

The JEWISH Spin on Current Events

THE CONSTITUTION OF MARRIAGE

Does a twin marriage need annulment?

∞ OVERVIEW ∞

1. WHAT RELATIONSHIP DO PARENTS HAVE TO THEIR ADOPTED CHILDREN?
2. DO MARRIAGES BETWEEN SIBLINGS NEED ANNULMENT?
3. WHEN ARE INCESTUAL MARRIAGES PERMITTED?
4. WHAT IS THE PURPOSE OF MARRIAGE?
5. IS MARRIAGE A MUNDANE OPTION OR HOLY OBLIGATION?

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❧ SOURCES ❧

1. What relationship do parents have to their adopted children?

❧ 1A ❧

TALMUD, TRACTATE SANHEDRIN 17B

...whoever raises an orphan in his home is regarded by Scripture as if he had fathered him.

❧ 1B ❧

TALMUD, TRACTATE KIDDUSHIN 31B

When R' Yochanan's mother was carrying him, his father died; when he was born, his mother died. And the same was true of Abaye.

Is it so? But Abaye was wont to say, "My mother told me."?

That was his nurse.

2. Do marriages between siblings need annulment?

❧ 2A ❧

MAIMONIDES, LAWS OF MARRIAGE, 4:12

One who marries a woman prohibited (under penalty of *karet*), he did nothing, for *kiddushin* does not take effect with an *ervah*...

❧ 2B ❧

TALMUD BAVLI, KIDDUSHIN 46B

It was stated: If a man betrothed his sister, Rav Said: The money must be returned; but Shmuel said: The money is a gift.

3. When are incestual marriages permitted?

❧ 3A ❧

LEVITICUS 20:17

A man who shall take his sister, the daughter of his father or the daughter of his mother, and he shall see her nakedness and she shall see his nakedness, (חֶסֶד הוּא) it is a disgrace and they shall be cut off...

❧ 3B ❧

YALKUT SHIMONI, KEDOSHIM 625

"And he shall see her nakedness and she shall see his nakedness, (חֶסֶד הוּא) it is a disgrace"...[What are the words "חֶסֶד הוּא" coming to teach?] For you might say how did

Cain marry his sister, therefore the Torah tells you "חסד הוא", the world was created from the beginning with חסד, kindness, as it states "The world will be built with kindness" (Leviticus 20:17).

ס 3C ס

RASHI, GENESIS 4:2

את קין.. את אחיו את הכל. **Cain... his brother Abel.** The three appearances of the word את here are amplifications. Teaching us, that a twin girl was born with Cain and with Abel there were born two girls. This is why it says, "and she added."

ס 3D ס

MAIMONIDIES, LAWS OF LEVIRATE MARRIAGE AND CHALITZAH, CHAPTER 1, LAWS 1-2

It is a positive commandment of the Torah that a man should marry the wife of his brother... if he died without leaving any children, as it says; "[When brothers live together, and one of them dies] without leaving any offspring's... Her husband's brother shall marry her" (Deuteronomy 25:5) ...

4. What is the purpose of marriage?

ס 4A ס

TALMUD BAVLI, KIDDUSHIN 70A

Rabbah bar Rav Adda said in the name of Rav: Whoever marries a woman for the sake of money will have children who are unworthy.

ס 4B ס

GENESIS 1:27-28

And G-d created Man in His image, in the image of G-d He created him; male and female he created them. G-d blessed them and G-d said to them, "Be fruitful and multiply, fill the earth and subdue it..."

ס 4C ס

GENESIS 2:24

...a man shall leave his father and his mother and cling to his wife and they shall become one flesh.

ס 4D ס

GENESIS 2:18

Hashem G-d said, "It is not good that man be alone; I will make him a helper corresponding to him."

ס 4E א

TALMUD BAVLI, YEVAMOS 62B

R' Tanchum said in the name of R' Chani'lai: Any man who does not have a wife lives without happiness, without blessing and without goodness.

ס 4F א

TALMUD BAVLI, KIDDUSHIN 41A

For Reish Lakish said: "It is better to live as two together than to live alone".

ס 4G א

ECCLESIASTES 4:9

Two are better than one.

ס 4H א

WEDDING BLESSINGS

6: Cause beloved friends to rejoice greatly, as of old You rejoiced Your creatures in Paradise...".

7: Who has created joy and gladness, bridegroom and bride, mirth and exaltation, pleasure and delight, love, fellowship, peace and companionship...

5. Is marriage a mundane option or holy obligation?

ס 5A א

NUMBERS 5:12-13

...Any man whose wife shall go astray and commit treachery against him; and a man could have lain with her carnally, but it was hidden from the eyes of her husband, and she became secluded and could have been defiled...

ס 5B א

TALMUD BAVLI, SOTAH 17A

R' Akiva expounded: A husband and wife, if they merit it, then the Divine Presence is present between them. But if they do not merit it, then fire consumes them.