

Study Guide for

Egalitarian Kiddushin and Ketubbah

by Rabbi Pamela Barmash

Central Study Questions:

- 1. How does halakhah respond to social and cultural change?*
- 2. How do the spiritual values and ethical ideals of Conservative/Masorti Judaism shape our practices?*
- 3. May a Jewish ritual or institution that is not egalitarian conceptually or historically be reshaped to an egalitarian form?*
- 4. Does it matter whether a translation accurately reflects the Hebrew and Aramaic words of a wedding ceremony or ketubbah?*

The educator may select from the sources and the suggested discussion questions as time and the interests of the participants allow.

Terminology:

kiddushin
ketubbah
huppah
sheva berakhot
Mishnah
Babylonian Talmud

Source A. Rabbi Pamela Barmash

The form of Jewish marriage, effectuated by means of *kiddushin* and manifested in a *ketubbah*, has traditionally not been egalitarian. The groom takes on the active role, and the bride assumes a mostly passive role. Those seeking egalitarian marriage have followed two paths. One path is to determine that *kiddushin* cannot be molded in an egalitarian manner because of how it has operated historically, and a number of proposals for Jewish marriage by other means have been presented to the Jewish community. The other way is to maintain our tradition by reinterpretation and to reshape *kiddushin* and the *ketubbah* in egalitarian form despite its history, and that is what this teshuvah will propose.

Reshaping *kiddushin* and *ketubbah* in egalitarian form is essential and of vital significance because the elements of Jewish marriage comprising *kiddushin* and *ketubbah*, such as *ketubbah*, *huppah*, and *sheva berakhot*, resonate deeply for Jewish couples. Even proposals for substitute and alternate forms of Jewish marriage often incorporate these elements as much as possible rather than resorting to purely secular forms or creating entirely new rituals and, in fact, are reinterpreting *kiddushin* rather than creating new forms of Jewish marriage.

Discussion questions for Source A:

- 1. Why did Rabbi Barmash begin with these thoughts?*

2. Do you think that both the ceremonial and conceptual form of traditional Jewish marriage should be maintained, even though it is not egalitarian?
3. Some rabbis argue that the ceremonial and conceptual form of traditional Jewish marriage cannot be molded in an egalitarian manner because of how it has operated historically, and other rabbis argue that it can be reinterpreted and reshaped. What do you think?
4. In footnote two of her teshuvah, Rabbi Barmash argues that we should avoid both a vernacular translation elides (and possibly misrepresents) what the Hebrew and Aramaic texts of the liturgy and ketubbah say as well as a ceremony incorporating well-intentioned non-legal language shifting attention away from a non-egalitarian concept of kiddushin and a non-egalitarian text of a ketubbah. Do you agree or disagree? Does it matter whether a translation accurately reflects the words of a wedding ceremony or ketubbah?

Source B. Rabbi Pamela Barmash

Reimagining kiddushin and ketubbah in an egalitarian mode flows naturally from the spiritual values and ethical ideals we espouse as Conservative/Masorti Jews, and it manifests how our knowledge of the historical development of our tradition inspires us. Our profound love for our tradition means that we must reinterpret existing traditions to suit new social arrangements, and in so doing we invoke spiritual and ethical principles that have guided Jewish behavior to new circumstances. This is at once both deeply loyal to tradition and profoundly innovative. We are deeply devoted to tradition, and we are aware how our tradition has been shaped by our spiritual values and ethical ideals.

We are seeking a transformation of traditional *kiddushin* and *ketubbah* because we aspire toward the sacred. Rather than rejecting rabbinic forms or worse, employing them pro forma without paying attention to their contents, we are taking the prosaic, a marriage that could be effectuated only by civil means without recourse to our sacred tradition, and are suffusing it with religious meaning. In so doing, we are shaping a vision of what Jewish community and Jewish life should be, living in holiness and searching for God.

