

I

The fear of having your identity stolen or privacy violated online today is a troubling reality that all internet users have come to accept. But these past few weeks, millions of people, more than 30 million to be precise, had a more specific concern, that their personal accounts from a website called AshleyMadison.com might have been hacked and their records possibly released to the public without their consent. For those who hopefully are not yet aware, Ashley Madison is a dating website that specializes in servicing men and women seeking extramarital relationships. Their slogan says everything you need to know about them: "Life is short. Have an affair." While it might seem to me and you that nobody in their right mind would register their name and contact information for such things; the website's international numbers strongly disagree with our instinct. The reality for millions of perspective and previous adulterers via Ashley Madison is now the fear that the people they are cheating on can easily find out about their misdeeds, just by googling their name.

While I can't speak to the technical side of the information leak (how accurate it actually is), I know one thing for certain: the fear this information has caused, the buzz that it has generated and the reality that so many American's participate in such overtly and purposefully immoral behavior, is worth evaluating regardless of whether the hack is real or just a stunt. To be honest, it's an uncomfortable topic, especially for a Shabbos morning, but if we indeed know that millions of married people are actively seeking to cheat on one another, even knowing they are not among

us here, we must take this opportunity to talk about marriage a little bit more than we have been.

II

We find a very specific yet familiar halacha re-appear in Parshat Shoftim this morning, as Moshe Rabbeinu records a Halacha of Korbanot:

לֹא־תִזְבַּח לַיהוָה לִיקְוֹק אֱלֹהֶיךָ שׁוֹר וְשֵׂה אֲשֶׁר יִהְיֶה בּוֹ מוּם כִּל דָּבָר רָע כִּי תוֹעֵבַת יְקֹוֹק אֱלֹהֶיךָ הוּא: ס
“You shall not offer to Hashem your God any animal that has a mum/blemish, for it is a disgrace to Hashem your G-d.”

(דברים פרשת שופטים פרק יז: א)

The rule is familiar because it is explicit in Sefer Vayikra, everyone knows a Korban must be perfect; but its context here is very surprising. Our Parsha opens with a series of four halachot related to the laws of worship.

1. The Torah forbids worshipping an Asheira tree – which was a traditional pagan practice.
2. The Torah forbids the building of a matzeiva- idolatrous statue.
3. When a sacrifice is brought in the Mishkan it must be blemish free.
4. If someone worships Avodah Zarah, they should be harshly punished.

Upon even a cursory review of these four laws it is readily apparent that one does not belong. The first two are about idolatry, the fourth is about idolatry but wedged in between is a basic halacha about an imperfect korban brought on the Mizbeach! In the Mishkan! In the context of Jewish worship! Thus the question is twofold; why does the Torah repeat the halacha of a blemished animal in our Parsha at all and why is it placed here, surrounded by the laws of *Avodah Zarah*?

I believe the answer is very clear. The Torah is no way comparing the offering of a blemished animal to idol worship (the two are quite different); rather it's ascribing a causal relationship between the two. What is our reaction supposed to be when we find Jewish men and women leaving the Mikdash to serve Pagan gods? How do we explain their abandonment of our most sacred establishments for the religions of our enemies? Moshe Rabbeinu challenges us to not look more closely at **them** asking "Where did they go wrong?", but to re-examine at how our institutions are running. If our Korbanot are blemished, cheap, pathetic, if we disrespect the institutions we built with our own hands, why would we *ever* expect anyone else to feel committed to them? In a society where one generation is religiously apathetic, we shouldn't be surprised that the next generation looks for meaning elsewhere.

In the first Korbanot ever offered, Parshat Bereishit tells us that Hevel brought offerings from the best of his flock; a korban which Hashem gladly embraced. But his brother Kayin offered a sacrifice from his cheapest grains. Not only did *Hashem* ignore Kayin's korban, but his *decedents* ignored him as well. Worse than their father they brought no sacrifices at all. Theirs was the first generation of idolaters, one that was totally corrupt and would eventually be wiped away in the *mabul*. But the root cause of this early ancient society's failure was never their curiosity, boredom, or desire to experiment, but rather the poor example their father Kayin set for them. When one generation brings blemished offerings its descendants look for a more inspired faith.

