



THE ERUSIN OF JOSEPH & MARY

אֵירוּסִין

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In the winter of 71 A.D.¹, after the fall of Jerusalem and the destruction of the Second Temple, a man named Yosef ben Naqsan divorced his wife Miriam bat Yehonatan for reasons unknown. According to the divorce document written in Aramaic, they lived at the mountain-fortress of Masada, under the ominous shadow of Rome, shortly before the Roman legion laid siege to it. This ancient *get*² was discovered at Wadi Murabba'at in 1950's, shortly after the discovery of the Dead Sea Scrolls.

Approximately 77 years earlier, another Joseph was about to give his wife Miriam a divorce document. Joseph ben Jacob was an *ish tzaddiq*³, a righteous man, observant and attentive to the commandments of the Torah, and whose heart was full of compassion - yet now, it was broken. Not long ago, Joseph paid the *מִנְהָר*, the bride-price⁴, for his new bride, brimming with anticipation and a longing to be with his *basherte*⁵, he began preparing for her a bridal chamber. Though modest, he was a master builder⁶, and every detail was attended to, motivated by the excitement of this new stage in his life. Yet now, staring him in the face was incontrovertible evidence that his betrothed had been unfaithful. As the blood rushed to his face, waves of emotion came upon him ranging from anger to sadness, jealousy to embarrassment and fear for his beloved bride-to-be. He could drag her before the *beit din*⁷, and exact punishment upon her. As the Torah states,

"... if this thing be true, that the tokens of virginity were not found in the young lady, then they shall bring out the young lady to the door of her father's house, and the men of her city shall stone her to death with stones, because she has done folly in Israel, to play the prostitute in her father's house. So you shall put away the evil from the midst of you."⁸

Yet Joseph is uncertain of the circumstances involving the pregnancy. Miriam's explanation of her pregnancy being of Divine origin is almost surely untenable, he thought, perhaps borne out of shame in the event someone violated her, in which case the Torah would exonerate the woman from guilt⁹. An

¹ Following the accepted chronology of Yigael Yadin, cited in The Bar Kokba War Reconsidered: New Perspectives on the Second Jewish Revolt Against Rome, edited by Peter Schäfer, Mohr Siebeck, Pg. 94. Milik dated the document to 111 A.D.

² A document of divorce, as prescribed in Deuteronomy 24:1-4. In Deuteronomy, the word for the decree is סֵפֶר קְרִיתָת, Lit. "a scroll of cuttings off".

³ Translating the Greek δίκαιος in Matthew 1:9.

⁴ See Exodus 22:16-17

⁵ Yiddish for "destiny" i.e. 'soulmate' in the feminine gender.

⁶ Greek, τέκτων. Commonly translated as 'carpenter'. Perhaps linked to the אָמוֹן of Proverbs 8:30.

⁷ Lit. 'House of Judgment', that is, a Jewish court of law.

⁸ Deuteronomy 22:20-21

⁹ Deuteronomy 22:25-27

ancient Aramaic interpretive translation, called a Targum, on Deuteronomy adds a small detail not found in the original Biblical Hebrew, shedding light upon Joseph's decision to divorce her:

" . . . if a man find a damsel (who is betrothed to a man) in the wilderness, and do violence to her and lie with her, the man only shall die who lay with her, for the damsel is not guilty of death, **but her husband may put her away from him by a bill of divorcement**; for as when a man lies in wait for his neighbor and takes his life, so is this matter: he found her upon the face of the field, the betrothed damsel cried out for help, but there was no one to deliver her."¹⁰

Like this Targum, the voluminous tomes of Jewish literature often illuminate obscure words within the pages of the New Testament, which is like a tapestry whose threads originate in the Hebrew Scriptures and whose fibers beam with the colors of first century Jewish culture. This presents a formidable challenge to modern readers and would-be interpreters, as not only does a two thousand year old wall stand between them and the text of the New Testament, but they are also removed from the language, culture and the land of first century Israel. Thus the religious Jew who reads the New Testament is at a great advantage¹¹ when holding these "words of eternal life"¹², yet even he must face his own barriers, overcoming the rabbinic prejudice toward the Nazarene, and seeing that the Yeshua of the New Testament is not the same Jesus in whose name his people have been persecuted for millennia. The problem lies in interpreting the New Testament through the lens of recent history, rather than seeing through the eyes of the first century Jew. Rabbinic literature allows us to step into the shoes of the ancient Israelite, from the Mishnah's *halakha*¹³ to the *aggadah*¹⁴ of the midrashim, we are invited to explore the world in which the real Jesus lived, walked and taught. This is not only the background of the New Testament, but it is also the foreground, as Charles R. Gianotti notes,

