

Chapter 13-

AGUNAH RABBI IS RIGHT

REJOINDER TO DAYAN BERKOWITZ

[All factual situations have been altered to protect the privacy of the actual litigants.]

Dayan Berkowitz never bothered to pick up the telephone and call me as was done by the reporters of the Jewish Chronicle and London Jewish Times, when they want to clarify a matter .Consequently he distorts what I wrote in my first Responsa two years ago and has a hand full of questions, that could all have been resolved by one phone call. Dayan Berkowitz has a problem that I appeared on UK radio and compared myself as Moses. Yes, I compared myself, in the sense, that I am financially independent and make my living by the toil of my hands, as an accountant. I am beholden to no one, other than G-d and his Torah. My job is not in jeopardy if I advocate a position that does not follow official policy. Neither do I have to defend all the omissions and commissions of the dayonim any place in the world over many years who erred at the expense of Agunot.

Two people who deserve all the credit in the world in freeing the 280 Agunot our Bet Din has freed are Rav Emanuel Rackman and Rav Moshe Antelman. Both are independent like myself. Rav Rackman is the Chancellor Emeritus of Bar Ilan University and is the father of modern Orthodoxy and a great talmudist and dayan. He is the author of ONE MAN'S JUDAISM and MODERN HALLACHA FOR OUR TIME. Rav Moshe Antelman is a great scientist. He invented a cure for two types of aids. He is a great talmudist and dayan. He is the author of LIFDOS MECHAKAI GAIT and THE GREAT AGUNAH DEBATE. I prepared Responsa describing in great detail and citing sources for the Hallachic basis of all decisions reached by our Rabbinical Court. The result of this labor are numerous volumes called HATORAT AGUNOT BNOS YISROEL-EMANCIPATION OF JEWISH DAUGHTERS-AGUNOT. the first Volume is presently being published. I have the approbation of Horav Naftoli Steinberger of Rehovot Israel, one of the greatest decisors of Hallacha of the 20th century. Would Rabbis not keep records Mamzaim would have been permitted to marry. See Aruch Hashulchon Even Hoezer 2:14 , Rav Moshe Feinstein Igros Moshe Vol 4 # 9:3. A Mamzer can not marry another Jew only when his or her status is exposed. Since the witnesses to the marriage do not testify in Bet Din in the presence of all the concerned parties as to the exact day of the marriage , no proof exists of the marriage, and the children from man #2 are not Mamzarim. Igros Moshe Even Hoezer Vol 4 #20. If the Witnesses do not remember the exact day of the wedding there is no marriage. See Bais Shmuel 17:63 Yabiah Omer Vol 3 #18. The fact that the woman held herself out as a married woman is only a presumption that there was an Hallachic marriage . This presumption can be rebutted when other factors are introduced that challenge the validity of the marriage . Then if there does not exist any other relief for the Agunah to gain her freedom we will rebut this presumption that an Hallachic marriage existed because the Agunoh previously held herself out as a married woman. See Igros Moshe Vol 4 # 112. Nodah Beyehudah Vol I #61, 66. Bais Efrayim Even Hoezer #1. Responsa Ramo #2.

Regardless who is at fault , all cases that approach our Bet Din Tzedek Labayot Agunot Inc. are all post mortem cases. In most cases- 90%- of the woman already have begun another relationship with

man # 2. In many cases children are born from man # 2, without first having received a Get Jewish divorce from man #1. Thus, regardless if those Rabbis who oppose us, find a dispensation for the Agunot whose husbands refuse to give them a Get, 90% of them will go on with their lives anyway. This figure includes non observant Jews, who also come to our Bet Din. [Only 10% of Jews worldwide are Orthodox anyway] .Very few Jews are deterred from going on with their lives by the red herring of Mamzarut advanced by those Rabbis who oppose us- if the Agunah marry without a Get from man #1. However they will leave Judaism , disgusted with the impotence of Orthodoxy. The Agunot we free, also, are saved and return to Judaism.

Of the 280 Agunot our Bet Din has freed there were cases where the first man finally gave a Get , but the Bet Din failed to use procedures during the issuing of the Get that would have ,in effect, been an annulment of the marriage to man #1 . In effect , the children from man #2. would have escaped the stigma of Mamzarut. The procedure was used in Israel by chief Rabbi Gorin and documented in a pamphlet known as the Get of the Mahrsham Vol I- Responsa #9 . The Get is given by an agent rather than the husband. When the agent leaves the Rabbinical Court his agency is revoked.

Following, another Get is thrown by the husband to the wife both standing in a public domain, half way where the wife is standing facing the husband . The effect of this procedure is to annul the marriage. This procedure was endorsed by Rav Shiomo Kluger Even Hoezer 141:60 . Rav Moshe Feinstein told me orally that post facto he .likewise endorses this procedure .

In addition to the above, if the husband presently giving the Get violates the Sabbath publically , the Get is in effect, an annulment. Such is the ruling of the Manchester Uk sage Rav Yitzchok Yaakov Weiss writing in Minchos Yitzchok Even Hoezer Vol 10 #126. Dayan Berkowitz blasts me with the fact that Rav Moshe Feinstein did not have 30-40 ways of annulling marriages, he only discusses Agunot in two responsa. I wish to direct Dayan Berkowitz to an index of Rav Feinstein' s writings called Yaad Moshe . In the heading called Ishus Agunah there are over 40 references and in the heading called Ishus Chasanot there are over 170 references -all dealing with other grounds or wrinkles of declaring marriages non Hallachic and freeing the Agunoh and legitimizing her children from man

#2. Dayan Berkowitz cites the fact that Rav Feinstein's sons disapprove of what I am doing. None of my critics including Rav Feinstein's sons or other members of his family have ever spoken to me or to Rav Rackman and do not know what the cases are that appear before our Bet Din nor the Hallachic grounds we use to annul the marriages of these Agunot. How do they know if what we are doing is accurate or not ?

In his zeal to prove me wrong, Dayan Berkowitz fails to mention that the responsa he represents to have read has numerous grounds that I used to annul the marriage. Thus his complaint that I do not list the numerous grounds I wrote about, is in error. I thought that Dayan Berkowitz read this Responsa? Likewise, Dayan Berkowitz fails to mention that the Responsa I wrote is a classic example of the Responsa in Igros Moshe Even Hoezer Vol. I #80 and Vol 2 # 46 of Mekach Tout- a mistake in the marriage. The husband in our case not only beat his wife, but almost killed her soon after the marriage. The wife left immediately . The husband also lied about his marital status, he did not reveal that he was previously married and never gave his first wife a Get. He also represented himself as religious , when he was not even a Sabbath or Yom Tov observer, did not eat Kosher food and brought non Kosher food into the house. He never put on Tefillin or prayed. In addition ,the witnesses to the marriage were not Sabbath observers. Thus, there were no witnesses to the marriage and ipso facto, no Hallachic marriage. See Even Hoezer 42:2, Aruch Hashulchon Even Hoezer 42:19 , Choshen Mishpot 34:24,25. The husband also forced the wife to marry him . Thus there was no free will exercised by the wife to agree to get married. Thus the marriage is annulled on that ground - Even Hoezer 42 :1, Bava Basra 48b. I also listed additional grounds to annul the marriage , that Dayan Berkowitz has reservations. I will proceed to enumerate and explain my position. I mentioned as additional grounds the fact that the witnesses to the marriage even if they would be considered Kosher witness, that they were not, also were missing . I cited Rav Moshe Feinstein that in such a case, since no witnesses exist there exists no proof that a marriage occurred in the first place, Igros Moshe Even Hoezer Vol .4 #20. In addition , I wrote that would the witnesses be Kosher and present then if such

witnesses did not remember the precise date of the marriage and the precise hour their testimony that the couple were married is not acceptable.

Beside the fact that the whole discussion is irrelevant since the witnesses in the case at hand were not Kosher and missing Dayan Berkowitz is wrong in his conclusion about this purely academic matter . Dayan Berkowitz admits that he himself uses this loophole but restricts its use only to permit any children that this Agunah has from man # 2 to marry other Jews. Thank G-d that at least this much he admits . He further restricts the use of this loophole even to legitimize the case of Mamzarim to the precise circumstances discussed in the case by Rav Avadya Yosef Yabiah Omer Vol 3- #8. Our Bet Din will use this loophole as an adjunct to permit the Agunah to marry, not only to legitimize her children from man # 2. If the children are legitimate it is only because there exists no marriage to man #1. Otherwise the children from man #2 would not be legitimate. Therefore she can marry man # 2 also. See Ramo Even Hoezer 20:2 . Even Rav Avadye Yosef in Yabiah Omer Vol 3 # 8 cites authorities that permit the woman to remarry. See Responsa Rashba 1209, Bais Shmuel Even Hoezer 17:63, Tzemech Tzedek #90:3 , Chsam Softer Even Hoezer #103.Rav Avadye Yosef rules that the Rabbinical Court can free the woman using this procedure as an adjunct together with other procedures.

