

Appendix II - Documentation of Non-Kiddushin Marriage of a Differing Sex Couple

The documents that follow are:

- A) A *brit ahuvim* document.¹
- B) A document based on the “Covenant of Loving Partners” drafted by Rabbis Elliot Dorff, Daniel Nevins, and Avram Reisner for same-sex couples, to be used for *hitkadshut*.²
- C) A document making the marriage conditional if the couple chooses not to incorporate this into the marriage document.
- D) A divorce document (and procedures) based on that drafted by Dorff, Nevins, and Reisner for same-sex couples, and to be used for the dissolution of either *brit ahuvim* or *hitkadshut*.

Witnesses to any of these documents must be valid עדים according to the standards of the CJLS.

A) Brit Ahuvim

1. All Brit Ahuvim documents begin with the following Introduction:

<p>On the ___ day of the week, the ___ day of the month of ___, in the year ___ of the World – corresponding to [day/month/year] – in this community to which we are adjoined in [place], in [country]; before truthful and sober witnesses, and before this holy congregation: come these, the bride, _____, and the bridegroom, _____, to unite and bond together, joining one to the other in a Covenant of Lovers, to make thus a household amongst the People Israel.</p>	<p>ב _____ בשבת, ב _____ ימים לחדש _____, בשנת _____ לבריאת העולם, למנין שאנו מונין כאן _____, במדינת _____: בפני עדים נאמנים וישרים, ובפני הקהל הקדוש הזה: באו הכלה _____ המכונה _____, והחתן _____ המכונה _____ להתאחד ולידבק זה בזו וזו בזה בברית אהובים, ומתוך כך לקיים בית נאמן בישראל.</p>
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¹ The *brit ahuvim* document I offer is adapted from three sources:

- Adler’s original Hebrew and English texts as found in Adler, *Engendering Judaism*, 214–17 (see also Adler’s discussion of how the document may be adapted to the specific needs and commitments of the couple, 193–94).
- The *brit ahuvim* document signed by Amitai and Julie Adler; versions of their documents may be viewed at <https://app.box.com/s/2a22fe5b069705b9bffd> and <https://app.box.com/s/41f3773caeea3d33e3c7>.
- A document I prepared for the wedding of a family member, based on the previous two (note also that in the document I prepared, the couple added personalized provisions for her commitment to his children from a previous marriage, and a commitment of each towards the care of the other’s parents if such should become necessary; these appear in the Appendix as examples of optional and personalized commitments that might be included in such a marriage document).

² While I believe the language of the *brit ahuvim* document could be adapted for marriage by *hitkadshut*, this document is fully sufficient and hence recommended.

2. After the Introduction, one of the following two Preamble options may be used:

Preamble Option #1 (Rachel Adler, as used by Amitai and Julie Pelc Adler)

<p>This partnership which the bride, _____, and the bridegroom, _____, will effect, is a sacred covenant, like those ancient covenants that our forefathers and foremothers set in olden days; like the great covenants that the Blessed Creator set with us, and thus were changed the fates of the world.</p> <p>This is a covenant of faith and hope, like the covenant that the Blessed Creator swore to Noah and his descendants, as it is said: "And it shall be, when the bow appears in the clouds, and I see it, it shall remind me of the eternal covenant between God and all living beings, all those of earthly flesh. And God said to Noah, this is the sign of the covenant I have effected between me and all those of earthly flesh." (Gen. 9:16-17)</p>	<p>שותפות זו שיקיימו הכלה _____, והחתן _____, ברית קדושה היא, כבריתות שכרתו אבותנו ואמותנו בימי קדם, וכבריתות הגדולות שכרת הבורא יתברך עם ישראל, ונשתנו בהן גורלי העולם.</p> <p>ברית אמונה ותקוה הברית הזאת, שכרת הבורא יתברך עם נח וצאצאיו, שנאמר: וְהִתְגַּדְּתָה הַקַּשֶׁת בְּעָנָן וּרְאִיתֶיהָ לְזִכֹּר בְּרִית עוֹלָם בֵּין אֱלֹהִים וּבֵין כָּל-נֶפֶשׁ חַיָּה בְּכָל-בֶּשֶׂר אֲשֶׁר עַל-הָאָרֶץ: וַיֹּאמֶר אֱלֹהִים אֶל-נֹחַ זֹאת אוֹת-הַבְּרִית אֲשֶׁר תִּקְמֹתִי בֵּינִי וּבֵין כָּל-בֶּשֶׂר אֲשֶׁר עַל-הָאָרֶץ: (בראשית ט:טז-יז)</p>
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This is a covenant of respect, and recognition of mutual responsibilities, like the covenant of Avraham our forefather with Avimelech, at Be'er Sheva, as it is said: "Now swear to me by God in this place: if you are false to me or to my kin and successors...! Rather, with the lovingkindness I have treated you with, you shall treat me in return, and do so likewise for the land on which you dwell!" And Avraham said, 'I so swear.'" (Gen. 21:23-24)

