

Words of Commitment – לשון קידושין
by Rabbi Simchah Roth

וְאַתָּה אָנוּשׁ בְּעֵרְכִי אֶלּוּפִי וּמִיָּדַעִי אֲשֶׁר יַחְדּוֹ נִמְתִּיק סוּד.

You are my equal, my companion, my closest friend, with whom I enjoy sweet fellowship.¹

I have been asked many times why, in my Halakhic Investigation "Dear David"² I intimated that it is not halakhically possible to justify one man saying to another "הרי אתה מקודש לי" or one woman saying to another "הרי את מקודשת לי". Many have found this disappointing and unacceptable. The following article seeks to clarify the halakhic basis for what I wrote and, hopefully, to persuade those entering a same-sex marriage to use a different form of words.

Many rabbis have begun to question whether the traditional forms and arrangements for heterosexual marriage can still be viable in a changing world, a world in which the basis for a successful marriage is held to be mutual affection and equality of responsibility. The reason why those rabbis are concerned is because the actual halakhic bases for the marriage between a man and a woman are very different from those assumed by most modern men and women. This tension between what halakhah prescribes and what people expect creates more and greater difficulties. When a marriage is harmonious and successful that tension can be ignored because it will have no impact at all on the halakhic relationship between the spouses. It is only when things begin to unravel that the problems begin to assert themselves and to become apparent.

It is far beyond the scope of this short article to address all the halakhic bases for the marriage between a husband and his wife. We shall, however, address the issue of 'kiddushin' because it is highly relevant to the main thesis of this article on same-sex marriage.

The starting point of our discussion must be the terms that the Torah uses to articulate the manner in which the marriage bond between a man and a woman is effected. Several times³ the Torah refers to the technicalities of the creation of such a bond - at least as expounded by the sages of the oral tradition. In all three cases the Hebrew phrase used is *כי יקח איש אשה*. This phrase is usually translated as "when a man takes a woman" or "when a man takes a wife". However, this translation obfuscates the true meaning of the verb as understood by the sages. (It is a mistake to think that we, as Jews, follow the prescriptions of the written Torah. It would be much more accurate to say that we follow the prescriptions of the Written Torah *as explicated by the sages* of

1. Psalm 55:14-15. 2. <http://www.bmv.org.il/ab/dd.asp> 3. Deuteronomy 23:13, ibid. 24:1, ibid. 24.5.

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the Oral Torah.) In the language of the sages⁴ the verb לקח means 'to buy'. In his commentary on Deuteronomy 23:13 Ramban (Moses Nachmanides) makes this point very clear:

כי יקח איש אשה ... טעמו, כאשר יקח האיש אשה בלקוחי התורה שהם הקדושין בכסף, והיא המאורסה אשר יזכיר.

When a man takes a woman means when a man takes a woman as the Torah understands 'taking', which refers to 'betrothal by money'. The woman is the betrothed referred to later [in verse 23].

The tractate of the Mishnah that deals with matters concerned with betrothals is Tractate Kiddushin. (We shall discuss the meaning of this term, קידושין, later on.) The very first mishnah in Tractate Kiddushin⁵ reads, in part, as follows:

האשה נקנית בשלש דרכים, וקונה את עצמה בשתי דרכים. נקנית בכסף, בשטר, ובביאה... וקונה את עצמה בגט ובמיתת הבעל.

A woman is acquired in three [possible] ways and regains her independence in two [possible] ways. She is acquired by money, by document or by sexual intercourse... She regains her independence by Deed of Divorce or by the death of her husband...

'Betrothal by money' means that in the presence of two reliable witnesses the man gives the woman money or goods⁶ and warns her that by accepting from him the money or the goods she agrees to become his wife. ('Betrothal by document' means that in the presence of two reliable witnesses the woman receives from the man a document in which he advises her that by accepting the document she will signify her assent to become his wife. 'Betrothal by sexual intercourse' means that in the presence of two reliable witnesses the man and the woman are seen secluding themselves in a room after the woman has been warned by the man that by accompanying him she will have given her assent to become his wife.)

When the sages of the Gemara⁷ come to elucidate the mishnah we have quoted above they ask a simple question: why does the mishnah not say quite simply that a man betroths a woman in three possible ways; or even that a woman becomes betrothed in three possible ways? Why does the mishnah say that a woman is 'bought' or 'acquired'? The answer given is that the mishnah uses this particular form of language to indicate that betrothal by money (the first and most preferred of the three options) refers to purchase.

4. לשון חכמים

5. Mishnah Kiddushin 1:2.

6. The almost universal custom nowadays is for

the man to give the woman a ring.

7. Bavli, Kiddushin 2a.

לשון קידושין – Words of Commitment

A well-known story in the Torah⁸ tells how, after his wife died, Abraham seeks an appropriate burial place for Sarah. He wants to buy a cave near the town of Hebron from the local Hittite inhabitants, the Cave of Machpelah. The Torah tells us that to begin with Efron, the owner of the cave, wanted to give it as a free gift to Abraham but Abraham insisted on full payment for his purchase.

