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Center for Modern Torah Leadership



חרות ואחריות

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## HOW WILL G-D BETROTH US? LET ME COUNT THE WAYS

By Rabbi Aryeh Klapper

Halakhic marriage generally involves two sequential stages of legal relationship between a Jewish human male and a Jewish human female. The first stage, called *eirusin* or *kiddushin* (often translated “betrothal”), creates a capital prohibition for the female to have sex with any male except in the context of the second stage, called *nisuin*. It simultaneously makes it legally impossible for any other male to enter into either *eirusin* or *nisuin* with her until she is either divorced or widowed. *Eirusin* is therefore a stage of enforced celibacy for the female.

Under Torah law, polygamy is permitted, and therefore the male is not similarly restricted from other women. The only new restriction on him relates specifically to this female. While non-*nisuin* sex with her is not a capital offense, it is certainly forbidden and the prohibition may be Biblically derived from Adam the First’s exclamation in Genesis that “*therefore a man will abandon his father and his mother and cleave to his wife*” – to his full wife, and not to a female who is connected to him only via *eirusin*.

My purpose this week is not to directly discuss the joys, rationales, fairness, or mutability of the above description of human halakhic marriage.

Rather, my starting point is that prophets often use marriage as a metaphor for the relationship between G-d and the Jewish people, generally with G-d corresponding to the male and the Jewish people corresponding to the female. Many beautiful ideas and images emerge from this parallelism. But I find it interesting that the parallel is not always drawn to halakhic marriage, and sometimes seems to be drawn in specific contrast to halakhic marriage.

The clearest and most famous example of this is Yirmiyahu 3:1:

לאמר  
הן ישלח איש את אשתו  
הלה מאתו והיתה לאיש אחר  
השוב אליה עוד  
הלא חנוף תחנוף הארץ היא  
ואת זנית רעים רבים ושוב אלי נאם יקוק:

Declare:

If a man should divorce his wife,  
and she went from him, and married another man;  
may he return to her again?!

The land (that allowed this) would be polluted!  
Yet you have strayed with many companions,  
and “Return to me!” is the word of Hashem.

This is a mixed metaphor; if the woman is divorced, in what sense can she be described as “straying”? The point therefore may be to make her forbidden to her first husband in two different if incompatible ways; as an adulteress (Bamidbar 5:29 as

Rabbinically interpreted) and as a woman who married another man after her divorce (Devarim 24:1-3). G-d loves the Jewish people so much that He would take her back in violation of His own laws.

This ascription to G-d starkly contrasts with Chazal’s usual emphasis on His being a lawful ruler. G-d refuses stolen goods as sacrifice because the king has to set an example for his populace (Sukkah 30a). He puts on tefillin (Berakhot 6a) and prays (7a) among other reasons to show that the rituals He demands of us are intrinsically meaningful.

A compelling insight of the Deconstructionist school of literary criticism is that parallels inevitably tend toward becoming two-way. If X is like Y, it follows that Y is like X. Or we can make the argument with perhaps less effrontery: If human beings should seek to emulate G-d, then if certain of G-d’s actions *ke’b’yakhol* are parallel to certain human actions, then shouldn’t we seek to act like the human beings that G-d acts like? It would follow that husbands should love their wives enough to contrahalakhically invite them back even after their adultery or divorce/remarriage.

Perhaps it would be heretically hubristic to believe that one’s specific human love matches Hashem’s love for the Jewish people. Or perhaps this is a subtle instruction to lawmakers and egal interpreters to put their fingers on the evidentiary scale in certain cases to allow love to triumph.

The peculiar marriage of the prophet Hosheia may be another example of the same phenomenon. But my interest here is in the close of this week’s Haftorah, Hosheia 2:21-22.

וארשתי לי  
לעולם  
וארשתי לי  
בצדק ובמשפט ובחסד וברחמים:  
וארשתי לי  
באמונה וידעת את יקוק:

And I will place you in the state of *eirusin* with me  
*leolam/forever*

And I will place you in the state of *eirusin* with me  
in/with *tzedek* and in/with *mishpat* and in/with *chesed* and in/with  
*rachamim*

And I will place you in the state of *eirusin* with me  
in/with *emunah* and you will know Hashem

These verses are recited while wrapping tefillin straps around the fingers. They have particular resonance with regard to gender in a society where only males wear tefillin. Standard *eirusin* involves the groom placing a ring on the bride. It seems reasonable therefore that the ones who end up wearing the ring

are playing the role of bride (granting that they also place the ring; but that seems more a practical necessity.)

Here again the parallel goes both ways. From a halakhic standpoint, the placement of the ring is just a way of having the groom visibly transfer an object of value from his possession to the bride's. The tefillin straps mimic a ring, and therefore symbolize such a transfer. But what if anything in our verses represents such a transfer?

The straightforward linguistic answer is as follows. In the standard ritual formula, the groom declares to the bride that he is betrothing her "with this ring". So here, Hashem is betrothing Israel with *tzedek*, *mishpat*, *chesed*, *rachamim*, and *emunah*.