This is a covenant of cherishing, like the covenant the Blessed Creator made in the wilderness with the People Israel, as it is said: "And I shall take you to me as my people, and I shall be yours-- your God." (Ex. 6:7)

This is a covenant of cleaving together, to bind up the hearts of the loving companions, like the covenant of David and Yonatan, as it is said: "And the soul of Yonatan was bound up with the soul of David, and Yonatan loved him even as his own self...and Yonatan and David forged a covenant, based upon each loving the other as he loved himself." (1 Sam. 18:1-3)

This is a covenant of lovingkindness and contentment, compassion and mutual support, like the covenant of marriage between the Blessed Creator and Tziyon, as it is said: "I shall espouse you forever; I shall espouse you in righteousness and justice, in lovingkindness and compassion; I shall espouse you in faith, and you will know that I am YHVH." (Hos. 2:21-22)

ברית כבוד והכרת חובות הדדיות הברית
הזאת, כברית שכרת אברהם אבינו עם
אבימלך בבאר שבע, כמה שאמר: ועתה
השבועה לי באלהים חנה אם הנשקור לי ולניני
ולנכדי כחסד אשר עשיתי עמך תעשה עמדי
ועם הארץ אשר גרתה בה: ויאמר אברהם
אנכי אשבע: (בראשית כא:כג-כד)

ברית בחירה הברית הזאת כברית שעשה
הבורא יתברך עם עם ישראל במדבר, כמה
שאמר: ולקחתי אתכם לי לעם והייתי לכם
לאלהים. (שמות ו:ז)

ברית דבקות הברית הזאת, לקשור לבבות
רעים אהובים, כבריתם של דוד ויהונתן,
שנאמר: ונפש יהונתן נקשרה בנפש דוד
ונאהבהו יהונתן כנפשו...ויכרת יהונתן ודוד
ברית באהבתו אתו כנפשו: (שמואל א' יח:ג)

ברית חסד ואושר, רחמים ותמיכה הדדית
היא הברית הזאת, כברית נשואין של הבורא
יתברך וציון, כמה שאמר: וארשתיד לי לעולם
וארשתיד לי בצדק ובמשפט ובחסד
וברחמים: וארשתיד לי באמונה ונדעת את ה'
(חושע ב:כא-כב)

Preamble Option #2 (Gail Labovitz)