In addition , we employed another strategy to free the agunah in my Responsa. The Agunah had received a marriage proposal . Would she marry husband #2 , in a valid Hallachic marriage , such marriage would in effect uproot the prior marriage that was shrouded by many Hallachic doubts. I cited Mishne Lamelech -Issurei Biah 15:10. Dayan Berkowitz argued that such a procedure would only save the child from man #2 from being illegitimate, but she still would not be permitted to remain with man #2. The problem with such a reading is that it contradicts what Magid Mishne in Laws of Garushin 10:2 explicitly states that such a woman in the above precise circumstances need not divorce husband #2. This position is further supported by Mahrik Shoresch 172 and affirmed by Kesef Mishne Gairushin 10:2. Furthermore, Yabia Omer Vol 3 #8 on page 245 explicitly reinforces my position on this matter. I also mentioned Avnei Meluirn 44:4 , not as Dayan Berkowitz misread my citation as 54, to the effect

that since the husband was not observant in any way certain authorities maintain that to free an Agunah such fact can be used as an adjunct, in addition to other strategies to annul the marriage. This position is supported by Minchos Chinuch Mitzvoh 203 and Mehrsham cited by Shreidei Esh Vol 3 #25. We also used another procedure known as a Get Ziku that was employed by Horav Eliyohu Klotzkin writing in Dvorim Achodim 43,44 and used in Lublin and Warsaw Poland. This fact is testified by Horav Kohane of the Bet Din of Yerushalayim and cited by Shreidei Esh Vol 3 #25. For the Halachic justification of giving a Get for the Husband even when the husband is protesting that he is opposed to giving the Get. See Chidushei Rashba Kedushin 23a, Rosh #12 on Sanhedrin 60b, also Ran Chapter 4-Gittin regarding Pruzbel. He states that even if the recipient of the gift suffers some negative consequences as long as most of the consequences are positive the Bet Din can still acquire the gift or other benefit for him or her. See Machne Efrayim Laws of Zechiya and Mafcana.

#6. See also Igros Moshe Vol 4 #120. See Rav Herzog Ohel Yitzchok Vol 2 #64, who cites and explains the procedure of Get Ziku. Even though both the Shreidei Esh and Ohel Yitzchok have their reservations about Get Ziku, the Taz Yoreh Dayoh 293:4 and Even Hoezer 17:15 rule that in order to free an Agunah we can depend even on a minority ruling. We use Get Ziku only as an adjunct coupled with 30-40 other procedures to free the Agunot from eternal prison. The reasoning is that a husband who refuses to give his wife a Get would have been beaten until he agreed to give a Get or killed by beating. Even though it is forbidden by Civil Law to do this today, nevertheless, the community can withhold any aid, even medical aid to such a husband. See Yoreh Dayoh 158:1 -Such a husband in a sense has kidnapped his wife by imprisoning her and prevented her from going on with her life and having normal sex. For this it is permitted not to save his life. By giving a Get for the husband and freeing his wife, the husband, in effect, again becomes eligible to have his life saved.

If the husband wants to get married, he must give his wife a Get. The annulment is only a relief for the wife because the husband is causing all the problems. He refuses to give the Get. We do not have to depend on any loopholes. We will adopt and follow all the strict opinions regarding him, providing the wife is cooperating to accept a Get. There are other Halachic issues involved not raised by Dayan

Berkowitz, that are discussed at great length in the Responsa Shridei Esh Vol 3 #25 and Ohel Yitzchok Vol 2 #64. As long as a minority opinion exists that the Agunah can be freed we will rule like Taz Yoreh Dayoh 293:4 and Taz Even Hoezer 17:15 and Ginas Veradim 3:24. and depend upon these minority opinions.

Rav Herzog writing in Ohel Yitzchok Vol I #1 states the rationale for coercing the husband to give a Get. Bet Din is granted the power to enforce equity, even if such action uproot Torah Law. Otherwise the entire Judaism will topple. Jerusalem Talmud Gittin 4:2 goes further-that the Chachornim have the power to annul marriages even though they will ipso fact uproot Torah Law. This is a power granted to them by the Torah in order to preserve society. Otherwise Jewish daughters will go astray. G-d the author of the Torah knows that you can not legislate not to sleep, not to eat or not to have sex, neither for men or women. When the regular procedure of the man giving a Get is corrupted by the husband then the Bet Din is authorized to usurp the rights of the husband and annul the marriage. Beating the husband is in effect an annulment. Certainly, there is no real free will on the part of the husband when he is beaten and threatened that he will be killed if he does not give his wife a Get. See Mahrsham Voll #9, Mahrik #63, Chidushei Rashba Yevomos 46b. This is different than Rambam's position in Gairushin 2:20 that the man is torn by inner conflicts. Beating him reinforces his inner desire to follow the will of the Rabbis. However Rav Herzog in several places in his voluminous writings postulates this principle of the authority given by G-d to the Chachomim to uproot Torah Law if there exist no other way to free a woman from eternal prison. The definition of a Chochem is a Rabbi who can rule in all areas of the Shulchan Aruch-that are applicable. See Yerushalmi Nedorim 10:8, Yerushalmi Chagiga 8:4, Rambam Sanhedrin 4:8. I have the approbation of Horav Piekarski on my works on the Four Parts of the Shulchan Aruch. Therefore our Bet Din is qualified to annul marriages.

In my first Responsa I cite the Jerusalem Talmud Ksubot 7:6 that a clause was incorporated in the Ksubah that if the wife argued at the Rabbinical Court my husband is disgusting to me, the Rabbinical Court would force the husband to give the wife a Get. The husband would be beaten until he agreed to

give a Get or else until he would be killed and made his wife a widow. See Pri Megodim on Orech Chaim Psicha Kollelus Parti: 9, Rambam Sanehdrin 18:5 end, Orech Hashulchon Heosid Sanehdrin 59:9,10. The Meiri Bavali page 268 rules that even if no such clause be incorporated in the Ksubah we will, nevertheless , constructively, read it into the Ksubah since no woman would have agreed to get married otherwise. Rambarn Ishus 14:8 rules the same .If the husband refuses to give a Get, he is beaten until he complies- Laws of Garushin 2:20. Ramo Yoreh Dayoh 228:20 rules the same. Yabiah Omer Vol 3 #18 and Tzitz Elieze Vol 5 #26 rule the same. The last two mentioned authorities are contemporary and rule for modern times. Since in todays society we are not permitted to beat husbands by Civil Law , we annul the marriages. Such is the ruling of Rav Moshe Feinstein in Igros Moshe Vol I #79 end and # 80. Dvar Eliyohu #48 .-Rav Eliyohu Klotzkin , Ohel Moshe Rav Moshe Tzeig in Vol 2 #123. Dayan Berkowitz ornmits that it is the authorities I mentioned who sanction annulments. I never stated that it is the Meiri who sanctions annulments. Would Dayan Berkowitz have called me on the telephone he would have all his questions clarified Chsam Softer rules where there exists no other way to free the Agunah the Rabbinical Court is authorized to confiscate retroactively the ring given by the husband to aquire the wife in marriage and the transaction is a gift. Consequently there is no marriage -Chsam Softer Even Hoezer #108, #109. See Tur and Shulchan Aruch Choshen Mishpot Ch 2. All the Agunot that I met were never told by the Rabbis who officiated at their wedding what awaits them if their marriage dies and their husbands refuse to give them a Get. They were not told that the Bet Din would not use any of the remedies I enumerated above to save them from eternal prison and any children they have with man #2 if they do not have a Get from being branded as Mamzarim. How many thousands of other brides, likewise did not have full disclosure? The Rashbah Chidushei Gittin 88B 600-700 years ago ruled that no woman would have an Hallachic marriage if the Rabbinical Court would not force her husband to give her a Get when the marriage dies. Failure by the Rabbinical Court to save Agunot from the chains of a recalcitrant husband who refuses his wife a Get by annulling the marriage , in itself constitutes another ground for annulment- Mekach Tout- mistake in the marriage. No woman or her parents would agree to have an Hallachic marriage would they have had full

disclosure of the consequences if the marriage dies and the husband refuse them a Get. Many other grounds exist to annul marriages and legitimize children born from man #2 space, however, does not allow to elaborate. See Aruch Hashulchon Choshen Mishpot 241:6 ; 227:8 who explicitly states that any transaction can be uprooted if it was entered into in error. Even if the one acquiring the purchased item made a legal conveyance -a Kinyon it still can be uprooted . See Choshen Moshpot 25:5 and Ramo. Thus a woman married by receiving a ring or having sex and holding herself out as a married woman the Rabbinical Court can still uproot the marriage if the marriage is dead. See Aruch Hashulchon Choshen Mishpotim 232:4 that when the aggrieved party -either the purchaser or the seller- notifies the other party to the transaction that what they received is not what they bargained for and they can not live with that , then the aggrieved party does not have to return immediately the object that was purchased or the money . Furthermore if circumstances exist that would create extreme hardship and adverse consequences if the transaction is immediately reversed , then the aggrieved party does not forfeit their rights if they do not rescind the transaction. This principle when applied to agunot means that they do not have to break up their marriage immediately and can give it a chance to work. They do not forfeit their right to have their marriage declared a Mekach Tout - a mistake later. See Aruch Hasulchon Choshen Mishpot 207:12; 14 who explicitly states that any transaction that very few if any person would agree to suffer and accept the consequences is null and void even if not excluded by an agreement or in our case a pre nuptial agreement. There exists an inherent understanding that there is no defect at the time of the purchase and afterwards. There exists an unwritten understanding that the person getting married will behave in the manner that Jewish husbands behave-as the husband undertakes in the Ketuba. A Jewish husband does not beat his wife, does not cheat on his wife-commits adultery , supports his wife- provides her with food, shelter, love , attention and fulfills her sexual needs and will not abuse her physically or psychologically. A Jewish husband is not addicted to drugs, alcohol and can master his passions and emotions. He is not a homosexual or bi-sexual. He is not impotent. If a husband abrogates this understanding, the marriage

can be annulled. The same understanding applies for the wife. Marriage is a once in a life time proposition. To say differently would subject the woman to misery and put her in chains for life- if we will not annul the marriage when the marriage is dead. Very few if any women would agree to have a husband behave differently. Even if these understandings are not formalized in a contract, they are understood. This is called in Hebrew Umdena D' Muchech Metochu -Unwritten self understood truths that very few if anyone would agree to get married or continue with the marriage without the insured guarantee that if these commitments on the part of the spouse be absent at any time during the marriage the marriage will be annulled ab initio.

