

Sexual Immorality

A Policy Study

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The Holy Disciples of Yehoshua Foundation endeavors to maintain congregational policies based on fundamental policy teachings found in the New Testament as well as the Tanakh. For example, we adhere to the pastoral and other leadership standards of 1 Timothy 3 and Titus 1. We also hold that a congregation must prioritize establishing and maintaining a competent beit din (judicial body) in accordance with 1 Corinthians 5 & 6 (which, itself, draws from the Torah).

Such an approach is radically different, in fact, incompatible with the administration of Christian organizations and congregations—and, because of this disparity, we actually find our approach repudiated by Christians.

The purpose of this study is to serve as a basis and support for applying one aspect of Acts 15:19-21, which requires the exclusion of those currently involved in illicit relationships.

Much of what is stated herein should go without saying, but the regrettable realities demand otherwise.

The goal is primarily the nurturing of a reasonably safe haven for those espousing constructive, biblical values. Rehabilitation of those in the grips of illicit relationships is generally beyond the present purview.

Preface

Human sexuality is a great paradox. On the one hand, it can be part of the catalyst by which two people are bound in lifelong love and by which they bring new life into the world. On the other, it can and does engender jealousy, heartache, rage, disease, mental illness and death on a massive scale.

In the proper context, sex involves devotion and commitment, bolstering an environment in which a new generation is nurtured to maturity as stable, loving and productive members of society. Beyond that context, sex sows a seed, often terminated before birth, often brought forth into a troubled, morally aimless home, reaching adulthood immaturely to propagate a variety of stresses on society it cannot bear, generation to generation, with seemingly no end.

For example, at the time of this writing, about two million people die annually of HIV/AIDS complications worldwide, to say nothing of the variety of other sexually transmissible diseases. Roughly thirty to fifty million abortions are performed worldwide each year, the vast majority having nothing to do with the health of the mother or child. Both of these totally preventable phenomena are entirely products of reckless and immoral sexual behavior.

In decades past, young adults knew that sexual relationships were to be reserved for marriage alone and that anything beyond was quicksand. Today, adolescents and younger are buried in the sophisticated marketing of Sodom, permanently maiming

their futures and even their bodies in mind-numbing gender confusion. Lacking access to clear instruction and encouragement, they make naïve, irreversible decisions.

The path on which sex is a consistently joyous and constructive part of life is not the path we take by default or accident. Both challenging and rewarding, it is an endeavor for which we need considerable preparation and encouragement. The other path demands no such effort, beckoning the clueless and the undisciplined on a leisurely descent that, sooner or later, steepens to an abyss. As Yehoshua said,

. . . wide is the gate and broad is the way that leads to destruction, and many are the ones entering through it. For narrow is the gate and constricted is the way leading away into life, and few are those finding it.

Matityahu 7:13-14

Our sexuality will not be marginalized. For the vast majority of us, it will remain and/or form, as it has from the dawn of humanity, a prominent and central part of who we are, both as individuals and as societies. For this reason, those of us who enjoy the blessings of a wholesome sexual relationship must thoroughly teach and continually encourage our young in the principles and skills that underpin strong and happy marriages. We must also be frank, even as is the Bible, about the pitfalls of careless sexual involvement. We must also competently, openly and unwaveringly contend with those who practice and encourage sexual immorality.

Holy scripture is clear that sexual involvement is to be reserved exclusively for husband and wife in marriage. Having considered the positive side of marriage elsewhere, our attention here is on the alternative—sexual immorality, in its several forms.

The secular often dismiss the Bible as an obsolete relic, yet its frank and thorough treatment of sexuality ensure its contemporary relevance. A bewildering array of varied cultures, personalities and technologies come and go, but the human spirit, with all its hopes and dreams, its appetites, its virtues and vices, has remained unchanged over the last six millennia.

So we will consider where we stand today and why, and what the Bible has to say about the various forms of sexual immorality. We will do so in terms of the responsibility of the individual, the parents and the congregation.



Young people who have refrained from sexual involvement with others have an incredible opportunity—that of sharing life—all of it—with the one they love. Those who have been taught in the home how to establish and maintain healthy relationships have the likeliest prospects. Yet, even those not so blessed have real hope for lifelong love with divine intervention. Though that intervention emanates directly from heaven, it can and must also occur through encouraging friends, a nurturing congregation and sound instruction.

The biblical teaching that marriage is for life and that sexual involvement outside that arrangement is grounds for excision from the community was once commonplace. Today, such an approach is both alien and repugnant to most, including the overwhelming majority of those who profess to be religious. This is because, for over

a century, congregations have long been pandering to the lowest common denominators of society at large. Their constituencies are now so immersed in sexual immorality, their leadership is loath to fully confront the issue, and morality in message, in policy and in conduct continue to disintegrate.

In the typical, contemporary congregation, conservative or liberal, open and unfettered spouse-exchanging is rampant, as is open, serial cohabitation out of wedlock. Pedophiles prey on the young with the knowledge of the pastors, yet undisclosed to the young parents or to local law enforcement. In the liberal communities and society at large, the civil/legal definition of marriage, having long been abused in the heterosexual arena, now extends to same-sex unions.

This predicament is not simply a matter of failing to take aim at egregious sin, but entails the cunningly coordinated muzzling of the proactive, positive, open, ongoing and uninterrupted affirmation and real support of marriage for life. Afraid to offend those involved in sexual relationships outside lifelong marriage, communities are sending their youth the wolves, clueless as to the significance of their actions. Actually, they need not send their youth anywhere, for the wolves are within.

The Schaeffer Institute cited a combination of pastoral surveys which yielded the following:

38% of pastors said they were divorced or currently in a divorce process.

30% said they had either been in an ongoing affair or a one-time sexual encounter with a parishioner.

These are those who administer marriage vows and who counsel others about their relationships.

Responses to one of George Barna's polls indicated that about 36% of "born-again" Christians approve of premarital cohabitation. Lauren Winner, in a 1999 article for Beliefnet.com stated that ". . . many young, unmarried Christians are sexually active and the rest of the church better get used to it." Indeed, they have, and in the decades since, Winner has reaped the fruit of her sass.

For three generations, western adults have been cohabiting casually by the millions with the presumption of "easy" disengagement. Today, younger teens are accustomed to multiple sexual partners and gleefully video their peers' public sex acts on their cell phones. Homosexuals have successfully pressed for the rest of society to legitimize their unions as marriage, reveling in the broad-based support they now enjoy from a variety of religious institutions. In our courts, juries find it increasingly difficult to distinguish rape from consensual sex due to the complete disintegration of commonly-held etiquette between men and women.

Judaism in general is faring no better than Christianity in this onslaught. An excerpt from a myjewishlearning.com article entitled *Jews and Premarital Sex*, reads as follows:

Many liberal authorities have pointed out the need to develop a new sexual ethic to address the reality of premarital sex. Arthur Waskow, a leader in the Jewish Renewal movement, suggests altering our expectation of marriage to "make it easy for sexually active people from puberty on to enter and leave marriages." The Conservative and Reform movements, while still stressing the ideal of marital sex, have acknowledged that

Judaism's position on human sexuality is not consonant with the trends of contemporary life, in which people often do not marry until their 30s or later. Both denominations have suggested that premarital sexual relationships — where they exist — should be conducted according to the ethical principles that govern married sex: namely with the respect due to all humans as beings created in the image of God. In addition, Conservative rabbi Elliot Dorff has stressed the importance of modesty, fidelity, and health and safety in non-marital sex.

We have, indeed, come a long way. This is not to suggest that marriage prior to the last century was idyllic or that infidelity and sexual perversion were unknown. Moreover, the resilience of marriages in times past was not always a matter of greater love and affection, but of necessity. Agrarian economies and the lack of government social services, limited women's career options, as well as prevailing attitudes, offered little alternative. However, the general view of marriage as a sacred institution binding for life was far more in sync with the Bible than today's views. For the most part, if our forefathers of the 1890's could observe our current state of affairs, they would be appalled, surely labeling us an adulterous generation.

If we reach further back into history, we have a window into where "progressive" sexuality leads. In ancient Greece, it was said, "Mistresses we keep for the sake of pleasure, concubines for the daily care of our persons, but wives to bear us legitimate children and to be faithful guardians of our households."ⁱ No wonder, since Zeus was the philanderer-in-chief. Shameless as was much of the ancient world in its promiscuity, at least what constituted a marriage as distinct from other relationships remained clear. As western civilization's sexual revolution matures, we can expect to continue our migration from the present Corinthian-like milieu to something more akin to Sodom and Gomorrah, where sexual immorality culminated in routine homosexual gang rape. Modern examples include institutional rape in the Soviet gulagsⁱⁱ, commonplace civilian rape by military forces both in war and peacetime, and tolerance in a number of cultures of roving rape gangs. To the astute, the coercive tactics of the homosexual movement in extracting legalization and validation of their lifestyles from the heterosexual majority discloses where their rapidly ascending dominance is leading. Meanwhile, the collective guilt of the heterosexual community, particularly among those who have been in the military, has essentially neutralized effective resistance.

Instead of sacrificing our youth to accommodate a mountain of immoral chaff, we in our community spend considerable time and effort, in the home and in the congregation, teaching principles of sound marriage, the consequences of failing in marriage and the far-reaching implications of both scenarios.

The good news is that, even under the present conditions, there are still young people preparing for marriage in resolute chastity and still couples who remain unwaveringly true to their life-long spouses. These need open encouragement—and the prevalent sexual immorality must be quarantined outside the holy community, else that community will cease to be holy, it will assimilate and, therefore, it will cease to exist.

Sexual purity is a personal responsibility for everyone, but, if no community is a haven cultivating it, the sexually pure find themselves demoralizingly isolated.

The Assembly of the Holy

הקדשים הקהל

Yehoshua's initial followers were Jewish and familiar with the behavior standards set forth in the Torah and the remainder of the Tanakh (Old Testament). When it came time for them to consider accommodating gentile believers in their midst—those unfamiliar with the Torah, whose lives ran the chaotic gamut of worldly experience—the Jewish leadership had grave concerns. They convened a council to deliberate on the issue and, following considerable, animated debate, it was stated:

For this reason I judge not to trouble those from the nations turning to Elohim, but to write to them to hold back from the pollutions of idols and from fornication and that strangled and blood. For in every city from ancient generations, Moshe has those proclaiming him, having been read in the synagogues on every Shabbat.

Acts 15:19-21

These four prohibitions were hardly the sum of behavior standards incumbent on disciples. They were merely the essential, initial exclusions, the understanding being that the remainder could be learned and adopted gradually during the course of growing awareness and observance via the Torah reading cycle. In other words, the complete repertoire of discipleship values and lifestyle could only mature over time—in both comprehension and practice—yet, for the safety, integrity and even the very survival of the community, a narrow band of strict prohibitions was imposed, one of these being an absolute ban on fornication.

To this day, immoral sexual relationships are not tolerated in the holy community. Passages such as 1 Corinthians 5:9-11, Ephesians 5:3, Revelation 2:14 are among the reminders that sexual purity must be maintained. A community that knowingly accommodates those involved in illicit sexual relationships in its midst becomes effectively ruled by them. Such a community is unholy and unfit to claim affiliation with the New Testament or its Messiah or to teach “in his name.”

The ban against those involved in immoral sexual relationships stood, not only as an exclusionary policy for newcomers, but as grounds for expulsion when evidenced by community members:

I wrote to you in the letter not to associate with fornicators—and not altogether with the fornicators of this world or with the covetous or with plunderers or with idolaters, since then you must go out of the world. But now I wrote to you not to closely associate if anyone is called a brother and is either a fornicator or a covetous one or an idolater or a reviler or a drunkard or a plunderer—with such a one not to eat. For what is it to me also to judge the ones outside? Do you not judge those inside? But God will judge the ones outside. *“And you shall put out from yourselves the evil one.”*

1 Corinthians 5:9-13

All nations and communities were instructed through Noach (Noah) to maintain functioning judiciaries. The specific, recorded instructions to ancient Israel in this regard included not only the authority, but the responsibility to execute those found guilty of capital crimes. Nowhere does the New Testament confer upon Yehoshua's

disciples authority to exact capital punishment. However, as Paul sternly makes clear, judicial responsibility continues with the congregation, and the measure corresponding with capital punishment is banishment from the holy community (capital punishment being the purview of the state).

This correlation between capital punishment and banishment is seen in the last sentence of Paul's instructions above, which he quotes from D'varim 17:7. For this reason, those identified as being involved in the vices Paul enumerates cannot enter into or remain in the holy community.

Given today's pervasive toleration of sexual immorality, even in religious circles, not a single assertion in this article will lack its myriads of vigorous detractors. As Paul wrote, ". . . the mind of the flesh is enmity against God; for it is not subject to the law of God, neither indeed can it be." (Romans 8:7) In making the case for Torah compliance in our sexuality, we have to strike a balance between the positive affirmation of our ways on the one hand, versus addressing the popular challenges. The justifications offered for lewd behavior are endless. If we attempted to deal with each one, we would never make headway on the positive articulation of sound policy. However, to create a time and a space where virtue is nurtured, there must also be a time and place to contend.

Our treatment of this subject does not lend itself to casual reading for three reasons:

First, we have to meet holy scripture on its own terms, not merely wrest and manipulate it into our own "post-modern" context. Among other things, this entails getting acquainted with some of the Bible's particular vocabulary on the topic.

Second, we must realize that, even as we are dealing with a realm of passions and personal preferences and peoples' private lives, we are also confronting a facet of law. The effects of sexual conduct on society, however private the initial act may be, are many, they are profound and they enduring. Stability of the household, care of dependents, inheritances and containment of disease were among the crucial, long-term issues upon which legal systems have always been brought to bear. Civilizations inherited and enacted laws that would prevent totally unbridled sexual conduct from drawing society into complete chaos. So part of our treatment will, of necessity, touch upon legal and judicial issues.

Finally, we have the varied experiences and states of the readership. Someone involved in multiple sexual relationships, successive or concurrent, is hardly going to view this material in the same way as a couple married for decades.

The issue is at once elementary, technical, legal and highly personal.

As we consider the specific manifestations of illicit sex, we ask the reader to meditate on what effects the presence of any of these behaviors might have, not merely on those immediately involved, but on the congregation as a whole, particularly the impressionable and vulnerable young.

We also need to disclose that this discussion is focused on maintaining the most basic modicum of holiness in the community. Counseling, treatment, rehabilitation and a number of other support responses are beyond our present scope and must be dealt with elsewhere, though they will be briefly addressed.

Definitions – Biblical

We face this issue at the outset with our very definitions, but, before reviewing the various definitions of particular types of illicit sex, we should briefly review the definition of sole relationship in which sexual involvement is sanctioned—marriage.

As we have stated elsewhere:

When a single man and a single woman voluntarily establish a sexual/domestic partnership in the absence of a prior such partnership with anyone, they are married. A marriage is acknowledged in heaven without regard to any ecclesiastical, official or any other institutional recognition of the same. The King of the Universe is not somehow constrained to the whims of mortals in this or any other regard. Whether a marriage is arranged or an elopement, it is the Heavenly court that rules.

Whether one has a Catholic, Jewish, Muslim, Shinto, Quaker or no wedding ceremony has no bearing on the validity of a marriage in the eyes of Heaven. Neither does the state of the parties in terms of their respective righteousness nor lack thereof. Neither does a certificate or license or written contract or the presence of an officiant or the acknowledgment of civil government.

This is hardly to suggest that we consider weddings irrelevant. To the contrary, it is most appropriate that they be occasions of great notoriety and joy and that they reflect the profound gravity of a man and a woman coming together before God with its implications for future generations. However, as with all we commemorate, what goes on in our ceremony is driven by heavenly things, not vice versa.

In his *Mishneh Torah, Hilchot Ishut* 1:1, Moshe ben Maimon (Maimonides a.k.a. “the RAMBAM), states the following:

Before the Torah was given, when a man would meet a woman in the marketplace and he and she decided to marry, he would bring her home, conduct relations in private and thus make her his wife. Once the Torah was given, the Jews were commanded that when a man desires to marry a woman, he must acquire her as a wife in the presence of witnesses.

Note that Maimonides identifies three essential elements initiating a marriage: (1) mutual consent, (2) cohabitation and (3) sexual relations. That is all.

To encourage premarital chastity, to avoid social confusion, to publicly affirm the establishment of the coupling and its essential privileges and obligations as a covenant and to celebrate both the shared joy and significance of the event, formalities such as the kiddushin and nisu'in or, as in the West, the engagement and the wedding were instituted.

Though these formalities are certainly advisable and, in traditional communities, often insisted upon, the three essential elements articulated by Maimonides will, if the couple is eligible to wed one another, bind them together as husband and wife, with or without accompanying formalities.

It is within marriage and only within marriage that sex is approved and, in fact,

encouraged and commanded. Beyond that, it is, according to scripture, forbidden “זָנָה” (“zanah” in the Hebrew).

“Fornication,” “sexual immorality,” “whoredom,” “harlotry,” and “prostitute” are typical English translations of the various forms of זָנָה, corresponding to the Greek “πορνεία” (porneia) in the Septuagint and the New Testament.

There will immediately be those who contest our using the term “fornication” in the broader sense of sexual immorality. For example, some will mistakenly insist that adultery and fornication are mutually-exclusive terms, or that fornication can only pertain to members of the opposite sex. We will shortly consider their definitions, first in English, then in Hebrew and Greek. First, however, we consult two passages in the Torah that enumerate particular types of sexual immorality. The significance of the grouping, in addition to the component parts, should not be overlooked.

None of you shall draw near to any relative of his flesh to uncover their nakedness; I am YHVH.

You shall not uncover the nakedness of your father or the nakedness of your mother; she is your mother; you shall not uncover her nakedness.

You shall not uncover the nakedness of your father's wife; it is the nakedness of your father.

You shall not uncover the nakedness of your sister, the daughter of your father, or the daughter of your mother, born at home, or born away; you shall not uncover their nakedness.

You shall not uncover the nakedness of your son's daughter, or your daughter's daughter; you shall not uncover their nakedness, for theirs is your own nakedness.

The nakedness of the daughter of your father's wife, begotten by your father, she is your sister; you shall not uncover her nakedness.

You shall not uncover the nakedness of a sister of your father; she is a relative of your father.

You shall not uncover the nakedness of your mother's sister; for she is your mother's relative.

You shall not uncover the nakedness of your father's brother; you shall not draw near to his wife; she is your aunt.

You shall not uncover the nakedness of your daughter-in-law; she is your son's wife; you shall not uncover her nakedness.

You shall not uncover the nakedness of your brother's wife; it is your brother's nakedness.

You shall not uncover the nakedness of a woman and her daughter; you shall not undertake to uncover her son's daughter, or her daughter's daughter; they are her relatives; it is wickedness.

And you shall not take a wife with her sister, to vex her, to uncover her nakedness, beside the other in her lifetime.

And you shall not draw near to uncover the nakedness of a woman in her

menstrual impurity.

And you shall not give your semen to your neighbor's wife by lying with her, for uncleanness with her.

And you shall not give your seed to pass them through to Molech, nor shall you pollute the name of your Elohim; I am YHVH.

And you shall not lie with a male as one lies with a woman; it is a perversion.

And you shall not give your semen with any animal, for uncleanness with it. And a woman shall not stand before an animal to lie down with it; it is a shameful mixing.

Do not defile yourself with all these, for with all these the nations have been defiled, which I am casting out before you, and the land is defiled, and I will visit its iniquity on it; and the land is vomiting out those living in it. And you, you shall keep my statutes and my judgments, and shall not do any of all these disgusting acts; neither the native nor the alien who is staying in your midst. For the men of the land who are before you have done all these disgusting things, and the land is defiled.

Do not do these lest the land vomit you out for your defiling it, as it has vomited out the nation that was before you. For anyone who does any of these disgusting things, even the persons who are doing them, shall be cut off from the midst of their people.

And you shall keep my charge, so as not to do any of the disgusting customs which were committed before you; and you shall not defile yourselves with them. I am YHVH your Elohim.

Vayikra 18:6-30

And a man who commits adultery with a man's wife, who commits adultery with the wife of his neighbor, the adulterer and the adulteress dying shall die.

And a man who lies with his father's wife, who has uncovered the nakedness of his father, both of them dying shall die; their blood *shall be* on them.

And a man who lies with his daughter-in-law, both of them dying shall die; they have performed a perversion; their blood *shall be* on them.

And a man who lies with a male as one lies with a woman, both of them have done a detestable thing, dying they shall die; their blood *shall be* on them.

And a man who takes a woman and her mother, it *is* wickedness; they shall burn him and them; and there shall be no wickedness in your midst.

And a man who lies with an animal dying shall die. And you shall kill the animal.

And if a woman draws near to any animal to lie with it, you shall even put to death the woman and the animal; dying they shall die; their blood shall be on them.

And if a man takes his sister, the daughter of his father or daughter of his mother, and he has seen her nakedness, and she sees his nakedness, it *is* a shame. And they shall be cut off before the eyes of the sons of their people; he has uncovered his sister's nakedness; he shall bear his iniquity.

And if a man lies with a menstruous woman, and has uncovered her nakedness, he has made her fountain bare; and she has uncovered the fountain of her blood; even both of them shall be cut off from the midst of their people.

And you shall not uncover the nakedness of your mother's sister, nor of your father's sister, because he has made naked his near kin; they shall bear their iniquity.

If a man lies with his aunt, he has uncovered the nakedness of his uncle; they shall bear their sin; they shall die childless.

And if a man takes his brother's wife, it *is* an unclean thing; he has uncovered his brother's nakedness; they shall be childless.

Vayikra 20:10-21

Though most of the prohibitions enumerated above involve close relatives, we also observe condemnation of homosexuality and bestiality in the same context. We also see that a husband and wife must refrain from intercourse during her menstruation.

We should note that we hold both genders to the same standard. This is in sharp contrast to rabbinic Judaism. Consider, for example, the following definition from *Jewish Encyclopedia*: "Sexual intercourse of a married woman with any man other than her husband. The crime can be committed only by and with a married woman; for the unlawful intercourse of a married man with an unmarried woman is not technically adultery in the Jewish law."

This view, which we find wholly unacceptable, arises simply because the Torah never discusses adultery in terms of a woman getting sexually involved with another woman's husband. Hardly ignorant of that fact, we do not take the "male gender bias" of biblical Hebrew to impose a double standard any more than we would take English's "mankind" to exclude women. Such a perspective would obviously accord a married man sexual liberties beyond those of his wife, and many men took full advantage of this. Hoshe'a had this in mind when he said:

I will not punish your daughters when they play the harlot, nor your brides when they commit adultery; for *the men* themselves go apart with harlots, and they sacrifice with the prostitutes.

Hoshe'a (Hosea) 4:14

When we consult Qohelet (Proverbs) on the subject, we find, indeed, the man is held to the same standard as the woman:

Drink waters out of your own cistern, and running waters out of your own well. Should your overflowing springs be scattered outside, *like* rivers of waters in the streets? Let them be only your own, and not to strangers with you; let your fountains be blessed, and rejoice with the wife of your youth; *she is* a loving deer, a graceful doe; let her breasts

satisfy you every time, and always be ravished in her love. And my son, why will you be ravished with a strange woman, and embrace a foreigner's bosom? For the ways of man *are* before the eyes of YHVH, and he ponders all his tracks. His own iniquities shall take the wicked himself, and he shall be held with the cords of his sin. He shall die without instruction, and in the greatness of his foolishness he shall go astray.

Qohelet (Proverbs) 5:15-23

Whether the man is married or not, whether the woman is married or not, engaging in such activity is flirting with death.

We now commence addressing the various sexual vices, category by category.

Notably absent from Vayikra's above lists are prostitution, relations between two unmarried individuals of the opposite gender, and rape, so we will deal with these next.

Prostitution

In antiquity, prostitution took two basic forms—cultic and commercial. Temple prostitutes, male and female, were a common feature of pagan religion, from Canaan to Greece and beyond. So pervasive, they earned the title “world’s oldest profession,” the purely commercial counterparts plying their trade from the roadside, from inns and from their homes.

At first glance, these two forms would seem distinct—the former being attached to religious ritual and its venues, the latter purely a profit venture. However, given that both capitalized on lust for financial gain and sustenance, we sometimes encounter blurring and overlapping of the vocabulary pertaining to them in scripture—a blending indicative of their moral equivalence.

D'varim (Deuteronomy) 23:17 reads, “There shall be no prostitute (קדשה; qedeshah) among the daughters of Israel, nor shall there be a homosexual (קדש; qedesh) among the sons of Israel.” It is from the root “קדש” from which the English “holy” is translated. Meaning “set apart for a special purpose,” the Bible overwhelmingly uses it in the noble sense, but one can also be set apart for a vile purpose. For example, it can refer to devoting oneself to idolatry.

The following verse, reads, “You shall not bring the hire of a prostitute (זונה; zonah), or the price of a dog (כלב; kelev – male prostitute), into the house of YHVH your God for any vow; for even both of these *are* an abomination to YHVH your God. Verse 17 uses the classic terminology for temple prostitution, while verse 18, with its use of different terms, focuses on the income derived by commercial prostitutes. The juxtaposition of the two realms helps solidify their common moral depravity.

Such parallelism, so typical of biblical Hebrew, is again evident in Hoshe'a (Hosea) 4:14, where we read, “I will not punish your daughters when they fornicate, nor your brides when they commit adultery. For the men themselves consort with harlots (זונה) and they sacrifice with temple prostitutes (קדשה).”

The vocabulary in biblical Hebrew being relatively small, each word must support several concepts. So, while “qedeshah” has obvious religious connotations, it is not

confined to that context.

In Bereshit (Genesis) chapter 38 (which the reader is advised to review at this point), Y'hudah's (Judah) daughter-in-law disguises herself as a prostitute (זונה; zonah) for hire (vs. 15). However, in verse 21, she is referred to as a קדשה—a qedeshah. In this context, there is no indication of any religious connotation, so we observe some flexibility in the terms, as well as their association with one another.

Both the zonah and the qedeshah are guilty of the same sin, whoredom, זנונים, זנות and תזנות (z'nut, z'nunim and taznut), all being verb forms of zonah. So while there are distinctions to be made within the realm of prostitution, the end result is the same.

