tests that archeologists are taking today. Consequently , it is pure speculation and no more than a religious belief that the rate of oxidation 5768 years ago was the same as that today. The same is true with the bones of animals found and the bones of what appears as homo sapiens. Who says that these bones are not of those animals and humans who perished in the great deluge at the time of Noah. Who is alive today who was alive 5000 years ago who can deny that these are the skeletons of the animals and humans who were destroyed by G-d in the great deluge. All nations and cultures have in their folk lore and religion some trace and comment about this great natural disaster. this is the explanation of Rav Kamenetzki Rosh Yeshiva of Torah Vodaat.

[2] A second approach is to concede that the archeologists and scientists are correct. when the C Bible states that G-d created the world in seven days it refers to the days of G-d that can be a million or a billion years each. The theory of evolution can also be integrated . G-d created the world in a manner that more advance forms of life metamorph from less complex forms of life. According to the writings of Kaballah we are living in the 9999 world. Other prior worlds were created and destroyed by G-d. There were humans alive wh behaved like animals -apes -/ So G-d turned them into apes. This is a reverse of Darwin's theory of evolution. rather that man comes from monkeys ;monkeys come from man. The Torah that we possess in the Talmud and its summary in the Shulchan Aruch does not discuss prior worlds. The Talmud and Shulchan Aruch discuss our world that we live in today. what difference does it matter any way if there existed homo sapiens prior to Adam

Even if they did exist, G-d could have created Adam as related in the Biblical story. Even if the universe is millions or billions years old and the archeologists and scientists are correct.

God could have created our present world after aprior world was destroyed. Historical records exist for the last 5000-5700 years ago. **THE TORAH THAT WE HAVE IS VLABLE FOR MAN EVEN IF THE UNIVERSE IS BILLION OF YEARS OLD.** This is the position of Rav Kook for Chief Rabbi of Israel who died in 1936. This is also the position of Rav Herz chief Rabbi of Great Britain. the Pentateuch and Hafotoras Soncino Press edited by dr J.H. Herz. See his introduction to Genesis.\

The Torah is not a scientific journal. The Rambam when he discusses the make up of stars and planets was writing using the scientific and philosophical knowledge that existed in his time 900 years ago. If today scientists prove his theories erroneus , so what. That has no effect as to what the Rambam writes regarding Ritual Laws Civil Laws and Criminal Laws of the Torah. G-d at Sinai 3400 years ago did not reveal scientific knowledge. He revealed only laws regarding Ritual Civil and Criminal matters. Thus one can disregard and smile at what the **RAMBAM AND OTHER MEN LIVING 900 YEARS AGO ASSUMED EXISTS ON THE STARS AND PLANETS.** If they claimed that the moon and the planets were inhabited by angels we can see that such is not the case when man landed on the moon. When we send a mission to Mars or Venus or Saturn or Jupiter we can ascertain that these planets have solid surfaces and are not gaseous matters inhabited by angels. Such is the explanation of Rav Kamentezki in his book Emet LeYaakov on the Pentateuch. .