

# CENTER FOR MODERN TORAH LEADERSHIP

Center for Modern Torah Leadership



חרות ואחריות

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"Taking Responsibility for Torah"

## The Art of the Sheilah? Rabbi Aryeh Klapper, Dean

Law and limericks rarely mix. So I was astonished to run across the following introduction to a responsum from Rabbi Yitzchok Elchonon Spector, perhaps the greatest Ashkenazi posek of the late 19<sup>th</sup> century:

A mostly frum lady named Etta  
indulged in unhekhshered feta.  
It was Ibsen's great play,  
that led her astray,  
so that day a rav called her Hedda.

The urgent question presented to R. Spektor was about the woman's divorce document. Obviously, it should have read עטא/Etta, but in fact read העדא/Hedda. A get must properly identify both parties to be valid. The husband had disappeared, so invalidating the get might make the woman an agunah for life. Yet could any reasonable person say that her name was "Hedda"?

R. Spektor was the international address for agunah questions, known for his broad shoulders, creativity, sensitivity, and diligence in resolving such issues. Rabbis referred their questions to him not as an abdication of responsibility but because they were confident that a permission from him would carry more weight than their own, and that there was no risk that he would forbid in any case where permission was possible. He did not disappoint in this case.

At first glance the gates of permission are locked with regard to this get, as this seems a case where the scribe "changed her name" from the one she is called by and uses as her autograph, and at first evaluation I see no clear permission because of the gravity of the issue. But with the help of G-d I now see that there is a way to permit her . . .

R. Spektor points to a Beit Shmuel that validates a get that is written for someone who was given a nickname rather than an ordinary name at birth, say "Bill" instead of "William", even if one writes "William" in the get, so long as the vowels remain the same and everyone recognizes the relationship between the names. "Hedda" and "Etta" are close enough in the same way.

Here I need to confess: It was actually the other way around. The woman's name was "Hetta", and the get called her "Etta". I changed the facts to match the limerick, which of course is also my

invention. Ibsen's Hedda Gabler opened in 1891, and R. Spektor's responsum is dated 5652=1892, but the get was written no later than 5650, and Etta presumably ate only *gevinat Yisroel* with a mehadrin hekhsher her entire life.

But here's the thing: the actual fact-pattern presented to Rav Elchanan contains many astonishing details that seem as halakhically irrelevant as Hetta's taste in cheese. So why include them?

Here is a (partial) plot outline, which will take up almost the rest of this essay:

*Shabtai, a struggling alum of Slobodka Yeshiva, shows up at Chief Rabbi Moshe Shimon Sivitz's door in Pittsburgh with a letter of introduction. Rabbi Sivitz offers Shabtai money, but he refuses it, even though he isn't earning enough to support his wife and baby in Europe. What he wants instead is a daily chavrusa, because it's impossible to learn well by himself after a long day of hard and unremunerative work as a peddler. The chavrusa ends up involving much listening to moaning about economic failure and guilt.*

*A year later, Shabtai's wife and toddler arrive in America. They all come together to Rabbi Sivitz's house. He asks her: Why are you here? She replies that her father sent her to America to ask for a divorce, because her husband simply can't support them, and she can't make enough on her own as a sheitelmacher to survive. The rabbi turns to Shabtai and asks: What do you want? He replies, with his daughter clutching his hand, that he cannot bear the parting, but that his wife deserves the opportunity for a better life. Rabbi Sivitz tells them to come back tomorrow evening. If they still want the divorce, he will supervise it.*

*Meanwhile, he swings into action. An appeal to the local shochtim (kosher slaughterers) raises enough money to rent a nice apartment and stock it with food for a month, and more. The local day school needs a teacher. The local sheitelmacher has a place for someone with experience.*

*When the couple returns, he tells them that the get will be arranged in a different apartment. They look like prisoners being led off to jail as they follow him. There's a banquet in progress when they arrive, and he tells them to join in – we'll do the get afterward. The husband is honored with leading Grace after Meals, and only then does Rabbi Sivitz drop the news – this apartment is for you! You have jobs! Here's money you can invest! Ecstasy ensues. The couple lives happily ever after and becomes very wealthy.*

*Shabtai's sister works for a rich man in Boston. He pays her well enough that she has real savings, which she sends to Shabtai, who entrusts them to Rabbi Sivitz for his free loan fund. One day, Shabtai shows up accompanied by an exceedingly handsome and broadly knowledgeable young man. The man introduces himself as a secretary working in the office of Andrew Carnegie, with a princely salary. Then Shabtai brings out his sister Hetta from Boston – mazal tov! They're engaged!*

