

Chapter 7

Question

A Jewish man got a woman pregnant and she gave birth to a daughter. She wants to leave him unless he marries her. Should he marry her?

Response.

If a man has relations with a woman even if it is consensual he should marry her. If he raped her he must marry her. He is forbidden ever to leave her or divorce her. The Rabbinical law if they are legally able by civil law can force him to marry her. However in the case of consensual sex both man and woman have the

option to veto the marriage. In the case of rape only the woman has the option to veto the marriage. Aruch Hashulchon Even Hoazer 177:1.

However all this is true if both parties are Jewish. If the woman or the man are not Jewish they must convert to Judaism. Otherwise there does not exist any marriage unless both spouses are Jewish. Ibid 177:9

Every Jew must observe the laws of family purity Niddah laws. They can not have relations 12 days following the woman's period. Only after she dips in a Mikvah can they resume relations. Both must observe the Kosher laws and the Sabbath laws.

The child technically is not Jewish. Aruch Hashulchon Edven Hoazer 4:13,14,15 Rambam Isurei Biah 12 Ramo Shulchan Aruch Even Hoazer 16:2 Aruch Hashulchon Even Hoazer 16: 7 . The child takes the religion of the birth

mother. However , there exist authorities that Rabbinically the child is Jewish . Aruch Hashulchon Even Hoazer 15:10. However ther child Biblically must undergo conversion. Just like her non Jewish mother.

However the child must undergo a conversion according to Hallacha even though the mother remains non Jewish and refuses to convert. According to all authorities Biblically the child from a non Jewish mother is not Jewish .even if the mother refuses to consent that the Child undergo a conversion, the father is obligated to have the child grow up in his house. When the child grows up he/she will convert. It is the father's obligation that his child grow up normal. Children from broken homes suffer problems the rest of their lives. If the only way the father can accomplish this is by marrying the mother of his child , he must

marry her. He must do everything it takes to have his child grow up in a home where there exist the birth father and mother.

The man is obligated to save the child from becoming a non Jew. He must even violate the Sabbath. Aruch Hshulchon Orech Chaim 306:25. Consequently he should marry the mother of the child. Once he is married he will convince her to convert. If she leaves him he will never have a chance to save the child.

This is in addition to the terrible tragedy children from separated homes suffer all their life.

This man is not religious. As such he will not be observing the Niddah laws. The Nidah laws

only apply if the woman is Jewish. One who violates the Nidah laws violates a cardinal sin of Kores. Niddah laws are not to have relations after a woman has her period for 12 days until the woman dips in the Mikvah.

Having relations with a non Jewish woman is at most a Biblical violation a Lav. Nothing in comparison to a violation of Kores. So his violation with a non Jewish woman who does not convert is smaller than with one who does convert.