

## Chapter 30

### CALLING WOMEN FOR AN ALIYA TOGETHER WITH MEN IS A BIBLICAL CARDINAL VIOLATION OF HALACHA

Not only does the entire congregation lose the Mitzvah associated with reading the Torah, but there is no Mitzvah for the woman and she is prohibited from reciting the blessings on the Torah. She and the congregation that permits this breach of Halacha have not fulfilled their obligation of reading the Torah. They violate the cardinal prohibition of “lo salchu bechukot hoakum”. Jews are prohibited from following any custom that is followed by non Jews or sanctioned by Reform or Conservative theology. Since the earliest period of

Jewish congregational experience -temple times- there always was segregation of the sexes in religious services. Uprooting this tradition falls under those laws that Jewish men and women must be willing to sacrifice their lives rather than breach this law. This has been the Halachic decision of all Authorities for the past 200 years since the Reform introduced this innovation. Even those individuals who practice these innovations call themselves Reform and Conservatives or Reconstructional Judaism. They never defend their actions as being within the parameters of Halacha and show the sources of Rabbinical authorities who support them. The thousands of variant rulings within Halacha for every question do not label themselves as anything other than Halacha. At this junction in Jewish history that Israel and the Jewish people are under siege ,antisemitism has reached the venom of the 1930s this is the last thing that Jews need. We need to be united , not bring up matters that will divide us. Any individual who feels disfranchised following Halacha has the option of joining any of the non Orthodox movements who honestly admit that they are not following

Halacha. The fact that a graduate of Yeshiva university adopts the arguments of the Reform regarding giving women Aliyot does not change the reality that such action is considered by all Halachic authorities as being a serious infraction of Halachic practice.

It is very praiseworthy that Jewish women want to expand their religious experience. It is mandatory that every Jew and Jewess master and practice the summary of the four parts of the Shulchan Aruch as summarized in the Code of Jewish Law- English translation ,as well as my Books Responsa on the Four Parts of the Shulchan Aruch in English that have the approbation of Rav Piekarski and two books of the set have the approbation of Rav Moshe Feinstein . Many of my responsa regarding freeing agunot have the approbation of Rav Steinberg from Rehovot Israel.

## CHAPTER 31

**CALLING WOMEN FOR AN ALIYA TOGETHER WITH MEN IS A BIBLICAL CARDINAL VIOLATION OF HALACHA. Having a Bat Mitzvah in a Social Hall or in the Home is mandatory . Having a celebration in a social hall or at home for the naming of an infant girl in the Synagogue is mandatory**

I am the author of Responsa on Four parts of the Shulchan Aruch -Jewish Codes of Law in English that I have the approbation from Rav Piekarski. Rav Moshe Feinstein gave his approbation on 2 books of the set and Rav Steinberg from Rehovot Israel on many responsa before they passed away. Our Rabbinical Court has freed hundreds of Agunot from the chains of husbands who refused them a Jewish Divorce a Get. I am therefore in the forefront of the fight for Jewish women rights in accordance with Halacha-Jewish law.

I herewith state with one million percent certainty that if women are called for an Aliya together with men

then the entire congregation loses the Mitzvah associated with reading the Torah. There is no Mitzvah for the woman and she is prohibited from reciting the blessings on the Torah. She and the congregation that permits this breach of Halacha have not fulfilled their obligation of reading the Torah.

It is prohibited to recite Krias Shma-or any blessing or read the Torah or recite any word of the Torah in the presence of a woman who has any part of her body uncovered that Jewish daughters cover including her hair if she be married See Shulchan Aruch Orech Chaim Meginai Oretz 75:3. Even if the men not be sexually aroused it is prohibited. In our culture that continuously stimulate men and women - by television, magazines, movies and advertisement and is very lax on sexual mores , it is even more reason to have this standard of purity at the very least during prayer in the synagogue when sexual arousal would render the prayer or the reading of the Torah null and void. See Orech Hashulchon Orech Chaim 74:3 75:1,2,3,6. Rambam Laws of Krias Shma 3:16; Orech Chaim Meginai Oretz 75:1,2, 3;Mogen Avrohom 75:2.

Unfortunately many Jewish women imitate other women and dress in style. If the style calls for revealing dresses , blouses and skirts Jewish women follow suit. The more sexy and arousing the outfit the better. Who will stand guard at the synagogue to turn away such women? How many married Jewish women cover their hair? Who is going to turn them away? When women sit in their own section of the synagogue even if their dress is not modest , it does not effect the prayer of men providing the height of the Mechitza the separation between the sexes is at least the height of the shoulder's of the average adult woman approximately 54 inches. Otherwise the women must sit in the balcony. In addition , even without women wearing revealing clothes, one is not permitted to pray in that synagogue because it lacks a Mechitza- a separation . Rav Feinstein Igros Moshe Vol 1 # 39, 40 . The synagogue inherited the sanctity of the Temple in Jeusalem 2000 years ago. A Mechitza was erected on those occasions that a multitude of men and women gathered in order to prevent socialization during the prayers, recitation of G-d's name and reading of the Torah. Rav Feinstein rules that this Mechitza is Biblically required. The sanctity of synagogues likewise requires a Mechitza Biblically. Igros Moshe Vol 1 # 39.

Outside of the synagogue such a code of dress may precipitate an attack upon the woman of men who want to rape her that can G-d forbid prove fatal. Or she may have an affair and contract aids or another venereal -

sexually transmitted- disease or else find that she is pregnant. Marriage minded men will respect a woman who respects herself . Her style of clothes are the first impression . She signals if a man can have her sexually without marriage or must make a commitment. True she must wear attractive clothes , but they must meet the requirements of Tzniot - the style of Jewish daughters. Skirts and dresses must be below the knee, blouses must be below the arm pit, blouses sweaters and dresses can not be tight fitting . The contours of her bust can not be shown. See through dresses where part of her body is revealed are not the dress of a Jewish daughter. Dresses where part of the back is open do not meet the standard. Split skirts are sexy, but because of that are not the attire of a Jewish daughter. Even women employees of New York City post office must wear a uniform a blouse that hide the contours of their breast. Hostesses on British airlines wear a uniform- dresses or blouses that meet all the requirements of Tzniot. So we see that decent minded individuals of all faiths realize that the code of a woman's dress is critical to send the right message to men and to keep a respectable decorum and environment of sexual mores. On the other hand , women who ignore Tzniot- if they be married- may place their marriage into jeopardy. The attention of other men can lead to intimacies. Unfortunately in the majority of cases of divorce, adultery during the marriage precipitated the over 50% divorce rate that exists today, even within the religious population. It all starts with the abandon of Tzniot - a modest code of dress for Jewish daughters. Jewish daughters cover their hair if they are married.

In addition one would violate the cardinal prohibition of “lo salchu bechukot hoakum.” Jews are prohibited from following any custom that is followed by non Jews or sanctioned by Reform or Conservative theology. Yoreh Dayoh 178:1;Bais Yosef and Ramo;Gro 178;1,8; Shach Ibid 178:1,2,3,4;Taz Ibid 178:1,2,3,4;Respona Mahrik # 88;Respona Srhredai Esh vol 2 # 80; Hapardes July 1966;page 36;-Rav Feinstein Orech Chaim vol 1 #104.

