

"LAW AND LOVE"

Last week's Sidra, Shoftim, dealt primarily with society and government; therefore, at the very beginning we are told that we are to install judges and police administration be'khol she'arekha, "in all thy gates," i.e., in your cities. Today's Sidra, Ki Tetzei, deals primarily with family and home; and therefore at the very beginning we are told ve'havetah el tokh betekha, "you shall bring her into thy home." The first deals with city, the second with home.

One would expect, therefore, that the treatment be radically different in each case: that Shoftim be expressed in the form of laws, while Ki Tetzei be presented in the idiom of moral advice. Shoftim, which deals with government, should be a portion abounding in rigorous and exacting standards of justice, while Ki Tetzei should contain mostly preachments on love and tenderness and gentleness. After all, government and society are based on the principle of mora, of fear of authority and respect for the rights of others. Otherwise, anarchy prevails. Thus did the Rabbis teach: ilmalei moraah ish et havelo hayyim be'la'o, if not for this principle of respect for authority, people would swallow each other up alive. That is why society and government require the institution of law and the principle of justice: tzeddek tzeddek tirdof, "justice, justice shalt thou pursue." But family and home are built on love and affection and friendship, and hence one would expect that law as such be at a minimum.

Yet, surprisingly, that is not so. In both portions we find a very large number of mitzvot and dinnim. Ki Tetzei, indeed, is full of prosaic laws.

How can we explain that this Sidra -- and this is characteristic of all of Torah -- presents its doctrine of marriage and family life in legal form, full of commandments and prohibitions, of 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 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 conflicting 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.

Having said all this -- and it should be understood as a self-evident principle -- we must add that love itself is an insufficient basis for life. King Solomon, the wisest of all men, proclaimed that azah ka-mavet ahavah, "love is as strong as death." Love is powerful, one of the most powerful forces in the universe; but, unregulated and undirected, it can also be deadly and destructive.

Why is this so?

First, without law we cannot distinguish between licit and illicit love; the limits of love's expression are gone, and one does not know where it will lead.

Second, human love, for all its eminence in life and in doctrine, does not remain the highest value of all. Judaism teaches man that he must submit his entire life and his most cherished commitments to the higher authority of God Himself. There is a love that transcends our love for parents and wife and children -- and that is love for God. There is a judgment that surpasses any human judgment no matter how ethical -- and that is the divine judgment. This, indeed, is a teaching of the akedah: Abraham, despite his passionate and deathless love for his only son, bows his head and submits to the divine decree to offer up his only son as a sacrifice. The law of God takes precedence over the love of man.

Third, without law, love not only "conquers all," but it destroys all -- including itself! Law is that which allows love to endure within the context of life. The mitzvot provide the framework in which true and authentic love can flourish; otherwise it is in danger of spending itself prematurely. Look at our society: rarely

before in human history has the word "love" been as popular. Love is, indeed, the cheapest commodity available on the market today. It fills the scrapbooks of countless teenagers, it is the major component of all pulp magazines, it is sentimentally blared forth on television and peddled in the cinema. At the same time, our society successively is discarding all traditional laws and religious and moral restraints. Yet who is it who will maintain that human relations nowadays are usually characterized by an excess of love? The "hippies" recognize this cynicism and cant and hypocrisy that lie at the heart of modern society. They are sensitive to this corruption and this rot, this total lack of genuine love. Yet they make the disease worse by giving unrestrained expression to what they consider love while at the same time abandoning all laws and restraints which alone can make it meaningful. Their life is therefore immoral, uncreative, and astoundingly self-centered. Any sane person -- especially one over thirty! -- can see that this is a caricature of love and life. Like a living cartoon, it exposes the ludicrous bluff and bluster in society; but it has no solutions to offer, no cures for the ills it protests. It cannot be therefore taken as a serious social movement.

So, Judaism appreciates the importance of love as a basic ingredient in successful human relations. But it knows that love cannot flourish if we do not place it in the context of justice, if it does not have the protection of laws and duties and restraints.

Those who can and do experience love, must direct it and orient it properly and must always consider its effects on others -- even on the unborn.

Finally, we must not ignore those (and they may well be the vast majority of human beings) who cannot or do not experience love. Such people have every right to a decent life and to the protection of their children and their progeny -- no less so than those blessed with the gift of feeling love.

It is precisely because of Judaism's concern for the integrity of marriage and home that it legislates on such matters. In fact, the more important the subject, the more does Judaism hedge it about with laws. Torah considers marriage and family and yihus (the legitimacy of lineage) so significant, that it must not be left to the whim of sudden passion and of instantaneous infatuation.

That is why gittin and kiddushin (divorce and marriage) abound in such complex technicalities. Marriage is a lifelong relationship of the most significant and far-reaching consequences which is initiated by a single ceremony or contract. Therefore, we must make sure that both parties know exactly what they are doing, that both offer their free and untrammelled consent, in order that no avoidable errors be perpetrated. Hence, the Halakhah's insistence upon the formality of the ring, of the witnesses, of the proper quorum, and so forth, so that there be no misinterpretation of what is occurring.

Thus the Halakhah places even greater emphasis upon the technicalities of gittin, of divorce, since this act has such a

massive impact upon the lives not only of two people, but usually many more. Every detail therefore becomes exceedingly important. To undo a relationship is even more difficult than creating it in the first place.

