



"LAW AND LOVE"

I. Thy Wife As Thyself

Jews who have not been brought up in the full Jewish tradition are often taken aback at the way in which Judaism expresses its concern about marriage and married life. Even when predisposed to a sympathetic appreciation of the Torah tradition, such people cannot understand the severely legal manner of the Jewish doctrine of marriage. The Talmud, discussing the relationship between husband and wife, speaks of *mitzvah* and *din*, of *halakhah* and *issur* (prohibition), of rights and duties — exactly, it seems, in the same terms of its discourse on torts, false witness, labor law, or trade and barter. Is there no difference between the area of domestic relationships and these others? Is not the derogatory charge of "legalism" so often pressed against us justified in the light of Judaism's treatment of marriage in the language of commandments and prohibitions, laws and duties? How can the modern mentality understand that these laws referring to family life should constitute as much as one-fourth of the entire "*Shulhan Arukh*," the code of Jewish law?

First, let us repeat what a recent Israeli rabbinic writer said, something which appears rather astounding and yet is completely true: woe to the couple that regulates its married life solely on the basis of the "*Shulhan Arukh*!" Law adjudicates rival claims, it attempts to reconcile opposing demands; and whereas such accommodation of conflicting claims can save a bad domestic situation from disintegrating entirely, it is certainly not the ideal way to live a married life. It is unfortunate if husband and wife, or parents and children, think only of their rights and their demands upon each other. For a family to be successful there must be love and patience and tenderness and a willingness to forgive and forget and forego. Thus does the Talmud (*Kiddushin* 41a) teach that the famous commandment, *v'ahavta le'reiakha kamokha*, "Thou shalt love thy neighbor as thyself," refers in the first instance—to one's wife! And Maimonides codifies as Jewish law (*Hil. Ishut* 15:19) the statement of the Sages that a man should honor his wife more than himself (in the sense of providing for her) and love her as much as himself.

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