וידבר אברהם אל עפרון באזני עם הארץ לאמר אך אם אתה לו שמעני נתתי כסף השדה קח ממני ואקברה את מתי שמה... ויען עפרון את אברהם לאמר לו: אדני שמעני ארץ ארבע מאת שקל כסף ביני ובינך מה הוא ואת מתך קבר. וישמע אברהם אל עפרון וישקל אברהם לעפרן את הכסף אשר דבר באזני בני חת.

Abraham said to Efron... "Please hear me out: I will pay money for the field; buy it from me..." Efron replied... "What is four hundred shekels between you and me? Bury your dead..." Abraham weighed out for Efron the sum he had mentioned...⁹

The use of the same verb in both the story of the purchase of the Cave of Machpelah and the rule about a man 'acquiring' a woman proves, for the sages of the Talmud, that when the mishnah refers to the betrothal of a woman by 'money' it refers to purchase.

All this seems very strange - and even repugnant - to modern susceptibilities and seems far removed from our modern concepts of the meaning of matrimony and the relationship that the married status creates between the two partners. As we have already noted, it is possible to gloss over the precise halakhic relationship between the two spouses as long as their marriage is successful and harmonious; but the moment that strife rears its ugly head the true halakhic relationship between the parties becomes acutely apparent: since the husband is in exclusive 'possession' of his wife - by her consent when she accepted his ring - only he can put an end to their relationship.

And that relationship is totally exclusive. The wife belongs exclusively to the husband. (That the husband is reserved exclusively to the wife is not entirely true in terms of halakhah.) That exclusivity is enshrined in the Hebrew word for betrothal. The technical phrase that usually creates the relationship between the two is well known:

הרי את מקודשת לי בטבעת זו כדת משה וישראל.

This phrase may be explicated in English as follows:

By accepting this ring you will become my exclusive spouse according to the customs of Moses and Israel."

8. Genesis 23. 9. Genesis 23:12-16.

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The status of the woman changes and she now enjoys the status of "a man's wife".¹⁰ (Her spouse is not known as "a woman's husband".) Only this man has the right of co-habitation with this woman and if she cohabits with any other man she has committed the sin of adultery. Her husband is not, technically speaking, her "exclusive spouse", which is why his dalliance does not constitute halakhic adultery. This "exclusive possession" is made very clear at the moment of divorce when the key phrase in the Deed of Divorce is the opposite of the phrase used when he offered her his ring under the wedding canopy:

הרי את מותרת לכל אדם.

You are now permitted to any man.

A term which is cognate to the word that the man uses when betrothing the woman is *הקדש* 'hekdesh'. This term refers to secular property which has been consecrated to the exclusive use of the Temple in Jerusalem. Any profane use of property which is 'hekdesh' constitutes a great sin. In their discussion on the first mishnah of Tractate Kiddushin which we discussed earlier the sages of the Talmud ask a further question: why is the concept of *מקדש* "mekkadesh" used in the betrothal ceremony. And their response is as follows:

ומאי לישנא דרבנן? – דאסר לה אכולי עלמא בהקדש.

Now what does the Rabbinical term connote? - That he [the husband] prohibits her to all [men] just as hekdesh is prohibited to all men.¹¹

According to halakhic norms a woman who has consented to become *אשת איש*, a man's wife, relinquishes thereby her independence. In fact, her husband acquires tutelary rights over her. Because she must now be submissive to the will of her husband she is excused many religious duties. The Mishnah¹² notes that women are excused certain *mitzvot*:

כל מצות עשה שהזמן גרמה אנשים חיבין ונשים פטורות; וכל מצות עשה שלא הזמן גרמה אחד אנשים ואחד נשים חיבים. וכל מצות לא תעשה בין שהזמן גרמה בין שלא הזמן גרמה, אחד אנשים ואחד נשים חיבין.

All positive, time-specific *mitzvot* are incumbent upon men whereas women are excused; all positive *mitzvot* that are not time-specific are incumbent upon both men and women; all negative commandments, be they time-specific or not, are incumbent upon both men and women.

(A positive *mitzvah* is one that requires us to do something whereas a negative *mitzvah*

10. אשת איש. 11. Bavli, Kiddushin 2b. 12. Mishnah Kiddushin 1:7.

is one that requires us to refrain from doing something. A time-specific *mitzvah* is one that must be performed at a certain time and has no religious significance except at that time.)

Of course, in their discussion on this mishnah the sages try to understand why this is the rule. In order to clarify the issue they quote an explanation of another *mitzvah* in the Torah¹³.

איש אמו ואביו תיראו.

Each man [all of you] shall reverence his mother and father.

Here the verb which follows the phrase 'each man' is in the plural. The sages discuss this as follows¹⁴:

תנינא להא דתנו רבנן איש אין לי אלא איש אשה מנין כשהוא אומר תיראו הרי כאן שנים אם כן מה ת"ל איש איש סיפק בידו לעשות אשה אין סיפק בידה לעשות מפני שרשות אחרים עליה.

