



DEVARIM

Ki Teitzei

Could Divorce be a "Mitzvah"?

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## COULD DIVORCE BE A “MITZVAH”?

### ABSTRACT

Can there ever be anything positive about a divorce – which shatters lives and homes?

Can divorce be anything other than a bad thing?

And yet, if divorce is such an evil, why does the Torah permit it? And even calls it a “mitzvah”!

Part of the answer is that the Torah does not retreat from any painful issue, and it takes on this one in this week’s reading. But most astonishing is the fact that the Torah devotes a full section – four verses – to the procedures of divorce, in contrast to the laws of marriage which get *not even one* verse. In fact, the laws of marriage had to be deciphered by the sages from hints and allusions within the very verses that pertain to divorce!

Divorce is one of the 613 commandments enumerated in the Torah, albeit it’s hardly considered a “good deed.” Nevertheless, divorce surprisingly does have a positive lesson and role to play in making us appreciate love and marriage.

Indeed, divorce – when examined on the spiritual/cosmic level – can teach us much about betraying ourselves and our calling, about reconnecting our own souls and destinies, and about coming closer to G-d. And therefore it is an apt topic to consider as the High Holidays approach ... when we seek to renew a connection we might have neglected or even severed.

### 1. A Painful Subject

Today I want to speak today about a subject that is very painful and controversial; a topic that many shy away from, yet one that is discussed in this week’s Torah portion.

This difficult subject is divorce. Few things are more painful and destructive than divorce. The Talmud tells us<sup>1</sup> that even the altar sheds tears when a couple get divorced.

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And yet, if divorce is such an evil, why does the Torah permit it? And even calls it a “mitzvah”!

Despite the grief and destruction that divorce has caused many, Judaism does not shrink away

<sup>1</sup> End of Gittin (90b).

from addressing it. Indeed, as we shall see, in its inimitable way, the Torah teaches us some surprising and indispensable positive lessons that we can derive from an issue that none of us would find redeemable.

Let us begin with a narrative.

## 2. Writ of Divorce (Story)

The Midrash tells a story of a man and woman who had no children after ten years of marriage. As this was long before fertility clinics and in-vitro fertilization, they decided that they should divorce. They had no quarrel with each other; each just wanted the other to have a better chance of starting a family with someone else.

And so they came to the famed 2nd century sage, Rabbi Shimon Bar Yochai, to ask him to prepare the writ of divorce. But being a truly wise man, he decided to delay them. He said, “When you were married, you had a feast. Now that you are about to divorce, you should have a feast also.”

They took his advice to heart, and this is what they did. During the feast, the husband – who was feeling quite sad about all this – drank quite a lot. Under the influence, he told his wife, “Anything of value that I own, you can take with you when you return to your parents’ home. Anything at all.” Shortly thereafter he fell asleep.

While he was asleep she had their servants pick up the bed he was sleeping on and carry it together with him – as he was dead to the world – to her parents’ home.

In the morning he woke up. Surprised, he asked her, “Where am I?”

She said, “You are in my parents’ home.”

He didn’t understand. “What am I doing here?”

She said, “Don’t you remember? Last night you told me that I could take anything of value. Anything at all. And that’s what I did. There is nothing more valuable to me in life than you.”

The husband realized that they could not divorce. So they went back to Rabbi Shimon Bar Yochai to cancel the writ of divorce. And soon thereafter the wife became pregnant.<sup>2</sup>

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<sup>2</sup> Midrash Rabbah, Song of Songs 1:4.

### 3. A Deeper Perspective

I tell this story for two reasons. First because this week’s Torah reading deals with divorce<sup>3</sup>, and second because this story illustrates that divorce can have a positive side. Were it not for the contemplation of divorce, this couple would not have realized how much they truly loved each other. So, though we think of divorce as a necessary evil, there is another way to look at it.

Indeed, divorce is a mitzvah. It is among the 613 commandments enumerated in the Torah, though it is a commandment that applies in certain circumstances only, and it is not what we’d call a “good deed.” If the sad situation is such that it leaves no other option but divorce, then (and only then) it is a mitzvah<sup>4</sup> to formally perform the *get* procedure and not have the couple simply separate and go their different ways.

