

Parashat Ki Tetse

“It isn’t good,” God said, “that the person should be alone.” These words from Bresheet chapter 2 are vital to our understanding of the institution of marriage, and particularly so as we come to consider halakhic issues relating to separation and divorce that are raised in our parashah. The words “it isn’t good” stand out in the text because their emphatic negative so strongly contrasts with the verdict of Bresheet 1:31 that everything was “very good”. “The idea here,” says the JPS Torah Commentary, “is that man is recognized to be a social being.” Indeed, according to this Bresheet text we human beings are created first and foremost therefore for the purpose of relationship with each other. Imagine that, Adam had God all to himself, a situation which most believers think would make them eternally happy and satisfied, but Adam was still lonely! Thus it is in this context that Hashem spoke for the first time of something being ‘lo tov’ ‘not good’ - as if He had just discovered an imperfection in His creation. No amount of the presence of God could fill the hole in Adam’s life. Therefore, Hashem declared, “I will make for him a companion suitable for helping him.” Marriage between a man and a woman was therefore conceived in Gan Eden as the ideal solution to Adam’s problem. The Hebrew is particularly instructive concerning God’s intentions. His purpose was not to create a subject being for Adam, because the word *ezer* means ‘helper’ - a word which is used of God Himself throughout the Scriptures. Thus the *ezer* was not to be Adam’s subordinate, but at least his equal. Indeed, the fact that God Himself is described in the Scriptures as being the *ezer* of human beings, implies that the woman is compared to God in that she was created with considerable strengths that were to be used to the assistance of the man and vice versa. It is therefore to be noted that erroneous ideas of female subordination and inferiority are not found in the Creation account. Bresheet 1:27-30 emphatically states to this effect that: “So God created humankind in his own image; in the image of God he created him: male and female he created them. God blessed *them*: God said to *them*, “Be fruitful, multiply, fill the earth and subdue it. Rule over the fish in the sea, the birds in the air and every living creature that crawls on the earth.”” Then God said, “Here! Throughout the whole earth I am giving you as food every seed-bearing plant and every tree with seed-bearing fruit. And to every wild animal, bird in the air and creature crawling on the earth, in which there is a living soul, I am giving as food every kind of green plant.” And that is how it was.” (Ge 1:27-30). When, in this passage, Hashem assigned to human beings their unique calling it was given with complete equanimity. Neither gender was given primacy and there were no differences in their mission. In fact, none of the religious or cultural prejudices that emerged following the Fall and which have resulted in the historic subjugation of women by men yet existed. The point is that in Gan Eden, the first man and woman were echad, and in God’s eyes it was ‘good’!

The mystery of human sexuality is founded upon this echadness. As the Torah explains, “This is why a man is to leave his father and mother and stick with his wife, and they are to be one flesh.” The rabbis tell us in this respect that because the genders were separated we each now share a God given drive to reunite as one flesh. The Talmud accordingly relates the legendary story that when God created Adam, Adam had two faces. When God split him in