Though a zonah is typically offering herself for profit, this is not always the case, as the following passage makes clear:

Like the adulterous wife, instead of her husband, she takes strangers. They give a gift to all harlots, but you give your gifts to all your lovers and bribe them to come to you from all around for your fornication. And in you was the opposite from *those* women in your fornications, since no one whores after you, and in your giving wages, and hire is not given to you. In this you are opposite. Therefore, O harlot, hear the word of YHVH. So says Adonai YHVH: "Because your lewdness was poured out, and your nakedness was bared in your fornications with your lovers and with the idols of your abominations, and by the blood of your sons whom you gave to them, therefore, observe: I will gather all your lovers with whom you have been pleased, even all whom you have loved, with all whom you have hated, I will even gather them against you from all around, and will uncover your nakedness to them. Yes, they will see all your nakedness."

Yechezk'el (Ezekiel) 16:32-36

The implication of this should be obvious. The classification of whoredom is not limited to cultic or to professional prostitution; it includes promiscuity without regard to motive—for pleasure, for influence, for whatever.

It was once common in western culture to refer to a promiscuous girl as a "whore." Today, the public school environment, both on the teacher and peer levels, strongly encourages children to be sexually active with many partners, while virginity is ridiculed.

When the Jews translated the Tanakh (Old Testament) from Hebrew to Greek, they utilized πορνη (porne - prostitute) for both qedeshah and zonah and the verb form πορνεία (porneia), of which the English "fornication" is cognate.

So far as punishment is concerned, Vayikra (Leviticus) 21:9 states, "And when a daughter of any (kohen) priest pollutes herself by going whoring, she is polluting her father; she shall be burned with fire."ⁱⁱⁱ One might be tempted to view this as applying only to the priestly family, but other scriptures indicate the contrary.

Recall that, in the account of Tamar and Y'hudah, Bereshit (Genesis) 38:24 reads:

And after three months, it happened that it was told to Y'hudah, saying, "Your daughter-in-law Tamar has committed whoredom, and also, look,

she is pregnant by whoredom.” And Y’hudah said, “Bring her out and let her be burned.”

This was long before both the designation of Aharon and his sons as priests and long prior to the proclamation of the Torah at Mount Sinai.

Note that in Sh’mot (Exodus) 19:5-6, we read:

Now therefore, if you will obey my voice indeed, and keep my covenant, then you shall be my own possession from among all peoples; for all the earth is mine—and you shall be to me a kingdom of priests (kohanim), and a holy nation.

So why does the Torah single out a priest’s daughter for such punishment? It does so, not to the exclusion of or to excuse those outside the priestly families, but largely because of the profound influence the behavior of the priests and their families had on the nation. Another reason was the prevalence of temple prostitution already mentioned. A promiscuous priest’s daughter would directly degrade Israel’s religious system, and as a woman, she would have the same power to derail men as did the Midiani women of B’midbar 25.

Rabbinic Judaism limits Vayikra 21:9 to adultery, but the scripture itself does not use that vocabulary.

Note also that the phrase “going whoring” indicates a lifestyle choice on the part of the kohen’s daughter, not merely an incidental lapse.

How does this apply broadly? “To whom much is given, much is required.” [Luke 12:51] The burning of the kohen’s daughter is significant. It hardly represents a barbaric burning alive, but indicates burning of the corpse, reflecting ultimate destruction in eternal judgment, a fact we ignore to our peril.

Premarital (or Post-Marital) Sex

What does the Bible have to say specifically about when a man and a woman, neither being married (i.e., adultery is not a factor), become sexually involved with one another?

And when a man lures a virgin who is not betrothed^{iv}, and lies with her, paying he shall pay her dowry for a wife to himself. If her father absolutely refuses to give her to him, he shall weigh money according to the dowry of virgins.

Sh’mot (Exodus) 22:16-17

If a man finds a virgin girl, not being betrothed, and seizes^v her and lies with her, and they be found; then the man lying with her shall give to the girl’s father fifty pieces of silver, and she shall be his wife, because he has humbled her. He may not put her away (divorce her) all his days.

D’varim (Deuteronomy) 22:28-29

We immediately notice that this is contrasted with both adultery and whoredom in that neither party incurs the death penalty—at least, not always, though we are about to consider scenarios to the contrary. The man is compelled to pay a dowry, but whether the couple wed or not is not up to them, but is the prerogative of the girl’s

father.

The girl being a virgin (נערה בתולה - na'arah b'tulah), this scenario pertains more to an incident of a profoundly foolish lapse in judgement rather than necessarily indicative of a promiscuous life, though it indeed raises questions about what leads to such folly, which we will soon consider.

Marriage is a possibility for this couple, but hardly a foregone conclusion. What are their prospects if marriage to one another is denied? For some insight into this, we consult the verses immediately preceding those in D'varim (Deuteronomy) above:

If any man takes a wife, and goes in to her, and hates her, then sets shameful words *to charge* her, and brings up an evil name on her, and says, I took this woman, and when I came near her, I did not find in her the tokens of virginity. Then the girl's father and her mother shall take and bring the girl's tokens of virginity to the elders of the city in the gate. And the girl's father shall say to the elders, I have given my daughter to this man for a wife, and he hates her. And, behold, he has laid shameful charges, saying, I have not found in your daughter the tokens of virginity. And yet *see* these tokens of my daughter's virginity. And they shall spread the garment before the elders of the city. And the elders of that city shall take that man and punish him. And they shall fine him a hundred *pieces* of silver, and give them to the girl's father, because he has brought an evil name on a virgin of Israel. And she shall be his wife; he may not put her away all his days.

However, if this thing is true *that* tokens of virginity have not been found for the girl, then they shall bring out the girl to the door of her father's house. And the men of her city shall stone her with stones, and she shall die; for she has done folly in Israel, to commit fornication in her father's house. And you shall put away the evil from among you.

D'varim (Deuteronomy) 22:13-21

So if a bride is innocent, the husband is fined the equivalent of a double dowry. If, on the other hand, she represents herself to be a virgin and, subsequent to the wedding, the groom discovers she is not, she faces capital punishment.

A perhaps odd feature of this passage is that, in the scenario of the guilty woman, though the situation is clearly represented as a case of fraud, the reason for her execution is not given as fraud, but because she “commit(ted) fornication in her father's house.” In other words, she incurred her guilt while in her father's house.

Lest we disregard the consequences of premarital sex, we best consider that, unlike the kohen's daughter, no indication is given here as to whether this woman's prior fornication was incidental or habitual. Neither is her crime described as adultery, indicating it predated her betrothal.

Incidental Indiscretion vs. Promiscuity

In the above scriptures we observe a range of behaviors, from what appear to be incidental lapses on the one hand to persistent lifestyles on the other. At one end of the spectrum, we have the seduced virgin, who by definition, is likely not promiscuous (though more on that momentarily); at the other, we have a priest's daughter “going whoring,” suggesting a pattern.

If we are to see any success in helping our young avoid these scenarios, we must consider how they develop.

For example, while our sympathies might incline toward the seduced virgin, susceptibility to seduction requires that some basic defenses be shut down or entirely absent—which leads us to an intervening sub-topic:

Shomer Negiah (Guarding Touch)

The wealth of wisdom Paul dispenses in 1 Corinthians 7 on men's and women's relationships is, perhaps, unparalleled in scripture. There, singlehood, courtship, marriage, mixed marriage, estrangement and widowhood are all discussed in particularly dense packets. It should be no surprise, then, that his opening comments for this section are seminal.

He begins with the concept of shomer negiah. (Given that few Christian commentators know what shomer negiah is or why it introduces this chapter, what they have to say about the remainder of the chapter is generally grossly ignorant and misleading.)

Shomer negiah is a Jewish concept meaning “guarding touch.” Around the Mediterranean and most other parts of the world, women are routinely subjected to groping and other inappropriate sexual advances by men. Men are “hardwired” to be aggressive in this way. Women, though hardly eager recipients of male aggression, nonetheless have a yearning for the attention and affection of a man. In a disciplined environment, these respective hungers facilitate formation and fortify the enduring joy of a healthy marriage and, thus, a healthy society. In a lax environment, they become unbridled appetites resulting in promiscuity, unhealthy relationships and a trajectory of generational heartache and trauma.

Shomer negiah places limits on physical contact between the sexes. Non-sexual affectionate touch is encouraged within families. Anything beyond that is limited to married couples and is prohibited in courtship.

The reason the mention of shomer negiah sets the stage for the discussion of marriage and celibacy in 1 Corinthians 7 is that it enables a man and a woman to form a close bond of minds rather than a bond based on physical contact. Where physical contact occurs prematurely, the mental/emotional bond so crucial to a healthy, resilient marriage is preempted and remains but embryonic at the consummation of the marriage. Where shomer negiah is practiced, trust and respect form the core of the relationship in a way and to a degree otherwise impossible.

A woman who is shomer negiah is not immune to involuntary abuse, but she is immune to seduction because various steps leading to it cannot be completed. Moreover, she is not merely taking preemptive action, but understands that persistent physical advances evidence an undisciplined ne'er-do-well.

For his part, the man might simply be weak-willed or he may be a Don Juan—hence the father's prerogative to give or withhold the girl's hand in marriage.

Though the identification of a subset of women as virgins lacks a masculine counterpart in the scriptures at hand, we would err if we thought of the man's sexual status as being irrelevant in this discussion. The father's prerogative to refuse his daughter's hand signals that a woman whose parents care about her will avoid turning her over to a sexual opportunist, despite her violation. That said, D'varim 22 cited above makes clear she cannot represent herself as a virgin.

We have already observed how the inherent male gender-bias of Hebrew (and often the other languages into which the Bible is translated) can be misused to suggest a double standard. However, in each of these cases, there is definite identification and demarcation of the men's and women's roles. What if the man is betrothed to another, even though the woman is not? What if the man has a history of promiscuity? What if a woman lures a man? What if a wife discovers her husband misrepresented his sexual status prior to their wedding?

In each case, we take the parties' respective responsibilities to be the same. Men and women have equal responsibilities to one another before God in terms of chastity before marriage and fidelity within marriage, and face equal consequences for their indiscretions. As we learn in the Torah, in the case of women, and, in Qohelet (Proverbs), in the case of men, those engaging in sexual encounters outside marriage are flirting with death. Even if there is no formal judgment of criminal conduct, the otherwise completely avoidable specter of venereal disease may well bring tragic consequences, totally apart from the inevitable psychological damage.

Though some still value their chastity enough to reserve it, so undervalued is it in general that adult virgins may, themselves, discount their own status. As we have already noted, faced with a tsunami of promiscuity, so-called faith communities are more focused on redemption for the wayward than support of the virtuous. Given the sheer demographics, it is inevitable that many of the chaste will find themselves considering a cavalier prospect, wondering, of what worth is my chastity given their lack thereof?

A man and a woman who lose their virginity to one another share the same journey together and enjoy a relationship of unique privacy and intimacy which no one else can share. Their reservation to each other likely began before they knew of each other—and as a sort of down payment, it is some of the best fidelity insurance they can have to assure their relationship remains pure and strong.

They are completely free of sexually-transmissible disease, of psycho-sexual trauma, of indelible intimacy memories and secrets, unplanned pregnancy, etc.

In sharp contrast to the virgin, someone who has voluntarily forfeited their virginity outside marriage has demonstrated gross negligence with one of life's most critical, indelible decisions, akin to 'Esav selling his birthright for soup.

The two categories could hardly be more different. The one is exercising faith, discipline and keen foresight. The other is succumbing to fear, self-indulgence and spectacular disregard for the future—not only their own, but generations hence.

The latter may feel entitled to a fresh start, but they have rendered themselves an unknown quantity. Are they deeply remorseful for their indiscretion or flippant about it? Are they frank about what they are or do they try to conceal it? Do they feel others are obligated to overlook their status?

Marriage counselor and author Chana Levitan posted the following:

"I'm getting the itch," a young woman named Brooke recently confessed to me. "I've been married for four years now and I've never been with one guy for this long. I mean, I love my husband and I'm dead-set against cheating but, well, I kind of miss the hook-up culture I grew up in. I always thrived on getting the guy I wanted—I thrived on the chase,

the thrill of the chase. I know it sounds bad, but I miss that high.”

This hardly suggests that all who prematurely forfeited their virginity fall into the above category. However, one of the challenges lies in a third party trying to determine whether or not they are dealing with such a person. Romantic posturing will inevitably include assurances of future fidelity that the more careless party truly believes they can make—simply because that is part of the primal “mating game”—only to find later their former experiences essentially rewired them for further wandering. Meanwhile, the virgin is utterly clueless to such alien, psychological dynamics.

Unfortunately, we are conditioned by a persistent, societal message of relatively recent development to believe that, so long as our “wild years” are confined to a certain period, full redemption can quarantine the damage and, at least for the repentant, the potential for such a person is no less than that of the virtuous.

Returning to D’varim 22, we need acknowledge that, though it does not employ the term “fraud,” it certainly is describing a fraudulent scenario. We are, therefore, advised that courting couples must be frank with one another about their status as virgins or otherwise, and candid about any prior relationships involving intimacy and any addictions. Ya’akov 5:16 states, “Confess therefore your sins one to another, and pray one for another, that you may be healed.”

We discourage courtship between a virgin and one having forfeited theirs. When we express that, let it be clear that we do not consider rape and incest victims in the same category. However, couples considering courtship where there is a history of inappropriate sexual relationships must receive competent counseling by qualified members of the community. They will need practical guidance and third-party insight. There also needs to be an official record of disclosure so that any potential future allegations of premarital misconduct such as are described in D’varim 22 are not mere hearsay. (The congregation’s *beit din*—house of judgment—is the custodian of legal representations and findings.)

Though God forgives us of past sins repented of, we still bear scars from both our own actions and those against us. At some point in courtship and in a healthy marriage, the couple are honest with one another about their mistakes, their scars and their struggles. They know that their spouse has accepted them despite their missteps and defects, and that, in their spouse, they have an unwavering friend and ally.

Rape

Rape is mentioned in several scriptures, most often as one of the horrific consequences of war, though that is hardly its only cause or setting. Black’s Law Dictionary (7th Ed.) defines rape as, “Unlawful sexual activity (esp. intercourse) with a person without consent and usually by force, intimidation or threat of injury.” The distinguishing element between rape and other sexual crimes is the absence of consent. Hence, it also involves force, physical or otherwise. The only Biblical law explicitly specific to it is as follows:

If there *is* a girl that *is* a virgin, betrothed to a man, and a man finds her in the city, and lies with her, then you shall bring them both out to the gate of that city. And you shall stone them with stones so that they die, the girl because she did not cry out, being in the city; and the man,

because he has humbled his neighbor's wife. And you shall put away the evil from among you.

But if a man finds a betrothed girl in the field, and the man seizes her and lies with her; then only the man that lay with her shall die. And you shall do nothing to the girl; the girl has no sin worthy of death; for as when a man rises against his neighbor and murders him, even so *is* this matter. For he found her in the field, and the betrothed girl cried out, but no one saved her.

D'varim 22:23-27

To correctly understand this passage, we must consider both the similarities and distinctions between these two scenarios. Given the presentation of the two, it is very easy to draw erroneous conclusions.

The first scenario involves consent *and* it is adultery. As we have already seen elsewhere, it is critical to observe, when provided, the scripture's own explanation as to what crime the scenario represents and why a particular judgement is rendered. Here we are told that a man has "humbled his neighbor's wife" with her consent. We also know from external evidence [Sh'mot (Exodus) 22:16-17 & D'varim (Deuteronomy) 22:28-29] that, if there is consent and neither of the parties are betrothed or wed to others, it is not adultery, and they may, in certain circumstances and with permission, wed one another.

In the second scenario above, we are again presented with a betrothed woman. However, is the man in this instance executed for adultery? No, his crime is "as when a man rises against his neighbor and murders him." Would the same judgement be applicable where the victim not betrothed, and how do we know one way or the other? It is because the crime is likened to murder that it matters not whether the victim is married, unmarried or even male for female. Why then does this example have the betrothed woman? Because it is emphasizing that, even if the victim is espoused, adultery is not the issue.

This raises an interesting paradox with scripture interpretation in general and particularly where we are given a hypothetical example such as with a law or a parable. *Every word counts, and it counts in the original language.* We have already seen this earlier with חָזַק (chazaq) versus טָפַס (tafas)—both sometimes rendered as "seize." (See Endnote 5.) At the same time, if we demand that a scripture can only be applied to a real-life scenario if the two agree precisely in every detail, we essentially hamstring God's word and fail to apply it at all.

Today, both in and out of the courts, we categorize rape: stranger rape, acquaintance rape, date rape, statutory rape and so on.

2 Shmu'el (Samuel) 13 records the tragic case of the rape of Tamar by her half-brother, Amnon, both children of King David. The account tells us both of Amnon's infatuation with Tamar leading up to the incident and his disgust with her afterward—profoundly insightful as to the emotional fruit of forbidden relations for both parties. It also informs us that David failed to execute justice, harkening back to Ya'akov's inaction when Chamor violated his daughter, Dinah [Bereshit (Genesis) 34]. Thus, a familiar cycle ensued in which a sibling murdered the predator.

Having mentioned the incident of Dinah and Chamor, we call attention to that

account's ambiguity as to whether she was receptive or resistant to his advances. The Targum of Yonatan asserts that he used force, and Moshe ben Nachman states that ענה (anah, translated as "humbled" or "defiled") always implies force—which it does not, the same verb being used in D'varim (Deuteronomy) 22:24, the case of adultery, where both parties are clearly identified as consenting. Neither do we know for certain whether Chamor first charmed Dinah when he "spoke to her heart" or if he was comforting her after forcing her or both.

Regardless as to how the events themselves originally unfolded, the narrative's vagueness itself broadens its applicability as an object lesson—in cases of rape, in cases of clearly consensual fornication and those somewhere in between. As many contemporary juries are finding out, when individuals and societies abandon moral protocols and spurn clear rules of engagement, the element of mutual consent can be difficult if not impossible for third parties to determine after the fact. This not only places an increasing number of naïve or innocent parties at risk of sexual predation, but predation that cannot be successfully prosecuted.

Within the classification of rape is pedophilia, also referred to in contemporary law as "statutory rape." Technically, the former term refers to the perverted sexual attraction to children, whereas the latter refers to the sexual molestation of a child. In either case, these reflect the cross-cultural and appropriate belief that sexual relationships are inappropriate for children, that the "underage" are under the custodianship of their elders until they reach some level of maturity, and that they are, therefore, entitled to the protection of their elders from predators, sexual and otherwise. What constitutes this level of maturity is somewhat subjective and varies from one culture and one era to another. The simpler a society and the means by which its young men can earn a household-supporting living, the lower the threshold tends to be.

Amon was a son of twenty-two years when he began to reign, and he reigned two years in Jerusalem. [2 Melachim (Kings) 21:19]

Yoshiyahu was a son of eight years when he began to reign, and he reigned thirty-one years in Jerusalem. And the name of his mother was Yedidah the daughter of Adaiah of Boscath. (2 Melachim 22:1)

Yehoiakim was a son of twenty-five years when he began to reign, and he reigned in Jerusalem eleven years; and the name of his mother was Zevudah the daughter of Pedaiah of Rumah. (2 Melachim 23:36)

From these three verses, we learn that Amon was about fifteen when he impregnated Yedidah and Yoshiyahu was between thirteen and fourteen when he impregnated Zevudah. We should be discriminating and not take this as narrative as an endorsement of early sexual activity any more than it is an endorsement of polygamy, Yoshiyahu having been given two women. Moreover, scripture hardly presents Yisrael as a social role model.

Ages twelve and thirteen for boys and girls, respectively, have long been milestones in Judaism. In the United States in the 1880s, during an era when women less than twenty years of age generally could not execute enforceable contracts nor control real property, most states had a legal age of consent of ten or twelve, though in Delaware, it was only seven. The Women's Christian Temperance Union vigorously and successfully campaigned for raising the age of consent for girls to at least sixteen, and up to eighteen where they could. (Irreverent and thankless, Americans have more

recently thrown the clock in reverse, celebrating—and, more recently, formally teaching—pre-pubescent promiscuity instead.)

If the Bible identifies any particular age of accountability, it would be twenty. In B'midbar (Numbers) 32, we find the account of the Israelites sending spies into Canaan to assess the land. When ten out of the twelve spies brought back a faithless, discouraging report, the nation was ready to lynch Moshe. This angered God so much that he condemned all twenty years of age and upward (aside from Kalev, Yehoshua and the Levites) to die while wandering in the wilderness over a period of forty years. Thus, we see that it was those twenty years old and upward that were held accountable for their rejection of the Promised Land. Twenty years was also the minimum age at which a young man could be conscripted for battle.

The ability to ply a viable vocation and successfully transact business; the ability to well manage one's home and one's resources, financial and otherwise; the ability, not only to procreate, but to competently nurture one's young; the ability to perceive others' motives and intents; the ability to engage in charity and to contribute constructively to one's society; these are all essential hallmarks of one who has reached the age of accountability. Bringing children into the world with a lesser skill set is a sure way to unravel a society. Extenuating circumstances such as mental disability can obviously run counter to a strict age threshold.

So we apply the twenty years as the minimum age of marriageability for both men and women. In modern western society, where men are often in college into their twenties, later marriage is advisable. As Mishlei (Proverbs) 24:27 states, "Prepare your work outside and make it fit for yourself in the field, and afterwards build your house."

Returning briefly to the issue of pedophilia, in the judicial environment, it is generally reserved to situations involving prepubescent targets. This distinction is a holdover from when the age of consent was more generally deemed coincidental with puberty. Regrettably, it places unnecessary pressures and risks on young adolescents.

The holy community has the collective responsibility to be vigilant in protecting the vulnerable from rape. When it does occur, the offenders must be tried and expelled, with full disclosure to and cooperation with the civil authorities.

While teshuvah is possible for an offender, trust is permanently forfeited and reinstatement into the holy community is no more possible than if the biblical requirement of capital punishment were applied.

Sex after Divorce

Ideally, the attraction and affection two people have for each other in the early stages of their relationship will grow and help carry them into maturity together. However, love is not simply a matter of satiating one's own appetites, sexual or otherwise. True love is unselfish, outgoing concern for others.

Of course, we do not enter the world overflowing with outgoing concern. No, we arrive, wailing for our next meal, defecating all over the place. We are all about self-preservation. Outgoing concern is something we are painstakingly taught by devoted, sacrificing parents—if we happened to be blessed with such. Lust we have by default—chemically-driven, with or without such nurturing.

So when two very different and naturally self-seeking lives are joined together, a formidable challenge arises, one for which no one is fully prepared and most are woefully ill-prepared.

Those of us who enter into marriage—or some facsimile of it—do so with varying degrees of dysfunction—some of which are enervating nuisances, others which can be a time bomb. Substance abuse, sexual infidelity and financial insolvency are common deal-killers.

Interestingly, while capable parents teach their children how to be diligent in their responsibilities, to govern their appetites, to cultivate an awareness of others' needs and to tend to them and to effectively resolve conflict—these all being essential skills in marriage (and life in general)—true love is something we draw, not from our parents, but directly from God. If we have a good connection with our heavenly Father, his love flows through us. It must be renewed daily. Absent that connection, we are Darwinian.

Some couples, despite their challenges and differences, are blessed with lifelong love. Others manage to put up with or endure one another through an ample measure of indifference and space. Others find their relationship intolerable. In the latter two cases, many lack any outside support to surmount their difficulties.

Divorce is a sometimes necessary mechanism by which spouses are free from most of their obligations to one another. It is a way by which spouses and children can be released from abuse and gross neglect, a separation upheld and, if necessary, enforced by the community (secular and religious).

However, even in contemporary, secular, western jurisprudence, divorce does not sever all bonds and responsibilities established by marriage. For example, many divorcees find themselves, to their dismay, legally responsible for debt accumulated by their ex-spouse well after their divorce. Where minor children are involved, there are custody and alimony issues by which the estranged remain entangled. Later comes the disposal of estates, often very messy.

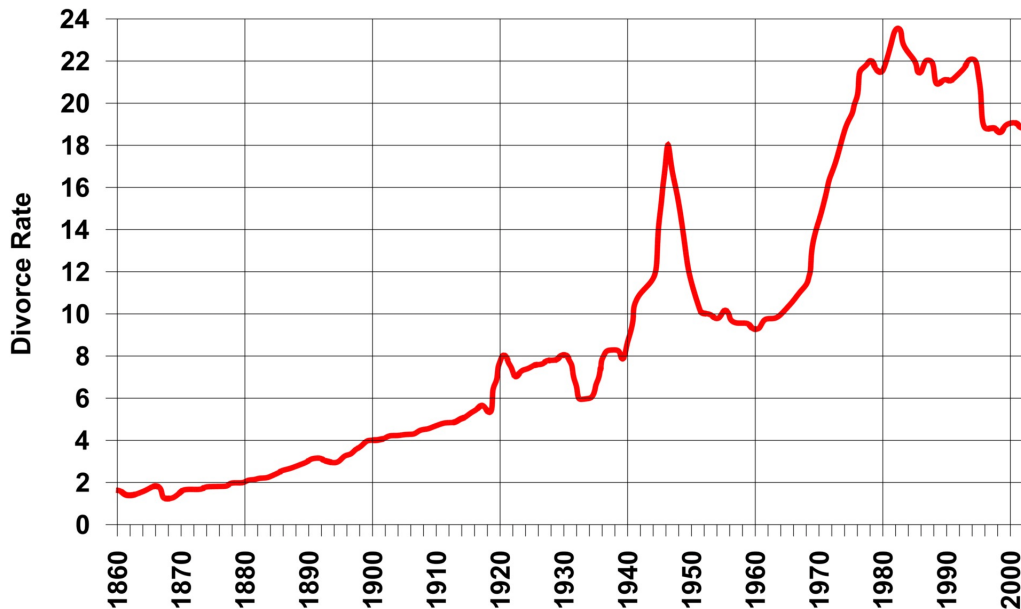
What goes beyond the unpleasant necessity of the divorce mechanism is this: the popular misconception that divorce is the key, not only to escaping an unhappy relationship, but a ticket to panoramic vistas of fresh marriage prospects. In this error we find the basis of careless romance and disposable, exchangeable, casual relationships which have overwhelmed society.

Though often the result of sexual impropriety, divorce and the state of being divorced are not, in themselves, sexual immorality. It is what ensues in divorce's aftermath so often that is—coupling with a third party.