On the other hand, having a Bat Mitzvah celebration in a social hall or home is a Mitzvah and mandatory to give the girl a feeling of importance and recognition. This is not following in the ways of non Jews or the non Orthodox since such celebrations always existed among Jews to commemorate the passage from infancy to maturity and responsibility .The same applies of making a celebration at the name giving of an infant girl in the synagogue when the infant is born.

Since the earliest period of Jewish congregational experience -temple times- there always was segregation of the sexes in religious services. See Igros Moshe Orech Chaim vol 1 #99; vol 2 #40; Igros Moshe Orech Chaim vol 3 #25;vol 4 #91; vol 1 #46;vol 1 #39 ; #40;#41#42 vol 3 # 23 ;#24vol 2 #43;vol 4 #32;vol 1 #39,#42,#vol 4 # 29; vol 3 # 23 ;vol 4 # 30 ;# 31;#29; Tzitz Eliezer vol 5 psicha # 1-8 .Uprooting this tradition falls under the category of laws that Jewish men and women must be willing to sacrifice their lives rather than breach .See Yoreh Dayoh 157:1 Taz 157:2,3; Shach 157:5. This has been the Halachic decision of all Authorities for the past 200 years since the Reform introduced the concept of desegregation of the sexes in prayer services. See Chsam Soffer and Sdei Chemed re reform; Lev Hoivri from Rav Akiva Yehosif ben Rav Yechiel.

We are living in an era that ignorance of Torah and Mitzvohs is the norm. We have non Orthodox ignoramuses and Orthodox ignoramuses. All the maladies and violation of Halacha-Jewish Law in a symptom of this chronic illness of ignorance of the Torah. In addition we are presently fighting for the very survival of Jews everyplace in the world. The flash point are the Jews in Israel. We are presently at war for our very survival. Intermarriage and divorce are over 50% . At this time we must abandon all our personal preferences and focus on priorities. Any individual Jew or Jewess who is not happy with the restrictions of Halacha can join the non Orthodox . No one is forcing them to observe Jewish Law. On the other hand, every Jew who observes additional Mitzvos and refrains from violating Jewish laws is fulfilling his duty to G-d and to the Jewish people. Just because you do not observe one set of laws does not mean that you are free to violate all the laws. Even a non observant Kohen can still participate in Birkot Kohanim -bless other Jews. We do not tell a non observant Jew transgress more since you are not religious. Rambam Tefila- Nesiat Kapayim 15:6.,7; Igros Moshe Orech Chaim. A congregation that has no Mechitza -no separation between the men and women but the men and women sit separately should not have mixed sitting. Sitting separately -without a Mechitza- a physical barrier dividing the sexes- is still better than mixed sitting and is a lesser transgression. Likewise , having an Orthodox Rabbi in a Congregation that has mixed sitting is a lesser transgression than having a rabbi who will preach heresy and deny the foundations of Jewish belief and practice. The Orthodox rabbi will influence the congregation to observe other Jewish Laws and eventually put up a Mechitza. If the Rabbi is very idealistic and

has the personality to influence people, he should accept the pulpit. See Orech Chaim 306:14; Mogen Avrohom 28,29; Aruch Hashulchon Ibid 306:28 for support. One is permitted to violate certain Jewish laws if in doing so one will save another Jew from heresy and conversion to another faith.

The rabbi before or after he is ordained should also attend college or a trade school. He should acquire another profession - become an accountant , lawyer , dentist, physician , podiatrist, computer programer, stock broker or become a plumber, electrician , carpenter, tailor or shoe maker or any other profession or trade or enter business. He will be able to rely on his independent way of making a living if the congregation refuses to put up a Mechitza and observe Jewish Law and he will quit being the rabbi. Likewise, if the congregation does not renew his contract he will have another source to make a living. This is extremely important. This consideration must override all other considerations. Otherwise the young man is irresponsible. He can wreck his life. Everyone must be independent financially and not be at the mercy of anyone

## Chapter 32

### Having Period Two Times a Month or Three Times a Month

Every Jewish woman who has a period is a Nidah. As a Nidah she is forbidden to have any physical contact or kiss or have relations with any man. After a period of twelve days from the onset of bleeding after following procedures outlined in the books relating to Nidah observance the woman dips in a Mikveh and is again permitted to her husband. Only married women dip in a Mikvah in order to discourage unmarried women from being promiscuous.

What happens if a woman has a period two times or three times a month and all medical treatment to regulate her menstrual cycle to once a month fail? Then the Rabbis are mandated to invoke all the lenient rulings and minority opinions to re-characterize all the times -other than once a month- that the woman is bleeding as something else than Nidah. The woman would then count as becoming a Nidah the time she bleeds that is closest to the end of the month- once every 28 or 30 days apart. Other times that she bleeds she is permitted to her husband and does not have to dip in the Mikvah. This is radical, but such is the work of the Torah. G-D gave the rabbis the power to use all the loopholes in the Torah to make the Torah equitable. We are concerned with the plight and impossible consequences that can result to individuals as a result of Torah observance. If the woman must count 12 days from the time she bleeds twice or three times a month she never will be permitted to her husband, She will remain all her life a Nida. This is an impossible situation and inequitable. It is for situations like this one that the Torah empowered the competent rabbis who have mastered and practice the four parts of the Shulchan Aruch to find loopholes to enable this woman to have a normal sex life.

Just as in the case of an Agunah where the husband refuses to set the woman free by giving her a Get

we will rule like minority opinions -even like one rabbi, so too in this case too. Here also the woman is like an Agunah- she is eternally forbidden to have sex - and we must use every loophole that exists to help the woman. See Talmud Nida 66a- “isho shyas lo vest toleh bevesto” . Once a woman has a specified time that she has her period , any other bleeding can be disregarded. Such is the interpretation of Rashba and Mordecai . Rashba Tores Habit- Shar ha ksomim ; Mordecha beginning Shavuot. This interpretation is widened to include those cases that the woman does not have a definite period that she has her menstrual flow. We will then determine that once every 30 days -once a month -she is considered Nidah and has to count 12 days before dipping in the Mikvah after observing all the laws described in the Kitzor Shulchan Aruch Rav Shlome Ganzfried translated as The Code of Jewish Law -English edition . See also my book Ohr Zisel On laws of Nidah that translates all the laws from Aruch Hashulchon Yoreh Dayoh - chapters 183-200. [ Presently in manuscript]. For further substantiation for this position see - Ramo Yoreh Dayoh 187:5;Aruch Hashulchon 183: 54,55,56,59,60,66 Ibid 186;13,14,15. Ibid187;45,62;187: 1-93 ;183:1-68; Ibid 190:1,2 : Responsa Bris Avrohom Yoreh Dayoh vol 1 # 44-58; Responsa Nodeh Beyhudah Yoreh Dayoh # 44 , 55 ; Responsa Pnai Yehoshua Yoreh Dayoh #1 ; Responsa Mahriv # 25; Responsa Tzemech Tzedek Yoreh Dayoh # 97 ; Psokim Uksovim vol 4 -Responsa Laws - Yoreh Dayoh # 54 from Rav Isaac Herzog chief Rabbi of Israel during Israel’s war of independence.Responsa Maharsham vol 1 # 24, 68,80,81; Shev Shmate Shmte 6:7 and Nodei Beyhuda 59 as cited by Responsa Mahrsham Vol1 # 68. The Mahrsham Vol 1 #68 grants a dispensation to a woman who finds it impossible to ascertain that she has stopped bleeding -she still spots . He advises her to wear colored underwear and use colored tampons that contain no white.Responsa vol 1 # 81. Even if she can not obtain colored tampons , the dispensation still exists. Responsa vol 1 # 68. Every other woman who has no emergency must observe strictly all the details of the laws of Nidah -family purity. The sources cited give the Halachic reasoning for the dispensations. The dispensations are intended to prevent the marriage from ending in divorce since the observant couple would not be able to have sex otherwise since the wife would remain forever a Nidah.