<p>This partnership that the bride, _____, and the bridegroom, _____, will effect is a sacred covenant, like the great covenants that the Blessed Creator set with the People of Israel and like those ancient covenants that our forefathers and foremothers set in olden days. As it is said: "And I shall take you to me as my people, and I shall be yours -- your God." (Ex. 6:7) And as it is said: "I shall espouse you forever; I shall espouse you in righteousness and justice, in lovingkindness and compassion; I shall espouse you in faith, and you will know that I am YHVH." (Hos. 2:21-22) And as it is said: "And the soul of Yonatan was bound up with the soul of David, and Yonatan loved him even as his own self...and Yonatan and David forged a covenant, based upon each loving the other as he loved himself." (1 Sam. 18:1-3)</p>	<p>שותפות זו שיקיימו הכלה _____, והחתן _____, ברית קדושה היא, כבריתות הגדולות שכרת הבורא יתברך עם ישראל, וכבריתות שכרתו אבותנו ואמותנו בימי קדם. כמו שנאמר: ולקחתי אתכם לי לעם והייתי לכם לאלהים (שמות ו:ז). וכמו שנאמר: וארשתיך לי לעולם וארשתיך לי בצדק ובמשפט ובחסד וברחמים וארשתיך לי באמונה וידעת את ה' (הושע ב:כא-כב). וכמו שנאמר: ונפש יהונתן נקשרה בנפש דוד ויאהבהו יהונתן כנפשו...ויכרת יהונתן ודוד ברית באהבתו אתו כנפשו (שמואל א יח:א, ג).</p>
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3. The body of the Brit Ahuvim – required for all versions

(Amitai and Julie Pelc Adler, adapted from the original by Rachel Adler):

<p>Therefore, this Covenant of Lovers shall be effected and begin at the moment the bride, _____, and the bridegroom, _____, agree before the court and witnesses to the terms and conditions of this partnership, and signify it by means of combining their pledges of property in a lifted bag, and then signing this deed of partnership.</p>	<p>ובכן ברית אהובים זו תחל כשהכלה _____, והחתן _____, יסכימו בפני עדים לחיובי ותנאי השותפות הזאת, ויסמלו את הסכמתם על-ידי הטלת ערבנותיהם לתוך כיס אחד, ויחתמו על שטר השותפות הזה:</p>
<p>These are the terms by which the parties to this Covenant of Lovers-- the bride, _____, and the bridegroom, _____ -- shall be bound:</p>	<p>ואלא החיובים בהם יתחייבו הכלה _____, והחתן _____, בעלי ברית אהובים זו:</p>
<p>The bride and bridegroom set themselves apart, each for the other only, and shall not take any others to themselves.</p>	<p>החתן והכלה מקדישים את עצמם זה לזו וזו לזה, ולא יקחו עוד אחר על פני הזולת.</p>
<p>The bride and bridegroom agree that they together shall make a household amongst the People Israel, and a whole family. That is, they shall each guard over the other, in matters physical and in matters spiritual; they shall each</p>	<p>החתן והכלה מקבלים על עצמם לשתף פעולה בקיום בית נאמן בישראל ומשפחה שלימה: כלומר, לשמור אחד על השני, בין על בריאות הגוף בין על בריאות הנשמה; לדאג כל אחד מידי</p>

<p>concern themselves with the happiness of the other, each and every day; they shall each provide aid and compassionate assistance to the other in all circumstances of life; and they shall each provide for the other, should it for some reason not be possible for them to both provide; and they shall both remember what a blessing and a gift is theirs in the miracle of their love.</p>	<p>יום ביומו לשמחת השני; לעזור אחד לשני ולרחם עליו בכל נסיבות החיים; ולפרנס אחד את השני במקרה ואי אפשר להתפרנס ביחד; ולזכור שניהם תמיד איזו מתנה ואיזו ברכה יש להם בנס אהבתם.</p>
<p>The bride and bridegroom agree that they shall dwell together according to the ways of the People Israel: they shall serve YHVH our God, and do what is right in God's eyes; they shall make their home a place of lovingkindness and justice, peace and joy, love and fellowship, and most of all, of learning and teaching, that they may fulfill the words of our Sages: "Let your home be a meeting place for the wise...Let your home be open wide, and let the needy be members of your household." (Pirkei Avot 1:4,5)</p>	<p>החתן והכלה מקבלים על עצמם להיות ביחד כדרך עם ישראל: לעבוד את ה' אלהינו, ולעשות הישר בעיניו: להיות ביתם מקום חסד וצדקה, שלום ושמחה, אהבה ורעות, ועל כולם ללמוד וללמד בו; ויקיימו בביתם דברי חכמנו, ז"ל: יהי ביתך בית ועד לחכמים...יהי ביתך פתוח לרוחה ויהיו עניים בני ביתך (אבות א:ד, ה).</p>

