

PARASHAH: Ki Tetze (When you go out)
ADDRESS: D'varim (Deuteronomy) 21:10-25:19
READING DATE: Shabbat
AUTHOR: Torah Teacher Ariel ben-Lyman

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(Note: all quotations are taken from the Complete Jewish Bible, translation by David H. Stern, Jewish New Testament Publications, Inc., unless otherwise noted)

Let's begin with the opening blessing for the Torah:

***“Baruch atah YHVH, Eloheynu, Melech ha-O’lam,
asher bachar banu m’kol ha-amim,
v’natan lanu eht Torah-to.
Baruch atah YHVH, noteyn ha-Torah.
Ameyn.”***

(Blessed are you, O' LORD, our God, King of the Universe,
you have selected us from among all the peoples,
and have given us your Torah.
Blessed are you, LORD, giver of the Torah.
Ameyn.)

This is **Parashat Ki Tetze** (say “Key-Tates-say”). In many ways, this portion picks up with the theme introduced in last week’s portion: justice. Much in every way, this week’s portion centers on the practical application of such communal justice in the Land of Isra’el. Practical application of Scripture is often referred to as halakhah, a Hebrew phrase that describes the “way in which to walk out the mitzvot (commandments) practically.”

For some, this notion of practical application of Scripture is unsettling. Perhaps it stems from the overwhelming traditional application and misuse of Scripture prevalent in much of Rabbinic Judaism today (in essence, tradition is given more weight than Scripture). Because of such notions, I will briefly address this issue again before going into our teaching this week. Borrowing notes from last week’s portion, I shall summarize halakhah and the concept of “oral tradition”:

“Chapter 17 of Deuteronomy talks about the details surrounding official and legal matters. Of particular interest is the subject dealt with in verses 8-13. To be sure, the sages of old understood this to be talking about the matter of halakhah and the authority of what is known in rabbinical circles as Oral Torah. From a cursory reading, it appears to be a valid teaching about establishing a governing body of legal authority based on the spoken opinion of the judge of the day. This is where the halakhah gains its strength and application. This term is roughly translated the way in which to walk. The rabbis see in this passage an opportunity to establish the tradition of the Oral Torah. As they see it, this passage instructs its

readers “In accordance with the Torah they teach you, you are to carry out the judgment they render, not turning aside to the right or the left from the verdict they declare to you (v.11).” Taking the verse in its most natural and literal sense, it does seem to validate the right for the rabbis to impose their judgments on all succeeding generations. And to strengthen the suggested interpretation, a first century Rabbi by the name of Yeshua had this to say to his crowd, “The Torah-teachers and the P’rushim,” he said, “sit in the seat of Moshe. So whatever they tell you, take care to do it. But don’t do what they do, because they talk but don’t act!” What Yeshua is addressing here is the issue of hypocrisy when it comes to correctly interpreting the Torah, yet failing to implement it into our lives. But our LORD does not condone the Oral Tradition as binding.”

Back to our Torah portion.

Marriage and Divorce

Of great concern to the community living during this time period (as well as for any time period for that matter) was the area of sexual relations. To be sure, a great deal of time is spent addressing possible situations that might arise during the course of everyday dealings with each other. Moreover, in all of the five books that Moshe authored, only here in D’varim chapter 24 is marriage and divorce specifically addressed head on, and then only in a scant four verses.

The matter became a major source of disagreement by the time Yeshua entered the communal scene. During his time period, two major schools of thought existed and vied for the majority opinion. The conservative School of Rabbi Shammai (Beit Shammai) and the liberal School of Rabbi Hillel (Beit Hillel) both supplied their interpretation of Moshe’s words here in our Torah portion. The Talmud gives us our most complete look into the minds of the early Judaisms of Yeshua’s day, thus the Talmud states concerning this passage in D’varim:

“The School of Shammai say a man may not divorce his wife unless he has found unchastity in her, as it is said, ‘...because he has found in her indecency in a matter.’ But the School of Hillel say he may divorce her even if she burns his food, as it is said, ‘...because he has found in her indecency in a matter.’”¹

Rabbi El’azar, a member of Beit Hillel has been noted in the Gemara as saying, “When a man divorces his first wife, even the altar sheds tears” (Gittin 90b), his source for such logic stemming from D’varim 24:13-14. Modern translator and commentator David H. Stern has noted in his Jewish New Testament Commentary that there is a Jewish tradition that in Messianic times the stricter rulings of Beit Shammai will become the standard (JNTC, p. 59).

¹ Talmud Bavli, Mishna: Gittin 90b (9:10).