This is true regardless when they began before the marriage or years into the marriage. No one has tenure in a marriage when abuse occurs. A spouse can create a pre nuptial contract that will annul ab initio a marriage if abuse occurs, even if the abuse start years into the marriage. See Even Hoezer 157:4 Ramo Ibid. where this is explicitly stated. In the case cited a pre nuptial agreement states that the marriage will be annulled ab initio if the husband dies without ever having any children. By annulling the marriage the widow does not fall to Yivom or Chalitza to the brother of her deceased husband. She does not have to be at the mercy of a brother in law to free her to remarry by the brother in law performing a ceremony called Chalitza that is similar to a divorce. Otherwise she would have to marry the brother in law whom the widow despises.

This law is applicable for every widow whose husband dies without children and who has a surviving brother. See Igros Moshe Even Hoezer Vol 4 # 121 who frees the widow to remarry even with out a pre nuptial agreement. Rav Feinstein annuls the marriage on the grounds of abrogation of an implied contract on the part of the deceased husband. If the abuse occurs and the husband refuses to give a Get or the wife refuses to receive the Get, the marriage will be annulled ab initio many years later after they got married. The Rambam Laws of marriage explicitly states this implied truism in the case no Ketuba is written. All the guarantees in a Ketubah are given to the wife regardless if a Ketuab exists or not. What we are saying is not a revolution of Jewish Law. We are merely adopting existing Jewish Law to solve the debacle of agunot when the husband wants to keep them in chains to eternity in a

dead marriage. The Aruch Hashulchon explicitly supports our position. See Igros Moshe Even Hoezer Book I - Responsa # 79 end . See Pischei Tsvah Choshen Mishpot 232:1 citing Machne Efraayim who supports our position that the wife does not have to immediately leave the marriage. If she stays to give it a chance to work -even for several years- she does not forfeit her right to have the marriage annulled on the grounds that it was a mistake. See Responsa Chazon Yechezkel Rav Yechezkel Abromski Chelk Kodshim. A woman married a man who was impotent. She spent several years visiting physicians to treat her husband. When the treatment did not help, her marriage was annulled, when her husband refused to give her a Get.

Assuming that the grounds of Mekach Tout- - mistake- are not potent to annul a marriage then we will annul the marriage on the grounds of- Mous Alai- my husband disgusts me. This marriage is impossible . I can not bear it any longer. The Rabbis have the power to force the husband to divorce the wife . Since they are not permitted by the civil authorities to physically coerce the husband to give a Get , they will annul the marriage. The rationale is that every time a husband is coerced to give a Get this is essentially an annulment. Certainly if the husband is physically forced to agree to give a Get , you can not say he is giving the Get voluntarily from his free will. The answer is that the Rabbis are annulling the marriage , but insist that a Get be given as part of the annulling process. Since we are prohibited by the civil authorities to coerce the husband we annul the marriage without his participation and give a Get Ziku to simulate the giving of a Get by the husband when he is forced to give the Get. See Mahrik in Responsa See Maharshm Book 1 # 9. See Igros Moshe Even Hoezer vol 1- # 79 end and #80 ;Dvar Eliyohu # 48 ; Ohel Yitzchok Vol 2 # 123. Thus we have another ground for annulling dead marriages when husbands refuse to give a Get or wives refuse to accept the Get: - abrogation of an implied contract on the part of the misbehaving spouse. They may be in violation of their implied marriage contract that can annul their marriage.

Although it has been made crystal clear that only a Rabbinical court that has mastered the four parts of the Shulchan Aruch is authorized to annul marriages, nevertheless in the contingency that there does not exist such a court our court herewith grants permission to eternity to all successive

rabbinical courts to annul marriages-in order that agunot not remain chained animals. We have the power and exercise such power vested in us by halacha. See Igros Moshe Even Hoezer Vol 1 Responsa #117 #118 ;Ohel Yitzchok Vol 2 # 64. Just like all rabbinical courts after the destruction of the last Sanhedrin in 400AD are only the agents of the last Sanhedrin -Choshen Mishpot2:1; Tur Choshen Mishpot 2:1 ;Aruch Hashulchon Choshen Mishpot 2:1; Sefer Hamitzvos Ramban Mitzvoh 153. So too all rabbinical courts even if they do not meet the requirement of having mastered the four parts of the Shulchan Aruch are our agents, to set agunot free. Equity demands such a procedure, otherwise Torah law would come to a dead end. Furthermore if those rabbis who did master the four parts of the Shulchan Aruch refuse to come to the aid of the agunah, such refusal creates Mekach Tout - a mistake in the creation of the marriage. No woman would have agreed to have a halachic marriage would she have known that when her marriage died no rabbi would extricate her and she would remain in eternal chains forever. Thus even without any rabbis her marriage is null and void. Rabbis' certificate of annulment is no more than moral support. She is free to remarry even with no help or assent from any rabbi. We empower the agunah to go on with her life. The agunah can plead- KIM LI- I hold like the ruling of Rav _____ and am one million percent free. My marriage was a mistake for all the reasons Rav _____ wrote about. See Sma Choshen Mishpot 74:18.;Sma Choshen Mishpot 88:25;Responsa Bais Meir Even Hoezer #93:14 cited by Rav Akiva Eiger on Choshen Mishpot 227:8 in Pesach Hagilyon;Pische Tsuvo Choshen Mishpot 227:5;Aruch Hashulchon Choshen Mishpot 232:38;Shach Tokfu Kohen #79. This taking matters into her own hands can be done only when the agunah has exhausted all her options to obtain a Get or an annulment from Orthodox Rabbis. She as well as any other agunah to eternity is herewith freed by me. This is similar to what the Ramban wrote in Sefer Hamitzvos Mitzvoh 153 that the declaration of the new moon must be made by the testimony of witnesses that they visibly saw the new moon . This testimony must be given to the Sanhedrin in Jerusalem. What happens today, when there is no Sanhedrin existing? The answer is that Hillel the Nosi the son of Rav Yehudah the Nosi- at the time of the talmud- proclaimed the new moon for eternity till the coming of the Messiah . He thus authorized all future Jews to proclaim the new moon

by using the calendar to make the computation based on his actual proclamation approximately 1600 - 1700 years ago. Thus the new moon is proclaimed and all Jewish holidays are celebrated based on the proclamation of Hillel the Nosi. So too with the requirement that only rabbis who have mastered the four parts of the Shulchan Aruch annul the marriage. I herewith annul the marriage of all agunot for eternity till the coming of the Messiah. If there are no such rabbis available , who have mastered the four parts of the Shulchan Aruch then any Orthodox rabbi can annul the marriage. If there are no Orthodox rabbis who are willing to come to the agunah's aid then the agunah walks free without the favor from anyone. The agunah should definitely not go to anyone not an Orthodox Rabbi. Judaism at heart has a heart and is equitable. I have written and taped extensively outlining the basis for annulments. Any agunah reading my books or listening to my tapes -if no Orthodox rabbi will come to her aid -has my permission to set herself free. The reason is that I herewith annul her marriage and the marriage of all agunot to eternity who would otherwise remain chained for ever.