"The Mishnah's value to the Bible student lies in its expression of rabbinic thought during the time of Christ and the early church, a knowledge of which helps one to understand the teaching and events of the New Testament."¹⁵

Although the Mishnah was codified by Rabbi Judah HaNasi circa 200 A.D., many of the oral traditions recorded therein circulated throughout Israel and the Diaspora during the Second Temple era. Of the six major sections of the Mishnah, called "orders"¹⁶, the order *Nashim*, or Women, consists of seven tractates concerning subjects such as betrothals, marriage contracts, wayward wives, and divorce.

One of the tractates entitled Sotah amplifies the Biblical procedures concerning a woman suspected of adultery, and the proscribed ritual elucidated in Numbers 5:12-31. Moved by a spirit of jealousy, the man who suspects his wife of adultery brings her to the priest to undergo 'a trial by ordeal', consisting of

¹⁰ Targum Pseudo-Jonathan, Translated by J.W. Etheridge, 1892, Located at The Newsletter for the Center of Cognate and Targumic Studies, located online at: <http://targum.info/pj/pjdt21-26.htm>

¹¹ Romans 3:1-2

¹² John 6:68

¹³ Derived from the Hebrew verb 'to walk', *halakha* refers to legal rulings forming the body of Jewish law. The Mishnah is a commentary on the written Torah and forms the basis for the *Torah sh'ba'al Peh*, the Oral Torah.

¹⁴ As opposed to *halakha*, *aggadah* refers to non-legal Jewish folklore and stories with embedded with Rabbinic homilies.

¹⁵ The New Testament and the Mishnah, A Cross Reference Index, Charles R. Gianotti, Wipf and Stock Publishers, pg. 10

¹⁶ Each order or *sefer* contains 7 to 12 tractates. The six orders are Zeraim (Seeds), Mo'ed (Festival), Nashim (Women), Nezikin (Damages), Kodashim (Holy Things) and Toharot (Purities).

drinking water¹⁷ containing the ink from a written curse, and dust from the floor the Tabernacle¹⁸. According to Jewish law, the man is not required to force his wife to undergo the ordeal, but should he decide to subject his wife to the trial, the Mishnah describes the precise location in the Temple where the proceedings would take place. According to Sotah 1:4,

"[Now] if she said, "I am unclean," she gives a quittance for her marriage contract [which is not paid over to her], and goes forth [with a writ of divorce]. And if she said, "I am clean," they bring her up to the eastern gate, which is at the entrance of Nicanor's Gate. There it is that they force accused wives to drink the bitter water."¹⁹

In Judaism, there are two stages of marriage: *Erusin* (betrothal) and *Nisuin* (marriage). In ancient times, there was an interval of several months up to a year between the two stages. According to the New Testament, Joseph and Miriam had undergone the first stage of marriage, and had not yet completed the second, as Raymond E. Brown notes in his monumental commentary The Birth of the Messiah,

"Both Luke (1:27, 2:5) and Matthew use the middle or passive of the verb *mnēsteuein*, "to be betrothed, engaged," to describe the relationship between Joseph and Mary; they avoid the more usual verbs for marrying, *gamein* and *gamizein*, as well as the related noun *gamos*, "wedding, marriage." It may have been difficult for them in Greek as it is for us in English to find the exact word to cover the appropriate stage in the Jewish matrimonial procedure."²⁰

In modern Hebrew, the word *erusin* means "engagement", however in ancient times, and still in Jewish religious circles today, the term had a different meaning. According to the Jewish Encyclopedia,

