



*A Traditional Same-Sex Jewish Wedding*

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## 1 Background

On August 2<sup>nd</sup>, 2009, *b'ezrat HaShem*, I will marry Mitchell, my partner of the past three and a half years, and the man alongside whom I want to spend the rest of my life.

The choice to commit to Mitchell has been obvious for some time. The mechanism through which to commit to him, however, has been much less obvious. In fact, the more we read about gay and Jewish weddings, the more frustrated we became by the lack of models for a ceremony that reflects both our relationship to Judaism and to each other as gay men. We soon realized that the only ceremony that would meet our needs would be one we design ourselves.

As practicing Jews, we take seriously the commandments of the Torah and believe it is our responsibility to embrace them and honour them. At the same time, we assert our rights as members of *B'nai Yisrael* to live by these commandments and to enjoy the rituals that were derived from them, regardless of our sexual orientation. Our attempt to balance between these rights and responsibilities has guided us through the process of designing our wedding.

We are not rabbis or scholars. We have simply enjoyed the process of learning about the Jewish wedding and creating a ceremony that is relevant to us. We have chosen to document our ceremony, primarily to create a record for our own memories of a particularly meaningful day in our lives. As well, we hope that others find value in the work we have done, either using this ceremony or modifying it to suit their purposes. We welcome thoughts, reactions or notes at [SameSexJewishWedding@Gmail.com](mailto:SameSexJewishWedding@Gmail.com). Through this document, we hope to contribute to the evolving discussion around how to create a same-sex wedding ceremony that is consistent with Jewish teachings and values.

We have been guided in our research by a number of sources, rabbis, teachers and friends. The sources are noted throughout the body of this document. We wish in particular to thank Rabbi Stephen Wise, who will be officiating at our wedding, as well as Dr. Aryeh Cohen, Rabbi Ayelet Cohen, Rabbi Ed Elkin, Rabbi Eyal Levinson and Rabbi Myron Geller. We also thank our dear friends Tehilah and Simon Eisenstadt-Feil, Ali and Josh Engel-Yan, Ariel Fishman, the Fishman family, Tammy Keren, Miryam Rosenzweig and Stephen Wolpert. As is to be expected, not all these individuals agree with every (or even necessarily any) of the decisions we've made. But the scholarship and wisdom each contributed has been crucial to the design of this ceremony. In freely sharing their thoughts and insights, they have each given us a tremendous gift.

## 2 Premises

A number of key issues permeate the ceremony:

1. Is a same-sex relationship legitimate in Judaism?
2. How should we enact same-sex marriages in Judaism?
3. How can we achieve *kinyan*?
4. What is required for a same-sex divorce?

### 2.1 Is a same-sex relationship legitimate in Judaism?

This is among the most controversial questions in Judaism today as Jews across the denominational spectrum struggle to reconcile the notion of a God abundant in love and mercy with a God who appears to have little tolerance for gays (as noted in Leviticus 18:22 and 20:13). Many contemporary scholars have questioned these texts, proposing that Leviticus does not actually prohibit loving gay relationships. While we are certainly under-qualified to critique their different *tshuvot*, we recognize that their interpretations are many, including:

- The Torah is prohibiting multi-partner sex<sup>i</sup>
- The Torah is prohibiting sex that humiliates another, male or female<sup>ii</sup>
- The Torah is prohibiting sex with both men and women<sup>iii</sup>
- The passage extends prohibitions on inappropriate sexual activity with women to equivalent sexual activity with men, i.e., incest with a brother is prohibited in the same way incest with a sister is prohibited<sup>iv</sup>
- The prohibition is one of many that forbid relations that cannot be sanctified through a formal, legal relationship. The legalization of same-sex marriage in civil society, and the creation of same-sex wedding ceremonies within Jewish communities have created a *shinui ha'itim*, a societal shift. This shift has alleviated the prohibition which applied in earlier times<sup>v</sup>
- The prohibition on same-sex relations is essentially rabbinic and can now be overturned on the basis of *kivod habriot*, respecting human dignity<sup>vi</sup>
- There may be no sexual prohibition at all, as the word *to'evah* may simply prohibit pretending to be what one is not, e.g., dressing as a woman when one is actually a man; or, in this case, sleeping with a man if one is really attracted to women<sup>vii</sup>

Each of these *tshuvot* provides reason to suspect that God may not oppose loving same-sex relationships.

Even more promising, we find many gay-affirming stories and passages in the Torah:

- During the story of Creation, we are introduced to a loving and compassionate God who describes each of His creations as “good”. He finds just one thing to be “not good” among his work – the loneliness of Adam. To cure Adam’s loneliness, HaShem commits to finding a companion for him. HaShem brings all the animals of the Earth to Adam so that Adam may find a suitable helper among them. When Adam does not find a suitable helper, HaShem undertakes an additional act of creation to make one for him – the creation of Eve (Genesis 2:18-22). From

this story, we learn that HaShem does not want us to be alone, that He will go to extraordinary lengths to cure our loneliness, and that the key criterion of a suitable mate is someone who can cure our loneliness. Therefore, those whose loneliness is not cured by a member of the opposite sex should find a suitable helper of the same sex.

- The Torah teaches that we are each created in the image of HaShem. Indeed, gay men and women are as much a part of divine creation as our heterosexual neighbours. In fact, our sages teach us to praise HaShem for the diversity he has created on Earth and to recognize diversity as an indication of the fullness of creation.<sup>viii</sup>
- The *Tanakh* illustrates a number of powerful and inspiring same-sex relationships. We observe the passionate, often erotic, love between David and Jonathan throughout the books of Samuel. Likewise, we read of the deep devotion between Naomi and Ruth in the book of Ruth.

Indeed, there seems good reason to believe that HaShem does not prohibit, but rather supports loving, committed same-sex partnerships in the same way as loving, committed mixed-sex partnerships.

Why is this important? A marriage ceremony invokes HaShem's name to bless the union. It would be an abuse of His name to bless a union he has expressly forbidden and would therefore violate the third commandment (using HaShem's name in vain). However, our belief that HaShem accepts same-sex couples allows us to conduct a marriage ceremony in good faith and to invoke HaShem's mighty name to bless our union.

## 2.2 How should we enact same-sex marriages in Judaism?

Ideally, same-sex couples would have been accepted throughout Jewish history and the same-sex marriage ceremony would have evolved alongside the mixed-sex marriage ceremony. In the absence of this history, we must develop a model for the modern-day creation of such a ceremony.

In creating this model, we draw a parallel to the recitation of the morning blessings, *Shacharit*. At one point in this service, we recite a series of fifteen blessings, praising HaShem for everything from “distinguishing between morning and night” to “providing for our every need” to “not making us women.” However, as women began reciting *Shacharit*, a problem arose – what should women do with a blessing thanking HaShem for not making them women? The choice the Rabbis made is instructive. They did **not** advise women to say the blessing despite its inapplicability, **nor** did they advise women to simply omit it. Rather, they replaced the problematic blessing with one in which a woman can thank HaShem for “making her according to His will” while retaining the remaining fourteen blessings in their original form. In this way, the Rabbis kept as much of the original service as possible, while adapting the necessary section to encompass the experience of women.

Indeed, this is what we will do in designing our same-sex marriage ceremony. We will draw on the wisdom and evolution of the mixed-sex marriage ceremony, keeping all of the traditional elements that are applicable to us, while modifying any elements that are not applicable to our relationship. In general, this effort is not terribly difficult. Many elements of the traditional marriage ceremony are not highly gender specific. In a number of cases, all that is needed is to change some language from the

feminine to masculine form. Only rarely are groom and bride assigned significantly different roles. The greatest challenge of this sort lies in achieving *kinyan*.

