



JUDAISM AND POLYGAMY?

When was polygamy banned in Judaism? Who didn't agree? Why was the initiator known as "Light of the Exile"?

The history of Rabbeinu Gershom's landmark enactments and their kabbalistic significance.

TEACHER'S MANUAL



JEWISH INSIGHTS

A TASTE OF THE REBBE'S TEACHINGS



PARASHAT KI TETZE

Book of Deuteronomy / Devarim

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Shluchim of the Rebbe to Mumbai India

Contents:

A. The Polygamy Ban.....5

In this week's Torah portion, we read about the possibility of polygamy (source 1). The Talmud records an argument over whether it is permissible, but the final ruling is that it is (source 2). However, it is worthy to note that in the Bible, polygamy was only practiced in very specific instances (teacher's manual). In any case, this was the source of a divide between Ashkenazi and Sephardi traditions: Ashkenazi communities prohibited polygamy, while Sephardi lands were not as resolute (source 3).

The 100 Rabbi Dispensation (Optional)

It is interesting to note that there is a way to bypass this ban. According to Jewish tradition, a man is permitted to marry two wives with the approval of 100 rabbis in three different provinces (sources 3b & 3c).

B. Veto Power.....9

This is not the only famous ban of Rabbeinu Gershom. In this week's Torah portion, we read the rules about divorce (source 4). According to Maimonides (source 5) and his commentaries (source 6), the verse indicates that a woman may be divorced against her will. Rabbeinu Gershom made another very progressive rule: a woman must agree before being divorced (source 7).

C. Ashkenazim vs. Sephardim.....13

Before jumping into the Rebbe's talk, let's examine another argument between the two communities: Ashkenazi Jews preferred to perform *chalitzah*, while Sephardi Jews recommend *yibbum* (source 8-9).

In this segment, the Rebbe explains the very practical reason for the differences in custom: Jews in Ashkenazi lands fared far worse than Jews in Sephardi lands. With that in mind, the rabbis in Ashkenazi communities preferred that husbands not take on the responsibility of more than one family.

D. The Light of the Exile?.....15

In this next segment of the Rebbe's talk (from a different occasion), he explains the spiritual significance of the entire discussion. Our relationship with G-d is like a marriage between husband and wife. When we are in exile, it is as if our relationship is in question. The enactments of Rabbeinu Gershom reflect a commitment from G-d that he will not "divorce us" or "take another wife." This is why he is remembered specifically as "the Light of the Exile."

However, the reflection goes in both directions. When we ask G-d to behave like a good husband and grant us a good new year, it is incumbent upon us to ensure that we act, within our own marriages, in the same fashion.

Introduction:

Every child in Jewish Day school, and every Jew with a background in Jewish education, has heard about the Cherem D'Rabbeinu Gershom. One of these enactments is the prohibition to marry two wives. This was widely accepted in Ashkenazi communities, while not accepted in Sephardic ones.

In this lesson, we will learn about the background of those enactments, and read the Rebbe's talks on the subject.

First of all, the Rebbe explains why this enactment was widely accepted in Ashkenazi communities specifically. Secondly, he explains the spiritual significance of those enactments, in reference to our relationship with G-d.

The Rebbe explains that the spiritual element of those enactments is what earned Rabbeinu Gershom his title, "The Light of the Exile."

And there's also a practical lesson: invest in your marriage!

A. The Polygamy Ban

One thousand years ago, a famous rabbi lived in Germany, known as Rabbeinu Gershom, “Meor Hagolah—the Light of the Exile.” He is famous not for a commentary that he wrote but for several rabbinic enactments that he instituted.

Source 1 Deuteronomy 21:15

In this verse in our Torah portion, the Torah speaks of a reality in which a man has two wives.

[This is the law] when a man has two wives, one whom he loves and one whom he dislikes, and both the loved and unloved wives have sons, but the first-born is that of the unloved one...

כִּי תִהְיֶינָה לְאִישׁ שְׁתֵּי נָשִׁים
הָאֶחָת אֲהוּבָה וְהָאֶחָת
שְׂנוּאָה וְיִלְדוּ לוֹ בָּנִים
הָאֲהוּבָה וְהַשְּׂנוּאָה וְהָיָה
הַבֵּן הַבְּכוֹר לְשְׂנוּאָה:

Source 2 Talmud, Tractate Yevamot 65a

The Talmud records an argument whether such marriages are permitted, and the Halachic ruling follows the opinion which permits it.

Rabbi Ami said...whoever marries a woman in addition to his first wife must divorce his first wife and give her the payment for her marriage contract. Conversely, **Rava said that a man may marry several women in addition to his first wife, and there is nothing wrong with this practice as long as he has enough to support them all.**

אָמַר רַבִּי אָמִי... כָּל הַנוֹשֵׂא
אִשָּׁה עַל אִשְׁתּוֹ - יוֹצִיא וְיִתֵּן
כְּתוּבָה. רַבָּא אָמַר: נוֹשֵׂא אָדָם
כְּמָה נָשִׁים עַל אִשְׁתּוֹ, וְהוּא
שָׂישׁ לוֹ כְּדֵי לְפָרְנָסוֹ.