Our community is hardly beholden to mainstream Christian thought, but we do observe that, up through the 19th century, there was little doubt that scripture prohibited third-party marriage to a divorcee, and such an arrangement was considered scandalous. And so we invite the reader to examine the history for themselves and to ask, "What changed and why?"

The following graph, from Andrew Cherlin's book, *Marriage, Divorce, Remarriage*, illustrates how markedly the divorce rate has risen in America since 1860:

Divorce Rate per 1,000 Marriages



(Adapted from *Marriage, Divorce, Remarriage*, p. 21, Harvard University Press, 1992)

Cherlin, a sociology professor at Johns Hopkins University, attributes the escalation to the Industrial Revolution and war, as well as other factors. Examining related trends, he writes:

Remarriages have been common in the United States since its beginnings, but until this (20th) century almost all remarriages followed widowhood. . . Even as late as the 1920s, brides and grooms who were remarrying were more likely to have been widowed than divorced. . . By 1987, 91 percent of all brides and all grooms who were remarrying were previously divorced, and 9 percent were widowed. . . In 1900 only 3 percent of all brides—including the never-married and the previously married—were divorced. In 1930, 9 percent of all brides were divorced; and in 1987, 32 percent of all brides were divorced.^{vi}

In *The Marriage-go-round: the State of Marriage and the Family in America Today*, Cherlin makes the following cynical, but perceptive observations:

Across Protestant and Catholic religious life, the spirituality of seeking was not about laws or doctrines but about finding a style of spirituality that made you feel good, that seemed to fit your personality. Just so, the individualized marriage was not about rules and traditions but rather about finding a style of family life that gave you the greatest personal rewards . . . Rather than inheriting your faith from your forefathers, you were free to choose your own through a process that might involve exploring several churches. Similarly, you were free to choose your spouse through a process that might involve living with more than one partner in order to make that choice. And should you become personally dissatisfied with your church, you could leave in search of another, more fulfilling one. So, too, could you leave your marriage if

you became dissatisfied with it. Both the spirituality of seeking and the individualized marriage became part of the larger project of developing your self-identity, a quest that became the focus of personal life for more and more Americans during the last several decades of the twentieth century.

As the divorce rate rose in the 1960s and 1970s and remained high into the 1980s and 1990s, an increasing number of divorced congregants turned to their churches for solace, support, and assurances that they had not done anything morally wrong. In response, most religious groups—even conservative Protestant and Catholic churches—modified the way they responded to divorce.^{vii}

When British theologian C.S. Lewis wed divorcee Joy Davidman Gresham in 1957, he was largely shunned by longtime friends, a typical reaction for social conservatives of those times. Of course, beyond conservative circles, that was also the era of the “beatnik generation.”

By 1993, the moral landscape was completely unrecognizable. Lewis’ fame, their unlikely relationship and her untimely death made for an irresistibly tender romantic plot. Academy Award-winning *Shadowlands* had audiences weeping and critics gushing, never mind that the relationship was illicit. The stigma of divorcee remarriage had long since receded into obscurity, a discarded relic of antiquated, insensitive prudishness and Puritanical intolerance.

So, the general church-going public once had a reasonably keen awareness of what the Bible clearly taught about marriage as a life-long commitment and the scriptural stigma against wedding a divorcee. Today, one has to practically be a historical sociologist to comprehend the kind of collective amnesia we endeavor to penetrate.



To understand what scripture teaches about marriageability of the divorcee, we must begin with its clearest and most unequivocal statements. (If we begin with verses readily lending themselves to varied interpretations, we engage in hopeless folly, relegating ourselves to a muddled fog at the very outset from which we will never emerge. We will review the more enigmatic passages only after laying a clear and firm foundation.) Quoting Yehoshua, the Markan and Lukan accounts read as follows:

And arising from there, he came into the borders of Yehuda by the other side of the Yarden. And again crowds came together to him, and as he typically did, he again taught them.

And approaching, the P’rushim asked him if it is lawful for a man to put away a wife, testing him. And answering, he said to them, “What did Moshe command you?”

And they said, “Moshe allowed to write a bill of divorce, and to put away.” And replying, Yehoshua said to them, “With respect to your hardheartedness he wrote this command to you. Yet, from the beginning of creation, ‘God made them male and female.’ ‘Therefore, a man shall leave his father and mother and shall be joined to his wife, and the two shall be one flesh,’ so that they no longer are two, but one flesh. Therefore, what God yoked together, let not man separate.”

And again, in the house his disciples asked him about the same. And he said to them, “Whoever may dismiss his wife and marries another commits adultery against her. And if a woman puts away her husband and marries another, she commits adultery.”

Mark 10:1-12

“Everyone putting away his wife, and marrying another, commits adultery. And everyone marrying her who has been put away from a husband commits adultery.”

Luke 16:18

Paul makes the following statements in his letters:

For the married woman was bound by Torah to the living husband, but if the husband dies, she is freed from the Torah of the husband. So then, if the husband is living, she will be called an adulteress if she becomes another man's. However, if the husband dies, she is free from the Torah so as for her not to be an adulteress by becoming another man's wife.

Romans 7:2-3

A wife is bound by Torah for as long a time as her husband lives, but if her husband sleeps, she is free to be married to whomever she desires, only in the Master.

1 Corinthians 7:39

Were there no other scriptural statements regarding post-divorce marriageability, there would be no grounds for debating the topic saving taking issue with text transmission or authority. Of course, there are other passages on this topic and we must rigorously examine and seriously consider them (as well as the above) before drawing firm conclusions. Yet, as we do, the reader is urged to at the outset to do two things:

1. Consider the straightforward simplicity of the above four statements and ask yourself, can I reconcile all the other scriptures on this topic with these (or vice versa) or am I simply pitting various scriptures against others without full resolution?
2. Which interpretation results in the moral high ground?

Among the factors to consider in the above four scriptures is the fact these three writers (or if one prefers, one writer plus two editors) were 2,000 years closer to Yehoshua and what he said. They were also of the same language (Hebrew) and culture/religion (Judaism) as Yehoshua. They could very well have added qualifiers to the above statements, yet they chose not to. And, on this topic in particular, they well knew the implications of including versus omitting qualifiers. They are three different witnesses if you will—perhaps not all eyewitnesses, but, by far, among the very closest few we have.

Perhaps the other most important factor to bear in mind is this: What is the cumulative effect of promoting valuing marriage for life as a society versus accommodating serial coupling? Unfettered from personal follies, entanglements and their repercussions, beyond the discomfiture of disturbing our social networks, what does pure logic tell us?

Let us continue our scripture tour with the keen attention due the above four passages.

These four all agree as to the indelible state of marriage, but also noteworthy are their differences.

Mark reads, “Whoever may dismiss his wife and marries another commits adultery against her. And if a woman puts away her husband and marries another, she commits adultery.”

The Markan editor is unique in his egalitarian articulation of divorcee adultery. The man and woman are explicitly equal before the law. One who divorces their spouse and weds another commits adultery against the one they divorced.

Let us be frank about some inescapable facts that go with the Markan citation.

First, notice how the grounds for the divorce are given no notice here. So far as this representation of Yehoshua’s words is concerned, the grounds are irrelevant in mitigating a subsequent marriage on the part of the dismissing spouse as being adulterous or otherwise. Say, for example, the dismissed spouse was adulterous. In such a case, the dismissing spouse is still adulterous if he or she weds another. The Markan editor knew very well the implications of his silence as to grounds.

Let us also consider the plight of the dismissed spouse if they happen to be an innocent party. The Markan editor speaks only to the adultery of the dismissing spouse, but against whom is the dismissing spouse committing that adultery? Against the dismissed spouse. Thus, the dismissal has not severed the nuptial tie of the original couple sufficiently to accommodate an alternate partner.

Further implications of this should be clear, but we need not be presumptuous, for the Lukan editor supplies explicitly what the Markan editor merely implies: “Everyone putting away his wife, and marrying another, commits adultery. And everyone marrying her who has been put away from a husband commits adultery.” Anyone wedding the spouse who was put away (and, therefore, that spouse, as well) commits adultery. Again, so far as this editor is concerned and how he relays Yehoshua’s message, the grounds for the divorce are irrelevant as to divorcee third-party “marriage” eligibility.

Comparing the Markan and Lukan citations, it is no accident that they blend smoothly, yet each bringing distinct nuances.

Migrating next to Paul’s statements, we now see his comments on this topic are not made in a vacuum. We need not parse his message; it is simple and clear: A husband and wife are bound to one another until parted by death. Sexual involvement with a third party, with or without a divorce, is adultery. There are, however, some particularly informative aspects of the contexts in which his statements on the topic at hand emerge.

In Romans, for example, Paul is not even intent on defending the principle of marriage for life. He is merely employing it incidentally as an illustration for a wholly different topic—his focus being how we transcend the death penalty for sin as imposed by the Torah—not physical death, which awaits us all, but eternal death. Paul is confident enough in the marriage example to relate his point because he knows his readership will essentially take his the marriage analogy for granted, the lifelong nature of the marriage union being a given among them. So, in this passage, we are not merely seeing Paul’s accord with two of the gospel editors, but we gain insight as to his readership’s perspective as well.

Paul also expresses something explicitly that is merely (though necessarily) inferred by

the testimony (gospel) editors; that is, husband and wife are “bound *by law*,” that is, they are bound by the Torah. But where in the Torah does it actually say as much—and if it does not, is this merely citing oral tradition—and, if so, would that be binding?

Handily, in the Markan account, Yehoshua actually cites the Torah’s passage in this regard:

And YHVH God caused a deep sleep to fall on the man, and he slept. And he took one of his ribs, and closed up the flesh beneath. And YHVH God formed the rib which he had taken from the man into a woman, and brought her to the man. And the man said, “This now at last is bone from my bones, and flesh from my flesh. For this shall be called Isha, because this has been taken out of man.”

Therefore, a man shall leave his father and his mother, and shall cling to his wife and they shall become one flesh.

Bereshit (Genesis) 2:21-24

So how does this creation account passage establish as law that marriage is for life? Simply this: God himself gave the first woman to the first man. In doing so, God expected the man to care for her indefinitely—that he should never spurn the gift God gave him. When we are then told the man “shall cling to his wife,” he is not given leave to do otherwise.

This may strike contemporary westerners as an odd, perhaps oblique way to state a binding law, but that is what it says and that is how it is interpreted. Why?

The text does not say the man shall cling to his women—at once or in succession. He, singular, is to cling to his woman, singular. We also note that, as the two are to become one, a third party only serves as an interfering distraction, imbalance and an absolutely inescapable disruption of this unity.

The idea that a woman—one woman—is a gift from God to the man—one man, is actually key to successful understanding and implementation of the marriage arrangement. Mishlei reinforces this concept as follows:

Whoever finds a wife finds good, and gets favor from YHVH. (18:22)

House and wealth are the inheritance of fathers, but a prudent wife is from YHVH. (19:14)

We will next be examining the four passages invariably used to justify the wedding of divorcees to third parties. We will first examine each on its own merits, then cumulatively.

D’varim (Deuteronomy) 24:1-4 is the first explicit scripture in the Bible regarding divorce. To illustrate some biased pitfalls in translation, we quote it here, first in the King James or Authorized Version, then in J.P. Green’s Literal Translation, then in our own rendition. Defects are identified with red type.

When a man hath taken a **wife**, and married her, and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in

her: **then let him** write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, **she may go** and be another man's **wife**. And if the latter **husband** hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter **husband** die, which took her to be his **wife**; Her former husband, which sent her away, may not take her again to be his **wife**, after that she is defiled; for that is abomination before the LORD: and thou shalt not cause the land to sin, which the LORD thy God giveth thee for an inheritance. (KJV)

When a man has taken a **wife** and married her, and it happens that she finds no favor in his eyes because he has found a thing of uncleanness in her, and he writes her a bill of divorce and puts it in her hand, and sends her out of his house; and if she goes out from his house and goes and becomes another man's **wife**, and the latter **husband** hates her, and writes her a bill of divorce, and puts it in her hand, and sends her out of his house or if the latter **husband** who took her to be his **wife** dies; her former husband who sent her away is not to take her again to be his **wife**, after she is defiled. For it is a hateful thing before Jehovah, and you shall not cause the land to sin which Jehovah your God is giving to you as an inheritance. (LitV)

In the King James Version, the first man is commanded to give his wife a bill of divorce and the woman is explicitly allowed to remarry. This translation was completed only a couple generations after Henry VIII's multiple marriages and his break from Rome. Under the sponsorship of the English king, the translators had to take care not to challenge the authority of their monarchs. In this instance, their political correctness is very much at play, but it generally goes unnoticed and has set a trajectory for much later translations.

In the King James, both couples are indiscriminately called "husband and wife." It is true that, in general, when discussing a husband and wife, biblical Hebrew overwhelmingly employs the terms **אִישׁ** (ish; man) and **אִשָּׁה** (isha; woman)—a trait it shares in common with the koine Greek of the New Testament. This passage is different—and it is different for a particular and deliberate reason. Here, the first man is referred to as the **בַּעַל** (b'al; husband) and the woman is his **בְּעֻלָּה** (b'alah; wife). The second man is never referred to as a **בַּעַל**, nor is the woman referred to as a **בְּעֻלָּה** in relation to the second man; to one another, they are merely "man" and "woman."

Interestingly, even *after* the divorce, the first man is persistently referred to as the **בַּעַל**.

Yehoshua's conversation with the Shomroni woman in the testimony attributed Yochanan echoes the above sequence, where we read (ch. 4:17-18 in the LitV), "And the woman answered and said, 'I have no husband.' Jesus said to her, 'Well did you say, 'I have no husband,' for you have had five husbands, and now he whom you have is not your husband.'" The Greek word translated "husband" here is **ἀνὴρ**, corresponding with Hebrew's **אִישׁ**. Fundamentally, **ἀνὴρ** merely means "man." It may refer to a husband, but that depends on the context.

We can hardly expect that the above conversation occurred in Greek. It was almost certainly in Hebrew. Yet, with the common way the two languages handle the general term for "man" as sometimes representing a husband, we can more faithfully render

the exchange as follows:

And the woman answered and said, “I have no husband.” Yehoshua said to her, “Well did you say, ‘I have no husband,’ for you have had five men, and now he whom you have is not your husband.”

The critical point here is that, when scripture discusses the relationship of a particular couple—a man and a woman—it is not necessarily designating them as “husband and wife.”

We are not suggesting that $\psi\lambda\iota$ or $\alpha\upsilon\eta\eta\rho$ cannot, in proper context, mean “husband” or that $\eta\psi\lambda\iota$ cannot mean “wife.” What we are observing is that, if we indiscriminately impose the marriage bond on those words as is so often done, we become alienated from scripture’s actual message.

In this last example, though Yehoshua is obviously challenging the legitimacy of the Shomroni woman’s current partnership, the vocabulary accommodates—though ambiguously—the possibility that her former partners may have been legitimate husbands—or not.

D’varim 24, with its sharper vocabulary, is not so accommodating.

With at least some of the translation chaff blown away, it reads:

When a man has taken a wife, and it occurs that she finds no favor in his eyes because he has found a thing of nudity in her, and he writes her a bill of divorce and puts it in her hand and sends her out of his house, and if she departs from his house and goes and becomes another man’s, and the latter man hates her, and writes her a bill of divorce, and puts it in her hand, and sends her out of his house, or, if the latter man who took her to be his woman dies, her former husband who sent her away is not to take her again to be his woman after she is defiled. For it is a hateful thing before YHVH, and you shall not cause the land to sin which YHVH your God is giving to you as an inheritance.

It is crucial that we not carelessly view the above as an endorsement of the behaviors described. When responding to the Pharisees’ citation of this passage (which, by the way, they loaded with their own oral interpretation), Yehoshua hardly described it as a recipe for success, but said it was an accommodation for tragic “hardheartedness.”

In this regard, it is informative, as a brief, yet pertinent aside, to consider the Torah’s instruction regarding another disastrous scenario—the establishment of a human monarchy. D’varim 17:15-20 reads as follows:

When you come into the land which YHVH your God is giving to you, and have possessed it, and settled in it; and you shall say, Let me set a king over me like all the nations around me, then you shall certainly set a king over you. You may not give an alien the rule over you, one who is not your brother.

Only, he shall not multiply horses to himself, nor cause the people to turn back to Egypt so as to multiply horses, since YHVH has said to you, You shall not again return in this way anymore. And he shall not multiply wives to himself, and his heart shall not turn aside. And he shall not greatly multiply to himself silver and gold.

And it shall be, when he sits on the throne of his kingdom, he shall write for himself a copy of this Torah in a book, from before the priests, the Levites. And it shall be with him, and he shall read in it all the days of his life, that he may learn to fear YHVH your God, to keep all the words of this Torah and these statutes, to do them, so that his heart may not be lifted up above his brothers, and that he may not turn aside from the commandment, to the right or to the left; so that he may prolong his days over his kingdom, he and his sons in the midst of Israel.

We might easily view the statement, “you shall certainly set a king over you” as a commandment. That is certainly natural, grammatically sound and understandable, but it is also wrong, for, centuries later, when Israel tired of being ruled by judges raised up by God:

And it happened when Shmu’el (Samuel) was old, he made his sons judges over Israel. And the name of his firstborn was Yoel, and the name of his second, Aviah, judges in Beer-sheva. And his sons did not walk in his ways, and turned aside after dishonest gain, and took a bribe, and perverted judgment.

And all the elders of Israel gathered and came in to Shmu’el, to Ramah. And they said to him, “Look, you have become old, and your sons have not walked in your ways. Now appoint a king to us, to judge us, like all the nations.”

And the thing was evil in Shmu’el’s eyes when they said, “Give to us a king to judge us.” And Shmu’el prayed to YHVH. And YHVH said to Shmu’el, “Listen to the voice of the people, to all that they say to you. For they have not rejected you, but they have rejected me from reigning over them.” [1 Shmu’el 8:1-7]

And so, more than 500 years from Moshe to Shmu’el elapse before it is inescapable that “you shall certainly set a king over you” is hardly a commandment; rather, it is a dour prediction of what a hardhearted nation alienated from God will inevitably do.

Similarly, when we read “if she departs from his house and goes and becomes another man’s,” in D’varim 24:2, though the grammar alone certainly accommodates that statement as permissive, in fact, it is not. It is merely an acknowledgment of often inevitable circumstances.

How can we be sure of this?

First, as already noted, even after the divorce and the woman’s subsequent coupling with another individual, the first man is still referred to as the first or former בעל—a title never conferred upon the second man.

Second, we are told that, upon coming under dependency and intimacy of the second man, the woman is defiled to her husband. Even after separation and divorce, an alienated husband and wife can be, with great effort, fully reconciled, so long as they both reserve themselves from others. Paul writes to this very scenario in 1 Corinthians 7:10-11, where he writes, “But I command the ones being married (not I, but the Lord), that a woman is not to be separated from her husband—though if, if indeed, she is separated, remain unmarried, or be reconciled to the husband; and a husband not to leave his wife.” However, if an interloper is allowed to intervene, all hope for marital

reconciliation is erased. At that point, nothing can restore the possibility of reconciliation—not even the death of the interloper. In other words, it is not the divorce itself that defiles, but the sexual involvement with a third party before and/or after the divorce.

Thus, if we view this entire passage as a grant of permission, it is a grant to defile someone's wife and to render the possibility of reconciliation impossible, even after one's own demise.

One fair and pressing question this passage imposes is, if the woman was adulterous, why was she not executed?

Another is, given that the subsequent relationship resulted in a defilement—with or without a ספר כריתת (sefer keritut—writ of excision), for what purpose was the writ if it was not to free the dismissed party to marry another? It certainly does not prevent defilement of the woman to her original husband in the event of her coupling with a third party.

When considering these questions, it is important that, while many pose them, the overwhelming majority do so only rhetorically, not willing to seriously and diligently search for answers.

Before expressing our own views on these questions, we consider those of the two preeminent rabbis immediately preceding the New Testament era as preserved in the Talmud:

Beit Shammai say, "A man should not divorce his wife unless he has found her guilty of some unseemly conduct," as it says, "because he has found some unseemly thing in her." Beit Hillel, however, say [that he may divorce her] "even if she has merely spoilt his food," since it says, "because he has found some unseemly thing in her. R. Akiva says, [he may divorce her] "even if he finds another woman more beautiful than she is," as it says, "it comes to pass, if she finds no favour in his eyes." (Gittin 9:10)

Hillel's and Akiva's views were obviously the more lenient—not unlike those of the present, liberal milieu. Yehoshua, in contrast, clearly affirmed Shammai's view—which was far more in harmony with the Tanakh's consistent use of לרוה as denoting sexual exposure.

We do well to ask, since the four illustrious authorities were all fluent Hebrew/Torah scholars, how could Hillel and Akiva possibly render לרוה as including anything from a ruined meal to the mere appeal of another woman?

One of the reasons is that, as today, marital infidelity was rampant. As predicted by Hoshea (4:14), by the New Testament era, the bitter waters ceremony described in B'midbar (Numbers) 5 to determine the guilt or innocence of the sotah (the woman suspected of adultery) no longer worked and had become a farce.^{viii} Yochanan the Immerser lost his life for his criticism of Herod Antipas' illicit "marriage" to his brother's wife, Herodias. We also have the disciples' reaction to Yehoshua's comparatively stringent instructions regarding divorce: "If the case of the man be so with his wife, it is not good to marry." (Matityahu 19:10) In such a lax environment, stricter fidelity standards met with fierce resistance and, had they ever taken hold, would have disrupted many relationships and households to the point of unsettling society in

general—as it is today.

Of course, the other ostensible reason for leniency was the question already posed: Given that the Torah prescribed execution for marital infidelity, if the woman was adulterous, why was she not executed? There are various reasons why this could be the case.

One was that the husband himself might not be faithful and, therefore, be unwilling to press charges. The seemingly lopsided way the Torah addresses sexual misconduct can, if we allow it, encourage deeper consideration of the differences between men and women without demanding disparate moral standards of each.

Consider the fact that, historically, the husbands have been significantly and measurably more inclined toward marital infidelity than their wives—not to suggest the reverse never occurs. Though relatively recent developments of the “egalitarian” workplace have eroded this statistical disparity, women remain generally more hardwired for marital loyalty and familial nurturing than men. This makes D’varim 24’s scenario of a straying woman as opposed to a straying man rather striking. The man might not be technically unfaithful, but, if he is harsh, exploitive or aloof, his wife will be far more vulnerable to the attention of an interloper—a subtle caution built into the fabric of this passage.

Another scenario could be a pregnancy resulting from the illicit union. Execution of the mother would entail execution of the innocent, unborn child, which would be a violation of verse sixteen of the very chapter under our present consideration.

Yet another case could be that, despite disgust for his wife’s actions, the husband might be loath to press charges against the woman he had loved.

It was this latter scenario being the case with Yosef and Miriam, the mother of Yehoshua, for we read, “Yosef, her husband, being a righteous man, and not willing to make her a public example, was inclined to put her away privately.” (Matityahu 1:19)

D’varim 24 does not address the husband’s faithfulness, so it can cover any of the above scenarios and likely more, typical of the Torah’s topical breadth.

Let us next return to the question: For what purpose was the ספר כריתת (sefer keritut) if it was not to free the dismissed (or dismissing) party to marry another?

We are not actually free to ask that question without first dealing with the longstanding and popular assumption that the ספר כריתת was a proviso for marriage to a third party, for that assumption is well-attested in Judaism since at least the New Testament period.

Should not we ask, if adultery was a capital crime, from whence comes the husband’s alleged authority, not to only issue a pardon, but to confer marriageable status in the face of such transgression?

Since a sexual/domestic partnership with a third party will render the woman defiled to her husband—a state she can just as well achieve without permission or formalities, how tenable is the idea of formal permission to defile, and what, particularly, does it achieve?

If we read this passage, not as a directive as to every detail, but mainly as a forecast and acknowledgment of social decay, it begins to be apparent that the only factor supporting the “formal permissive” interpretation was not scripture itself, but endemic

societal moral laxity imposed in the interpretation of it.

Purpose of the Writ of Dismissal: Reason 1

An entirely different answer to the purpose of the *sefer keritut* may be found simply in the fact that the husband gives the writ of dismissal to his wife. Though not excluded, the text's focus is not him retaining it for himself or delivering it to a priest or judge; this document is something *she* needs. It may well be that she needs it simply to cling to life itself. In other words, if, as the text clearly states, her husband has truly found a "nudity" in her, her very life is in his hands. If he wishes to press charges, he can, if necessary, arrange a sting operation such as is described in the pericope de adultera of Yochanan 8:1-11 and have her tried and executed, in which case a writ of dismissal would be meaningless. If the husband opts to forfeit such a course, the writ of dismissal is a legal document by which her husband has renounced all interest in having her prosecuted before the court.

Consider that, in the *sotah* ceremony of B'midbar 5, it is the husband who brings his wife before the priest to be tried. So when a spouse has been unfaithful, infidelity being a capital offense, their very life hangs by inclination of the offended spouse. The writ of dismissal serves as legal notice to all that the offended spouse, perhaps the only one who can duly bring charges before the court, has opted not to do so.

Some might object to the assertion that scripture actually affords the husband the latitude not to press charge against an unfaithful wife, but that latitude is actually intrinsic to D'varim 24, for its scenario, without regard to the husband's fidelity or lack thereof, describes the case of an unfaithful wife; she has exposed her nudity, yet here is a proviso in which she is not executed.

How does this square with Vayikra (Leviticus) 20:10, where we read, "And a man who commits adultery with a man's wife, who commits adultery with the wife of his neighbor, the adulterer and the adulteress dying shall die?"

Perhaps the best way to account for an adulteress (or adulterer) escaping capital execution is to note the particular components of judicial responsibility.

Capital punishment is not the responsibility of the offended spouse; it is the sole purview of the civil court. However, cases do not arise at the initiative of the court, for its purview does not include surveillance (for the Torah is not advocating totalitarianism). Cases arise when brought to the court by a plaintiff—and only a plaintiff who has evidence sufficient to warrant the court's attention will be heard. D'varim 17:6 and 19:15 state that a capital case cannot be tried without at least two witnesses. It is not the responsibility of the court to secure the witnesses and other evidence; that is the responsibility of the plaintiff.

