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SHABBAT PARSHAT CHAYEI SARA · FOR THE WEEK ENDING 27 CHESHVAN 5760 · NOV. 6, 1999 · VOL. 7 NO. 5

PARSHA INSIGHTS

MAN ALIVE

"These are the lives of Sara..." (23:1) eshama. She had always liked her name. Neshama. A name which whispered the very breath of life. Neshama breathed in deeply the life-giving fluid in which she floated. Turning on her side, the life-support cable gently undulated in the dark liquid-world like a lethargic seasnake. It was at a time like this that one thought about the elemental things. Name. Life. The future. She was frightened. What lay ahead of her? As far back as she could remember, she had been in this safe secure waterworld. Now her life was drawing to an end. Death, non-being, the end of all she knew, of knowledge itself, awaited her at the tunnel's end. Like a puny raft circling on the edge of a giant whirlpool, she felt herself being drawn inexorably down into the vortex. Panic rose in her mouth. A primordial fear of the unknown gripped her. I don't want to die! I want to stay in this world and live forever! She had spent her days here in deep meditation on the secrets of the universe with her spiritual guide. But now she was alone. And she knew this was the

The time had come. It seemed that

her ears filled with the most sublime music. A single chord of all the water-voices sounding one wordless chord undulating through every known scale. The sound grew and grew. She was terrified. Terrified of the pain. Terrified of not feeling the pain anymore. Down and down she went. Down to the world's end. Down to the place of death. It was here. This was the end. It was over. She had died.

It wasn't a particularly busy night in the delivery rooms at Hadassah Hospital. Another little soul had just come into the world. Screaming and crying as though she had been summoned reluctantly to this earthly sphere. The nurse cleaned the little baby, wrapped her in swaddling to keep her warm, and gave the baby into her mother's arms. The mother looked at her newborn daughter and thought to herself. "You are so beautiful, little Neshama."

Like the dark world before this existence, this world too is no more than a dark corridor compared with the great palace of light into which we will enter. This world is the place where we have the opportunity to prepare ourselves to enter that palace. To the extent that we prepare, so we will be able to bask in that radiance.

I don't know about you, but I don't find it so easy to see this world as a corridor. It's so easy to get caught up looking at all the neon signs along the way. It's so easy to think that this world is the palace itself. And it's a pretty shabby palace for all its beauty. Is there anyone here who dies with even half his dreams fulfilled? With how many problems and heartaches and backaches is this world filled!

This week's parsha is called *Chayei* Sara — "The Lives of Sara." It's a strange title. This is the Parsha in which Sara passes away. So why is it called "The *Lives* of Sara?"

The name is apt. Because only when we leave this passing world do we really start to live. Later in the book of Bereishet, there is a Parsha called Vayechi Yaakov — "And Yaakov lived." That's the Parsha in which Yaakov passes away. As the Talmud says, "the righteous in their deaths are called alive."

There's an interesting fact about the Hebrew word for "life." It has no singular. *Chaim* is a plural noun. Maybe that's to remind our *neshama*, our soul, that there are two lives — and this one is only a prelude to the "main attraction."

Sources:

• Rabbi M.A. Amiel in Iturei Torah

PARSHA OVERVIEW -

ara, mother of the Jewish People, passes on at age 127. After mourning and eulogizing her, Avraham seeks to bury her in the Cave of Machpela. As this is the burial place of Adam and Chava, Avraham pays its owner, Ephron the Hittite, an exorbitant sum. Avraham sends his faithful servant Eliezer to find a suitable wife for his son, Yitzchak, making him swear to choose a wife only from among Avraham's family. Eliezer travels to Aram Naharaim and prays for a sign. Providentially, Rivka appears. Eliezer asks for water. Not only does she give him water, but she draws water for all 10 of his thirsty

camels. (Some 140 gallons!) This extreme kindness marks her as the right wife for Yitzchak and a suitable mother of the Jewish People. Negotiations with Rivka's father and her brother Lavan result in her leaving with Eliezer. Yitzchak brings Rivka into his mother Sara's tent, marries her and loves her. He is then consoled for the loss of his mother. Avraham remarries Hagar who is renamed Ketura to indicate her improved ways. Six children are born to them. After giving them gifts, Avraham sends them to the East. Avraham passes away at the age of 175 and is buried next to Sara in the Cave of Machpela.