### 2.3 How can we achieve *kinyan*?

The *Mishneh (Hilchot Ishut 1:1)*, teaches that there are three ways to become legally married: נקנית בכסף (traditionally understood as purchase), שטר (a contract) and ביאה (intercourse with the intention of becoming married). The contemporary Jewish wedding uses only the first, נקנית בכסף (or simply *kinyan*), which occurs as the groom purchases the bride for an item of value (typically a ring) during the wedding ceremony.

Therefore, *kinyan* is the central act of the wedding ceremony. It is also the part of the ceremony most problematic for same-sex (or egalitarian) couples, as it involves one partner acquiring the second for the price of the ring. An exchange of rings is problematic as it is commonly perceived as undoing any transfer of value and thus voiding the acquisition.

Rabbi Eyal Levinson, in his book Same-Sex Kidushin v-Nisu'in<sup>x</sup>, proposes a different method of achieving *kinyan* based on writings in the *Tanakh*. Levinson finds numerous instances where *koneh* (the verb form of the noun *kinyan*) is used to mean things other than acquisition through purchase. The most well known case occurs in Genesis (14:19) as Melchizedek, king of Salem, uses the word *koneh* to describe HaShem as *creator* of heaven and earth. For us, the most interesting usage appears in Proverbs 4:5-7, where *koneh* describes the acquisition of wisdom through a process of acceptance. It is similarly used in Proverbs 16:16 and 23:23.

This notion of “*kinyan* through acceptance” provides an ideal model for same-sex couples, as it fulfills the requirements outlined in the *Mishneh*, while allowing each partner to acquire the other without voiding the *kinyan*. Indeed, “*kinyan* through acceptance” is about accepting the other person as he is, with all his strengths and shortcomings – and it is an act that is only strengthened when reciprocated.

This model of *kinyan* will affect both the *ketubah* and the vows used in our ceremony.

### 2.4 What is required for a same-sex divorce?

Like the Geonim (rabbis) of the post-Talmudic period, we believe that marriage requires the on-going consent of both parties to continue to function: if one party wishes to leave the marriage, the marriage should end. If one party is not free to end the marriage, the marriage may become a trap, building resentment and distrust. Rather, we aspire to a marriage maintained of our own free will – one which is maintained through mutual desire, devotion and love. To create this ideal, we must ensure that either party can end the marriage unilaterally.

While the civil bonds of marriage can be ended by either party, this is not necessarily true for the religious marriage. This is the challenge faced by women known as *agunot*, or “anchored” women – women whose mixed-sex marriages have effectively ended, who are typically divorced by civil authorities, but who have not received a *get* (a Jewish religious divorce document) from their husbands. As women, they are not eligible to initiate the Jewish divorce process and are prevented from religiously remarrying until their original husbands issue a *get*. To avoid this problem, many couples now sign ante-

nuptial agreements or insert clauses in the Ketubah by which the groom promises to give the bride a *get* should their marriage break down. In so doing, he acts proactively to care for his bride and protect her from a time when he might not feel as kindly towards her. This ensures that their marriage is one that is mutually maintained through the free will of both spouses.

The question at hand is whether such precautionary measures are necessary for a same-sex male couple.

Jewish law states partnerships can be dissolved by either party at will, provided that any stipulated penalties are paid (*Hilchot Shutafut*). An exception exists in the unique case of husband and wife, where a husband is biblically endowed with contractual rights superseding his wife's (Numbers 30:6). Therefore, any attempt a wife may make to initiate a divorce may be revoked by her husband. By contrast, in a same-sex marriage, the parties are equals – neither has the right to revoke the declarations of the other. Either man should be able to terminate the marriage unilaterally and no precautionary measures should be required.

However, we must acknowledge that the laws around same-sex Jewish divorce are not yet well established and may ultimately diverge from the conclusions we draw. For instance, rabbinic authorities may observe that in a mixed-sex marriage, there is only a unilateral *kinyan* – the husband acquires the wife, and is therefore empowered to end the marriage. They might suggest that in our case, where we have each acquired the other (through a mutual *kinyan*), that we must both release the other to end the marriage. We disagree with this position, submitting instead that the entire structure of a mutual *kinyan* crumbles as soon as one commitment is withdrawn (through a *get*). However, we feel it is important to prepare for the possibility that rabbinic authorities may ultimately endorse a contrary opinion. We will therefore sign an ante-nuptial agreement to ensure that, in this case, we are each still able to terminate the marriage. Our ante-nuptial agreement guarantees that if our marriage breaks down, we will both consent to a *get*, or else the marriage will be annulled. This document appears in appendix A.

## 3 Key Aspects of Wedding

Having resolved many of the key issues surrounding the wedding, we now wish to address each part of the ceremony and consider how each aspect will reflect the choices and values expressed above.

### 3.1 Before the ceremony

#### 3.1.1 *T'nayim*

*T'nayim* (literally conditions) is a legal document that was historically signed six months before a wedding. It outlines the sharing of resources between the couple and accords penalties if a wedding does not occur. The mothers of the couple typically break a plate once the document is signed to signify the binding nature of the agreement, as well as the breaking from one's childhood home for one's matrimonial home. There is no halakhic requirement to sign *t'nayim* and many couples from across the denominational spectrum choose to omit them.

We have decided to sign *t'nayim* for the following reasons:

- We recognize the tremendous support we receive from our families. *T'nayim* provide an opportunity for our mothers, as representatives of our families, to actively participate in our wedding process. Through their act of breaking the plates, they commit to support our marriage both through happy and through difficult times.
- The *ketubah* (appendix C) concerns itself primarily with the financial obligations of the marriage. We wanted to find a means to document some of the emotional obligations we are undertaking. As *t'nayim* have little religious importance and are not halakhically required, they may be adapted easily to fulfill this goal.
- On a practical note, the need for witnesses to sign the *t'nayim* affords us an opportunity to honour cherished loved ones.

We spent time apart reflecting on our expectations of ourselves and of each other in our marriage, and through much intense and meaningful discussion arrived at a set of ten clauses that describe our ideals for our relationship. A copy of our *t'nayim* is included in Appendix B.

#### 3.1.2 *Aufruf*

The *aufruf* is the honour that a groom receives before the Torah during the week prior to his wedding. It serves two purposes: (i) in most communities, the actual wedding ceremony is restricted to invited guests. The *aufruf* gives the broader community an opportunity to bless the couple and celebrate the continuity of the Jewish people through marriage. (ii) Weddings are logistically complicated events. The *aufruf* allows a couple to kick off their wedding week with their community and helps elevate them from the minutia of wedding planning to the important emotional and spiritual journey they are undertaking. For these reasons, we have chosen to have an *aufruf*.

#### 3.1.3 *Mikveh*

The *mikveh* is a ritual bath for spiritual cleansing and immersive transition. It is common practice for Jews to go to the *mikveh* in anticipation of their wedding. Most natural, flowing bodies of water may be used as a *mikveh* (e.g., lake, river, ocean) as well as the permanent *mikvaot* present in many



communities. Through the process of immersing ourselves in a *mikveh*, we will purify ourselves in preparation for marriage.

### 3.1.4 Signing the *ketubah*

The *ketubah* is a contract documenting the commitments we are each undertaking in our marriage. We have chosen to use a *ketubah* adapted from the work of Dr. Aryeh Cohen of the American Jewish University. We have selected his *ketubah* as the basis of our text for a number of reasons:

- Most importantly, this *ketubah* allows for a mutual commitment between two partners, including partners of the same sex.
- This *ketubah* sticks closely to the tone, content and format of the traditional *ketubah* text. Specifically, (a) it maintains a highly legal tone and focus on property, (b) it is written in the third person, (c) it is written in Aramaic, (d) it begins by identifying the parties and date of the event, (e) it subsequently records the offer made by party A to party B and party B's acceptance, followed by the offer made by party B to party A and party A's acceptance. All these traits are consistent with conventional *ketubot*.
- This *ketubah* is based in historic text, specifically on several formulations of Palestinian *ketubot* from the 11<sup>th</sup> century found in the Cairo Geniza<sup>x</sup>.
- This *ketubah* is consistent with *kinyan through acceptance*. It uses the language "I wish to be married to you," by which we offer ourselves to the other. When party B consents, he acquires party A through acceptance.