4. Individualized Commitments – at this point the couple may add various commitments/agreements that are individualized to the circumstances of their own relationship. The following are examples of such commitments, and do not by any means represent the full possibility of options. Couples may draft language for their own commitments with the assistance of a rabbi, scholar, and/or the officiant at their ceremony. A couple may include as many or as few commitments of this sort as they desire.

For a couple hoping/ intending to have a family together (Rachel Adler):

<p>The bride and bridegroom agree that should they have children, they shall raise them with love and safety and respect, in the ways of Torah and Halachah, and in the traditions of Avraham, Yitzchak, and Yaakov, Sarah, Rivkah, Rahel and Leah, to be in awe of Heaven, pursuers of peace, and lovers of justice and lovingkindness, so that they shall fulfill what is written: "Be among the students of Aharon: love peace and pursue peace, love all living creatures, and draw close to the Torah." (Avot 1:12)</p>	<p>והחתן והכלה מקבלים על עצמם שאם יהיו להם ילדים, יגדלו אותם באהבה ובביטחון ובכבוד, בדרכי תורה והלכה על פי מסורת אברהם, יצחק, ויעקב, שרה, רבקה, רחל, ולאה, שיהיו יראי שמים, רודפי שלום, ואוהבי צדק וחסד, ויקיימו בהם דברי חכמנו ז"ל: הוּי מִתְלַמְּדֵי שֶׁל אַהֲרֹן, אוֹהֵב שְׁלוֹם וְרוֹדֵף שְׁלוֹם, אוֹהֵב אֶת הַבְּרִיּוֹת וּמִקְרָבָן לַתּוֹרָה. (אבות איב)</p>
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For a when one or both partners have children from a previous relationship (Gail Labovitz):

<p>The [bride/groom/each partner] agrees that [she/he/they] shall protect, support, and care for the children of [the bride/the groom/each other], as did Bityah, the daughter of Pharaoh, for Moshe, that [she/he/they] may fulfill the words of our Sages: “Anyone who raises the child of his fellow, Scripture attributes it to him as if he had birthed him.” (Midrash Sekhel Tov) And they both agree that they will raise them with love and safety and respect, in the ways of Torah and Halachah, and in the traditions of Avraham, Yitzchak, and Yaakov, Sarah, Rivkah, Rachel and Leah, to be in awe of Heaven, pursuers of peace, and lovers of justice and lovingkindness, so that they shall fulfill what is written: “Be among the students of Aharon: love peace and pursue peace, love all living creatures, and draw them close to the Torah.” (Avot 1:12)</p>	<p>[והכלה/החתן/שני השותפים] מקבל/ת/ים על עצמו/הם לשמור על, לפרנס את, ולטפל בבני [הכלה/החתן]/היא בבניו והוא בבניה, כמו שעשתה בתיה למשה, ויקיימו בו/ה/הם דברי חכמנו, ז"ל: כל המגדל בן חבירו בתוך ביתו, מעלה עליו הכתוב כאילו ילדו (מדרש שכל טוב). ושניהם מקבלים על עצמם שיגדלו אותם באהבה וביטחון ובכבוד, ובדרכי תורה והלכה על פי מסורת אברהם, יצחק, ויעקב, שרה, רבקה, רחל, ולאה, שיהו יראי שמים, רודפי שלום, ואוהבי צדק וחסד, ויקיימו בהם דברי חכמנו, ז"ל: הוי מתלמידי של אהרן אוהב שלום ורודף שלום אוהב את הבריות ומקרבן לתורה (אבות א:יב):</p>
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For a couple with aging parents (Gail Labovitz):