"when the agreement had been entered into, it was definite and binding upon both groom and bride, who were considered as man and wife in all legal and religious aspects, except that of actual cohabitation. The root ארש ("to betroth"), from which the Talmudic abstract אירסין ("betrothal") is derived, must be taken in this sense; *i.e.*, to contract an actual though incomplete marriage. In two of the passages in which it occurs the betrothed woman is directly designated as "wife" (II Sam. iii. 14, "my wife whom I have betrothed" ("erasti"), and Deut. xxii. 24, where the betrothed is designated as "the wife of his neighbor"). In strict accordance with this sense the rabbinical law declares that the betrothal is equivalent to an actual marriage and only to be dissolved by a formal divorce."²¹

Accordingly, the writer of Matthew displays an intimate knowledge of Jewish law and custom in describing Joseph as "husband" and Miriam as "wife" in Matthew 1:19-20. Thus the modern English

¹⁷ See Exodus 32:20, Deuteronomy 9:21. After the sin of spiritual adultery with the Golden Calf, Moses causes Israel to undergo a similar punishment.

¹⁸ In John 8:2-6, Yeshua is in the Court of the Women when the woman caught in adultery is brought to Him. Echoing the ritual of the Sotah, he stoops down to write in the dust on the floor of the Temple, fulfilling a prophecy in Jeremiah 17:13, and calling to mind the Finger of God that wrote the commandment, "You shall not commit adultery."

¹⁹ Mishnah, Sotah 1:4, The Mishnah: A New Translation by Jacob Neusner, Yale University Press, pg. 448

²⁰ Raymond E. Brown, The Birth of the Messiah, Doubleday, pg. 123

²¹ The Jewish Encyclopedia, Betrothal, Marcus Jastrow, Bernard Drachman, 1901-06. Located online at: <http://www.jewishencyclopedia.com/view.jsp?artid=995&letter=B#ixzz1FDpZS75O>

rendering of *μνηστευθείσης* in Matthew 1:18 as "engaged" is misleading to the reader²², failing to communicate the severity of the situation. According to Sotah 9:9, the ordeal of the bitter waters was still in practice when Joseph and Miriam entered into the stage of erusin. The ritual was later abolished by Rabban Yochanan ben Zakkai, in the middle of the first century, because adultery became so widespread among the population, it nullified the effects of bitter waters. Therefore, Miriam's fate rested within Joseph's hands. With the full force of biblical code behind him, he had the power to humiliate her in public, before the priesthood in the Court of the Women, at the entrance to the Gates of Nicanor behind which stood the *Hekal*, the majestic Temple complex.

Yet, "Joseph, her husband, being a righteous man, and not willing to make her a public example, intended *to put her away* privately."²³ The Greek word *απολυσαι*, in this context, means to formally divorce, as it is in Yeshua's discussion of divorce in the Gospels²⁴, where he interprets the Torah's prescription for divorce in Deuteronomy 24:1-2,

"When a man takes a wife, and marries her, then it shall be, if she find no favor in his eyes, because he has found some unseemly thing in her, that he shall write her a bill of divorce, and give it in her hand, and send her out of his house. When she is departed out of his house, she may go and be another man's wife."

Covering almost every conceivable situation, the Mishnah describes in great detail the regulations of divorce in Tractate Gittin²⁵. Like today, the subject of biblical divorce was a major controversy. The dispute hinged upon an ambiguity in the Torah, depending on which word was emphasized in interpreting the text, as Gittin 9:10 illustrates,

"The House of Shammai say, "A man should divorce his wife only because he has found grounds for it in unchastity," since it is said, *Because he has found in her indecency in anything* (Dt. 24:1). And the House of Hillel say, "Even if she spoiled his dish, since it is said, *Because he has found in her indecency in anything.*" R. Aqiba says, "Even if he found someone else prettier than she," since it is said, *And it shall be if she find no favor in his eyes* (Dt. 24:1).^{26 27}

Although there was a dispute in the first century, to Joseph's mind, this case was settled. In contrast to modern society and Western culture, Joseph need not go through the courts to obtain a divorce. He simply had to write it in the presence of two or three witnesses and have it delivered to her. Until this point, he had not seen his wife in three months, as Luke's Gospel describes the events that occurred after the annunciation by the Archangel Gabriel,

²² Delitzsch renders *μνηστευθείσης* correctly as *קִיְּרָה* in his Hebrew New Testament translation.

