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The kesubah

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ר' מנחם זאב בן פנחס ז"ל
Emil W. Herman  who loved and supported Torah learning.

Nitzavim Vayelech

The kesubah

A few months after Hurricane Katrina took place, one of the Chabad shluchos from New Orleans told her story at the International Convention of Shluchos in Brooklyn, New York.

She related how they had made it clear to everyone without much warning that they needed to leave their homes immediately and that they only had a few hours before they got stuck there.

Obviously, they didn't have time to pack anything. They just had to grab a few must-haves, like wallets, medications, a bit of food and some clothing, and leave immediately.

Well, what's the most important thing for a couple to take with them when they leave the house and they're not sure there will be anything left when they get back?

Some of you might say the wedding album, or photos of the kids. These are things that you can never get back if they're lost.

Other people would say the tefillin. After all, a Jewish man must put on tefillin every day

So what did this woman grab in the end? What was the most important thing she took with her? The Kesubah! The Jewish marriage contract.

Now what exactly is the Kesubah?

The Kesubah was created during the Second Temple Era. It was established by Rabbi Shimon Ben Shetach, one of the great Sages of Jewish history. He was the Nasi, the leader, of the Sanhedrin, the “Jewish Supreme Court,” in Jerusalem. He lived during the time of King Alexander Yannai. And he created the concept of the Kesubah to protect Jewish women.

In the first part of a proper Kesubah, two witnesses attest that so-and-so, the groom, has asked so-and-so, the bride, to be his wife—and, with G-d’s help, will work for and honor and feed and support her, and take pains to clothe her as Jewish men do, and to support her like Jewish men who support their wives abundantly and not stingily.

In plain English, the first part of the Kesubah attests to the groom’s commitment to treat the bride in the best possible way, like all the nice Jewish boys do.

But more important than that is the fact that the Kesubah legally obligates the husband to pay a set and specific amount to his wife should they get divorced. With the Kesubah, the husband obligates himself to produce this sum from all his assets.

The Kesubah likewise gives the bride everything that belongs to the groom should he die, G-d forbid—thus ensuring that the bride will have a source of income and survival after that.

Now, the Sages were very particular and strict about the issue of the Kesubah. They established that a wife is not allowed to be privately with her husband, if there is no valid Kesubah in existence. This is why the Kesubah is written and signed before the Chuppah, the marriage ceremony that makes the bride and groom officially married by Jewish law.

This doesn’t mean that a Jewish husband and wife have to drag the Kesubah along on every vacation or anywhere else they go. It just means that there has to be a Kesubah.

If the Kesubah gets burned or lost, a new one must be written right away. Why? Because the Sages wanted to protect women—"so that she shouldn't be taken lightly in his eyes."

The Kesubah is thus a document that protects women's rights.

If there would be no Kesubah, a husband might not think twice before asking for a divorce. But the second she waves the Kesubah in his face, many otherwise raging husbands have been known to calm down very quickly when they are reminded of how much a divorce is going to cost them.

Now it sometimes happens that a young and very freshly married new couple gets home from the wedding hall after hours of celebrating. It's their very first night together—and they're looking for the Kesubah among all the wedding presents and gifts, and they can't find it!

So they frantically call their parents. And they keep looking. And guess what? If they don't find it, they have no choice—they have to call the rabbi in the middle of the night and get two more live witnesses, plus the rabbi, to physically come down and write a new Kesubah.

Now the amount of money that they write into the Kesubah nowadays in Ashkenazic communities is a symbolic amount: Two hundred zuz. A zuz was an ancient coin that was used in the times of the Talmud; I'm not sure how much it's worth today.

But there are those communities, most commonly in Sephardic communities, who have the custom of insisting on including a large specific amount into the Kesubah in case of a divorce. To them, including this large amount is actually considered a big honor to the bride—because it shows her and her family how much the groom and his family are prepared to commit to her. In other words, it shows her how valuable she is to them.

For example: It so happened that in a particular city in Israel, there were two weddings on one night: an Ashkenazic wedding and a Sephardic wedding. And the same rabbi was to officiate at both weddings.

The Sephardic family scheduled the Chuppah to take place earlier, and so the rabbi went to the Sephardic wedding first to officiate.

A little while later, the Ashkenazic wedding was about to get started, but the rabbi wasn't there! So they sent someone over to the Sephardic wedding to find the rabbi.

When he arrived, he discovered that the Sephardic wedding hadn't even done the Chuppah ceremony yet! Why? Because the groom's side and bride's side had gotten into an argument: the bride's brothers were demanding a much larger sum to be included in the Kesubah, and the groom's family was fighting it.