In light of this, a certain curiosity of Torah law is even more astonishing. The Torah devotes a full four verses<sup>5</sup> to the procedures of divorce. This is especially interesting because the laws of marriage do not get *even one* verse. In fact, the laws of marriage had to be deciphered by the sages from hints and allusions within the very verses that pertain to divorce.

What are we to make of this?

### 4. The Spirituality of Torah

“The Torah speaks of the physical reality,” writes Nachmanides, “and alludes to the supernal reality.”<sup>6</sup>

The Torah speaks of the physical reality – that is, it recounts the history of the physical world, origins of humanity and of the Nation of Israel, and it sets forth the laws which order physical life. But each of its stories and laws is also a description of a supernal reality – that is, of a particular aspect of the relationship between the Creator and His creation that exists on the soul level.

In this respect, the Torah is like an x-ray of your soul; a cat-scan of the Divine mind of the Cosmic Engineer. Every one of the Torah’s characters is a spiritual archetype and every one of its episodes reflects the inner dynamics of the human psyche.

<sup>3</sup> Deuteronomy 24:1-4.

<sup>4</sup> End of Talmud Gittin (90b). Cited in Rashi at the beginning of our portion (24:1). Rambam, Laws of Divorce 10:22. Shulchan Aruch, Even HaEzer 119:4.

<sup>5</sup> Deuteronomy 24:1-4.

<sup>6</sup> Nachmanides’ commentary on the opening verse of Genesis.

That’s what Nachmanides says.

The 16th century Italian Kabbalist, Rabbi Menachem Azariah da Fano,<sup>7</sup> takes this to the next step. He flips Nachmanides idea upside down and says: It’s the opposite! “The Torah speaks of the supernal reality, and alludes to the physical reality.”<sup>8</sup>

How so?

## 5. Supernal Reality

Chassidic teachings explain that the most basic law of existence is: “There is nothing else besides [G-d].”<sup>9</sup> In other words, nothing exists in our world that does not first exist within the supernal reality. So the supernal reality is not just a mirror of the physical reality – it is the *source* from which the physical reality derives everything that it is and has.

If earthly time is divided between night and day, this is the result of there being a “night” and “day” within the dynamics of G-d’s relationship with His creation. If the physical reality possesses qualities such as “winter,” “summer,” “land,” “sea,” “male,” “female” – these are, in origin and essence, qualities of the spiritual forces that G-d issued from Himself.

The physical forms of the objects and phenomena that comprise our world are reflections – albeit pale and limited reflections – of their spiritual originals.

## 6. Cosmic Marriage and Divorce

The same is true of marriage and divorce.

If “marriage” did not describe a certain aspect of G-d’s relationship with us, there would not exist the possibility for marriage in our own inter-human relations. And the fact that divorce is possible within human marriages means that the concept of “divorce” exists – at least in potential – in the relationship between G-d and humanity.

<sup>7</sup> He was a disciple of one of the most famous Kabbalists of all time, Rabbi Moses Cordovero of Safed (known as the Ramak) to whose widow he offered 1,000 sequins for her husband’s manuscripts.

<sup>8</sup> *Assarah Maamarot*, *Maamar Chikur Din*, part III, ch. 22.

<sup>9</sup> Deuteronomy 4:35.

“Marriage” in this context is the union between your body and your soul, between matter and spirit, between your physical and sublime activities – between what you do and who you are, and ultimately – between you and G-d.

“Divorce” in this context is when you have betrayed yourself and your soul’s calling, when you have wandered away from the purpose for which G-d sent you to Earth.

## 7. Analogies of the Prophets

In the language of the prophets, we find the analogies of marriage and divorce liberally employed.

For example, when the Prophet Jeremiah rebuked the Nation of Israel for having betrayed its relationship with G-d, he quoted G-d as saying:

“When I saw that faithless Israel had betrayed me, I sent her away and gave her a writ of divorce.”<sup>10</sup>

Divorce is a state of spiritual and psychological displacement (otherwise known as “*galut*,” exile) – when your life is separated from your divine image and divine mission.

Now, when the prophets demanded that the Nation of Israel repent and return to G-d, the Talmud records<sup>11</sup> that Israel responded with a question:

“If a woman is divorced by her husband, do they have any further claim on each other?”

In other words: If G-d has already walked away from our relationship, would anything we do now matter?