We also note a number of changes we have made to Dr. Cohen's original document, namely:

- With Dr. Cohen's help, we have changed the genders to refer to two men.
- We have removed the clause that annuls the marriage if the couple separates and the departing spouse does not send a *get*. First, as explained earlier, we believe this marriage can be dissolved by either party at will through a *get*, and therefore no guarantee of a *get* should be necessary. We do not wish to honour a clause we deem unnecessary by including it in our *ketubah*. Second, Dr. Cohen's clause does little to alleviate the concern we address above (i.e., that in their wisdom, Rabbis may one day require mutual consent to dissolve a mutual *kinyan*). Indeed, it is possible to fulfill Dr. Cohen's clause without mutual consent. Therefore, this clause is of little use to us. Instead, we will sign an ante-nuptial agreement to ensure that we can each unilaterally terminate the marriage.
- We have removed the explicit reference to conjugal relations, in favour of the more euphemistic notion of "coming" to each other. This is based on Mordechai Friedman's observation that conjugal relations were never explicitly mentioned in ancient *ketubot*<sup>xi</sup>. We see no reason to deviate from this historic practice.

The text of our *ketubah* appears in Appendix C. A number of aspects of the *ketubah* have generated some discussion and are worth mentioning:

- The *ketubah* asserts that the marriage is conducted according to the Laws of Moses and Israel (*k'dat Moshe v'Yisrael*). Many in the Jewish community will not recognize any same-sex wedding in this light. However, as should be clear, we are carefully designing a ceremony that is consistent with our interpretation of all relevant laws and traditions. Further, given the first and second premises described above, there is good reason to believe that there should be a way to perform same-sex weddings in accordance with Jewish Law. Until a more halakhicly sound ritual is proposed, we believe this ritual should stand as "*k'dat Moshe v'Yisrael*."
- The phrase *Chaver v'Ish Briti* (friend and man of covenant) that Dr. Cohen proposes is unusual for a *ketubah*. A more natural word might be *ba'ali* (husband). However, in Hebrew, *ba'ali* has the connotation of ownership, which does not feel appropriate for our equal partnership. In fact, the prophet Hosea (2:16) describes a vision for a husband to be called *ishi* (my man) instead of *ba'ali* (my owner) to signify the equality of a partnership. Furthermore, the phrase "friend and man of covenant" still carries the clear connotation of spouse given the use of the female equivalent in Malachi (2:14).
- The *ketubah* describes a simplistic division of assets if the marriage ends, omitting many important nuances developed in civil law. We have therefore decided to sign an agreement in advance of the *ketubah* declaring our intention to be bound by the appropriate civil law should a division of our assets unfortunately become necessary. (See Appendix A.)
- We acknowledge many feel bound to the "standard" Orthodox *ketubah*. We feel this pressure to keep the letter of the standard *ketubah* misses the spirit of the document which was to protect vulnerable parties from harm (in case of the dissolution of marriage). In allowing no room for same-sex or egalitarian relationships, this once liberating document has become an instrument of exclusion. Instead, we choose an egalitarian *ketubah* which we feel is more consistent with the spirit of the original document.

### 3.1.5 Bedeken

The tradition of *bedeken* is derived from the biblical story of Rebecca veiling herself as Isaac approached (Genesis 24:65), which is generally understood as an act of modesty. Men, however, do not use veils to express modesty. Rather, we don *kippot* as a symbol of our humility before HaShem, reminding us of the all-powerful God above us. Therefore, in place of a veil, we will use *kippot* for our *bedeken*.

The *bedeken* is also associated with Jacob mistakenly wedding a veiled Leah instead of his beloved, Rachel. Accordingly, the *bedeken* provides the groom a chance before the wedding ceremony to look his beloved in the eye and affirm that this is the person he wishes to marry. As we place *kippot* on each other's heads, we will use this final moment to truly see the person we are marrying.

### 3.2 The ceremony

There are two key parts to the Jewish wedding ceremony. *Kiddushin* or betrothal formally binds a couple in the covenant of marriage; it is the earthly, legal commitment that the couple enters. *Nisuin*, nuptials, by contrast, are far more spiritual, asking for HaShem's blessing to help the couple establish a sacred commitment. The two ceremonies are separated by a reading of the *ketubah*.

A number of steps happen before the official ceremony begins. A procession leads the couple to their *chuppah*, reinforcing the notion that they are to be treated as royalty on this day. The grooms circle one another, and a greeting and invocation are declared as they stand under the *chuppah*.

#### Circling

While the exact reason for circling has been lost, many suppose that this act allows one spouse to set the other apart as unique and to create a sacred space for him. Others suggest that circling symbolizes the intertwining of the two families. In different traditions, the number of circles vary, with some communities advocating for three revolutions (three is associated with holiness in Judaism) while others advocate for seven revolutions (associated with completeness in Judaism).

In our relationship, we take equal responsibility for creating a sacred space and respect for one another. As well, we rely on our families to support our relationship. Accordingly, we will each circle the other three times, for a total of six circles. Our parents will then join hands to complete a seventh circle around us, symbolizing both the merging of and support from our families.

During circling, the musicians will play HaMalach HaGoel. This song is based on Genesis 48:16, where Jacob draws on the spirit of his good fortune to bless his descendants, Ephraim and Menashe, for a safe and fulfilling life. We are honoured to receive this blessing from our friends and family praying for our good fortune and that we too may live to carry on the names of our forefathers.

<i>May the angel who has delivered me from all harm bless these young men. May they carry on my name and the names of my fathers, Abraham and Isaac, and may they grow into a multitude on earth.</i>	הַמַּלְאָךְ הַנּוֹצֵא אֶתְּךָ מִכָּל חַיִּי יְבָרֵךְ אֶת־הַיְּשׁוּבִים וְיִשְׁמְרָם בְּהֵם שְׁמוֹ וְשֵׁם אֲבוֹתָם אַבְרָהָם וְיִצְחָק וְיִגְדְּלוּ לְרֵב בְּקֶרֶב הָאָרֶץ.
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#### Greeting and invocation

The greeting and invocation are from mixed-sex ceremonies, with only minor changes to reflect gender:

<i>Welcome in the name of HaShem. May you be blessed from the house of HaShem.</i>	בְּרוּכִים הַבָּיִת בְּשֵׁם יי בְּרִכְתּוֹכֶם מִבֵּית יי
<i>He Who is powerful above all, He Who is blessed above all, He Who is great above all, He Who is supreme above all – may He bless these loving companions.</i>	מִן אֲבוֹת עַל הַפֶּלֶא מִן בְּרוּךְ עַל הַפֶּלֶא מִן גָּדוֹל עַל הַפֶּלֶא מִן יְהוֹדֵה עַל הַפֶּלֶא הוּא יְבָרֵךְ אֶת הַרְעִים הַיְּשׁוּבִים.

### 3.2.1 Kiddushin

*Kiddushin* is the ceremony that formally binds a couple in the covenant of marriage and reflects the significant personal and legal responsibilities they are undertaking.

During *kiddushin*, we will recite *Birkat Erusin* (the betrothal blessing) and will make our vows to each other.

#### *Birkat Erusin*

*Birkat Erusin* is a blessing about sex, as proposed by Rambam in *Hilchot Ishut* (3:24). It has three components. First, on the negative side, it prohibits “forbidden unions” (*arayot*), clearly delineating sexual relations that are inappropriate. Second, on the positive side, it celebrates sex between committed partners. Third, the blessing marks the transition of marriage, thanking HaShem for sanctifying the sexual union of loving couples.

