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Marriage and its obstacles in Jewish law

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INTRODUCTION

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The Bible views marriage as a natural human relationship and so it devoted little time or attention to its details. Adam found a helpmate; the patriarch took wives from a close circle of relatives and added concubines. Various kinds of relationships were prohibited in the legal books, but the total material on the subject is limited.

The rabbinic period made up for this paucity of material as it discussed marriage at length and in an eminently practical manner with entire tractates of the Talmud devoted to the nature of the marriage bond (*kidushin*), the economics of marriage (*ketubot*), the discipline of sexual relations (*niddah*). This mass of the material rather than solving every conceivable problem, broadened the discussion and led to a whole range of subjects which the earlier Biblical writers had not even dreamed of. Many areas of this precious human relationship had only been partially covered and the widened discussions brought new matters into the discussion.

Neither the Bible nor the Talmud took monogamy for granted, we do and state that it has been a norm of Jewish life for more than a thousand years. The story is not so simple or uncomplicated and the road has been long and difficult. Various impediments to marriage such as an adulterous relationships or remarriage with those of dubious descent played a major role in the rabbinic discussions. For centuries in the early rabbinic period efforts to maintain genealogies were made by leading families. Economic decline, persecution, and the vagaries of human life led to the abandonment of this effort. Our

century sees many matters related to marriage in a different light. It is not only that our time is different, but our understanding of the past has changed.

Marriage with other groups was treated through a handful of summary prohibitions in the Pentateuch and then virtually ignored in the remaining Biblical literature. It obviously existed as we can see from the descriptions of the lives of the nobility and the common people. The prophets denounced the relationships with non-Israelites and Ezra sought to destroy them as they would weaken the devotion to Judaism. Neither effort succeeded and in the rabbinic period a new method of bringing Gentiles into the Jewish people provided a different approach to such marriages. These problems have been faced differently through the ages.

The essays of this volume and the responsa in the second half of the book deal with some of these issues. The issues are important and very much alive for Jews wherever they live - in the Diaspora or in Israel.