Discussion Questions for Source B:

1. What shapes the practices of Conservative/Masorti Jews?
2. Can you think of other instances in which spiritual values and ethical ideals have inspired change in Conservative/Masorti communities? Can you think of other instances in which Judaism has changed over the centuries? What has remained the same?
3. If traditional Jewish marriage is not egalitarian, would advocating for civil marriage be a solution?
4. Do you agree that a Jewish community should be defined as “living in holiness and searching for God”? In what other areas should this be put into place?

Source C. Rabbi Pamela Barmash

Israelite society privileged males, and women as a general class were subordinated. But other factors contributed to an individual's dependent rank, such as age, class, economic means, and ethnicity. Women entering marriage were generally younger than men entering marriage...It is no surprise, therefore, that men are depicted as taking the initiative in creating a marital bond

and that parents and parents' emissaries are portrayed as arranging a marriage. However, the institution of marriage is more nuanced in the Bible: it is understood in two seemingly contradictory ways. On the one hand, the groom appears to have operated as the active party in constituting a marriage...But these words should not be misunderstood: the husband gained the right to marriage, not ownership of his wife. She was not his property. Furthermore, the term ברית, "a covenant", is used in Mal 2:14; Ezek 16:8; and Prov 2:17: it is a term implying free consent to the agreement and a certain amount of mutuality (although far from complete equality)...the effects of social status on the terms of the marriage contract are expressed in high relief. Marriage contracts were based on the form of a mutual contract that was modified in the case of marriage because of social status, and with rare exception, the person of lower status was the woman.

Discussion Questions for Source C:

1. *If we are Jews following rabbinic Judaism, does it matter how marriage was conducted in biblical times?*
2. *Why does Rabbi Barmash discuss ketubbot, marriage contracts, before the marriage ceremony?*

Source D. Babylonian Talmud 82b

Rav Judah stated:

At first they used to give a written understanding for two hundred zuz for a virgin and for one hundred zuz for a widow. Consequently the [men] grew old and did not marry. Then Simon ben Shetaḥ took the initiative and ordained that all the property of a husband is pledged for the *ketubbah* of his wife.

So it was also taught in a beraita:

At first they used to give a written understanding for two hundred zuz for a virgin and for one hundred zuz for a widow. Consequently the [men] grew old and did not marry.

It was then decreed that the amount of the *ketubbah* was to be deposited in the wife's father's house. However, at any time when the husband became angry with her, he used to tell her "Go [home to your father's house] to your *ketubbah*".

It was then decreed that the amount of the *ketubbah* was to be deposited in the house of her father-in-law. Wealthy women converted it into baskets of silver or gold, while poor women converted it into brass tubs. However, at any time when the husband became angry with her, he used to tell her "Take your *ketubbah* and go!"

It was then that Simeon ben Shetaḥ decreed that the husband must insert the stipulation "All my property is mortgaged to your *ketubbah*".

Discussion Questions for Source D:

1. *Why would a payment be made to the wife, not the husband, in case of divorce?*
2. *In the case of a divorce, why would the payment to the wife differ if at the time of the marriage she was a virgin or a widow?*
3. *Why would a written note for the payment have stopped men from marrying?*
4. *Why would a prepared payment have eased divorce?*

5. Why did Shimon ben Shetah's solution work?

Source E. An egalitarian ketubah

We testify that on the _____ day of the week, the _____ day of the month of _____, in the year five thousand seven hundred _____, corresponding to the _____ day of _____, _____, here in _____ in the country of _____, the groom, _____ the son of _____ of the family of _____, said to the bride, _____ the daughter of _____ of the family _____: "Be my wife according to the laws and traditions of Moses and the Jewish people. I will work on your behalf and honor, sustain, and support you according to the practice of Jewish men, who faithfully work on behalf of their wives and honor, sustain and support them. I obligate myself to give you the sum of 200 *zuzim* as the money for your *ketubah*, to which you are entitled according to biblical law. I will provide your food, clothing and necessities, and I will live with you in marital relations according to universal custom."