Arye Leib Hakohen the author of the Kzos , Avnei Meluim and Shev Shmata Shmata 6: 7 and 19



**gives the following Halachic explanation. Every woman has a period . Most have a period once a month. Consequently , every woman must observe all the restrictions of the laws of Niddah Mikvah whenever their period occurs. The overwhelming majority of women do not menstruate more than three or four days. When a woman claims that she has bleeding more than the three or four days at her period or a few times a month or every time following intercourse she in effect is in conflict with what the overwhelming majority of women experience. True she may be bleeding, but the source of the bleeding can very likely be other than what is considered menstrual bleeding coming from the womb. Would we believe the claim of this woman that she is having menstrual bleeding the effect must be to destroy her marriage. This woman at the instant of marriage obligated herself to her husband with marital rights. Her Husband obligated himself to his wife to provide her with marital rights. True once a month for a period of twelve days the husband agreed to relinquish his marital rights in deference to her Nidah state. However when a woman claims that she has a period several times a month or is unable to cleanse herself after her period the husband is not obligated to believe her. The husband relies on the evidence from the overwhelming majority of women who do not have such problems. Therefore he can claim that he does not accept that she had menstrual bleeding. The bleeding can have come from the vagina, or from any other organ like the kidneys or the cystis urinaria . This is logical since after the first three or four days of bleeding most of the bleeding is not attributed as coming from the uterus or womb . It could have come from the cystis urinaria or the vagina. See Shev Shmata Shmata 4:1 .Of course a physician must be consulted for medical and gynecological complications that must be healed. But as far as the Halachic situation the woman can attribute the additional bleeding as coming from above mentioned organs since they are closer to the place where the bleeding was detected in the vicinity of the vagina. See Mahrsham Vol 1 # 68 who cites Toras Cha. on his commentary to Talmud Bava Basra page 23 who uses this logic. Even if the wife does not have a wound or injury and does not experience pain , the husband can refuse to believe her that this is menstrual bleeding . Nodah Beyahudah as cited by Mahrsham Vol 1 # 80 produces proof that the overwhelming instances of bleeding at times other than when a woman has her monthly period is not menstrual . See also Aruch Hashulchon Yoreh Dayoh 183:13; Shev Shmateh 3:11 beginning;Chsam**

**Soffer Yoreh Dayoh # 142; Therefore this woman is making a claim that contradicts a Rov delaisa kamon and is not believed. This is similar to the case where a person claims that he inspected an animal and found the animal having an illness that renders it unkosher- traif. Unless the person making the claim was the ritual slaughterer -who slaughtered this animal and had in his control to render the animal not kosher if he so desired , he is not believed . A stranger is not believed when the owner contradicts him or does not believe him. See Yoreh Dayoh chapter 127:1. The reason is because the majority of animals are healthy and do not have diseases that render them not kosher. See Shev Shmata 6:7 middle. See Aruch Hashulchon Yoreh Dayoh 39:1. The same logic applies to our case when the woman contradicts the overwhelming majority of cases of women who do not have menstrual bleeding other than once a month and the husband does not accept that this is menstrual bleeding. The rabbis instruct the husband not to accept that this is menstrual bleeding similar to the situation in Yoreh Dayoh 127. Otherwise every woman can use this excuse to escape remaining married. See Rav Yoneson Eisbitz in Craise Upliasi Yoreh Dayoh 187. The above reasoning is furthered by the fact that a woman in order to become ritually impure -in the Nidah state Biblically must feel the instant that the blood emerges from the womb-not when she senses that the flow of blood has soiled her tampon or garments. See Aruch Hashulchon Yoreh Dayoh 183:66; Ibid 190:1; Responsa Pnai Yehoshua Yoreh Dayoh #1; Responsa Nodeh Beyehudan # 59. Otherwise she is impure according to Rabbinical Laws. In our case when a woman claims to have bleeding several times a month or can not be cleansed the Rabbis relaxed their restrictions and relied on the Biblical law that the woman must sense the release of blood from the womb . This is next to impossible to experience. Therefore coupling all the various factors we will grant this woman a dispensation and enable her to remain with her husband and save their marriage. We will also permit her to take a bath when she must determine after her period stopped that there is in fact no more bleeding. The bath will ensure that she does not find any blood upon examination. This is done only if the woman continuously finds blood on the garment that she uses to examine herself .On the fourth night following the beginning of bleeding the woman must first examine the outer layers of the vagina-without examining in depth as far as possible as is normally done -to see that there is no bleeding or spotting. Mahrsham Vol 1 # 68 middle. If she still**

**finds bleeding or spotting then the following night she pays attention that there is no sensation of blood coming from the womb. If she does not feel any blood , no further examination is made. Nodah Beyehudan Mahdura Kama # 57. She then takes a bath . Following the bath she will examine herself to see that there is no spotting. After finding no bleeding or spotting she will count seven clean days. She will repeat this process during one of these seven days or nights. After the completion of the seven days at the eighth night she goes and dips in the Mikvah and is permitted to her husband. See Tahras Yisroel 187:70; Mahrsham Vol 1 # 68 very end citing Responsa Ateres Chachomim #17. The prohibition of taking a bath under normal circumstances would be Rabbinical . See Orech Hashulchon Yoreh Dayoh 99:27. In our case to save the marriage the Rabbis relaxed their ruling. We will also permit her to wear colored tampons and undergarments. Any bleeding on colored tampons and undergarments-other than when a woman has her monthly period- are not considered dam niddah- menstrual bleeding and she is not rendered a Nidah forbidden to her husband. Thus one can see that the Rabbis employed all their ingenuity to save marriages .**

**In all other situations Jews must observe meticulously all Laws be they Rabbinical or Biblical. Only in emergency situations are we mandated to rule like the minority opinions -even like one rabbi. See Taz Even Hoezer 117:15.**

**This situation can be distinguished from the case of the women who want to be able to do anything men do and outdo them, since there exist things men can not do. Men do not have a period and obviously are not required to go to the Mikveh and make a blessing -Aruch Hashulchon Yoreh Dayoh 200:2. Men are not permitted to make a blessing even if they do go to the Mikvah. Men can't bear children and obviously are not required to go to the Mikvah after they have a child and make a blessing like women do . Women light the Sabbath candles and recite a blessing, not men . Only if there are no women do men light the Sabbath candles with a blessing. Women when baking take Chala a portion of the dough and make a blessing and burn it. It was given to Kohanim . Nowadays when we do not know the true status of Kohanim , we burn the dough. In addition , the Kohanim in order to receive the Chala had to be pure - never being in a funeral parlor or touching someone who was . This scenario can not be realized**

easily today. Thus we burn the Chala .Thus we see that women have many Mitzvohs that require making a blessing The Torah did not discriminate and favor the men. There exist no need for women to imitate the roles of men or adopt their Mitzvohs, like putting on Tefilen wearing Tzitzot or getting an Aliya- being called to the reading of the Torah. and come to the men's section of the synagogue. They thus will be imitating the Reform and Conservatives.

