

Volume 13

Responsa

4 Parts

Shulchon Aruch

Orech Chaim

Yoreh Dayoh

Even Hoaser

Choshen Mishpot

Moshe Siselsender

Vol 13

Even Hoaser

Moshe Siselsender

Chapter 1.

Question

My husband abandoned me and our two children for a non Jewish woman younger than himself and myself by fifteen years.

For a number of years he refused to return and also refused to set me free and grant me a Get a Jewish divorce. After the intervention of many Rabbis and mutual friends he finally gave me a Get. We negotiated terms of a civil divorce . He left me the house where we lived that is worth more than a million dollars. He agreed to have the house solely in my name. He also agreed to pay for child support the equivalent of 75% of his gross salary. Even though I work and always earned more than he ever made he provides all of their

support. He agreed to consult with my Rabbi if there are religious issues involved.

For the last three years he has had a common law marriage with his non Jewish partner.

I was fully aware of his relationship and I , nevertheless, allowed my two children my son age 8 and daughter age six to spend 40 % of the time with him. They also sleep over in his home. When

my children are with him his girl friend sleeps in her own room.

Now after three years I decided to prevent him from having my children. I enlisted my Rabbi to force my x husband to abandon his girl friend or lose having my children over at night.

I know Rabbi Moshe Siselsender that you were fighting for many years with my husband to return to me . You also threatened him that you would annul my marriage with

him if he refused to grant me a Get. Fortunately he granted me a Get so it was not necessary for you to annul my marriage.

I know that approximately 60 years ago you have been ordained by Rav Moshe Feinstein the greatest living sage in the world in the 20th Century . You consulted with him for over 30 years .You have his approbation on three books on Jewish law. You also have been ordained by Yeshiva Mesivta Torah Vodaath where you studied for over 10 years. You consulted

with Rav Yaakov Kaminetzki and Rav Shorr for over 30 years. You have the approbation from Rav Shorr on two books of Jewish law . You have the approbation from Rav Yisroel Piekarski on your Responsa on 4 parts of the Shulchan Aruch as well as on many other volumes you wrote. Rav Piekarski was the head Rosh yeshiva at Lubavitz and Halachic advisor to the late Lubavitzer

Rebbi . Rav Moshe Feinstein Rav Yaakov Kaminetzki and Rav Piekarski gave you an approbation for your Kollel

I know that you presently have 12 books on Jewish law on the internet with over 500-900 million hits. At one time you had 4 billion hits .one has to type in google god life jewish isreal and your web site pops out

You are also known as agunah and you name is moshe siselsender.

If one is in google and types

god life j your web site pops out

god life jewish israel

If one then presses the enter key one can see the number of hits .
Your web site presently gets daily not less than over 500 million hits through out the world.

I therefore feel confident in addressing this question to you.

My x husband informs me that his girl friend presently is observing all Jewish rituals. She observes Kashtuth the Kosher dietary laws Shabbos the Sabbth laws . She

observes Taharot Hamishpocho She dips in the Mikvah 12 days following her monthly period. She has already made arrangements to convert according to Jewish Law.

Although the Civil Court has approved our civil divorce because of the back log the final decree has not been issued.

I have already gotten engaged but unfortunately, it did not work out.

It is specifically mentioned in the text of of the religious divorce that after 90 days following the Get the Jewish divorce I am free - permitted -to have sex if I so elect within or outside of marriage. If I get pregnant my children outside of marriage are not deemed mamzarim illegitimate- if I am Niddah I did not dip in the Mikvah 12 days after

my period before I have sex with my partner has no effect at all on the legitimacy of my children.

Would I be prohibited from having an affair there would never exist a valid divorce.

However I have been dating men, not women , other wise how could I have gotten engaged? The fact that my final decree of a civil divorce did not arrive did not effect or stop me from becoming engaged. Would

I have chosen to have sex with the man I became engaged I would not have been deterred because the final decree did not come in.

If I was or was not intimate with the man I was dating or will be dating is not the business of my x husband nor is it the business of my congregational rabbi whom I now enlisted to persecute my husband and make life miserable for him. I am paying him back for what he did to me.

Nor will my dating other men and

if I so elect to have an affair in front of my children have any effect on them.

But in the case of my x-husband even if his girl friend sleeps in her room it is different. He is a monster and his very presence has an ill effect on my children.

Now my question.

According to Torah Judaism is it

permitted for my husband to have a common law marriage?

If my children stay over night would the fact that my x husband's girl friend sleeps in a private room in the same apartment be detrimental for their mental health and Jewish Torah upbringing?

Response

Jewish law is divided over this issue. In my book # 10 chapter 12 I have discussed this issue in great length. Go into the internet and follow the instructions I wrote above and you will be able to read and down load my book 10 chapters 1-16

I will not repeat the arguments and discussion here.

All that I will comment is that

JEWISH PRACTICE IS OPPOSED TO COMMON LAW MARRIAGES.

However as you yourself point out that your x husband is waiting for the final divorce decree to arrive then he will immediately have a civil marriage and a chupah-a religious marriage.

There exists a question if one is able to have both a civil and religious wedding once the Court approved of your marital division of

property and agreed for a divorce before the issuance of the final decree ? Or can one have a religious marriage only with out a civil marriage? I know of many situations publicized in the newspapers that both the x husband and x wife have remarried with a Jewish ceremony with out a civil marriage. Would the courts prosecute such individuals for

bigamy? I am not an attorney.

Your x husband has assured me that if he receives written advice from his attorney that it is legal in New York State to have both a civil and religious marriage or only a religious marriage that he will proceed to do what is legal.

If you read my book 10 chapters 1- 15 you will discover that it is not necessary to have Rabbis officiate at a Hallachic wedding. One need

not have any official wedding. If a man and woman consistently for a period of over 30 days live in the same house have sex and both partners do not affirmatively rule out a Hallachic marriage and insist that their relationship is no more than a common law marriage they have an Hallachic marriage.

So please be assured that I empathize with you. I do not have words sufficient to condemn your husband for abandoning you. I was very actively engaged in fighting for your behalf. The fact that you

received a Get a Jewish divorce and the once in a life time property settlement is not because of your congregational rabbi but because of me.

You admit that according to the very language of the get that set you free you were at liberty to have sex. Is that correct ?

So what is good for the goose is good for the gender.

Divorce yourself emotionally from your husband. You have lost nothing. Bargains like him you do not need. Let another woman have him. You will find a husband who will appreciate you for yourself

Such a man will discover that you are the most beautiful person in the world the kindest most intelligent. Cut the emotional strings to your x husband. He does not deserve you.

Moshe Siselsender