I believe that this affords me an opportunity to do something I have long considered necessary, and that is to inform our people to take very special care in any matter relating to marriage or procreation, wherever there exists the possibility of mamzerut, illegitimacy. Too much depends upon this, and so every precaution must be taken in advance. Hence, we must make sure that if, as often happens in the course of life, we are ever beset by a problem in this area, we always inquire of competent rabbinical authority -- and the emphasis is on the word "competent." These matters include divorce; remarriage or marriage of any person who has previously been married; proselytization or marrying a proselyte or a descendant of a proselyte; artificial insemination; the adoption of children, whether Jewish or non-Jewish. The problems that exist in such cases can be enormous; most of them are avoidable if we are wise enough to inquire before proceeding impulsively.

The Torah is the center of our lives as individuals and as a people. Its mitzvot guide our conduct, its ideals define our destiny. It has served us well throughout our long history. Though we are naturally as flawed as others, subject to the ubiquitous blandishments of the yetzer ha-ra no less than others, prone to the same corruptions that afflict other human beings, yet the Torah has



given us a family life more moral and more stable than any people has ever known. At the very least it has given us a guilt feeling which acts as a marvelous restraint on further degeneration and involvement. The Jewish tradition does not speak much overtly of love; yet its legal restraints and its duties have given it the greatest opportunity for expression.

It is all the more regretful, therefore, that no matter how liberal or moderate an Orthodox Rabbi wants to be, no matter how he wishes to keep up good relations with other Jews, he can only rue with the deepest sorrow the havoc wrought by Reform when it abandoned Jewish marriage law. This was probably the most historically irresponsible act in the recent annals of our people. Basing itself on a piece of spurious and artificial and vacuous scholarship, Reform proclaimed that a civil divorce is adequate, and that a get is unnecessary for remarriage. It overlooked the glaring inconsistency of insisting that marriage should be a religious ceremony, while divorce may be a civil ceremony. As a result, it cavalierly dismissed the consideration that the Halakhah considers the previous marital bond still in full force. Therefore, the person who remarries without a religious divorce is considered as living in adultery, and the children of such a union are illegitimate. In today's Sidra we learned that illegitimacy, mamzerut, imposes a terrible burden on such children: they are forbidden to marry any others save those in the same category. Too much human tragedy has resulted from this irresponsibility for us to be quiet about it. That is why, with all our concern with religious freedom in Israel,

we must draw the line at matters of gittin and kiddushin. It is bad enough that Reform has destroyed the happiness of so many Jews and Jewesses in this country, often forcing a young couple to make a tragic choice between love for each other or loyalty to the basic tenets of their faith, that we do not need this to destroy the unity of the State of Israel as well.

These matters are not always pleasant to discuss. Yet without them there is no Judaism. They are too important and too dangerous to pass over them in polite silence. It is our duty as responsible Jews to apprise our fellow Jews of these facts, lest we be implicated in the guilt of encouraging human misery. Any Jew or Jewess may ignore Jewish law if he or she so wishes. But it is an unspeakable cruelty to impose the burden of illegitimacy upon an innocent child who never chose the way of life adopted by his parents, and who may want to return to a life of Torah either out of conviction or first by marrying an Orthodox Jew or Jewess. To educate our fellow Jews in these facts is therefore to perform an ethical act.

In our Haftorah of this morning, the prophet Isaiah proclaims, ki mei noah zot li, "for this is as the waters of Noah to me"; just as I have sworn not to bring another flood to the world, so will I not punish my people again. But, the Zohar (Lev., 14b) remarks, is this not a strange expression? Should the waters of the flood not be referred to as such, mei mabbul, rather than as mei Noah, the waters of Noah?

The answer of the Zohar provides us with a marvelous moral



insight. It tells us that when the Almighty wishes to bring destruction upon a world deserving of such cataclysm, He first informs the pious of that generation, hoping that they will intercede for their fellow men before God, and that they will turn to their contemporaries and try to arouse them to righteousness so that, having changed their ways, God may feel free to change His decree. Thus did Moses plead before God and preach to his fellow men, and thus did the prophets do after him. Noah, however, did nothing of the sort. He was concerned only for himself. He did not care about his contemporaries. When God told him that a flood would destroy every existing thing, he built an ark for himself and his family, concerned only over Noah and over no one else. Because of this spiritual self-centeredness, because of his religious indifference towards the well being of his fellow men, he was damned with the eternal stigma of having this flood known as mei Noah, the waters of Noah. The devastation, the destruction, the calamity bears his name for eternity.

Let us not, in our days, be guilty of the same kind of spiritual egotism in the false guise of not wanting to interfere in lives of others. We are not interfering when we bring to them the message of Torah. We are discharging our responsibility to them and to their children, and to their children's children, and to generations yet unborn, of informing them and cautioning them about the Torah's law of marriage and legitimacy.

Let us discharge our historic responsibility of teaching Torah to all Israel. Having done that, we shall discover that just

as the punishment for irresponsibility comes in the form of water, the mei Noah, so the reward for the proper responsibility is also water, but of a different kind, and also mentioned by the prophet Isaiah: u-mal'ah ha-aretz deiah et ha-Shem ka-mayim la-yam mekhassim, "and the entire world will be filled with the knowledge of the Lord, even as the waters fill the sea."