Those who question my ability to annul marriages in the future when the couple in question may not be even married now -or not even be born yet- the following is my reply. For the sake of equity it can be done. See Talmud Bavali Bova Basra 141-142; Choshen Mishpot 210 ; Shach on Choshen Mishpot 253:26-27. See Aruch Hashulchon Even Hoezer 132:6 who cites Rosh and Tur that subscribe to the view that a person can transact a Get today even with a woman not yet born. This is the position of one of the two authorities in Choshen Mishpot 209:4 and Mordechai beginning of Yaish Nochlin who supports my analysis. The other authority opposes this position. In cases of emergency we rely on the lenient position. See Taz Even Hoezer 17:15. Even if we concede that it can not be done, then the requirement that only rabbis who have mastered the four parts of the Shulcana Aruch are the only ones competent to annul marriages can be suspended when such rabbis do not exist who are willing to annul marriages. Equity requires that in such circumstances that law be suspended. Otherwise agunot will remain chained forever. Precedent exists for such a procedure. An example is the law that as part of the conversion a sacrifice be brought in the holy temple in Jerusalem. What do we do today when there does not exist a temple in Jerusalem? The answer is that the sacrifice is

suspended until the temple will be built. So too, the requirement of having present a rabbi who has mastered and practices the four parts of the Shulchan Aruch for annulments is suspended until such a rabbi is found. Then another annulment will be made. In the interim the agunah is free to go on with her normal sex life. She can get married provided there is a civil divorce. Otherwise there exist a violation of civil law of bigamy.

Furthermore the agunah's marriage is annulled automatically based on one or more reasons that I wrote about in my volumes and recorded on my tapes. It is not necessary for any rabbi to affect the annulment. If those facts exist the agunah walks free and can resume a normal sex life. She does not need any rabbi post facto. When there are no Orthodox rabbis who will agree to free her she is free to go on with her normal sex life. What our Bet Din did is to share with the agunah the halachic sources for her freedom. She does not need anyone else. The agunah post facto -where there exists no other alternative other than remain chained for eternity - is free to adapt the information she reads in my books and apply it to her own case and walk free. This is similar to the ruling of Aruch Hashulchon Even Hoezer 17:117 where Aruch Hashulchon rules that an agunah post facto who relies on her own interpretation of the Law that the testimony of one witness who testified that her husband died proceeds to remarry without the sanction of a Rabbinical Court does not need to leave her husband. It follows that any children she has with man #2 are legitimate. Whenever an agunah need not leave man #2 any children she has with him are legitimate. See Tur Even Hoezer 130 end . See Bais Yosef and Bach Ibid. See Aruch Hashulchon Even Hoezer 130:55-60.

Yes, she can meet with similar minded individuals as herself for moral support. She can participate in support groups to counter the pressures of those individuals who condemn her . What Rav Rackman, Rav Antelman, Rav Elefant , Rav Elsant and Rav Klotzkin and other rabbis who participate in our Bet Din and I have done is to create a legacy in deeds and in halachic literature of the style of Rav Moshe Feinstein and Rav Moshe Rosen and Rav Moshe Tzeig , Rav Eliyohu Klotzkin , Rav Yitzchok Elchonen , the author of the Aruch Hashulchon- Rav Epstein and other halachic literature for the past 4000 years . This literature remains to eternity for the benefit of agunot and all

Jews.

The length and breadth that I have traveled in permitting chained women to walk free when there does not exist any Orthodox rabbi to annul her marriage-let alone that there does not exist a rabbi who has mastered and practices the four parts of the Shulchan Aruch - highlights the philosophy behind annulments . Marriage divorce and annulments are the sole domain of G-d's Word recorded in the Torah given at Sinai 3500 years ago. Any individual who questions this fact is not part of the Jewish tradition. These are the parameters that define being a Jew. It is within these parameters that Jews for the last 4000 years have survived-since the time of our forefather Abraham. It is within these parameters that all my books and tapes are written and recorded. This area defines the difference between those individuals who do not accept marriage and divorce laws as Divine and those individuals like myself who do. I consider everything Divine but find loopholes to permit Jewish daughters to go on with their lives, when the husband refuses to grant a Get by the rabbinical court annulling the marriage. In case no Orthodox rabbis are willing to annul the marriage I will permit the wife to walk free without any favors from anyone . All this is done within the parameters of halacha-Jewish law, as I have explained.

I rule like the strictest opinions in all areas -marriage, divorce, Sabbath and holiday laws, kosher laws, family purity -Nidah, Mikvah laws, prayer, synagogue laws- having a Mechitza and prohibiting mixed seating, conversions, all laws from conception to death and the separation of roles between men and women. I am convinced that the only way Judaism will survive is by having the highest level of Jewish education both for men and women. I believe that each Jew or Jewess should master the four parts of the Shulchan Aruch and receive the highest rabbinical ordination-Yoreh Yoreh Yadin Yadin. I believe that women have the right to determine their fate in marriage. If the marriage dies -no matter what the reason- women should have the power to annul it, providing they have mastered the four parts of the Shulchan Aruch. My ruling granting every women the right to walk free is only it there does not exist any Orthodox rabbis to annul her marriage.

But why shouldn't there be Orthodox women rabbis who have mastered the four parts of the Shulchan Aruch? Bais Yosef in Choshen Mishpot 7:4 rules that a woman is disqualified -to be a dayan -judge . The same terminology is used regarding a woman being a witness. All who are disqualified from being a dayan -Judge are disqualified from being witnesses. Title description for Choshen Mishpot 33. That is also the ruling of Aruch Hashulchon Choshen Mishpot 7:4 and 33:1. However, Tosfos Bava Kama 15a ASHER TOSIM LIFNAHEM is of the opinion that even though a woman can not be a witness ,she nevertheless can be a dayan-judge This is also the opinion of Chinuch #77 and 158. See also Pischei Tsuvo on Choshen Mishpot 7:5 Dvorah the prophetess was a judge . Other authorities learn that she was appointed by the authorities and accepted by the Jews to be a judge. This law is applicable today if a woman would be appointed as a judge , she is permitted to render halachic decisions. This would also apply to the case of relatives that are appointed to function as witnesses by the community to be the official witnesses or judges they are permitted to testify or judge their relatives. See Ran Bava Kama 13a; Meoznayim Lamishpot #5; Halocho Psuko 7:4 footnote #97;Choshen Mishpot 33:18.So too in the case of women. If a woman is appointed and is accepted by the community in a democratic election to function as a dayan -halachic judge-she is permitted to render halachic decisions. Rav Herzog Book 1 Hachoko Leyisroel al pi Hatorah. Of course she must have attained expertise -mastered and observes the four parts of the Shulchan Aruchin . See Responsa Uziel (first Sefardic chief rabbi at the time of the founding of the State of Israel) part 3 #5 page 31. See also Halocho Psuka on Choshen Mishpot 7:4 #9 footnote 67 on page 48.

These authorities can be relied upon in times of emergency when no male judges are willing to annul marriages and agunot would remain in chains to eternity

Although I have indicated that relatives and also women can be selected to be witnesses or judges under certain circumstances, they can never function as witnesses in order to have a halachic marriage or Get-Jewish divorce. The reason is that in order to effect a marriage or divorce the Torah mandated having only Jewish males over 13 years , who are observant of all the ritual, moral and ethical laws and are not relatives. Otherwise there is no Halachic marriage or divorce. This is a Divine decree. See

Aruch Hashulchon Even Hoezer 42:18,19;45-51; 130:2;154 Seder Haget 5,6 ;Choshen Mishpot 22:1.

The Laws of the Torah regarding signing of the Get and witnessing the giving of the Get to the woman in order to effect an Halachic Get are Chukim-Laws that transcend human understanding. The laws of witnessing the giving of a marriage ring to effect an Halachic marriage are also Chukim-Laws that transcend human understanding. There exist real differences in the physical sense between men and women. Only a woman menstruates, gets pregnant and gives birth, not a man. No woman can get pregnant without a male sperm . So too, in the spiritual world, no Get or marriage can become effective unless there exist two male Jewish witnesses over 13 years of age who are knowledgeable of the Laws involved and observe all the ethical , moral laws as well as all the rituals laws. The reason is the will of G-d. If one accepts that it is necessary to have an Halachic marriage and have an Halachic divorce, one must likewise follow the rules designated by the same authorities how to effect a Halachic marriage and divorce. Otherwise why bother? When one marries or divorces in any jurisdiction , he is compelled to follow the rules set up by that jurisdiction. One can not create their own rules.

If one or more women are the witnesses to a Get -Jewish divorce, there is no divorce. The woman remains in her previous state of being married. If she has a relationship it is deemed adultery. If she has children from man #2 , they are Mamzarim-illegitimate. See Rav Yitzchok Elchonon Nachlas Yitzchok #35:6,7.

If women are the witnesses to the giving by the groom of a marriage ring to the bride,there is no marriage. But there are no consequences. The groom can give a second time a marriage ring to the bride in the presence of two Halachic competent witnesses. If not, and the couple have children, there is no stigma to the children. Children born by a woman, not married are one million percent legitimate. Of course we encourage every couple to get married, but if they do not and have children the non marital status of the parents has no effect on the children.

I am opposed to ignoramuses floating their ignorance in the name of Judaism. I do not discriminate between the sexes .I am opposed to granting women recognition to give halachic opinions in any area, especially when it comes to annulling marriages , solely because they are women.

Not only is such a practice fraudulent, but it is an insult to women that they are not competent or capable to master the four parts of the Shulchan Aruch. This is especially true today when women are not only attorneys, but also serve as jurists in the supreme court in the USA and in Israel.

Doing this only strengthens the arguments of those who oppose giving women an opportunity to honestly compete with men to be halachic decisors when they have mastered and observe the four parts of the Shulchan Aruch in the circumstances permitted by all the authorities cited above.