Rif

The law follows Rava.

וְקִיָּמָא לוֹ כְּרַבָּא.

Rabbi Isaac ben Jacob Alfasi ha-Cohen (1013–1103) also known as the Alfasi or by his Hebrew acronym Rif (Rabbi Isaac al-Fasi), was a famed Talmudist and Halachic authority. His legal code Sefer Hahalachot is considered the first fundamental work in halachic literature.

According to the Torah, it is permitted for a man to marry more than one woman, but it is not exactly encouraged either.

In fact, when we look at the stories in the Torah about those Biblical men who did indeed have more than one wife, we discover that these cases occurred for very limited reasons. For example, Abraham himself, the father of our nation, was married to Sarah for many years, and when she could not bring forth children, it was she who suggested that Avraham take Hagar as a second wife, from whom his son Yishmael was ultimately born.

Jacob, the third of the Patriarchs, originally planned to marry just one woman, Rachel. However, Laban tricked him and as a result, Jacob ended up marrying Leah and Rachel—and because Rachel initially could not have children, Jacob also married Bilhah and Zilpah.

But as a general rule, the men of the Tanach married only one woman. As we see at the beginning of Creation itself, G-d only created one man and one woman, Adam and Eve. As the verse (Genesis 2:24) states, “And he shall cleave to his wife and they shall be one flesh.” That was the plan of Creation.

In the Talmud as well, we do not find many rabbinic figures who were married to more than one wife. Nonetheless, the Torah permitted it.

Now, Rabbeinu Gershom, who was the most respected Torah authority of European Jewry over 1,000 years ago, established a rule banning this practice. Rabbeinu Gershom used a halachic mechanism called the Cheirem, the Excommunication—the most powerful halachic weapon of his day. As it sounds, cheirem consists of total social banishment, in which a person is banned from the Jewish community. He may not be counted for a minyan, and so on. This enactment was accepted throughout all European Jewish communities.

Source 3 Code of Jewish Law, Even Ha’ezer 1:10*

The Talmud records an argument whether such marriages are permitted, and the Halachic ruling follows the opinion which permits it.

Rabbeinu Gershon prohibited the marriage of more than one wife, but his enactment did not spread to all the lands [i.e. outside the Ashkenazi European lands].

רַבֵּינוּ גֵרְשׁוֹם הַחַרְיִם עַל הַנּוֹשֵׂא
עַל אִשְׁתּוֹ, וְלֹא פִשְׁטָה תִקְנֵתוֹ
בְּכָל הָאֲרָצוֹת.

The Code of Jewish Law, the ‘Shulchan Aruch,’ is the most authoritative legal code in Judaism, authored in Safed by Rabbi Joseph Karo – a Sephardic Rabbi – in 1563. Together with its commentaries, it is the most widely accepted compilation of Jewish law ever written.

Rema

Nonetheless, in all our countries [i.e. Ashkenazi lands], his enactment and tradition remains in place, and marrying two women is prohibited.

וּמִכָּל מְקוֹם, בְּכָל מְדִינוֹת אֵלּוּ
הַתִּקְנָה וְהַמְנָהג בְּמִקְוָמוֹ עוֹמֵד,
וְאֵין נוֹשֵׂאִין ב' נָשִׁים.

Rabbi Moses Isserles (1530–1572), also known by his acronym Rema, was an eminent Polish Ashkenazic rabbi, talmudist, and expert in Jewish law. He wrote a commentary on the Code of Jewish Law (primarily a Sephardic work) which inserted Ashkenazi customs and traditions.

Why did Rabbeinu Gershom establish this rule? There are several explanations:

1. Religious Reasons: In that era, many Jews became merchants, traveling for long periods at a time to the great fairs in faraway places – where they would also marry second wives and establish second families. In addition to the problem of unfaithfulness, this created a technical halachic issue as well: In that pre-Internet era, people didn't know what was happening in other countries, so it could happen that a son from such a merchant's first family could grow up and marry a daughter from the merchant's second family, without realizing that she was his own half-sister!

2. Cultural Reasons: In that era, Europe's Jews lived among Christian communities to whom the entire model of marriage was that of a necessary evil – so to them, marrying more than one woman was unfathomable. Therefore, it was better for the Jews living nearby to stick to monogamy.

3. Economic Reasons: Each additional wife means a new family. She has her own children, her own home, her own needs, desires, and aspirations. During a time of economic difficulty, Rabbeinu Gershom was attempting to avoid economic catastrophe.