So too, women are exempt from performing all Mitzvohs that are tied to time. They are exempt from putting on Tefillen and wearing Tzizis because they are considered men apparel , in addition to being a Mitzvod bound by time. That is the reason that women are forbidden to put on Tefillen and wear Tzitzes even on a voluntary basis. Women are exempt from prayers in the synagogue with a Minyon and Krias Hatorah- reading the Torah. If by their presence at the synagogue mixed seating - and being called for an aliya to read the Torah they cause men to be aroused sexually, they are in violation of causing another person to sin. "Lifnai iver lo siten mikshol "- Before a blind and unsuspecting person you shall not place a stumbling block. Anyone who causes or is an accessory to have another person sin is responsible for the other person's sin. If one has the ability to prevent another person from sinning or committing a crime and fails to prevent him one is punished- Talmud Avoda Zoro 18a. If they ignore these considerations then their attitude is a symptom of ignorance and arrogance. Such people when organized as a group are undermining Judaism . We can not accommodate them and they and we are better of if we part company. See Ramo Yoreh Dayoh 334:3 and Taz Ibid 334:1 who cautions for restraint and not to encourage sinners to abandon Judaism by excommunicating them and throwing them out from the group. We should oppose their violations , but not cast them out.

Women are the most important transmitters of all our laws Biblical and Rabbinical .They are at home and children are exposed mostly to their mothers. The authenticity of Judaism is the fact that from day one millions of parents, especially mothers transmitted to their children and loved ones our tradition. Those laws passed on by the mothers never fell in to dispute. Thus the main principles of the laws of Nida Mikvah, Sabbath and holiday observance , Kosher and dietary laws, laws of prayer, Tzniot -modest behavior

**and Jewish style of dress, and conversions never were in dispute See Rambam Mamrim 1:3; Responsa Chavet Yoer # 192. It is our duty to steer women in the right direction with wisdom and patience. Our tactics may change in each generation, but the goal must remain the same. 100 % fidelity and observance of all Biblical and Rabbinical laws . IN CASES OF HARDSHIP AND EQUITY EXCEPTIONS EXIST**

### **Chapter 33**

**Mikveh - Halachic Construction of the Mikveh and what water is kosher ab initio and post facto**

**Prologue -the Laws of Mikvah construction are very complex.. It is imperative that one consult a Rabbi who has mastered and observes all the four parts of the Shulchan Aruch and not rely on this short summary . Likewise, one should use the existing Mikvoths that were most likely constructed in accordance with Halacha since most people involved with the construction and care of Mikvot are competent ROV**  
**HAMETZUIN AZEL MIKVOT MUMCHIN CHEM Aruch Hashulchon Yoreh Dayoh 201:44,45,46.**  
**This summary is written for research purposes . It can be used in cases where no Mikvah exists and unless a person relies on this summary they will not use any Mikvah**

**A woman who has her menstrual period must wait five days from the beginning of her period when she spotted any bleeding or spotting until such bleeding or spotting stops. Then she inspects her vaginal tract once at night and then in the morning to determine that she is indeed free of bleeding, This procedure is repeated for seven days . If she has not bled or spotted for seven days , then at night following the seventh day-the beginning of the eighth day [In Jewish law the new day starts at the night before] she bathes washes with soap and shampoos her hair and makes sure all her body and hair are clean and her hair have no knots -and one hair is not tied with another. She will comb her hair and inspect that no hair is tied with another hair. Aruch Hashulchon Yoreh Dayoh 199: 4-7. She will cut her nails of her hands and feet and make sure that there is no dirt any where in her nails. She should remove all nail polish of different colors or nail color and all cosmetics. She will be careful that she will not touch any substances that are sticky that can attach to her body and hair before she goes and dips in the Mikvah , spring, well , lake, river or ocean .**

When she dips in the Mikvah she must remove all ornaments rings, necklaces , bracelet or any attachments to her body or hair . She must make sure that the water of the Mikvah penetrate every spot of her body. Every hair must be immersed in the water of the Mikvah ,spring, well , lake river or ocean where she is dipping -Aruch Hashulchon Yoreh Dayoh 198: 1. It is customary to have another woman at the time that she is dipping to ensure that all her hair indeed have been covered by water at the time that she immersed herself. In the contingency there is no other woman present, then she can wear a net on her hair or a loose scarf or else hold her hair in her hands while she is dipping to ensure that all the hair is covered by water the instant that she dips. As long as the scarf is made of cloth water will penetrate the scarf and will reach her hair. Aruch Hashulchon Yoreh Dayoh 198: 87 . If she is dipping in a place where other people are present such as a spring, well, lake, river or ocean she can wear a loose dress or a cloth bathing suit -so no one will see her in the nude- where the water will penetrate to her body-Aruch Hashulchon 198: 15-18. Ab initio , of course it is better that she dips in a Mikvah nude.

It is critical that the water must cover all her body and hair at once ,otherwise the woman has not been purified . - Aruch Hashulchon 198:1. Before she undresses she will make a blessing- Boruch Ato Hashem Elokanu Melech Ho-olom Asher Kidshonu Bemitzvosov Vetzivonu Al Hatvila. -Blessed are Thou G-d who has sanctified us with His Commandments and has Commanded us about dipping in the Mikvah.Aruch Hashulchon 200:3 . A convert or converttee likewise make the identical blessing. However they make the blessing after they have dipped once in the mikvah . After they make the blessing they dip a second time. Aruch Hashulchon Yoreh Dayoh 200:1-4. According to Ramo Ibid Aruch Hashulchon Yoreh Dayoh 200 :4 it is the custom that a woman who is a Nidah can do the same and make the blessing while she is standing in the Mikvah nude and then dip a second time.

The Mikvah must also have a minimum measure of a cube having the following -the size in Hebrew -40 soh of water or an amoh by an amoh by three amot. This is translated according to Rav Moshe Feinstein as having the following size -an amoh = 21.7 inches or 3 amot=65.10 inches ;or a cube having the minimum dimension of 21.7 x 21.7 x 65.10 inches. In the case of emergency-where another Mikvah is not available a smaller minimum size can be used. 21.25x 21.25x63.75 inches . Chazon Ish has a

stricter set of minimums =23.5x23.5 x 70 inches. In the case of emergency 22.7x22.7x68.10. See measurements back of Kitzur Shilchan Aruch translated to English by Rabbi Avrohom Davis. Also see Shurei Mitzvochs in back of Kitzur Shulchan Aruch in Hebrew words Tefach, Eitzbah ,Amot ,Soh. Batzoh Reviees.. See Webster Dictionary unabridged for Metric measures and measures to compare the measures we use in the USA to the metric measures.

