

Dear members of the Eretz Hemdah family, May we all flourish spiritually and materially. We wish that the entire Jewish people and our country will continue to plant the values of love of one's fellow and love of our Land, wherever we may walk.



From the Beit Midrash

Almost fifty future rabbis and *dayanim* are studying in the Eretz Hemdah *batei midrash* in Jerusalem and Ra'anana. For the next few years they will be devoting themselves to growing in Torah, so that they may go out and serve the nation dwelling in Zion and in the Diaspora.

In the Jerusalem *beit midrash*, at the start of the new year we launched the intensive study of tractate *Bava Batra*. We believe that intensive study of the Gemara is the basis for serious learning and develops scholarly creativity alongside practical halachah.

Responsa B'mareh Habazak

We will devote a special section to explain our halachic approach in Responsa *B'mareh Habazak* and the "Ask the Rabbi" project. We will demonstrate our method by means of a responsum that was sent to a question about surrogate motherhood, submitted by Rabbi Gedalia Schwartz, the chief presiding judge of the RCA *batei din*, and by the administrator of the *beit Din* in Chicago.

Surrogate Motherhood Does the process involve the commission of prohibited acts? Who will be defined as the parents? Will the child have to undergo conversion? Halachic problems of illegitimacy?

The question is related to a couple who wanted to have children. The father's potency has been demonstrated. But the woman's uterus and ovaries were removed when she was under treatment for a malignancy. The woman's ova were extracted before she began the treatment. The only way the couple can still have their own children is to employ a surrogate mother.

Question: Should we recommend that they employ this method? If so, in what conditions and what ways?

We will quote the question, in part:

1. Is the process itself permitted?
2. Who may serve as the surrogate mother and who may not?
3. If it is possible and the surrogate mother is a non-Jew, will the child born to her have to undergo a conversion process?
4. If the surrogate mother is a married Jewish woman, would there be, Heaven forbid, a question of halachic illegitimacy regarding the child?

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If it is permitted to have a child in this way, the couple would like to avoid a situation in which there will be any questions concerning the child's Jewishness, under both the Ashkenazi and Sephardi legal traditions (if there is a difference between them), as well as in a way that, with G-d's help, there will be no problems of lineage for the child, either in the United States or in Israel.

On the surface, there is nothing new to say in this domain.

The leading authorities of the last generation have written about it, including Rabbi Shaul Yisraeli, Chief Rabbi Shlomo Goren, Chief Rabbi Mordechai Eliyahu, Rabbi Shlomo Zalman Auerbach, Rabbi Yosef Shalom Elyashiv, Rabbi Eliezer Waldenberg, and Chief Rabbi Ovadia Yosef (all of blessed memory), and, may they be preserved for long life, Rabbi Zalman Nechemiah Goldberg, Chief Rabbi Shlomo Amar, Rabbi Yaakov Ariel, and others.

The most important issues they addressed were the following: Does the process involve the commission of prohibited acts? Who will be defined as the father and mother, halacha wise? If the birth mother is not Jewish, will the child have to undergo conversion? If the birth mother is Jewish and married, will there be problems of halachic illegitimacy? Will those who have to make use of this procedure be fulfilling the precept of "be fruitful and multiply", by doing so?

Contradictory answers, ranging all across the spectrum, have been given to some of these questions.

On some points, though, a broad halachic consensus was formed.

To our distress, we have not found sufficient attention to the natural emotional yearnings and deep distress with which such a couple must deal. Consequently, we have found that the issue has not been fully addressed, and that we may contribute.

First, we will specify our working method and then we will summarize the main points of our response. The first question addressed was whether there is agreement among the authorities that this procedure does not involve the violation of any Torah or rabbinic prohibitions.

While clarifying this point, we aimed to distinguish between halachic sources that obligate all Jews, in every place and every time, from spiritual values and or midrashim that are not halachically binding. We also strove to distinguish between halachic reasonings found in the halachic literature of the talmudic age and the Rishonim, from modern ones stated only in recent generations and, in particular, the past generation. It goes without saying that the former have clear precedence.