4. Personal Experience: Some say that Rabbeinu Gershom himself had two wives, which led to a feud within his family to the point that one of his wives was said to have plotted his death. Making matters worse, one of his sons left the faith. Out of personal experience, Rabbeinu Gershom came to the conclusion that polygamy ought to be banned).

In any case, the Jews of Europe universally accepted Rabbeinu Gershom's rule.

As for Sephardic Jewry, even though they never did officially adopt the Cheirem D'Rabbeinu Gershom, they did in fact adopt it in practice. The custom in many Sephardic communities was to charge the newlywed groom with an oath to never take another wife, thereby ensuring that each man would be married exclusively to just one woman.

The ancient Yemenite Jewish community was the only Jewish community that did not adopt the Cheirem D'Rabbeinu Gershom. They continued the age-old custom of polygamy and in fact, at the time of the great Yemenite Jewish migration to Israel in the 1950s, some of the men had more than one wife, and they remained married to them once they got to Israel.

The 100 Rabbi Dispensation (Optional)

Source 3b Responsa of Rabbi Meir of Rothenburg (Prag) #1022*

Are there exceptions to the rule?

The prohibition of Rabbeinu Gershom to marry two wives cannot be absolved without a dispensation from 100 rabbis spread throughout the three provinces of Anjou, Lombardy and France. The exemption should not be provided without sufficient reason.

וְהַחֲרָם אֲשֶׁר שָׁם רַבֵּינוּ גֵרְשֹׁם
שְׁלֵא יִשָּׂא אִישׁ שְׁתֵּי נָשִׁים אֵין
הִתִּיר אֶלָּא בְּמֵאָה אֲנָשִׁים מִגְּ
מְלָכוֹת אוֹנוּיָא, וְנוֹמְבֵרְדִיָּא
וְצָרְפָת. גַּם לֹא יִתִּירוּ אוֹתוֹ עַד
שִׁירָאוּ טַעַם לְהִתִּיר.

Rabbi Meir of Rothenburg
(c. 1215 – 1293) was the
leading German Rabbi
of his day. He is known
by the Hebrew acronym
'Maharam' of Rothenburg.

An exemption of 100 rabbis is a legal halachic tool with which to circumvent this enactment.

In our day, this tool is only used when there is a legitimate reason for someone to marry a second wife. For example, if a woman loses her sanity, she cannot – according to Jewish law – receive a divorce. If she is no longer in a position to live with her husband, an exemption could be obtained through 100 rabbis which would allow him to marry a new wife without divorcing the first.

Source 3c Bach

Recent halachic literature states that the prohibition could be absolved by 100 rabbis. This is probably a tradition from the court of Rabbeinu Gershom, the “Light of the Exile” – that if a situation arises between a husband and wife in which the prohibition is no longer beneficial, whatever the situation may be, 100 rabbis may agree to absolve it. This process is necessary in order that it should not be easy for future generations to override the prohibition and marry additional wives. Our Rabbis have permitted the marriage of an additional wife in cases where the first wife lost her sanity by a consensus of 100 rabbis. This was done on several occasions.

וּמִסְתַּמָּא מָה שְׁנִמְצָא בְּדַבְרֵי
הָאֲחֵרוֹנִים שִׁיִּסְכְּיֵמוּ בְּהִיתָר
חֲרָם זֶה מֵאָה רַבָּנִים, כִּן קִיבְלוּ
הֵם מִפִּי בֵּית דִּין שֶׁל רַבֵּנוּ
גֵרְשֹׁם מְאֹר הַגּוֹלָה, שֶׁכְּשִׁיגִיעַ
אִיזָה עֲנִין בֵּין אִישׁ לְאִשְׁתּוֹ
שֶׁאֵין רְאוּי לְהִחְזִיק בְּחֲרָם זֶה,
יִהְיֶה מָה שִׁיְהִיָּה, יִתִּירוּ אֶת
הַחֲרָם בְּהִסְכְּמַת מֵאָה רַבָּנִים,
כְּדִי שְׁלֵא יִהְיֶה דָּבָר קַל בְּעֵינֵי
הַדּוֹרוֹת הַבָּאִים לִישָׂא אִשָּׁה עַל
אִשְׁתּוֹ. וְכִן נִהְגוּ רַבּוֹתֵינוּ בְּזִמְנֵינוּ
לְהִתִּיר לוֹ לִישָׂא אִשָּׁה אַחֲרַת
עַל אִשְׁתּוֹ שְׁנִשְׁתַּטִּית בְּהִסְכְּמַת
מֵאָה רַבָּנִים, וְנִעְשָׂה מִעֲשֵׂה כְּמָה
פְּעָמִים.

Rabbi Joel ben Samuel
Sirkis (1561 – 1640),
also known as the Bach
(an abbreviation of his
magnum opus Bayit
Chadash), was a prominent
Ashkenazi halachist who
lived in central Europe.