At a high level, we find this blessing quite compelling. However, the specific *arayot* (forbidden unions) it references are deeply problematic. The *arayot* are listed in Leviticus 18:6-23. They prohibit a man from having sex with:

- a closely related woman (mother, any wives of one’s father, sisters, granddaughters, aunts, daughters-in-law, sisters-in-law);
- women who are closely related to one another (mother, daughter, granddaughter);
- menstruating women;
- his neighbour’s wife;
- an animal; and
- a “zachar” as in the lyings of a woman. (This is the infamous prohibition against “lying with a man as one lies with a woman”).

We do not like this list for a number of reasons:

- This list contains the prohibition that for centuries has been used to justify the mistreatment of gays (Leviticus 18:22). In our first premise, we establish that we believe this commandment in fact means something quite different. Nonetheless, we cannot ignore the tremendous pain this commandment has caused to gay people throughout history. While we may respect the whole Torah, this is not a verse we choose to emphasize during our wedding ceremony.
- With the exception of the above verse and the verse about animals, all other passages refer to sex with women. This certainly does not feel appropriate for men attracted to men. More relevant for us would be referencing prohibitions against sex with male relatives<sup>1</sup>.
- This list does not prohibit the sexual relations we view as most heinous: rape and sex with children. This is not a gay issue, but a human one. For us, any respectable list of sexual boundaries must recognize such relations as unacceptable.

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<sup>1</sup> In fact, this is the essence of Rabbi Milgrom’s interpretation of Leviticus 18:22 (i.e., that it extends all the female sexual prohibitions to the male equivalent).

A more appropriate blessing should be found that captures the essence of *Birkat Erusin*. We are inspired by the work of Rabbi Ayelet Cohen who proposes a blessing that thanks HaShem for “free[ing] us from fear and shame and open[ing] us to the holiness of our bodies and their pleasures”. Indeed, this blessing far better reflects our values about the sexual acts which should be prohibited (i.e., all those which cause fear and shame), while celebrating the positive acts (i.e., mutually loving sexual activity). Rabbi Cohen’s *Birkat Erusin* continues by blessing the couple with a betrothal mirroring HaShem’s betrothal to the Jewish people (Hosea 2:19): one of righteousness, justice, loving-kindness and compassion. This version far better conveys our sense of a betrothal worthy of blessing.

On the third element of *Birkat Erusin*, the sanctification of unions, Rabbi Cohen chooses to rewrite the blessing to say “Blessed are you HaShem, who sanctifies Israel through love that is honourable and true” rather than the traditional “through *chuppah* and *kiddushin*”. We suppose that she does so to acknowledge the validity of sexual unions even when *chuppah* and *kiddushin* are denied to a couple. Rather, we prefer to keep the original language, asserting instead that our nontraditional *chuppah* and *kiddushin* are as valid as any other. In keeping the original language, we also preserve the timeline of the blessing to acknowledge the meaningful transformation in our relationship that we are undertaking at the instant of *chuppah* and *kiddushin*.

Therefore, the blessing we will use is:

<p><i>Blessed is the Lord our God, Ruler of the universe, Creator of the fruit of the vine.</i></p>	<p>בְּרַחֵם אֱתָהּ יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, בּוֹרֵא פְּרֵי הַיַּיִן.</p>
<p><i>Blessed is the Lord, our God, Ruler of the Universe, who frees us from fear and shame and opens us to the holiness of our bodies and its pleasures so that we may become betrothed in righteousness, justice, loving-kindness and compassion.</i></p>	<p>בְּרַחֵם אֱתָהּ יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, מַתִּיר אִסוּרִים בַּפֶּה בְּנִשְׁתָּה וּבְלִיבָה וּפּוֹתֵחַ לִבְנוֹ לְקַדְוֶשֶׁת הַגּוּף וְיַעֲדֵנָהוּ וּמְכַנֵּן לִבְנוֹ לְהַתְאַרֵם בְּצַדִּיק וּבְמִשְׁפָּט וּבְרַחֲמִים.</p>
<p><i>Blessed is the Lord, our God, who sanctifies His people Israel through <u>chuppah</u> and <u>kiddushin</u>.</i></p>	<p>בְּרַחֵם אֱתָהּ יְיָ מְסַדֵּשׁ עַמּוֹ יִשְׂרָאֵל עַל יְדֵי חֻפּוּת וּקְדוּשָׁתוֹ.</p>

### Vows

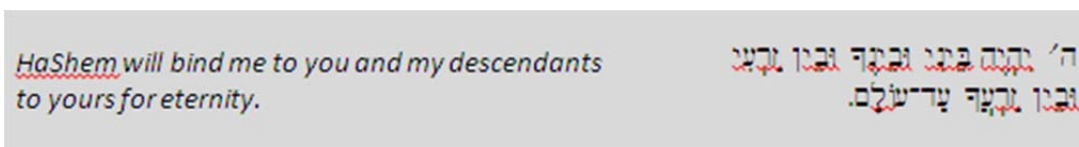
As described above, we will achieve *kinyan* by acquiring each other through acceptance – a process of offering ourselves to the other and being accepted by the other. Specifically, the “offerer” will offer the “acceptor” a ring, declaring:

<p><i>I hereby sanctify myself to you with this ring in accordance with the laws of Moses and Israel.</i></p>	<p>הֵרַגוּ אֲנִי בְּתַקְנַת קֶדֶף בְּמִצְוַת גֹּי בְּרַחֵם מִשְׁפַּח יִשְׂרָאֵל.</p>
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The above phrase mirrors the traditional marriage vow, but instead of claiming possession of the other (“you are hereby sanctified to me...”), we offer ourselves as a spouse to the other (“I hereby sanctify myself to you...”).

The *Mishneh* (*Hilchot Ishut* 3:1-2) clearly prefers the use of active vows, saying that the use of passive vows casts doubt on the validity of a marriage<sup>2</sup>. The *Mishneh* is likely being sensitive to the tremendous responsibilities of being a good husband and is insisting that grooms proactively commit to these responsibilities, rather than passively falling into them. While our vows are active reflexive (“I hereby sanctify myself to you...”) rather than passive (“I am hereby sanctified to you...”), we recognize that this distinction is quite fine.

Lest there be any doubt that we each wholeheartedly and actively accept the other, the acceptor will respond to the offer above by invoking the pledge of David and Jonathan (1 Samuel 20:42), a pledge described by the Rabbis as a unique expression of unconditional love in the Torah (M Avot 5:19). For us, this pledge describes the ultimate lifelong acceptance of another person:



Indeed, David and Jonathan offer a powerful and inspiring example of a same-sex relationship in their day. As David succeeds in overcoming many enemies of Israel, we read of his relationship with Jonathan evolving from infatuation (1 Samuel 18:1) to committed love (18:2) to physical affection (20:41). When King Saul, Jonathan’s father, vows to kill David, we witness intense loyalty (19:1-3) and partnership (20:42) that continues until death (2 Samuel 1:26). We hope that our relationship will enjoy similar strength and devotion.

### 3.2.2 Nisuin

The remainder of the ceremony is called *nisuin*, nuptials. While the betrothal (*kiddushin*) focused on our legal union, *nisuin* focuses on our spiritual connection to one another and before HaShem. The key components are the reading of the *Sheva Brachot* and the breaking of a glass.

#### *Sheva Brachot*

The *Sheva Brachot* or Seven blessings are a communal expression of gratitude for all that is wonderful in the world from the simple gift of wine to the capacity to love. The themes for the blessings are summarized as follows<sup>xii</sup>:

1. The human capacity to express joy, embodied in the symbol of wine
2. The wonder of creation
3. The creative power of humanity
4. The extraordinary nature of being human, imbued with a capacity to strive toward the divine

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<sup>2</sup> Though *Hilchot Ishut* (3:8) continues to acknowledge that even the omission of vows is acceptable so long as the couple has discussed matters concerning betrothal in advance, and both had consented to it.