In practice one should use the strictest opinion. In case one has no options and the only Mikvah available is the one with the smaller dimensions the Mikvah with the smaller dimension should be used rather than not use a Mikvah at all. The Mikvah must be attached and become part of the structure of the building where it is located. Likewise all the plumbing and pipes that pump water to the Mikvah must become part of the structure of the building. They can not be loose and can be detached at will. Then and only then can ordinary water be used to fill the Mikvah.Aruch Hashulchon Yoreh Dayoh 201:162-164.At the beginning of the twentieth century ordinary sink water coming from rivers was piped in to fill the Mikvahs. This was used ab initio. The water could then be changed and the Mikvah water was always clean. See Aruch Hashulchon Yoreh Dayoh 201 :169.

Thus water coming from reservoirs can be used . It comes from springs , rivers and rain water. It can be assumed since circumstantial evidence exist- that such vast volumes of water necessary to provide drinking water for tens and hundreds of millions of people in various parts of the world and especially in industrial countries are stored in reservoirs and not in tanks above the ground that would disqualify the water as being sheuvim -water contained in vassals that then is poured into the Mikvah . . One would need hundreds of thousands or millions of such tanks that is non practical and costly and can be ruled out. Thus just as the Aruch Hashunchon ruled that river water that is pumped in is considered Kosher for Mikvah -Aruch Hashulchon Yoreh Dayoh 200; 162, 169-in his generation, so too the ruling is the same.

Since the water is cold it can be warmed by pumping in hot water from the hot water tank . This is permitted only if the hot water is pumped into a Mikvah that has the minimum Kosher water compromising 40 soh as previously explained above. Once there exists 40 soh of water any water even

**Sheuvin coming from vassals can be converted into kosher water by touching the kosher water and certainly by being pumped into the Mikvah. As the sheuvin water -coming from vassals enters the Mikvah ,it is immediately converted to Kosher water. This procedure would be true even if the one would pump in 1000 soh of Mayim Sheuvin into the Mikvah.Yoreh Dayoh 201; 52.53. Shach Yoreh Dayoh 201: 112. The fact that the original cold water would be replaced by the hot water would not invalidate the kashrut of the hot water , as long as more than**

**40 Soh of kosher water always remains in the Mikvah. See Igros Moshe Yoeh Dayoh part1 responsa # 113,114.**

**It must be emphasized that if the hot water from the boiler is pumped in first and then the kosher-cold water , then the Mikvah would be considered invalid. The woman using such a Mikvah would not be purified . It is important that the hot water be pumped in first in a large quantity and become Kosher water before draining the existing cold water in order to ensure 40 Soh of Kosher water always remains in the Mikvah. It is therefore imperative that the Mikvah be large enough to have the capacity to accomplish this task. In a Mikvah that only has the minimum dimension it is impossible to accomplish this task. It is very easy unwittingly to corrupt the water and convert the entire water to non Kosher when non Kosher water enters the Mikvah after Kosher cold water has been drained and the Mikvah lacks 40 Soh of Kosher water. It is wise to install an automatic clock that will only drain the Kosher cold water after the hot water first enters the Mikvah and not before, However if the Mikvah contains a much largger amount of the minimum then the problem can be minimized. But one must be vigilant during the time that hot water is pumped in to ensure that at all times 40 Soh of Kosher water always exists in the Mikvah. In addition to the above consideration it is necessary that the Mikvah be large enough that tha water of the Mikvak reach the belly button of the woman standing upright. However if not and the woman must lie on her back or face down in the water in order to ensure that her entire body and hair are covered by Kosher Mikvak water it suffices. Aruch Hashulchon Yoreh Dayoh**



201:203.

If the Mikvah contains 40Soh of Kosher water and next to this Mikvah there is another Mikvah that contains at least 40 Soh of non kosher water -Sheuvim -from vassals -or water coming from a tank one can connect the two Mikvot . As long as Kosher water from the first Mikvah passes to the second Mikvah for an instant the second Mikvah becomes Kosher. The hole connecting the two Mikvot must be large enough that the two index fingers next to the thumb be able to turn around easily in this connection. The connection between both Mikvot must become a permanent part of the structure . of the Building .They must become part of the structure of the building just like the pipes that feed water to the Mikvot . Even if the connection is then plugged up SeeYoreh Dayoh 201 : 52,53 and Aruch Hashulchon Yoreh Dayoh 201:178,179,180 ; Responsa Nodah Beyehudah Tinyona Yoreh Dayoya # 137.

The same laws apply for a convert or convertee using the Mikvah, spring , well, river, lake or ocean.

In all honesty ,it must be emphasized that many authorities insist that rain water should be first used to create Kosher water. Rain water would be gathered from rain that falls on the roof. If the connecting pipes are part of the structure of the building they would not be considered as vassals that invalidate the water and cause it to become sheuvim. See Aruch Hashulchon previous citations. This water would flow into one Mikvah and fill up at least a minimum of 40 Soh. Then regular water from the faucet would be pumped in . As previously mentioned not kosher water is converted to kosher water if it flows into a Mikvah that contains 40 soh of Kosher water. Or else two Mikvot are built. The Mikvah with 40 Soh of Faucet water is connected to the Mikvah with a minimum of 40 Soh of rain water. The rain water flows to to the Mikvah with the fauct water for an instant, then the non Kosher water is converted to Kosher as previously explained. Hot water can likewise be pumped in as long as the two Mikvot are connected providing all the connections are structural built in as previously explained-even if immediately after the connection is plugged up. Aruch Hashulchon Yoreh Dayoh 201:178.

Likewise man made ice sufficient to create 40 Soh of water after it melts can be placed on the side of the Mikvah that it will fall in by itself. . Once the ice melts the water is considered Kosher water. This

**water is preferred by some Rabbis to faucet water. Yoreh Dayoh 201:30,31;Pischei Tsvah Yoreh Dayoh 201:21; responsa Divrei Malkiel Volume 3 # 67,68; Aruch Hashulchon Yoreh Dayoh 201:147,148; Psokim Uksovim Rav Herzog Yoreh Dayoh Vol4 #56,57.**

**The filters of a Mikvah that cleanse the water that then flows back to the Mikvah must be shut down when the woman is dipping in the Mikvah. Otherwise, Rav Feinstein disqualifies the water of the Mikvah based on Rambam. Igros Moshe Vol 1 # 110.**

**In summary one must use existing Mikvot and not rely on this research paper. One must have a Rabbi who has mastered and observes the four parts of the Shulchan Aruch for the construction of a Mikvah . I have merely touched on the highlights and principles involved. Any question that arises must be referred to this Rabbi. One is forbidden to assume anything . A woman after she had her period is forbidden to have any contact with her husband -and is especially forbidden to have relations- until she immerses in a Kosher Mikvah . This a fundamental pillar of Judaism.**

## **Chapter 34**

### **Authenticity of Jewish Law**

**In the March8,2003 issue of the Jewish Week the historical accuracy of the Purim story has been questioned because it has been reported that the names of the Persian King and Queen living at the time of the Purim story were not Achashvarut and Esther. Even Jewish tradition records that King Achashverot and Queen Esther had other names . The Purim story does not certify that the Persian equivalent of the names were Achashvarut and Esther. So what historical proof exists that this event did**

not exist?