"Each man" - this suggests that only men are required to observe this *mitzvah*; how can I know that a woman is also required to observe it? When it says "you [plural] shall reverence" that must indicate both [men and women]. In that case why does the Torah say "each man"? It is because a man is free to do this whereas a woman is not because she is subject to the other's authority.

And in order to make it very clear that a married woman is subject to the authority of her husband another sage makes a clarificatory comment:

אמר רב אידי בר אבין אמר רב: נתגרשה שניהם שוים.

Rabbi Idi bar-Avin quotes Rav: if she is divorced both are equal [once again].

It follows that when an independent woman freely accepts a man's offer of *kiddushin* (a ring) she thereby submits herself to his authority and foregoes her independence. There is only one other institution which is comparable, and that is the status of the *עבד כנעני*¹⁵. This refers to a non-Jewish slave who was bought by a Jew. The Jew can maintain the slave as a non-Jew for one year only; after that he must either sell him to a non-Jew or, if the slave is willing, have him converted to Judaism. As long as this convert is a slave his religious status and commensurate religious duties are the same as those of a married woman (because both the slave and the married woman are subject to the greater authority of the husband/master). A Jewish man, even when sold into slavery for debt¹⁶, can never lose his independent religious status.

13. Leviticus 19:3. 14. Bavli, Kiddushin 30b. 15. "Canaanite slave". 16. Exodus 21:2-6.

Thus the halakhic implications of the first part of the "marriage formula" (הרי את מקודשת לי) are that a woman foregoes her independence and enters an exclusive relationship with the man who now enjoys tutelary rights over her. No Jewish man can ever create such a status with another Jewish man nor can any Jewish woman ever create such a status with another Jewish woman. It follows that when a same-sex couple uses the same formula as is used in a heterosexual marriage they have, at best, said nothing at all that has any halakhic meaning, so no religiously meaningful bond has been created between them at all.

I have often heard the objection that while what I have written may well be true, nevertheless nowadays when a couple - same-sex or hetero - plight their troth they have in mind a completely different meaning of the word מקודש or מקודשת. They do not mean that one party has acquired rights over the other party; what they mean is that the other party is bound to them in bonds of love and affection and an undertaking of mutual care and concern. This clearly is the case in well-nigh all marriages - of any kind - that are celebrated today. Unfortunately, meanings, understandings and interpretations that the parties may or may not have in mind have no halakhic relevance, because the sages have explicitly and deliberately denied the parties the right to imply anything in their declarations other than what the sages say they mean!

In the Gemara¹⁷ the sages discuss a situation in which a husband divorces his wife and then changes his mind and cancels the bill of divorce that he delivered to her. The written Torah recognizes the right of the husband to act thus. However, the sages saw that such a situation could cause great problems of matrimonial status for the woman and for any future children she might have so they deny the husband his right to cancel a deed of divorce once delivered "for the sake of public order". But now the Gemara asks an obvious question - and supplies a surprising answer:

ומי איכא מידי דמדאורייתא בטל גיטא ומשום מה כח בית דין יפה שרינן אשת איש
לעלמא? – אין! כל דמקדש אדעתא דרבנן מקדש...

Is it possible that when the husband's right to cancel a deed of divorce that he delivered to his wife is permitted by the Torah we [the sages] shall permit that man's wife to [marry] someone else just in order to maintain the power of the court [to maintain public order]? Yes! Anybody who utters the betrothal formula does so according to the sages' intentions.

The passage is not easy to understand if one is not used to the language of the sages so let us rephrase: the Written Torah gives a man an unbounded right to divorce his wife at any time;¹⁸ in order to prevent serious halakhic consequences the sages want to give

17. Bavli, Gittin 33a. 18. Since the Middle Ages the wife must consent to the divorce, but the initiative is

the courts the right to curtail the husband's privileges in this regard. But is it possible that the sages can permit a woman to marry someone else just because they have denied her husband a right accorded him by the Torah? The Gemara answers "Yes!" When anyone utters the betrothal formula they submit themselves to the interpretive authority of the sages in this regard¹⁹.

This is, in fact, why we conclude the betrothal formula with the words *כדת משה וישראל*²⁰. Not only does the man say (in heterosexual marriage) "You are betrothed to me" but he adds "according to the law of Moses and Israel" so that his statement will be according to the interpretation that the sages give to that statement. One classic commentator puts it this way:

שהרי אומר לה 'הרי את מקודשת כדת משה וישראל'. נמצא שבדעת חכמים תלה
הדבר והכי הלכתא.²¹

He says to her "be my wife according to the law of Moses and Israel". It follows that he makes his statement dependent on the interpretation of the sages. And that is halakhah.

I would now like to address the issue from a different angle. We have seen that the forms of marriage that we have inherited from the past do not sit easily - to put it mildly - with our modern conceptions of the meaning of the marriage bond. We no longer think of marriage as being the acquisition of a woman by a man who assumes full tutelary rights over her (to the extent that the woman is excused some duties to God because of her subordinated status). We look upon marriage as a partnership between equals based on mutual affection and respect. Hence the dissonance between the traditional forms and modern values.