### *Yichud*

We will leave the ceremony room to spend some private time together, while guests proceed to the cocktail hour. Two cherished friends will serve as *shomrim*, guards protecting our privacy while inside.

### **3.2.3 Se'udah**

We will hold a festive meal and break bread together in honour of the marriage. At the end of the meal, we will recite grace. We have made a minor modification to this blessing. During non-wedding recitations, one typically honours one's hosts or one's parents. This language will change to include the possibility of having a male couple or a female couple as hosts or parents. This way, when one day, God willing, our children open this booklet, they will find a text that is suitable for them.



## 4 Ceremony Summary

### 4.1 Before the ceremony

#### 4.1.1 T'nayim

Our immediate family and closest friends will meet for an engagement *Havdalah* ceremony a few months before the wedding. Two relatives will share the role of reading aloud the *t'nayim*. Once they finish, a third relative will produce a pen. He will ask each groom in turn, "Do you accept the terms and obligations of these *t'nayim* of your own free will? If so, indicate so by taking this pen and signing your name." Then he will turn to each of our witnesses, "Did you witness Groom A and Groom B confirm their acceptance of these *t'nayim* of their own free will? If so, please sign your names as witnesses." He will then turn to our mothers and indicate for them to break a plate. All shout: Mazal tov!

#### 4.1.2 Aufruf

We will be called to the Torah to receive a shared *aliyah* on the Shabbat preceding our wedding weekend. Ours, God willing, will be the first same-sex *aufruf* at our congregation. Following the *aufruf*, we will not see one another until the wedding day. In this way, we can experience our last moments of singlehood and reflect independently on and build anticipation for the upcoming event.

#### 4.1.3 Mikveh

We will each go to a *mikveh* during the week preceding our wedding. There, we will completely submerge ourselves three times. After the first submersion, we will recite the following blessings:

*Blessed are You, O Lord, our God, Ruler of the universe, who has sanctified us with God's commandments and commanded us regarding the immersion.*

ברוך אתה יי, אלהינו מלך העולם,  
אשר מצונו במצוותיך, וצונו  
על המבילה.

*Blessed are You, O Lord, our God, Ruler of the universe, who kept us alive and preserved us and enabled us to reach this season.*

ברוך אתה יי, אלהינו מלך העולם,  
שחמנו ושמרנו והגיענו לזמן הזה.

Each submersion provides an opportunity for its own meditation.

#### 4.1.4 Signing the ketubah

The M'sader Kiddushin will read aloud the *ketubah*. Once finished, he will produce a kerchief. He will ask each of us in turn, "Do you accept the obligations of this *ketubah* of your own free will? If so, indicate so by grabbing hold of this kerchief." Then he will turn to each of our witnesses, "Did you witness Groom A and Groom B confirm their acceptance of this *ketubah* of their own free will? If so, please sign your names as witnesses."

#### 4.1.5 Bedeken

The M'sader Kiddushin leads the couple in an exercise of placing kippot on each other's heads and affirming that they are each facing the person he wishes to marry.

### 4.2 The ceremony

The procession escorts the grooms to their *chuppah*. Once the grooms reach the chuppah, the musicians begin playing:

<i>May the angel who has delivered me from all harm bless these young men. May they carry on my name and the names of my fathers, Abraham and Isaac, and may they grow into a multitude on earth.</i>	הַמַּלְאָךְ הַגֹּאֲלֵךְ אֶתְּךָ מִכָּל־חַיִּיבָה יְבָרֵךְ אֶת־הַיְּשׁוּבִים וְנִשְׂרָא בְּהֵם שְׁמוֹ וְשֵׁם אֲבוֹתָיו אַבְרָהָם וְיִצְחָק וְיִגְדְּלוּ לְרֹב בְּמִסְרַב הָאָרֶץ.
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During this song, the circling will occur: Groom A circles Groom B three times, Groom B circles Groom A three times, and the parents circle the couple once (all counter-clockwise).

The M'sader Kiddushin then recites the greeting and invocation:

<i>Welcome in the name of HaShem. May you be blessed from the house of HaShem.</i>	בְּרוּכִים הַפּוֹאִים בְּשֵׁם יי. בְּרַבְרָבֵיךְ מִבֵּית יי.
<i>He Who is powerful above all, He Who is blessed above all, He Who is great above all, He Who is supreme above all – may He bless these loving companions.</i>	מִן אֲבוֹת עַל הַכֹּל. מִן בְּרֻךְ עַל הַכֹּל. מִן גָּדוֹל עַל הַכֹּל. מִן מְשֻׁבָּח עַל הַכֹּל. הוּא יְבָרֵךְ אֶת הַרְעִים הַיְּשׁוּבִים.

#### 4.2.1 Erusin

Taking a full cup of wine, the M'sader Kiddushin recites:

<i>Blessed is the Lord our God, Ruler of the universe, Creator of the fruit of the vine.</i>	בְּרוּךְ אַתָּה יי אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם. בּוֹרֵא פְּרֵי תְּנִינָה.
<i>Blessed is the Lord, our God, Ruler of the Universe, who frees us from fear and shame and opens us to the holiness of our bodies and its pleasures so that we may become betrothed in righteousness, justice, loving-kindness and compassion. Blessed is the Lord, our God, who sanctifies His people Israel through chuppah and kiddushin.</i>	בְּרוּךְ אַתָּה יי אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם. מַשְׁבֵּחַ אֲסוּרִים מִפֶּחַח בּוֹשֵׁת וּמְלֻבָּחַת וּפְתוּחַ לִבְנוֹ לְמַדְוָשֶׁת הַגּוֹשֵׁת וְשֶׁהִתְחַלְתָּ וּמְבֹרָךְ לִבְנוֹ לְהַתְאָרֵס בְּצִדְקָה וּבְמִשְׁפָּט וּבְחַסֵּד וּבְרַחֲמִים. בְּרוּךְ אַתָּה יי מְשַׁבֵּשׁ עַמּוֹ וּשְׂבָאֵךְ עַל יְדֵי טָהֳרָה וְחִדּוּשָׁיו.

The couple drinks from the wine.

The M'sader Kiddushin makes any personal remarks and explains the act of *kiddushin*. He then asks Groom A to present a ring and to confirm (before two witnesses) that the ring belongs to him and asks the witnesses to assess that the ring is worth at least one *perutah*.

With his right hand, Groom A takes the ring he purchased and places it on Groom B's right index finger, declaring:

<i>I hereby sanctify myself to you with this ring in accordance with the laws of Moses and Israel.</i>	הריני מצמיח את קדושת מצות משה ואשר ישראל.
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Groom B closes his hand around the ring to acknowledge his acceptance of it, declaring:

<i>HaShem will bind me to you and my descendants to yours for eternity.</i>	ה' יהיה ביני וביןך ובין ילדיך ועלך ועל ילדיך לעולם ועד.
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Vows repeat in reverse.

### 4.2.2 Reading of the ketubah

The M'sader Kiddushin will read the *Ketubah* in Aramaic, directing guests to find the English translation in their programs. Once finished reading the document, he will hand it to both members of the couple.