Furthermore the recorders of history that have been transmitted throughout the Western world for the last 2000 years have a blatant antisemitic bias that not only distorts history regarding Jews but falsifies the facts . Anything complementary regarding Jews is omitted. Anti-Semites today deny the holocaust even though there exist living survivors. The Nazis had 300,000 books of history in their libraries that painted the Jews as sub humans worthy of extermination. All the Arabs today have the same venom against Jews and deny that the two temples ever existed.

For Jews to do the same is the height of insanity . Jews rely on the documentation of millions of witnesses to the event that the exodus from Egypt occurred . That G-d did reveal himself at Sinai and did give an Oral and Written Torah to the Jews and the universal Laws -the seven Nohadic laws to all of mankind. These millions of manuscripts were eventually recorded in the Tosephta , Mishna and Talmud that are summarized today in the Shulchan Aruch. Many of these laws are Biblical. others are Rabbinical. This has been the Jewish heritage for the past 4000 years. The written Law has been accepted by billions of Chritians and Moslems as being authentic. The authenticity of the exodus is accepted by the entire world . A tiny group of individuals claim that there exists no archeological evidence. But Jews for the past 4000 years never staked their claim to the authenticity of the Written Law-Scriptures of which the book of Esther is one of them- and the Oral Torah -the Talmud as summarized in the Shulchan Aruch because of archeological evidence. Our proof is that Jews all over the world transmitted honestly their tradition to their loved ones. Even if one letter is missing in a Torah scroll the scroll can not be used. Jews are obliged to sacrifice their lives rather than distort or falsify even one word of the Torah. This record can be contrasted with the historical records of our detractors who never hesitated to lie and distort and rewrite history to suit their agenda. This is true today and was true for the past 5000 years according to Durant who wrote the history of Civilization. Anti Semites never hesitated to bend even scientific facts to suit their agendas. Thus Hitler called scientific theories and discoveries made by Jews as Jewish math and physics and expelled Jewish scientists from Germany. Thus the reliance on science to deny Jewish tradition and laws is short sighted. Especially today where the level of anti- Semitism has reached the

**venom of the 1930s it is sheer madness and suicidal for Jews to adopt the anti- Semitic lies of our enemies regarding the exodus and all other Jewish historical facts. . In my book -Responsa on the Four Parts of the Shulchan Aruch I discuss this matter at length, as well as the sources in Jewish Law for annulments.**

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## **Chapter 35**

### **REMOVING THE STIGMA OF MAMZAROT**

**Erev Yom Kippur 5759**

**Dear C:**

**I am writing you today to help you muster the strength to go on with your life, to strengthen your faith in other humans, and to enable you to make a commitment when you find some young man who deserves you.**

**The Torah, given by G-d 3400 years ago at Sinai, is given by G-d to man with the clear understanding that the competent Rabbis have the power to interpret it to check the abuses of spouses and parents. Spouses and parents unfortunately get out of control. They exploit the tenets of the Torah to control their spouses and or children. They themselves are above the law. They do not care nor believe and exploit the vulnerability of the spouses or children who do care and believe. This is where we come in to correct this injustice.**

**You are always innocent until proven guilty. You are 100% kosher. If no trial takes place where your father, mother and your mother's first husband as well as you are present,**

any decision rendered by any Rabbi is null and void if such decision is to label you as illegitimate. See Rav Akiva Eiger Responsa #99.

For many years you were not told about the problem that you mother had an affair with you father before she received a Get from her husband. You are therefore established with a history of being kosher. No one, not your father nor your mother, years later can question such kosher status for you. See Ramo Even Hoezer 4:29 (end). A woman, after she is divorced, is not believed to state I got pregnant before I received a Get. See Bais Shmuel Even Hoezer 4:43. Any Rabbi who says differently deserves to be defrocked. Even if one be 100% a mamzer, only exposure to the public actually triggers such status. If this is kept secret, there is no mamzarus. See Aruch Hashulchon Even Hoezer 2:14.

You are 100% kosher. Save this letter for reassurance. If anyone - your brother - wants clarification, let him call me. We, Rabbi Rackman, myself, and Rabbi Elefant, love you and will do everything to make you happy and enable you to go on with your life.

Sincerely,

22 Kislev 5759

December 11, 1998

Dear C:

דרכיה דרכי נעם וכל נתיבותיה שלום

The ways of Torah are sweet and all its paths bring peace.

עץ חיים היא למחזקים בה

The Torah is a tree of life (not despair) to all who adhere to the Torah.

**It is inconceivable that Torah Law can be positioned to place anyone off limits and be unable to go on with her life. The Torah Law was very strict on what standards have to be met to make a declaratory statement to rule that a woman is forbidden to her husband or a woman or man is a mamzer. As mentioned in the communication before Yom Kippur of this year:**

**1. A person is considered innocent and remains that way until proven guilty. A person is deemed 100% kosher and able to marry any Jew, unless proven by two competent witnesses that, that person is illegitimate. See Magid Mishne on Rambam Laws Isuru Bioh 20:5.**

**2. No declaratory statement can be issued that a person is a mamzer unless there was a trial with the father, mother and prior husband present. See Even Hoezer 11:4. See Choshan Mishpat 28:15. See Responsa Rav Akiva Eiger #99.**

**3. Even if a judgement is made, such judgement is null and void. See Rav Akiva Eiger #99.**

**4. A mother can not declare her son or daughter to be illegitimate. She is not believed.**

**5. A father is not believed to make his son or daughter illegitimate, when in the process he must have had to violate Torah Law - had a forbidden relationship.**

**אין אדם משים עצמו רשע**

**A person cannot make himself or herself a rasha - wicked. (Choshen Mishpot 34:25 Igros Moshe Even Hoezer Volume 4 Responsa 21).**

**Thus, if one is to believe the testimony that the mother and father had relations and the mother got pregnant while she was still Hallachically married to husband number 1, both the father and mother would have violated a cardinal sin and would be considered wicked. The Torah does not accept such testimony to cause the father and mother to become wicked by their own incrimination. Therefore, the Torah Law would say that the pregnancy occurred after the mother already received a kosher Get from marriage number 1. While she was still married, she used birth control. See Bris Avrohom Responsa #78:8.**

**6. There never was a Hallachic marriage to man number 1 (which I explain in detail in**

the Responsa that I am enclosing).

7. In addition, Torah Law will put out of harm's way the child who is stigmatized as a mamzer. Remember, the child is kosher by default. Unless it is proven by two kosher witnesses who saw an affair without covers - like an orgy, their testimony is not acceptable and the woman is permitted to go back to her husband. Consequently, any children resulting from her pregnancy are kosher. See Rav Paelim Volume 1 and 2 Responsa 1 Shoel Umashiv Kama 262 page 101; Nodeh Beheduda part 1 Responsa #35; Bnei Ahuva Ishus Chapter 24; Chidoh in Chayim Shoal part 2 Responsa 48.