The problem is: In what sense is Hashem transferring possession of these traits or attributes or actions to Israel? I would have thought that *leolam* characterized the relationship – we will be in *eirusin* forever. It therefore seems likely that all the others, although introduced by 'ב' rather than 'י', are also characterizations of the relationship rather than one-way tokens.

Some commentaries however scramble to locate the legal action in the verses. Consider for example Hoil Mosheh (from AlHatorah.org):

כתובתי לאומת ישראל בארשי אותה תהיה צדק ומשפט וחסד ורחמים מאתי,  
ואמונה מאתה כנדוניא שהכלה מביאה מבית אביה;  
או ג"כ אמונה מאתי, והוא כפל ענין לעולם שבפסוק כ"א, וידעת את ה' היא  
נדוניא שלה;  
וגם משפט הוא לתועלתה, ואכמ"ל.

The ketubah for the Jewish nation when I betroth her will be *tzedek*, *mishpat*, *chesed*, and *rachamim* from me; she will bring her *emunah* like the dowry that the bride brings from her father's house;

Or the *emunah* will also come from My side, in which case *emunah* is a repetition of *leolam* from the precious verse, and you will know Hashem is her dowry.

*Mishpat* (from Hashem) is also to her benefit, but this is not the place for an extended explanation (of why it is a benefit).

Hoil Mosheh for some reason is focused on the ketubah, which need only be pledged, rather than on the ring. But I think the point is the same.

Hoil Mosheh is also responding to a very reasonable sense that the context of Hosheia – G-d taking the Jews back because they have finally repented of their extramarital liaisons – suggests that at least *tzedek* and *mishpat*, and possibly *chesed*, *rachamim*, and *emunah*, are the behaviors of Israel that earn her way back into the marriage, rather than gifts to her.

But on the other hand, how can remarrying her be an act of generosity by G-d if the responsibilities are all one-way, if the marriage is utterly patriarchal in the worst sense?

Abравanel offers a very different and to my mind very disturbing reading. He argues that the preceding verses set forth a world in which all human beings are directly subject to Divine Providence rather than to the vicissitudes of the planets et al. If so, Israel asks, what would be special about a marital relationship with G-d? Or alternatively: If so, won't everyone be married to G-

d? G-d therefore explains how Israel's relationship with Him will be different. This characterization of Israel as a jealous wife seems incongruous with the idea that Hashem's willingness to remarry us was an extraordinary concession.

Abравanel's less-preferred reading is that the three "betrothals" in our verses counteract three previous marital failures. The Mishkan was temporary – so now G-d will marry us *leolam*, permanently; the Solomonic Temple centered an unjust society, as depicted in the Prophet Amos, so G-d will now marry us in a social context of *tzedek*, *mishpat*, *chesed*, and *rachamim*; and the Herodian Temple was characterized by sectarianism, so now G-d will marry us in a social context of *emunah*. In this reading, *leolam* is G-d making up for the temporariness of the *mishkan*; all the others are things Israel brings to the marriage as corrections of our past misbehaviors.

But here's the rub: *leolam* is not a halakhic aspect of *eirusin*, nor even of *nisuin*. Halakhah allows for the possibility of husband-initiated divorce (except in the case of premarital rape; there is a commentary which grounds G-d's unbreakable commitment to us in that metaphor, but I think it is best ignored). So the analogy here is to a kind of marriage that does not exist halakhically.

At the same time, G-d's commitment seems only fair, since it parallels the commitment He expects/demands of us. The straying wife had no legal option if she no longer wished to be in the marriage; no one using Hosheia's metaphor ever talks about circumstances in which the wife can petition for divorce, for good theological reasons.

Here as well the metaphor, or in midrash halakhah terms the *hekesh*, goes both ways. Chazal understood that G-d understood that demanding a permanent commitment required making a permanent commitment. Therefore, in the human realm, a situation in which husbands and only husbands could initiate divorce was morally intolerable. Chazal accordingly created the legal mechanisms for compelling a husband to consent to divorce. (See also the report in Taamei Haminhagim- Kuntrus Acharon that R. Tzvi Yechezkel Michaelson wrote in the name of "a Gadol" – possibly Rav Naftoli Ropshitz – that Rabbeinu Gershom was called "The Light of the Exile" because, by banning polygamy and divorce against a wife's will, he ensured that G-d's relationship with Israel would remain exclusive and would not end against our will.)

The moral principle stands, but those mechanisms have become ineffective. It is not acceptable for halakhah to sustain a practical reality which allows husbands to hold wives unwilling prisoners in marriage while being free to leave themselves. Reasonably ethical people can disagree about the best practical solution, but here, in classical mussar form, I am speaking largely to myself – we must also recognize that agreeing to disagree, and therefore doing nothing, is not an ethical outcome.

*Shabbat shalom!*

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