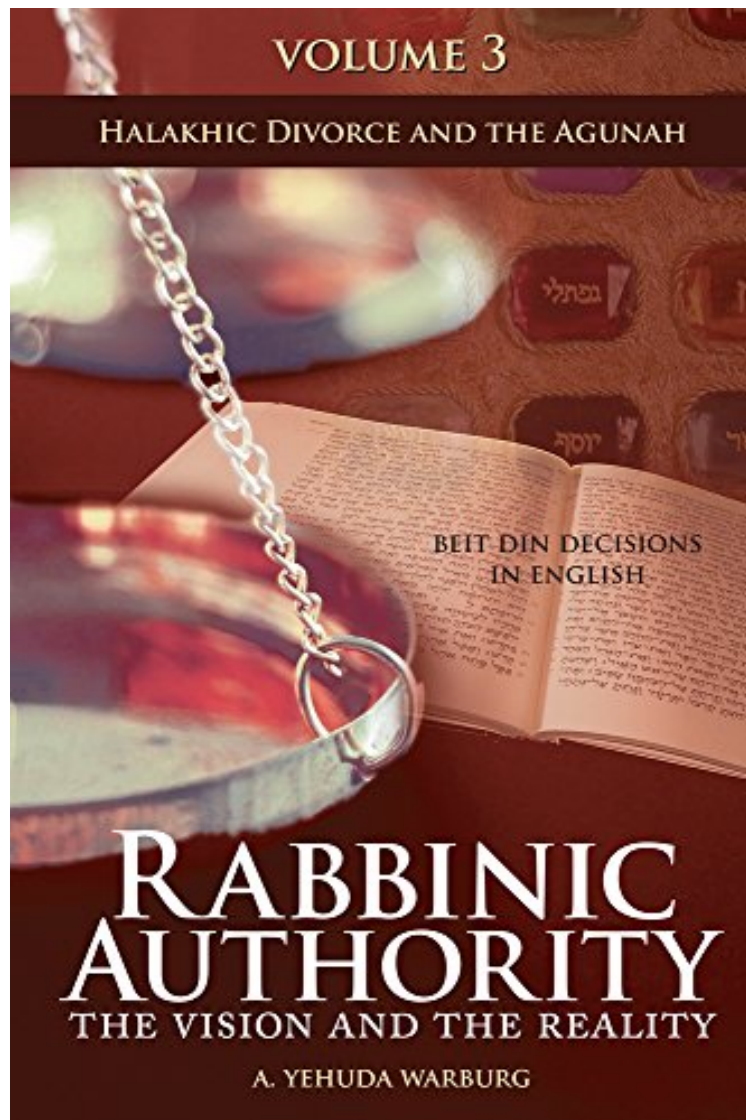


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## **Rabbinic Authority, Volume 3: The Vision and the Reality, Beit Din Decisions in English - Halakhic Divorce and the Agunah**

*A. Yehuda Warburg*

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**A. Yehuda Warburg : Rabbinic Authority, Volume 3: The Vision and the Reality, Beit Din Decisions in English - Halakhic Divorce and the Agunah** before purchasing it in order to gage whether or not it would be worth my time, and all praised Rabbinic Authority, Volume 3: The Vision and the Reality, Beit Din Decisions in English - Halakhic Divorce and the Agunah:

0 of 0 people found the following review helpful. Five StarsBy jack dvery timely and informative1 of 1 people found the following review helpful. An interesting discussion concerning cases brought before rabbinical courts regarding divorceBy Israel DrazinRabbi Dr. A. Yehuda Warburg, holding a doctorate of jurisprudence, has, among much else, served as a dayan, judge, at all levels of Jewish religious courts. He offers readers interesting Jewish court decisions in this book. It is the third volume in his discussions on Beit Din (Jewish court) decision on various issues. This volume focuses on halakhic (Jewish Law) decisions regarding cases of divorce and Agunah. According to Jewish law, only a husband can grant a divorce, a wife cannot end a marriage by giving her husband a divorce. If a husband refuses to give his wife a divorce or the husband disappears and therefore cannot give a divorce decree, the wife remains undivorced. She is chained to her husband. Agunah means chained. The Hebrew Bible gives few details about marriage and divorce. Deuteronomy 24:1 states: If a man takes (yikach) a wife and has sex with her, but she becomes displeasing to him because he found something wrong, he should write a bill of divorce for her, place it in her hand, and send her from his house. The Bible states takes a wife and was understood to allow only men to consummate marriages, women are passive. The same applies with divorces; men write bills of divorce and hand them to inactive spouses. As a result, there are too many separated Jewish women whose husbands refuse to give them a get, a Jewish divorce. These women remain married to their estranged husbands and cannot remarry. It is not uncommon for these husbands to blackmail their wives saying, in essence, I will not hand you a get unless you give me and frequently, this demand is for hundreds of thousands of dollars. Warburg suggested a possible solution to the Agunah problem in his first volume of this series. In this volume, he discusses various cases that arose regarding invalid marriages and divorce, such as is a divorce necessary if the marriage ceremony was conducted with less than two witnesses, can and how can a witness be invalidated, can a wedding be invalidated when the officiating rabbi was not Orthodox, can a husband's misbehavior invalidate a marriage, can a husband's premarital misrepresentation invalidate a marriage, can we suppose that a currently insane husband was insane when the marriage ceremony occurred, and much more. The case studies that Warburg presents are very interesting.

In the third volume of his groundbreaking series on rabbinic authority in English, Rabbi Warburg discusses the ramifications of a Jewish divorce. In this well-composed monograph, Rabbi Warburg primarily focuses on the case of the modern day agunah, a wife who is unable to get divorced due to her husband's recalcitrance. He addresses the various techniques, such as obligating the giving of a get (Jewish divorce document), finding relief for an agunah who signed an exploitative agreement, and listing different avenues to void a marriage (bitul kiddushin) used by the rabbinical court. This issue is of some controversy in the Jewish community, and there is heated debate about it.

About the AuthorSince 1999, Rabbi Dr. A. Yehuda Warburg has served as a dayan (rabbinical judge) on various battei din panels in the Hassidic, Modern Orthodox, Sephardic, and Yeshiva communities in the New York-New Jersey metropolitan area. He is a former research fellow at the Institute of Jewish Law at Boston University School of Law. He is a member of the editorial board of the journal Tradition and served on the editorial board of The Jewish Law Annual. For over two decades, Rabbi Warburg delivered classes in Hoshen Mishpat (business law) and Even ha-Ezer (family law) to rabbinical students at Rabi Isaac Elchanan Theological Seminary, an affiliate of Yeshiva University. He is the author of dozens of articles in the areas of jurisprudence, family law, bioethics, contracts, and securities law that address the interface of Halakha and U.S. law, and he is the author of Rabbinic Authority volumes 1 and 2.