<p>The bride and the bridegroom agree that they shall protect, and if necessary support, and be an advocate, each for the parents of the other, with love and safety and respect, as Ruth did for Naomi, as it is said: “But Ruth replied, ‘Do not urge me to leave you, to turn back and not follow you. For wherever you go, I will go; where you lodge, I will lodge; your people shall be my people, and your God my God.’” (Ruth 1:16)</p>	<p>החתן והכלה מקבלים על עצמם כל אחד לשמור על, ואם יצריכו לפרנס את, ולהיות מליץ או מליצת יושר לאב ואם של השני, באהבה וביטחון ובכבוד, כמו שעשתה רות לנעמי, כמו שנאמר: ותאמר רות אל תפגעי בי לעזובך לשוב מאחריך כי אל אשר תלכי אלך ובאשר תליני אלין עמך עמי ואלהיך אלהי (רות פרק א:טז):</p>
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(see also Adler, *Engendering Judaism*, 214 and 216 for a pledge of mutual support at the end of life)

5. Required Statement – this marriage is not intended as *kiddushin*.

<p>The bride, _____, and the bridegroom, _____, also attest: This Covenant of Lovers is not a <i>kiddushin</i> marriage, and the marital relations of the bridegroom and bride are not intended to bring about <i>kiddushin</i> marriage.</p>	<p>הכלה _____, והחתן _____ מצהירים: אין ברית אהובים זו קידושין, ואין ביאת החתן והכלה לשם קידושין, ולא לשם זנות: אלא אך ורק לשם הבעת אהבה.</p>
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The couple may also include the specification that the marriage does not require a *get* to be dissolved.

<p>Should it happen that, God forbid, the bride or bridegroom might wish or require the termination of this partnership and Covenant, it shall be nullified and ended upon the mutual declaration in writing of the parties and their signatures before a just rabbinical court; or, by the written declaration of either party to the Covenant signed by that party and two witnesses, before a just rabbinical court. And additionally, the parties to this partnership must accompany its dissolution with a civil divorce according to the laws of [country], or whatever secular government they happen to be living under at that time. But at no time ought a <i>get</i> divorcement be necessary.</p>	<p>במקרה, חו"ש, וירצו או יצטרכו החתן והכלה לבטל שותפות זו, היא תיבטל על-ידי הסכמה בין שניהם בשטר ובחתימת ידיהם וידי שני עדים כשרים, בפני בית דין צדק; או, על ידי הצהרת רצונו של אחד מהם, בשטר ובחתימת ידו/ידיה וידי שני עדים כשרים, בפני בית דין צדק. ובכל מקרה, אין בטול שותפות זו בבלי שטר התנתקות בערכאות המדינה; ובהכל ללא צריך גט כריתות.</p>
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6. The following condition may be included in the Brit Ahuvim document, or written up as a separate document (see Document C below):

<p>Should we choose to part at some future time, just as this covenant has been concluded openly before the Jewish people, so does each partner commit to severing this bond through dissolution [<i>hafarah</i>] in the fashion ordained by a Jewish court [<i>Bet Din</i>]. Notwithstanding, should we be separated for more than six months with the intent by either party to terminate the union, this covenant shall be null and void.</p> <p>(Elliot Dorff, Daniel Nevins, Avram Reisner)</p>	<p>(Note: Rabbis Dorff, Nevins, and Reisner did not create a Hebrew text for this condition.)</p>
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7. Conclusion/Signatures

<p>To attest and affirm all these rights and conditions and responsibilities set forth above, the bride, _____, and the bridegroom, _____, and the witnesses to the document, come that they may sign. May it be the will of the Blessed Creator that the parties to this Covenant of Lovers shall fulfill therein what is written: "Set me as a seal upon your heart, like the seal upon your arm; for love is strong as death...Many waters cannot drown love, nor can rivers quench it..." (Song of Songs, 8:6-7)</p>	<p>ולראיה על כל הנ"ל, באו הכלה _____, והחתן _____, ועדי שטר זה, על החתום. ויהי רצון מלפני הבורא יתברך, שיקוים בבעלי ברית אהובים זו מה שנאמר: שימני כחותם על לבך כחותם על זרועך כי עזה כמות אהבה...מים רבים לא יוכלו לכבות את האהבה ונהרות לא ישטפוה (שיר השירים ח:רז):</p>
<p>Bridegroom:</p> <p>_____</p>	<p>החתן:</p> <p>_____</p>
<p>Bride:</p> <p>_____</p>	<p>הכלה:</p> <p>_____</p>
<p>Witnesses:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>עדים:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