In that way the moral ethical and ritual laws -the laws between man and man and man and G-d will be reconciled and man or woman will be able to achieve union with G-d.

chapter 14- CURING DOMESTIC ABUSE: ANNULING MARRIAGES

DOMESTIC ABUSE HISTORICALLY WAS NIPPED IN THE BUD BY RABBINICAL COURTS WHO BEAT THE HUSBAND -UNLESS HE GAVE A GET . WHENEVER IT WAS ILLEGAL BY CIVIL LAW OR NOT POSSIBLE TO BEAT THE HUSBAND, THE RABBINICAL COURTS ANNULLED THE MARRIAGE. THAT PRINCIPLE IS INCORPORATED AS A CLAUSE IN THE KSUBAH-KEHILCHOS GUVRAYON YEHUYODIN –THE HUSBAND UNDERTAKES TO BEHAVE LIKE JEWISH HUSBANDS BEHAVED FOR THE PAST 4000 YEARS-A WIFE CAN NOT BE ABUSED UNDER PENALTY OF GETTING BEATEN OR HIS MARRIAGE ANNULLED.

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Chapter 15

TESTIMONY OF CONVERT REGARDING HIS OR HER CONVERSION ; OR WOMAN THAT SHE IS DIVORCED , A WIDOW or THAT FACTS EXIST THAT PRECIPITATE AN ANNULMENT ARE ACCEPTED -when there exist no independent testimony of two competent witnesses that contradict the testimony of the convert or the woman-Aruch Hashulchon Yoreh Dayoh 268:14,15,16Even Hoezer 17:119, 152:5; Nodah Beyehudah Madurah Kama Responsa#38

Conversions, Marriages, Divorces and Annulments

by non Orthodox Rabbis if performed 100% in accordance with Halacha are valid and can be recognized; providing the rabbis practice 100% Halacha in their private lives, accept that the Oral and Written Torah are given by G-d at Sinai 3500 years ago and do not participate in any of the innovations of the non Orthodox movements, other than being associated with them or graduating their seminary-Igros Moshe Even Hoezer Book 1 Responsa # 135 .

Within the Reform and Conservative movements -all over the world-there exist many individuals who meet these qualifications. They in fact presently head Rabbinical Courts that officiate in Halachic divorces that are valid according to Rav Moshe Feinstein. True, the requirements of personal observance of 100% of

all the ritual and ethical laws will alienate many others who wish to observe Halacha in their Gittin-Jewish divorces, but do not meet their personal requirement. But the same laws cover Orthodox rabbis, who equally may be disqualified.

All conversions post facto are valid if performed 100% in accordance with Halacha; but not Jewish divorces, unless the rabbis also observe 100%Halacha in their personal lives. Marriages even if not performed according to Halacha have no consequence for any future children. They are 100% legitimate. Non valid Gitin -Jewish divorces result that the woman remains married and any children from a future relationship are illegitimate-mamzarim. This is true unless the woman receives a Halachically valid annulment.

If non Orthodox Rabbis meet the above requirements to issue Gittin -Jewish divorces, and they have mastered and observe the four parts of the Shulchan Aruch they then,in addition, with any other rabbi- Orthodox- who meets these requirements can annul marriages. Anything to do regarding annulments are off limits to ignoramuses- men or women -who want to inflate their ego by giving advice and exerting power in the annulment process. See my book The War Against the Jews -Hatorot Agunot-chapter 13 The Agunah Rabbi is Right where I elaborate on this topic. What is necessary is to support my Kollel research center for the study of the four parts of the Shulchan Aruch- Bais Meir Menachem Sender Latorah Verhoroah , Inc. . All contributions are tax deductible. This is the only way that we can guarantee for the future that a woman whose marriage dies and the husband does not grant her a Get- Jewish divorce- is freed and does not remain chained like an animal -celibate . Our research center train men to become the future Torah giants to free these chained women.

Reform Judaism by adopting patrilineal descent accommodated their members at the expense of 4000 year Jewish practice. Orthodox Rabbis who adopt every loophole to thwart the conversion process and make conversion a nightmare that takes years, likewise discourage intermarried couples from remaining within the Jewish people.

Ab-initio the prospective convert must commit to practice all the Mitzvoths. Even if a commitment is missing the conversion post facto is valid. As long as the convert does not explicitly take exception to observing any one Jewish Law, the conversion is valid. (Yoreh Dayoh 268:12) Let us first win the converts for the Jewish people and then launch an outreach program to sell them one hundred percent observance of Mitzvoths. This is true providing the convert has been circumcised -in accordance with Halacha. Both males and females must dip in a Mikvah or the ocean. The conversion must be performed ab-initio in the presence of a duly constituted Rabbinical Court of three rabbis who have mastered and practice the entire four parts of the Shulchan Aruch-Codes of Jewish jurisprudence. Post facto even if there is no court at all, but the conversion is performed in the presence of any Jew or Jewess it is valid. (Prisha-on Tur Yoreh Dayoh-268:18). The convert can then contract a Halachic marriage with a Jew. Of course there must have been circumcision for a male and dipping in the Mikvah or ocean for male or female converts. If the male was circumcised by a non Jewish or Jewish physician or a mohel before the conversion it is valid providing the person performing the circumcision has removed the necessary skin required by Jewish law. (Yoreh Dayoh 264:1 Taz Ibid 2) Although ab initio HATOFAS DAM BRIS-pricking the skin near the penis is required, (Yoreh Dayoh 268:1 Taz Ibid 2) post facto in circumstances of duress and hardship this can be waived. (Bais Yosef Yoreh Dayoh end of 268:1-states that ab-initio Hatofos Dam Bris is required for a male convert. However post facto even if there is no HATOFOS DAM BRIS the conversion is valid. Bais Yosef follows his reasoning that a non Jew who circumcises a Jewish child such circumcision is post facto valid and does not require HATOFOS DAM BRIS. (Yoreh Dayoh 264:1). In the case of a convert when the circumcision was performed when he was not Jewish Bais Yosef agrees that ab initio Hatofos Dam Bris is required at the time of conversion. However Ramo requires Hatofas Dam Bris under all circumstances (Ibid 264:1). Rav Feinstein waives this requirement in the case of hardship in the case of a convert and certainly in the case of a newly born Jewish child circumcised by a non Jew.-(Responsa Igros Moshe Yoreh Dayoh).

The convert is believed that a Halachic conversion had been performed. He needs no documentation, when people do not know that he was not Jewish and converted. This is true when knowledge of his non Jewish status is derived solely from the convert without third party verification.

This is true since any one who claims that they are Jewish is believed. Thus the individual whose conversion is not known is believed when they claim that they are Jewish. They could have simply not disclosed the conversion and only claim that they are Jewish and they would have been believed. This is so since no one is aware that they are not Jewish. So we say that the mouth who cast questions about their Jewish status is empowered to cure the doubts-that they in fact did have a Halachic conversion.- HAPEH SHEOSUR HU HAPEH SEHITIR (Aruch Hashulchon Yoreh Dayoh -268:14, 15, 16; Prisha on Tur Yoreh Dayoh 268:18; Yoreh Dayoh 268:10;Shach Ibid 20). In our mobile society there are few official records that establish the religious denomination of individuals, other than what they themselves volunteer. Therefore, when an individual claims that he is a convert, we give him or her the benefit of the doubt that a Halachic conversion occurred. See Tur Shulchan Aruch Yoeh Dayoh 268 :31. See commentary of Bais Yosef.

What was said above is true only if no one is aware that the convert was not Jewish other than what they themselves volunteered. However when the fact that they were not Jewish is public knowledge or there exist two competent witnesses who observe all the ethical and ritual laws of Judaism that testify that the convert was at one time not Jewish, then another set of laws apply. We insist that there be two competent male witnesses to testify that a Halachic conversion did occur. If there are no such witnesses then if the convert holds himself or herself out to be Jewish and observes all Jewish laws then we will believe them that a Halachic conversion occurred. The convert must observe all the Mitzvochs- the laws of Sabbath, holidays, the kosher laws. If the convert is married the wife must observe - the laws of family purity-the laws of Nidah and Mikvah. Every Jewish wife must immerse herself in a mikvah - ritual bath twelve days after seeing her menstrual flow. She must have stopped bleeding for a minimum of seven days before she immerses herself in the Mikvah. Thus we will assume since the convert observes all the laws of Judaism, they must have certainly had a proper Halachic conversion.