III

Many pundits see the Ashley Madison Scandal as a platform to discuss why people cheat, but I think they mistakenly look at the effects and not the root cause. The fundamental question our society needs to be asking is why and how have we lost the sanctity of marriage? It is in our time more so than ever before that marriage is on trial. More couples live

together and raise children outside of wedlock, more marriages are plagued with infidelity and it's no wonder that the very definition of marriage is up for debate in our generation for the first time in history. It shouldn't surprise us that in a society where the institution of marriage is littered with blemishes, many believe its definition should be re-evaluated and its need is for nothing more than tax benefits and power of attorney. The less we cherish and celebrate the institution of marriage, the more fallout we'll continue to see in its eventual abandonment.

Therefore we, and by we I mean all faith based communities (Jewish and non-Jewish alike) are in a unique position today. As the notion of a sanctified marriage, which was not to long ago a near universal principle, is now diminished, it is our communities that must ensure that sacred unions do not become a relic of the past.

Rather than open his book on the Laws of Marriage – Hilchot Ishut - with rules, the Rambam begins with historical context:

קודם מתן תורה היה אדם פוגע אשה בשוק אם רצה הוא והיא לישא אותה מכניסה לביתו... כיון שנתנה תורה נצטוו ישראל שאם ירצה האיש לישא אשה יקנה אותה תחלה בפני עדים... וליקוחין אלו הן הנקראין קידושין או אירוסין בכל מקום...

Before we Saw each other at Sinai, man and woman met in the market and moved in together... Since the Torah was given, marriage requires a kinyan before witnesses...

(רמב"ם הלכות אישות פרק א: הלכה א-ב)

The Rambam wanted us to know that Eirusin is more than a civil union or a mutually beneficial arrangement with guidelines and implications; but a religious endeavor that demands investment. Thus we learn from the way Avraham invested passionately in Sarah, that every person should invest in marriage, not just agree upon it. (This is the nature of Kinyan - Kedushin 2a) And when that happens, we find commitment,

trust and transcendence - the spiritual union that is intended to be the platform and backbone of every family. This is how Eirusin/betrothal is elevated to become Kiddushin... something truly holy.

IV

While we all recognize marriage is supposed to be, nonetheless, marriage is under attack and we may have brought it upon ourselves. We make jokes about marriage, about parenthood, about in-laws and outlaws. Rabbis are as guilty (if not more so) than everyone else. Maybe there is a grain of truth in that marriage and family are tough and often a struggle- but we have to pivot away from self-effacing humor and move towards celebrating what marriage and family bring to society. The research is clear that children born into the home of married couples will be psychologically stronger, less prone to criminal behavior, more likely to graduate college. If we appreciate how marriage strengthens the community as a whole, we understand why it's more than an individual right or privilege but a communal need.

As our Parsha comes to a close the Cohen stands out on the battlefield and reminds the soldiers that some of them are excused from going to war. He calls out to the man that has a new job, a new home and a new wife and reminds him that he has a responsibility to go home.

"וּמִי־הָאִישׁ אֲשֶׁר־אָרֵשׁ אִשָּׁה וְלֹא לְקַחָהּ יֵלֵךְ וַיָּשָׁב לְבֵיתוֹ..."
(דברים פרשת שופטים פרק כ:ז)

At a time when all able bodies should be out fighting together, the Torah teaches us that our most sacred institution is in the best interest of us all. Alternatively we might say, if we give up on Kedushin and commitments made, what then are we really fighting for?

V.

The entire Mesechet of Geirushin is dedicated to the minutia of divorce proceedings; documents, messengers and division of assets. But on the tractates final page, it leaves us with its most powerful image.

דאמר ר' אלעזר: כל המגרש אשתו ראשונה - אפילו מזבח מוריד עליו דמעות...
שנאמר: "וזאת שנית תעשו כסות דמעה את מזבח ה' בכי ... ואמרתם על מה? על כי ה' העיד
בינך ובין אשת נעוריך אשר אתה בגדתה בה והיא חברתך ואשת בריתך."
[הדרן עלך המגרש וסליקא לה מסכת גיטין].
(תלמוד בבלי מסכת גיטין דף צ עמוד ב)

When relationships fall apart, when spouses fail one another, it is the Mizbeach that sheds tears; the altar that symbolizes investment in the things we love, which so many times throughout our history has seen its own institution neglected. This year, the Mizbeach cries yet again, as marriages will be shaken up by the most uncomfortable of public revelations – the shame of mass, cultural accepted infidelity.