The status of each of the parties in the traditional marriage forms is determined by the ceremony of *kiddushin*. As we have noted, this is the ceremony in which the man gives the woman an object while declaring to her that her acceptance of this object from him will give her the new (and subordinate) status of a man's wife, *אשת איש*. Nowadays it is the almost universal custom to perform this ceremony under the wedding canopy, *חופה*, when the groom puts a ring on the bride's finger. His declaration is *הרי את מקודשת לי* (The Gemara²² does recognize the possibility of the use of alternative phrases - as long as they indicate the woman's new status vis-à-vis this man. It is worthwhile noting this possibility since it could also be applicable in the case of same-sex marriage.)

in the hands of her husband. 19. See Rashi on Bavli, Yevamot 90b, *ד"ה אדעתא*. 20. See Tosafot, Bavli Gittin 33a, *ד"ה כל דמקדש*. 21. *ב"ב כ"ו ע"ב*. 22. Kiddushin 6a.

לשון קידושין – Words of Commitment

We have seen that the term מקודשת in this context does not bear the meaning of holiness but the meaning of exclusivity, taboo: henceforward only this man may cohabit with this woman. In many modern ceremonies it has become customary for the bride to give a reciprocal ring to the groom and often she also makes a reciprocal declaration: להרי אתה מקודש לי בטבעת זו כדת משה וישראל. Once she has accepted his ring there is no halakhic impediment to her giving him a ring too. But her declaration is sheer halakhic nonsense and has no halakhic meaning. (This is why many rabbis discourage the use of this declaration by the woman.) A woman cannot impose exclusivity on her husband nor can he assume a status subordinate to hers. Furthermore, we have noted that it makes no matter what interpretation the bride and the groom might have in mind when they make these declarations: in the eyes of Jewish law the man's declaration has only one meaning and such a declaration by the woman is meaningless.

In recent years a very important development has occurred in the sphere of matrimonial partnerships in Jewish law. In its decision of 2006 the Committee for Jewish Law and Standards of the Rabbinical Assembly accepted provision for a meaningful and loving partnership between two people of the same sex. The responsum²³ that enshrined that development did not define the nature of the relationship or its manner of creation. Whether we call such a ceremony a Commitment Ceremony or a Marriage Ceremony is irrelevant and the contracting parties should feel free to use the terms that best express their intentions. What is important is that in creating this new opportunity for the expression of a same-sex matrimonial partnership we have the opportunity to craft the ceremony so that its forms reflect what is meaningful in the light of modern understandings of the nature of the marriage bond. To continue using phrases and usages that are not even appropriate in this day and age to heterosexual marriage seems to be the height of halakhic folly and creative bankruptcy.

Most aspects of the traditional wedding ceremony still have a great emotional meaning for people and should not be discarded or revamped: the חופה, the general outlines of the ceremony, a document of undertaking (כתובה), benedictions over wine, breaking a glass and so forth. What need to be changed are those elements that are now in a strident collision with modern susceptibilities. The two elements that immediately spring to mind are the ring ceremony (*kiddushin*) and the marriage deed (*ketubah*). It should be by no means difficult to adapt these ceremonies to the values that inhere to a sincere and loving same-sex relationship and to make them conform to a meaningful modern halakhah. On the next page you will find my suggestion for such a ceremony.

בְּחִבְלֵי אָדָם אֶמְשִׁכֶם בְּעִבְתוֹת אֲהָבָה:

With human bonds do I draw them together, with chains of love.²⁴

23. http://www.rabbinicalassembly.org/teshuvot/docs/20052010/dorff_nevins_reisner_dignity.pdf

24. Hosea 11:4.

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סדר ברית וזוגיות Commitment or Marriage Ceremony

The ceremony may begin with one or more of the following passages:

Blessed be he who enters in God's name; we bless you from God's House.¹

A psalm of thanksgiving. Raise a shout to God, all the earth; worship God in gladness; come into His presence with shouts of joy. Acknowledge that He is God; He made us and we are His, His people, the flock He tends. Enter His gates with praise, His courts with acclamation. Praise Him! Bless His name! For God is good; His steadfast love is eternal; His faithfulness is for all generations.²

May He who is mighty above all, blessed above all, great above all, bless ...³

ברוך הַבּא בְּשֵׁם יי בְּרַכְנוּכֶם מִבֵּית יי:
מִזְמוֹר לְתוֹדָה הִרְיעוּ לַיי כָּל הָאָרֶץ: עֲבְדוּ
אֶת יי בְּשִׂמְחָה בְּאוֹ לִפְנֵי בְּרַנְנָה: דַּעוּ כִּי
יי הוּא אֱלֹהִים הוּא עֲשָׂנוּ וְלוֹ אֲנַחְנוּ עִמּוֹ
וְצֵאן מִרְעִיתוֹ: בְּאוֹ שְׁעָרָיו בְּתוֹדָה
הִצַּרְתָּיו בְּתִהְלָה הוֹדוּ לוֹ בְּרַכּוּ שְׁמוֹ: כִּי
טוֹב יי לְעוֹלָם חֲסִדוֹ וְעַד דֹּר וְדֹר אֲמוּנָתוֹ:
מִי אֲדִיר עַל הַכֹּל מִי בָרוּךְ עַל הַכֹּל מִי
גָּדוֹל עַל הַכֹּל הוּא יְבָרֵךְ אֶת...