This is true even if the convert states that the conversion-dipping in the Mikvah- occurred without the presence of any one -not even a single Jewish man or woman .See Bach Tur Yoreh Dayoh 268 - that once the convert holds himself or herself out as a convert by the observance of all Jewish laws even if the convert claims that the conversion-dipping in the mikvah- was performed without any Jew or Jewess being present the convert is not believed to incriminate himself or herself. “Ain adam masim atzmo rasha. No one is believed to incriminate themselves.” -that a non halachic conversion occurred. If the convert observes all the Jewish laws as mentioned above and claims that the rabbi who officiated at the conversion was not Orthodox , but that they did dip in a mikvah or in the ocean , we will assume that a Halachic conversion did occur. The fact that a non Orthodox rabbi officiated at the conversion does not mean that there was not a Halachic conversion. Certainly, if there is no problem of having another kosher conversion with three Orthodox Rabbi, we should have another conversion. Post facto where another conversion would create a major problem especially for the children born after the non Orthodox conversion, we will accept the non Orthodox conversion and assume that it was performed in accordance with Halacha - Jewish Law. See Shach Yoreh Dayoh 268:22 that we will not accept the testimony of the convert that a non Halachic conversion -dipped in the Mikvah without the presence of even one Jew or Jewess- occurred where the convert observes all the laws of Judaism as mentioned above. Even they themselves are considered authentic Jews See Share Torah kllall 5 :3:8 . Certainly, if the converts want to have another conversion, by dipping in the Mikvah in the presence of three Orthodox Rabbis they are welcome to do so. However it is not necessary to have the pricking of the skin of the penis again-HATOFOS DAM Bris.

Furthermore, the Shach on Yoreh Dayoh 127:20 explicitly states that even a non observant Jew is believed to testify that a certain ritual was performed in accordance with Halacha providing he does not violate that law that he is testifying about. Even non Orthodox rabbis believe that a conversion requires dipping in a Mikvah or in the ocean. Especially, if the convert also testifies that he or she dipped in the Mikvah or ocean, the conversion is Halachically valid. When the convert is a male there exists no problem verifying that there was circumcision.

True, there has not been “Kabolot Hamitzvot”- the acceptance of all the commandments -that can only be done in the presence of a Rabbinical court where all the members are observant of all Jewish Laws. Neither is there the acceptance of all the commandments if the conversion occurred in the presence of three Orthodox rabbis, who are dishonest and fraudulently keep married women sexually enslaved in a dead marriage spouting their ignorance that they commit adultery if they have a relationship with an other man after we have annulled their marriage. They also frighten them that their children from man #2 will be illegitimate. These are the same individuals who make a profit from other peoples’ misery. They also disqualify the conversions of all rabbis even if they be Orthodox providing they are not members of their club in order to charge a second fee. They are one million % worse than non observant Jews who do not accept that Jewish Law is Divine. At least the non observant Jews are considered

Shoggegim unwittingly violators of Jewish

Law. See Bach on Tur Yoreh Dayoh 268:35. They can be compared to Jews who have been forced to violate Jewish Law. If one honestly believes that there is nothing wrong in violating a certain Jewish Law it is as though he was forced. See Taz Yoreh Dayoh 99:9. See also Chsam Soffer 88; Mogen Avrohom 318:3; Rambam Mamrim 3:3. Such a man is considered competent to serve as a witness- Oruch Hashulchon Even Hoezer 13:29. Such a man can be a participant in a Rabbinical Court-Choshen Mishpot 33:1,34:4; Pischei Tsuvah Ibid; Responsa Rav Akiva Eiger1 #96. Also Pischei Tsuvah Even Hoezer 42:18. However we must be sure that the Bet Din is in fact following Jewish Law. For that reason we must have two rabbis who have mastered and observe all the four parts of the Shulchan Aruch physically present in all the deliberations of the non observant rabbis, even though they are legally permitted to be part of the rabbinical Court .See Rambam Shechita 4:6;Magid Mishne Ibid.;

Yoreh Dayoh 2:9;Taz 2:12;Shach Ibid 2:23,24;

Even Hoezer end chapter154;Seder Haget prologue;

Kedushin Bavali 6a;Even Hoezer49:3;Pischei

Tsuva 49: 2; Bair Hativ Ibid 49:2

If there exists a Rabbinical Court consisting of three Rabbis who have mastered and observe all the laws of the four parts of the Shulchan Aruch, then post facto even those authorities who hold that non orthodox Rabbis are not competent to be witnesses or members of a Rabbinical Court, nevertheless if they are present their presence will not corrupt the procedure. If there is not a court of three rabbis who have mastered and observe the four parts of the Shulchan Aruch and relatives or non observant Jews testify as witnesses or are present to sign the Get or observe its giving to the wife, they will corrupt the entire process. Even if there be present competent witnesses, the invalid witnesses will corrupt the competent witnesses. The result will be as though no witnesses were present. Without witnesses there is no divorce or marriage. However if there exists a court of three rabbis who have mastered and observe the four codes of the Shulchan Aruch, no witnesses are required, post facto. The reason is that in such a situation the rabbinical court officiating at the Get -Jewish Divorce does not need witnesses, they themselves see everything that is occurring. They effect the divorce without official witnesses. See Nesivos Hamishpot Choshen Mishpot 36:10; Kztos Hachoshen Ibid. If there be no knowledgeable observant rabbis present who can testify that all the wrinkles regarding Gittin have been observed, then another Get must be given. Failing that the marriage should be annulled. Post facto rabbis who observe all the four parts of the Shulchan Aruch and have mastered the laws of marriage and divorce -Even Hoezer are competent to act as witnesses or members of a Rabbinical court, even if they attended a non Orthodox seminar and have a non Orthodox congregation. See Igros Moshe Even Hoezer Book 1- # 135.

If we do not know independently if the woman ever had an Halachic marriage and this information is volunteered by the woman herself then she is believed when she claims that she is divorced or widowed. She is believed because if she wanted to lie she could have claimed that she never was married in the first place. This is known in Talmudic and legal terminology as “HAPEH SHEOSUR HU HAPEH SHEHITIR” -“ the mouth [the woman herself] that prohibited her from marrying anyone else

because she is already married, is the mouth that comes to her own rescue -that she is in fact divorced- she possesses a Get -a Jewish divorce and consequently is permitted to have a relationship with another man or marry another man." See Aruch Hashulchon Even Hoezer 17:119;152:5. See Responsa Nodah Beyehudah Mahdura Kama #38. Furthermore, a person - man or woman is believed regarding his own status in any area -even regarding Biblical laws even if his claim contradicts a previous status. See Aruch Hashulchon Even Hoezer 3:5. Unless Halachic competent witnesses exist that the woman had an Halachic marriage post facto the woman is not considered as married. If she has children with another man the children are not considered Mamzarim -illegitimate. See Igros Moshe Even Hoezer volume 4- Responsa #20. She can contract another marriage with a new husband when husband #1 refuses to give her a Get. See my book Hatorot Agunot Chapter 1- 12 and the Agunah Rabbi is right Chapter-13. The witnesses must remember the precise date and place of the marriage. See Bais Shmuel Even Hoezer 17:63. See Rav Avadye Yosef - Yabiah Omer volume 3 Responsa 8:20. If the witnesses fail to remember the precise date or place of the marriage, there exists no valid Halachic marriage. This fact is used as an other adjunct to annul the marriage. See Hatorot Agunot chapter 1-13.

Thus any facts that a woman claims regarding her marriage - that will precipitate an annulment -are accepted without outside verification. We will educate her what the law is and let the woman tell us what the facts are. If this woman wanted to lie she could have claimed that she is single. She is believed regarding any claim involving her own marital status. Even if her husband contradicts her she is believed to have her marriage annulled, but not to collect money. That is handled independently by another court religious -Rabbinical court or civil court. Another set of laws apply. Would she be lying, she could have argued MOUS ALAI -my husband disgusts me and the Rabbinical court would have beaten her husband until he would free her. Rambam Ishos 14:8. Any Rabbinical Court in any generation whenever Jewish Law dictates that a husband grant his wife a Get and the husband refuses is empowered by Jewish Law to beat the husband. Rambam Gairoschen 2:20. Now days that rabbinical Courts are forbidden by civil law to beat the husband, the courts annul the marriage. Igros Moshe -Rav Moshe Feinstein Even Hoezer book 1 Responsa #79;

Ohel Moshe-Rav Moshe Tzeig Even Hoezer book 2 Responsa

123:8; Chelkos Yoev Book 1 Responsa 24 ; Devar Eliyohu Rav Eliyohu Klotzkin Responsa # 48. Furthermore without two competent witnesses we will default that the woman is not married. We will, furthermore, assume as a default position that relatives were present at the bridal canopy-Chupoh- who automatically corrupt all competent witnesses. Unless we have two witnesses to testify that the groom appointed two competent witnesses -and expressly excluded all relatives and incompetent witnesses- we will assume that no designation of two competent witnesses and the exclusion of relatives and incompetent witnesses occurred. See Shach Choshen Mishpot 36:8,19,20 ; Sma Ibid 36:10 . We will depend even on one authority to free an Agunah. See Taz Even Hoezer 17:15. See my book The War On The Jews -Hatorot Agunot .-Sexual freedom from a dead marriage.

Thus, if this woman as above described claims that she had a Get that was officiated by a non Orthodox Rabbi we will believe her and assume that a kosher Halachically valid Get was given. Would she not volunteer any information about her prior marital status, we would accept her word that she is single since there does not exist independent source information that an Halachic marriage ever occurred. We will assume that it is kosher as long as the woman in her pleadings does not state a scenario that the validity of the Get is put into question. Thus if she mentions the name of a non Orthodox rabbi who is not observant in his private life, we can assume that the Get he administered is likewise not kosher. This is so since reform rabbis are on record of not believing in the need of Gittin. So, if this particular rabbi is different , the least that we ask is that the woman in her pleadings identify him as observant of all Jewish laws- that he is different than the average reform rabbi . Or else he is different than the average Conservative rabbi who may not believe that the laws of the Torah are Divine. If the laws of Gittin are not Divine, what is the big deal if certain laws are overlooked? That is why the least that we ask -that the woman identify the rabbi who administered the Get as a believing Jew- that the laws of Gittin are Divine. We will believe the woman and ask for no other proof , but she must plead an argument that has merit- that she received a kosher Get.

