

With divine providence

29<sup>th</sup> of Tamuz 5770 (July 11<sup>th</sup> 2010)

To the Rabbinate court of the city of Haifa, and to whom it may concern.

First, I was deeply sorry to hear of the divorce process which Sharon and Oshrat Ben-Haim are going through. It is known that the Lord sheds tears for every couple who separates, and therefore it is very difficult for me and my wife in particular to hear of a divorce of a couple we've guided before their marriage.

True, this process did not begin in the last few months. Even before the couple got married, my wife and I knew of the religious gap between them. Sharon is an active member of our community (Sephardic Center of Fair Lawn, New Jersey), and he even held a position of a member in the synagogue's governing council from June 1<sup>st</sup> 2008 until June 1<sup>st</sup> 2009. He attends the synagogue regularly on Shabbats and holidays, and throughout the week according to his work schedule.

I have written the couple's bachelor's diploma for them to get married in Israel, and it was signed by Rabbi Meir Eliezer Taitz Shlita, President of the Rabbinate Court in Elizabeth, New Jersey, in which I'm also employed. Their wedding occurred in Israel, but the couple resides here in New Jersey since I've met them (that is, since 2005). Although they have visited Israel together, or Oshrat alone, they and everybody who knows them here in USA - including my wife and I - know them as residents of USA. They rent an apartment here in New Jersey, and we've celebrated their new house warming at the end of last year. Although Oshrat mentioned missing her family and Israel, neither my wife and I nor any other couple in our community did not hear of a plan to return to Israel any time soon, not even by indication.

The first appeal made to me regarding divorce came from Sharon himself, on January, about six months ago. Sharon informed me on the telephone that he himself was already willing to bring up for discussion the issue of divorce, while Oshrat still resisted it. Among other things I specifically recall that he had mentioned the religious gap between them - for example, she had struggled with his keeping of Shabbat, though she herself didn't keep Shabbat, and she even found it disturbing that he and his friends who dined at their home had said grace after meals. Another reason for losing hope for their mutual lives was her habit to include her parents and sisters in everything going on in their home and their lives, to the point where he felt that their involvement in their lives was too much of a burden on their relationship regarding money and regarding their daughter, and she was not willing to change her approach to involving her family members in their lives.

Before I was willing to discuss divorce, it was very important for me to set an appointment with each of them separately, and later with both of them together. The purpose of the separated meetings was to hear of each of the partners what bothered him/her, where the difficulty in the relationship in his/her opinion is, and what can the other partner do in order to try and improve and restore the relationship. I've met with Sharon in the Yeshiva in which I teach on Washington Hites, a neighborhood in Manhattan, New York, on February 2<sup>nd</sup>

2010. For about two hours he had told me of the difficulties he experiences in the relationship, of the extreme (in his view) involvement of Oshrat's family members in their lives, of the religious frictions between them, etc. I've urged him to wait with the divorce until I meet with Oshrat and until we all meet at least once or twice and discuss the situation and suggest solutions.

I've met with Oshrat on February 11<sup>th</sup> 2010 in their apartment here in Fair Lawn, New Jersey. We've agreed I'll arrive at their house only after Sharon returns from work, and when I arrived I've asked him to take the baby to their bedroom so Oshrat can talk to me freely about everything that bothers her in their relationship. At first she had confirmed that Sharon indeed provided her every need since they're together, and had given her everything she needed or wanted. She had repeated several times during the conversation that he gives generously, that in spite of the high cost of flying to Israel she visits fairly often, that she has a cleaning lady although the apartment isn't very large, that she has her own car, clothes, jewelry, etc. She had even admitted to me that discussing the divorce was not her idea, and that she is willing on her part to work on rehabilitating the marriage and prefers to continue working on it together and not to separate. She had also admitted that she is aware of the fact that some of her behaviors might have to change (mentioned her family member's involvement and the minimal effort she can make in order to cut some household expenses, such as washing and ironing his Shabbat's clothes instead of sending it to dry cleaning).

Oshrat had also mentioned the fact that she isn't religious and didn't come from a religious family, whereas Sharon has a more religious background and his father is a synagogue's manager. She had attended some lessons about family's purity with my wife, and Sharon with me, before they got married, and we've emphasized for the both of them how much this is an essential term without which a couple can't stay together if only one of them maintains the purity of the family. I've understood from her that she makes an effort in this regard although she wouldn't have done so on her own regard, but she claimed that some of the Halachot Sharon maintains are difficult for her, such as keeping Shabbat (she didn't understand why it bothers him to keep Shabbat if she watches TV or talks on the phone with her family on Shabbat), and she feared that he was becoming too religious for her, and that she has no intention to take upon herself all of those Halachot beyond Kidush and Shabbat meals. About her school Oshrat said that although Sharon had paid for her school himself (without any help from her father) and paid full tuition - since she was not entitled for any scholarships not being an American citizen - she "did not fill like it" anymore to go on in her studies after all the arguments they had had, and that two weeks before our conversation she had decided to stop attending University. She had known very well that Sharon was not pleased with her quitting school after all he had invested in it so far, since he had paid for it himself and the last date in which he would have received even a partial refund for the semester had passed.

In all of my conversations with her she had not mentioned even one incident of a physical or verbal violence (though she did mention that they were not able to communicate, and that she was offended several times in the past by things said during their arguments), she did not mention any complaint of imprisoning her in USA against her will nor any monetary restriction or financial downsizing that he had coerced on her. As a matter of fact, she had

mentioned several times during my last conversation with her that "he doesn't hold me back in any way", "always gives generously", etc., and further acknowledged that the financial maintenance of the household and the luxury of a private cleaning lady were above and beyond what most families can afford. She had also admitted that she could have cut more expenses on her part, and that she may not have been aware of the fact that the general economic state abroad and Sharon's specific state at work have deteriorated in the past few years.

However, unfortunately, the third conversation which was supposed to be mutual and concluding, with all three of us present, did not occur. I was very busy in the Yeshiva, in the synagogue and in the courts, and had postponed the meeting till after Purim. A few weeks before Passover the Ben-Haims had already flew to Israel for the holiday, and since then, to my regret, they have parted.

I am available for the Rabbis in all matters concerning this case, since I am well acquainted with the couple and my wife and I have talked to them many times about relationships, purity and family lives. Hereby attached are my phone numbers and mail and e-mail addresses in case you want to get in touch with me in this regard.

May it be so that the new month of Ab brings an end to all our troubles, Amen.

Rabbi Avidan Elkin

Home telephone number: 1-201-773-3414

Mobile telephone number: 1-201-527-0789

[avidanelkin@gmail.com](mailto:avidanelkin@gmail.com)

Rabbi, Sephardic Center of Fair Lawn

40-34 Terhune Place

Fair Lawn, NJ 07410

Yeshiva University–Mechina Program

100 W. 185<sup>th</sup> St.

New York, NY 10010