B. Veto Power

Rabbeinu Gershom enacted a second rule that is also associated with this week's Torah portion.

Source 4 Deuteronomy 24:1-2

The Torah tells us that if a husband wants to divorce his wife, he has to write her a Get (Jewish divorce document), and she is then divorced under Jewish law.

When a man marries a woman, if she is displeasing to him [or] if he has evidence of marital misconduct on her part, he shall write her a bill of divorce and place it in her hand, thus releasing her from his household. When she thus leaves his household, she may go and marry another man.

כִּי־יִקַּח אִישׁ אִשָּׁה וּבָעִלָּה
וְהָיָה אִם־לֹא תִמְצָא־חֹן
בְּעֵינָיו כִּי־מִצָּא בָּהּ עֲוֹנוֹת
דָּבָר וְכָתַב לָּהּ סֵפֶר כְּרִיתוֹת
וְנָתַן בְּיָדָהּ וְשָׁלְחָהּ מִבֵּיתוֹ:
וַיֵּצֵאָה מִבֵּיתוֹ וְהִלְכָה וְהִיתָה
לְאִישׁ־אַחֵר:

Source 5 Maimonides, Mishneh Torah, Laws of Divorce 1:2

Can a woman be divorced against her will?

A woman can be divorced whether or not she agrees.

הָאִשָּׁה מִתְגַּרֶשֶׁת בְּרִצּוֹנָהּ
וְשֶׁלֹּא בְרִצּוֹנָהּ.

Source 6 Kiryat Sefer*

Can a woman be divorced against her will?

What is the biblical source for this statement? The verse states: "If she is displeasing to him...he shall write her a bill of divorce and place it in her hand, thus releasing her from his household." The words, "If she is displeasing to him," indicate that a man cannot be forced to

וּמִנֵּי שְׂדֵדְבָרִים אֵלּוּ מִן הַתּוֹרָה?
שֶׁנֶּאֱמַר: וְהָיָה אִם לֹא תִמְצָא חֹן
בְּעֵינָיו וְכָתַב לָּהּ סֵפֶר כְּרִיתוֹת
וְנָתַן בְּיָדָהּ וְשָׁלְחָהּ מִבֵּיתוֹ. אִם
לֹא תִמְצָא חֹן בְּעֵינָיו - מִלְּמַד
שֶׁאִינָהּ מְגוֹרֶשֶׁת אֶלָּא לְרִצּוֹנוֹ
שֶׁיֵּאמַר רוּצָה אָנִי, וְאִם לֹא
אִינָהּ מְגוֹרֶשֶׁת. אֲבָל הָאִשָּׁה

*Rabbi Moses ben Joseph di Trani the Elder (1500 – 1580), known by his acronym Mabit, was a 16th-century rabbi in Safed. His work Kiryat Sefer is a commentary on the Bible, the Talmud, and difficult passages in the commentaries of Maimonides.

grant a divorce but a woman could be compelled to receive one, because the Torah made it contingent on him, not on her.

מִתְגַּרְשֵׁת אֶפְיָלוּ שְׁלֵא בְרִצּוֹנָהּ,
דְּבִדְיָי' תְּלָה רַחֲמָנָא וְלֹא
בְּדִידָהּ.

Now, along came Rabbeinu Gershom and established a rule that was more progressive in its time than all the organizations we have today that claim to support the struggle for women's liberation.

In the Parshah of Chayei Sarah, we learn a fundamental bedrock principle in the institution of marriage. When Eliezer, the servant of Abraham, came to Charan to seek out a mate for Isaac, the Torah tells us that he found Rebecca. After negotiations with Laban and her mother, they said, "Let's call the maiden and solicit her word." On that, Rashi comments, "From here we learn that one does not marry a woman but with her agreement" (Genesis 24:57).

What Rabbeinu Gershom innovated was that not only do you need the agreement of the woman for marriage, you also need the agreement of the woman for divorce. Rabbeinu Gershom established that it's absolutely prohibited to divorce a wife without her consent. (Even in today's day and age, no enlightened country requires a husband to receive his wife's consent when he decides to divorce her. By contrast, in Judaism, husbands have not been allowed to get divorced without their wives' consent for over 1,000 years). It's no wonder that Rabbeinu Gershom became a household name in the annals of Jewish history.

Source 7 Code of Jewish Law, Even Ha'ezer 119:6

The Talmud records an argument whether such marriages are permitted, and the Halachic ruling follows the opinion which permits it.

A woman may be divorced against her will.

יכול לגרשה בלא דעתה:

Rema

That is from a perspective of biblical law. However, Rabbeinu Gershom prohibited the divorce of a woman against her will.

וכל זה מדינא אבל רבינו גרשום
החרים שלא לגרש אשה שלא
מדעתה.