Let us never forget the beauty of our tradition, the entire endeavor of *kedusha* and how it was meant to strengthen us as individuals, as families and as a society. If we can invest more deeply in our marriages and celebrate the joy and reward along with the commitment and sacrifice, we can slowly rebuild this precious universal institution of marriage that society so desperately needs.

דברים פרשת ראה - שופטים פרק טז

(כא) לא-תטע לך אֲשֶׁרָה כְּלֵעַץ אֶצֶל מִזְבַּח יְקֻנֹק אֱלֹהֶיךָ אֲשֶׁר תַּעֲשֶׂה-לָּךְ: ס

(כב) וְלֹא-תִקֵּים לָךְ מִצֵּבָה אֲשֶׁר שָׁנָא יְקֻנֹק אֱלֹהֶיךָ: ס

(א) לא-תִזְבַּח לִיקֻנֹק אֱלֹהֶיךָ שׁוֹר וְשֶׂה אֲשֶׁר יְהִיֶּה בּוֹ מוֹם כֹּל דְּבַר רָע כִּי תֹעֲבֹת יְקֻנֹק אֱלֹהֶיךָ הוּא: ס

(ב) כִּי-יִמְצָא בְּקֶרְבְּךָ בְּאֶחָד שְׂעָרֶיךָ אֲשֶׁר-יְקֻנֹק אֱלֹהֶיךָ נִתַּן לָךְ אִישׁ אוֹ-אִשָּׁה אֲשֶׁר יַעֲשֶׂה אֶת-הָרַע בְּעֵינֵי יְקֻנֹק-אֱלֹהֶיךָ לְעֵבֵר בְּרִיתוֹ:

(ד) וְהִגַּדְתָּ לָּךְ וְשָׁמַעְתָּ וְדָרַשְׁתָּ הֵיטֵב וְהִנֵּה אָמַת נָכוֹן הַדָּבָר נַעֲשֶׂתָה הַתּוֹעֲבָה הַזֹּאת בְּיִשְׂרָאֵל:

דברים פרשת שופטים פרק כ

(ז) וּמִי-הָאִישׁ אֲשֶׁר-אַרְשׁ אִשָּׁה וְלֹא לְקַחָהּ יֵלֶךְ וַיֵּשֶׁב לְבֵיתוֹ פְּנֵי-יְמוֹת בְּמִלְחָמָה וְאִישׁ אַחֵר יִקְחָנָהּ:

רמב"ם הלכות אישות פרק א

הלכה א

קודם מתן תורה היה אדם פוגע אשה בשוק אם רצה הוא והיא לישא אותה מכניסה לביתו ובוועלה בינו

לבין עצמו ותהיה לו לאשה, כיון שנתנה תורה נצטוו ישראל שאם ירצה האיש לישא אשה **יקנה אותה**

תחלה בפני עדים ואחר כך תהיה לו לאשה שנאמר (דברים כ"ב) כי יקח איש אשה ובא אליה.

הלכה ב

וליקוחין אלו מצות עשה של תורה הם, ובאחד משלשה דברים האשה נקנית, בכסף או בשטר או בביאה,

בביאה ובשטר מן התורה ובכסף מדברי סופרים, **וליקוחין אלו הן הנקראין קידושין או אירוסין בכל**

מקום, ואשה שנקנית באחד משלשה דברים אלו היא הנקראת מקודשת או מאורסת. +/השגת הראב"ד/

בביאה ובשטר מן התורה ובכסף מדברי סופרים. א"א זה שבש ופרוש משובש הטעהו. +

תלמוד בבלי מסכת גיטין דף צ עמוד ב

דאמר ר' אלעזר: כל המגרש אשתו ראשונה - אפילו מזבח מוריד עליו דמעות, שנאמר: דוזאת שנית

תעשו כסות דמעה את מזבח ה' בכי ואנקה מאין [עוד] פנות אל המנחה ולקחת רצון מידכם, ואמרתם על

מה על כי ה' העיד בינך ובין אשת נעוריך אשר אתה בגדתה בה והיא חברתך ואשת בריתך. הדרן עלך

המגרש וסליקא לה מסכת גיטין.