So, the offended party—who may well know certainly the guilt of a culpable party—is not clothed with the authority to execute the offender. And the court cannot try the case unless a plausible complaint is lodged with it. Betwixt with offended party and the court is a sort of middle ground where, at least with tort cases, parties generally have the latitude to settle out of court as is discussed by Moshiach Yehoshua (Matityahu 5:25-26).

We observe this sequence in another domestic/capital offence:

If a man has a stubborn and rebellious son who will not listen to his father's voice, or his mother's voice; even though they discipline him, he

will not listen to them; then his father and his mother shall lay hold on him and bring him out to the elders of his city, and to the gate of his place; and they shall say to the elders of his city, "This son of ours is stubborn and rebellious; he will not listen to our voice; he is a glutton, and a drunkard." And all the men of his city shall stone him with stones, and he shall die. So you shall put away the evil from among you, that all Israel shall hear, and fear.

D'varim 21:18-21

Here, the parents are to bring their son before the court. If they do not, there is no case.

As grievous as is adultery, and though it is, indeed, a capital offense, D'varim 24 stands as an avenue by which execution can be avoided. No such avenues are apparent for crimes representing an immediate, public threat or those directly against God. This is not to overlook that both the marriage breach and the wayward child scenario are tears in the greater social fabric and will also radiate damage, however they are or are not adjudicated.

Perhaps in this light it will be apparent how Yosef, when espoused to Yehoshua's mother Miriam, even had the latitude to dismiss her quietly as opposed to having her executed (according to the Torah) or banished (according to Roman law). Perhaps now it can be observed that the writ of dismissal has nothing to do with affording a right to be inexorably alienated from and defiled to one's true spouse with the marriage to a third party, but merely affords the guilty party freedom—at the sole discretion of the offended—from prosecution in court and death.

Because the writ is one of excision, the offended spouse is also freed of service to the unfaithful spouse.

One may well object to the assertion that the writ of dismissal is not permission to wed another on the grounds of the scenario in which the second man also issues such a writ. If he can issue such a writ, does not that suggest the legitimacy of his wedding the divorced woman? Before we can answer that, we must consider other distinctions between the first dismissal and the subsequent one (beyond those already observed).

Notice, for example, the first and only actual husband is not described as "hating" the woman. He may actually still love her, yet be unable to abide her presence due to her infidelity. In contrast, the latter man actually hates her, an attitude especially prevalent with the progression of an illicit relationship.

Moreover, no reason is given for the latter man's hatred or dismissal. We are simply told he hates her and, therefore, dismisses her. Are we therefore to assume that, whereas the original husband could only dismiss her on the basis of sexual impropriety—as the New Testament writers affirm—yet the second could do so merely out of hatred? If the second man has such latitude, are we to apply or deny that to the first man, the actual husband?

Let us consider one thing conspicuously absent from this passage before further considering the implications of what we have read:

D'varim 24 never mentions anything about the first husband being free to marry another after dismissing his wife. In fact, by saying explicitly that he cannot have her back if she goes to be another man's, it is implicitly providing for the first couple's

reconciliation—so long as they do not defile themselves to one another. This is precisely what Paul advises explicitly, citing it as YHVH’s instruction, when he writes, “But I command the ones being married (not I, but the Master), that a woman is not to be separated from her husband—though indeed, if she is separated, remain unmarried, or be reconciled to the husband.” (1 Corinthians 7:10-11)

This hope for reconciliation following divorce is described in Yirmayahu (Jeremiah) 3:6-13:

YHVH also said to me in the days of Yoshiyahu the king, “Have you seen what the apostate Yisrael has done? She has gone up on every high hill and under every green tree, and has fornicated there.

And after she had done all these, I said, ‘She will return to me,’ but she did not return. And her treacherous sister Yehudah saw it and I watched. When for all the causes for which the apostate Israel committed adultery, I sent her away and I gave the writ of her divorce to her. Yet her treacherous sister Yehudah did not fear, but she also went and fornicated.

And it occurred, from the wantonness of her harlotry she defiled the land, and committed adultery with stones and with pieces of wood. And yet for all this her treacherous sister Yehudah has not turned to me with her whole heart, but with falsehood, says YHVH.”

And YHVH said to me, “The apostate Yisrael has justified herself more than treacherous Yehudah. Go and cry these words toward the north, and say, ‘Return, O apostate Yisrael, says YHVH. I will not cause my face to fall on you, for I am merciful, says YHVH; I will not keep anger forever. Only acknowledge your iniquity, that you have rebelled against YHVH your God and have scattered your ways to the strangers under every green tree, and you have not obeyed my voice,’ says YHVH.”

In accord with the above, D’varim 24 states that, despite him finding a nudity in her, the husband may draw her back so long as she does not become another man’s. In other words, as with other passages in the Torah, this makes a distinction between episodic promiscuity and an abiding relationship.

Consolidating the D’varim 24’ statements, we perceive a trajectory of degeneration:

Only the initial couple are called בעל and בעלה—husband and wife. The second union defiles the husband and wife to one another—even in their state of divorce--preventing something precious which God wants to see of strained relationships in general—reconciliation. The second man, who has no right to defile a woman to her husband, may simply come to hate her—and attitude is not even mentioned with the first and actual husband. Why the second man may come to hate the woman is immaterial to the text, for this relationship is simply subject to hatred without reason. Thus, when he issues her a writ of dismissal, his is merely a degenerate farce in preparation for another tryst. If the two unions are of unequal status, how can we place the two writs of dismissal on equal footing? The sequence, then, is an indictment on the state of marriage in a troubled society.

Another fair question is, if the sefer keritut indeed was the offended spouse’s formal assurance not to press charges, is she not then in possession of her own de facto guilt

declaration? Yes, but it is essentially like an indictment that never goes to trial, and absent full due process, she cannot be executed.

Of worthy note is that, if the writ of dismissal can offer a sort of provisional amnesty from prosecution (hardly to be confused with an all-out pardon), it is doing so for current misconduct. Given the indelibility of their mutual *בעלה/בעל* status already observed, there is little in this passage to suggest that, if her misconduct persists after her dismissal, the first and actual husband cannot have her tried later.

For example, if her offense is incidental and does not involve cohabitation, it is conceivable she can be forgiven and reconciled to her husband. However, if her misconduct continues and/or involves cohabitation, reconciliation with her husband becomes impossible and, in an effort to fully free himself, he might secure witnesses and initiate a full trial. Of course, D'varim 24 is describing an example in which the legitimate husband is either disinclined to litigate or has forfeited the right to do so.

(We should note that our discussion of hypothetical scenarios is generally describing the woman as the offender only because of the scriptural example. In actuality, we hold both husband and wife to the same standards and processes.)

We, of course, have the right and the responsibility to ask the more liberal-minded questions of our own.

For example, if a writ of dismissal truly is for the purpose of freeing the wife to be defiled to her husband, why is there no mention of a reciprocal writ likewise freeing the husband?

And, if a writ of dismissal truly is for the purpose of freeing the wife in whom was found nudity to wed another, why does Yehoshua, as represented by three different narrators, and Paul in separate letters to different recipients—all of these intimately versed in D'varim and the rest of the Tanakh in its native tongue—why do these all say unequivocally that the one marrying a dismissed wife commits adultery? One who adopts such a stance is deluding themselves if claiming any semblance of allegiance to Yehoshua or respect for Paul.

We have already observed that the reason Hillel took the liberal stance he did was social pressure—the same as we have today. Martin Luther found himself in a similar quandry:

“How I dread preaching on the estate of marriage! . . . The lax authority of both the spiritual and the temporal swords has given rise to so many dreadful abuses and fraudulent arrangements that I would much prefer neither to look into the matter, nor to hear of it. However, timidity is no help in a crisis; I must proceed. I must attempt to instruct poor, bewildered consciences and take up the matter boldly . . .”^{ix}

It is easy to observe why such eminently influential men succumbed to lax interpretation, but why did Yehoshua differ? Because he sought, not to reform the masses, but to carve out of the sordid milieu a holy people whom he described as called out—those who would live by a higher standard. (See, for example, Matityahu 13:10-15 & 34.)

Purpose of the Writ of Dismissal: Reason 2

The first reason for the writ—a notice of forfeiture to press capital charges, assumes

the spouse is guilty of a nudity. In the D'varim 24 case, it is the husband tendering the writ and the wife is obviously not, as the scenario is somewhat enigmatically described, being subjected to prosecution, else she would be executed. However, beyond this purview, there are other legitimate and necessary reasons for spouse dismissal that do not involve nudity, but may require a writ.

Chronic substance abuse, cruelty and gross neglect (financial or otherwise) are each legitimate and necessary reasons for separation. These do not necessarily require a formal divorce if the parties both consent to separation. However, if the offending spouse refuses separation, the beit din (court) can impose a divorce.

For example, there are cases in which a woman is trapped in an abusive marriage. She and/or her children may be in danger, yet her husband is unwilling to release her. In such a case, she must seek outside intervention. If the husband is unwilling to tender the divorce, it can be imposed by the beit din against the husband's will so that the woman has legal proof of her right to be free.

Such is a case beyond the scope of D'varim 24—and, yet hardly opposed to it. In fact, it happens that the previous chapter addresses this scenario, albeit obliquely.

In D'varim 23:15-16, we read, “You shall not hand over to his master a slave that has escaped from his master to you. He shall live with you, among you, in the place which he chooses inside one of your gates, wherever it is good to him. You shall not oppress him.”

The reader might object, saying, “What has this to do with a husband and wife?” Indeed, in the Hebrew, this passages is discussing the אָדֹנָי (master) and the עֶבֶד (slave). Yet we have already observed that the more particular Hebrew terms for husband and wife are בַּעַל and בַּעֲלָה. בַּעַל is also translated as “lord,” which, in English, is synonymous with master. As used in marriage, this reflects the fact that the husband and wife are responsible to one another and essentially in possession of one another. This is why we read, “And Sarah laughed within herself, saying, ‘After my being old, shall there be pleasure to me, my lord (אָדֹנָי) also being old?’” [Bereshit (Genesis) 18:12]

So if a slave fleeing his master is entitled to sanctuary, shall we not reckon the abused and/or neglected wife as likewise entitled? Yet she is in a legally-binding covenant, so her freedom is only guaranteed by a legal writ.

In both cases described above, the סֵפֶר כְּרִיתוֹת (sefer keritut/writ of dismissal) offers the dismissed spouse certain and distinct freedoms: in the one category, freedom from execution for a capital crime; in the other, freedom from an irresponsible husband.

That divorce is necessary in degenerate circumstances is clear. That a divorce affords the divorcee latitude to wed a third-party demands affirmation beyond D'varim 24.

The next three passages used to justify marriage to a third-party after divorce are all found in the New Testament: Matityahu 5:31-32, Matityahu 19:4-12 and 1 Corinthians 7:15.

Many assume incorrectly that the Jewish form of divorce, which has remained essentially intact for the last two millennia, reaches back to the Torah, where, in fact, it rests on different sources. We have already mentioned Hillel and Shammai, Hillel being the one whose more liberal influence prevailed. Yet those familiar with Judaism

are aware that its divorce mechanism is called a “get.” “גט” (get) is not a Hebrew term, but is an Aramaic loanword and, therefore, drawing from Babylonian law when Israel was in exile, long before Hillel and Shammai. The term is absent from the Tanakh, but, by the New Testament era, it referred to legal documents in general, later coming to refer more specifically to divorces.

Perhaps the earliest surviving Jewish divorce manuscript from the period (in this case, c. 70 CE) is the Wadi Murabba’at Aramaic Writ of Divorce Papyrus (DJD.II.19 = P.Mur.19) from Masada. It employs the term “get” and contains a standard get proviso, ודין להוי לכי מני ספר תרכין וגט שבקין כדין משה ויהודאי (“You are free on your part to go and become the wife of any Jewish man that you wish”). This proviso runs counter to the intrinsic reconciliation intent of D’varim 24.

The term “גט” (“get”) actually occurs in the next passage under consideration, as we will momentarily observe.

One fact worth noting here is that, for a full millennium after Hillel, Jewish women bore the brunt of his laxity, which extended only to the men.

Matityahu 5:31-32

We begin this section with Yehoshua’s first recorded statements on the subject, as translated from the Greek:

It was also said, whoever puts away his wife, “Let him give her a bill of divorce.” But I say to you, whoever puts away his wife, apart from a matter of fornication, causes her to be adulterated. And whoever shall marry the one put away commits adultery.

Matityahu 5:31-32

We are immediately treading on thin ice at this point because Yehoshua uttered these words in Hebrew, not Greek, so, unlike D’varim 24, we are already grappling with a translation before bringing it into English. We are also dealing with variations in the transmission of the Greek text. In this case, we are dealing with four minor variations between the most oft-compared texts in verse 32. Though they do not seem to affect the core sense of the quote, they are a reminder of the need for considerable interpretive care.

One important phrase which is transmitted in Hebrew, Aramaic and Greek is that Yehoshua did not, as he often did, use the phrase, “it is written.” Though he obviously has D’varim 24 in mind here, he is not quoting scripture, but taking issue with what was said about it.

All English translations with which we are familiar render “ποιει αυτην μοιχασθαι” (or “μοιχευθηναι” in the Alexandrian) as “causes her to commit adultery,” but, in the Greek, she is a passive object. How accurately this reflects the nuances of Yehoshua’s actual words in Hebrew may be impossible to determine. (Shem Tov Hebrew concurs in explicitly expressing only the men’s culpability.) What we can observe is that, prior to the Industrial Revolution, single women’s survival options were far more limited than in modern society. Consequently, this may speak to a generally greater responsibility on the husband’s part; his wife was truly a dependent—not merely for tax return purposes.

Notice how these two verses persistently describe actions at the man’s initiative, but

resultant restrictions on the woman. Whoever “weds” her commits adultery—even though she is divorced and regardless as to her prior marital fidelity. Assuming the integrity of the message transmission, the following is clear:

1. Her divorce, though formal, does not make her eligible for marriage to a third party, regardless as to her virtue or lack thereof.
2. If she is innocent, her original husband bears responsibility for her plight after their separation, regardless as to her guilt or innocence.
3. As with D’varim 24, nothing is stated about the husband’s fidelity or lack thereof either. Why the silence? Should we presume he is eligible to wed another if he has been faithful? What if unfaithful?
4. Also as with D’varim 24, no mention is made of the dismissing husband wedding another. In these two passages, many extrapolate an inference as to what he might do based on what the woman might do, but here, her coupling with a third party is clearly illicit, regardless as to her guilt or innocence.

Perhaps the primary insight we can gain from this passage, at least in the Greek, is that, in sharp contrast to Hillel, Yehoshua is affirming that, in D’varim 24, ערוה, has its usual meaning: sexual impropriety. So the woman receives a writ of dismissal; in Yehoshua’s opinion, that writ is not, under any circumstances, permission for her to wed a third party.

If she happens to be a virtuous woman and unjustly dismissed, yet unable to wed a third party, what does that say of the husband’s eligibility to wed a third party? It would seem that the latitude this passage might appear to afford divorcee third-party marriage is, upon close scrutiny, absent. If such latitude exists, we must find it elsewhere—and reconcile it with the above and with D’varim 24.

We have already noted that variation in the Greek text transmission demands caution. Shem Tov Hebrew Matityahu can sometimes shed light lost in the Greek, though its own abundant transmission defects demand caution as well. It renders the same passage as follows:

You have heard what was said to those of long ago that everyone who leaves his wife and divorces is to give her a writ of divorce. And I say to you that everyone who leaves his wife is to give her a writ of divorce. But concerning adultery, he is the one who commits adultery and he who takes her commits adultery.

There is also a curious feature of this passage as rendered by Shem Tov Hebrew Matityahu, where the phrase (bill of divorce) is “גט כריתות” (get keritut)—which now betrays an obvious hybridization of the Hebrew and Aramaic languages and Mosaic and Aramaic law. If this is a faithful quote of Yehoshua’s actual words, he is not quoting from D’varim 24 verbatim, but is addressing it and the then contemporary (and future), misinterpretation in the masterful swipe of one breath, typical of his brilliance.

This is not to suggest Yehoshua coined the term or that his use of it was novel, for, as previously noted, by his time, post-exilic Judaism adopted a substantial body of Aramaic legal concepts and terms.

The 5th century BCE Elephantine Papyri, comprising thirty-three complete, legal documents written in Aramaic, is “the earliest known and extant collection of legal documents of Jewish origin.” (*Encyclopaedia Judaica* article “Shetar”) “גט כריתות”

occurs in Talmud (e.g., Sanhedrin 11a:4) and has been well-represented since. Even today, a traditional ketuvah (Jewish marriage contract) is written Aramaic.

So what is the significance of Yehoshua's use of the term, particularly in context?

What Yehoshua is doing in this teaching is to distinguish between the Torah of Moshe and subsequent laws of Judaism that sometimes ran counter to it.

For example, Babatha's Ketuva (AM126 i.e. P.Yad. 10 - 126 CE), contains the phrase, ". . . be my wife according to the law of Moshe and the Judeans . . ." This phrase, a regular feature in Jewish Aramaic legal documents for the last two millennia, is disclosing the fact that the arrangement described is drawing partly from the Torah and partly from later law. Samuel Daiches puts it as follows:

"According to the Law of Moses and of Israel" is an old formula. It is found in the earliest parts of the Talmudic literature (Tosefta, Ketuvot iv. 9). This formula was used both in the marriage ceremony and in the Bill of Divorce. Its meaning is clear: according to the written law of the Torah and the Common Law of Israel, in other words, according to established Jewish Law.^x

The Aramaic betrays that the "Jewish" aspect of this law was not merely beyond the scope of the Torah or the remainder of the Tanakh, but influenced by Babylonian law.

Returning to Yehoshua's statements, if the man (or men) are committing adultery, the (subsequent) women involved with them are obviously adulteresses. However, in both the Greek and the Hebrew, the wording emphasizes the man's culpability, returning us to Bereshit 2:24 where the man and woman are not instructed to cling to one another, nor is the woman instructed to cling to the man, but it is the man who is instructed to cling to his woman. He is hardwired to initiate, while she is hardwired to respond. It is when he nourishes her with the abiding attention reserved only for her that she will reciprocate with her unwavering and abiding affection for him alone. That said, men and woman stand equal before God, and she can, solely of her own will and disaffection, drive her husband away.

Before continuing, there are many favoring Aramaic primacy, suggesting that it was Aramaic, rather than Hebrew in which Yehoshua spoke and taught. Thus, we are really compelled to consider some of their observations. (A significant trade route connecting the Via Maris and the King's Highway passed through the Galil, so the Galiliim were well familiar with at least Aramaic and Greek, to say no more of the latter being well represented in Jewish legal documents of the period.)

Though most English translations of the Aramaic Peshitta read functionally similar to those from the Greek, George Lamsa captures, though in what we consider a distorted way, a distinction lost by others:

It has been said that whoever divorces his wife, must give her the divorce papers. But I say to you, that whoever divorces his wife, except for fornication, causes her to commit adultery; and whoever marries a woman who is separated but not divorced, commits adultery.

With the phrase "a woman who is separated but not divorced," Lamsa is taking notice of the Aramaic "shevaq," which refers to one separated (having left or been released), rather than "shrita," referring to a divorcee. One going by the name Chaim Bentorah asserts that this implies it is permissible to wed a divorced woman—just not one

merely separated, but not divorced.

A defect in both Lamsa's rendition and Bentorah's completely untenable interpretation is that shevaq is a broader set of which, in this context, divorce is merely a part. As other concise statements in the New Testament make clear, cohabiting with a woman alienated from her husband, whether formally divorced or merely separated, is adultery.

Bentorah does notice an important fact. Despite Lamsa's translation, the Aramaic does not say, "whoever *marries* a woman who is separated," but "whoever *takes* (nasav) a woman who is separated." This comports with Shem Tov Hebrew Matityahu's use of "לקח" (take).

The Greek text reads "γαμηση," which means "marry," lending itself to conferring a status upon the illicit relationship against which Yehoshua is contending. This very same misuse of γαμηση for לקח occurs in our next passage.

True, לקח can refer to "taking in marriage" where "in marriage" is inferred, as it does in B'midbar (Numbers) 12:1, but, as is so often the case, it is best to translate the word more literally and let the reader discern the intent from the context.

Matityahu 19:4-12

The next passage used to justify marriage to a third party after divorce is found in Matityahu 19:4-12:

And the Pharisees came near to him, tempting him and saying to him, "Is it lawful for a man to put away his wife for every reason?" But answering, he said to them, "Have you not read that he who created them from the beginning 'created them male and female'?" And he said, "For this reason a man shall leave father and mother and shall be joined to his wife and the two shall become one flesh. So that they are no longer two, but one flesh. Therefore, what Elohim has joined together, let not man separate." They said to him, "Why then did Moshe command to 'give a bill of divorce' 'and to put her away'?" He said to them, "In view of your hardheartedness, Moshe allowed you to put away your wives. But from the beginning it was not so. And I say to you, whomever shall put away his wife, if not for fornication, and shall marry another commits adultery. And the one who marries her who was put away commits adultery." His disciples said to him, "If the case of the man be so with his wife, it is not good to marry." But he said to them, "Not all make room for this word but those to whom it is given. For there are eunuchs who were born thus from their mother's womb and there are eunuchs who were made eunuchs by men and there are eunuchs who made eunuchs of themselves for the sake of the kingdom of heaven. He who is able to receive, let him receive it."

Before assessing Yehoshua's words here, we do well, as have others, to consider the statements of the others present (the Pharisees and his disciples) as revealing their perspectives—for those perspectives are uncannily similar to contemporary sentiments.

First, as usual, the Pharisees front-end-loaded their query with their own bias: "Is thus-in-such *lawful* . . . for *any* reason?"

Let us interject here a crucial principal of scripture interpretation, including the

interpretation of Yehoshua's statements and other teachings of the New Testament: *Everything* he and his disciples taught was built upon the foundation of the Torah and presumed familiarity with it. Anyone reading his or other New Testament teachings lacking intimate familiarity with the Torah will be unable to differentiate between what the Torah (or other portions of the Tanakh) say and what others in the New Testament narrative were saying. Such ignorance is why so many are so easily led to think that Yehoshua, Paul and others were contending with and/or supplanting the Torah. In reality, the New Testament repeatedly tells us they were affirming the Torah. What they were challenging was its misinterpretation and misapplication—which is precisely what is occurring in Matityahu 19.

For their own part, his very disciples also tipped their hands with their dismayed reaction, "If the case of the man be so with his wife, it is not good to marry," which hardly reflected God's intent as revealed in scripture.

By qualifying his statement, "Whoever shall put away his wife, *if not for fornication*, and shall marry another commits adultery," Yehoshua seems, to many, to be allowing for the offended and innocent spouse to remarry after divorcing a faithless spouse. How does that comport with Mark 10:11-12, Matityahu 5:32, Romans 7:2-3 and 1 Corinthians 7:10-11 cited above?

These statements reconcile only when we bear in mind that the biblical penalty for marital infidelity is capital punishment, and, in Yehoshua's day, could be and was sometimes carried out amongst the Jews. (The execution of Stefan, though an alleged sedition case rather than one of adultery, is a tragic example of its application solely under Jewish, rather than Roman, authority.) When it was, the surviving spouse was free to remarry. When it was not, no such freedom existed. To suggest otherwise comes into direct conflict with Yehoshua's statement, "What God has joined together let no man divide" (or as Shem Tov Hebrew Matityahu renders it, "no one can separate") and Paul's statement, "A wife is bound by Torah for as long a time as her husband lives."

In both Greek and Roman law of the New Testament era, amnesty was available for the revenge killing of an adulterer or adulteress, but there appears to have been no direct, civil death penalty for adultery. The Torah demanded formal adjudication prior to capital punishment. Since that would not occur in the western gentile world, Sha'ul's comments on the topic to the residents of Rome and Corinth can offer no provision such as we find in Matityahu 19.

Leniency with regard to divorcee remarriage is also saddled with the chauvinistic caveat that, whether the man is accorded such latitude or not, the divorced woman, even if innocent, is denied as much.

It is our abiding responsibility to reconcile all passages on any given topic if at all possible. If, at any point, that becomes impossible, a discordant passage against a general consensus betrays itself as defective.

We are now compelled to face one outstanding question raised by this passage: "Whom, indeed, does God join?" Regrettably, many in our present milieu of sexual anarchy will find the answer dismaying.

Casual consideration will likely bring the cliché "a marriage made in heaven" to mind.

We may well imagine God himself arranging a couple's introduction—sparking a sort of divinely-arranged romance. After all, though he wasn't the groom, Ele'azar's first encounter with Rivka (Rebekah) was an answered prayer. Why should that sort of scenario not otherwise occur? Without doubt, indeed it does, and we absolutely do well to petition for such guidance. However, there are limitations to its application and real pitfalls to its misapplication.

The most obvious is that, after the initial heat of romance, most marriages are either rocky or stale marathons. Does God orchestrate these? If he does not, then does that not mean some first marriages he has joined and some he has not—with the inescapable, yet perversely ironic caprice that those he has not arranged may split with the parties free to seek their true soul-mates, while those he has joined have no such latitude? Moreover, what third party can discern one case from the other? The reality is, the marriage tailor-made in heaven seems to be quite a rarity, while bungled romances built on gross lack of good judgment and restraint represent the overwhelming norm. The divinely tailor-made courtship simply does not seem to square with the general reality.

The other defect of the “marriage made in heaven” scenario, at least in broad application, is it reduces God to a pagan Cupid role—and seemingly abrogates the romantics from personal responsibility.

The very fact that the phrase “what God has joined together” is in the context of Matityahu 19's discussion of marriages on the rocks demands that God has actually joined many who wish no longer to be together.

