

Sound and durable for procreation

1. Exodus 21:10

If he should take another, he may not reduce her food, clothing or *onah*.

2. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Laws of Marriage 14:7-9

A man may not withhold *onah* from his wife. If he does this to pain her, he violates a biblical prohibition, as in Exodus 21:10. If he is ill or weak and he cannot do it, he may wait six months to recuperate, for there is no acceptable *onah* period longer than this. After that, he should either request her permission, divorce her and pay the *ketubah*.

If a woman withholds relations from her husband, she is termed a 'rebel'. We ask why she has rebelled. If she says, "I am repulsed by him and I cannot willingly do this with him," we force him to divorce her. She is not a captive, to be with a man she hates. She is not paid the *ketubah*... And if she rebels to cause him pain, saying, "I am doing this to hurt him" because he did X or he cursed me or he fought with me and the like, the court sends her a message: Know that if you maintain this, you will even lose the 100 *maneh* of your *ketubah*"...

3. Deuteronomy 24:5

He shall not go to the army, and it shall not place any obligations upon him for any matter. He shall be free for his household for one year, and he shall gladden the woman he has married.

4. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Laws of Forbidden Relationships 22:1

One may not be alone with any of the forbidden *ervah* relationships, whether they are young or old...

5. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Laws of Marriage 14:2

A woman can prevent her husband from embarking on business unless it is nearby, lest he keep her from *onah*. He may only leave with her permission...

6. Rabbi Yosef Karo (16th c. Israel), Rabbi Moshe Isserles (16th c. Poland), Code of Jewish Law, Even haEzer 70:2

Rabbi Karo: Where a husband wishes to give his wife her appropriate food and have her eat on her own, he may, so long as he eats with her on Friday night.

Rabbi Isserles: Some disagree, contending that he may not tell her to eat alone unless she agrees of her own will, and so appears correct to me.

Sound and durable for ethical growth

7. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Laws of Marriage 12:1-3

When a man weds a woman... he accepts ten obligations, and receives four items. The ten are:

Three are biblical – food, clothing and *onah*...

Seven are rabbinic... and they are: Healing her should she become ill; redeeming her should she be taken captive; burying her should she die; having her fed from his estate and living in his home after his death while she is a widow; having her daughters fed from his estate after his death until their marriage; having her sons from him inherit her *ketubah* over and above their inheritance with their brothers.

The four that he acquires are rabbinic: To receive her earned income; to receive objects she finds; to benefit from her property during her lifetime; to inherit from her should she predecease him. He precedes all others for inheritance.

8. Language of the traditional *Tenaim* document

And they shall neither shift away nor conceal, neither him from her nor her from him, any assets in the world. Rather, they shall control their assets equally, in peace and tranquility, in the manner of people of Torah and those who revere G-d.

9. Rabbi Moses Maimonides (12th century Egypt), Mishneh Torah, Laws of Marriage 21:1-5

What should she do for him? Whatever the local custom is – to weave where they weave, to embroider where they embroider, to spin wool or linen where they do... And she washes his face, hands and feet, prepares his drink, arranges his bed, and performs other services like giving him water or a cup, or taking them from before him...

10. Rabbi Meir of Rothenburg (13th century Germany), Responsum 4:81

Every member of the covenant must honour his wife more than his own person; she is elevated with his status and not lowered with him... And we learn from the text of the *ketubah*, "And I will work and honour and feed her." And regarding one who strikes his wife, my tradition is to be more strict than with someone who hits another person, for one is not obligated to honour another person, but one is obligated to honour one's wife. Striking them is the way of the nations – G-d forbid, G-d forbid for any member of the covenant to do this! One who does this should be banned and ex-communicated and whipped and punished with all manner of force, and even to cut off his hand if he does this regularly, as Rav Huna did (Sanhedrin 58b), even in Babylon where we do not issue fines – we may strike and punish to keep them from failing to take this seriously. And if she wishes to leave, he must divorce her and pay her *ketubah*.

11. Mishnah Keritot 6:9 (28b)

Listening to one's father always precedes listening to one's mother. I might think this was because a father's honour is greater than a mother's honour, but Leviticus 19 says, "One must have awe for his mother and father," teaching that they are equal. However, the sages said the father always precedes the mother because both the child and the mother must honour the father.

12. Rabbi Yisrael Lipshitz (18th-19th century Germany), Tiferet Yisrael to Keritot 6:9

The mother is also obligated to honour her husband, because he supports her.

13. Talmud, Sanhedrin 76b

One who loves his wife like his own person, and honours her more than his own person, and guides his sons and daughters on a righteous path and marries them off soon after they are of age – for this Job 5:24 says, "And you will know there is peace in your tent; you will visit your home and not sin/lack."

Divorce

14. Family Law Act of Ontario, Section 2

(4) A party to an application under section 7 (net family property), 10 (questions of title between spouses), 33 (support), 34 (powers of court) or 37 (variation) may serve on the other party and file with the court a statement, verified by oath or statutory declaration, indicating that,

(a) the author of the statement has removed all barriers that are within his or her control and that would prevent the other spouse's remarriage within that spouse's faith; and

(b) the other party has not done so, despite a request. R.S.O. 1990, c. F.3, s. 2 (4).

(5) Within ten days after service of the statement, or within such longer period as the court allows, the party served with a statement under subsection (4) shall serve on the other party and file with the court a statement, verified by oath or statutory declaration, indicating that the author of the statement has removed all barriers that are within his or her control and that would prevent the other spouse's remarriage within that spouse's faith. R.S.O. 1990, c. F.3, s. 2 (5).

(6) When a party fails to comply with subsection (5),

(a) if the party is an applicant, the proceeding may be dismissed;

(b) if the party is a respondent, the defence may be struck out. R.S.O. 1990, c. F.3, s. 2 (6).

When marriage breaks down

15. Genesis 6:2

And the powerful men saw the daughters of man, for they were good, and they took wives for themselves from all they chose.

16. Genesis 4:19-24

And Lamech took two wives; one was named Adah and the other was named Tzilah. And Adah birthed Yaval, father of dwellers of tents and cattle. And his brother was Yuval, father of users of harps and pipes. And Tzilah also birthed Tuval Kayin, forger of copper and iron tools; and Tuval Kayin's sister was Naamah. And Lamech said to his wives: Adah and Tzilah, listen to my voice! Wives of Lamech, hear my statement! For I have killed a man with my wound, and a youth with my bruise. For Kayin will be avenged sevenfold, and Lamech seventy-seven.