

Clarification of Issues Relating to Mr. Aharon Friedman

In light of recent events relating to Mr. and Mrs. Friedman's marriage, our Bais Din has conducted an extensive review of the facts of this case, particularly as related to their involvement with Bais Din and with the civil courts. In the course of this review, significant new information, including legal documents of which we were previously unaware, were now accessed, shedding new light on Mr. Friedman's Halachic status.

Striving to clarify the truth - ביקוש האמת לאמיתו - is Bais Din's calling and responsibility – even when this requires acknowledging that an earlier opinion was incorrect, possibly based on incomplete and/or misleading information, and that past actions and/or policy may have been wrong. We then have to be מודה על האמת, to come forward and set the record straight.

Accordingly, we would like to clarify the following:

1. Contrary to our prior written opinion that Mr. and Mrs. Friedman were both at fault for leaving Bais Din in June '09 and litigating their matters in civil court instead, we now know that it was not he who filed three motions in May '09 to have their issues tried and decided in civil court rather than in Bais Din. In fact, Mr. Friedman actually filed a motion, despite these filings, requesting that the court wait until the Bais Din would issue its Decision, and that the court should then review it and enter it as an enforceable order.¹ Thus, it is now clear that this change of venue was not made on his account, that he was wrongly blamed for this, and that he was indeed committed to דין תורה and to abide by the Psak of Bais Din.
2. Furthermore, although the Bais Din did not find that he was Halachically obligated to divorce his wife, we did decide that divorce was regrettably necessary due to her unwillingness to remain in their marriage, and ruled that divorce would occur *after* the issues between them, and specifically the issues relating to child custody, were settled either through mediation or through Psak Din – neither of which has occurred to date. Court ordered settlements, obtained in contravention of הלכה and דין תורה, do not satisfy the need for a Psak Bais Din. [Letters of rabbinic condemnation and in support of coercive actions, asserting that the issues were all settled, may have been garnered based on misinformation regarding this process.]
3. Mr. Friedman has therefore not yet become obligated to divorce his wife per our Psak Din, and consequently, he was never "מעגן" her. To the best of our knowledge, he has not refused to divorce her nor has he made unreasonable demands; rather, he has insisted that the child custody issues be resolved properly first, which is entirely appropriate על פי דין תורה.

¹ This information is per court records and copies of motions filed at that time. However, in case there is additional information available that may be relevant to this matter, we welcome its submission and would review accordingly.

4. It should also be known that Mr. Friedman is not and was never in any Halachically valid "seruv". As set forth in Shulchan Aruch (חוי"מ סי' י"ד), the jurisdiction of a bais din is limited to its own locale, and it cannot compel a party located elsewhere to submit to its jurisdiction. And, as added by Rama (שם סעי' ג'), its summons in such cases would be invalid and would *not require any response at all*. Accordingly, even had the parties not previously submitted these matters to our Bais Din, and even had הזמנות been issued properly, Mr. Friedman had no Halachic obligation to accept or to respond to the summons of an out-of-state bais din. Consequently, there is no basis at all to consider or to declare his not doing so as being מסרב על פי ההלכה.
5. It is therefore clear that there is and was no valid Halachic היתר to publicly shame him, demonstrate against him, or otherwise unduly pressure him to divorce her - absent a proper resolution of their outstanding issues, either by mutual agreement or by the Psak of a duly constituted Bais Din. And, for the record, even had he already been obligated by Bais Din to divorce her, numerous actions that were taken against him far exceeded the הרחקות דר"ת (even if they would theoretically be applicable), let alone physical assault and attempted abduction with intent to forcefully coerce divorce, רח"ל. [See חזון איש, אמונה ובטחון, פי"ג א' who illustrates so vividly how a misconception re Halachic propriety can spawn vast מחלוקת and wrong-doings, ostensibly לשם שמים, while actually being wrong at their core, וואחי יוסף ע"ה יוכיחו.]
6. Regretfully, we must conclude that much wrong has been done herein, in unjustified actions taken against Mr. Friedman, in wrongful defamation, and in being מבזה חבירו ברבים. To the degree that we erred in our original opinion, and to the extent that this may have negatively influenced others, we offer him our sincere public apology and beg R' Aharon for מחילה.
7. We would also recommend that earlier policies be reconsidered, and that R' Aharon Friedman be reinstated in good standing within the Frum community. Independent of efforts being made to rectify current events relating to their marriage, this is a matter of its own whose time has come to address and to rectify, in the spirit of *Emes* and *Shalom*.

ועל כ"ז בעה"ח ביום כ"ו טבת תשע"ו לפ"ק פה באלטימאר

מרדכי שוחטצקי, אד"ר
 יוסף חזון איש