How can that be? We can approach the answer via the following scriptures:

And Elohim created the man in his own image; in the image of Elohim he created him. He created them male and female. And Elohim blessed them; and Elohim said to them, “Be fruitful and multiply, and fill the earth, and subdue it, and rule over the fish of the seas, and over birds of the heavens, and over all beasts creeping on the earth.” [Bereshit (Genesis) 1:27-28]

I am YHVH, and there is none else, forming light and creating darkness, making peace and creating evil. I, YHVH, do all these things. [Yeshayahu (Isaiah) 45:6-7]

For the earnest expectation of the creation eagerly awaits the revelation of the sons of God. For the creation was not willingly subjected to decay, but through him subjecting it, on hope, that also the creation will be freed from the slavery of corruption to the freedom of the glory of the children of God. For we know that all the creation groans together and travails together until now. (Romans 8:19-22)

We can second-guess God all we want, but the fact is, he imparted a strong, base, physiological attraction between men and women to assure multitudinous procreation. That attraction does not manifest itself with full force until we reach puberty, and, when it does, we are hardly prepared for the raging forces awakened within. Good parental nurturing and coaching will help immensely, but the inner volcano will roil nonetheless, rushing upon us when we are clueless and vulnerable, the urges utterly devoid of any intrinsic morality of their own.

That is all by God's design. That is how he assures man and woman—largely alien to one another—are joined—and he takes full responsibility for that arrangement. Men and women give in to one another because God made them to do so.

Normal men and women will experience the romantic vortex God designed. Whether or a union resulting therefrom will be kosher or more like Johnny Cash's *Ring of Fire* depends on whether or not we have a partnership with God. He gives the guidance, the opportunity and the support; we must exercise the resolve. If we do not, we essentially nullify his nurturing intent—which, in the main, is the current plight of humanity.

We next consider the second part of Yehoshua's statement, that "no man can separate."

The most straightforward understanding of this involves a formally-married couple. Rabbi Reuven Bulka wrote, "Marriage is forever, even after divorce. And the obligation to be a mensch pertains even after divorce." That is from someone who accommodates marriage to a third party after divorce. But there is more to this "no man can separate," particularly having just considered the significance of God himself having so predisposed men and women to couple, they very often do so illicitly.

Obviously this does not mean a couple cannot (or even, in many cases, should not) physically separate themselves from one another. Often that is even a life-and-limb imperative. If this fact is obvious, then it is also obvious that Yehoshua's statement embraces those who have actually physically separated, yet their physical isolation from one another does not fully sever them in every way. The link of which Yehoshua speaks exists before God without regard to the relative physical locations of the man and woman, their mutual affection or lack thereof or any other condition.

If it be true that even an unhappy couple cannot be totally severed, then we face another implication. Since God himself is responsible for imparting within us a desire we can barely manage—and absolutely cannot without proper nurturing, which is not even available to all—is he not responsible for the joining of even those who enter into marriage inappropriately? After all, he knew this would occur and included it in Yehoshua's human lineage.

The implication of all this on illicit relationships—to which God himself predisposed us—is this:

When a man and a woman couple sexually as a routine, an inevitable and indelible bond is created because of the way God designed our psyches. No effort on the part of any human will totally erase that permanent mental/emotional bond.

There is little doubt that, when he said, "What the Creator has joined together, no man can separate," Yehoshua was referring primarily to legitimate marriages. Yet his statement may well be enough to suggest that, "When a pair couples illicitly, they will never in this life fully free themselves of the mental/emotional bond inevitably arising from that relationship."

Many assume that, because D'varim 24 and Matityahu 5 address a scenario in which a divorced woman, adulterous or otherwise, couples with another man, that the dismissing husband is free to wed another as he chooses. The same might be said of Yehoshua's stepfather, Yosef, when he considered divorcing Miriam. Yet none of these three passages suggest the dismissing husband wedding another or that he has such a

right. It is natural to draw such an inference from such silence, but only in the absence of the other scriptures stating the contrary.

1 Corinthians 7:15

Doubtless the most oft-quoted passage used to accommodate divorcee coupling with third parties is 1 Corinthians 7:15. In J.P. Green's Literal Version, it reads as follows:

But if the unbelieving one separates, let them be separated; the brother or the sister is not in bondage in such matters; but God has called us in peace.

Supposedly—according to liberal, post-modern commentators—this means an abandoned spouse is free to remarry. More recent and most popular English translations often encourage this erroneous interpretation, carelessly rendering that the brother or sister “is not bound.” These include the NLT, NIV, CSV, NET, and the RSV.

Such a view is precluded by the fact that Paul closes this very discussion with the statement “A wife is bound by law for as long a time as her husband lives, but if her husband sleeps, she is free to be married to whomever she desires, only in the Master.” (vs. 39) Moreover, since Yehoshua had already affirmed adultery as the sole grounds for remarriage after dismissing a spouse—and that in the context of capital punishment for the same—who is Paul to overturn Moshiah's teaching?

So, if he is not contradicting himself—or Yehoshua—what is Paul saying in verse 15?

The statement stands on its own in the Greek, but, if we examine the immediate context, we can readily affirm what he does and does not mean:

But I command the ones being married (not I, but the Lord), that a woman is not to be separated from her husband. Yet if, indeed, she is separated, remain unmarried, or be reconciled to the husband. And a husband is not to leave his wife.

Now to the rest I say, not the Master, if any brother has an unbelieving wife, and she consents to reside with him, let him not leave her. And a woman who has an unbelieving husband, and he consents to reside with her, let her not leave him.

For the unbelieving husband has been sanctified to the wife, and the unbelieving wife has been sanctified to the husband; else, then, your children are unclean, but now they are holy.

However, if the unbelieving one separates, let them be separated; the brother or the sister is not in bondage in such matters—but God has called us in peace.

For what do you know, wife, whether you will save the husband? Or what do you know, husband, whether you will save the wife? (vs. 10-16)

We should immediately notice that, in the brief space above, Paul advises couples to honor their bond no less than six times.

He opens, citing God's authority (not authority conferred upon Paul, but resting on scripture), cautioning against spousal separation. As we have observed elsewhere, this statement rests on Genesis 2:24, for a man cannot fulfill the command to cling to his wife if they are separated.

Paul then notes two conditions of separation which hamstring liberal latitude. First, so long as the couple are separated, they are to remain (otherwise) unmarried. Second, they are, if possible, to be reconciled—a hope dashed, according to D’varim 24, if either cohabit with a third party.

Next, Paul affirms that disparities of faith, though grounds for not considering marriage in the first place, are not grounds for dissolution. After all, responsibility for marital fidelity applies to all humanity without regard to faith.

We remind the reader what we observed at the outset of the discussion of divorce: Infidelity, gross neglect or cruelty may necessitate divorce or separation, often for the sake of safety. Though Paul discourages separation and divorce, none of what he writes precludes it under necessity.

Next, we have another Jewish concept that is routinely butchered by gentile Christians—one which any Jew will recall from their own wedding vows, for, in a Jewish wedding, the groom says to the bride, “לי מקודשת את הרי” (Be you sanctified to me.) “Sanctified” means to be “especially reserved.” In fact, in Judaism, marriage is referred to in the Hebrew as “kiddushin” (sanctification).

Paul then states that, as a result of this reciprocal reservation, the resultant children are αγια (holy or legitimate) as opposed to ακαθαρτα (unclean or alienated). Paul is inferring that, when meeting the divine (as opposed to human—rabbinic or civil) criteria, marriages—Jewish or gentile—are legitimate and binding. He cannot be inferring that any coupling is admissible because he affirms that there do exist illegitimate children arising from a couple not truly sanctified to one another. (In due time, we will need to address the plight of unclean offspring of those not properly reserved to one another, but it is a delicate, complex issue demanding treatment we must, for now, defer. Suffice it to observe here Paul’s inference of it as an undesirable state.)

In this section, Paul is specifically addressing mixed marriages, clearing up a dilemma that has existed in Judaism for thousands of years and, likewise, Christianity since its inception.

Rabbinic Judaism “holds that a marriage between a Jew and a non-Jew is both prohibited and also does not constitute a marriage under Jewish law.” This position draws from D’varim (Deuteronomy) 7:3, where we read, “Nor shall you intermarry with them (the natives of Kena’an (Canaan). You shall not give your daughter to his son, nor shall you take his daughter to your son.”

It also arises from the excruciating episode in Ezra chapter 10, recounting how upon their return to the Holy Land from Babylon, it was found many Jews had married foreigners. Many who had done so were compelled to separate from their spouses or face exile—otherwise the entire community would, with the passage of generations, be fully absorbed into the surrounding peoples with their pagan practices, lost to oblivion.

However, Nechemyah (Nehemiah) 13:23-27 provides a crucial caveat:

In those days I also saw Jews who had dwelt with women from Ashdod, Ammon and Mo’av. And their children spoke half in the speech of Ashdod, and to them there was no respecting to speak Jewish, but according to the language of each people.

And I contended with them and put a curse on them and struck some of them and I plucked their hair. And I made them swear by the name of God, saying, “You shall not give your daughter to their sons, nor take their daughters to your sons, or for yourselves. Did not Shlomo, king of Israel, sin by these things? Yet among many nations there was no king like him, who was beloved by his God; and God made him king over Israel. But women from other lands caused even him to sin. Shall we then listen to you, to do this great evil, to sin against our God in living with foreign women?”

It is here revealed that the problem was not ethnic per se; it was religious.

Aside from the depraved Kena’anim (Canaanites), the holy people were never forbidden to marry foreigners. Yosef, Moshe and Boaz did so, and Rachav married into Israel. While little is said of the other three marriages, an entire book is devoted to the courtship of Boaz and Ruth—exemplary as a marriage between a holy one and a foreigner. Unlike those of Nechemyah’s time who failed to learn Hebrew culture and religion, including the true God, Ruth said, “Your people shall be my people and your Elohim my Elohim.” Notably, she made this pledge while still in Mo’av and before knowing of Boaz’ existence. Thus the book of Ruth provides a detailed template as to how a foreigner may legitimately be wed to a Jew; they must assimilate into Israel, not vice versa, and they must do so prior to any romance.

In contrast, the Jew who married a foreigner resulting in children who learned not Israel’s God or language was committing folly.

It is no different for the disciple, Jewish or otherwise, for, in 2 Corinthians 6:14-18, we read:

Do not be unequally yoked with unbelievers. For what partnership does righteousness have with lawlessness? And what fellowship does light have with darkness? And what agreement does Moshiach have with Beliya’al? Or what part does a believer have with an unbeliever? And what agreement does a temple of God have with idols? For you are a temple of the living God, even as God said, “I will dwell among” them and “walk among” them, and “I will be their Elohim, and they shall be my people.”

Because of this, “come out from among them” “and be separated,” says YHVH, and, “do not touch the unclean thing,” and “I will receive you,” and “I will be a Father to” you, and “you will be sons” and daughters to me, says Adonai Shaddai.

Disciples, like Israel, are warned not to enter into marriages with those not sharing their faith. Entering into a mixed faith marriage results in children who will almost certainly be alienated from God simply because one parent is consciously and grossly discounting their faith while the other has it not (or another faith) from the start. That said, doing so does not, in our view, invalidate the marriage itself.

In the case of Paul’s protégé, Timothy, whose Jewish mother had wed a gentile, he had to adopt Judaism as an adult (Acts 16:1-3).

When Paul discusses mixed marriages in 1 Corinthians 7, his purview includes couples who wed before either came to discipleship. The strain on such a couple when one

comes to discipleship is considerable, but Paul's advice to the disciple is to cultivate a healthy marriage to the extent possible. In this, he affirms Peter:

Likewise, wives, submitting yourselves to your own husbands, that even if any disobey the word, through the behavior of the wives, without a word they will be won, observing your pure behavior in respect. (1 Peter 3:1-2)

Though there are obvious parallels between the mixed marriages of Ezra and Nehemyah and those mentioned by Paul, there is an important distinction as well.

Among the exiles, national survival was at stake. If mixed marriages where spouses and children failed to adopt Judaism and its God proliferated alongside the faithful, inevitable intermixing among faithful and unfaithful offspring would undermine the integrity and identity of the Jewish nation and eventually destroy it. For this reason, non-Jewish spouses were given the option of converting and rearing their children—if still young enough—in Judaism or face expulsion from Judea—with or without their spouses, depending on the decision of their spouses. No doubt, many chose exile over the destruction of their families. (They faced forfeiture of their real property holdings among the exiles, as is noted in Ezra 10:8.)

In contrast, disciples have no nation to preserve, so what mixed faith couples do tends more to private rather than public effect. That said, congregational/community integrity is still crucial, and the offspring of a mixed marriage are not welcome in the holy community unless it is readily apparent they are fully embracing its values. (Such is a *beit din's* purview.) It is an unfortunate fact that allowing them to circulate indiscriminately and unfettered as sons and daughters of the faithful tends generally to draw other youth away from the faith rather than vice versa.



At this point, we are compelled to somewhat (though not entirely) digress temporarily from the primary topic to attend troubling issues raised by Ezra's and Nehemyah's social purge. We observed previously that many of the Jews who had married foreigners were compelled to separate from their spouses or face exile. We also noted that this ruling was necessary to avert assimilation of the entire nation into the surrounding milieu. What we did not do was give sufficient attention to the hardship this entailed and what that looked like close up. If we fail to review that, we risk a heartless approach to the plight of those involved—and we will be unprepared to deal properly, yet compassionately with contemporary parallels. Ezra 10:2-3 contains the following:

And Shechanyah the son of Yehiel, of the sons of Elam, answered and said to Ezra, We have sinned against our God, and have dwelt with foreign women from the peoples of the land. Yet now there is hope in Yisrael concerning this thing.

And now let us cut a covenant with our God to cause to go out all the women, and those born of them, according to the counsel of the Lord and of those who tremble at the command of our God. And let it be done according to the Torah.

Verses 10 and 11 read:

And Ezra the priest stood up and said to them, You have trespassed and

have dwelt with foreign women, to increase the guilt of Israel. And now make confession to YHVH, God of your fathers and do his will and separate yourselves from the peoples of the land and from the foreign women.

We are told that, following an initial leadership conference, the community assembled on the twentieth day of the ninth month (vs. 9). We then find:

And the sons of the exile did so. And Ezra the priest with men, heads of the fathers, according to the house of their fathers, and all of them by names, were separated. And they sat down in the first day of the tenth month to examine the matter. And they finished with all the men who had dwelt with foreign women by the first day of the first month. (vss. 16-17)

The immediate impulse of anyone with empathy is to completely recoil from this narrative. That is understandable as an initial reaction, but if we fail to examine this with due care, we are reduced to being dismissive, cavalier and condescending.

If we believe that Ezra and Nechemyah were righteous and that their story is part of God's word, then we have to consider that the excruciating measures they felt compelled to take were, in God's eyes, necessary. We recall 2 Timothy 3:16-17, where we read, "All scripture is God-breathed and profitable for doctrine, for reproof, for correction and for instruction in righteousness, that the man of God may be perfected, being fully furnished for every good work."

This hardly suggests righteous men always acted righteously. The Tanakh is candid about the misdeeds of the patriarchs, the righteous among the judges, prophets and kings. However, when these are recounted, the narratives pull no punches as to the negative repercussions.

In this case, the episode opens in Ezra chapter 9 with Ezra's dismay at the intermarriage occurring between his fellow Jews and foreigners. Recall that he is a former exile to Babylon, having only recently returned to Yerushalyim, but decades before, the Babylonians had left a remnant what they considered politically innocuous Jews to work the land. What Ezra encountered was not only fresh intermarriage, but adult sons and daughters of earlier such marriages, many occupying influential positions.

His emotional reaction is immediate, and it is highly informative that it began with intense prayer and fasting, gathering "everyone who trembled at the words of the God of Israel" (9:4). He then deliberated in conference with these to formulate a plan of action, which, as we read above, would take three to four months to execute. Nechemyah closes the episode with the words, "And I cleansed them from all aliens . . . Remember me, O my God, for good!"

So this purging was not an impetuous act of weakness; it was the reluctant, excruciating, almost desperate, work of the righteous, seeking God's forgiveness and guidance, followed by a multitude of counsel among the faithful and eminently competent and carefully coordinated execution by that same body.

To put this occasion into proper perspective, had this not occurred, there would have been no Jewish community in which Moshiach Yehoshua could conduct his essential work on behalf of all humanity. Neither would there be a Bible.

So, part of our responsibility is to consider, given the relative brevity of the narrative, how the righteous would have actually undertaken the task in compliance with the second great commandment: Love your neighbor as yourself.

It is important to recognize that the prohibition of intermarriage was not racial bigotry; it was about mixing holiness with paganism.

Ezra opens the episode where he is advised, “The people of Israel, and the priests and the Levites, have not separated themselves from the peoples of the lands, doing according to their abominations, even of the Canaanites, the Hittim, the Perizzim, the Yevusim, the Ammonim, the Mo’avim, the Egyptians and the Emorim.” (9:1)

When we examine Ezra’s and Nehemyah’s predicament, we must observe that the expulsion of foreigners occurred on two levels: national and domestic.

In some cases, a man who had wed a foreign woman was, if he wished to remain among fellow Jews, compelled to divorce his wife. In other cases, divorce was not an option, for both were forcibly expelled. Nechemyah writes, “One of the sons of Yoyada the son of Elyashiv, the high priest, was son-in-law to Sanvalat the Horoni; so I drove him out of my presence.” (13:28)

Obviously, some of these couples had children, as both Shechanyah’s comments and Ezra 10:44 affirm.

When we consider Shechanyah’s advice, “. . . now let us cut a covenant with our God to cause to go out all the women, and those born of them . . .” it is easy to read it one-dimensionally—as though all the foreign women and their children were to be expelled. That would be a superficial view, not reflecting the months of deliberation and action that ensued in the actual process.

We gain a clearer picture if we first consider the variations on the theme of mixed marriages. As a reminder, foreigners who had converted were not the issue; the focus here is those heretofore resistant to it.

1. The least disturbing cases would be those couples who reconsidered their folly and the alien spouse sincerely resolved to convert to Judaism:
 - a. Before the birth of any children, or
 - b. While any children were young enough to learn the language and fully assimilate. (Obvious caveats with this scenario are, at what ages are children impressionable enough to be reliably groomed into Judaism—which is clearly variable from person to person; and, some families would have children young enough to meet such a theoretical threshold along with siblings who are clearly not.)An obvious dilemma with the above is, when was a “conversion” sincere and how could an observer possibly discern one way or the other. While some could be identified, many likely chose conversion, not out of any affinity for Israel’s God, but to avoid alienation from extended family, from property and from established livelihoods. Though we might view that as wholly untenable, the case is no different today.
2. We can assume there were cases where the foreign spouse had no desire to convert. This category would include:
 - a. Couples with children. For these, dismissal of the spouse was not likely an option. Even an ill-advised marriage is a covenant, which means it is not merely a contract between a couple, but carries with it irrevocable obligations

- to any children arising from the union.
- b. Couples without children.

The scenario was obviously a horrendous catastrophe. Courtship choices of a community's young adults affect not only the households involved, but the viability and survival of the community itself as one generation replaces another.



So let us return, at long last, to the distinction between being “bound” and being “in bondage.”

Recall Paul's statements to two different audiences:

For the married woman was bound by Torah to the living husband, but if the husband dies, she is freed from the Torah of the husband. So then, if the husband is living, she will be called an adulteress if she becomes another man's. However, if the husband dies, she is free from the Torah so as for her not to be an adulteress by becoming another man's wife.

Romans 7:2-3

A wife is bound by Torah for as long a time as her husband lives, but if her husband sleeps, she is free to be married to whomever she desires, only in the Master.

1 Corinthians 7:39

In both passages, the Greek word from which “bound” is translated is “δεω,” taking the form “δεδεται” in both passages. It signifies a bond, such as that of a barnacle to a rock. The bond is physical, emotional, financial, domestic and legal.

When Paul writes, “. . . if the unbelieving one separates, let them be separated; the brother or the sister is not in bondage,” the Greek word from which “in bondage” is translated is “δουλωω,” meaning “slavery” or “servitude.”

It does not help that, though in the Greek, “δεω” and “δουλωω” are entirely unrelated words, in the English, “bond” and “bondage” obviously share a common root. However, both in the Greek language and in actual fact of life, no such linkage exists.

In marriage, both concepts—the bond and mutual servitude—though distinct, coexist—ideally, in perfect harmony. This underlies Paul's statement, “The wife has not power of her own body, but the husband. And likewise also the husband has not power of his own body, but the wife.” (1 Corinthians 7:4)

It may help to offer another example involving these two principles:

If your brother, a Hebrew man, or a Hebrew woman, is sold to you and serves you six years, then in the seventh year you shall let him go free from you.

And when you send him out free from you, you shall not let him go away empty. You shall richly adorn him from your flock, and from your threshing floor, and from your winepress, with that which YHVH your Elohim has blessed you, you shall give to him.

And you shall remember that you were a slave in the land of Egypt, and YHVH your Elohim redeemed you. On account of this I command you

this thing today.

And it shall be, if he says to you, I will not go out from you, because he loves you and your house, because it was good for him with you, then you shall take an awl, and shall put it through his ear and through the door, and he shall be your slave in perpetuity. And you shall do so to your slave-girl also. (D'varim 15:12-17)

In this scenario, the servant is obligated to serve (which, in the LXX, is “δουλεω”) six years. If the servant wishes to, he or she may enter into a permanent bond of service.

In marriage, the couple has obligations to serve one another. Income, supply acquisition, meal preparation, maintenance, cleaning, sexual and emotional support—these all form a shared load of reciprocal service.

Paul's point is that, when one spouse abandons the other, the one abandoned is no longer obligated to render domestic or personal services. The one who abandoned is fending for themselves. If the woman departs through no egregious fault of the man and the man draws the primary income, she is not entitled to an ongoing share of his income. If she prepares the meals and does the laundry, a departing husband is forfeiting her service, etc.

Notice that this release is broached in terms of obligations of the abandoned spouse, not those of the one departing. For example, nothing in Paul's statement suggests an abandoned woman or one formally divorcing out of necessity cannot seek child support from a deserting father.

In fact, the deserting spouse is derelict in their duties, while the abandoned one is not—though they very well could have been while still cohabiting, and may, in some cases, have even encouraged their spouse's departure by their own behavior.

This release described by Paul is simply a practical consideration. He has only just stated that, should a couple become “separated,” they are to “remain unmarried, or be reconciled.” Depending on what the departing spouse does, the abandoned spouse's release from routine obligation may be temporary or permanent, but it says nothing about severance of the marriage union.

Other facts with regard to abandonment should also be noted:

One is what Paul does not say: He never mentions divorce in this scenario (or even the entire chapter). He does not say that, “if the unbelieving one divorces . . .” Does the abandoned spouse's alleged freedom to wed another arise with mere abandonment or only with a formal divorce? If the latter, what body has the authority to grant a disciple a valid divorce, for the civil courts hardly follow holy scripture?

Paul says that if one spouse wants out of the relationship, the other cannot detain them. As binding as is marriage, one thing it is not is license to hold one's spouse hostage. This infers that it is a joint, marital responsibility for each to nurture a relationship in which the other continually desires togetherness.

For such a couple, Paul has already stated the two choices: be reconciled when possible or remain celibate.

Because the marriage of divorcees to third parties has long been endemic, we are continually asked, do you advocate the break-up of such “marriages” and, if children are involved, the dismemberment of the family?

Let us be frank that this question arises out of the general awareness on the part of the questioner that one of the essential components of teshuva (repentance) is to “cease and desist” committing the sin, whatever it is. How, then, does that manifest with divorcee/third-party unions? The questioner already knows full well without any reply on our part the solution is separation and celibacy, but considers it too draconian.

Our response as a matter of policy is, essentially, “Do whatever you need to on your own, not out of expediency, but according your conviction. But, if there are dependents involved, fulfill your duties to them in full nonetheless.”

How can we be so sure scripturally-literate couples in this predicament know on their own that their separation is necessary? One need not be filled with the holy spirit to comprehend this conclusion. Consider, for example, William Shakespeare’s exploration of the desire to repent, pitted against the need to relinquish an ongoing sin, which he depicts in the person of Claudius, Hamlet’s uncle.

In the play, Claudius has previously murdered Hamlet’s father, the king of Denmark, taking his kingship and Hamlet’s mother for himself. Claudius is resolute in his sin, even as he is wracked with guilt. In Act III, he agonizes to himself in the castle chapel:

O, my offense is rank, it smells to heaven;
It hath the primal eldest curse upon 't,
A brother's murder. Pray can I not,
Though inclination be as sharp as will.
My stronger guilt defeats my strong intent,
And, like a man to double business bound,
I stand in pause where I shall first begin
And both neglect. What if this cursèd hand
Were thicker than itself with brother's blood?
Is there not rain enough in the sweet heavens
To wash it white as snow? Whereto serves mercy
But to confront the visage of offense?
And what's in prayer but this twofold force,
To be forestallèd ere we come to fall,
Or pardoned being down? Then I'll look up.
My fault is past. But, O, what form of prayer
Can serve my turn? “Forgive me my foul murder”?
That cannot be, since I am still possessed
Of those effects for which I did the murder:
My crown, mine own ambition, and my queen.
May one be pardoned and retain th' offense?
In the corrupted currents of this world,
Offense's gilded hand may shove by justice,
And oft 'tis seen the wicked prize itself
Buys out the law. But 'tis not so above:
There is no shuffling; there the action lies

In his true nature, and we ourselves compelled,
Even to the teeth and forehead of our faults,
To give in evidence. What then? What rests?
Try what repentance can. What can it not?
Yet what can it, when one cannot repent?
O wretched state! O bosom black as death!
O limèd soul, that, struggling to be free,
Art more engaged! Help, angels! Make assay.
Bow, stubborn knees, and heart with strings of steel
Be soft as sinews of the newborn babe.
All may be well. He kneels.

As he does so, Hamlet quietly happens upon him and, unnoticed, observes him in prayer. Though resolved to strike him down to avenge his father's death, Hamlet is not eager to slay a repentant man. Hamlet leaves off his observation, after which Claudius rises in futile frustration:

My words fly up, my thoughts remain below;
Words without thoughts never to heaven go.

Ending the sexual/domestic component of such a relationship, while necessary, does not entitle one to immediate entry into the holy community. We are not about to find ourselves in the business of trading the abandonment of unholy unions for entrance into our midst. That would only subject us and our children to the wrath of alienated partners. For this reason, those who have ended such relationships are not eligible to enter our congregations until one of the following have occurred:

1. Our community has reliable evidence the other spouse is deceased (and not at the hand of the prospective congregant or their agent).
2. Our community has reliable evidence the other spouse has entered another intimate relationship.
3. Three years have elapsed since their divorce or otherwise legally documented separation.