The non Orthodox rabbi must holds himself out as giving 100% Halachically valid Gitten-

Jewish divorces and he observes 100% Halacha in his private life. Of course the Rabbi who is officiating in the giving of the Get will not participate in any function -against Halacha- endorsed by the non Orthodox movements such as same sex marriages, endorsing patrilineal descent or having women witnessing the Get that is written ,as well as, the actual handing of the Get to the woman being divorced . The witnessing must be done by Jewish males over the age of 13 who observe all the ritual and ethical laws of the Shulchan Aruch. Otherwise- if women, relatives or non observant Jews are witnesses there is no Get-Jewish divorce.

The married woman remains in her status of married. Any relationship with another man is adultery. Any children born from an other relationship are Mamzarim - illegitimate. If women are witnesses in a marriage-the giving of the wedding band by the groom to the bride, there is no Halachic marriage. However there are no consequences. The couple can have another wedding. If not, and they have children, the children born, without an Halachic wedding are one hundred % legitimate. 4000 years of Jewish practice is to have Halachic weddings and not have any sex outside of marriage. However there are no adverse effects on the children born from parents who did not have a Halachic wedding. The rabbi who is officiating in the giving of a Get must, likewise, accept that the Oral and Written Torah is given by G-d at Sinai 3500 years ago- that is presently summarized in the four parts of the Shulchan Aruch. Basically he must be an Halachic observant Jew , but nevertheless , belongs or is affiliated with the non -Orthodox movements .

If any of the above conditions are not met or we have doubts if they were met, we will have another Get given. If that is not possible we will annul the previous marriage. The reasoning is the following: If the Get of the non Orthodox Rabbis is valid, then the woman is divorced. If it is not, then the woman has received our annulment. Either way she is free to start a new relationship with another man or else marry someone else . She is not a prisoner locked up as a caged animal and forced to remain celibate to eternity ;or else compromise her religious believes and commit adultery and any children from man #2 be Mamzrim - illegitimate.

My goal is not to accommodate the non Orthodox movements ;but to tell the truth of Torah.

If the non Orthodox want to accommodate Torah , then they can participate in conversions, marriages and divorces that will be universally recognized as valid.

Thus if non Orthodox Rabbis study Even Hoezer and master the laws of marriage and divorce and follow 100% Halacha in their personal lives as well as in the marriages and Gittin- Jewish divorces that they officiate then those marriages and Gittin -Jewish divorces are post facto valid. This is so , since we live in a highly mobile society and marital information and status can not be independently verified , other than what the woman or man volunteer themselves. It is only where we have independent knowledge that the man or woman had an Halachic marriage that we need proof that a valid Halachic divorce in fact was made. This should provide an incentive for non Orthodox rabbis to perform Halachically valid marriages, divorces and conversions. They will then be universally recognized by all Jews, not only the non Orthodox. Those Orthodox rabbis who do not recognize will be on the defensive. They will have to produce proof why such marriages , divorces and conversions should not be recognized.

However fraudulent Orthodox Rabbis are not permitted to be part of a Rabbinical Court. See Rambam Melochim 10:1 When anyone argues I do not know that it is wrong to steal such a person is considered as a willful violator. Such a man is incompetent to serve as a witness or a member of a Rabbinical Court even if there are present two other members who have mastered and observe all the laws of the Shulchan Aruch. See Aruch Hashulchon Choshen Mishpot 348:15,306:9,16; Rambam Rotzeach Ushmiras Nefesh 1:14;Vayikro 19:14 Torah Temimo Ibid:BavaliAvodo Zoro 18a.

We have pointed out that post facto having no commitment is not controlling for a Halachic conversion. Such a convert is, nevertheless, permitted to marry a Jew or Jewess. See Yoreh Dayoh 268:12 and Magid Mishneh on Rambam Issurei Bioh 13:17. Thus where the officiating Rabbis are not observant of all the laws and are not competent to be members of a rabbinical Court without the presence of two Rabbis who have mastered and observe all the four books of the Shulchan Aruch there can not be a commitment to accept Judaism by the prospective convert. Nevertheless, there exists a legal Halachic conversion as previously explained. “Especially if the ritual is not complex and easy to perform we will believe even those individuals who otherwise out of laziness will not pay too much attention and are not reliable witnesses.” Shach Yoreh Dayoh 127:29,30. Obviously we are not suggesting that anyone not Orthodox is lazy. However there exists circumstantial evidence that if someone does not accept or believe in any ritual they will see nothing wrong if that ritual is not necessarily observed. See Torot Chatos -Ramo- 1:1. We certainly have greater confidence in the reliability of a witness when the witness believes that the ritual is the Word of G-d. Dipping in a Mikvah or in the ocean is a very simple procedure. Testifying that the convert dipped in the Mikvah or in the ocean does not require taxing oneself. Consequently even an individual not necessarily observant of all the Laws is believed that a Halachic conversion took place. Thus post facto all conversions- Orthodox or not are acceptable as explicitly discussed above. The converts and their children and extended families are not to suffer because we do not accept

or approve the theological position or degree of observance of the officiating Rabbis providing the conversion is done in accordance with Jewish Law as detailed above. What I have written would be acceptable even by those authorities that consider non Orthodox rabbis as incompetent to participate as witnesses or members of a tribunal-Rabbinical Court- in any ritual or function for-marriages , divorces or conversions. I am divorcing in the case of conversions the function of the non Orthodox rabbi from the crucial element of conversion. The crucial element is circumcision for the male and dipping in the mikvah or ocean for male and female. That does not require the tribunal of three rabbis to be present post facto. The presence of any Jew or Jewess suffices. The presence of a non Orthodox Jew is also post facto sufficient to effect a conversion as I have elaborated previously.

True, for Kaboles Hamitzvohs -acceptance of all the commandments- you need a tribunal of observant rabbis, that may not exist with non Orthodox rabbis. But again, post facto without the acceptance of all the commandments the conversion is valid.

Minors can be converted with the permission of their non Jewish parent(s).(Pische Tsuvoh on Yoreh Dayoh 268:8, citing Responsa Chasam Sofer #253

Thus Jewish Law is liberal. What is necessary is the willingness of the Rabbinical authorities to apply the laws and reclaim to the Jewish fold the hundreds of thousands of non Jewish partners their children and the resulting extended families.

By searching the loopholes in Jewish Law to include all Jews and their non Jewish spouses and non Jewish children –by making the conversion process easier- we can save hundreds of thousands of intermarried couples , and their extended families to remain part of the Jewish people. In my book The 4 parts of the Shulchan Aruch: a Summary of 4000 years of Jewish Law and Practice -HATOROT AGUNOT- Sexual Freedom from a dead Marriage- I elaborate on this matter

CHAPTER 16

THE WAR AGAINST Jewish Women

Mind Control

Will Durant in his monumental historical volumes covering 5000 years of recorded history summarizes all of history as a continuous war by the few to conquer, enslave and exploit the many by controlling their minds. Artificial intelligence of the 20th and 21st century is an outgrowth of the mind control exercised by the tyrants for the past 5000 years. Unfortunately, we are witness to this problem within Orthodox Judaism , perpetrated by husbands with the collaboration of certain individuals calling themselves Orthodox rabbis to enslave women in dead marriages by denying them a Get-Jewish divorce.

Theses individuals warp Jewish learning and the concepts of 4000 years of Jewish law-halacha and brainwash the agunah - the chained woman-that if she accepts an annulment in lieu of the Get -Jewish divorce and has relations with another man , she will have committed adultery. Any children she will have from man #2 will be illegitimate. This garbage is another form of “religion” being the opium of the masses , in the words of Marx, the father of communism. It is another variety of mind control used by tyrants to enslave the unsuspecting.

This garbage is used to keep women in abusive marriages. Many women not only lose their freedom and suffer physical ,emotional and mental abuse, but also may lose their lives. This is the war against the Jews . These same tyrants do not hesitate to destroy anyone- man or woman who stands in their way or is a threat to their hegemony of power and control . They have perverted Judaism to another sinister form of

thought

control. In the words of one of their protagonists who considers himself a godfather:-“ Either you are Orthodox or you are nothing” . This can be further refined . Either you accept my brand of Orthodoxy or you are nothing. Through out 4000 years of Jewish history Jews have suffered and are suffering today at the hands of non Jews who try to steal their wealth and freedom if not their lives. Today we are faced by a war against the Arabs and Palestinians for our very survival as a free people in the State of Israel. At the same breath Jewish women in dead marriages are involved in a life and death struggle for their freedom . The problem is not only the x-husbands , but certain individuals calling themselves Orthodox rabbis, who misuse Halacha-Jewish law to enslave the women. Just as the church in the dark ages doped the people to accept the tyranny of the lords and kings; so too do these rabbis exercise thought control to force the abused wives to resign themselves to their fate. It is the purpose of this book and all the other books and tapes I have authored using 4000 years of Jewish scholarship to explode the mind control and ignorance perpetrated by these rabbis on unsuspecting women and their families. This is THE WAR AGAINST JEWISH WOMEN.