Yeshua himself addresses this issue of marriage and divorce at Matthew 19:1-12. In order to properly grasp the halakhah of Moshe in D'varim, and spring into the halakhah of our LORD in Matthew, I will first address Judaism's common view of marriage itself. I pick up the theme of D'varim 23:18(17) and 19(18) as I move into 24:1-4. To carry the full continuity of my thoughts, I have supplied a sample reader's question:

QUESTION: *"What is the Messianic Jewish position about remaining single. I've always heard that the rabbinical teaching is that a person is not truly a man until he has procreated. I am single and it looks like I may be remaining so. Does this mean that I'm less a man? Does God want everyone to marry? What about a homosexual person who foregoes all sexual activity in order to be faithful to the Lord? I'd be interested in your thoughts on these issues."*

ANSWER: *"I want you to read 1 Corinthians Chapter 7. In it you'll find some very good instructions given to the married and unmarried alike. It is true that the rabbis had, and still have, a high view of marriage. The Talmud stresses this view. The unmarried person lives without joy, without blessing, and without good' (Jeb. 62b); An unmarried man is not a man in the full sense; as it is said, Male and female created He them, and blessed them and called their name man (Gen. 5:2) (Ibid. 63a). A wife meant a home; hence the saying, A mans home is his wife (Joma I.I), and R. Jose said, Never have I called my wife by that word, but always my home (Shab. 118b). But don't let all this scare you. Remember this is commentary on the Torah, not the authoritative Torah itself! These are men's opinions. High remarks are made in the Torah, to the single individual who fully devotes himself to HaShem in his singleness! Pray about your potential mating. It is a very important decision to make! To be sure, the Torah designed it to be a lasting one.*

Now as far as the issue concerning homosexuality goes, the Torah is explicitly clear: this lifestyle is not pleasing to HaShem, and is thereby forbidden. In the TaNaKH the instances are told of pagan temple prostitution, by those women (and sometimes men) who had separated themselves unto the temple cult. This sanctification is where we get the Hebrew word kadosh from, meaning, set apart for a specific work. This separation was certainly not prescribed by the Torah of Moshe, and was not condoned by the Holy One! If you mean a homosexual turning from that lifestyle, and forgoing all further sexual activity in order to pursue faithfulness to HaShem, then let his t'shuvah (repentance) be true renounce his sin of homosexuality and turn to HaShem with a renewed heart! True biblical separation always agrees with the Will of HaShem, and accomplishes the purposes of HaShem. Because homosexuality is outside the pale of a biblically correct lifestyle, it is not sanctified or blessed, but rather condemned by the Torah. This Torah Teacher does not recommend such a lifestyle for anyone, but forgiveness through the shed blood of Messiah Yeshua has been made abundant for all, regardless of your past sins!"

Thus we see that our passages here in the Torah portion are not in contradiction to Yeshua's rulings on the matter. Moreover, Moshe's rulings do not undermine HaShem's original intentions for the married couple. Rather, quoting Dr. Stern again, "Yeshua in adducing Scripture harks back to the beginning, in Gan-Eden [Garden of Eden] to support his view that a marriage must not be dissolved for anything less than the most direct insult to its one-flesh integrity, adultery. He goes on to point out, as I [Stern] have above, that "Judaism has always considered marriage both normal and desirable... [Quoting the Talmud] "The unmarried person lives without joy, without blessing and without good....An unmarried man is not fully a man" (Yevamot 62b-63a).

For the sake of clarity I have decided to extend this Torah portion to include a lengthy discussion about marriage and divorce:

WHAT PROPERTIES DEFINE MARITAL STATUS?

Marital status refers to the lawful recognition of the agreement between a man and a woman to be husband and wife. Along with the legal marital status of being married, the husband and wife acquire rights and obligations to their respective spouses. The rights and obligations begin when the couple is married and may continue, to a certain extent, even after the termination of the marriage.

Marital status is one of the basic issues involved in a lawsuit for divorce (marital dissolution) or an annulment (nullity). At the end of a marital dissolution or nullity proceeding, the legal status of husband and wife is terminated and the spouses are returned to the legal status of being unmarried or single persons.

Marital status is automatically terminated upon the death of one spouse; the survivor becomes an unmarried person once again.

WHAT ARE THE LEGAL REQUIREMENTS FOR BEING MARRIED?

The legal requirements for a man and a woman to marry vary from state to state in the US. Although there are differences between the requirements in the various states, a marriage between a man and a woman performed in one state must be recognized by every other state under the Full Faith and Credit Clause of the United States Constitution.

Some requirements set by state law can include:

- A marriage license issued by the county clerk or clerk of the court (along with payment of a fee)
- Both man and woman are 18 or older, or have the consent of a parent or a judge if younger (discussed below)
- Proof of immunity or vaccination for certain diseases

- Proof of the termination of any prior marriages by death, judgment of dissolution (divorce) or annulment.
- Sufficient mental capacity (often this is determined as the ability to enter into a contract)
- The couple are not close blood relatives
- Blood test for venereal disease
- Satisfaction of a waiting period from the time the marriage license is issued to the time the marriage ceremony is performed
- Performance of a marriage ceremony with witnesses and a person recognized by the state to have the authority to perform marriage ceremony (such as a priest, rabbi or a judge)
- Recording of the marriage license after marriage ceremony is performed
- Consummation of the marriage by the act of sexual relations (only a few states require this)
- A marriage performed in another jurisdiction—even overseas—is usually valid in any state as long as the marriage was legal in the jurisdiction where it occurred. For example, if a couple is married in Canada and then moves to California, California will recognize the validity of the marriage as long as the requirements for a valid marriage in Canada were present at the time the couple entered into the marriage.