It is important to note that in those days, women were the property of their husbands. Rabbeinu Gershom's rule was extremely progressive for its time. The fact that a husband could not summarily divorce his wife nor marry a second wife was a serious protection for women.

C. Ashkenazim vs. Sephardim

There is another topic which relates to our discussion. According to the Torah, if a married man dies without leaving children, it is a mitzvah for his brother to marry his widow and thus perpetuate his brother's name. If they are not interested in marrying, they perform a ritual called *chalitza*, in which they dissolve the relation between themselves. The widow is then free to marry whomever she chooses.

Source 8 Maimonides, Mishneh Torah, Laws of Yibum & Chalitza 1:1-2

It is a positive commandment of Scriptural law for a man to marry the widow of his brother if he died without leaving children, as it states: “[And one of them dies] childless...her husband's brother should cohabit with her.”

מִצְוַת עֲשֵׂה מִן הַתּוֹרָה
שְׂיִיבֵם אָדָם אִשְׁתּוֹ אַחִיו
מֵאֲבִיו בֵּין מִן הַנְּשׂוּאִין בֵּין
מִן הָאָרוּסִין אִם מֵת בְּלֹא
זָרַע שְׂנֵאָמֵר (דְּבָרִים כה ה)
“וּבֵן אֵין לוֹ” (דְּבָרִים כה ה)
“יִבְמָה יָבֵא עָלֶיהָ”.

If he or she do not want to perform the rite of yibbum, he should perform *chalitza*. Afterwards is she permitted to marry another man.

לֹא רְצָה לִיבֵם אוֹ שְׂלֵא
רְצָתָהּ הִיא. הָרִי זֶה חוֹלֵץ
לָהּ וְאַחַר כֵּן תִּהְיֶה מִתְּרַת
לְהַנְשֵׂא לְאַחַר.

Which is preferable? yibbum or chalitzah? This is an argument between the Sephardic and Ashkenazic traditions. Maimonides rules – in the continuation of this law – that yibbum is preferable. The Rema writes that chalitzah is.

The mitzvah of yibbum takes precedence over the mitzvah of chalitzah.

וּמִצְוַת יְבוּם קוֹדֶמֶת לְמִצְוַת
חֲלִיצָה:

Source 9 Code of Jewish Law, Even Ha'ezer 165:1

Some Halachic authorities maintain that chalitzah takes precedence.

ויש אומרים שמצות חליצה
קודמת.

Rema

Even if both desire to perform yibbum, we do not permit them to do so unless it is clear that their intentions are for the mitzvah alone

אם שניהם רוצים ביבום אין
מניחים אותם לייבם אלא
אם כן ניכר וידוע שמכוונים
לשם מצוה (טור בשם ר"ת).

>> The Rebbe

Depending on the Exile

What takes precedence, *yibbum* or *chalitzah*? Upon examining the various rulings and discussions by the Halachic greats, one will notice that the Sephardic authorities usually rule that *yibbum* takes precedence, while the Ashkenazi authorities write that *chalitza* takes precedence.

There is also another matter in which Ashkenazim and Sephardim differ: whether one is permitted to marry more than one wife. Ashkenazim abide by the enactment of Rabbeinu Gershon which forbids the marrying of more than one wife (this enactment was originally set only until the end of the fifth thousand from creation [i.e. the year 1239] but was then extended further). This enactment is only absolved through an exemption from 100 rabbis. However, Sephardic Jews never accepted his enactment in the first place. Until our day, in Sephardic lands it is possible to marry more than one wife, while in Ashkenazi lands this is not a reality.

We can suggest the following explanation:

Maimonides writes the following regarding marriage: "A sensible person first establishes an occupation to

בנוגע לקדימה דיבום או חליצה להלכה למעשה - הרי, כשמעיינים בפסקי דין ושאלות ותשובות של גדולי ישראל (כמצויין בפתחי תשובה על אתר, ובספרים שלאחרי זה) בענין זה, רואים, שבדרך כלל, פוסקים חכמי ספרד שמצות יבום קודמת, וחכמי אשכנז - שמצות חליצה קודמת.

ועל דרך זה מצינו ענין נוסף דוגמתו שבהם חלוקים הספרדים עם האשכנזים - אם מותר לישא יותר מאשה אחת¹: בנוגע לאשכנזים - ישנו חרם דרבינו גרשום שלא לישא ב' נשים (חרם שנקבע מלכתחילה עד סוף אלף החמישי, ולאחרי זה - בתור המשך כו'), אלא אם כן על פי היתר של מאה רבנים, ובנוגע לספרדים - מלכתחילה לא נתקבל החרם אצלם. וכפי שרואים עד לדורנו זה, שבארצות הספרדים נושאים יותר מאשה אחת, ובארצות האשכנזים, הרי, בכל חוגי שומרי תורה ומצוות לא נמצא מי שישא יותר מאשה אחת.