David

Whenever the specter of breaking up existing relationships is broached, King David's case is invariably cited as compelling allowances for leaving illicit relationships intact. After all, having taken Batsheva in adultery and subsequently murdering her husband, he did not put her away, but continued to cohabit with her, long enough at least to father Sh'lomo and three other sons by her—more than are noted for any of his other women. We can only guess how long their sexual intimacy continued, but she is alone among his many women still noted as present and involved in his affairs of state near the end of his life, at the time of Sh'lomo's succession to the throne. So is this truly a case for doing likewise on any level? Let us review some highlights of the record sequence.

Well before Batsheva, David's record with women was catastrophic. 2 Sh'muel 3:3-5 lists six sons he fathered while living in Chevron—each of them by a different woman. This was in clear and notorious violation of Bereshit 2:24 and D'varim 17:17. The latter,

being the prohibition of a king multiplying women to himself, was grounds for him being deposed—and the fact he was not was but one in a series of miscarriages of justice, as we shall rapidly observe.

The killing of Batsheva's husband, Uriyah, involved not only his death, but several others with him (2 Sh'muel 11:17). This would have widowed a number of women and likely left several children fatherless. Not only was this a multiple murder, but, because he was intentionally having loyal members of Israel's military needlessly cut down in warfare, this was also an act of treason.

Curiously, when Natan confronted him over the affair, he said, "YHVH also has put away your sin; you shall not die." We could mistake his statement for a policy recommendation from on High when what it truly represents is a declaration of the complete breakdown of justice in direct violation of the Torah. Israel had no authorities who could or would bring its king to justice.

As Natan made clear, David was not condemned to death, but to a life most dreadful. "So says YHVH, "Look, I shall raise up evil against you out of your house and shall take your women before your eyes and give them to your neighbor. And he shall lie with your women in the sight of the sun . . ." and "because you have made the enemies of YHVH to scorn derisively by this thing, also the son who shall be born to you dying shall die." (2 Sh'muel 12:11-12,14)

The unnamed infant had hardly expired when the narrative moves straight to, "And David comforted his "wife" Batsheva and he went into her and lay with her. And she bore a son, and he called his name Sh'lomo. And YHVH loved him."

The narrative lends itself well to a careless reading, as if David has an endorsement to take an adulterous relationship and perpetuate it. After all, is she not now his "wife?" This real-life soap opera, then, becomes justification for remaining in all illicit relationships. Such a view is akin to reading Esther's predicament with Achashvarosh as enviable. (Rather interesting, since the same folks advocating perpetuating illicit relationships also find themselves unable to condemn polygamy on logical grounds.)

To read the continuation of the David/Batsheva affair as permissible, not only for them, but as a more generalized template for future couples, we have to anesthetize ourselves to quite an array of facts.

What about David's other "wives" in the wings: Achino'am, Avigayil, Ma'akhah, Hagit, Avital, Eglah and Michal (the last being taken from another man in violation of D'varim 24:2-4). Each new arrival was an insult to the immediate predecessor—and it was not merely a momentary affront, but permanent marginalization. To view David and Batsheva as living "in the bonds of holy matrimony" is ridiculous.

That David evaded capital punishment for multiple murders and adultery was such a miscarriage of justice as to presage and assure the breakup of the entire nation.

The notice that David and Batsheva's infant son would die was likely an act of mercy on behalf of the infant that he not be burdened for life with his ignominious conception, but, since it countermands D'varim 24:16, it also underscores that David was and would remain wallowing in a quagmire of overwhelming personal and national injustice.

The narrative barely closes the Batsheva affair when it recounts the rape of David's Tamar by his eldest son, Amnon. Rape, of course, is a capital offense, but David does

nothing. Incensed, another son, Avshalom, bides his time for two years, then has Amnon executed.

The general environment of injustice alienates enough of David's subjects to nourish Avshalom's gathering of malcontents who will eventually usurp the throne and send David into brief exile. It is during this time that Avshalom beds his father's concubines as predicted.

David musters his forces against Avshalom, who is killed in the ensuing hostilities. In fact, from the Batsheva affair onward, the remaining narrative of David's life is almost unrelentingly dreadful and bitter. So as we slog through one monumental heartache after another in armchair comfort, we must assess the context frankly when asking ourselves, was it truly acceptable for David to retain Batsheva?

When Natan told David, "YHVH also has put away your sin," God had forgiven what David had already done, but forgiveness for past sins is hardly license to continue in them.

Aside from continuing what was, from its inception, an adulterous relationship, David was clearly violating D'varim 17:17 as already noted. So what are we to make of Batsheva's remaining on the scene?

One thing we can observe is that, just as David failed to submit to justice and, thereafter, abidingly failed to execute it, God took what could be viewed as a similarly passive role, letting his decline take its miserable course.

Despite his shortcomings, David is upheld as a king who sought God. Like all of us, his salvation hinged, in part, on teshuva (repentance), which, among other things, demands cessation of the sin. So, where does David stand on the illicit relationships to which he clung? 1 Melachim (Kings) opens with the answer:

And King David was old, going into days. And they covered him with garments, for he had no heat. And his servants said to him, Let them seek out a young woman for my lord the king, a virgin, and she shall stand before the king, and be a nurse to him, and lie in your bosom, and my lord the king shall have heat. And they sought out a beautiful young woman in all the border of Israel. And they found Avishag the Shunamit, and brought her in to the king. And the young woman was exceedingly beautiful, and she was a nurse to the king and served him. But the king did not know her. (vv. 1-4)

Whatever else we might observe of this disgusting arrangement, it is clear that none of David's former paramours are bedding with him. God allowed him to live into complete impotence, if that is what it took, to redeem him before his death.

Is David an example of why we should relax moral standards? No. Actually, he is holy scripture's most illustrious and detailed example of why we should not. He is also perhaps the most illustrious example God's great mercy and phenomenal power to redeem. We do well not to take that for granted, as an abundance of scriptures advise.

The fact David was not executed for his capital crimes and survived to old age provides a window into forgiveness and redemption for others who, in similar environments of injustice, likewise long outlive their crimes. They have the opportunity to repent and reform, even as they endure the ensuing wreckage.

However, we can easily misread David's biography as license to continue in egregious sin, and, if we do, we are drawing the opposite conclusion we should.

The Batsheva affair does raise another persistent question:

As we read, Natan told David in the immediate aftermath of his initial tryst with Batsheva that God had forgiven him. Those of us who are biblically literate know in general from an abundance of scriptures—some of which we will review at the end of this study—that we are forgiven our sins only when we repent of them, which not only entails remorse, but turning from (ceasing) them. Yet David continued in his sexual relationship with Batsheva. How do we reconcile that continuation with his forgiveness?

We can look to the book of Shoftim (Judges) and at our own lives for the answer.

In Shoftim, God forgave the nation of Yisrael again and again. Repeatedly, they fell into evil, then into foreign oppression. In distress, they would cry out to God and he would deliver them by the hand of a judge. The cycle of supplication, deliverance, decline and oppression recurred numerous times and continued into the monarchy.

Individually, we experience similar cycles—perhaps not as extreme, perhaps no less.

When God forgave David, he was hardly giving him leave to retain Batsheva. He was merely forgiving him for his murder of Uriah (and his fellow soldiers) and the initial adultery with Batsheva. Tehillim (Psalm) 51 notwithstanding, returning to her arms he was squandering that forgiveness and placing himself on extremely precarious footing. This is why we noted his end-of-life circumstances. Only then did he reach a lasting forgiveness and redemption.

The Fallacy of Allowances on Particular Grounds

We have already acknowledged various egregious behaviors that can necessitate divorce. Where we part ways with society and religion in general is whether a divorce on valid grounds (as opposed to, for example, a no-fault divorce) frees the offended party to wed another. When a body presumes it can, under certain circumstances, wed divorcees to third parties “in holy matrimony,” the presumption is, it can identify those circumstances, often long past. If that be so, what kind of institution within that body has the expertise and capacity to move beyond hearsay, formally review the circumstances and make a valid determination before the Law, which is holy scripture? As we observed, in reality, the vast majority of Christian bodies considering such allowances not only have no adjudicating body equipped for the same, but can hardly even conceive of having such an institution.

Some say (with no basis whatever) that lack of “conversion,” whatever that is, is grounds for an allowance. Who evaluates another's “conversion,” present or past?

Some say if one party is at fault and the other is innocent, the innocent party is free to wed another. Who evaluates fault and innocence, particularly with circumstances remote, past and poorly substantiated?

In short, those with no *beit din* (adjudicating body) have no standing to begin offering allowances.

In this light, we should also note a certain amnesia among advocates of allowing divorcee/third-party coupling:

At some point in the conversation, the advocate will assert that certain allowances accommodate such unions. At another point, the advocate will cry “inhumanity” at the specter of sundering such a union. Lost with the second point is that it is inevitably lobbed to intervene indiscriminately on behalf of couples who meet none of the alleged allowance criteria. Such an approach is simply a disingenuous “bait and switch” sales pitch.



Most vigorously object to the breaking up of unions involving divorcees, particularly where a reasonable harmony seems to have been achieved. Lost is the fact that entering into these subsequent relationships is what absolutely assures that an original and sacred relationship can never be restored. Neither, as we shall see, is this the only instance where sexual impropriety necessitates the breakup of a family. And, as we already observed, the dreadful predicament has a notorious precedent in Ezra-Nehemiah.

Closing Comments Regarding Divorcee Recoupling

Today, according divorcees the opportunity to wed again is seen as compassionate, while forbidding the same is viewed as heartless. Yet the truth is that a permissive approach in this arena simply demeans an arrangement which God made holy, representing it as nothing more than part of a sequence of serial cohabitation. The wedding of a divorcee celebrates the death knell to the potential reconciliation of a formerly wedded couple. More importantly, it forces the robust, open and regular affirmation and support of marriage for life underground, gutting the critical community reinforcement of one of our most important relationships.

The most important statement in this entire paper is this: The compassion according divorcees the opportunity to wed again is stolen from our youth, leaving them wide open to sexual experimentation, yanking from beneath them the open training and support they need to prepare for, to establish and to maintain life-long marriages of their own. As a result, today, more young adults are forfeiting the opportunity for a legitimate marriage than perhaps at any other time in human history, having no clue as to the consequences of their actions.

One of the most painful aspects of even writing about this subject is to consider those we know who, having once had the bright potential for life-long companionship in a legitimate marriage, have—often in their late teens and twenties—forfeited such prospects in the wake of failed, ephemeral cohabitation arrangements as well as marriages. And why? They are bombarded with popular lies and deprived of precious guidance and encouragement.

It seems utterly heartless to consider such ineligible for marriage. Yet, as we consider the broader social landscape, we have to concede some unpleasant facts:

1. Sexual impropriety is but one avenue by which young people can impair their potential—for marriage or otherwise. Many are severely crippled from substance abuse and other addictions.
2. While we absolutely should grieve for those who have destroyed their own marriage prospects, there are also those who have saved themselves for someone special who never appears.
3. There are those who are born impaired or made so by an accident or illness

through no fault of their own who are also, as a result, denied marriage.

As has already been noted, to the extent we deprive young people of clear direction, we fail to provide a safe haven and we are guaranteeing our own contribution to a steady flow of completely needless destruction of and from our own flesh and blood. We are setting a disastrous trajectory, not only for the currently young generation, but for generations to come—and we are drastically constraining—practically strangling—the social and religious options for those truly focused on a morally-sound life.

Though being divorced is a tragic predicament, it is not, itself, a sinful state. Therefore, a divorcee can be part of the holy community. However, while divorce is sometimes necessary, the division of a marriage often splits congregations into hostile camps allied with one spouse or the other. The best antidotes for such contagious animus are early openness as to fault and persistent congregational encouragement and support for reconciliation, however eventual or seemingly unlikely.

Today's environment of rampant spouse-swapping has infested nearly all congregations to the point where multiple couples in ongoing adulterous relationships inappropriately acknowledged as marriages are abundant in nearly all religious gatherings. Two of the resultant tragedies are as follows:

As noted above, our children, who should be full of hope and bright prospects, are paying a dear price. Though that price is manifesting itself in the catastrophic romantic milieu, it is not limited to that, for, on the marriage front, as with all aspects of life, our children scrutinize our behavior against the scriptures. When we proclaim that we follow the "Word of God" or that we are "Torah observant," yet our actions demonstrate that, in practice, our marriages are disposable and replaceable, *our children encounter the simplest statements in scripture regarding life-long marital fidelity* and ask, "How does what I am observing square with the Bible?" And when they see a disparity between the Word and adult behavior—being more idealistic than their often jaded elders—they can more readily identify hypocrisy—and, if on the marriage front, on many others as well. They will likely be familiar with the seminal statement, "By this all shall know that you are my disciples, if you have love in (or "among") one another." When they see love suffocated by strife, they are asking, "Are these, indeed, disciples?" When they observe what appears to contradict the mighty empowerment of the holy spirit, they ask, "Is that spirit truly here?" The repetition of dissonance on the marital/sexual front eventually encourages broader doubts.

Another tragedy is the silencing and marginalization of those who have extricated themselves from adulterous relationships that were sanctioned by both the religious and the secular alike as marriages. They have extraordinary and powerful personal testimonies worth sharing and they are people due our attention, our respect and our hospitality. Regrettably, they and their rugged messages of redemption are effectively quarantined if not exiled because it is too disturbing for them to coexist with co-religious adulterers. Ironically, these, having truly put away sin, find truly warm, welcoming fellowship painfully elusive. If anyone seeks "fatherland," these are surely among those "of whom the world (is) not worthy; in deserts wandering, and in mountains, and in caves, and in the holes of the earth."

Incest

The Biblical definition of incest specifies sexual contact between parents and their children, including in-laws, between siblings and between an aunt or uncle and their nieces or nephews. It is overwhelmingly a predator/prey relationship, most often a form of pedophilia, but can also include mutual consent. Given the manipulation involved, incest can also migrate from a predatory to a consensual relationship, which hardly commends it.

Though it is notoriously difficult to identify and to track, studies have consistently found father/daughter incest to be the most common. As would be expected, most of the remaining types involve other male predators: brothers, uncles and stepfathers.

In a 2018 *Counseling Today* article entitled *Understanding and Treating Survivors of Incest*, David M. Lawson writes, “More than any other type of child abuse, incest is associated with secrecy, betrayal, powerlessness, guilt, conflicted loyalty, fear of reprisal and self-blame/shame. It is of little surprise then that only 30 percent of incest cases are reported by survivors. The most reliable research suggests that 1 in 20 families with a female child have histories of father-daughter child sexual abuse, whereas 1 in 7 blended families with a female child have experienced stepfather-stepdaughter child sexual abuse (see the revised edition of *The Secret Trauma: Incest in the Lives of Girls and Women* by Diana E. H. Russell, published in 1999).”

Even amongst other forms of sexual misconduct, incest is especially corrosive. If the abuser is a household member, the home and family, which should be a haven of refuge is the opposite, and there is often no surrogate for it. The victimization is compounded because, out of fear of the complete destruction and dispersion of the family, a by-standing parent is often an accomplice, a fact of which the victim perceives, even if they cannot bring themselves to fully consciously accept it.

When we consider what unfolds when an incest case is disclosed or in the process of being disclosed, it very quickly becomes apparent the congregation has a dilemma with which it cannot cope alone. For example, with a number of other sexual sins, the offender is tentatively identified, verified (through the judicial process of the *beit din*) and expelled. Incest is hardly so simple:

1. If the offender is a household member, he or she must, of course, be expelled from the congregation, yet the victim(s) is dependent on congregational support.
2. This means the dissection of the household, which is a civil/criminal matter demanding engagement of civil authorities—law enforcement, the court and, inevitably some sort of social services/child protection agency, the last of which can pose as much a threat as the original perpetrator.
3. When the family is sundered, income and all dependent on it (food, shelter, etc.) are suddenly tenuous. Arranging alternate housing and sustenance is a monumental task, both immediate and long-term.
4. In general, scripture advises us that, when a nuclear family is in need, it is the extended family’s responsibility to be the first and primary responders in terms of support. However, since social and sexual dysfunction often run in extended families, safe and reliable support may prove elusive within an extended family—and, in the very least, a vetting process will be particularly challenging, yet absolutely necessary.

5. As a result, a congregation can find itself with the robust, long-term financial and social burden of being a surrogate family, including providing the education necessary for each family member to wean themselves off that dependency.
6. As already intimated above, the line between perpetrator and victim are especially subject to blurring with incest. The non-aggressive parent may well be an accomplice, and the victim may have been groomed to “consent” or, at the very least, have developed a very confused sexuality. These factors place those attempting to help at risk—for instance, the children of parents offering housing to victims.

Because incest involves the commingling of predator and victim and the absolute and urgent necessity of separating them and, because it absolutely demands government and professional intervention, it serves well to demonstrate the monumental challenges sexual misconduct imposes on a congregation. A single case can devour its resources.

Homosexuality

And you shall not lie with a male as one lies with a woman; it is a perversion. (Vayikra 18:22)

And a man who lies with a male as one lies with a woman, both of them have done a detestable thing, dying they shall die; their blood shall be on them. (Vayikra 20:13)

Or do you not know that unjust ones will not inherit the kingdom of God? Do not be led astray, neither fornicators, nor idolaters, nor adulterers, nor male prostitutes, nor homosexuals, nor thieves, nor covetous ones, nor drunkards, nor revilers, nor plunderers shall inherit the kingdom of God. (1Corinthians 6:9-10)

We have already noted that we hold scripture’s instructions on sexual propriety as bearing equally on men and women, applying a common standard, for example, as to what constitutes adultery. Within the realm of homosexuality, the Torah and, indeed, all of Tanakh, is silent as to lesbianism. This hardly restrains Paul from condemning it:

Because of this, God gave them up to dishonorable passions, for even their females changed the natural use to that contrary to nature. And likewise, the males also forsaking the natural use of the female burned in their lust toward one another, males with males working out shameful, and receiving back within themselves the reward which was fitting for their error. (Romans 1:26-27)

Being, as Paul was, in a time of great moral upheaval, we do well to consider the astounding changes to our legal landscape.

Sodomy laws in the United States, which outlawed a variety of sexual acts, were historically universal. While they often targeted sexual acts between persons of the same sex, many statutes employed definitions broad enough to outlaw certain sexual acts between persons of different sexes as well, sometimes even acts between married persons.

In 1778 Thomas Jefferson wrote a law in Virginia which contained a punishment of castration for men who engage in sodomy. This was, however, rejected by the state legislature, which continued to prescribe death as the maximum penalty for the crime

of sodomy in that state.

Prior to 1962, sodomy was a felony in every state, punishable by a lengthy term of imprisonment and/or hard labor. In that year, the Model Penal Code (MPC), developed by the American Law Institute to promote uniformity among the states as they modernized their statutes, struck a compromise that removed consensual sodomy from its criminal code, while making it a crime to solicit for sodomy. Illinois adopted the recommendations of the Model Penal Code that same year, thus becoming the first state to remove criminal penalties for consensual sodomy from its criminal code, nearly a decade before any other state. Over the years, many of the states that did not repeal their sodomy laws had enacted legislation reducing the penalty. At the time of the U.S. Supreme Court *Lawrence v. Texas* decision in 2003, the penalty for violating a sodomy law varied considerably from jurisdiction to jurisdiction among those states retaining their sodomy laws. The harshest penalties were in Idaho, where a person convicted of sodomy could earn a life sentence. Michigan followed, with a maximum penalty of fifteen years imprisonment, while repeat offenders got life. This was later invalidated in the case of *Michigan Organization for Human Rights v. Kelly* (1987).

By 2002, thirty-six states had repealed their sodomy laws or their courts had overturned them, while in the states remaining, sodomy laws were generally no longer enforced or were enforced very selectively.

On June 26, 2003, the U.S. Supreme Court, in a 6-3 decision in *Lawrence v. Texas*, struck down the Texas same-sex sodomy law, ruling that this private sexual conduct is protected by the liberty rights implicit in the due process clause of the United States Constitution. This decision invalidated all sodomy laws in fourteen holdout states insofar as they applied to private, non-commercial conduct in between consenting civilians, and overruled a 1986 ruling in *Bowers v. Hardwick* which upheld Georgia's sodomy law.

Thus far, the trends and laws noted above represent relaxation in penalties for homosexual activities. That, of course, is not where the saga ends.

The Bible describes two incidents involving actual or intent to commit homosexual gang-rape. One is found in *Bereshit* (Genesis 19) where we read of Lot and his family in S'dom (Sodom) and 'Amora (Gomorrah). The other occurs in *Shoftim* (Judges) 19, involving depravity of the residents of Giv'ah. In the first instance, the rape was averted only by the intervention of angels. In the second, a woman was ravaged as a substitute for the intended male victim.

These incidents inform us that, when homosexuality is allowed to flourish, it eventually becomes a coercive force against society. That is precisely what has been occurring in the last two decades; rooting firmly in prior decades, homosexual interest groups are now overpowering western civilization.

Were this edition of our policy statement written in the year 2000, we would be citing *Bereshit* 19 and *Shoftim* 19 to predict coercive homosexual public policy. Now, we can see it in the rearview mirror for several miles—two decades. And yet, for all the “progress,” we have not yet descended to the depravity the scriptures describe, though we can see it on our horizon.

One of the coercion trends has been the legalization of adoption by homosexuals. At this writing, only Florida, Michigan, Mississippi and Utah maintain laws banning

homosexuals from adopting. Arkansas applies its ban to foster parenting. Adoption by homosexuals is, of course, promoted as a homosexual right, but the children involved are hapless victims.

For over a decade now, an increasing number of private corporations have been including homosexual non-discrimination clauses in their contracts to compel other firms to make and to affirm accommodations. Business owners not wishing to see their products and services used to endorse the homosexual movement find themselves excluded from commerce at best and, at worst, in litigation, not merely against individuals, but against well-funded organizations bent on their annihilation.

More recently, Washington State has enacted legislation mandating elementary public school instruction promoting homosexuality which includes role-playing by the students.

California recently enacted legislation mandating the inclusion of homosexuals on the boards of private corporations.

Another trend involves the abolition of women's private spaces for the sake of those who simply wish to declare themselves female.

On January 1, 2022, a California law took effect allowing prisoners to make requests for gender-based transfers. By the end of the month, 261 requests had been filed. At this writing, a 26-year-old California man recently convicted of molesting a 10-year-old girl is slated to serve out his sentence in a female juvenile facility because he now identifies as a woman.

The Bible prescribes the death penalty for homosexuality because it directly defies God and the natural order he has established. In part, this is because it ultimately seeks the subjugation of others, including children, whom it opportunistically grooms. Openly reveling in subversion, it mocks and exploits the spectacular naïveté at large, not only seeking the subjection of vulnerable individuals, but now demanding the rest of society affirm that subjugation or the face dire consequences of their vicious retaliation.

Because homosexuality cannot reproduce naturally and biologically, it is at war with biology and seeks to circumvent it with alternative propagation. It is, thus, parasitic—and, as with a variety of parasites in nature, induces its host to produce its own, perverse kind. As is often the case in nature, the host—in this case, society—does not merely serve the parasite, but becomes impaired in its own ability to reproduce and to nurture its own offspring that will help ensure its own enduring, collective health.

One example of coordinated efforts to groom children in its own image are the increasingly popular drag queen readings of children's stories in public libraries and schools.

Not satisfied with mere "orientation," the movement systematically fosters the isolation of children from their parents, vigorously promulgates its gender confusion, then actively facilitates chemically disturbing and mutilating the young as early as possible.

In short, homosexuality has invaded children's "safe" spaces to make them as they are.

With its invasion of both women's and children's safe spaces, the homosexual movement openly betrays its predatory nature.

One outstanding feature of the homosexual movement is its masterful coopting of both popular vocabulary and the public dialogue—a veritable word mill spewing forth to

induce society at large to carelessly parrot its propaganda. One coined relatively early was “homophobe.”

In the homosexual discourse, a homophobe is a foe—one who manifests their “fear” of homosexuals by their discernable opposition to them. As is so characteristic of their message in general, quite the opposite is the case. Those who have become their allies do so out of palpable their own fear of homosexuals. Though some may be truly sympathetic, the vast majority feign support out of justifiable fear of retaliation—in fact, so terrified are they as to sacrifice their own children to the movement.

The truth about the opponents of homosexuality is that our views are not borne of fear, but primarily of disgust, pity and utter bewilderment. Where there is fear, it is not a reaction to homosexuality per se, but to the policies they themselves have enacted to create their prurient citadel.

What would have been speculation a generation ago is now well established and entrenched fact: Now in their reign of terror, sexual anarchists control critical aspects of government, commerce, education and civic life in general.

Though it is natural for the overwhelming majority to recoil from homosexuality, it is important to note that homosexuals obviously do not beget homosexuals; heterosexuals do. It is undoubtedly the collective guilt of societal culpability that has gradually reversed its long-established sodomy laws.

The HIV-AIDS epidemic was a remarkable affirmation of “nature’s own” condemnation of homosexuality. Yet its burgeoning circulation among heterosexuals has been a reminder, along with several other STD’s, that much is seriously amiss in the heterosexual world—which brings us to an important observation: We do not draw our own views on homosexuality out of a special animus for them. The scriptures are quite egalitarian with regard to sexual misconduct, much of which incurs the death penalty—for the heterosexual as much as the homosexual.

Moreover, capital punishment is strictly the purview of the civil authorities—not individuals, not vigilante groups, not congregations, not non-government agencies. On that front, we could ask of the homosexual movement, has it reason to be heterophobic about the possible reinstatement of sodomy laws? Likely not. History seems to tell us that such reforms occur, not by democratic recalibration, but by cataclysm.

Intersex or DSD vs. Transgender

Distinct from homosexuality, bisexuality and transgenderism, which are flagrant psyche-based violations of the Torah, is the class of congenital and truly physiological conditions, traditionally known as “intersexuality” or, more recently, Differences of Sexual Development (DSD). The former involve voluntary choices made in or arising from profoundly socially dysfunctional domestic environments. The latter arises, not from choice or dysfunction, but in embryonic development. For this reason, DSD is not a sin, yet it obviously poses tremendous difficulties. The discussion here is hardly in depth, but is mainly to raise initial awareness and to distinguish the condition from the vices others are eager to commingle with it.

Writings about what rabbinic Judaism calls “tumtums” testify to Jewish grappling of the issue.