B) Document adapted from the “Covenant of Loving Partners”

In the presence of the couple, two valid witnesses and other guests, the officiating rabbi reads the Covenant and asks each party to signify acceptance of its terms through the mechanism of קנין, the lifting of a symbolic object such as a pen or kerchief. The witnesses then attest to the mutual commitment by signing the Covenant in Hebrew (and English, if using). This may take place just prior to the wedding ceremony or during the ceremony itself in the place indicated.

1. Introduction and
2. Body of the Document

<p>On the __ (1) __ day of the week, the __ (2) __ day of the month of __ (3) __ in the year five thousand seven hundred __ (4) __, corresponding to the secular date of __ (4a) __, here in __ (5) __ in the country of __ (6) __ we, __ (7) __ the daughter/son of __ (7) __, and __ (7) __ the daughter/son of __ (8) __, before the people and the congregation make this holy declaration:</p> <p>“Let it be known that our souls are bound one to the other with bonds of love and mutual devotion, and that it is our intention, with God’s help, to be exclusively faithful to each other all the days of our lives upon this earth. As our Sages taught: A person should find a partner with whom to eat, drink, read, study, sleep, and share every secret, secrets of Torah and secrets of life. We shall share from this day a complete partnership, joyfully and wholeheartedly establishing a household in common with moral and financial responsibilities for one another. We shall be loving partners for each other and will cherish, respect, sustain and assist one another in righteousness and faithfulness. With God’s help may our dwelling be filled with love and harmony, peace and companionship, and may we be privileged to nurture together our Jewish heritage, our love for our fellow Jews and the dignity of every creature.”</p>	<p>בְּ (1) בְּשַׁבָּת, (2) יוֹם לַחֲדָשׁ (3), שְׁנַת חֲמִשָּׁת אֲלָפִים וּשְׁבַע מֵאוֹת וְ (4) לְמִנְיָן שָׁאֲנוּ מוֹנִים כֵּאֵן בְּ (5) בְּמִדֵּינַת (6) אָמְרוּ (א7) בְּ (8) וְ (7) בֵּת (8) בְּכִנִּי עִם וְעֵדָה בְּהִצְדָּקָה קְדוּשָׁה: יְהֵא יְדוּעַ בְּזֶה שְׂנֵקְשָׁרוּ נַפְשׁוֹתֵינוּ זֶז בְּקִשְׁרֵי אֶהְבָּה וּמְסִירוֹת הַדְּדִית, וּבְכִנּוּתֵנוּ בְּעֵזְרַת יי לְהִיּוֹת נְאֻמָּנִים זֶה לְזֶה בְּאוֹפֵן בְּלִעְדֵי כָל-יְמֵי חַיֵּינוּ עָלֵי אֲדָמוֹת כְּמוֹ שְׁשֵׁנוּ רַבּוֹתֵינוּ יְקִנָּה אֲדָם חֶבֶר לְעֲצָמוֹ שְׂיֵאֱכַל עִמּוֹ וְיִשְׁתֶּה עִמּוֹ וְיִקְרָא עִמּוֹ וְיִשְׁנָה עִמּוֹ וְיִישֵׁן עִמּוֹ וְיִגְלֶה לוֹ כָּל סִתְרָיו, סִתְרֵי תוֹרָה וְסִתְרֵי דָרֶךְ אֶרֶץ. אֲנַחְנוּ נִשְׁתַּמֵּךְ מִן-הַיּוֹם הַזֶּה וְהִלָּאָה בְּשִׂתּוֹף גָּמוּר כְּרֵאוֹי בְּאוֹשֶׁר וּבְלֵב שְׁלֵם וְנִקְיָם מִשֶּׁק בֵּית מִשְׁתֶּךָ. נִהְיֶה זֶה לְזוֹ³ רַעִים אֶהוּבִים וְנוֹקִיר וְנִכְבֵּד וְנִפְרָגִם וְנִסְעֵד זֶה אֶת-זֶה בְּיוֹשֶׁר וּבְאֵמוּנָה. בְּעֵזְרַת יי בְּמַעֲוֹנָנוּ יִשְׁרוּ אֶהְבָּה וְאֶחָנָה שְׁלוֹם וְרַעוּת וְנִזְכָּה לְטַפְסָה יַחַד אֶת מוֹרֶשֶׁת הַיְיִדּוּת, אֶהְבֵּת יִשְׂרָאֵל וְכָבוֹד הַבְּרִיּוֹת.</p> <p>(1) day of week; (2) day of month; (3) Hebrew month; (4) Hebrew year; (4a) date on secular calendar; (5) city name; (6) country/continent; (7a) name of the groom; (7 ב) name of the bride; (8) names of parents.</p>
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Note: the name of the bride and groom can appear in either order.