So the rabbi suddenly got up and said that he was going to leave to go to the other wedding to officiate there. "I hope that when I get back, you'll have worked things out," he warned. So when the two sides saw that they were on the verge of losing their rabbi altogether, they immediately reached a compromise and they proceeded to the Chuppah.

But getting back to our subject of the Kesubah, the Talmud tells us a story about Rabbi Yochanan Ben Zakkai. He was the leader of the Jews at the time of the Destruction of the Second Temple.

The Talmud says that Rabbi Yochanan was once "riding on a donkey and going out of Jerusalem with his students following him." And while he was riding along, he saw ahead of him in the distance a young woman who was actually rummaging through trash picking out pieces of food. She was forced to "dumpster dive" out of hunger and starvation.

But when she noticed Rabbi Yochanan watching her, the Talmud tells us that “she stood in front of him and said, ‘Master: give me sustenance!’ He said to her, ‘Whose daughter are you?’ She said to him, ‘I am the daughter of Nakdimon Ben Gurion.’ ”

Now Nakdimon Ben Gurion had been one of Jerusalem’s three richest men—and here, his own daughter was picking through the dirt and trash looking for food!

So Rabbi Yochanan asked her, “My daughter: Where did your father’s money go?” Where’s your family fortune? So she answered: “Haven’t you heard the Jerusalem saying, ‘money needs to be salted’?”

To explain: Salt is used to preserve meat and other foods. So back then in Jerusalem, they would say that just like you need to salt your food so that it keeps, so too do you need to “salt” your money so that it keeps too. How do you “salt” your money? This is accomplished by giving tzedakah, charity.

What Nakdimon’s daughter was saying is that her family had not “salted” their money, and so they lost it all.

So Rabbi Yochanan asked her, “What about your father-in-law’s money? Where is that?” She said that that, too, had been lost.

The Talmud continues: “She said to him: ‘Master, do you remember when you signed my Kesubah?’ And he said to his students, ‘I remember that when I signed this one’s Kesubah, I read it and it said one thousand gold dinars from her father’s house, excluding that from her father-in-law’s house.’ ”

And when Rabbi Yochanan said this to his students, he burst out in tears, weeping at how far this poor woman had fallen.

But the point of that story is that in that era, they would include huge sums of money in the Kesubah that they were really prepared to provide to their brides.

Today, it's self-understood. There are prenuptial agreements and divorce laws. In either, the husband obligates himself to split all his assets (or at least some of them) with his wife. So today it's common. But two thousand years ago, no nation had ever heard of a marriage contract that protected women's rights. Only in the Jewish Nation did they honor and defend the dignity of the woman. Judaism introduced the entire world to laws that protect the woman's honor.

And now we come to this week's Torah portion, which is a double Torah portion: Nitzavim-Vayeilech.

The Rebbe would always mention that the Torah portion of Nitzavim always comes before the holiday of Rosh Hashanah.

In the beginning of the Parshah, Moshe Rabbeinu notifies the Jewish Nation of the Bris, the "Covenant" that G-d made with the Jewish Nation. As the portion begins: "You are standing here... to be inducted into the bris," the covenant, "which G-d is enacting with you today."

Just like a wedding is also described in Judaism as a "Bris Nesuin," a marriage covenant, that the bride and groom take upon themselves—to be faithful to one another forever, so too in the marriage of the Jewish Nation to G-d, G-d forged a pact with us that we would be faithful to Him forever.

And just like at a standard wedding, there is a Kesubah, so too did G-d write a Kesubah for the Jewish Nation at their "wedding"—a Kesubah that would testify to the obligations that G-d had towards the Jewish Nation.

This "Kesubah" is mentioned in the second half of our double Parshah, in the portion of Vayeilech (Devarim 31:26): "Take this Torah scroll and place it beside the Ark of the Covenant, and it shall be there unto you as a witness"

So now we come back to Hurricane Katrina, and the shluachah who took her kesubah with her when she fled New Orleans.

Here too, G-d instructed that the “Kesubah,” the Torah, be placed in the safest place—in the Kodesh Hakodashim, the Holy of Holies, right next to the Ark of the Covenant, so that there not be a moment during which there is no Kesubah, G-d forbid.

And what’s the most special about the Kesubah for the marriage of G-d and the Jewish Nation is that it contains no clause or amendment or option for divorce.

In this very special Kesubah, G-d obligates Himself to never exchange the Jewish Nation for any other nation. He may sometimes be frustrated by the actions or behavior of His “wife,” and He can even put the Jewish Nation in exile from her land... but the Jewish Nation will always, always be G-d’s wife.

As we prepare ourselves to enter this new year, let us recommit ourselves to our relationship with G-d, and let us hope and pray that He recommits Himself to us in the ultimate way, with the coming of Moshiach, speedily in our days, amen!

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