For the vast majority of us, our genotypic sex and our phenotypic sex are biologically

aligned. Our genotypic sex is chromosome-based, normally either XY (male) or XX (female)—and every cell in our bodies is marked accordingly. Distinct from that is phenotypic sex, which is based on our genitalia.

Chromosomal abnormalities such as XXY (Klinefelter's syndrome) and XO (Turner's syndrome), the latter involving a missing or partial X chromosome, yield ambiguous genitalia. A different subset of DSD involves gonadal dysgenesis, occurring in both XY and XX cases.

Through the sixth week of gestation, normal human sexual development for both XY and XX embryos is anatomically undifferentiated. After that, signals issued by gonadal hormones direct development of the sexual organs. For example, the testes normally produce enough testosterone to arrest the development of female genitalia. If they are missing only partially-formed when needed, female genitalia will develop more or less unsuppressed in an XY (male) fetus. In addition to these are other DSD conditions.

Depending on the cause, DSD babies may be born with ambiguous or unambiguous genitalia. Thus, absent a chromosomal test (obviously only available in the last few decades), parents might assume they have a female child based on obvious appearance (phenotype), yet have a son with reversed genitalia—or entirely vice versa. (Other than reproductive capacity, the genitalia might be fully functional for sexual intercourse, though not for reproduction.) The reality may not manifest itself to parent or child until adolescence.

The fact that our Creator even allows DSD to occur is disturbing, but bearing that fact in mind is important. In the last several decades, well-meaning physicians have sometimes intervened to surgically mitigate infant DSD abnormalities. From a broad reading of those subjected to this approach, their general consensus seems to be that such meddling exacerbates their already difficult plight.

It is neither our expertise nor prerogative to advise those with DSD, except to observe the following:

The runner Caster Semenya is not a woman; he is 46 XY 5-ARD. He told BBC Sport that he was “born without a uterus” and “with internal testicles,” adding, “I am a woman and have a vagina.” If his parents raised him as a girl, that is understandable, and we hardly make light of their terrible dilemma. Yet, at some point, he exhibited obvious characteristics that aroused suspicions leading to medical examination, including, but also well beyond the usual chromosome test.

It is difficult to imagine a DSD individual viewing life as fair, but neither is exploiting the condition at the expense of others. At home, Semenya is the husband of fellow runner Violet Raseboya. On the track, he chose to compete against women. Similar cases in the athletic field have generated an uproar, and from the track to the boxing ring to the locker room to the bathroom, women bear the brunt while the press gleefully messes with pronouns and gender identification.

Just as they have with civil rights, homosexual advocates have been exploiting the DSD phenomenon for their own advancement and will continue to laden the issue with an abundance of additional confusion. As a result, those with DSD may have gained some acceptance as they arduously find their own place in society, but they would best be circumspect about opportunistic and predatory allies.

Bestiality

That bestiality need even be mentioned in scripture is deeply disturbing. Most of us would prefer to think such depravity impossible, but such is not the case. The two passages addressing it are both in Vayikra:

And you shall not give your semen with any animal, for uncleanness with it. And a woman shall not stand before an animal to lie down with it; it is a shameful mixing. (18:23)

And a man who lies with an animal dying shall die. And you shall kill the animal. (20:15)

The second above verse is followed by the statement, “And you shall not walk in the statutes of the nation which I am casting out from before you, for all these they have done, and I am disgusted with them,” (vs. 23) so we know the practice existed among the Kena’ani nations Yisrael was instructed to annihilate.

As removed from most of us as the phenomenon seems to be, its very existence serves as a sobering object lesson as to the depth of darkness into which a human being can descend. It helps parents appreciate how precious their time with their children is and how crucial their need for positive direction.

Another lesson is the need to be circumspect about western civilization’s infatuation with classic Greek and Roman cultures, both of which held a fascination for bestiality, well represented in their lore and artwork. Ancient depictions of human/animal hybrids such as satyrs, fauns, centaurs and the minotaur are found in abundance, and while the creatures themselves and the legends about their origins were mythological, the practices they intimate were not.

In modern times, coercive bestiality has been used punitively and otherwise within the Soviet gulag system. Presumably the practice continues institutionally in totalitarian states.

Finally, it is instructive, when reading the legislation being feverishly crafted by the homosexual lobby and enacted by scores of legislative bodies, to note that its language is so broad and nebulous as to entail the enforced acceptance of bestiality and pedophilia. That this fact seems to have gone unnoticed is another reflection as to how degenerate our mainstream society is.

Beyond the Categorically or Explicitly Prohibited

We have addressed the various types of sexual contact/involvement explicitly prohibited in scripture. We next consider sexual behaviors that, while not outright prohibited as punishable offenses, are nonetheless caustic and to be avoided.

Polygamy

The topic of polygamy is invariably raised by proponents of allowing divorcees to “wed” third parties—despite the fact such proponents would hardly be inclined to accommodate polygamy in their religious communities. Why? Largely because the Tanakh never explicitly prohibits polygamy with a “thou shalt not” and even makes provisions in the Torah for it. It also never prescribes a penalty for the practice. This “allowance” is, indeed, very curious. (Of course, the very same could be said of

brawling: Just because the Torah makes various provisions for what happens when a fight occurs hardly means it is condoning pugilism.)

So we will next consider an example of the exploitation of biblical polygamy cases to defend third-party coupling for divorcees, critique the approach, then directly examine the scriptural cases to discern their true object lessons.

David Instone-Brewer's work is typical of contemporary commentary on the topic. Instone-Brewer is a well-credentialed Baptist minister and research fellow at Tyndale House. He took his PhD from Cambridge University, where his focus was, as it remains, early rabbinic exegesis.

In his book *Divorce and Remarriage in the Bible: the Social and Literary Context*^{xi}, he expounds on Bereshit 2:24; so we refresh ourselves with the text before reviewing his own comments:

And YHVH Elohim said, "It is not good, the man being alone. I will make a helper suited to him." And YHVH Elohim caused a deep sleep to fall on the man, and he slept. And He took one of his ribs, and closed up the flesh underneath. And YHVH Elohim formed the rib which He had taken from the man into a woman, and brought her to the man. And the man said, "This now at last is bone from my bones, and flesh from my flesh. For this shall be called 'Woman,' because this has been taken out of man." Therefore, a man shall leave his father and his mother, and shall cling to his woman and they shall become one flesh.

In a chapter entitled, "*The Divorce Certificate Allows Remarriage*," Instone-Brewer writes the following:

It is possible that there is an indication in Genesis 2:24 that monogamy was the ideal for marriage in the Pentateuch. Yet whatever the original intent of this passage, it is unlikely that it was interpreted in this way until almost the time of the New Testament. Many of the ancient heroes and ancestors of Israel had more than one wife, from Abraham to Jacob to David and Solomon. Although there is some criticism of the "many wives" of the kings, some of whom were foreigners, there is little or no criticism of other cases of polygamy.

We choose this particular comment because, aside from being seminal, while the Bible makes many enigmatic statements, this section of Bereshit is not one of them. In casting doubt on the clarity of the Biblical narrative, Instone-Brewer undermines his own credibility.

The original intent here is very clear: YHVH Elohim made one woman from one man for one man. He then declared, "Therefore, a man (singular) shall leave his father and his mother, and shall cling to his woman (singular) and they shall become one flesh.

Not satisfied with the clarity of the Masoretic Text^{xii}, Instone-Brewer suggests it was unlikely it was interpreted as indicating a monogamous ideal until nearly the New Testament era. Yet, in the Septuagint, translated in the third century BCE, we find verse 24 rendered as, "Therefore, a man shall leave his father and his mother, and shall cling to his woman and they *two* shall become one flesh." So also it is rendered in the Samaritan Pentateuch, which the Samaritans acquired when they were brought into northern Israel by the Assyrians in the eighth century BCE.

Granted, neither the Septuagint nor the Samaritan Pentateuch have been transmitted as fastidiously as the Masoretic Text. Yet, they counter Instone-Brewer's disingenuous claim as to the antiquity of the interpretation, even as they comply with the sense of the Masoretic Text.

There is a far more serious implication in Instone-Brewer's assertion, so let us quote the critical portion of it once again: "Yet whatever the original intent of this passage, it is unlikely that it was interpreted in this way until almost the time of the New Testament." This statement calls into question, not only the interpretations of the ancient translators and commentators (whose cultures were far more tolerant of polygamy than our own), but it takes dead aim at the Messiah's interpretation.

When Yehoshua cited the passage in Bereshit, he said,

For this reason a man shall leave father and mother, and shall be joined to his wife, and the two shall become one flesh. So that they are no longer two, but one flesh. Therefore, what God has joined together, let not man separate.

Matityahu 19:5-6

The Greek manuscripts, Shem Tov Hebrew Matthew and the Peshitta texts are all in agreement in their renderings of the statement, "So that they are no longer two, but one flesh."

It is astonishing how glibly modern writers will set themselves in direct opposition to the Messiah to pander to contemporary culture. Such an opinion would not be worth interrupting our train of thought if it did not expose and exemplify the general folly of current popular thought.

Given the heft of Instone-Brewer's academic credentials, what accounts for the febleness of his conclusion? The answer is found in his autobiographical sketch, and it has profound implications for us all:

My home town is Brighton, on the south coast of England. It is the San Francisco of the UK, with beautiful surrounding countryside, changeable weather, a stony beach, and a cosmopolitan population . . . For five years I was Assistant Minister and then Minister at Llanishen Baptist Church in Cardiff. This is a suburban church of about 200 members, which is largish in the UK . . . Divorcees often came to me when I was a Baptist pastor because they could not get remarried in their Anglican or Catholic church. This forced me to look again at the scriptural foundations of the church teaching on this issue.

If we want insight as to what influenced Hillel to challenge Shammai's interpretation of D'varim 24, Instone-Brewer's melting impartiality before his parishioners is likely sufficient.

It is healthy for us to reconsider long-held assumptions about the scriptures in light of our personal experiences and encounters. However, in this case, we are dealing with the generalized disintegration of marriage and family. And, though the ambient pressures to concede to society's overwhelming trends are enormous, they increase considerably with direct, personal involvement with those who have compromised their marriage prospects.

So, considering the scriptures themselves, is it really true that, in the Tanakh, “there is little or no criticism of other cases of polygamy?” Hardly.

Consider the four examples given by Instone-Brewer himself: Avraham, Ya’akov, David and Sh’lomo. All four are presented by scripture frankly as representative of the unmitigated failure of polygamy. As Instone-Brewer himself observes, Avraham’s relationship with Hagar ended in divorce. Her son, Ishmael’s progeny became arch enemies of Avraham’s other children, Israel.

Ya’akov fathered twelve sons by four women. His son, Re’uven, committed incest with one of the four. The older ones then kidnaped their brother, Yosef, and sold him to traveling slave traders. What did Ya’akov have to say for himself? “Few and evil have been the days of the years of my life . . .” [Bereshit 47:9]

David’s disastrous family life we have already sufficiently covered.

Sh’lomo, not to be outdone, “had seven hundred women, princesses, and three hundred concubines; and his women turned away his heart.” [1 M’lakhim (Kings) 11:3] What was his assessment women? Of the upright he wrote, “One man among a thousand I have found, but a woman among all those I have not found.” [Qohelet (Ecclesiastes) 7:28]

It is rather ironic that Instone-Brewer should cite these four spectacular disasters. In fact, every mention of polygamy in the Tanakh and the New Testament is clearly and unwaveringly negative.

Before addressing more scriptures on the topic, now is a good time to review that in biblical Hebrew, the words for “man” and “woman,” אִישׁ (ish) and אִשָּׁה (ishah), respectively, are nearly always those translated “husband” and “wife.” The same is true of New Testament koine Greek with the words ἀνὴρ and γυνή. Whether or not the man is a husband or the woman is a wife depends on the context. Thus, when we read, as it is typically rendered, “Lamech took two wives to himself” in Bereshit 4:19, it is the translators, not God, who are according both women the status “wife” carries in the English. The Hebrew could just as well (and, in our opinion, should) be translated, “Lamech took two women to himself.” Similarly, when the Hebrew scriptures tell us of Sh’lomo’s seven hundred “women,” we should not assume they were all wives. In fact, let us consider Sh’lomo’s case further.

1 Melachim (Kings) 11:3 is generally rendered, “And he had seven hundred wives, princesses, and three hundred concubines; and his wives turned away his heart.” Is this not differentiating the status of Sh’lomo’s women—wives proper versus concubines? There is definitely a differentiation at hand, but not what those divorced from the Hebrew may think. The seven hundred “wives” (נָשִׁים—more properly “women”) in the first occurrence of the word are all שָׂרוֹת (princesses). The three hundred פְּלִגְשִׁים (concubines) are not princesses. (The first group reflects largely political dalliances.) The end of the verse aggregates both categories as נָשָׁיו (his women). When rendered, “and his wives turned away his heart,” are we really to believe his only his bona fide wives turned him away and not his concubines? Perhaps the folly of such mistranslation begins to be evident.

Today, we tend to view polygamy as a disgusting practice of distant antiquity, backward cultures and Mormonism. It is, therefore, ironic how contemporary Bible translators so persistently “stack the deck” in favor of polygamy in their renderings of “man” and “woman,” despite the option not to do so. Millions read the Bible only in translation,

never suspecting such chauvinistic inclinations, conscious or not. As seen above, the bias accommodating parallel polygamy is laid bare when authors try to use the Bible to justify the serial polygamy so rampant in modern society.

That having been said, there are many occasions when the translation of “woman” as “wife” is perfectly appropriate. That includes the already-discussed Bereshit 2:24. When the man is instructed to “cling to his woman,” “wife” is obviously what is meant.

Matityahu (Matthew) 1:6 provides a rather accentuated example. Shem Tov Hebrew Matityahu tells us Sh'lomo's mother is Uriah's “השא.” Batsheva is among the five mothers (all of unusual or questionable circumstances), yet the only one without being named. Moreover, the Greek does not even use the term “γυνή,” simply referring to Sh'lomo's mother as “της του ουριου”—“her of Uriah,” yet posthumously reverberating her status as his wife.

Most of the material regarding polygamy in the Torah is anecdotal, all accounts being tragic contexts. The instructions relating to or appearing to relate to polygamy are our next focus. The first concerns a female slave who has been purchased:

And if he chooses her for his son, he shall do to her as *is* the custom of daughters. If he takes another for himself, her flesh, her clothing, and her conjugal right shall not be diminished.

Sh'mot 21:9-10

The nearly universal interpretation that this pertains to polygamy is based on an unnecessary assumption. In the actual scenario, a man purchases two female slaves—one for his son and one for himself. We are correct to understand these women as being taken as wives, the first being dealt with as a daughter (in-law) and the other having conjugal rights (הונה; onah).

The elder of the two men was obviously married in that he has a son. That the son's mother is still alive is the common assumption, but that is not at all inherent in the text. It is typically assumed that the conjugal rights are those of the prior, living wife. However, the natural antecedent is the slave woman. As we understand it, the text is instructing us that, just because a woman has been purchased, it does not follow that her rights or status as a wife are any less than those of a free woman given in marriage. If this is the case, the elder man is a widower.

When we impose a living, prior wife into the equation, we must ask, how can her conjugal dues possibly not be diminished with her husband's attention now divided? More than ask, we must answer such a question, if we take such a tack.

In a section regarding onah in his book, *Jewish Marriage: a Halakhic Ethic*, Reuven Bulka writes, “*Onah* in its true sense now reads as the husband's obligation to share himself in totality with his wife, leading up to the affectionate expression of love in the conjugal act which leaves the wife happy and pleased.”^{xiii}

This “totality” accords fully with the monogamous template YHVH established with Adam and Chava and is wholly incompatible with a polygamous household. One cannot have a divided totality.

The next instruction pertaining to polygamy is found in Vayikra (Leviticus) 18:18:

And a sister to another you shall not take, to be an adversary, to uncover her nakedness beside her, in her life.

This is most often taken as prohibiting the taking of two, literal sisters to one man. This is not at all unreasonable, given the context of the passage regarding sexual relations with close relatives. However, biblical Hebrew often uses “brother” to refer to countrymen or “father” refer to any ancestor. This is why every other mention of an אחות (sister) in this chapter is qualified (e.g. v. 9: “. . . your sister, *the daughter of your father, or the daughter of your mother . . .*”).

In addition, we observe the second woman in this equation referred to as an “adversary” (צרה), as in the opening verses of 1 Shmu’el, where we read of Elkanah and his two women, Channah and Penninah. In verse six, we are told that Channah’s adversary persecuted her to tears. They are not described as sisters, and one has to wonder what difference that would make in the social dynamics either way.

For these reasons, we apply אחות (sister) in *both* the broader and narrower senses in Vayikra 18:18.^{xiv}

Next, we come to D’varim 17:17, where we read:

And he shall not multiply wives to himself, and his heart shall not turn aside.

This is referring to the king. Again, the inclinations toward accommodating polygamy being so persistent, the Talmud asserts this still allows for eighteen wives!^{xv} Our response is that two is a multiple of one and, while adding yet more degrades the original union further, adding but one completely destroys the sanctity of the original couple.

Some observe that this command pertains specifically to the king, to which we would agree. However, this does not mean it cannot be extended to the general populace. Why is it then directed explicitly to the king? First, his notoriety exponentially accentuates his example, for better or worse. Additionally, in their power and wealth, kings tend to more readily indulge their lusts.

Quite interestingly, there are no punishments articulated for the king’s infraction should he violate this or other instructions in D’varim 17, perhaps indicative of the difficulty in bringing a king to justice, as we observed with David.

We next come to D’varim (Deuteronomy) 21:15-17, where it is written:

If a man has two women, the one loved, and the other hated; and they have borne him sons, both the loved one and the hated one; and if the firstborn son was of her who was hated, then it shall be, in the day that he causes his sons to inherit that which is his, he is not able to cause to inherit the firstborn son of the one loved before the firstborn son of the one hated, who is truly the firstborn. But he shall acknowledge the firstborn, the son of the hated one, by giving him a double portion of all that he has; for he is the firstfruit of his strength, the right of the firstborn is his.

Let us be reminded that, here too, it is the translators and the commentators who take it upon themselves to call these two women “wives,” not God. We also return to the principle introduced earlier that the Torah’s acknowledgment of certain events or conditions is not necessarily an endorsement of them. “If a man strikes his slave . . . ,” “If a man takes his sister . . . ,” “If a man lies with his aunt . . .” and so on are all descriptive of reprehensible acts.

It will then be asked, “Since the Torah never requires the dissolution of polygamous arrangements—even with the king—is not that a clear concession?” Yes, it is. Just as with divorce, it is a concession for the hardhearted and a means by which those in such circumstances could continue to have their physical needs met. Which raises the question: How hardhearted are we?

The last instruction in the Torah that could be construed to involve polygamy is the scenario of levirate marriage, found in D’varim 25:5-10:

If brothers live together, and one of them dies, and has no son, the wife of the dead shall not go outside to a strange man; her brother-in-law shall go in to her, and take her to himself for a wife, and shall perform the duty of the levirate; and it shall be, the firstborn which she bears shall rise up for his dead brother's name, and his name shall not be wiped out of Israel.

And if the man does not desire to take his brother's wife then his brother's wife shall go up to the gate, to the elders, and say, “My husband's brother is refusing to raise up a name to his brother in Israel; he has not been willing to perform the duty of my levirate.”

And the elders of his city shall call for him and shall speak to him. And he shall stand and say, I have no desire to take her. Then his brother's wife shall draw near to him before the elders, and shall take his shoe from his foot, and spit in his face, and shall answer and say, “So it shall be done to the man who will not build up the house of his brother.” And his name shall be called in Israel, “The house of him whose shoe was taken off.”

This arrangement was necessitated because of the way land, in particular, was inherited.

Some will say that this can involve an already-married brother, but the text never suggests this. In fact, it indicates the contrary when the brother expresses and makes the legal declaration that he “does not desire” to take his deceased brother’s wife. Could not he just as well respond this way whether he was already married or not? We find out in the closing verses of Ruth. There, Bo’az offers a field of Naomi’s to her nearest redeemer kinsman. The kinsman is eager to make the purchase—until Bo’az informs him that Naomi’s widowed daughter-in-law, Ruth, is an integral part of the bargain. The kinsman’s response is not, “I do not wish to redeem,” but, “לא אוכל לגאול”—“*I am not able to redeem for myself, that I not mar my own inheritance.* You redeem for yourself my right of redemption, for I am not able to redeem.”

In accordance with D’varim 25, this transaction occurs before the city elders and the kinsman removes his shoe to confirm his declaration before the witnesses. What is missing? He is neither spat upon nor rebuked. Why not? One might conjecture that this was simply a lapse reflecting the degenerate times of the period. However, in our view, the kinsman’s approach was honorable, not based on personal desire, but on prior obligations. Would it not then be inappropriate of Bo’az to offer the right of redemption to a married man? Most commentators would say no. However, just as the kinsman was initially unaware that Ruth was part of the transaction, he may also have had pending marriage arrangements of which Bo’az was unaware.

We are obviously suggesting some conjectures here, but if that is what it takes to reconcile “love your neighbor as yourself” with the scripture at hand, so be it—and let those who pit one scripture against another merely to sustain lingering dilemmas be shamed.

A final observation we will make regarding levirate marriage is that, even as it highlights the importance of offspring, it applies only to the childless dead, not the living. The practice does not justify wedding a second woman because the first is or appears barren. Consider the list of barren women singled out in scripture: Sarah, Rivkah, Rachel, Shimshon's mother, Chanah and Elisheva. The solution was not another woman; in every case, God opened their wombs.

We eventually encounter the episode of David and Batsheva. Reviewing Natan's rebuke now in light of polygamy:

So says YHVH Elohim of Yisrael, "I anointed you as king over Yisrael, and I delivered you out of the hand of Sha'ul. And I gave you the house of your master, and your master's women into your bosom. And I gave you the house of Yisrael and of Y'hudah. And if that were too little, then I would have added to you these and those things.

2 Shmu'el (Samuel) 12:7-8

In one author's treatment of Bereshit 2, we have already seen the twisting of a perfectly straightforward passage. Here, we truly do have an account that readily lends itself to misinterpretation. After all, any other time scripture mentions a woman in the same breath as a man's bosom (חוק), sexual intimacy is a given. (cf. Bereshit 16:5.) Superficially, it therefore seems nearly inescapable that God himself is giving David, who already has multiple women, Sha'ul's harem and the right to be intimate with them. Such a view, however, cannot be reconciled with D'varim 17:17 (or Vayikra 19:18). Moreover, the age disparity between Sha'ul and David argues to the contrary. Yet is it even plausible to take God's statement non-sexually?

Again, the translators have unnecessarily constrained the passage to refer to Sha'ul's wives when it says, ". . . ואת־נְשֵׁי אֲדֹנָיךְ בְּחִיקְךָ . . ."—"his women"—all his women—slaves, nurses and other non-intimates included. חוק must be taken in its figurative sense to mean God gave Sha'ul's women into David's midst. In actual fact, God is telling David he entrusted the care of the women, including in a domestic sense, to him. Cannot he, finally, responsibly see to their welfare as well as any other women at hand, outside the sexual context? As king, he had many more dependents than most—all over whom he had responsible charge.

If we have such an option, why adopt a careless interpretation that generates impossible conundrums, again, needlessly pitting scriptures against one another?

Aside from many actual (and uniformly catastrophic) examples, two other passages in the Tanakh remain noteworthy in the treatment of polygamy.

One is in Yechezk'el (Ezekiel) chapter 23, where, we find YHVH married to two sisters, Yisrael and Y'hudah in allegory. Does this, as some contemporary authors intimate, somehow lend support for polygamy? Only if one is willing to excise Vayikra 18:18 from the Torah. Extrapolating from the details of an analogy to manufacture tension with a clear command from the Torah is folly. Elsewhere, Yisrael and Y'hudah are described as two sticks, so if we wish to be stubbornly literal, we can suggest that YHVH wed two sticks.

In point of historical fact, YHVH made his original covenant with Yisrael and Y'hudah when they were one nation. Precisely because of Shlomo's polygamy, particularly with foreign women, which drew him into paganism, he was assured, "Because this

has been done by you, and you have not kept my covenant and my statutes that I charged on you, I shall surely tear the kingdom from you and shall give it to your servant, though I will not do it in your days, for the sake of your father David. I shall tear it from your son's hand, though I will not tear away all the kingdom; I will give one tribe to your son for my servant David's sake, and for the sake of Yerushalayim that I have chosen." [1 Melechim (Kings) 11:11-13] This is the chapter where Yerovo'am, who would eventually become king of the severed tribes to the north, is introduced.

As the chapter progresses, Yerovo'am is told by the prophet, Ahijah, "And I will take you, and you shall reign according to all that your soul desires, and shall be king over Israel. And it shall be, if you shall hear all that I command you and shall walk in my ways, and do that which is right in my eyes, to keep my statutes and my commands, as my servant David did, then I shall be with you and shall build a sure house for you, as I built for David, and shall give Israel to you." [1 Melechim (Kings) 11:37-38] Thus, because of Y'hudah's apostasy, Yerovo'am was offered a parallel covenant by which to rule the northern tribes. The original covenant was made by the single, twelve-tribed nation—a single "bride" if you will. If a spouse could divide in two, Yechezk'el's ménage à trois analogy might provide guidance for human relationships, but that is obviously not its intent.

The other passage in Tanakh worth consideration on this issue is Yeshayahu (Isaiah) 4:1, where we find, "And in that day seven women shall take hold of one man, saying, We will eat our own bread and wear our own clothing, only let your name be called on us; collect our shame." The verse is framed by the aftermath of war in which most of the men have been annihilated and the surviving women are destitute, scabby, living in rags and stench, followed by a period of national cleansing and restoration.

Does this scenario suggest the general acceptability of polygamy under usual circumstances? Hardly. It describes the aftermath of catastrophic destruction during which likely more than ninety percent of the adult males have been wiped out. (This is likely an overly conservative estimate when we consider how many adult women also perish in warfare.)

Does this scenario then suggest the acceptability of polygamy under catastrophic circumstances? Indeed, in contrast to the usual instances where an initially monogamously wed woman is compelled to later accept the degradation of her nuptial relationship with arrival of another woman, here we have women approaching a man collectively. They are proposing at the very outset sharing the man's divided attention. They do not individually say, "I will eat my own bread and wear my own clothing, only let your name be called on me; collect my shame." Their expression and intent is plural.