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two, one became Havah. God then brought Havah to Adam and they were reunited. Therefore, it decrees, the joining of man and woman in marriage signifies the reunification of a sundered soul. The traditional Jewish marriage service and surrounding traditions specially celebrates this union of souls. In this sense the groom and his bride stand symbolically for Adam and Havah, as if the original union of man and woman were happening all over again. And since this is so each marriage ought to be conceived of not only as a union of souls, but as we have seen, of equals imbued with complementary strengths which, when combined in *mutual* submission, love and respect will enable the couple to achieve their divinely appointed purpose in life. It is a beautiful picture which, as Rabbi Shaul explains, speaks profoundly of the relationship between God and His people. Just as with our marriages, our relationship with God is not to be characterised by dominance or force, but by mutual love, submission and respect. Indeed, that is why the intensely romantic and intimate Shir HaShirim is traditionally regarded as an allegory of God's relationship with His people. There are further references to the marriage between God and His people in Yeshayahu 54:4, where the Lord refers to Himself as being Israel's "husband". Similarly, in Yeshayahu 62:5 God refers to Himself as a bridegroom who rejoices over Israel his bride. In Yirmeyahu 2:2, moreover, God remembers the devotion of our Jewish people when He brought us out of Egypt: "I remember your devotion when you were young; how, as a bride, you loved me; how you followed me through the desert, through a land not sown." Since God has invested so much in marriage, not least as a type of His relationship with His people, it is little wonder that He has also declared His detestation of divorce. As we read in Malakhi 2:13-16: "Here is something else you do: you cover ADONAI's altar with tears, with weeping and with sighing, because he no longer looks at the offering or receives your gift with favor. Nevertheless, you ask, "Why is this?" Because ADONAI is witness between you and the wife of your youth that you have broken faith with her, though she is your companion, your wife by covenant. And hasn't he made [them] one [flesh] in order to have spiritual blood-relatives? For what the one [flesh] seeks is a seed from God. Therefore, take heed to your spirit, and don't break faith with the wife of your youth. "For I hate divorce," says ADONAI the God of Isra'el, "and him who covers his clothing with violence," says ADONAI-Tzva'ot. Therefore take heed to your spirit, and don't break faith." As is apparent from this passage God hates divorce. However, when we read the passage in context what becomes clear is that God's anger in this respect was particularly directed at those husbands who were abandoning their wives. They were "breaking faith", a concept which is stated to be repugnant to a covenant keeping God, and by means of parallelism God compared such divorce to an act of violence - these men were covering the "clothing with violence". The object of Hashem's attack in this passage is not so much divorce itself, but the evident inequalities between men and women in ancient Israel. It is significant in this respect that the echadness in Gan Eden of Adam and Havah is appealed to, for "she is your companion, your wife by covenant," "and hasn't he made them *one flesh*" - a term that is lifted directly from the Bresheet text? But by Malakhi's day this Edenic ideal evidently lay shattered on the ground. The problem lay in the fact that since the events described in the Creation account women had been reduced to an inferior, subordinate position within society in general and the marriage relationship in particular. Indeed inferior

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position is evidenced by the Scriptures themselves which, reflecting the patriarchal culture of the ancient Middle East, in many places treat women as the possessions of men. The Ten Commandments, for example, are not only framed in the masculine singular, as if they are only intended for men, but a wife is listed as a husband's possession which another man ought not to desire, along with his house, slaves, animals or anything else. The concern here is not for the dignity and sensibilities of the desired wife, but for the property of the man to whom she belongs and the affront to his apparently fragile masculinity. Similarly, the outlook of Bmidbar 30, which speaks of vows, is that throughout her life a female is either the possession of her father or, if subsequently married, of her husband. Either, at any time, can void their daughter or wife's vows to God - thus almost completely removing agency from her. She is not an autonomous human being like the men in her life are. The laws surrounding rape in this week's portion are also framed according to this outlook. As we read in Devarim 22:28, "If a man comes upon a virgin who is not engaged and he seizes her and lies with her, and they are discovered, the man who lay with her shall pay the girl's father fifty [shekels of] silver and she shall be his wife. Because he has violated her, he can never have the right to divorce her." As Rabbi Dr Zev Zerber writes, "The punishment of the rapist consists of paying the father 50 shekels and marrying the deflowered maiden with no option for divorce. The Torah does not discuss any other options for this girl's future; she appears to have no independence and no voice in the matter. Nowhere does the Torah factor in the invasion of her intimacy, her privacy, and her sense of bodily integrity, nor does it discuss whether she would want to marry her rapist. The Torah seems mostly concerned about the financial loss to the father, and secondarily about the financial/marital future of the girl. From a modern point of view, this law seems to be premised on an objectification of girls/women and their sexuality." Indeed it is! Such, however, was the ancient Middle Eastern world view.