We also aimed to adhere to the well known and important principle, "Do not judge your fellow until you reach his place" (M Avot 2:4), whose broad meaning is that, even when issuing a halachic ruling, as we have been taught to do by all the great sages of Israel, the posek must try to place himself in the shoes of the man or woman who submitted the question, whether it has to do with the kosher status of a poor widow's chicken or with issues related to the serious prohibition of a married woman, as in the case of an *agunah*.

Into our system of considerations and halachic assumptions, we also incorporated the need to protect the weak and to prevent their exploitation by those who are stronger than them.

As is our custom, we naturally consulted with members of the Halachic Committee of Responsa *B'mar'eh habazak*, Rabbi Zalman Nechemiah Goldberg and Rabbi Nachum Eliezer Rabinowitz, and received their approbation. In this, we are continuing in the path forged in the time of Rabbi Shaul Yisraeli, the founder and president of the Eretz Hemdah Institute.

OUR CONCLUSIONS WERE AS FOLLOWS:

1. There is a broad consensus among the authorities that, from a halachic perspective, the surrogate procedure in and of itself does not involve the violation of halachic prohibitions.
2. There is agreement, buttressed by many sources, that the desire for offspring is fundamental and natural, and should be encouraged and supported. Consequently, even if there is no final determination as to who are the father and mother, with regard to halacha and fulfilling the precept of "be fruitful and multiply", this does not detract from the obligation to make every effort to encourage this deed of compassion, both for the couple and sometimes for the surrogate mother.



THE MAIN POINTS OF THE RESPONSUM ARE AS FOLLOWS

(The full responsum will soon be published in Responsa *B'mareh habazak*)

Over and above the natural desire of every couple to have children, there are very important philosophical and halachic sources as well. The childlessness of some of the Patriarchs and Matriarchs occupies a large place in their entreaties and prayers, which have become an emblem for generations. We will cite two examples. The first is that of Isaac and Rebecca: "Isaac pleaded with the Lord on behalf of his wife, because she was barren; the Lord responded to his plea and his wife Rebecca conceived" (Gen. 25:21).

The second is the case of Rachel: "When Rachel saw that she had borne Jacob no children, she became envious of her sister. She said to Jacob, 'Give me children, or I shall die'" (Gen. 30:1).

This natural desire is also anchored in the halachic obligation incumbent on the man, to fulfill the precepts of "be fruitful and multiply" and of "settling the earth." Hence there is a halachic duty and it is a great and meritorious deed for anyone who is able to render assistance in this domain to do so. Against all the halachic fears, to be detailed below, the Sages' criticism of Jacob's reply to Rachel must resound in our ears:

"Jacob was incensed at Rachel and said, 'Can I take the place of God, who has denied you fruit of the womb'" (Gen. 30:2). "The Holy One Blessed Be He said to him: 'Is that a way to answer a woman in distress?'"

There is very broad agreement among the authorities that a couple who are physically unable to bring children into the world in the natural way, is allowed to do so by means of a surrogate mother. There are grounds for stating that in the circumstances of such a couple, it is in fact the preferred course of action.

We would add that even the authorities who sever the halachic bond between the biological parents and the child, do not deny that, from a biological perspective, the man and woman who provide the sperm and ovum are its parents. Nor can they ignore the solution to the human problem that this method proposes, or the immense act of kindness and the prevention of the awful lack that this medical and technological solution offers couples who find themselves in such grievous distress.

Many enlightened countries have dealt with the moral dilemmas that accompany this procedure. One of the problems they have had to address through legislation and supervision of the procedure, is the fear of exploitation of the women who serve as surrogates. We emphasize and declare that the demand to prevent such exploitation is correct, from both the halachic perspective and the moral perspective, and obeying the law is also a halachic obligation. Nothing in this responsum should be taken as permission to employ this solution as a matter of convenience, or in any other case in which the mother can conceive and bear a healthy child with no risk to her own life.

