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HIR - The Bayit
Steven Exler

Perhaps you're familiar with sentences that begin, "If you love me, you'll..." - fill in your own blank.

They're usually followed by things we don't want to do. Things that feel foreign, or uncomfortable, or require moving outside our comfort zone.

Jerry Seinfeld has a great routine: "There's two types of favors, the big favor and the small favor. You can measure the size of the favor by the pause that a person takes after they ask you to 'do me a favor.' Small favor, small pause. Can you do me a favor, hand me that pencil? No pause at all." (And I'd add: Can you do me a favor? -- -- "I'd like to borrow your car". Medium favor, medium pause.) Big favors are, 'Could you do me a favor...' Eight seconds go by. "Yeah? What?" "... well." The longer it takes them to get to it, the bigger the pain it's going to be."

Same with sentences that begin, "If you love me, you'll..." Big intro, big favor.

So how about this one: "if you love me, you'll spend a significant part of your religious life taking animals, slaughtering them, having a priest sprinkle blood on the altar, and then the priests and perhaps the owners eating some of the cooked flesh of the animal - and you'll do this for sins, for holidays, for expressions of gratitude, and for creating community"?

Big favor, right? Truth is, that was far more normal sounding to the ancient Israelite than it is to us. The whole mechanism of the process of korbanot - sacrifices - seems so foreign, that even the medieval commentaries struggle to explain how it worked and what it meant to God. But it was in context in the time of the Torah, and the surrounding peoples were doing it, and it was a normal part of life.

But then, says Rashi, commenting on the seemingly superfluous opening of the parsha - “Vayikra el Moshe”, and God called to Moshe, seemingly redundant since the next phrase is “Vaydaber Hashem Elav”, “And God spoke to Him”, Rashi comments here that amidst the blood and gore of animal sacrifice, this is one of the greatest moments of love in the Torah:

קדמה קריאה לשון חבה לשון שמלאכי השרת משתמשין בו שנאמר וקרא זה אל זה ואמר

The Torah put a calling-out (keriah) first, as a language of affection, like the ministering angels use, as it is said, “And one called (kara) to the other and said...”

According to Rashi, this is one of love moments. God asks us to do something, and makes sure to open by emphasizing our love relationship. God highlights God’s love for us, and, I believe, our love for God, like the angels calling to one another in love and friendship.

Let’s review: if moments of “If you love me, you’ll...” are moments that generally ask us to do something that isn’t easy, and if God used this language to introduce the system of sacrifices, but animal sacrifice was commonplace in the ancient Near East of the Torah, then what is actually so hard about this request?

This is what the saintly Piaseczner Rebbe, R’ Kalonymus Kalman Shapira, rabbi of the Warsaw ghetto and spiritual teacher from the flames of Europe, asks on this Rashi in his beloved work, the Esh Kodesh. The Torah uses the word Vayikra for God’s summoning Moshe on many other occasions, he notes. So why does Rashi choose this one to focus on God’s love of Israel?

The Esh Kodesh suggests - God *was* asking a lot of us in that moment. Even if killing animals as a gift to God wasn’t foreign to this nation, the actual expenditure of resources, and the beginning of embarking on a regular, ritualized system of worship - *that* was not easy. This newly freed people, new owners of property, were immediately being asked to

give something of it up regularly, even to commit to give something of it up for situations that might arise down the road that they could not even anticipate.

So God calls out to Moshe with love. To say, this request is a request from love. Because I love you, I ask for commitment, for seriousness, for sharing of resources with me. In the moments when demands are placed that go above and beyond our comfort zones, we are inclined to believe that that may be a move away from love. God was teaching Moshe, suggests the Esh Kodesh by highlighting Rashi's interpretation specifically here of Vayikra as a language of love, God was teaching Moshe that asking things of each other emerges from a place of love - and can build and deepen a foundation of love.

This is the beauty, in my mind, of the juxtaposition between simple ring, and complex legalistic ketubah, in the wedding ceremony. We often note that the plain, circular ring, represents the spontaneous, simple, romantic moments that infuse a relationship with love. But a marriage - a partnership - cannot survive on those alone. In addition, successful couples need a ketubah - literally, a "written" - a document which details their commitments to one another and the responsibilities they undertake in entering into the marriage covenant.

But more than the ketubah asks us to make that commitment, we have a document in our arsenal in the last 30-40 years that asks us to make that same commitment - the halakhic prenuptial agreement.