Undoubtedly such an arrangement is better than successive interlopers. However, it is hardly a commendation of the practice. Consider two fundamental and inevitable factors:

First, multiple women are going to have radically different personalities and abilities. They initially may arrive formally at what they consider a workable arrangement prior to entry, but the inevitable emotional/personal variations will defy order and equilibrium. (Many might not consider that daunting given the far from ideal state of most monogamous marriages, but that hardly warrants magnifying the challenges.)

Second, and far more important, children desperately need the attention, affection and guidance of their fathers to develop into stable, productive adults. Given how

monogamous fathers struggle to attend their children, what can we expect from polygamous fathers? The answer is not theoretical: We have it in the tortuous sagas Ya'akov's and David's children.

Yeshayahu 4 raises an interesting question: Will Yisrael at some future time actually be restored using a population arising from polygamous unions, even as the nation had its inception? The prophet's silence as to the man's response to the women's collective proposal leaves us to conjecture, as scripture so often does.

Polygamy in warfare's aftermath, particularly with a disproportionate collapse of the male population, may be the lesser of two evils. If a sizable percentage of the population is unwed women in their childbearing years, this elevates infidelity risks for the vastly outnumbered husbands—not necessarily for every last husband, but for them as a demographic. Such a risk is yet greater if, depending on the housing and economic opportunities—never great in a war-torn wreckage—the unwed women are compelled to take refuge in the households of already-married men, particularly among a generally shell-shocked populace. Precariously fragile is such a society, with or without polygamy, and the application of its apparently provisional measures in times of relative normalcy would be stupid and precarious policy.

The New Testament spends very few words on the subject of polygamy, but they are significant. Found in 1 Timothy 3:2 and 12 and Titus 1:6, they stipulate that the paqid (overseer), the sharat (deacon) and the zaken (elder) all must be the husband of but one wife. It has been debated as to whether the writer intended polygamy or serial relationships, but, taken at face value, the statements preclude either. We also note that disruption in marriage hardly yields the domestic order and offspring fidelity also stipulated in these instructions.

Given the lack of explicit prohibition or penalties for polygamy in both the Tanakh and the New Testament, what should policy regarding it be in the holy community?

We prohibit it on the basis of its failure to accommodate the oneness of a man and woman in a monogamous marriage and accepting as object lessons the uniformly dreadful examples of it in the Tanakh. But is there a legal basis we can draw from scripture? There is.

On the personal level, as we already cited:

. . . you shall love your neighbor as yourself.

Vayikra (Leviticus) 19:18

Can a husband possibly be loving his wife as himself when he takes another woman? And can his wife possibly love the interloper as herself? More likely the latter than the former.

On the administrative level:

So also when you have completed all things commanded you, you say,
“We are useless slaves, for we have (merely) performed our obligations.

(Luke 17:10)

We will make one final observation regarding polygamy:

Recall we cited David Instone-Brewer's writing in two contexts: the coupling of divorcees with third parties and polygamy. His defense of both reflects a larger

phenomenon. In general, those advocating the former introduce into the conversation their advocacy of the latter. Such a perspective has no place in policy formulation amongst those pursuing a reasonable modicum of collective holiness.

There remain two vices to this treatment of sexual immorality.

Fantasy Sex

The first of these is fantasy sex, which itself can be divided into two subcategories: pornography and erotic literature. The first generally targets men; the second women.

Though not mentioned in the scriptures, pornography's status as a sin is effectively captured by Yehoshua's statement, "But I say to you, everyone looking at a woman to lust after her has already committed adultery with her in his heart." (Matityahu 5:28)

With women and erotic literature, a psychological transformation occurs, as it does with men involved in visual pornography. If wed, she will likely become dissatisfied with her husband and, either way, becomes more susceptible to the inappropriate advances of others in real life.

With visual pornography, though the consumer is spared the reality of an illicit relationship and the risks of sexually-transmitted disease, unwanted children, etc., the focus of their desire on the production end is hugely and irreparably harmed.

Though the term "pornography" brings to mind private consumption, Hollywood openly traps the broader swath of society in public as well. For decades, so permeated has cinema been with illicit sex, it has long been difficult to find a movie free of it. Its pervasive influence on how men and women and boys and girls interact has been catastrophic.

A steady diet of pornography becomes an addiction, both psychological and chemical. For the man, it breeds the objectification of women in an arrangement where he can satisfy his sexual appetite completely absent the intended intellectual and emotional development, engagement and attachment with which appropriate sexual intimacy is to be enjoyed. With time, the psyche becomes altered, superficially satisfied with physical satisfaction, yet deprived of a human bond, lonely, shame-laden and, as a result, given to anger. It becomes a recipe for a kind of self-imposed autism.

The battle with pornography is pitched against every young man from puberty until he gains mastery of his sexual appetite with great effort. This is why scripture says, "You children, I have written you because you have known the Father. You fathers, I have written you because you have known him who has existed from the beginning. You young men, I have written you because you are strong — the Word of God remains in you, and you have overcome the evil one. (1 Yochanan 2:14)

Without making light of it, adultery "in the heart" is not a capital crime, else no adolescent males would reach adulthood except the blind. Therefore, it does not necessarily entail banishment from a congregation either. However, when a case of pornography addiction becomes evident, there must be swift intervention.

One effective program available today is Ted Roberts' Conquer Series. As with other recovery programs, key to its success is a local, face-to-face group support coupled with the demand for candor and dependency on God's support. If an adult congregant known to be succumbing to this addition refuses to participate in such a program and/or

does not remove pornographic materials and shun them, such a person must be banished from the congregation. With firm kindness, parents must actively engage and assist their adolescent children in extricating themselves from pornography's grip. Early vigilance with Internet access and use is crucial, despite the reality of there being no impregnable firewall.

Necrophilia

We close out this difficult study with one last and revolting category of sexual sin—the depravity of violating a corpse.

Despite addressing bestiality, the scriptures are completely silent on this act. This has given rise to rabbinic discussion, primarily originating with an account of Herod the Great preserving the corpse of a Hasmonean princess found in the Talmud (Baba Basra 3b) and the speculation as to whether he engaged in necrophilia. Quite oddly, the rabbinic consensus seems to conclude the practice is not prohibited. This is likely out of deference to the midrashic “dayo” rule: “It is sufficient that a matter derived from a law should be as strong as (but not stronger than) the source law.”

We differ, finding support for the prohibition in the following biblical passages affirming the need to respect the dead:

And Naomi said to her daughter-in-law, “Blessed is he of Jehovah who has not forsaken his kindness with the living and with the dead.”

Ruth 2:20

And Yosef made the sons of Yisrael swear, saying, “Elohim visiting will visit you, and you will bring up my bones from here.”

Bereshit 50:25

And evening approaching, a wealthy man from Ramatayim, Yosef by name, who also himself was discipled to Yehoshua, approaching Pilate, this one asked for the body of Yehoshua. Then Pilate instructed the body to be given. And taking the body, Yosef wrapped it in clean linen and laid it in his new tomb, which he had hewn out in the stone.

Matityahu 27:57-60

And in Yafo was a certain disciple named Tavita (which translated is “Gazelle”). She was full of good works and of charity which she performed. And it occurred in those days, becoming ill, she died. And bathing her, they placed her in an upper room.

Acts 9:36-37

This approach has broader applications. As we noted with polygamy, we are not dependent on explicit prohibitions to demand a higher standard, but still dependent on holy scripture.

We should also note that, in this light, having addressed a particularly vile perversion, it should be evident that, while outreach is a worthy endeavor and a necessary responsibility, the holy community is hardly equipped to deal with every pathology.

The Universal Imperative to Abandon Sin

“For all have sinned and fall short of the glory of God.”

(Romans 3:23)

“If we say that we have no sin, we deceive ourselves, and the truth is not in us . . . If we say that we have not sinned, we make him a liar, and his word is not in us.”

(1 Yochanan 1:8,10)

None among us is without sin. The question is, are we accepting of our sins or are we at war with them, constantly engaged in the process of growing beyond them and being cleansed of them?

Or know you not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with men, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners shall inherit the kingdom of God. And such were some of you—but you were washed, and you were sanctified, and you were straightened out in the name of the Master Yehoshua Moshiach, and in the spirit of our God.

Flee fornication. Every sin that a man does is outside the body; but he that commits fornication sins against his own body. Or know you not that your body is a temple of the holy spirit which is in you, which you have from God, and you are not your own? For you were purchased with a price; therefore, glorify God in your body.

(1 Corinthians 6:9-11,18-20)

For if we are willfully sinning after receiving the full knowledge of the truth, there remains no more sacrifice concerning sins, but a certain fearful expectation of judgment and “zealous fire being about to consume the adversaries.” If anyone did not regard the Torah of Moshe, that one dies without pity on “the word of two or three witnesses.” How much worse punishment do you think will be thought worthy to receive, the one trampling the son of God, and having counted ordinary the blood of the covenant in which he was sanctified, and having insulted the Spirit of grace?

(Hebrews 10:26-29)

Sexual sins are like any other in that, if we persist in them, they will be our ultimate demise.

And you, son of man, say to the sons of your people, “The righteousness of the righteous shall not deliver him in the day of his trespass. And the evil of the evil, in the day he turns from his wickedness, he shall not fall by it. And the righteous shall not be able to live by it in the day he sins.”

Though I say to the righteous, “Living he shall live,” yet he trusts in his own righteousness and commits iniquity, all his righteousness shall not be remembered, but he shall die for his iniquity which he has done.

And though I say to the wicked, “Dying you shall die,” if he turns from

his sin and does justice and righteousness, if the wicked returns the pledge, he repays the thing stolen, he walks in the statutes of life, *not doing iniquity*, living he shall live; he shall not die. All his sins which he has sinned shall not be recalled to him. He has done justice and righteousness; living he shall live.

Y'chezk'el (Ezekiel) 33:12-16

Sexual sins are outstanding in that they are highly addictive, coupled with the fact that they often involve relationships that are extremely difficult—even tortuous—to end. Yet that is what is demanded. When Yehoshua asked the woman caught in adultery where were her accusers and if anyone had condemned her, she replied, “No one, Master.” And Yehoshua said to her, “Neither do I condemn you. *Go, and sin no more.*” (Yochanan 8:11) That is the formula for all sin.

What can be confusing is that some sins are allowed to remain in the congregation and some are not. Were no sins whatsoever allowed, there would be no congregation. However, what scripture does is identify and quarantine against particularly egregious sins—those that are not merely a threat to the individual, but present a serious threat to the entire community. Fornication is not unique in this regard. For example, we early on quoted 1 Corinthians 5:11 where Paul wrote, “But now I wrote to you not to associate intimately; if anyone is called a brother and is either a fornicator, or a covetous one, or an idolater, or a reviler, or a substance abuser or a plunderer—with such a one not to eat.” In Ephesians 5:3-5, he wrote, “But let not fornication and all uncleanness, or avarice be named among you, as is fitting for holy ones. Also courseness and stupid talk, or mockery (the things unbecoming), but rather thanksgiving. For be knowing this, that every fornicator, or unclean one, or covetous one, who is an idolater, has no inheritance in the kingdom of Moshiach and of God.”

Fornication is not unique in being among the behaviors that must be completely absent from among congregants—a “zero tolerance” policy in contemporary parlance.

Many will argue that those having succumbed to the more egregious sins are the ones most desperately in need of congregational life. In reality, their greatest prospects for extraction from their lifestyles are specialized and organized groups outside the congregation focused on their particular issue such as those modelled after Alcoholics Anonymous.

There should remain no question about the need for the cessation of sin, certainly as a matter of lifestyle and ongoing practice.

Teshuva - The Way Out

It is easy to view repentance rather one-dimensionally. To achieve more than a nominal repentance, we have to recognize and work through each of its essential components.

In Judaism, the process is known as “teshuva,” which means “return.” This presumes our origins as from God, but becoming in a state alienated from him. Not satisfied with superficial glance, Judaism identifies several steps in the process. At its core are charata (regret), aziva (abandonment), viddui (confession) and kabbala (resolve). These four are preceded by hakarat (recognition) and, where possible, includes peira'on (restitution).

Hakarat

The opening of Natan's confrontation with David over his affair with Batsheva provides a striking example of initial lack of recognition. So insulated is David in his web of deceit, he cannot recognize Natan's lamb theft allegory as representing himself until Natan's blunt, "You are the man!"

The account does not shame David for our entertainment or that we cast stones. It serves as an analog, applicable to us, putting flesh on the universal statement, "The heart is deceitful above all things, and desperately infirm. Who can know it?" [Yirmayahu (Jeremiah) 17:9]

Hakarat (recognition) is not merely an individual imperative; it rests upon the community as well. Yeshayahu (Isaiah) said, "Woe unto them that call evil good, and good evil . . ." (5:20) Today, congregations are proud to both accommodate and to celebrate homosexual unions, cohabitation outside marriage, casual adolescent sex and other sinful activities. If we cannot even differentiate what is appropriate from what is not, we can hardly begin the process of teshuva—of returning to God.

If we say that we have not sinned, we make him a liar, and his word is not in us.

1 Yochanan (John) 1:10

Charata

Only with recognition can charata or regret emerge. It is critical to distinguish good from evil and to face the gravity of what we have done and how it alienates us from God. "To this one will I look, even to him that is afflicted and of a contrite spirit and that trembles at my word." (Yeshayahu 66:2)

As crucial as is charata, it does not, by itself, represent Teshuva. Recognizing this limitation is essential for the individual recoiling from any given sin. It is also important for a judicial body when called upon to evaluate one's status following a misconduct.

In 1 Shmu'el (Samuel) 15, we have the anatomy of pseudo-teshuvah. When Sha'ul failed to fulfill Shmu'el's instruction to annihilate the Amalekim, his initial reaction to the prophet's rebuke was denial: "I have performed the commandment of YHVH." When pressed by Shmu'el for his failure, Sha'ul acknowledges it as such, but shifts the blame: ". . . the people spared the best of the sheep and of the oxen . . ."

As their exchange continues, Sha'ul reverts back to denial: "Indeed I have obeyed the voice of YHVH, and have gone the way which YHVH sent me, and have brought Agag the king of Amalek, and have utterly destroyed the Amalekim, but the people took of the spoil, sheep and oxen . . ."

Only under duress, Sha'ul concedes, "I have sinned, for I have transgressed the commandment of YHVH and your words, because I feared the people and obeyed their voice. Now therefore, I pray of you, pardon my sin." Shortly thereafter, he says, "I have sinned, yet honor me now, I pray of you, before the elders of my people, and before Yisrael, and turn again with me, that I may worship YHVH thy God." It is now apparent, Sha'ul is less remorseful for his sin than he is its consequences he wishes to evade. His reference to worship is now a hollow token, his real concern—saving face before the people.

Aziva

It is only with the abandonment of a given sin that the true substance of teshuva is reached. We have already addressed this need, but the following reinforce it:

Let the wicked forsake his way and the man of vanity his thoughts, and let him return to YHVH, and he will have mercy on him, and to our Elohim, for he will abundantly pardon.

Yeshayahu (Isaiah) 55:7

The soul that sins, it shall die. A son shall not bear the iniquity of the father. And a father shall not bear the iniquity of the son. The righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be on him. But the wicked, if he will turn from all his sins which he has done, and keep all my statutes, and do justice and righteousness, living he shall live; he shall not die. All his transgressions that he has done, they shall not be recalled to him in his righteousness which he has done. He shall live.

“Delighting, do I delight in the death of the wicked?,” declares Adonai YHVH. Is it not that he should turn from his ways and live? But when the righteous turns from his righteousness and does injustice, according to all the abominations that the wicked do, he does, shall he live? All his righteousness that he has done shall not be remembered in his treason that he has betrayed and in his sin that he has sinned. In them he shall die.

Yet you say, “The way of Adonai is unfair. Hear now, house of Yisrael. Is my way not fair? Are your ways not unfair?”

When a righteous one turns from his righteousness and does injustice and dies in them, he shall die for his injustice which he has done. And when the wicked turns from his wickedness that he has done and does justice and righteousness, he shall keep his soul alive. Because he sees and turns from all his transgressions that he has done, living he shall live; he shall not die.

Yet the house of Yisrael says, “The way of Adonai is unfair.” Are my ways not fair, house of Yisrael? Is it not your ways that are not fair?”

I will judge you, each one by his ways, house of Yisrael, declares Adonai YHVH. Turn and be made to turn from all your transgressions, and iniquity shall not be a stumbling-block to you.

Cast away all your transgressions from you by which you have transgressed in them, and make for yourselves a new heart and a new spirit; for why will you die, house of Yisrael? For I do not have delight in the death of him who dies, declares Adonai YHVH. So turn and live.

Y'chezk'el (Ezekiel) 18:20-32

What begins as a change of heart must mature to a change in behavior—for the better.

Viddui

Speak to the sons of Yisrael, man or woman, when they commit any of

the sins of man, by committing a trespass against YHVH, and that person is guilty, then they shall confess their sin which they have done. And he shall make restitution for his guilt in full, and add its fifth to it, and shall give it to him against whom he has been guilty.

B'midbar (Numbers) 5:6-7

Though not stated in the passage above, any given viddui or confession generally has, so far as its verbal component goes, two expressions. One is to God; the other is to the offended. In the case of egregious sins, a confession before a court will also be necessary. (We note "verbal" components because there is another facet noted in the B'midbar passage which we will revisit shortly.)

Tehilim (Psalm) 32 opens with a confession to God:

Blessed is he whose transgression is lifted, whose sin is covered (pardoned).

Blessed is the man to whom YHVH does not charge iniquity and in whose spirit is no guile.

When I kept silence, then my bones became old, through my howling all day.

For by day and by night, your hand was heavy on me; my sap was turned into the droughts of summer. Selah.

I confessed my sin to you, and I have not hidden my iniquity. I said, "I will confess over my transgression to YHVH," and you forgave the iniquity of my sin. Selah.

On account of this let every godly one pray to you . . .

In this psalm, forgiveness occurs only after confession to God is made. It is particularly noteworthy that this forgiveness occurs the before the final, yet necessary step or steps that constitute complete teshuva. This is as it was with David in the Batsheva affair.

While all our transgressions are against God, most of our sins also involve failing others.

Of all the New Testament writers, Ya'akov (James) is (characteristically) the most direct about the imperative to, "Confess therefore your sins one to another, and pray one for another, that you may be healed. The prayer of a righteous person is powerful and effective." (5:16)

Matityahu 18 relates an exchange between Shimon Kefa and Yehoshua in which Shimon inquired, "Master, how often shall my brother sin against me and I forgive him? To seven times? Yehoshua said to him, "I say not to you, to seven times, but to seventy times seven." (vv. 21-22)

Shimon suggests nothing about a confession on the offender's part, but Yehoshua twice does in his reply (vv. 18 & 29).

Reviewing the above, we have examples of confessing to God and confessing to our offended fellow. When we consider Yochanan (John) 1:9 in this light, we realize a dual confession is often in order:

If we confess our sins, he is faithful and righteous that he may forgive us the sins, and may cleanse us from all unrighteousness.

The ambiguity of many scriptures and the specificity of others should remind us to consider both.

In a Jewish enumeration of teshuva's components, viddui (confession) seems generally listed after aziva (abandonment) rather than before. Should their order not be reversed? Perhaps not, particularly when we consider that a confession prior to abandonment is dubious—or at least is not otherwise distinguishable without performance.

Kabala

Some transgressions are incidental lapses. Others are longstanding. The latter involve “rewiring” our psyches and appetites and various lifestyle amendments to accommodate our sin(s). It is particularly those of the latter category where kabala (resolve) is crucial. Calling attention to resolve recognizes the proclivity to renounce and forsake our misconduct, only to be drawn back in the face of persistent yearnings. The initial abandonment is a necessary step, but, in many cases, a series of battles won and lost will ensue.

David's Batsheva affair does not present us with a tidy sequence from recognition to resolve, for after his initial contrition, he returned to satisfying himself with the object of his lust. It represents a long and messy war, won only, in his case, as best we can discern, toward the end of his life.

If we view the narrative as sanctioning that relationship, we completely undermine marriage's sanctity and place the entire institution at risk—even as religion's and society's fruits so abundantly demonstrate. If, on the other hand, we consider frankly what ensued and how precarious was his state over an extended period, we can then perceive the stupendous devotion God demonstrated in his ultimate, if not belated, redemption—an encouragement for all of us as we muddle through our own persistent failures and successes.

Peira'on

This is hardly the place for a thorough treatment of restitution. On the one hand, restitution is where an otherwise cheap confession becomes sincere and substantive. On the other, sexual sins involving others with often overwhelming consequences, hardly lend themselves to any semblance of full restitution. This does not mean, however, that partial restitution and/or reconciliation are to be dismissed. Each situation will demand its own consideration and action.

Redemption

For those involved in sexual immorality, past or present, and for those attempting to foster their healing, an abiding question is, what do mercy and redemption look like for them? Our consideration must take into account the following:

First, though we are being judged according to our motives and conduct in this life, and we will, to a large extent in this life, reap the consequences thereof, redemption is not temporal; it only sees its true fulfilment following the resurrection. This is the case, whether we were blessed to be guided toward righteousness from earliest childhood or came to it belatedly.

With that in mind, we recognize that many who have persistently sought God and his righteousness since youth do not realize great reward in this life:

. . . others were beaten to death, not accepting deliverance, that they might obtain a better resurrection. And others received trial of mockings and of floggings; yea, more, of bonds and of prison; they were stoned; they were tried; they were sawn in two; they died by murder of sword; they went about in sheepskins and in goatskins, being in need, being afflicted, being ill-treated—of whom the world was unworthy, wandering in deserts and mountains and caves and the holes of the earth.

And having obtained witness through the faith, these all did not obtain the promise, God having foreseen something better concerning us, that they should not be perfected apart from us.

(Hebrews 11:35-40)

There are many who have shunned sexual intimacy year after year, reserving themselves for that special someone who never crossed their path. There are many whose physical or mental limitations render them unfit or nearly so for marriage—for whom such aspirations seem pointless.

Thus, when we consider mercy and redemption for the formerly immoral, we must do so before the righteous (or perhaps more properly, “relatively righteous”) denied opportunities and in light of what redemption truly is. The “better promises” of the new covenant are not temporal.

We also need to consider the fact that, though all sin alienates us from God and leaves indelible scars, some sins involve catastrophic forfeiture, both for ourselves and for others. These include murder, assault, abuse, neglect, substance abuse and illicit sexual involvement. There is no “undo” button that will revive one murdered, or make whole the victim of fetal substance abuse syndrome or violence. The perpetrator may well find forgiveness in this life, but restoration for all affected is deferred. Certain sins yield certain life-long restrictions.

As a matter of outlook and policy, we are not offering delusions of escapism: “Confess some nebulous sins, yet remain as you are and enjoy this temporal playground,” as though the incident in Eden never occurred. Our dedication is to live purely, to reform as required, to keep our eternal redemption in view and to encourage others to do likewise.

We are not called to be a sterile haven for the perfect, but if we, as a community, are to wear the designation, “holy ones,” a moniker applying to disciples sixty times in the New Testament, we must openly teach, strenuously cultivate and act the part.

But if we walk in the light, as he is in the light, we have fellowship with one another, and the blood of His son Yehoshua Moshiach cleanses us from all sin. If we say that we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, he is faithful and righteous that he may forgive us the sins, and may cleanse us from all unrighteousness.

1 Yochanan 1:7-9

i. Speech entitled, “*Against Neaera*,” attributed to Demosthenes (4th century BCE), *Demosthenes with an English Translation*, Norman W. DeWitt, Ph.D., and Norman J. DeWitt, Ph.D. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. 1949.

ii Herman, Victor, *The Gray People*, Independent Publishing House, 1980

iii. This burning refers, not to the method of execution, but to the burning of the corpse following execution, reflecting the ultimate destiny of the wicked.

iv. Betrothal is a state in which a couple is reserved to one another, though as yet neither cohabiting or sexually involved. It may only be dissolved by divorce.

v. With the verb “seize,” this might at first appear to be another case of rape such as is described in the verses immediately preceding. However, “seize” is translated from the Hebrew *שפח* (tafas) here, whereas in verse 25, the verb is *כזח* (chazaq). So, while *שפח* can refer to a violent seizure, we take the different verbs to be contrasting here, where tafas means a passionate seizure.

vi. Cherlin, Andrew J. *Marriage, Divorce, Remarriage*, p. 27, Harvard University Press, 1992.

vii. Cherlin, Andrew J., *The Marriage-go-Round: the State of Marriage and the Family in America Today*, pp. 107-108, Random House.

viii A Tannaitic tradition, given in the name of Rabbi Yohanan ben Zakkai, maintains that the ritual was discontinued because “adulterers proliferated.” (According to Mishnah Sotah 9:9, he was the one who discontinued it, but according to Tosefta Sotah 14:1, he merely tells of its annulment, which occurred before his time).

ix *A Sermon on Living as Husband and Wife* (Vom Eheleben. WA 10 II, 275-305)

x *Divorce in Jewish Law, Journal of Comparative Legislation and International Law*, Third Series, Vol. 8, No. 4 (1926), pp. 215-224, Cambridge University Press on behalf of the British Institute of International and Comparative Law

xi. Wm. B. Eerdmans Publishing, 2002, pg. 21

xii. The Masoretic Text (MT) is the standardized, uniform version of the Hebrew text of the Tanakh (Old Testament) maintained by Judaism. The Septuagint (LXX) is (mainly) the translation by the Alexandrian Jewish community of the Tanakh and other writings from Hebrew into Greek. The Torah was translated first (3rd century BCE), while other books were translated as late as the 130's BCE. The Samaritan Pentateuch is comprised of the first five books of the Bible in Hebrew, maintained by the Samaritans wholly outside Judaism since about the eighth century BCE.

xiii p. 116, KTAV Publishing House, Inc., 1986

xiv In English, a word can have a variety of meanings. In Hebrew, not only is this true of nearly all words, but it is accentuated due to Hebrew's comparatively limited vocabulary, necessitating more versatility in each word. As a general rule, where the wording can accommodate more than one meaning, we accept all reasonable possibilities, though typically constraining ourselves in practice to the one requiring more rigorous application.

xv Mishnah Sanhedrin 2:4