The rabbi now says:

The words of Koheleth son of David, king in Jerusalem.⁴ Two are better than one, in that they have greater benefit in their partnership. For should they fall, one can raise the other; but woe betide him who is alone and falls with no companion to raise him! Further, when two lie together they are warm; but how can he who is alone get warm? Also, if one attacks, two can stand up to him. A threefold cord is not easily broken.^{5,6}

דְּבָרֵי קִהְלֵת בֶּן דָּוִד מֶלֶךְ בִּירוּשָׁלַם: מִזְבִּים
הַשְּׁנַיִם מִן הָאֶחָד, אֲשֶׁר יֵשׁ לָהֶם שֶׁכֶר טוֹב
בְּעִמְלָם: כִּי אִם יִפְלוּ, הָאֶחָד יָקִים אֶת
חֲבֵרוֹ, וְאִלּוּ הָאֶחָד שִׁיפּוֹל וְאִין שְׁנֵי
לְהִקְיָמוֹ: גַּם, אִם יִשְׁכְּבוּ שְׁנַיִם וְחַם לָהֶם,
וְלְאֶחָד אֵיךְ יִחַם: וְאִם יִתְקַפוּ הָאֶחָד הַשְּׁנַיִם
יַעֲמִדוּ נִגְדּוֹ וְהַחַוֵּט הַמִּשְׁלֵשׁ לֹא כִּמְהֵרָה
יִנְתַּק:

The rabbi now makes one or both of the following two benedictions over wine:

Blessed are You, God, Sovereign of the Universe, who creates the fruit of the vine. Blessed is the God of Israel, from eternity to eternity⁷, He who unites the beloved in a holy covenant, and draws them together with human ties, with bonds of love⁸. Blessed are You, God of Israel, our Father from eternity to eternity.^{9,10}

בָּרוּךְ אַתָּה יי אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, בּוֹרֵא
פְּרֵי הַגֶּפֶן. בָּרוּךְ יי אֱלֹהֵי יִשְׂרָאֵל מִן הָעוֹלָם
וְעַד הָעוֹלָם, הַמַּאֲחֵד יְדִידִים בְּבְרִית קֹדֶשׁ
בְּחֻבְלֵי אָדָם יִמְשָׁכֶם בְּעִבּוֹתוֹת אֲהֻבָה.
בָּרוּךְ אַתָּה יי אֱלֹהֵי יִשְׂרָאֵל אֲבִינוּ מִן הָעוֹלָם
וְעַד עוֹלָם.

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God, and God of our ancestors, look down from Your heavenly abode and bless¹¹ the loving couple who are now entering a holy partnership. Grant that they may live in Your presence in love, fellowship, peace and friendship. Never remove from between them Your covenant of peace. Blessed are You, God, who is good and does good.¹²

אלהינו ואלהי אבותינו ואמותינו השקיפה ממעון קדשך מן השמים וברך את הרעים האהובים הכורתים ביניהם ברית קדש וזכם שישבו לפניך באהבה ובאהבה בשלום וברעות. וברית שלומך מביניהם לעולם אל תסיר. ברוך אתה יי הטוב והמטיב.

The couple now exchange rings and make their declaration:

Two men say:

Behold, by this ring you are now my partner in the eyes of God and man.^{13 14}

הרי אישי אתה במפעת זו בעיני אלהים ואדם.

Two women say:

Behold, by this ring you are now my partner in the eyes of God and man.^{13 14}

הרי רעיתי את במפעת זו בעיני אלהים ואדם.

The rabbi addresses the witnesses:

You are witnesses this day.¹⁵

עדים אתם היום.

The witnesses respond:

We bear witness.¹⁶

עדים.

The rabbi now reads out the deed of commitment.

The following is a text that can be used for two men.