MELACHIM I 1:1

FULL TIME JOB

t is the duty of parents to instill in their child the same Torah values by which they themselves live, and to ensure that their offspring become the next link in the chain of G-d's eternal mission. This job often continues until the parent's very last days.

This message is delivered to us both in the Parsha and in its parallel haftara. In the Parsha, the aging Avraham — having successfully raised Yitzchak to

follow in his ways — faces the challenge of finding a wife suitable for the future father of Israel. Avraham's job as parent wasn't finished just because his son had proved righteous. His task was not complete until he gave Yitzchak everything necessary to carry on Avraham' mission and to fulfill his own personal potential.

In the haftara, too, we find the ailing King David with one final task to complete. His son Adoniyahu had proclaimed himself heir to the throne, hoping David's silence would be

viewed as tacit approval. David, however, quickly made it known that his son Shlomo would be the next king. It was Shlomo who was best able to carry on David's work and complete the building of the *Beit Hamikdash*.

Our Sages tell us "The righteous have no rest in this world nor in the world to come." The righteous have no desire to sit and stagnate; rather, every opportunity for growth must be seized. As we learn from Avraham and David, there is no retirement from parenthood, nor from the service of G-d.

LOVE OF THE LAND

Selections from classical Torah sources which express the special relationship between the People of Israel and Eretz Yisrael

LOD

o most Jews in Israel and throughout the world, the city of Lod (Lydda) is associated with the Ben Gurion International Airport located nearby.

Although not specifically mentioned in Tanach, tradition has it that Lod was a fortified city when Joshua led

the Promised
Land. After
being rebuilt by
descendants of the

O H R N E T

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General Editor:
Rabbi Moshe Newman
Editorial & Web Advisor:
Rabbi Reuven Lauffer
Associate Editors:
Rabbi Mordechai Becher,
Rabbi Reuven Subar
Contributing Writers:
Weekly Daf, Love of the Land:
Rav Mendel Weinbach
Insights, Overview:

Rabbi Yaakov Asher Sinclair

Web Production: Eli Ballon, Michael Treblow

Produced and Designed by the Office of Communications

Rabbi Eliezer Shapiro, Director

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 Submit your questions to ASK THE RABBI at www.asktherabbi.org or E-Mail info@ohr.org.il — set subject to "ASK THE RABBI." Tribe of Binyamin it was an important town.

The Talmud (Mesechta Sanhedrin 32b) mentions Lod as the seat of the Torah academy and judicial court of the great sage Rabbi Eliezer. The merchants of Lod were noted for their business acumen (Mesechta Bava Metzia 49b), which suggests that the town was a commercial center.

Modern Lod is a development town populated mainly by immigrants who arrived after the establishment of Israel, and there are Arabs living in its old city.

I DIDN'T KNOW THAT!

"And he gave straw...for the camels...and food was placed before him to eat." (24:32-33)

From here we learn that a person should feed his animals before he himself eats.

Midrash Hagadol

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MOED KATAN 25 - CHAGIGA 3

THE PARADOX OF A PASSING

he passing of *tzaddikim* (righteous people) is compared to the red heifer, whose ashes are used to bring purification for those Jews who have become spiritually contaminated by contact with the dead.

As a source for this equation, Rabbi Ami cites the juxtaposition of two chapters in the Torah. The laws of the red heifer (Bamidbar 19) are followed by an account of the passing of Miriam (Bamidbar 20:1) to teach us that just as the red heifer serves as an atonement (it is referred to in Bamidbar 20:9 as a "sin offering" — Maharsha) so does the death of a tzaddik act as an atonement.

An interesting explanation of this comparison is offered by Rabbi Yonatan Eybshutz in his classic "Ya'arot Dvash" against the background of the paradox which hovers over the red heifer's power of purification. While sprinkling its ashes on the contaminated person in the manner prescribed by the Torah makes him pure, those involved in some of the processes connected with those ashes become *impure*.

This paradox of "purifying the impure and causing the pure to become impure" defies human understanding, and is therefore called a "chok." A similar paradox exists regarding the impact which the death of a tzaddik has on those around him. Just as the red heifer's ashes achieve purification for the impure in some mystical way, so too does the tzaddik's death achieve, in some mystical way, atonement for the sinners in the tzaddik's generation. But regarding the tzaddik's disciples and those close to him who benefited from his guidance, his death is a tremendous blow, for they have lost the source of their education and inspiration. Of them it may be said that "the pure have become impure" as a result of their loss.