And then the Talmud records G-d’s rejoinder through the lips of the Prophet Isaiah:

“Where is the writ of divorce ... with which I [supposedly] sent her away?”<sup>12</sup>

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<sup>10</sup> Jeremiah 3:8.

<sup>11</sup> Talmud, Sanhedrin 105a.

<sup>12</sup> Isaiah 50:1.

In other words: There was never a true divorce – an estrangement, perhaps, in which the faithless wife has been “banished,”<sup>13</sup> but the marriage remains intact. Soon will come the day when the marital home will be rebuilt and the errant wife will be invited back home.

But wait. Did not G-d Himself say through Jeremiah, “I sent her away and gave her a writ of divorce”? Was there, or was there not, a divorce?

On a certain level, the marriage-bond had been dissolved. Israel had been banished into exile. But the reality of exile (which is, in fact, spiritual displacement) is a superficial, superimposed reality.

## 8. Only a Dream

“When G-d returns the exiles of Zion,” sings the Psalmist, “we shall have been as dreamers.”<sup>14</sup> Like a sleeping person waking from a dream, we will recognize that what we have experienced as vivid and real has been but an illusion. We will wake to a reality in which no writ of divorce has ever been delivered – a reality in which the bond between G-d and Israel is, and always was, inviolable. As G-d Himself has declared, the covenants that He has made are “eternal.”<sup>15</sup>

Since human marriages are derivative of the divine marriage, they, too, possess something of its eternity and invincibility. It is only that we – finite and mortal beings that we are – do not always succeed in actualizing the eternal essence of the marriage bond. In certain instances, a marriage might even fail entirely and be dissolved by divorce – a phenomenon that derives from the divorce that can occur even in the divine marriage.

But when a divorce takes place in the higher reality, it *does not sever* the marriage-bond, but rather provides *proof* of its strength and durability.

How can that be?

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<sup>13</sup> Ibid.

<sup>14</sup> Psalm 126:1.

<sup>15</sup> For example: Genesis 17:7,17:13, 17:18 and Exodus 31:16.

## 9. Better Than a Mitzvah

According to Chassidic teachings, a transgression can be a *greater* expression of our bond with G-d than a mitzvah.

The connection created by a mitzvah is exactly that – a connection *created* between two separate entities. Taken on its own, this connection does not point to any *intrinsic bond* between the two. But when Jews transgress a divine command, something much deeper comes to light.

This is what we saw in the story of the childless man and woman who sought to divorce. And we saw the repercussions. The husband was so upset he drank himself senseless.

So, too, with souls. The very rending of their bond with G-d reminds them of its existence and its depth. Their inner equilibrium is disturbed; their soul finds no peace and is driven to compensate for its compromised identity with material excesses or other obsessions. But it all serves only to highlight the fact that there is nothing more *unnatural* than a soul estranged from G-d.

What is true of our internal response to a transgression is also true of G-d’s response to our unfaithfulness. The “divorce” of exile highlights a deeper dimension of our relationship. The pain that G-d experiences over our separation expresses the *inherent* bond between us.

As the Talmud states: “Every day, three times a day ... a heavenly voice keens like a dove and cries: ‘Oh my children, Oh my children...’”<sup>16</sup>

## 10. Defining the Nature of Marriage

And now we can understand why the Torah chooses to communicate the most basic laws of marriage through the verses that deal with divorce. In this way the Torah presents us with two levels of meaning.

For, *explicitly*, these verses spell out the laws of divorce, but, *implicitly*, they actually define the nature of marriage.

The Torah – speaking here in its “supernal reality” mode – is saying that what externally is a state of “divorce” is in essence the most profound expression of the “marriage” between your soul and you, between G-d and His people.

<sup>16</sup> Talmud, Berachot 3a.



This is also the deeper significance of the question posed by Israel to G-d: “If a woman is divorced by her husband, do they have any further claim on each other?”

Why are we acting as if we’re still married to each other? Why are You, G-d, still nudging us to return to You? Why are we still struggling to come to terms with our relationship?

Indeed, our so-called “divorce” is the most powerful indicator of the depth and invincibility of the bond that continues between us through eternity.

## 11. Challenges in Marriage

The same can also be applied to our human institution of marriage (which evolves from the supernal dimension).