In addition, the Torah puts the child out of harm's way, and declares that her father may be a man that, only for Hallachic reality, is not her natural father. As a result, the child is not illegitimate. Thus, in order to save the child from the stigma of mamzarus, the Torah says that if it is remotely possible that the mother lived with her first husband that she was still married to him Hallachically, she could also have gotten pregnant from him. If that is the case, the child is not a mamzer. The father would have been the man the mother was still married to Hallachically. DNA testing is not acceptable. Since the Torah declares the child kosher by default, it is up to those who want to declare the child illegitimate to prove that the father was not husband #1, that the mother was still married Hallachically. See Even Hoezer 4:15. See Bais Shmuel Even Hoezer 4:43. Or else we will say that the father, for Hallachic purposes, is a non-Jew. See Bais Shmuel on Even Hoezer 4:43. If a non-Jew had relations with a Hallachically married woman, the child is not a mamzer. See Even Hoezer 4:19.

Or else the mother got pregnant by using artificial insemination. A child born from artificial insemination, even if the donor is not the Hallachic husband, is kosher. See Igros Moshe Volume 1.

In a classic case where a woman remarried without having a Get and gave birth to a daughter, Rav Moshe Feinstein declared the child legitimate. There was no Get from husband number one. Rav Feinstein ruled that as long as two kosher witnesses did not appear to

**testify that there was an Hallachic marriage, we presume there never was a Hallachic marriage to man number 1. Never mind that the officiating Rabbi was Orthodox. See Igros Moshe Even Hoezer Volume 4 Responsa #20. The mother's testimony and the testimony of family members that she was previously married hallachically is discounted. Furthermore, the witnesses that testify that the woman was married previously must remember the precise Hebrew date of marriage to husband # 1 . See Yabiah Omar Book 3 Even Hoezer Responsa #8. Otherwise they are disqualified to testify and it is tantamount as if there are no witnesses. The witnesses must be saints, never having violated any moral, ethical, or ritual law. Otherwise, they are disqualified. See Aruch Hashulchon Yoreh Dayoh 119:14.**

**All these facts add up that your mother never had a Hallachic marriage to man number one. You are one million % ok.**

**Call me whenever you need me.**

**Save the Tsuvah (Responsa) and show it only to the man you marry. Do not show it to anyone else. You do not need problems. The more one is ignorant, the faster he will disqualify and cause pain and suffering to others.**



## RESPONSA

### Question:

A young lady was informed by her mother that she got pregnant with her prior to receiving a Get from her first husband. According to the mother she was pregnant from the girl's father, whom she later married - husband number 2. According to the girl, what caused the break up of the marriage was her father, the man her mother later married. Also her mother was totally irreligious and her first husband was religious. The confrontation caused tremendous friction that ended with divorce.

In order to put the child out of harm's way, the Torah, for Hallachic reality, only declares that her father is not her real father. The father is declared to be the first husband. Just like the civil court can remove custody from the biological parents, in the case of child abuse, the Torah, to save the child from the stigma of mamzarut, removes the real father and substitutes another man, the first husband.

Even though her mother had relations with the man whom she later married, she still had or could have had relations with her first husband simultaneously. Thus, if she did and became pregnant from her first husband, the girl is not a mamzeres, she is not illegitimate. We rule

רוב בעילות אחרי הבעל

See Even Hoezer 4:15. See also Bais Shmuel 4:43 for same. A divorcee claims she became pregnant. We will declare the pregnancy came from her first husband. Civil law in New York State says the same thing. Most of the times a married woman has relations, it is with her husband. See Even Hoezer 4:11. Rav Ovadye Yosef in Yabiah Omer Even Hoezer Book 7:6 brings encyclopedic evidence that such ruling as above mentioned applies even if the couple is separated, the woman is married civilly to another man, but has no Get. She technically is still considered Hallachically married to the first man. Therefore, we use this

**technicality and claim that she got pregnant from her former husband. Thus, the mother calculates she will save the new born infant the stigma of mamzarus - illegitimacy. Even if she engages in relations with a man, not her husband, Hallachically, in accordance with Jewish law, as long as she could also have engaged in relations with the man considered her recognized husband by Hallacha, we will attribute any ensuing pregnancy from the Hallachic husband. We must not depend on scientific testing. See Aruch Hashulchon Yoreh Dayoh 110:110 that when Hallacha establishes constructively certain facts, we need not use empiric evidence to establish such facts, even though empiric evidence is available.**

**Consequently, we will, in our case, attribute the pregnancy as having resulted from the fact that her mother while married to her first husband and engaging in normal relations, got pregnant from her first husband. Never mind that she had relations at this period with the second man also. It doesn't matter if she engaged in relations with the second man first and then had relations with her first husband. We will attribute the pregnancy to her relations with her first husband. After the girl was born and her mother divorced her first husband, she was told that her father was the second husband. For Hallachic purposes the father was the first husband. Thus the girl is not a Mamzares - illegitimate.**

**Furthermore, there exists the possibility that her mother also had relations with a non-Jew and got pregnant from him. The offspring of a non-Jew with a married woman, in accordance with Hallacha, is not a Mamzares - illegitimate. See Even Hoezer 4:19. See Even Hoezer Chapter 16 for Laws of Relationships of Jews and non-Jews and Aruch Hashulchan. According to Rabbenu Tam if the non-Jew converts she can marry him. See Even Hoezer 178:19 end. A mamzer or mamzares can only result from relations of a Jewish man with a Jewish woman that is prohibited to him and relations with such woman carries the penalty of Kores (cutting off) or capital punishment (when the Temple existed and a**

Sanhedren was in session at the Temple). Only such relationship can cause the resulting child to be a Mamzer [male] or Mamzarus[female]. If it was not for the forbidden relationship the couple could have contracted a Halachic marriage. This does not apply regarding a Jew or Jewess and a member of the opposite sex who is not Jewish. It does not matter that the woman who has a sexual relationship with a non Jewish partner is Halahaicaly a married woman. All Jewish women and men can never marry anyone outside of the faith. Thus a child resulting from a married woman with a non-Jew is not a Mamzer. Of course the woman has committed adultery. But this fact does not effect the status of the resulting child. Thus there exists the possibility that she had relations with a non-Jew. Consequently, the girl is not a Mamzares.

Furthermore, the woman could have been artificially inseminated by her lover's semen and gotten pregnant with the girl. Only if the woman got pregnant by intercourse is the resulting child a Mamzarus. This is not true if she got pregnant by artificial insemination. See Igros Moshe Even Hoezer Book I Responsa.

Rav Feinstein advises that the woman use the sperm of a non-Jew in order to avoid the complications resulting from the contingency that the other children the sperm donor fathered marrying the resulting child of the married woman. However, technically even if the sperm of a Jewish father is used to impregnate the married woman, the child is 100% kosher. Here too, we can assume that the mother got pregnant from the sperm of a donor, Jewish or non-Jewish. Since the majority of donors and individuals in the USA are not Jewish, we assume that the donor is not Jewish. But even if he is Jewish, the resulting child is not illegitimate.