²³ Matthew 1:19

²⁴ Matthew 5:32, Matthew 19:3-9, Mark 10:1-11, Luke 16:18

²⁵ Plural of *get*, the Jewish divorce document.

²⁶ Mishnah, Gittin 9:10, *The Mishnah: A New Translation* by Jacob Neusner, Yale University Press, pg. 487. Emphasis mine.

²⁷ Yeshua clarifies the halakha, interpreting *עֲרֻוַת דְּבָר* in Deut. 24:1 as *πορνείας*, sexual immorality, rendered by Delitzsch as *דְּבָר זָנוּת*. In Luke 16:18, Yeshua's statement that, "Everyone who divorces his wife, **and** marries another, commits adultery," may be specifically refuting the position later championed by R. Aqiba, although he post-dated Yeshua, his position on Deut. 24 was possibly in currency among the Sages. The Greek *και* ("and") translates the Hebrew letter *vav*, meaning not only "and", but also "in order to" as it does in Exodus 7:16, and Tosefta, Sotah 5:10. For further discussion see Brad H. Young's *Jesus the Jewish Theologian, Divorce and Adultery in Light of the Words of Jesus*, pg. 111-117, and R. Edward Levi Nydle's article *Divorce and Remarriage* located online at: <http://bnaivraham.net/media/2fc6a2f15e330b32ffff85bffffe906.pdf>.

“Miriam arose in those days and went into the hill country *with haste*, into a city of Judah, and entered into the house of Zechariah and greeted Elisabeth...Miriam stayed with her about three months, and then returned to her house.”²⁸

Joseph trusted Miriam was safe when she left to stay with her cousin, as Zechariah was a *kohen*, a priest, who ministered in the Temple. He and Elisabeth “were both righteous before God, walking blamelessly in all the commandments and ordinances of the Lord.”²⁹ Now, however, something was different. Her belly began to bulge a little and she could no longer hide her secret from Joseph. Miriam had left to be with Zechariah and Elisabeth for counsel, wisdom and most importantly, they were the only two in all of Israel who would believe her story. If Miriam had stayed in Nazareth, most people would have assumed that Joseph and Mary did not wait until the ceremony of *nisuin*. Her absence of three months, however, fulfilled a rabbinic requirement in determining the paternity of a child, as the Mishnah states,

“The deceased brother's wife shall neither perform the *halizah* nor contract levirate marriage before three months³⁰ have passed. Similarly all other women shall be neither betrothed nor married before three months have passed whether they were virgins or non-virgins, whether divorcees or widows, whether married or betrothed.”³¹

Maimonides explains,

"every woman that is divorced, or becomes a widow, lo! she may not marry, nor be betrothed, until she waits ninety days (i.e. three months), exclusive of the day in which she is divorced, or her husband dies, and of the day in which she is betrothed; that ***so it may be known*** whether she is with child or not, in order to distinguish between the seed of the former, and the seed of the second husband.”³²

Joseph knew that the child to be born was not his *biological* son, but soon everyone will know, he reasoned. Yet, how was it possible something like this could have happened under the roof of a righteous priest? To Joseph, the difficult questions had unsatisfactory answers. Although Miriam’s story did echo the numerous miraculous births recorded in the Tanakh, a “virgin birth” has never been heard of in Israel, nor anywhere else in the world.³³ He fell asleep that night, having resolved in himself to put her away quietly, as the Mishnah states,

"He who threw a writ of divorce to his wife, and she was in her own house or in her own courtyard, lo, this one is divorced." ³⁴

²⁸ Luke 1:39-40, 56

²⁹ Luke 1:6

³⁰ The halachic requirement of three months is not only biological but has its roots in the Torah regarding the case of Tamar (who is, coincidentally, an ancestor of Yeshua and is present in His genealogy): “It happened about *three months* later, that it was told Judah, saying, “Tamar, your daughter-in-law, has played the prostitute; and moreover, behold, she is with child by prostitution.” Genesis 38:24.