· Mo'ed Katan 26a

WHY BRING THE KIDS?

nce every seven years, Jews gathered together in the Beit Hamikdash to hear the king read from the Torah. "Gather the people," says the Torah (Devarim 31:12), "the men, women and children..."

In analyzing this command, Rabbi Elazar ben Azariah raises the question, "What purpose is there in the children coming?" His answer: "Only to provide a reward for their parents."

The children referred to here are those infants too young to understand what is being read. Older children, who even if they have not yet reached the age of mitzvah responsibility but are at the level of *chinuch* where they can be trained by their parents to learn, are mentioned in the very next passage as active participants in this massive educational experience. There is therefore no other purpose for bringing the very lit-

tle ones except for gaining a reward.

Rabbi Yehuda Mintz of Padua (15th century, Italy) provides an explanation of this gemara. Rabbi Elazar ben Azariah never intended to ask why parents should bring children to such a gathering. Can we imagine parents being able to concentrate on the king's Torah reading while worrying about the welfare of the children they left at home? The Sage's question was rather why it was necessary for the Torah to command parents to bring along their little ones if they would have done so without such a command. The answer he gives is that the Torah wanted the parents to be motivated not just by their concern for the safety of their children, but primarily because having these children nearby would enable them to properly concentrate on listening to the Torah reading. With such motivation, what might have been ordinary child-care is transformed into a mitzvah which earns reward.

Tosefot points out that this *gemara* is the source for the custom of bringing children to the synagogue. It follows then that this is meaningful only when this will help the parents focus on their prayer. If these children, however, are not watched, disturbing their parents and the other worshippers, their presence in the synagogue is counterproductive.

Chagiga 3a

THE STHER SIDE OF THE STORY

Giving People the Benefit of the Doubt

Warning: If you don't judge favorably, your midnight complaints against your neighbors might just be...

PIPE DREAMS

n elderly lady who lives above us kept complaining that we banged our baby's crib into the walls at night. I tried to tell her it might be pipes. She didn't believe me. A little bit later one late night, I heard a commotion from their bathroom. It seemed a pipe or something had burst. The noise stopped after that. I still wonder if she realized I was right.

A reader from Talpiot, Jerusalem

CLARIFICATION

In "The Other Side of the Story" (*Parshat Lech Lecha*), we indicated that under certain circumstances, it is permitted to wash hands and begin a meal in one locale, and continue the meal later in another locale. Since there are several conditions attached to such an arrangement, one should consult a Rav before actually doing so.

PARSHA Q&A?

- 1. Name the four couples buried in Kiryat Arba.
- 2. What did Sara hear that caused her death?
- 3. What title of honor did the *B'nei Chet* bestow upon Avraham?
- 4. Where was Avraham born?
- 5. How were Avraham's camels distinguished?
- 6. What is meant by "all the good of his master in his hand?"
- 7. What special character trait did Eliezer seek when choosing a wife for Yitzchak?
- 8. Why did Avraham's servant, Eliezer, run toward Rivka?
- 9. Why did Lavan run to greet Eliezer?
- 10. When Lavan told Eliezer that the house was cleared out, what did he remove?
- 11. Who did Eliezer want Yitzchak to marry?

- 12. Aside from Eliezer, to which other people did Rivka offer to give water?
- 13. Lavan answered Eliezer before his father, Betuel, had a chance. What does this indicate about Lavan's character?
- 14. What did Rivka mean when she said "I will go?"
- 15. What blessing did Rivka's family give her before she departed?
- 16. Who was Ketura?
- 17. What gift did Avraham give to Yitzchak?
- 18. How old was Avraham when he died?
- 19. For how many years did Yaakov attend the Yeshiva of Ever?
- 20. How many times is Eliezer's name mentioned in this week's Parsha?

PARSHA Q&A!

Answers to this Week's Questions!

All references are to the verses and Rashi's commentary unless otherwise stated.

- 1. 23:2 Adam and Chava, Avraham and Sara, Yitzchak and Rivka, Yaakov and Leah.
- 2. 23:2 That Yitzchak was almost slaughtered.
- 3. 23:6 Prince of G-d.
- 4. 24:7 Ur Kasdim.
- 5. 24:10 They were muzzled, so they wouldn't graze in the fields of others.
- 6. 24:10 Eliezer carried a document in which Avraham gave all he owned to Yitzchak so that people would want their daughter to marry him.
- 7. 24:14 He sought someone who excelled in performing acts of kindness.
- 8. 24:17 He saw that the waters of the well rose when she approached.