That world view was apparently still in vogue in the First Century CE. In fact as Mattityahu 19 records this prompted a discussion Yeshua and some P'rushim who "came and tried to trap him by asking, "Is it permitted for a man to divorce his wife on any ground whatever?" We need to note the unusual wording of the question. "Is it permitted for a man to divorce his wife on *any ground whatever?*" Here Yeshua was effectively being asked to side with one of the two great Rabbinical houses, Beit Hillel and Beit Shammai, in their bitter dispute on the subject of divorce, which is to be found in Devarim 24:1-4. This states: ""Suppose a man marries a woman and consummates the marriage but later finds her displeasing, because he has found her offensive in some respect. He writes her a divorce document, gives it to her and sends her away from his house. She leaves his house, goes and becomes another man's wife; but the second husband dislikes her and writes her a get, gives it to her and sends her away from his house; or the second husband whom she married dies. In such a case her first husband, who sent her away, may not take her again as his wife, because she is now defiled. It would be detestable to ADONAI, and you are not to bring about sin in the land ADONAI your God is giving you as your inheritance." These verses, as I have said, were the subject of heated debate between Beit Hillel and Beit Shammai. They argued in particular about the meaning of the words "displeasing" and "offensive". Beit Shammai, which was a minority

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position, argued that these words referred to adultery and only to adultery. Beit Hillel, however, which was the majority position, proposed instead that “displeasing” and “offensive” might refer to *any* act that made the husband unhappy, including, for example, even something as minor as his wife’s cooking! Rabbi Akiva further defined the Hillelite position by arguing that the word “displeasing” meant a man could divorce his wife “if he finds another woman more beautiful than she is” (Git. 90a). It was in fact this exact same furious halakhic dispute which, as we have seen, the P’rushim attempted to drag Yeshua into.

We should note this was not a debate about the permissibility of divorce itself but about the *grounds* for divorce. Indeed, the patriarchal framework within which this debate took place is evidenced by the assumption that only the husband had the freedom to divorce his wife, and not vice versa. After all, as a possession, she *did* belong to him so presumably he could do with her as he wished! When the P’rushim asked Yeshua whether it was permitted for a man to divorce his wife on *any ground whatever* he was effectively being asked whether he agreed with this iniquitous treatment of women and takes sides in the furious rabbinical debate. Yeshua’s response is particularly telling. Referring to Bresheet chapter 2, he observed, as we have, that in Gan Eden the genders were equal. He replied, “Haven’t you read that at the beginning the Creator made them male and female, and that he said, ‘For this reason a man should leave his father and mother and be united with his wife, and the two are to become one flesh’? Thus they are no longer two, but one. So then, no one should split apart what God has joined together.” Just as in Malakhi, Yeshua appealed to the gender parity of Bresheet chapter 2 as constituting God’s ideal. He thus rejected the misogyny of ancient Middle Eastern culture. Indeed, his comments which apparently forbade a husband from divorcing his wife are a reinterpretation of the laws of rape. Just as a man who raped a woman was not permitted to divorce her but had to make recompense to her for all his or her life, so too, Yeshua was metaphorically saying, that patriarchal society had violently subjugated women, removed their agency and dignity, and also had to make recompense to them. He thus asserted the humanity and autonomy of women according to the Bresheet 2 text, and rejected the idea that they were possessions of men, subject to their authority.

This did not mean, however, that the position of women in society was suddenly transformed, as the patriarchal construct of ancient Middle Eastern society and beyond was all prevailing and all powerful. Indeed, the patriarchal idea is sadly alive and well in many parts of Judaism and Christianity today - particularly among evangelicals - with Scripture being brought to bear in its defence. Thus Havah’s derivation from Adam’s side is appealed to as evidence of the Biblical nature of female subservency. Appeal is also made to Rabbi Shaul’s teachings which are said to speak about the husband’s ‘headship’ and authority over his wife, by which is really meant his control. She is therefore to “submit” to him in everything, but he to her in nothing, and she may be dealt with harshly if the husband finds in her some instance of ‘rebellion’ - which in many cases may simply be her speaking her own mind or possessing her own contrary opinions. Of course close study of the relevant texts reveals that Shaul probably meant nothing of the sort. Submission (Gr. *hupotasso*) is not one-way, but mutual,