³¹ Yebamoth 41a, Soncino Press Edition

³² Maimonides, Hilchot Gerushin, c. 11. sect. 18. Vid. T. Bab. Berakhot, fol. 47. 1., cited in John Gill's Commentary to the New Testament.

³³ Contrary to popular opinion, paganism does record any “virgin birth” that pre-dating the Gospels. As Raymond E. Brown notes, “These “parallels” consistently involve a type of *hieros gamos* where a divine male, in human or other form, impregnates a woman, either through normal sexual intercourse or through some substitute form of penetration. In short, there is no clear example of *virginal* conception in world or pagan religions that plausibly could have given first-century Jewish Christians the idea of the virginal conception of Jesus.” - Raymond E. Brown, The Birth of the Messiah, pg. 523. For further discussion, see my article *Pagan Parallels to the Virgin Birth?* located online at: <http://www.messianicart.com/chazak/yeshua/paganparallelsvirginbirth.htm>

³⁴ Mishnah, Gittin 8:1, The Mishnah: A New Translation by Jacob Neusner, Yale University Press, pg.481

“But when he thought about these things, behold, an angel of the Lord appeared to him in a dream, saying, “Joseph, son of David, don’t be afraid to take to yourself Miriam, your wife, for that which is conceived in her is of the Holy Spirit. . . Joseph arose from his sleep, and did as the angel of the Lord commanded him, and took his wife to himself; and didn’t *know her*³⁵ until she had brought forth her firstborn son. He named him Yeshua.”^{36 37}

As Joseph ben Jacob of the House of David opened his eyes from sleep, the eyes of his spirit now saw clearly. He marveled as he saw in hindsight the prophecies being fulfilled, one by one, right before his eyes. Redemption had come to Israel, cuddled into his very arms, wrapped in swaddling clothes. The words of the prophet, “For unto us a child is born, a Son is given,”³⁸ now had a personal meaning to which no one else in Israel, nor in the entire history of the world could lay claim. As every father, now it was his mission to protect his newborn son, descended *physically* from David through Nathan down to Eli the father of Miriam, would now inherit the crown *legally* from Joseph descended from David via Solomon. As the Talmud states,

Mishnah. "If a person states, "This is my son, he is believed." Gemara. *He is believed*. In [respect of] what legal practice? Rab Judah said in the name of Samuel: As regards the right of heirship.³⁹

The Torah’s original intention in permitting divorce was to protect the vulnerable and innocent in the midst of the *olam hazeh*⁴⁰. In first century Israel, this allowance was turned into a license for dealing treacherously with one’s spouse⁴¹, allowing one to use divorce like an ancient siege weapon, a tragedy akin to the Fall of Masada on a personal scale. The spiritual state of the Hebrew nation was not unlike the *sotah*, the wayward wife, as seen through the pages of the New Testament, confirmed by the minute details of the Mishnah, as foretold by the Prophets and revealed in the expectations of the Sages. Yet, Miriam typified Israel, representing the nation in an ideal sense even as the moral fiber of her society around her unraveled. Her Hebrew song echoed that of Miriam the sister of Moses⁴², as she proclaimed the glory of God, and still resonates to this day. There was a time when only three people in the world believed her story, now not only did Joseph her husband believe, but the message was about to be preached in all nations. The Messiah had come, not only to rebuild the walls of Jerusalem ravaged by the weapons of foreign powers, but to repair the breach within our hearts. As it is written,

"She shall bring forth a son. You shall call his name *Yeshua* (יֵשׁוּעַ), for it is he who shall *save* (יִרְשָׁע) his people from their sins."⁴³

³⁵ “To know” someone is a Hebraic idiom for physical intimacy as in Genesis 4:1.

³⁶ On the eighth day of his circumcision, Luke 2:21.

³⁷ Matthew 1:20-21, 24-25

³⁸ Isaiah 9:6

³⁹ Baba Bathra 134a, Soncino Press Edition

⁴⁰ Lit. ‘This world’, with implications of its fallen nature, in contrast with the *olam haba*, which is like the Garden of Eden, the standard to which Yeshua refers to in Matthew 19:4.

⁴¹ Malachi 2:14

⁴² Exodus 15:21

⁴³ Matthew 1:21