אור ליום _____ בשבת, _____ ימים בחדש _____, שנת _____ חמשת אלפים ושבע מאות _____ למנין שאנו מונים כאן _____ במדינת _____ (שהוא _____ ימים בחדש _____ בשנת אלפיים _____ למנין אומות העולם) אומרים אנו, _____ בן _____ מחד גיסא ו_____ בן _____ מאידך גיסא לקבל עם ועדה בהצטרף קדושה: לחיי ידוע בזה שנקשרו נפשותינו זה בזה בקשרי אהבה ומסירות הדדית, ובבגנותנו בסעפתא דשמיא להיות נאמנים זה לזה באופן בלעדי כל ימי חיינו עלי אדמות. נהיה זה לזה רעים אהובים ונקיר ונכבד ונפרנס ונסעד אחד את השני ביושר ובאמונה. לבן אנו מקימים בזה משק בית משתף. כים אחד יהיה לשנינו ובדידה אחת יחד נדור, ובסעפתא דשמיא במקוננו ישרו אהבה ואהבה שלום ורעות ונזכה למפח יחד את מורשת היהדות, אהבת ישראל

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וּכְבוֹד הַבְּרִיּוֹת. אֲנִי מְבַרְיִים וּמְבַמְיָחִים בְּהַבְטָחָה חֲגִיגִית אֶת כָּל מֵה שֶׁפָּתוּב וּמְפֹרָשׁ לְעֵיל. וְחַתְּמָנוּ עַל שְׂמֵר זֶה בְּזִמְנֵן הַנּוֹכַר לְעֵיל. וְהַכֵּל בְּרוּר וְתַקְףָּ וְקָיָם.

The following is a text that can be used for two women.

אֹר לְיוֹם _____ בְּשַׁבָּת, _____ יָמִים בְּחֹדֶשׁ _____, שְׁנַת _____
חֲמִשָּׁת אֲלָפִים וּשְׁבַע מֵאוֹת וְ_____ לְמִנְיָן שְׁאָנוּ מוֹנִים בְּאֵן
בְּ_____ בְּמַדִּינַת _____ (שְׁהוּא _____ יָמִים בְּחֹדֶשׁ
_____, בְּשַׁנַּת אֲלָפִים וְ_____ לְמִנְיָן אוֹמוֹת הָעוֹלָם) אוֹמְרוֹת אָנוּ.
בַּת _____ מְחַד גִּיסָא וְ_____ בַּת _____ מְאִידָה
גִּיסָא לְקַבֵּל עִם וְעַדָּה בְּהַצְחָרָה קְדוּשָׁה: לְהָיוּ יְדוּעַ בְּזֶה שְׁנַקְשְׁרוּ
נַפְשׁוֹתֵינוּ זֶה בְּזֶה בְּקִשְׁרֵי אַהֲבָה וּמְסִירוֹת הַדְּדִית. וּבְכַוְנַתְנוּ בְּסִיעָתָא
דְּשְׁמַיָּא לְהִיֹּת נְאֻמָּנוֹת זֶה לְזֶה בְּאוֹפֵן בְּלֻעָדֵי כָּל יְמֵי חַיֵּינוּ עַלֵי אֲדָמוֹת.
נְהִיָּה זֶה לְזֶה רַעִים אַהֲבָיִים וְנוֹקִיר וְנִכְבָּד וְנִפְרָנִים וְנִסְעָד אַחַת אֶת הַשְּׁנִיָּה
בְּיוֹשֵׁר וּבְאֻמָּנָה. לְכֵן אֲנִי מְקִימוֹת בְּזֶה מְשַׁק בֵּית מְשַׁתָּה. בַּיָּם אַחַד יִהְיֶה
לְשִׁתֵּינוּ וּבְדִירָה אַחַת יִחַד נְדוּר. וּבְסִיעָתָא דְּשְׁמַיָּא בְּמַעֲוֹנָנוּ יִשְׂרוּ אַהֲבָה
וְאַחֲוָה שְׁלוֹם וְרַעוּת וְנִזְכָּה לְטַפַּח יִחַד אֶת מוֹרְשַׁת הַיְהוּדוּת, אַהֲבַת יִשְׂרָאֵל
וּכְבוֹד הַבְּרִיּוֹת. אֲנִי מְבַרְיִים וּמְבַמְיָחִים בְּהַבְטָחָה חֲגִיגִית אֶת כָּל מֵה שֶׁפָּתוּב וּמְפֹרָשׁ לְעֵיל. וְחַתְּמָנוּ עַל שְׂמֵר זֶה בְּזִמְנֵן הַנּוֹכַר לְעֵיל. וְהַכֵּל בְּרוּר וְתַקְףָּ וְקָיָם.

On the _____ day of the week, _____ days in the month of _____, in the year five thousand seven hundred and _____ according to the reckoning we use here in _____ in the state of _____ (which is _____ days in the month of _____ in the year two thousand and _____ according to the civil calendar) we, _____ of the first part and _____ of the second part do publicly make this sacred proclamation: Let it be known hereby that our two souls are knit with bonds of love and mutual dedication. It is our intention, with God's help, to remain exclusively faithful to one another throughout our lives. We shall be loving partners and each will hold the other dear, and we shall honour, sustain and support each other in uprightness and faithfulness. Therefore, we do hereby establish our mutual home: one purse shall serve us both and in one abode shall we dwell. With God's help in our home there will be love, fellowship, peace and friendship and together we shall be privileged to cosset Jewish tradition, love of the Jewish people and respect for all. We do hereby undertake all that is written above and we have signed this deed on the above-mentioned date and all is binding upon us.¹⁷

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The rabbi now recites the seven benedictions over a cup of wine.