- 9. 24:29 Lavan coveted his money.
- 10. 24:31 Idols.
- 11. 24:39 His own daughter.
- 12. 24:44 To the men who accompanied Eliezer.
- 13. 24:50 That he was wicked.
- 14. 24:58 I will go even if you don't want me to go.
- 15. 24:60 That the blessings given to Avraham would continue through her children.
- 16. 25:1 Hagar.
- 17. 25:5 The power of blessing.
- 18. 25:7 175 years old.
- 19. 25:17 14 years.
- 20. None!

KASHA! (KASHA MEANS "QUESTION")

By giving the camels water, Rivka demonstrated her sharp intelligence, plus her sensitivity to the feelings of others. How so?

ANSWER

Rivka had a dilemma. She couldn't bring home a jug of water from which Eliezer, a total stranger, had drunk. But if she spilled out the water, Eliezer would be embarrassed. She solved the dilemma by giving the water to the camels.

• Beit Halevi

Do you have a KASHA? Write to kasha@ohr.org.il with your questions on any Parsha!

THE PLIGHT OF THE AGUNAH AND A SUMMARY OF POSSIBLE SOLUTIONS

Rachel Forman <Thurbie@aol.com> wrote:

Dear Rabbi.

Hello! I have been wondering about a controversial topic in Orthodox Judaism— the fact that it can be extremely difficult for women to get a Jewish divorce, if the husband does not agree to the divorce. Why should it be so difficult for the women to get a divorce? This does not make sense to me. I love my Jewish religion, but I find it very hard to understand this one aspect. Please clarify it for me. I would greatly appreciate it!

Dear Rachel Forman,

One of our Rabbis, Rabbi Yitzchak Breitowitz, has written the following essay on this topic:

THE PLIGHT OF THE AGUNAH AND A SUMMARY OF POSSIBLE SOLUTIONS

Rabbi Dr. Yitzchak Breitowitz

the "chained" or "anchored" wife — is a serious one, though it is not as prevalent as many Jewish feminists maintain. The term "agunah" appears in the Talmud primarily in connection with a husband who disappeared or was missing in action. While such agunot (plural of agunah) certainly exist in this day and age as well (consider the Holocaust or the Israeli soldiers who are MIA's), the primary use of the term today refers to a woman who cannot obtain a religious divorce (a "get") even after her

marriage has been civilly terminated and hence is prohibited from marrying others. Husbands sometimes withhold such a divorce out of malice or spite or an attempt to extort money or concessions in the areas of child support, custody, visitation, or marital property. Whatever the reason, the withholding of a "get" can be a source of great anguish to a woman, and it is incumbent upon the halachic community to do whatever it can within the framework of halacha to enable these unfortunate women to rebuild their lives anew.

THE FUNDAMENTALS OF IEWISH DIVORCE LAW

o understand the nature of the problem and why solutions are not easily found, it is necessary to explore some of the dynamics of the Jewish law of divorce. Briefly, this law consists of the following propositions:

A halachically-valid marriage may be terminated only by the death of either spouse, or by the husband (or his agent) delivering to the wife (or her agent) a specially prepared document known as a "get." A civil divorce has absolutely no validity in the eyes of lewish law.

If a woman attempts to marry without obtaining a get, the second marriage is null and void, the relationship is adulterous, and any children born from that union are tainted with the irreversible stigma of "mamzer" (illegitimacy — note that a child born out of wedlock is not a mamzer but a child born from an adulterous relationship is, and cannot marry anyone except another mamzer or a convert, and in either case their children all continue to be mamzerim.)

A get must be authorized by the husband. Even the most eminent

rabbinic court cannot (except in the rarest of circumstances) terminate, dissolve, or annul a marriage. Moreover, the husband's authorization must be without duress or compulsion. If the husband's consent was obtained by such duress, the get is termed a "get meusah" (coerced get) and is invalid (but see below).

Under specifically defined circumstances such as abuse, abandonment, non-support, refusal to cohabit, a Jewish rabbinic court known as a beit din, pursuant to a petition or complaint filed by the wife, may order the husband to authorize the writing of the get. Note that even here, the beit din does not terminate the marriage but merely orders the husband to do so.