It is important to support and encourage women to help couples who unfortunately find themselves in such a painful situation. Often as mentioned, it is an act of compassion for both parties - for the couple and for the surrogate mother.

We will take up the halachic questions related to surrogate motherhood one by one. First, we will note that there is no single ideal path in this situation. Every approach raises problems that require halachic solutions.

The order of the points below also reflects our halachic recommendation as to the priorities among the various options:

1. There is very broad agreement among the authorities that acquiring sperm from the father in order to fertilize the mother's egg, does not violate the prohibition of spilling semen in vain.
2. Everything necessary must be done to guarantee that there will be no misidentifications at any stage when the sperm and ovum are in the laboratory and later when the fertilized egg is implanted in the surrogate's uterus.
3. There are halachic advantages to the selection of an unmarried Jewish surrogate. But, because in general, only women who have already given birth and demonstrated their capacity to bear a healthy child, are employed, in most cases this means a widow or divorcée. In this solution, one must verify unequivocally that no halachic problems are created in the future by marriage to relatives of the egg donor or surrogate.
4. There are halachic advantages, and, outside Israel, practical advantages as well, to the selection of a non-Jew surrogate. Recourse to this solution requires "conversion to remove doubt" of the child. A daughter born in this way, may not marry a kohen. In going forward with this solution one should initially verify that there will be no impediments to the conversion process.
5. It is permitted to select a married Jewish woman to serve as the surrogate, too, and this ruling has been issued as a matter of practice. According to the vast majority of authorities, the child would have no problem of lineage and would be a full fledged Jew in every respect.
6. To eliminate all doubt, we state explicitly that a child born through a surrogacy procedure may not marry the relatives of the biological parents who provided the sperm and egg. In the case of a Jewish surrogate, the ban on marriage applies to her relatives as well.

Finally, we must thank G-d for the advances and developments in medical science in this domain, and make every effort to direct the scientific knowledge and technological capacities into appropriate channels that are permitted by halacha.

מ. וסרצוג ביטוחים

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"I was the Zionist in the family"

The opening of the Eretz Hemdah Institute > **The vision was achieved, and beyond all expectations! ...**

Strengthening the communities in the Diaspora > **is a moral imperative!**

And the young rabbis' wives > **They are an integral part of the effort!**



An exclusive interview with Rabbanit Itta, the wife of Rabbi Moshe Ehrenreich, the head of the Institute, who is still recovering from a serious injury. May she enjoy only health!

I meet Rabbanit Itta Ehrenreich at the entrance to the Rehab Unit on Mt. Scopus. If we look back a short while, we discover that nine months ago, when the huge storm swept through the country, and trees collapsed, roofs flew off, and even the Ayalon overflowed its banks, the rabbanit was traveling with her niece to pray at the tombs of righteous men. At the tomb of Rabbi Meir Ba'al Haness, a huge boulder rolled down to where she was standing and injured her. She was rushed in critical condition to Rambam Hospital in Haifa. After intensive treatment she was discharged and began the rehab process. Thank G-d, her condition is improving day by day and she can now use a walker to get to the car and then home.

Rabbanit Ehrenreich (63) lives in the Kiryat Moshe neighborhood of Jerusalem. Her six children live all over the country, studying and working. The eldest, Matityahu, is an attorney; his wife, Leah, is a guidance counselor at 'Zviya'. They live in Ra'anana. Chaya and her husband Shilo, both teachers, live in Jerusalem. Tuvia, who is an attorney with the Israel Police, and his wife Bosmat, a social worker, live in Elkana. Shlomi is an instructor at the yeshiva in Itamar; his wife Zippora is a special-education teacher. They make their home in Yitzhar. Leah'le, a schoolteacher, and her husband Meir, who is in advertising, live in Tekoa. The youngest, Avi, is studying in Ariel and his wife Pnina is a social worker. They live in Elon Moreh.

