

## Chapter 2

THE FOLLOWING RESPONSA IS A FICTITIOUS CASE BASED ON A BIBLICAL STORY FOUND IN END OF THE BOOK OF KINGS I. IT IS WRITTEN BECAUSE IT TEACHES THE IMPLICATIONS OF JEWISH LAW . THE LESSONS DERIVED CAN BE USED TO ANSWER MODERN QUESTIONS OF LAW AND MEDICAL ETHICS.

## QUESTION

ELIYOHU HANOVI -ELIJAH THE PROPHET ASCENDED TO HEAVEN IN A FIERY CHARIOT DRAWN BY FIERY HORSES . WHAT HAPPENED TO HIS WIFE? NO PLACE IS IT MENTIONED THAT ELIJAH GAVE HER A GET -A JEWISH DIVORCE.

## RESPONSE

THE WIFE OF ELIJAH WAS PERMITTED TO MARRY ANOTHER JEW EVEN

THOUGH SHE HAD NO GET FROM HER HUSBAND.

THE WIFE CAN MARRY ANY JEW. IN THE TORAH TEN COMMANDMENTS IT SAYS YOU SHALL NOT DESIRE THE WIFE IF YOUR FRIEND -ESHES RAYAHU, WHEN ELIJA ASCENDED TO HEAVEN HE BECAME AN ANGEL. HE NO LONGER WAS A HUMAN HE NO LONGER WAS RAYAHU YOUR FRIEND. PISCHEI TSUVAH EVEN HOEZED 17: 1 . Aruch Hashulchon Even Hoazer 4:13,14,15

THE ABOVE RULING IS USED AS

AUTHORITY TO PERMIT THE WIFE OF A JEW MARRIED WHOSE MARRIAGE BREAKS UP AND HE REFUSES TO GIVE HIS WIFE . IF HE CEASES BEING RELIGIOUS HE IS DEEMED NO LONGER JEWISH . CONSEQUENTLY , HIS MARRIAGE CAN BE ANNULLED. HE NO LONGER IS IN THE CATEGORY OF RAYAHU. YOUR FRIEND. SEE BOOK 10

QUESTION [THIS IS A FICTITIOUS CASE ]

IF ELIJAH RETURNS AS A HUMAN AS IT IS WRITTEN THAT BEFORE THE ADVENT OF THE MESSIAH ELIJAH WILL RETURN AND EXPLAIN ALL THE ENIGMAS AND UNRESOLVED QUESTIONS THAT THE RABBIS ARE UNABLE TO REACH A DECISION. ALL UNRESOLVED DISPUTES WILL BE RESOLVED BY ELIJAH.

RAMBAM MELOCHIM CHAPTER 11 ,  
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QUESTION

CAN ELIJAH'S WIFE WHO ALSO WILL BE RESURRECTED REFUSE TO REMAIN MARRIED TO HIM? IF SHE REMAINS AND CHANGES HER MIND AND HE REFUSES TO FREE HER WITH A GET, CAN HIS MARRIAGE BE ANNULLED?

RESPONSE

ELIJA'S WIFE CAN REFUSE TO REMAIN

MARRIED TO HIM. IF SHE REMAINS AND CHANGES HER MIND SHE CAN RECEIVE AN ANNULMENT.

WHEN ELIJA WENT UP TO HEAVEN IN A FIERY CHARIOT DRAWN BY FIERY HORSES HER ORIGINAL MARRIAGE WAS ANNULLED. ONCE ANNULLED IF HE RETURNS ANOTHER MARRIAGE MUST TAKE PLACE. FURTHERMORE SHE DIED THAT ITSELF CANCELS HER MARRIAGE. ONCE SHE IS RESURRECTED ANOTHER MARRIAGE MUST BE MADE EVEN WITH THE SAME SPOUSE. FAILING THAT THERE NEVER EXISTED A MARRIAGE. IF ELIJAH REFUSES TO FREE HER SHE WILL

BE GIVEN AN ANNULMENT.

THE SAME RULING APPLIES TO THE DEAD COUPLES RESURRECTED BY PROPHET EZEKIEL IN BIBLE EZEKIEL CHAPTER 37 . THEY CAME TO LIFE . WERE THE WIVES MANDATED AND THE HUSBANDS MANDATED TO GO BACK TO EACH OTHER. ?