How does divorce work in Judaism today?

Divorce is accomplished by the Bet Din through a document known in Hebrew as a 'Get.' The official documentation of divorce according to Jewish law is required for either party to remarry. It is therefore extremely important that couples that divorce follow the proper procedure with a respected Bet Din, or Religious Court. Performing and documenting the Get properly, thereby avoiding the tragic situation where one party is left unable to remarry without an acceptable Get, and must remain an Agun or Agunah until a Get is executed, can avoid much grief.

Many misconceptions exist concerning the traditional divorce method and how it is administered now. I am including a short description of the procedure here for your information.

The Jewish Divorce Decree (Get) and Proceeding

- The divorce and dissolution of marriage are affected through a document. The document makes no reference to responsibility, blame, fault or settlement details. It has no bearing on any aspect of the civil divorce and settlement.
- No religious blessing or divine reference is included. No prayer or profession of faith is required. The Get is strictly a religious legal document that breaks the existing bond created through marriage, and acknowledges that the couple divorcing is now free to remarry according to Jewish law.

- The Get itself is a twelve-line document. The decree must be letter perfect, written in the same manner and with the same requirements as a Torah scroll. An experienced scribe under the supervision of a specially trained Rabbi is required.
- A Get is only prepared if both parties are seeking to end their marriage of their own free will. Before qualified witnesses and the officiating Rabbi, the Get is prepared at the request of the husband.
- The witnesses sign the document and it is reviewed carefully for every requirement. The Get is given to the man, who establishes his ownership of the completed document.
- The Get is then given to the wife, to transfer ownership of the document itself to her possession. Giving ownership of the Get to the wife makes a spiritual break and separation between the couple. The woman then walks to exit the room with her Get. This demonstrates that she is free to leave with the document, which assures her ownership without restraint.
- Returning to the Rav and witnesses, she displays the Get and the divorce is concluded and documented. Proof of the proper procedure is given to both parties.
- The required statements made during the proceedings are neutral and non-recriminating or demeaning. In instances where geography or other reasons make it impossible or undesirable to have both parties together, the procedure can be performed through a proxy or power of attorney. It is possible to arrange a proper Get without any contact between the divorcing husband and wife. The entire procedure normally takes only a couple of hours, and does not require hearings or other additional proceedings.

Conclusions:

In its most normative sense of application, the Torah addresses the individual on a complete level (overview), yet leaves room for each individual and unique situation. Surely each unique situation needed addressing. That is why HaShem set into place certain mechanisms which would help deal with the fluidity of ever-changing community life among the followers of HaShem. Halakhah is meant to fit the times in which it is being applied. It is rightly called “the humanization of Scripture.” This gives it the feel of stability, based on the Scriptures from which it is derived, yet at the same time, room is allowed for individual and unique application on every level.

Thus, our Torah portion forms the basis for our modern halakhic rulings today, as Yeshua proved to his first century listeners. I have heard some today attack halakhah on the basis that tradition has no merit in the lives of a believer in Yeshua. I have also heard the very Scriptures attacked on the basis of antiquity and out of date rulings. Yet there can exist harmony in the seemingly simplistic commands of the Torah of Moshe, when combined with the halakhic decisions that are derived from the Torah. To be sure, don't we all as believers cite the

very same Torah as evidence for our rulings? And yet, there exists great diversity among our ranks. Should this diversity give rise to disagreements and disunity? In my opinion, I think it should not.

Rather than separate we believers from one another, the Scriptures and the halakhic decisions we derive from them, should be uniting us, especially in the eyesight of the disbelieving world in which we are surely being examined for our faith. Difficult issues to come to halakhic rulings on, such as marriage and divorce, should not discourage us from setting the example among all men, even as the Torah commands us to do. Far from becoming another statistic, as many believers have become (God help us!), we should be leading the way in our examples of what a loving couple, joined by God, should look like.

Justice should not only exist as some noteworthy concept that can be pointed out in the lives of those who follow HaShem. Like HaShem, our justice should be an extension of who we are as believers in Messiah Yeshua. It should be a part of our make-up, internal and not merely outward in its appropriation and application.

As is stated in **Parashat Shof'tim** "justice should be pursued!"

The closing blessing is as follows:

***"Baruch atah YHVH, Eloheynu, Melech ha-O'lam,
asher natan lanu Toraht-emet,
v'chay-yeh o'lam nata-b'tochenu.
Baruch atah YHVH, noteyn ha-Torah.
Ameyn."***

(Blessed are you O' LORD, our God, King of the Universe,
you have given us your Torah of truth,
and have planted everlasting life within our midst.
Blessed are you, LORD, giver of the Torah.
Ameyn.)

"Shabbat Shalom!"

Torah Teacher Ariel ben-Lyman yeshua613@hotmail.com