We all know from everything from Law and Order, to the New York Times, to the New York Post, to our own halakhic literature, that the structure of Jewish divorce today can lead to situations in which wives - and husbands, although it occurs much less frequently - can be trapped in a marriage in which civil divorce is proceeding or complete, separation is final, and yet the refusal to grant a get inhibits them from moving forward in their lives. We know that the get has been used, as the excellent organization ORA writes on their website: as a tool to extort financial concessions, as blackmail to extort concessions in

child custody and visitation, to inflict pain and suffering on an estranged spouse out of spite, or to prevent an estranged spouse from moving on with her life and pursuing a new relationship with another. Get refusal is indeed a form of domestic abuse (Taken from: <http://www.getora.org/#!faq/c10kz>).

And over the decades, as various solutions have been offered, many are not acceptable to the wider halakhic community for one reason or another. While there is room for more courageous halakhic initiative in this regard, and while there are more activist steps to take as a community to address the more root causes of this halakhic conundrum, and while a very reputable beit din under Rabbi Simcha Krauss has opened, a beit din we should support in whatever ways we can - financially, and through referrals, I want to take a few moments to remind you how the halakhic pre-nup and post-nup can serve to address this issue. I hope by explaining clearly how they work, we will understand together that they can be one of the most effective tools to ending agunot, and that depends on each and every one of us signing, if we are married, and encouraging everyone we know to do the same. And if we understand it, we can defuse some of the inaccurate claims leveled against it.

The pre-nup is signed by a couple before they marry - and for those of you who haven't signed and are already married, there is a post-nup form which works equally well, and we hope you'll join us to celebrate signing it this Sunday March 30th. And if you can't be there - let me know. I will send you a form and walk you through it.

These documents are binding arbitration agreements. They are signed by both members of the couple, witnessed, and notarized. They say that in case of a separation, the couple agrees to binding arbitration at the Beit Din of America, a Beit Din that I believe is genuinely concerned with bringing agunah cases to a quick resolution, with regard to the get. The beit din can rule regarding the husband's obligation to give the get. If the husband refuses, or even if he refuses to appear in court after 3 invitations and a warning (a process that usually takes up to 2 months total), then the contract comes into effect, in

which the husband obligates himself to \$150/day from the time of separation. Understand - this is not a *kenas* - a penalty. This is actually an employment of a term of Jewish marriage - that a husband owes his wife certain financial provisions as long as they are married. The pre-nup simply says, “we are actually assessing you for those obligations, and we are setting them at \$150/day”. This is enforceable in secular court as a simple contract claim, and it has been upheld in secular court already. We know it works.

In most cases, however, this doesn't even go to court. When the beit din reminds the husband of the obligation in the pre-nup, the payment is given. While not a perfect solution, because someone very wealthy may be able to hold out for a while, this solution actually addresses most cases of get refusal that we face.

We are using a reciprocal form of the agreement, which protects husbands equally as wives, assessing a wife her financial obligations in the marriage at \$150/day if she refuses to receive the get after separation has begun and the husband requests to give he get.

When God calls out to Moshe and asks Bnei Yisrael to put their resources on the line, and to give up a slice of their freedom, for the sake of love, and from a place of love, God sets the model that commitment and sacrifice are a part of a loving relationship, and we know that that is the case. This is what the pre-nup or post-nup asks us to do.

So as we approach Mussaf, and the loving call of the angels, וקרא זה אל זה ואמר, calling with love one to another, let us resolve three acts of kedushah, three action steps we must take to help bring an end to the problem of agunot through the means of the pre-nup approach - even while we can and should work on other approaches too:

- 1) Kadosh: Sign it. If you haven't, make that leap of love and commitment. Not just to set the standard as a universal standard, but as that act of commitment - like the ketubah - to our own partners. We owe it to one another. It is the right - and responsible - thing to do.

- 2) **Kadosh:** Talk about this with your friends. Make sure they have signed. It is my dream that we will reach the day when we can say that 100% of eligible Bayit members have a pre-nup or post-nup, and challenge other shuls to follow our lead. And indeed, this event is one of many happening at shuls around the country, from St Louis, to down the road at Ramath Orah, to up the road in White Plain and in Providence, RI, and many more Orthodox shuls.
- 3) **Kadosh:** Reach out to the Rabbinical Council of America and ask them to follow the lead of the International Rabbinic Fellowship in not just encouraging their members not to officiate at a wedding without a pre-nup, but to require it. We should envision a world in which we are no longer saying at the hatan and kallah's gatherings before the wedding, "we are signing this document in an attempt to set a standard in our communities...", but rather, simply, "a part of the Jewish wedding is the signing of the halakhic prenuptial agreement".

Kadosh, kadosh, kadosh. Let us resolve to call out to our partners, our friends, our rabbis, and our communal organizations, and may we display our love and commitment to one another by entering into marriage responsibly, thoughtfully, and with the loving sacrifice of ultimate protection for one another.

M'lo kol ha'aretz kevodo. And may we feel the presence of God's Glory filling our world.