### 4.2.3 Nisuin

Over a full glass of wine, the M'sader Kiddushin recites the *Sheva Brachot*:

- |   |  |  |
|---|--|--|
| 1 | <i>Blessed is the Lord our God, Ruler of the universe, Creator of the fruit of the vine.</i>   | ברוך אתה יי אלהינו ברוך העולם, בורא פרי הגפן.  |
| 2 | <i>Blessed is the Lord our God, Ruler of the universe, for creating all things in Your glory.</i>  | ברוך אתה יי אלהינו ברוך העולם, ששפיל פריא לקבולתך.   |
| 3 | <i>Blessed is the Lord our God, Ruler of the universe, who gives life to every human being.</i>  | ברוך אתה יי אלהינו ברוך העולם, תוצר האדם.  |
| 4 | <i>Blessed is the Lord our God, Ruler of the universe, who made us in Your image, to live, love and perpetuate life. Blessed is the Lord our God, who gives life to every being.</i> | ברוך אתה יי אלהינו ברוך העולם, אצלה נצח אתה אתה אדם בצלמך בצלם תבניתך ותקנתו לך ממשנו בןו עדי עד. ברוך אתה יי תוצר האדם. |

<p>5 <i>May Zion rejoice as her children are restored to her in joy. Blessed is the Lord our God, who causes Zion to rejoice in her children.</i></p>	<p>שׁוֹשׁ תְּשׁוּשׁ וְתִגְדַּל הַעֲמֻמָּה בְּחִבּוּנֵי בָנֶיהָ לְתוֹכָהּ בְּשִׂמְחָה. בְּרִוּךְ אַתָּה יְיָ מִשְׁפַּח צִיּוֹן בְּבָנֶיהָ.</p>
<p>6 <i>Grant perfect joy to these loving companions, as You did in the beginning for Your creatures in the Garden of Eden. Blessed is the Lord our God, who grants the joy of loving companions.</i></p>	<p>שִׂמְחַת מִשְׁפַּח רַעִים הַאֲהוּבִים בְּשִׂמְחַת יְצִירָתְךָ בְּגֵן עֵדֶן מִתְּחִלָּה. בְּרִוּךְ אַתָּה יְיָ מִשְׁפַּח רַעִים אֲהוּבִים.</p>
<p>7 <i>Blessed is the Lord our God, Ruler of the universe, who created joy and gladness, lover and friend, mirth, song, delight and rejoicing, love and harmony, peace and friendship. O, Lord, our God, may there always be heard in the cities of Judah and in the streets of Jerusalem voices of joy and gladness, voices of lover and friend, the jubilant voices of those joined in marriage under the canopy, the voices of young people feasting and singing. Blessed is the Lord our God, who causes grooms to rejoice beneath their chuppah.</i></p>	<p>בְּרִוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מְלִיךְ הָעוֹלָם. אֲשֶׁר בָּרָא שִׂשׁוֹן וְשִׂמְחָה אֲהוּבָה וְרֵעַ- גִּילָה בְּזֶה הַיּוֹם וְחֻמָּה- אֲהָבָה וְאַתָּה וְשִׁלּוֹם וְרַעוּת. מִתְּחִלָּה יְיָ אֱלֹהֵינוּ נִשְׁמַע בְּעִיר יְהוּדָה וּבְחֻצוֹת יְהוּשָׁלַם בְּזֶל שִׂשׁוֹן וּבְזֶל שִׂמְחָה. בְּזֶל אֲהוּבָה וּבְזֶל רֵעַ- בְּזֶל מִצְדָּקוֹת חַתָּנִים מְחַפְּתִים וְנַעֲרִים מְשִׁשְׁתָּה וְגִיטִים. בְּרִוּךְ אַתָּה יְיָ. מִשְׁפַּח חַתָּנִים בְּחַפְּתָם.</p>

**Breaking the glass**

M'sader Kiddushin says: There are many explanations for the custom of breaking a glass at this Jewish rite. One interpretation is that this practice reminds you, Groom A and Groom B, along with all who are present, that the Jewish people have a partnership with God in the task of *tikkun olam*, the healing and repair of the world. Anywhere there is oppression and pain, the Jew is asked to respond. Because so many still lack equality of civil rights in our world and cannot receive the rights of civil marriage, in solidarity with those who do not enjoy the privileges that we take for granted, we break a glass on this day of celebration to remind us that even in this hour of our greatest joy, our world is still incomplete and in need of healing. May the time be soon, speedily and in our day when all who accept the responsibility of marriage also reap its full rights and privileges under the law. May the shattering of this glass by Groom A and Groom B remind them and us to work towards this time of wholeness, this *tikkun*, for ourselves and our world. Amen.

M'sader Kiddushin wraps a glass in a napkin and places it on the floor before the couple. The couple jointly breaks the glass. All shout: Mazel tov!

**Yichud**

The couple leaves the ceremony room to spend some private time together, while guests proceed to the cocktail hour. Two cherished friends will serve as shomrim, guards protecting the couple's privacy while they remain inside.

## Appendix A: Ante-nuptial Agreement

*Note: this text is adapted from the Conservative Ante-Nuptial Agreement affirmed by the Committee of Jewish Laws and Standards on March 25, 1968. Adaptations have been made (i) to ensure that our ketubah does not affect local laws around division of property, (ii) to guarantee that both parties provide the other with a Jewish divorce document, and (iii) to make language gender appropriate. **We reiterate that we are not lawyers and do not make any claims regarding the legality of this document.***

This is to certify that on the \_\_\_ day of the month of \_\_\_ in the year \_\_\_\_\_, corresponding to the \_\_\_ day of the month of \_\_\_\_\_ in \_\_\_\_\_, the grooms, Groom A and Groom B, of their own free will and accord have entered into the following agreement with respect to their intended marriage.

1. Should our marriage end in divorce, we agree to divide our property in accordance with the Family Law Act of Ontario ("the Act"). We do not wish our *ketubah* (Jewish marriage contract) to influence any division of property between us. Any reference to division of property within the *ketubah* is understood to be a poetic reflection of the property division guidelines outlined by the Act and not as any modification of them.
2. Should we no longer live together as married men and a process for the dissolution of our marriage be initiated in the civil courts, we agree to appear before a Beth Din composed of three qualified Rabbis, one Rabbi to be chosen by each groom and the third Rabbi to be chosen jointly by the two Rabbis named by the grooms, and, subject to paragraph 1, do hereby empower such Bet Din to decide any issues regarding the issuance of a Jewish divorce (*get*) and effectuate that decision.
3. We have each, furthermore, made the following declaration to the other:

"I will betroth and marry you, as we have agreed, according to the laws of Moses and the people of Israel, subject to the following conditions:

"If our marriage should be terminated by decree of the civil courts and if by the expiration of six months after such a decree, I have given you a divorce (*get*) as well as have received from you a divorce (*get*), each having been given according to the laws of Moses and the people of Israel, then our betrothal (*kiddushin*) and our marriage (*nisuin*) will have remained valid and binding;

"But, if our marriage shall have been terminated by decree of the civil courts and if by six months after such a decree I have either not given you a divorce (*get*) according to the laws of Moses and the people of Israel, or have not received from you a divorce (*get*) according to the laws of Moses and the people of Israel, then our betrothal (*kiddushin*) and our marriage (*nisuin*) will have been null and void from the start."

We have each replied to the other: "I consent to the conditions that you have made."

Groom \_\_\_\_\_

Groom \_\_\_\_\_

We the undersigned, acting individually as civil witnesses and collectively as a Beth Din, have witnessed the oral statements and signatures of the grooms and indicate that they were made without compulsion and of their own free will.