And the bride _____ the daughter of _____ said to the groom _____ the son of _____: "Be my husband according to the laws and traditions of Moses and the Jewish people. I will work on your behalf and honor, sustain, and support you according to the practice of Jewish women, who faithfully work on behalf of their husbands and honor, sustain and support them. I obligate myself to give you the sum of 200 *zuzim* as the money for your *ketubah*, to which you are entitled according to rabbinic law. I will provide your food, clothing and necessities, and I will live with you in marital relations according to universal custom."

For a total of 400 *zuzim*. They will control their property equally.

The groom _____, and the bride _____ said: "We take upon ourselves, and our heirs after us, the obligation of this *ketubah* to be paid from the best part of all our property, real and personal, that we now possess or may hereafter acquire. From this day forward, all our property, wherever it may be, even the mantle on our backs, shall be mortgaged and liened for the payment of this *ketubah*, whether during our lifetime or thereafter."

_____, the groom, and _____, the bride, took upon themselves all the obligations and strictures of this *ketubah*, as is customary with other *ketubbot* made for Jewish men and women in accordance with the enactment of our sages, may their memory be for a blessing.

_____ the son of _____, the groom, and _____ the daughter of _____, the bride, agreed to build a house in which love and companionship, peace and friendship will abide.

_____ the son of _____, the groom, and _____ the daughter of _____, the bride, further agreed that should either contemplate dissolution of the marriage, or following the dissolution of their marriage in the civil courts, each may summon the other to the Bet Din of The Rabbinical Assembly, or its representative, and that

each will abide by its instructions so that throughout life each will be able to live according to the laws of the Torah. This ketubah is not to be regarded as mere rhetoric or as a perfunctory legal form. We have performed the act which in Jewish law makes the obligations of this document legally binding on the part of _____, the groom, to _____, the bride, and on the part of the bride, _____, to _____, the groom, with an instrument fit for that purpose, in order to confirm all that is stated and specified above, which shall be valid and immediately effective.

_____, witness

_____, witness

Groom _____

Bride _____

Rabbi _____

Discussion questions for Source E:

1. *Why did Rabbi Barmash change the terminology for the woman to “the bride” rather than the traditional usage of “virgin,” “widow,” “convert,” or “divorcee”?*
2. *Traditionally the payment was modified due to the status of the bride as virgin, widow, convert, or divorcee. Why did Rabbi Barmash decide to have only one payment amount, of 200 zuzim?*
3. *Why do both the bride and the groom give each other 200 zuzim? Why does the exchange not cancel each other out?*
4. *Why did Rabbi Barmash add “they will control their property equally”?*
5. *Why did Conservative rabbis add “the groom, and the bride, agreed to build a house in which love and companionship, peace and friendship will abide”?*
6. *Why did Rabbi Barmash reconceptualize the Lieberman clause from a prescriptive to a descriptive?*
7. *Why did Rabbi Barmash write a version of the ketubah in Hebrew, and why did she retain an Aramaic version?*

Source F. Mishnah Kiddushin 1:1

A woman is acquired [as a wife] in three ways and acquires herself [as autonomous] in two ways. She is acquired by money, a document, or sexual intercourse.

[In regard to doing so] by money: The House of Shammai says with a dinar or something worth a dinar, but the House of Hillel says with a perutah or something worth a perutah....

She acquires herself with a get or by means of the death of her husband.

Discussion Questions for Source F:

1. *Why is there a fixed amount for the transaction? The amount in a purchase varies based on the item purchased and its characteristics.*
2. *Why is the amount so minute?*

3. *The wife receives the amount. How does this differ from the usual way a purchase is made?*

Source G. Rabbi Pamela Barmash

We should not be misled by the use of the linguistic form employed: while the terminology of acquisition is employed, it is only conventional language for a legal act that is substantively distinct from the purchase or sale of property. That does not mean that the metaphor of acquisition lacks consequence, but here it is not the metaphor that shapes the social status of women. It is the social status of women expressed and mirrored in the use of language of acquisition that is fundamental.