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and is to be understood not in the sense of subordination but as uplifting and supportive. Similarly *kephale*, the word which is often translated as 'head', does not convey anything about authority or leadership but is more properly understood as 'origin or source'. Shaul uses the word *kephale* to emphasise the connectedness of the husband and wife, which once again reminds us of how things were 'in the Beginning'. As Christian theologian Marg Mowczko writes: "Many Christians erroneously believe that the word *kephalē* conveys the meaning of authority, and they interpret Ephesians 5:23 and 1 Corinthians 11:3 to mean that husbands have authority over their wives. Some elaborate on their interpretation and understanding of *kephalē* even further and claim that husbands and fathers are the spiritual authorities in the home, and that wives and mothers do not have spiritual authority of their own. Paul never hints at such a doctrine. The only time the word for authority (*exousia*) is used in the New Testament in the context of marriage is in 1 Corinthians 7:4 where it says, "The wife does not have authority (or freedom) of her own body but her husband. In the same way, the husband does not have authority (or freedom) of his own body but his wife." In the following verse Paul adds, "Do not deprive each other except perhaps by mutual consent and for a time . . ." I take 1 Corinthians 7:4 to mean that a married man or woman cannot choose to become celibate without their partner's permission (as some Corinthian Christians appeared to be doing), or have sex with whoever they want, as their spouse has the exclusive right (*exousia*) of a sexual relationship with his or her own spouse. 1 Corinthians 7:4-5 shows that, rather than the husband being the authority or decision maker, Paul expected husbands and wives to make decisions by mutual consent. The notion that the husband is to be the arbiter and make the final decision, or have the final say on a matter, is contrived and simply has no biblical basis."

I concur. The overarching point that I believe is made throughout the Scriptures is that male and female relationships in general and marriage in particular are established on the bedrock of mutuality and equality. We must therefore conclude that anything which detracts from that echadness is a perversion of the divine paradigm. That is why I believe that ideas of male headship with respect to authority and leadership have no place in contemporary Messianic Judaism. For, as Rav Shaul says, we are to be a new creation in the Messiah, in whom there is neither Jew nor Greek, slave nor free, male nor female. While this oft-quoted statement of Rav Shaul's recognises the class structures, prejudices and inequalities of the present fallen world, the *Olam Hazeh*, it also points us to a radical alternative where, in Messiah, these inequalities and prejudices are not only no more but where everyone is valued purely for who he or she is in the Messiah. Indeed, Rav Shaul's words are a polemic against the prejudiced, misogynistic Jewish male world view that prevailed in ancient Israel and which is sadly alive and well in some traditional circles today in a prayer that can still found in the *siddur*. For every day on waking, according to the traditional *siddur*, the Jewish male is to pray: "Blessed are You, Lord our God, King of the Universe, who has not made me a Heathen. Blessed are You, Lord our God, King of the Universe, who has not made me a slave. Blessed are You, Lord our God, King of the Universe, who has not made me a woman." It was against the presumptions and prejudices of this prayer and the mentality of arrogance and supremacy

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that it has fostered that Rav Shaul spoke. As Yeshua made very clear, our vision for marriage is to be based upon the echadness, mutuality and equality of Bresheet Chapter 1. The post Fall curse of "Your husband will rule over you" is not to be understood as a divine imperative but a sad prediction of the perversion of gender relations as a result of sin working its way through male power. It was a prediction that the echadness of the Garden would soon be a long lost memory. But Messiah came to undo the power of sin and restore all of our broken relationships. In His sight all human beings, male and female, have been created in the image of God and are of equal value and it is therefore imperative that, as the Body of Messiah, this vision is found in all of our relationships, especially in our marriages, if we are to faithfully embody the spirit of our Messiah among ourselves as a Jewish community and within the wider world.