Blessed are You, God, Sovereign of the Universe, who creates the fruit of the vine.

Blessed are You, God, Sovereign of the Universe, who created everything for His glory.

Blessed are You, God, Sovereign of the Universe, who created mankind.¹⁸

Blessed are You, God, Sovereign of the Universe, who created man in his image, and established from him an eternal building. Blessed are You, God, who is good and does good.¹⁹

The barren one shall rejoice when her children gather into her in joy. Blessed are You, God, who makes Zion glad in her children.²⁰

You make the happy couple rejoice as You drew them together with bonds of love. Blessed are You, God, who is good and does good.²¹

Blessed are You, God, Sovereign of the Universe, who created happiness, joy, exultation and rejoicing, love, fellowship, peace and friendship. Soon, God, may there be heard in the cities of Judah and in the streets of Jerusalem the sound of happiness and joy, the sound of exultation and rejoicing, the sound of couples exulting under the wedding canopy and young people at their feasting and making music. Blessed are You, God, who is good and does good.²²

ברוך אתה יי אלהינו מלך העולם. בורא פרי הגפן:

ברוך אתה יי אלהינו מלך העולם. שחבל ברא לכבודו:

ברוך אתה יי אלהינו מלך העולם. יוצר האדם:

ברוך אתה יי אלהינו מלך העולם. אשר יצר את האדם בצלמו. בצלם דמות תבניתו. והתקין לו ממנו בגין עדי עד. ברוך אתה יי יוצר האדם:

שוש תשיש ותגל העקרה בקבוץ בניה לתובה בשמחה. ברוך אתה יי משמח ציון בכניה:

שמח תשמח רעים האהובים. בחבלי אדם משבתם בעבתות אהבה. ברוך אתה יי המזב והמטיב:

ברוך אתה יי אלהינו מלך העולם. אשר ברא ששון ושמחה. עלצה ועלות. גילה רנה דיצה וחדוה אהבה ואהבה ושלוה ורעות. מהרה יי אלהינו ישמע בקרי יהודה ובחוצות ירושלים קול ששון וקול שמחה קול גילה וקול שישת. קול מצהלות חתנים מחפתם ונערים ממשתת נגינתם. ברוך אתה יי המזב והמטיב:

The rabbi now pronounces the priestly benediction:

God of our ancestors, bless us with the threefold blessing from the Torah, written by Moses and spoken by Aaron and his sons the priests: May God bless you and look after you; May God make his countenance shine upon you and be gracious towards you; may God raise his countenance towards

אלהינו ואלהי אבותינו ואמותינו. ברכנו בברכה המשלשת בתורה. הכתובה על ידי משה עבדך. האמורה מפי אהרן ובניו כהנים. עם קדשך כאמור: וברכה יי וישמרה. יאר יי פניו אליך ורחנה. ישא יי

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and grant you peace.²³ [To men] May God make you like Ephraim and Menasseh²⁴. [To women] May God make you like Sarah, Rebecca, Rachel and Leah.

פְּנֵי אֱלֹהֵי יְיָ שְׁלֹום. [לגברים] יְשִׁימָךְ
אֱלֹהִים כְּאַפְרַיִם וְכַמְנַשֶּׁה. [לנשים] יְשִׁימָךְ
אֱלֹהִים כְּסָרָה רַבֵּקָה רָחֵל וְלֵאָה.

The couple say together:

If I forget you, Jerusalem, let my hands forget their dexterity; let my tongue cleave to my palate if I do not recall Jerusalem above my chiefest joy.²⁵

אִם אֲשַׁכַּח יְרוּשָׁלַיִם תִּשְׁכַּח יָמֵינִי. תִּדְבַּק
לְשׁוֹנִי לְחִבֵי אִם לֹא אֶזְכְּרֶיךָ אִם לֹא
אֶעֱלֶה אֶת יְרוּשָׁלַיִם עַל רֹאשׁ שִׂמְחָתִי.

They break two glasses.²⁶

Mazzal Tov!
May this event herald good fortune for us
and for all Israel.²⁷

מַזָּל טוֹב.
בְּסֻמָּן טוֹב וּמַזָּל טוֹב יִהְיֶה לָנוּ וּלְכָל
יִשְׂרָאֵל.