ובביאור כללות החילוק בין הספרדים לאשכנזים - יש לומר:

בנוגע לאופן הנהגת האדם בענין הנישואין - כותב הרמב"ם²: "דרך בעלי

(2) הלכות דעות פ"ה הי"א

(1) ראה בכ"ז הנסמך באנציקלופדיה תלמודית ערך חרם דר"ג: ס"א, ס"ג, ס"ד, ס"ז.

support himself, then purchases a house to live in and then, marries a wife. As the verse states: 'Who has planted a vineyard...who has built a house...who has betrothed a woman...' In contrast, a fool first marries a wife. Then, if he can find the means, he purchases a house. Finally, towards the end of his life, he will seek out a trade... As the verse states in the curses: 'You shall betroth a woman...you shall build a house...you shall plant a vineyard.' I.e., your behavior will be disordered."

Now, there was a difference between the situation of Ashkenazim and Sephardim in their respective exiles in "Edomite" and "Ishmaelite" lands. The Ashkenazi exile was more intense; they suffered greater persecution than in the Arab lands.

This is also associated with a general difference between Christianity and Islam. Maimonides notes that Muslims believe in one G-d and do not worship idols, while "the Edomites serve other deities." This is reflected in the difficulty of the exile as well – the exile in Christian lands was more difficult than the exile in Muslim lands.

דעה שיקבע לו אדם מלאכה המפרנסת אותו תחלה, ואחר כך יקנה בית דירה, ואחר כך ישא אשה, שנאמר³ מי האיש אשר נטע כרם ולא חללו, מי האיש אשר בנה בית חדש ולא חנכו, מי האיש אשר ארש אשה ולא לקחה. אבל הטפשין מתחילין לישא אשה, ואחר כך אם תמצא ידו יקנה בית, ואחר כך בסוף ימיו יחזור לבקש אומנות כו'. וכן הוא אומר בקללות⁴ אשה תארש בית תבנה כרם תטע, כלומר יהיו מעשיך הפוכין כו'". כלומר, הסדר דנישואין צריך להיות באופן שיהי' בידו לפרנס כו'.

והנה, בנוגע למעמדם ומצבם של בני ישראל בזמן הגלות, צוק העתים וכו' - ישנו חילוק בין ארצות האשכנזים, גלות אדום, לארצות הספרדים, גלות ישמעאל, שקושי הגלות בארצות האשכנזים הוא בתוקף גדול יותר (גזירות וכו') מאשר בארצות הספרדים.

וענין זה קשור גם עם כללות החילוק בין אדום (נוצרים) לישמעאל (מוסלמים) - כמו שכתב הרמב"ם שישמעאלים מאמינים בה' אחד, ואינם עובדי עבודה זרה⁵, ואילו "אדומים עובדי עבודה זרה הם"⁶. ובהתאם לכך מתבטא גם החילוק ביניהם בנוגע לקושי הגלות - שגלות אדום קשה יותר מאשר גלות ישמעאל.

סתמ"ה.

(6) רמב"ם הל' ע"ז פ"ט ה"ד. פיה"מ (הוצאת קאפאח) לע"ז פ"א מ"ג

(3) שופטים כ, ה ואילך.

(4) תבא כח, ל.

(5) הל' מאכלות אסורות פ"א ה"ז. תשובות הרמב"ם (ירושלים תש"ך)

This is an amazing point. The reason the Jewish people suffered in European countries more than in Islamic countries is tied to their religious beliefs. Since the 'Edomite' beliefs are considered idol worship by our standards, the exile was more difficult as well.

(Perhaps we can add that in our day, the idol worship of the Edomites is not as much of a reality anymore. The Rebbe often pointed out the committed belief in G-d evident in the United States, as expressed on the dollar etc., without any reference to shilush etc. Perhaps, for that reason, the exile is easier in our day).

We can suggest that this also is reflected in the differences between Ashkenazi and Sephardi Halachic authorities with regards to marriage (the question of *yibbum* vs. *chalitzah* and the enactment of Rabbeinu Gershom). It took into account the difficulty (in this case, the economic difficulty) that existed in Ashkenazi lands more than in Sephardi lands.

ויש לומר, שבזה תלוי כללות החילוק בין חכמי אשכנז לחכמי ספרד בקשר לעניני נישואין (הקדמת יבום או חליצה, והחרם דר"ג) - בהתחשב עם קושי הגלות (ובנדוד"ד - בנוגע להשגת הפרנסה כו') בארצות האשכנזים יותר מאשר בארצות הספרדים.

Tazria-Metzorah, 1987
Toras Menachem 5747 pg. 238.

The Rebbe suggests a very practical explanation:

Maimonides writes in very clear terms that before a person marries a woman, he needs to ensure that he has the ability to support her. If he marries without the means of support, he is considered a fool.