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

## Appendix B: T'nayim

*Two are better than one because they have a good return for their work, If one falls, the other can help him up. But pity the man who falls and has no one to help him. Likewise, if two lie down together they will keep each other warm, but how can one keep warm alone? Though one may be overpowered, two can defend themselves and a threefold cord is not quickly broken. (Ecclesiastes 4:9-12)*

May He who predestines, bestow a good name and future to the provisions embodied in this agreement, agreed to by the groom, \_\_\_\_\_, son of \_\_\_\_\_ and the groom, \_\_\_\_\_, son of \_\_\_\_\_. The wedding will take place, B'Ezrat HaShem, on the \_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_. In committing to a lifelong partnership, \_\_\_\_\_ and \_\_\_\_\_ agree to:

1. Entrust each other with their present and future. This is a sacred trust that they will uphold with honour and mutual respect.
2. Set one another apart above all others, always ensuring that the success of their relationship is each of their top priority.
3. Nurture one another with love, support and friendship, sharing life's joys and partnering through its challenges. Up to and including the time of dying, each will protect the other from indignity or abandonment and remain a tender, faithful companion.
4. Talk openly and sincerely with one another, never hiding feelings. They will resolve conflicts through listening, honest dialogue and striving to empathize with the other. They will make major decisions jointly and make individual choices that protect themselves, each other and their family from unreasonable risk.
5. Acknowledge their independent interests and ambitions and promise to support each other in pursuing them, forever helping the other to reach his utmost potential. They pledge to share the joy of individual achievements and the hurt of disappointments, ensuring the other becomes part of even the most individual pursuit.
6. Share the responsibilities of building, providing for, and maintaining a home and family, drawing on their respective strengths and mindful of their respective constraints. All that they own and earn will be shared equally and managed jointly while honouring each other's freedom to make personal spending decisions.
7. Maintain a special place in their lives for their families. If, God-willing, they are blessed with children, they will raise them with kindness and love. They will care for their children, nurture them and teach them so that they may become confident, sensitive and independent adults. While they will always make time to grow and deepen their own relationship, outside of this, their children will become their top priority.
8. Celebrate their Jewish heritage, marking Shabbat, holidays, and life cycle events according to Jewish culture and tradition. They will be guided by Jewish values of caring for their community, Israel, and the world, through Tikkun Olam, Tzedakah, and environmental responsibility.
9. Establish a home that is warm and open, where family and friends always feel welcome.
10. Lead a life that affirms their shared belief in the importance of diversity, equality and tolerance.

טובים השנים, מן-האחד: אשר יש-להם שָׁכַר טוב, בְּעַמְלָם. פי אם-יפ' לו, הָאֶחָד יָקִים אֶת-  
חֵבְרוֹ; וְאֵילוּ, הָאֶחָד שִׁפּוֹל, וְאֵין שְׁנֵי, לְהַקְיָמוֹ. גַּם אִם-יִשְׁכְּבוּ שָׁנִים, וְחָם לָהֶם; וְלֹאֶחָד, אֵיךְ  
יָחֵם. וְאִם-יִתְקַפּוּ, הָאֶחָד – הַשָּׁנִים, יַעֲמְדוּ נִגְדּוֹ; וְהַחוּט, הַמְשַׁלֵּשׁ, לֹא בְמַהְרָה, יִצְתַק. (קהלת  
ד', ט-יב)

המגיד מראשית אחרית, הוא ייתן שם טוב ושארית, לאלה דברי התנאים והברית, שנדברו והותנו בין שני הצדדים, היינו מצד  
האחד החתן \_\_\_\_\_ בן \_\_\_\_\_ ו \_\_\_\_\_ למשפחת \_\_\_\_\_, ומצד השני החתן \_\_\_\_\_ בן \_\_\_\_\_ ו \_\_\_\_\_  
למשפחת \_\_\_\_\_. החתונה תיערך במזל טוב ובשעה טובה ומוצלחת בעזרת ה' יתברך ב \_\_\_\_\_ ב \_\_\_\_\_ תש \_\_\_\_\_ הבא עלינו  
לטובה. בהתחייבם לשותפות לחיים, \_\_\_\_\_ ו \_\_\_\_\_ מסכימים:

א. להפקיד אמונם זה בידי זה בהווה ובעתיד. זהו אמון מקודש שהם ישמרו בהגינות ותוך כבוד הדדי.

ב. להוקיר את האחר יותר מכל, ולהבטיח שהצלחת הקשר ביניהם תהא להם תמיד בעדיפות עליונה.

ג. להזין זה את זה באהבה, בתמיכה ובחברות, ולתמוך זה בזה בימי שמחה ובעתות קושי. להוות לבן הזוג מגן מפני ביזוי, להיות  
לו רע עדין ונדיב, ולהישאר זה לצד זה לעד, עד יומם האחרון.

ד. לקיים תקשורת פתוחה וכנה, לעולם לא להסתיר רגשות, לפתור מחלוקות בדרך של הקשבה ודיאלוג הוגן וכן ולחזור תמיד  
להזדהות ולהבנה הדדית. לקבל החלטות מרכזיות במשותף, ובהחלטות האישיות לבחור באופן אשר ייטיב עם כל אחד מהם ועם  
שניהם גם יחד כיחידה משפחתית, וירחיק מעליהם סיכון מיותר.

ה. לכבד את תחומי העניין והשאיפות זה של זה, תמיד לתמוך בכך הזוג ולעודדו להגשמה עצמית ולמימוש מלוא הפוטנציאל  
האיש. תמיד לחלוק עם בן הזוג את החוויה שבהישג, כמו גם את צער הכישלון, ולהתחייב שבן הזוג יהיה לעולם שותף מלא  
לכל, גם למאויים האישיים ביותר.

ו. לחלוק ביניהם את האחריות הנובעת מביסוס וקיום בית ומשפחה, תוך היסמכות על החזקות של כל בן זוג והתחשבות גם  
במגבלות האישיות. לחלוק את כל אשר להם וכל אשר יהיה להם בשווה, ולנהל משק בית משותף, תוך כיבוד הבחירות וההעדפות  
האישיות של שני הצדדים.

ז. לשמר מקום מיוחד בחייהם למשפחותיהם. אם, בעזרת השם, יבורכו בילדים – יגדלו אותם בנדיבות, הוגנות ואהבה. הם יטפלו  
בילדיהם, יטפחו ויחנכו אותם להיות אנשים בעלי ביטחון, רגישים ועצמאיים. תוך שהם ממשיכים לעולם להיות מחויבים בראש  
ובראשונה לקשר ביניהם, יהיו ילדיהם תמיד בראש מעיניהם.

ח. לשמור את המורשת היהודית שלהם על ידי זכירת השבת, ציון החגים וקיום אירועי מחזור החיים בהתאם לתרבות והמסורת  
היהודית. ערכים יהודיים ינחו אותם להיות שותפים אכפתיים בקהילה, בישראל ובעולם, בדרך של תיקון עולם, צדקה ואחריות  
סביבתית.

ט. להקים בית חם ופתוח, מקום שבו משפחה וקרובים ירגישו תמיד רצויים.

י. להיות חיים אשר מגשימים את אמונתם המשותפת בחשיבות שבמגוון, שוויון וסובלנות.

*All this was done with perfect understanding and due deliberation.*

*And everything is valid and confirmed.*

כל זה נעשה בדעה שלמה ומיושבת, והכל שריר וקיים.

Attested to: \_\_\_\_\_ נאום:  
Groom, חתן

Attested to: \_\_\_\_\_ נאום:  
Groom, חתן

Attested to: \_\_\_\_\_ נאום:  
Witness, עד

Attested to: \_\_\_\_\_ נאום:  
Witness, עד



## Appendix C: Ketubah Text

On the \_\_\_\_ day of the week, the \_\_\_\_\_ day of the month of \_\_\_\_, in the year \_\_\_\_ since the creation of the world, as we reckon time here in \_\_\_\_\_, \_\_\_\_\_, the groom, \_\_\_\_\_, son of \_\_\_\_\_ and \_\_\_\_\_, said to the groom, \_\_\_\_\_, son of \_\_\_\_\_ and \_\_\_\_\_: I wish to be married to you according to the laws of Moses and Israel, so that you should be my companion and man of covenant and I will work and support and honour you as is the way of Jewish men, and I will give to you your food, clothing and needs and I will come to you as is the way of all the world. And \_\_\_\_\_ agreed to enter into a partnership with him. And that the groom, \_\_\_\_\_, son of \_\_\_\_\_ and \_\_\_\_\_, said to the groom, \_\_\_\_\_, son of \_\_\_\_\_ and \_\_\_\_\_, I wish to be married to you according to the laws of Moses and Israel, so that you should be my companion and man of covenant and I will work and support and honour you as is the way of Jewish men, and I will give to you your food, clothing and needs and I will come to you as is the way of all the world. And \_\_\_\_\_ agreed to enter into a partnership with him. And \_\_\_\_\_ and \_\_\_\_\_ fixed between them the conditions of this ketubah, that all silver, gold, jewelry, and articles of clothing, furniture and bedding, moveable and real estate that either of them brings with them, shall be in possession of both. And if \_\_\_\_\_ would no longer desire this man \_\_\_\_\_ and wish to separate from him, he will pay him half of all their property. And if \_\_\_\_\_ would no longer desire this man \_\_\_\_\_ and wish to separate from him, he will pay him half of all their property. And the groom \_\_\_\_\_, and the groom \_\_\_\_\_, accepted upon themselves legal responsibility for this ketubah as weighty as all ketubah contracts which are made according to the ordinances of our Sages of blessed memory.