If, and only if, the duly qualified beit din issues such an order, the restrictions on get meusah are inapplicable and the order may be enforced even by physical force. Thus, an identical instance of force or compulsion that would invalidate a get in one instance, i.e., no order of beit din, may be totally permissible and appropriate in another, i.e., such an order was obtained.

WHAT CANNOT BE DONE

ny halachically-acceptable solution must work within these parameters. Thus, proposals that call for the recognition of civil divorce, or that would allow a woman to give a get to her husband, or that would allow a beit din to annul a marriage without a get (kiddushei ta'ut), or that would allow the beit din to write and issue a get on behalf of the husband without the husband's consent or authorization (get zikui), or that would attempt to secure that consent by duress or compulsion (except as stated in the paragraph above) will by definition fail to solve the problem because none of these methods terminates a marriage halachically.

There is a beit din operating out of New York that seeks to release agunot by either annulling the marriage on the grounds of fraud or mistake, or by acting as the husband's agent in writing a get in spite of his vociferous objections to the contrary. This beit din has received much positive coverage in the popular media and is often touted as a savior for agunot. In light of this widespread misconception, it is important to note that the rulings and general approach of this beit din have been roundly condemned and rejected by virtually all reputable halachic authorities in the world and its decisions are held to be without any validity whatsoever.

One may resent halacha or decline to follow it, as regrettably so many Jews have decided to do, but it is fraudulent to claim that halacha allows certain things that it simply does not. The requirement that a Jewish marriage be terminated by a get, and that a get may be authorized only by the husband, is stated explicitly in the Torah, is reaffirmed countless times in the Talmud, and is not open to legitimate debate. One may of course raise the question of why it is that only the husband can authorize the get, and here admittedly our understanding is limited. Perhaps the Torah requires that a marriage be terminated the same way it is created by the husband's giving something to his wife. Perhaps the Torah took away the woman's right to divorce the man because it was more confident of her superior ability to stabilize and improve a relationship and did not want to give her a quick and easy exit. We really don't know, but to the believing Jew, this ultimately makes no difference. The Written and Oral Torah of Hashem establish the parameters within which this problem must be addressed, and any "solution" to a halachic problem that is anti-halachic is by definition illegitimate. (Note also that at least since the 11th century, Jewish divorce requires mutual consent, so that if a woman refuses to receive a get, a man can be in the state of igun as well.)

WHAT CAN BE DONE?

n Israel, rabbinical courts are empowered by the secular law to deal with all issues of marriage and divorce. Thus, in the State of Israel, if a man was ordered by a beit din to give a get to his wife and he refuses, he may be imprisoned until he complies. (Note that this is no panacea - some men who refuse to comply are already serving prison sentences. In one case, a man remained in jail for over thirty years for refusing to give a get to his wife until he eventually died.) Other sanctions include revocation of driver's license or passport. termination or denial of employment. These sanctions appear to coerce, but because they are efforts to enforce the decision of a beit din, they constitute halachically-acceptable mechanisms.

Outside of Israel, the decision of a beit din are generally not enforceable by the secular courts. A beit din may issue an order but there is no particular means to back it up. Even there, however, the beit din does have the power to excommunicate the recalcitrant husband; synagogues can and should exclude him from membership and honors (including, for example, attending his son's Bar Mitzva). Admittedly, bans of excommunica-

tion issued by one beit din are often routinely ignored by other groups and thus don't have real bite. As a result, batei din are often reluctant to even issue the cherem (excommunication order) but nevertheless, the potential for a powerful and effective remedy is clearly there.

Some authorities have advocated a pre-nuptial agreement signed at or before the wedding in which the parties agree to submit their marital disputes to a beit din and abide by its decisions. According to secular law, this would constitute an arbitration agreement. Such agreements are legally enforceable by the imposition of fines or even imprisonment. Thus, by the expedient of such an agreement even the decisions of a beit din outside of the State of Israel could be civilly enforced. (Such an agreement would be totally superfluous for couples residing in Israel since the decisions of a beit din are enforceable even in the absence of an agreement.)