She begins with fond memories of her parents' home, in a fluent and pleasant voice. "My parents' families lived in Tomaszów and Tyszowce (Tishvits) in Poland. They were merchants and ran a dairy that supplied milk products to the district. In 1939, at the start of the Second World War, the two families, one with eleven children and the other with five, were exiled to backbreaking labor in Siberia. In the freezing cold, of at least minus forty degrees, they collected potatoes and wood to survive. Grandmother Itta, after whom I'm named, died and was buried in the Siberian forests. In 1945, when the war was over, the families moved, independently, to the DP camps in Germany - some of them by way of Uzbekistan. The exile to Siberia during the years of the Holocaust saved the family. In Munich, they went into the jewelry business.

"My parents met and married in 1948. Most of the extended family made aliya in 1950 and settled in Benei Berak. So it happened that my grandfather, grandmother, and parents, who stayed behind in Germany, supported their family, who had come to Israel, by sending them clothing and food, which were very short in the young country during the austerity period. They also helped them raise and marry off their children and grandchildren. My parents finally made aliya in 1986."

When did your connection to Eretz Israel begin?

"When I was 14, I made aliya by myself - I was the Zionist in the family. I went to school in Kfar Eliyahu - today it's Ulpenat Baharan. Two years later I went off to England to continue my studies in Gateshead. The famous proclamation, on the fourth day of the Six Day War, "The Temple Mount is in our hands!" is engraved in my memory. I was astounded. How could it be? "We were like dreamers."

What happened after you finished school in England?

"I came back to Israel when I was 19, met my husband, Rabbi Moshe, and we were married six months later. We lived at Kerem Beyavne for 17 years. When Rabbi Ehrenreich took a sabbatical from his job as an instructor there, we moved to Jerusalem. Our eldest son attended a yeshiva for teenagers and all the children fell in love with Jerusalem and simply blossomed. Avi, our youngest, was born in Jerusalem, around the time that Eretz Hemdah was founded. We had the great honor that Rabbi Shaul Yisraeli was his *sandak*."

About the founding of the Eretz Hemdah Institute in 1987, she says: "The time was ripe." She adds, "Thank G-d the kollel grew and worked a sort of revolution. There is no doubt that the institution has grown far beyond what we dreamt of when it opened. Today, its activities span the globe and I am very proud to be part of it."

How do you see the tie between the young rabbis' wives and the institution?

"I strongly identify with the wives and understand them. They are an integral part of the effort. Most of the time they have to deal on their own with running the family. Even when their husbands are home it's obvious that their thoughts aren't really there, but on their exams and studies. The support at home, encourages and gives strength.

I wish to strengthen the women, and I pray that they will be able to get through the difficult period and the tension of the exams successfully. P.G. they will enjoy the fruits in the future. From my own experience as a young rabbi's wife, I know there is a need to support and encourage and also know how to let go when necessary."

The rabbanit also addresses the new Diaspora Torah Leadership program. "I encourage the young rabbis and their wives in this program. These men and their wives have to develop themselves and serve as a role model in the place where they decide to make their contribution. We have to continue to bolster the communities in the Diaspora in every respect, and especially educationally and spiritually."

For you, is Eretz Hemdah the realization of a vision?

"The dream of the first years of Eretz Hemdah has been realized beyond all expectations. I believed in the way, despite the economic hardships. My husband's colleague at the head of the kollel, Rabbi Carmel, and his wife Bat Sheva, also deserve a citation for their enlistment in the effort to continue the activities."

Rabbanit Ehrenreich does not stint on her wishes for the new year: "I wish the Institute's executives and employees, the young rabbis and their families, and all of those who work on behalf of Eretz Hemdah (in both senses - the institute and the Land of Israel) a productive and successful year. On this occasion, I wish to thank all at the Eretz Hemdah family for the prayers and support during the months that I was hospitalized."