Furthermore, the mother is not believed to state circumstances that

occurred that would cause the child to be deemed a Mamzur or Mamzaress. See Even Hoezer 4:43; Bais Yoseph 4:29. See Bais Shmuel Ramo Even Hoezer 4:29 end. Even the father is not believed once a history that the child is kosher exists. Furthermore we can annul the mother's marriage as was done in such a situation by Rav Moshe Feinstein in Igros Moshe Even Hoezer Part IV Responsa 20. Rav Feinstein states that as long as the witnesses who observed the first marriage do not appear before us and testify that the woman was Hallachically married, she is not deemed Hallachically married. This is similar to the position advanced by Rav Ovadye Yosef in Yobiah Omer Even Hoezer Book 3:8 that brings encyclopedic evidence of authorities who stipulate that the witnesses must remember the precise Hebrew date of the marriage. Otherwise they cannot be cross examined and given the punishment of capital punishment if they testify that this woman, after she was Hallachically married, committed adultery. Ovadye Yosef uses this identical thinking In Piskei Din Rabonim Volume \_ pages \_\_\_\_\_ to annul the marriage of a woman when the witnesses proved unable to identify the Hebrew date that she was married. Since the girl is age 22, her mother got pregnant 9 months earlier. There is a brother who is 7 years older than the girl. Thus her mother was married to husband number one at least 30 or more years earlier. Which person will remember the exact Hebrew date that she was married Hallachically 30 years ago? In addition, there had to be two observant witnesses who were saints. Even if one of them inadvertently violated once any moral or ritual law, such witness becomes incompetent to be a witness. See Aruch Hashulchon Yoreh Dayoh 119:14. See Yabeah Omer Even Hoezer Volume 3:8. See Shach Choshen Mishpat 36\_\_\_\_. See Tur Choshen Mishpat 36\_\_\_\_. Even if the second witness meets the

highest standard, he is contaminated by the first witness and the entire set of witnesses are invalidated. If there were relatives present at the chupah-marriage canopy- and were not explicitly excluded from participation as witnesses, they contaminated the witnesses. See Shach and Tur Choshen Mishpat 36. See Pischei Tsuvoh Even Hoezer 42:\_\_\_\_. Thus, no witnesses existed and no Hallachic marriage took place. Furthermore, all modern day marriages occur with a ring. According to Rambam in Shrosh Hamizvohs Chapter 2, such Kedushin is only valid Rabbinically. Such is his position in Laws of Ishos 1:2,3,4; 3:\_\_\_Laws of Testimony. See Chapter I of my book Hatorat Agunot. Such is the position of Ramo in Choshen Mishpat 33:1. Such is the position of Rabenu Akiva Eiger Responsa 94. See Pischei Tsuvo who cites Bais Yaakov 24, also cites Akiva Eiger Responsa #94.

Thus at most there was Rabbinical Kedushin in nature not Biblical. Furthermore, the mother was not religious in direct confrontation to her first husband who was religious. She lived with another man while still married to him. Such behavior comprise grounds for the husband to claim Mekach Tout-a mistake in the original marriage contract that will annul the entire marriage ab initio. This represents a grave error and breach in the marriage contract that voids the entire marriage. See Piske Di Rabbonim Book 3 page 262 for a similar circumstance and similar ruling. That marriage was voided by the Israel Rabbanut.

Furthermore, since the mother committed adultery, she was forbidden to her first husband. It took an extended period of time till he gave her a Get - if he really did. Maybe he never gave her a Get. Be it as it may, such a man her first husband is forced to give her a Get. If he refuses he is flogged. See Pichei Tsuvo Even Hoezer 11:1 Rabbenu Yeruchenu. See Chason Soffer

**Chidushin Nedrim 88-89. See Ohel Yitzchok Even Hoezer Book 2 and Otzer Haposkim supplement from Ohel Yitzchok Rab Herzog at end of Chapter 11. If we can not force the husband We will annul the marriage. See Igros Moshe Even Hoezer Book 1 Responsa 78 at the end. See Ohel Moshe Volume 2 Responsa 123:8. See Dvar Eliyohu Responsa 48. See Chelkos Yoev Responsa #24.**

**Furthermore, the mother hated the first husband and despised him. She claimed that the first husband disgusts her. מאוס עלי**  
**Would she really have loved her husband, she never would have had an affair with another man. Yurashelmi Ksubos 1:6. See Meiri Ksubos page 268 that we will annul marriage with a prenuptial contract that if the woman detests her husband we will force him to divorce her. In such a case the husband is forced to divorce his wife even if no such clause appears in the Ketuba - marriage contract. We claim that such a clause is implied . It is an implied contract that a man must not hold a woman prisoner in a marriage against her will. Once she wants out -even if she be one million percent wrong , he must free her. Otherwise the Rabbinical Court will force him. If they are powerless to force him they will annul the marriage. Rambam Ishus 14:8. Today we rule like Rambam . See Tzitz Eliezer Volume 5:26; Yabiah Omer Volume 3:18; Ramo Yoreh Dayoh 228:20.**

**Since in the USA we are powerless to force a husband, we will annul the marriage. See Igros Moshe Even Hoezer Volume 1:78 end; Dvar Eliyohu 48; Ohel Moshe Volume 2 #123. Thus we will annul the mother's marriage retroactively. When she got pregnant with the daughter, the mother was single. Therefore, she did not commit adultery and the daughter is not a Mamzares.**

**Thus grounds exist to annul the mother's marriage. Consequently, even if the girl was conceived from the lover, she is 100% legitimate. We showed earlier the grounds to assume that no illegitimacy occurred. From the cocktail of strategies employed, the girl is 100% legitimate.**

**In addition to everything we wrote, the girl's mother wants to control her. She wants to ensure that she marry a man who is not religious. What is the best way of ensuring this then telling her she is illegitimate and therefore no religious man would marry her? Her mother is adamantly opposed to the girl being religious. A mother is not believed to state that her children are illegitimate, only to state that they are legitimate is she believed. Even Hoezer Chapter 4. See Choshen Mishpat Chapter 37.**

**The lover, not yet married to her mother, is never believed to state that the girl is his daughter even if her mother was separated at the time from her husband and had moved in with him. Pischei Tsuvo Even Hoezer 4:49; Bais Shmuel Even Hoezer 4:23. Even if witnesses testified that they saw her mother have an affair we assume the pregnancy came from her husband. No one is believed-not even a father - to state that the child is illegitimate if we suspect that he has a personal agenda to advance by such testimony. Thus if the father wants to avoid paying child support by claiming that the child his wife gave birth was not fathered by him , he is not believed. He is not better than ordinary witnesses who are disqualified if they have another agenda served by their testimony. So too the mother in our case has a personal agenda of forcing her daughter not to marry a religious boy -who would not marry a Mamzeres. The irreligious boy also is forbidden by Halacha from marrying a mamzeres, but does not care. See Choshen Mishpat Chapter 37.**

**Therefore she is 100% kosher. She can marry any Jewish man she elects**

**and no one dare protest.**

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