An alternative type of pre-nuptial agreement — which can either stand alone or be signed together with the one mentioned above - and one that would be effective and useful in Israel as well — is an agreement that stipulates that for the period that husband and wife will not be living under the same roof, husband will pay wife X amount of dollars per day to cover her support needs until such time as the marriage is halachically terminated by a get or death. Such a legally-enforceable obligation creates a powerful incentive to grant a get in order to terminate what may be a significant financial liability of spousal support.

(Of course pre-nuptial agreements work only for parties who signed them and provide no relief for agunot

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who failed to sign such agreement. Moreover, some rabbinic authorities are reluctant to introduce the signing of such an agreement at weddings on the grounds that it introduces thoughts of divorce at a time when parties should be pledging to each other lifelong fidelity and commitment. It should be noted, however, that the standard ketubah that is signed at every halachic marriage makes reference to financial compensation in the event of divorce and, in any case, these agreements do not have to be signed at the wedding. They can be signed before or afterwards.)

In the State of New York there is a law that essentially provides that a husband will be unable to even obtain a civil divorce unless he removes the impediments to his wife's ability to remarry. Similar laws exist in the Republic of South Africa and Canada. This also creates a legal incentive to give his wife a get. (According to poskim, the enactment of this type of law should be encouraged elsewhere, but to date it has not been widely enacted.)

A second statutory enactment — applicable only in the State of New York — provides that when a secular court determines the amount of alimony a husband must pay his wife or how marital assets should be divided, it may take into account the husband's failure to grant a get as a basis for decision. Essentially, a judge may state, for example, that a husband's alimony obligation is \$1000 a week until a get is executed and \$500 thereafter. Eminent halachic authorities have raised serious questions as to whether a get granted pursuant to such an order would be valid, but strong support for validity may be inferred from a decision of R. Moshe Feinstein, zatzal.

An extremely important tool in helping agunot and potential mamzerim rests on the simple idea that only a marriage that is halachically valid requires a get for its termination. In many cases, a marriage may be found to be halachically invalid, particularly if it was performed under Conservative or Reform auspices, because of irregularities in the ceremony and the absence of kosher witnesses (male, lewish, unrelated to each other or to the bride and groom, and observant of the mitzvot). This has been a lifesaver to countless ba'alei teshuva (newly observant) who are the progeny of second marriages whose mothers did not obtain gittin (plural of get) from their first husbands. (Again, it is important to emphasize that the invalidation of a marriage does not result in the offspring of that marriage being tainted with mamzerut — they are simply children born out-of-wedlock who in the eyes of halacha have no disability.)

Finally, there are various "informal" methods of pressure that may be employed (I am not referring to the use of "goons," mafia or violence): Boycotts, shunning, etc., all have their place. In one instance, the women of a particular community refused to go to the *mikveh* until a man gave a get to his wife. The get was delivered within a week!

Having surveyed the variety of responses that might avail women in their plight, one might be tempted to ask: "If things are so good, why are they so bad?" One reason might be that some women are indeed not pursuing their remedies under the system. A second reason might be that, particularly outside of the State of Israel, it is sometimes difficult to find a beit din that will assume jurisdiction of the case. In both Israel and the United States, batei din are sometimes overly reluctant to order the granting of a get, preferring to encourage reconciliation and shalom bayit, laudable goals but sometimes unrealistic. Batei din are also reluctant to utilize and impose the sanctions they have at their disposal: For example, cherem is rarely employed, and the Israeli batei din rarely impose imprisonment. The Jewish community itself often does not respect, obey and support the decisions of the batei din; they will continue to give a recalcitrant husband synagogue honors, community recognition and the like, which in turn makes a beit din less likely to impose sanctions that will be ignored. Sometimes the husband cannot be found or no longer affiliates with the lewish community, so the purely "religious" sanctions prove ineffective. Too few jurisdictions have something like the New York and South African get law and too few couples have pre-nuptial agreements. The point is, there are things that can be legitimately done to help women and these avenues should be pursued vigorously, but it is irresponsible — although well-intentioned — to use annulment or get zikui, mechanisms that may, G-d forbid, greatly increase the proliferation of mamzerut and the transgressions of adultery. The attempted "cure" is worse than the "illness."

A final point: Ultimately the *agunah* problem will be resolved only when human beings learn to relate to each other with respect and decency even in the painful situation of a divorce. We must educate our children in how to build good, solid committed relationships but, at the same time, they must also learn that there is a right way even in saying "good-bye."