In European lands, the economic situation of Jewish communities was extremely difficult. Many husbands could barely support one family. Supporting two women and their children would be impossible.

*The rabbis in those lands therefore preferred to ban marriage two two women and to advise against *yibbum* (which, in many cases, meant a second wife), simply because the husband would find it too difficult to support such a large family.*

Sephardic communities, on the other hand, had a much better financial situation. Men, in many cases, were able to support numerous families. Therefore, it was not necessary to ban polygamy.

D. The Light of the Exile?

>> The Rebbe

Rabbeinu Gershom's Rule Applies to G-d As Well

The Torah sources that mention Rabbeinu Gershom famously add the title, "Light of the Exile." No such title is used for the Rabbinic leaders before or after him. It is associated with two of his (many) enactments, which were not only included in the Code of Jewish Law (and often implemented) but are also quite famous, even among those who aren't well-versed in the Code of Jewish Law. The first enactment is that a person cannot divorce his wife without her consent, and the second – that he cannot marry a second wife.

With these two rules, Rabbeinu Gershom illuminated the entire exile: Even when the Jewish people find themselves in exile, in a physical exile and a mental exile, there is a rule: 1) G-d may not 'divorce' the Jewish people against their will, Heaven forbid, being that a Jew obviously does not want to be disconnected from G-d. 2) Rabbeinu Gershom doesn't allow the option of taking a second wife...

ישנו פתגם בספרי⁷... בנוגע ל"רבינו גרשום מאור הגולה", שבכל מקום שנזכר שמו של רבינו גרשום, מוסיפים מיד את התואר "מאור הגולה" - שלא מצינו דוגמתו אצל הגאונים שלפניו והגדולים שלאחריו - שענין זה קשור עם שתיים מתוך ריבוי תקנותיו, שלא זו בלבד שהובאו בשולחן-ערוך⁸ (ומשתמשים בהם לעתים רבות), אלא הם מפורסמות אפילו אצל אלו שלא יודעים כל הפרטים שבשולחן ערוך: התקנה הראשונה - שאין אדם יכול לגרש את אשתו בעל כרחו, והתקנה השניה - שאין אדם יכול לשאת אשה שניה על אשתו הראשונה.

ובכן, על ידי שתי תקנות אלו האיר רבינו גרשום את כל הגולה - "מאור הגולה" - שגם כאשר בני ישראל נמצאים בגלות, גלות פנימית וגלות חיצונית, ישנה תקנה: (א) שאסור להקב"ה לגרש את כנסת ישראל חס ושלום בעל-כרחו, וכיון שברור הדבר שיהודי אינו יכול ואינו רוצה להיות נפרד מאלקות (כמאמר רבינו הזקן⁹), הרי אין להקב"ה ברירה... (ב) אפילו לומר שיקח אשה שניה על אשתו הראשונה - אומר רבינו גרשום: "זאת לא!"...

8) אה"ע ס"א ס"י. סק"א ס"ו (ברמ"א).
9) אג"ק אדמו"ר מוהרי"צ ח"ד ע' שפד (נעתק ב"היום יום" כה תמוז). שם ע' תקמז (נעתק ב"היום יום" כא סיון). ועוד.

7) ספר "טעמי המנהגים ומקורי הדינים" - "ליקוטים ענינים שונים" (בקה"א ס"ע תקנא ואילך) - בשם הרב מיכלון מפלונסק (ואח"כ בוורשא) בשם גדול אחד (בס' שיחות חכמים ע' 12 ואילך מובא בשם הגה"ק מאסטרווצא). הובא באג"ק ח"ו ע' שטז. חייג ע' יב.

We are now in the month of Elul. A lot of you will be familiar with the acronym, “Ani L’dodi V’dodi Li,” or “I am to my beloved and my beloved is to me.” This verse is from Shir HaShirim (the Song of Songs) which is one long analogy of the relationship between G-d and the Jewish Nation—describing it like the bonds of love between a man and woman, in which G-d is the man, the “beloved” lover, and the Jewish Nation is the woman.

The Rebbe says that whatever G-d tells us to do, He also does. If there ultimately is a rule that has largely been adopted by the entire Jewish Diaspora, then G-d lives up to that rule, too.

The moment Rabbeinu Gershom established the rule that a Jewish husband cannot divorce his wife against her will, G-d also became obligated to that rule, too. G-d cannot divorce His “wife,” the Jewish Nation, against their will. And since every Jew, deep at heart, wants to be connected to G-d, he or she opposes divorce—and so G-d can never give a get to the Jewish Nation.

What’s more, Rabbeinu Gershom’s second rule—that a man cannot marry another wife on top of his first wife—comes along and establishes that therefore, G-d also cannot marry another “wife,” since He took us as His wife at Mt. Sinai. That means that He cannot choose another nation to be his “Treasured Nation” in addition to the Jewish Nation.