Acquisition was not the real basis for family relationships, but it served as a metaphor for a pattern of interdependence and responsibility. It was a way of visualizing a pattern of reciprocal relationships, and until recently, the social pattern in which Jews lived privileged males. There is now a new social understanding and a new socio-economic reality.

Discussion Questions for Source G:

1. *How is the use of acquisition as a means of marriage a metaphor?*
2. *Can the meaning of a metaphor change?*

Source H. An Egalitarian Wedding Ceremony

When the groom and the bride enter:

May those who have come be blessed in the name of the LORD,

If the ceremony is held in a synagogue:

We bless you from the House of the LORD.

The groom and the bride may circle each other three or seven times, and the rabbi may say:

As you circle one another, may you become part of each other's life (*or* may you encircle each other with love).

Serve the LORD in joy, come before (God) in rejoicing.

May the One who is supreme in power, blessing and glory bless this groom and bride.

The rabbi greets the couple and introduces the ceremony.

Birkat Eirusin (The Betrothal Blessing)

1. Praised are you, LORD our God, Sovereign of the universe, creator of the fruit of the vine.

2. Praised are you, LORD our God, Sovereign of the universe, whose sanctity fills our lives through *mitzvot*, who has commanded us regarding sexual propriety, forbidding relationships with those engaged and permitting relationships sanctified with *huppah* and sacred marriage ceremonies. Praised are you, LORD, our God, who sanctifies the people Israel with *huppah* and sacred marriage ceremonies.

Presentation of Rings

The bride says to the groom:

You are now consecrated to me with this ring according to the law of Moses and Israel.

The groom says to the bride:

You are now consecrated to me with this ring according to the law of Moses and Israel.

(As the bride and the groom recite these lines, they may put the rings on a cloth and tie it together to symbolize that they are creating a shared pot. Then if they so choose at this point in the ceremony, they can take out the rings and put them on each other's fingers.)

The Ketubbah is Read

Sheva Berakhot

1. Praised are you, LORD, our God, Sovereign of the universe, who creates the fruit of the vine.
2. Praised are you, LORD, our God, Sovereign of the universe, who created all for your glory.
3. Praised are you, LORD, our God, Sovereign of the universe, creator of humanity.
4. Praised are you, LORD, our God, Sovereign of the universe, who created man and woman in your image, after divine likeness, that they may perpetuate life. Praised are you, LORD, creator of humanity.
5. May Jerusalem rejoice as her children are restored to her in joy. Praised are you, LORD, source of joy for groom and bride.
6. Grant perfect joy to these beloved friends even as you brought joy to the first husband and wife in Eden's garden long ago. Praised are you, LORD, source of joy for groom and bride.
7. Praised are you, LORD, our God, Sovereign of the universe, who has created joy and happiness, groom and bride, delight, song, gladness and laughter, love and harmony, peace and companionship. May it be soon, LORD, our God, when the voices of joy and happiness, the voices of bride and groom, the jubilant voices of loving companions beneath the huppah, the voices of young people celebrating and singing, be heard in the towns of Judah and in the squares of Jerusalem. Praised are you, LORD, who inspires the groom and the bride to rejoice together.

The ceremony concludes with the breaking of a glass.

Discussion Questions for Source H:

1. *The betrothal blessing traditionally contained a reminder to men to not be sexually intimate with betrothed women. Why did Rabbi Barmash modify it?*
2. *Why do both the groom and the bride present each other with rings?*
3. *The seventh of the Sheva Berakhot traditionally said "the jubilant voices of grooms beneath the huppah", but Rabbi Barmash modified it to "the jubilant voices of loving companions beneath the huppah"? Why?*
4. *How different is this egalitarian ceremony from a traditional ceremony?*