Notes On The Ceremony

- 1 Psalm 118:26. This quotation is optional, as noted, but if used, neither gender nor number should be changed as it is not appropriate to 'adapt' biblical quotations. (See Ta'anit 27b etc.)
- 2 Psalm 100. This optional psalm is appropriate because it is a song of thanksgiving and is often recited on joyous occasions such as weddings.
- 3 This short פיוט is also optional. I suggest that instead of the traditional ending 'את החתן והחתן הוא יברך את משה והכלה' the names of the parties should be substituted. For example: 'ואהרון, הוא יברך את חנה ורות ואת החתן והחתן'. To use 'את החתן והחתן' might be seen as being quaint when joyous solemnity is called for.
- 4 Ecclesiastes 1:1.
- 5 The third party involved here is our Heavenly Father.
- 6 Ecclesiastes 4:9-12 These verses exalt the benefits of partnership.
- 7 Psalm 106:48.
- 8 Hosea 11:4.
- 9 1 Chronicles 29:10. This biblical benediction has been chosen because in post Talmudic times we do not create new benedictions (see Rabbi Shlomo Luria, Responsum #64 where he quotes the ר"ש on Tractate בכור הלכות פדיון בכור בכור.) This benediction seemed preferable to למדני חקך (Psalm 119:12).
- 10 This benediction replaces the traditional benediction of אירוסין. No attempt has been made to make the traditional wording of the benediction appropriate to the circumstances since the intention of ברכת האירוסין is to highlight the halakhic difference

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between אירוסין and נישואין which is irrelevant here and misleading.

- 11 Deuteronomy 26:15.
- 12 This benediction may be used in place of the preceding benediction if it is felt preferable to avoid any hint of אירוסין. Of course, both may be used according to the celebrant's preference. If only this benediction is used it should be prefaced by the benediction over wine.
- 13 Proverbs 3:4.
- 14 The formula recommended here is intended to reflect two overriding considerations: 1) the establishment of the new relationship between the contracting parties; 2) the public nature of the transaction. It was nevertheless felt most appropriate to use traditional language as much as possible in order to emphasize the joyous solemnity of the occasion. As noted above on page 7 the Gemara [Kiddushin 6a] requires the couple to use words and phrases that are readily understood as implying a new status, though the Gemara does recognize the possibility of using poetical language (such as terms derived from Genesis 2:18,20). The phrase בעיני אלהים ואדם serves to emphasize that this undertaking is made before God and before the people. When the Mishnah [Shekalim 3:2] quotes this phrase it also explains that "one must make one's undertakings in the eyes of the people just as one does in the eyes of God." (See also Yerushalmi Shekalim 14a.) The term אדם used in the formula refers not only and most especially to the Jewish people in particular but also to all mankind in general.
- 15 Ruth 4:10. Two people stand under the wedding canopy, to observe carefully the exchange of rings and to make the response out loud. The rabbi calls upon them to bear witness to the declaration made by each of the parties, thus giving it formal public standing.
- 16 Ruth 4:11. The response is very brief in order to make it more simple for the witnesses, but it need not be in unison. It is important to note that the testimony concerns the exchange of rings and the accompanying declaration; it is not concerned with the Deed of Commitment and these witnesses are not עדי קיום (as are the witnesses to the heterosexual ketubah).
- 17 This כתב התחייבות is not a כתובה. Within the heterosexual marriage bond the financial rights of the woman are secured by the כתובה, the marriage deed. (The Ketubah, Marriage Deed, has nothing to do with Betrothal by Document mentioned above on page 2.) The Ketubah is a document in which *witnesses* testify to the fact that the husband has made financial provisions for his wife, provisions which, in theory, are to be actualized in the event of divorce or his dying before she does. It is well known that the אמורא Ulla praises non-Jews for having refrained from three crass sins, one of which is writing a כתובה for two men [חילין צ"ב ע"א-ב]. The כתב התחייבות offered here is distinguished from a כתובה in the following: a) it is not the traditional text of the כתובה; b) it is a declaration of mutual intent and undertaking (both parties) made in the presence of those gathered for the ceremony; c) it is signed by the contracting parties alone and not by witnesses.
- 18 The first three ברכות are identical to the traditional ברכות.
- 19 This benediction is also identical to the traditional one in its wording. The new *intention*

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- is that God created from the first man the whole structure of the human race.
- 20 This benediction too is the traditional one. "The barren one" is the Land of Israel, now rejoicing in the return of her children to their ancestral home.
 - 21 This benediction has been changed. The body of the benediction is drawn from Hosea 11:4; the חתימה is the traditional benediction which is recited on joyous occasions.
 - 22 Much of this benediction has been changed. Four of the synonyms for happiness (גילה) (ש' שמאלית - שישה עלצה עלזה) are taken from the list in Canticles Rabbah 1:29.
 - 23 Numbers 6:24-26.
 - 24 Genesis 48:20.
 - 25 Psalm 137:5-6
 - 26 In order of obviate the necessity to choose which of the couple will break a glass I suggest that they both do so, each their own glass. The breaking of the glass serves to emphasize what was said in the previous quotation.
 - 27 See Shulhan Arukh, Oraḥ Ḥayyim, 426:2 for the custom. "He raises his eyes, straightens his feet and recites the benediction standing and says three times 'May this be a portent of good fortune to all Israel'... and that is why we rejoice and dance ... just as we do at a marriage ceremony."



Rabbi Simchah Roth, z"l, headed the Virtual Bet Midrash of the Rabbinical Assembly in Israel until his passing in May 2012. He was the rabbi of Torat Hayyim Congregation in Herzliya, Israel, for 20 years until his retirement. He lived with his wife in Ashkelon, Israel.

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