When our marriage is faced challenges – and who does not have their share of challenges? – we have two choices: 1) to avoid the issues and allow them to deteriorate the core, or 2) to see them as opportunities that can teach us about the depth of our love and our relationships.

To paraphrase: True marriage is like a teabag: You don’t know how strong it is until you put it in hot water...

May we all find deeper strength in the challenges that our marriages often encounter. May we see the possibility of “divorce” simply as an opportunity and catalyst to dig deeper and discover new-found reservoirs of love and commitment.

Let us not give up on our bonds. If necessary, enlist trusting friends and mentors who can help us see beyond our own subjectivity and blind spots.

## 12. Marriage Humor

[To lighten up the discussion...]

Two amusing stories capture this message:

On their 40th wedding anniversary celebration, Tom was asked to give his friends a brief account

of the benefits of a marriage of such long duration.

“Tell us Tom, just what is it you have learned from all those wonderful years with your wife?”

Tom responds, “Well, I’ve learned that marriage is the best teacher of all. It teaches you loyalty, forbearance, humility, self-restraint, forgiveness – and a great many other qualities you wouldn’t have needed if you’d stayed single or been divorced.”

The second story:

David was married to his wife, Sarah, for nearly half a century. At some point they decided to get divorced. No one really understood why. After a while David remarried a woman named Naomi, but despite the virtues of his new wife, David terribly missed his ex-wife Sarah, causing him to fall into a depression. Among the things that he direly missed was Sarah’s excellent cooking. Trying to cheer him up, Naomi cooked meals for him, attempting to emulate Sarah’s delicious recipes, but David was never pleased. No matter how deliciously prepared the meals were, he would sigh and mutter to himself, loud enough for his wife to hear, “this was not the way Sarah made the soup.”

Naomi pored through Sarah’s old recipe books and tried to re-create the delicious taste for which David longed. But David was still not pleased.

One day, while the soup was on the fire, one of David’s visiting grandchildren fell outside. In her haste to get to the child, Naomi almost dropped in the soup the entire pepper shaker. In addition, by the time the child was washed and bandaged, the soup was totally burned! There was nothing for Naomi to do but serve the severely spiced, burnt soup.

She stood in agony as David brought the soup to his lips. This time he would probably more than mumble a complaint. But it was not to be. A wide smile broke across David’s face. “Delicious Naomi,” said David with a tear in his eye. “Absolutely delicious! This is exactly how Sarah made the soup!”

### 13. The Time is Now

The High Holidays are approaching. Rosh Hashana is two weeks away. There is no better time than now to renew our connection to G-d, our relationship with our soul. For this is a time when G-d says to us “Open for Me the eye of the need and I will open for you the most expansive chambers of the Great Hall.”<sup>17</sup> G-d does not ask that we change our entire lives for him, just open up for Him

<sup>17</sup> Midrash Rabbah, Song of Songs, 5:2.

a little space – so small, it is no greater than the eye of the needle. If we do that, He will respond. And our bond will be renewed.

There is no better time of beginning this process than now. And there are many ways to begin. Let me suggest two:

- 1) The first is prayer. Pray from the heart in your own words or pray from a book. In the latter case, the Book of Psalms offers a treasury of heart-felt outpourings. In the month preceding Rosh Hashana, the custom is to say Psalm 27. If you can recite it with feeling every day, you will see that something magical happens. You will find the chambers of the Great Hall opening for you.
- 2) If you are not the praying sort, then connect to G-d through action. Do something good. Something you haven't done before. Not because you feel like it, but because G-d asked that you do it in the Torah. There are plenty of options: visit the sick, give charity to the poor, return a lost object, get involved in a just cause, forgive someone who has wronged you.

We all, in some way, have wandered away from our own spiritual destinies. Material concerns, financial worries and different anxieties, can wear us down and estrange us from Paradise. Yet, we must always remember that even the most trying circumstances cannot sever your connection with your soul. Ultimately, we can never truly be divorced from G-d.

So now is an excellent time to reconnect and renew our marriage vows with our own souls and with G-d.

If you try to connect to G-d now, you will find that these High Holidays will be very special, because you will be renewing your bond with Him. And that will set the pattern for the coming year – G-d willing – of blessings and bounty and health and wealth, and every good thing you wish and pray for. May it be so. Amen.

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