She sums up: "After a long period of working, I have retired. I planned to learn, to listen to Torah lectures, and to paint, something which I really love to do. And then, the accident messed up my plans. With G-d's mercy I will still manage this, too. We pray that Rabbi Moshe and I will have great joy from all our offspring and enjoy long life and health.

**"As my father used to wish us all of us in Yiddish:
'Zol zich ales glaych firin' - may everything go smoothly.' "**

New on the Bookshelf

- New volumes of Responsa 'B'mareh Habazak' and 'Living the Halachic Process' will be published in the near future.
- A new book by Rabbi Daniel Mann, 'A Glimpse at Greatness', in English has been published. We see this volume as a breath of fresh air in the study of Lomdus (Halachic analysis) over the generations.
- 'Tzofnat Yeshayahu' - Rabbi Yosef Carmel's book on Isaiah, will be published soon.
- 'Mishtar U'medina BeYisrael al pi haTorah' - Book series from Rabbi Naftali Bar Ilan. Second edition; re-edited.

Batei Din: On Behalf of the Public and Justice

The 'Eretz Hemdah - Gazit' Network of batei din, which now has eight branches all over the country, continues to serve the public faithfully. Throughout the year, we receive enthusiastic and supportive responses from many sectors in Israel, who have discovered that the batei din make a great effort to institute Jewish justice that is fair, professional, and efficient. The beit din operates according to Halachah and the law of the State of Israel, and whose verdicts can be enforced by the civil authorities. We are confident that the holy work of the dayyanim and the heads of the batei din makes a major contribution to the sanctification of G-d's name in Israel and the world.

The beit din has branches in: Jerusalem, Safed, Petah Tikva, Ramat Gan, Nof Ayalon, Beit Shemesh, Ofra and Sederot.

The Beit Midrash in Ra'anana, in cooperation with the 'Ohel Ari' Congregation

Ten young rabbis who have bonded under the guiding hand of Rabbi Yitzchak Steinberg are continuing their preparation to serve as congregational rabbis. Their educational and social contribution to the 'Ohel Ari' community is expanding apace and we are witnessing the spread of their influence both in the city of Ra'anana and in its environs. This coming winter, the group will take a special course on "Public Speaking", which will become part of their regular curriculum.

Leadership Program

The members of the Torah Leadership Program for Diaspora Jewry, recently began their second year enthusiastically. The first exam on the road to their qualification to serve as town rabbis will be held during the coming winter. Leaders of Jewish communities all over the world have expressed great interest in the program.

To... ERETZ HEMDAH INSTITUTE
Subject: YASHAR KOACH & TODA RABA ! ישר כח ותודה רבה

Dear Rabbi,
I am delighted and moved that you are willing to have this conversation with me - hopefully opening the door to further our exploration. Having a conversation via e-mail makes for L-O-N-G replies!! bubbe

The service you provide is amazing.
Thanks again,
Richard

Thank you, marc

Thank you for taking an interest in me.
Shoshana

Thank you very much. I greatly appreciate your time and wise counsel. Extremely helpful! Shanah tovah!
Sidney

Thank-you for the very speedy answer.
LE

bsd
Thank you! Moishe

To... info@eretzhemdah.org
Subject: תודה

ישר כח על דברי התורה המעניינים! אברהם
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To... ERETZ HEMDAH INSTITUTE
Subject: TODA RABA ! תודה רבה

Thank you so much for your response.
No, I am not Jewish. I have been considering the implications of conversion from Christianity to Judaism. No one in my family, that I know of, is Jewish. I hold the Torah in high regard and have much respect for its teachings. I want to understand the truth.
Sincerely, Rebecca

Thank you for this well researched answer.
Thanks, Miriam

Thank you so much for your prompt reply!
Chodesh Tov, Shabbat shalom. thelma

Thank you so very, very much- for the answer and especially for the wonderful suggestions. I really appreciate your help and guidance.
Shanah tovah and thank you again, Mark

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