The Physical and Spiritual Connection

The explanation: The reason an enactment becomes accepted in our world is because it is accepted in Heaven as well. Our sages said, “That which G-d does, He tells the Jewish people to do as well.” In other words, first, G-d does so; He begins this behavior. Therefore, when the time came for those rules to exist in heaven, they were accepted among the Jewish people as well.

וכללות הענין בזה - שהסיבה לכך שתקנה מסויימת מתקבלת למטה היא בגלל שכן הוא למעלה, כמאמר רבותינו ז”ל¹⁰ “מה שהוא עושה הוא אומר לישראל לעשות”, והיינו, שלכל לראש מקיים זאת הקב”ה: “ואני המתחיל”¹¹, ולכן, כשהגיע הזמן שראו שזקוקים לתקנות אלו למעלה, אזי נקבעו תקנות אלו גם למטה.

The dictates of Rabbeinu Gershom were accepted in heaven and were therefore accepted on earth as well.

This association works in the opposite direction as well. In order to ensure that G-d observes the enactments, we need to ensure we behave in the same fashion, not only by not marrying additional woman or divorcing against someone's will, but by infusing our own marriages with true peace and love.

(10) שמור”ר פ”ל, ט.

(11) שמור”ר פ”ב, ג. הנחומא וארא טו. ועוד.

The same is true vice-versa, from us to heaven: We want to ensure that heaven will not suffice with not divorcing (G-d forbid) and not “taking another wife,” and instead behave in the manner of a true “marriage,” in which – just as a husband provides all the needs of the wife in a physical sense – G-d provides all our needs in a spiritual sense (as explained at length in Chassidic writings). To do so, we need to ensure that there is a similar reflection in the marriages here in our world – that spouses live in peace and tranquility together. A true peaceful life is that which is based on our Torah; as Maimonides writes (citing the Midrash), “The entire Torah was given to bring peace to the world, as the verse states: Its paths are paths of pleasantness, and all its ways are peaceful.”

When a home is built on the foundation of Torah and its commandments, it brings true peace between the husband and wife, and, as the Talmud says, “when the couple is meritorious, the Divine presence rests among them” and unites them. And then, G-d brings his marriage with the Jewish people out into the open; unlike the times of exile, when we are like a woman whose husband has traveled abroad (as the Midrash relates), G-d brings it to the fore and makes it our reality.

12 Tammuz 1967

Toras Menachem 5727 vol. 3 pg. 602

ומזה מובן גם בנוגע לאופן הפעולה בזה מלמטה למעלה: כדי לפעול שלא יסתפקו למעלה בשלילת הענין דגירושין חס ושלוה, ואפילו לא לקחת אשה שניה על הראשונה, אלא שיהיו חיי נישואין של איש ואשה בכל הפרטים, באופן ש"שארה כסותה ועונתה לא יגרע"¹², כהפירוש הפנימי שהוא ענין אורות מקיפים ואורות פנימיים והמשכה פנימית (כמבואר בדרוש הידוע בענין שארה כסותה ועונתה לא יגרע¹³) - יש צורך שבדוגמת זה תהיה תוספת התעוררות בנוגע לחיי איש ואשה הישראלים למטה, שיהיה שלום ושלוחה ביניהם, ואין שלום אלא המיוסד על תורתנו, שאודותה מביא הרמב"ם¹⁴ מאמר הספרי¹⁵ ש"כל התורה ניתנה לעשות שלום בעולם, שנאמר¹⁶ דרכיה דרכי נועם וכל נתיבותיה שלום".

וכאשר בונים את הבית על יסודי התורה והמצוה, שאז ישנו שלום אמיתי בין איש ואשה כפשוטם, כדברי הגמרא במסכת סוטה¹⁷ "זכו שכינה ביניהם", שמאחדת ומייחדת את האיש והאשה כפשוטם - אזי נעשה כן גם בנוגע לקודשא בריך הוא ושכינתיה, שנעשה ענין הנישואין של הקב"ה וישראל בגלוי, והיינו, לא כמו בזמן הגלות ש"קודשא בריך הוא סליק לעילא ולעילא"¹⁸, "כאשה שהלך בעלה למדינת הים" (כדאיתא במדרש¹⁹), אלא בגילוי למטה במקום שבו נמצאים בני ישראל.

(16) משלי ג, יז.

(17) יז, א.

(18) ראה זהר ח"א רי, א. ח"ג כ, ב. עה, א.

(19) איכ"ר פ"א, ג.

(12) משפטים כא, יו"ד.

(13) ראה אוה"ת משפטים ע' ארצו ואילך. וראה גם לקו"ת במדבר יד, ג.

(14) סוף הל' תנוכה.

(15) נשא ו, כו. וראה לקו"ש ח"ח ע' 349 ואילך. ושי"נ.