Chapter 17

The War Against the Jews

The Nazis and other anti-Semites who killed six million Jews ; and the Allies who indirectly assisted in the murder of these six million Jews or else did nothing to save them- provide the cue for Arafat and the other Arabs today - how to use the Nazis' " final solution" for the Jewish problem. The anti Semitic world is again aiding and abetting the murder of Jews , but this time using morality to tie the hands of Israel. They thus prevent them from properly responding to the daily murder of Jews by the Palestinians and put the murders to an end.

Israel given to Jews by G-d is the heritage of all the people of Israel for the last 4000 years to all of eternity. The fact that the the Arabs disagree does not automatically create occupied territories in any part of 4000 year historical Israel - Gaza Yehudah and Shomron - newly named -the West Bank that is claimed by the Palestinians. This land does not belong to any other nation than Jews. Therefore it is impudence on the part of any nation to declare that Jews abandon their claim to any part of Israel and not only not build new settlements there; but also freeze the expansion of existing settlements. Where would the new born children of settlers stay ? If a new Jewish family decides to move to Yehdah and Shomron or Gaza , don't they have the right? If any one in the USA wants to move to a different part of the USA does he need the permission of any one? If a member of any minority group is refused to buy a house in any part of the country , the seller and broker can be charged with discrimination . Arabs live all over Israel . There is no discrimination. But Jews should willingly agree to be subject to discrimination . They should be willingly agree to abdicate their Right to Israel . All those who urge Israel to freeze settlements know that if Jews are physically present in Yehudah and Shomron they will have strengthened their claim to the land. The demand to freeze all building and expansion of present settlements, is reminiscent of the edicts of anti Semites centuries ago that prohibited any Jew from marrying and having children, other than the oldest son or daughter. The intention was to force the other children to leave. Similarly the Arabs and their supporters propose to prohibit Jews from expanding settlements. Therefore they would not have any place where to live -would they have children. They ,therefore, would abandon first Yehudah ,Shomron and Gaza and then the rest of Israel. This is another version of the maximum number of

Jews that were permitted by the British White paper to immigrate to then Palestine in 1939.

The White Paper of the British, who were given a mandate over Palestine by the League of Nations following World War I followed three years of Arabs rioting and murdering Jews in then Palestine. The

Arabs were rewarded for their bloodshed by having all their demands met- to thwart Jews ever becoming the majority in Palestine and establishing a State of their own. In 1948 ,the Arabs rejected the United Nations resolution to partition Palestine with two states, one Arab and one Jewish. When Israel was proclaimed as an independent Jewish State, all the Arab countries launched a war to annihilate the nascent Jewish State. After that total was reached in the British White Paper all immigration of Jews to then Palestine stopped. Jews were able to immigrate to Israel after the establishment of the State of Israel.

It seems that the Arabs never tire of their historical goal to deny the Jews an independent land. The first step is to prevent the normal growth of Jews in their independent land. Even today that an independent Jewish State exists , it is the goal of the Arabs to destroy it. That is the thrust of all their propaganda. That is the reason for the annual day of mourning at the anniversary of the founding of Israel. That is the reason all the maps of the Palestinians show a Palestinian State on every inch of Eretz Yisroel.

The enemies of the Jews want to destroy the Jewish claim to any part of Israel , why not start with Yehudah and Shomron ? Certainly, if Jews have no right to historical Israel, they have no right to newly built areas like Tel Aviv. Anti Semites historically limited the areas where Jews could live- to Jewish ghettos. Are Jews in their own country again be confined to Jewish ghettos? Are Jews going to permit those nations who-even today are actively involved in assisting in the murder of Jews- by selling ammunition to the Arabs and supporting them in the United Nations-or do nothing to prevent the murder of Jews assist in the stealing of the Land of Israel? We have yet to hear from those who lecture us their outrage and condemnation of the Palestinians as they murder Jewish men , women and children by shooting them on the roads and planting bombs all over Israel. Are we going to be deterred from preventing the murder of innocent Jews because we are being lectured that we are using

disproportionate firepower? Are we going to reward the Arabs for killing unarmed civilians and crushing the skulls of children? The Nazis were hanged for such antics following the Nuremberg trial . Israel has the right morally and in accordance with Halacha- Jewish Law to throw out all the Arabs from Yehudah , Shomron and Gaza. If the other Arab countries attack, Israel has the right morally and in accordance with Halacha- Jewish Law to use nuclear weapons and once and for all settle this matter. The United States used the atom bomb against Japan to end world War II. The allies did not hesitate to fire bomb German civilians to end World War II. Israel has the right to do the same. After 2000 years of suffering , enough is enough. However the decision is up to the Israeli people . They must weigh all the consequences. They are forbidden to make a hasty decision, when so much is at stake. They must first explore and attempt all the other options and alternatives. However the other alternatives must not put Jewish lives in danger and the security of the State of Israel must not be compromised.

Are we going to agree to have the open anti Semites or the hidden anti Semites impose their will upon us to steal our independence? It is not only those individuals who pull the trigger or lay the bombs that are responsible. It is those individuals who master mind the murder of Jews who share equal responsibility. It is those individuals who devise and deliver the hate that motivates the killing of Jews who share the responsibility . It is these individuals and governments who do nothing to prevent the dissemination of hatred and killing of Jews who equally have on their hands Jewish blood. It is the task of Jews and Israel to win the propaganda war. It is our duty to convince the democratic world of the justice of our case. This propaganda war is equally important as is the actual war against the murderers and inciters of hate. Until there is a fundamental change in the Arab mind set and acceptance of Jews to have a land of their own in Israel, it is suicide to contemplate to surrender one centimeter of Eretz Yisroel -the Land of Israel . It is suicide to fall into the trap of “morality” to give up any strategic advantage we hold for “peace” . Arafat , the Palestinians, and the rest of the Arab world showed their true colors when Barak was prepared to give them the greatest part of historical Israel-now called the West Bank, they launched the infatada -to kill Jews. They would win by the gun what they could not get at

the bargaining table- the return of millions of Palestinian decedents to the heart of Israel. In that way they would destroy Israel. The issue is not what size of territory the Arabs will end up with. The issue is that the Arabs do not want Jews to exist in an independent Jewish State. period. Therefore Jews must act accordingly.

All the anti Semites learned from 3500 years of hatred of the Jews by individuals who used anti Semitism as a weapon to hide their shortcomings and failures with their own people. They diverted their peoples' frustration by blaming the Jews for all their problems. The first to give expression to their murderous design to wipe out every Jewish man , woman and child -sparing no one were the Biblical Amolakites. The Bible teaches mankind how to deal with such terrorism. One word- reciprocity. That lesson cured terrorism 3500 years ago and cures terrorism today. It was used by the Allies in World War II in firebombing German cities . It was also used to end the war with Japan by dropping the atomic bomb. It should be used by Jews with prudence and foresight taking into consideration all consequences.

Amolek is not limited to only one racial group. The Bible does not discriminate. The cure can be applied to any group or nation that intends to annihilate Jewish men, woman and children .

Amolek -the ancient enemy of the Jews , according to Rambam, is not a racial concept. It is rather a very pragmatic concept. Any nation or group of people who want to harm Jews physically or spiritually are Amolekites. They should be dealt with accordingly. [Rambam Melochim 6:4 - Kesef Mishne and Raadvaz Ibid.]

Furthermore, Rambam Laws of Sabbath 2:3 states that one who refuses to violate the Sabbath to save a human life, relying on miracles alone , is a heretic. The reason is that G-d mandates in the Torah that we use practical means -not miracles to save human life. G-d mandates that the saving of human life supersedes all the Torah and all other

laws. Thus anyone who wants to rely on miracles, rather than use practical means, ipso facto

denies

what is written in the Torah. They thus are heretics.

The same applies to the need of Jews for a homeland of their own. Would Israel have existed as an independent Jewish homeland during the

second World War there would have been no

holocaust. CERTAINLY HUNDREDS OF THOUSANDS OR

MILLIONS WOULD HAVE BEEN SAVED.

It is a miracle that after 2000 years Jews were given by G-d the gift of an independent country. That represents the beginning of the Messianic era . But the only way Israel will survive is by natural means. We must defend the land by military means and diplomacy, not only by prayer. G-d helps those who help themselves.

Likewise, those critics of mine who do nothing to help Agunot, if they actually do not collaborate with the husband to deny the Agunah a Get , are also partners to Amolek.[Aruch Hashulchon Choshen Mishpot 348:15;306:9,16; Rambam Rotzeach Ushmiras Nefesh 1:14; Vayikro 19:14 Torah Temimo Ibid; Bavali Avodo Zoro 18a.] We will discuss both groups of Amolekites.