We have made a mutual kinyan between the groom, \_\_\_\_\_, son of \_\_\_\_\_ and \_\_\_\_\_, and the groom, \_\_\_\_\_, son of \_\_\_\_\_ and \_\_\_\_\_, regarding all that is written and stated above. And everything is valid and confirmed.

Attested to \_\_\_\_\_, witness.

Attested to \_\_\_\_\_, witness.

באחד בשבת ב \_\_\_\_\_ יום לחדש \_\_\_\_\_ שנת חמשת אלפים ושבע מאות ו \_\_\_\_\_ ו \_\_\_\_\_  
 לבריאת עולם, למנין שאנו מונים כאן ב \_\_\_\_\_, במדינת \_\_\_\_\_, איך החתן \_\_\_\_\_ בן \_\_\_\_\_  
 ו \_\_\_\_\_ למשפחת \_\_\_\_\_ אמר ליה להדין \_\_\_\_\_ בן \_\_\_\_\_  
 ומ \_\_\_\_\_ למשפחת \_\_\_\_\_ בעאי אנא להתנסבא ליך כדת משה וישראל דתהא חברי ואיש  
 בריתי ואנא אפלה ואיזון ואוקיר יתיך ליך כהלכות גוברין יהודאין ויהיבנא לך מזונך כסותך וסיפוקך  
 ומיעל עליך כאורך כל ארעא. וצבי מר \_\_\_\_\_ לאשתתופי עימיה בצוותא. ואיך החתן  
 \_\_\_\_\_ בן \_\_\_\_\_ ו \_\_\_\_\_ למשפחת \_\_\_\_\_ אמר ליה להדין \_\_\_\_\_  
 בן \_\_\_\_\_ ו \_\_\_\_\_ למשפחת \_\_\_\_\_ בעאי אנא להתנסבא ליך כדת משה וישראל  
 דתהא חברי ואיש בריתי ואנא אפלה ואיזון ואוקיר יתיך ליך כהלכות גוברין יהודאין ויהיבנא לך מזונך  
 כסותך וסיפוקך ומיעל עליך כאורך כל ארעא. וצבי מר \_\_\_\_\_ לאשתתופי עימיה בצוותא.  
 ואתקנון ביניהון הדין \_\_\_\_\_ והדין \_\_\_\_\_ תנאי שטר כתובתא דא, דכל כסף וזהב  
 ותכשיטין ומאני דלבושא ושמושי דירה ושימושי דערסא ניכסי דניידי וניכסי דלא ניידי דהנעלת דין או  
 דין יהוו בבעלות תריהון. ודאין הדין \_\_\_\_\_ לא יתרעי ביה בהדיה \_\_\_\_\_ ויבעי  
 למפרוש מינה, יהוי משלם ליה פלגא מן כל רכושיהון. ודאין הדין \_\_\_\_\_ לא יתרעי ביה בהדיה  
 \_\_\_\_\_ ויבעי למפרוש מינה, יהוי משלם ליה פלגא מן כל רכושיהון. וקבלו עליהם החתן  
 \_\_\_\_\_, והחתן \_\_\_\_\_, אחריות שטר כתובתא דא כחומר כל שטרי כתובות העשוין  
 כתקון חכמינו זכרונם לברכה.

וקנינא \_\_\_\_\_ בן \_\_\_\_\_ ו \_\_\_\_\_, חתן דנן, למר \_\_\_\_\_ בן \_\_\_\_\_  
 ו \_\_\_\_\_, חתן דנן, ומן \_\_\_\_\_ בן \_\_\_\_\_ ו \_\_\_\_\_, חתן דנן,  
 למר \_\_\_\_\_ בן \_\_\_\_\_ ו \_\_\_\_\_, חתן דנן, על כל מה דכתוב ומפורש לעיל והכל  
 שריר וקיים.

נאום \_\_\_\_\_ עד  
 נאום \_\_\_\_\_ עד  
 נאום \_\_\_\_\_ עד

## Appendix D: Notes

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<sup>i</sup> David Greenstein. *Pit'hu Li Sha'arei Tzedeq/Open the Gates of Righteousness for Me* [New York: The Journal of the Academy for Jewish Religion, vol 3, no 1].

<sup>ii</sup> Rabbi Steve Greenberg. *Wrestling with God & Men: Homosexuality in the Jewish Tradition* [Madison: The University of Wisconsin Press, 2004], p.208.

<sup>iii</sup> The source of this *tshuvah* is unknown, though the rationale is as follows: The Rabbis teach that there are no extra words in the Torah. Yet these verses in Leviticus contain some unexplained words at the end, i.e., thou shalt not lie with a man *in the lyings of a woman*. This contrasts with many commandments that are absolute (e.g., thou shalt not murder, thou shalt not steal). These extra words qualify the commandment in some way, suggesting that sex with a man is not prohibited in all cases. Perhaps it is only prohibited to those also having sex with women. Certainly, this interpretation would be consistent with a religion that continually advocates for separation and boundaries: separation of dairy and meat in dietary laws, separation of Shabbat from weekdays and separation of laws for Israel and for the nations of the world.

<sup>iv</sup> Rabbi Jacob Milgrom. *Leviticus 17-22: A New Translation with Introduction and Commentary* [New York: The Anchor Bible, Doubleday, 2000], p. 1569.

<sup>v</sup> Rabbis Myron Geller, Robert Fine and David Fine. *The Halakhah of Same-Sex Relations in a New Context* [Paper submitted as a dissent to the decision of the Committee of Jewish Laws and Standards of the Rabbinic Assembly on December 6, 2006].

<sup>vi</sup> Rabbis Elliott Dorff, Daniel Nevins and Avram Reisner. *Homosexuality, Human Dignity & Halakhah* [Responsum approved by the Committee of Jewish Laws and Standards of the Rabbinic Assembly on December 6, 2006].

<sup>vii</sup> Rabbi Eyal Levinson. *Same-Sex Kidushin v-Nisu'in* [Philadelphia: Aleph Alliance for Jewish Renewal, 2004], p.26.

<sup>viii</sup> Rabbi Steve Greenberg. *Wrestling with God & Men: Homosexuality in the Jewish Tradition* [Madison: The University of Wisconsin Press, 2004], p.190-1

<sup>ix</sup> Rabbi Eyal Levinson. *Same-Sex Kidushin v-Nisu'in* [Philadelphia: Aleph Alliance for Jewish Renewal, 2004].

<sup>x</sup> Mordechai Friedman. *Jewish Marriage in Palestine* [New York: Jewish Theological Seminary, 1980].

<sup>xi</sup> Mordechai Friedman. *Jewish Marriage in Palestine* [New York: Jewish Theological Seminary, 1980], vol 1, p178.

<sup>xii</sup> Rabbi Nancy Wiener. *Beyond Breaking the Glass* [New York: CCAR Press, 2001], p.53