THE SAME QUESTION REGARDS ALL JEWISH COUPLES WHO WILL BE

RESURRECTED AFTER THE MESSIAH  
COMES .

RESPONSE

THE SAME LAW THAT WE DISCUSSED  
ABOUT ELIJAH APPLIES TO ALL OF  
THEM.

THE SAME RULING APPLIES TO  
SUPERMAN IF HE MARRIES KATE AND  
SHE IS JEWISH. SUPERMAN CAME FROM  
A DIFFERENT SOLAR SYSTEM. HE IS



NOT JEWISH . SUPERMAN FAILS TO CONVERT OR FAILS TO DISCLOSE HIS BACKGROUND TO KATE. HIS FUTURE MARRIAGE TO KATE WHEN IT BREAKS UP AND HE REFUSES A GET CAN BE ANNULLED.

THE SAME IS TRUE WITH BABIES WHO HAVE A SURROGATE MOTHER WHO IS NOT JEWISH. THEY ARE NOT JEWISH .THE RELIGION OF THE CHILD IS DETERMINED BY THE RELIGION OF HIS BIRTH MOTHER. IT DOES NOT MATTER THAT THE SPERM AND EGGS ARE FROM JEWISH PARENTS. HOWEVER THE SAME

IS NOT TRUE WITH BABIES BORN IN THE LABORATORY OUTSIDE THE WOMB. SCIENTISTS HAVE TESTED BREEDING TEST TUBE ANIMALS. HOWEVER IT IS POSSIBLE TO DO THE SAME WITH HUMANS. IN THIS CASE THERE EXISTS NO NON JEWISH MOTHER. THE EGGS AND SPERM COME FROM JEWISH PARENTS. THE INSTRUMENTS UTENSILS AND THE DISH WHERE THE FETUS DEVELOPS IS NOT DEEMED JEWISH OR NON JEWISH IT IS NEUTRAL AND WILL NOT EFFECT THE RELIGION OF THE BABY BORN.

ON THE OTHER HAND IN THE CASE OF A SURROGATE MOTHER WHEN SHE

HAS THE FETUS IN HER STOMACH SHE IS PHYSICALLY NURTURING FROM HER BLOOD STREAM THE FETUS. IN THAT CASE THE BABY BORN TAKES THE RELIGION OF THE NON JEWISH SURROGATE MOTHER AND REQUIRES TO BE CONVERTED . Aruch Hasulchon Even Hoazer 4:13,14,15

HOWEVER IN THE CASE OF THE FETUS NURTURED IN A LABORATORY DISH THERE EXISTS NO NEED TO CONVERT - ANY FUTURE MARRIAGE TO A JEWISH WOMAN WHEN THEY REFUSE A GET CAN NOT BE ANNULLED. SEE BOOK 10 11 12 .- SEE RESPONSA RAV YOSEPH ENGEL RESPONSA NISHMOT AVROHOM

BY AVROHOM AVROHOM [ON 4 PARTS  
OF SHULCHAN ARUCH ] THE AUTHOR  
DR. AVOHOM AVROHOM IS HEAD OF  
SHAREI TZEDEK HOSPITAL IN  
JERUSALEM , ISRAEL

THERE EXISTS A MEDRUSH THAT THE  
JOSEPH THE FIRST BORN SON OF THE  
BIBLICAL MATRIARCH RACHEL WAS  
REALLY THE SON OF LEAH. LEAH GOT  
PREGNANT USING HER EGGS AND THE  
PATRIARCH JACOB'S SPERM. ONCE  
LEAH GOT PREGNANT AN OPERATION  
WAS PERFORMED AND THE FETUS WAS  
TRANSPLANTED TO THE UTERUS OF  
RACHAEL. SINCE RACHEL GAVE BIRTH  
RACHEL IS CONSIDERED THE MOTHER  
OF JOSEPH . LIKewise DINA WAS  
CONCEIVED BY RACHEL USING HER  
EGGS AND JACOB'S SPERM. WHEN

RACHEL GOT PREGNANT THE FETUS WAS TRANSPLANTED TO THE UTERUS OF LEAH. SINCE LEAH WAS THE BIRTH MOTHER LEAH IS CONSIDERED THE MOTHER OF \DINAH.