*But Hetta is as plain as her groom is handsome, and Rabbi Sivitz is suspicious. "Do you have any relatives here in Pittsburgh?" "No." "How long have you been here?" "One month". He calls over Shabtai and tells him: "Check this man out thoroughly, because I think he'll take Hetta's money and leave her an agunah!". Not a day passes before Shabtai appears and demands Hetta's money back then and there, because he's heard "rumors" that the rabbi has wasted it. The rabbi is forced to borrow from short-term lenders (read: usurers) to repay it. Shabtai then insists that the rabbi perform the wedding. Rabbi Sivitz tries to select invalid witnesses, and tells Shabtai "It's for your sister's good, so I can permit her when he leaves her an agunah!", but Shabtai thwarts his plans.*

*Of course, the husband is gone without a trace the next morning. Shabtai goes from rabbi to rabbi in town seeking *sgulot* (supernatural assistance), and follows all their esoteric instructions without fail – but to no avail. Finally, as a last desperate measure, he shows up at our author's door and insists: "You must give me a *sgulah* to bring her husband back for a get! If I sinned, why should my sister suffer?"*

*Rabbi Sivitz is fed up by now, and aside from that, does not believe in *sgulot*. But Shabtai won't leave! So he decides to have a little fun. He writes out a long prayer and hands it to Shabtai with the following instructions: "First, you must memorize this. Then, place it in your chumash facing the verses in Parashat Ki Teitzei setting out the get process. Then put your chumash in the Holy Ark. Every night between 2 and 2 am, go to the shul in the dark and put your head inside the Ark and recite this prayer. Tell no one what you are doing!" Shabtai finally leaves. Rabbi Sivitz assumes that he'll realize by the next day that this is ridiculous, but meanwhile at least he's out of the house. Next week, Shabtai is arrested as a thief. People caught him breaking into shul after midnight! He tells Rabbi Sivitz that he's not bitter – it's just a little hard that people follow him wherever he goes, especially when he goes to shul at 1 every morning. But his sister matters above all, so he'll keep doing it. Rabbi Sivitz has nothing to say. He heads off to Cleveland for an extended business trip with a heavy heart.*

*On his return, his wife meets him at the door excitedly: "Did you hear? A rabbi in Baltimore sent a letter saying that a man showed up saying that he couldn't live with himself having left a woman an agunah in Pittsburgh, and he wanted a get right away, so please send the wife's names for the get immediately! You weren't here, so I asked R. Ploni to send the names, and he did, and here's Hetta's get!". Except of course that Hetta's get was written "Etta".*

Reading this amazing story, I had to wonder. None of it matters halakhically other than the names and the reality that the woman

would be an agunah if the get were invalidated. So why did Rabbi Sivitz write the whole story out?

Some of the Chavot Yair's fact-patterns seem similarly baroque (I am not the first to notice this), so perhaps there is an undiscovered genre of Rabbinic short stories. Maybe limericks will yet emerge. Or maybe one really needs to write the full story, every time. Let me briefly explain why.

An Israeli rabbanut beit din some years ago heard the case of an American man who serially married Christian woman and absconded immediately with all the wedding gifts. He then discovered his Jewish heritage and moved to Israel, where he found a Jewish victim, and promptly vanished again overseas. She asked to have the marriage annulled as a *mekach ta'ut*, a mistaken transaction. One *dayyan* argued that since Rav Yitzchok Elchonon (and Rabbi Sivitz, and Rabbi Yaakov Yosef of New York) all validated Hetta's questionable get rather than annulling her marriage, obviously they held that women would knowingly marry such scoundrels, and so annulment was impossible.

With Rabbi Sivitz's narrative in hand, we can easily reject the comparison. Rabbi Sivitz presumably warned Hetta via Shabtai, and she was persuaded to go ahead anyway. That case where a specific woman accepted a known risk cannot be generalized to one in which the marriage took place in perfect innocence, with no obvious way (I believe this was pre-Google) to investigate the groom's past career in a different country.

On the other hand, the rabbi citing the case had Rabbi Sivitz's narrative in hand; I followed his citation to [L'Veit Yaakov](#), Shu"t Uvirurei Halakhah #4. So I wonder in turn whether the summary in the rabbanut decision conveys the full facts of the case.

That Rabbanut decision also includes separate opinions from four rather than three *dayyanim*, and each opinion ends without an actual ruling. Some years later, one of the *dayyanim* went outside the rabbanut system and convened an ad hoc beit din for the purpose of issuing a leniency in a case with a similar but more detailed fact-pattern. Perhaps there is a plague of such wedding-jumpers, but I suspect that the story of that decision as well would make a fine film.

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