³ The order may be reversed, or for a marriage of same sex partners, simply זה לזה or זו לזו is used as appropriate.

3. Required Statement – this marriage is not intended as *kiddushin*.

<p>The bride, _____, and the bridegroom, _____, also attest: This marriage is not a <i>kiddushin</i> marriage, and the marital relations of the bridegroom and bride are not intended to bring about <i>kiddushin</i> marriage.</p>	<p>הכלה _____, והחתן _____ מצהירים: אין התקדשות זה קידושין, ואין ביאת החתן והכלה לשם קידושין, ולא לשם זנות: אלא אך ורק לשם הבעת אהבה.</p>
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The couple may also include the specification that the marriage does not require a *get* to be dissolved.

<p>Should it happen that, God forbid, the bride or bridegroom might wish or require the termination of this partnership, it shall be nullified and ended upon the mutual declaration in writing of the parties and their signatures before a just rabbinical court; or, by the written declaration of either party signed by that party and two witnesses, before a just rabbinical court. And additionally, the parties to this partnership must accompany its dissolution with a civil divorce according to the laws of [country], or whatever secular government they happen to be living under at that time. But at no time ought a <i>get</i> divorcement be necessary.</p>	<p>במקרה, חו"ש, וירצו או יצטרכו החתן והכלה לבטל שותפות זו, היא תיבטל על-ידי הסכמה בין שניהם בשטר ובחתימת ידיהם וידי שני עדים כשרים, בפני בית דין צדק; או, על ידי הצהרת רצונו של אחד מהם, בשטר ובחתימת ידו/ידיה וידי שני עדים כשרים, בפני בית דין צדק. ובכל מקרה, אין בטול שותפות זו בבלי שטר התנתקות בערכאות המדינה; ובהכל ללא צריך גט כריתות.</p>
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At this point, couples may, if they so desire, include one or more Individualized Commitments, as in point 4 of the Brit Ahuvim document above.

4. The following condition may be included in the commitment document, or written up as a separate document (see Document C, below):

<p>Should we choose to part at some future time, just as this covenant has been concluded openly before the Jewish people, so does each partner commit to severing this bond through dissolution [<i>hafarah</i>] in the fashion ordained by a Jewish court [<i>Bet Din</i>]. Notwithstanding, should we be separated for more than six months with the intent by either party to terminate the union, this covenant shall be null and void.</p> <p>(Elliot Dorff, Daniel Nevins, Avram Reisner)</p>	<p>(Note: Rabbis Dorff, Nevins, and Reisner did not create a Hebrew text for this condition. One can/will be added here should the teshuvah be adopted)</p>
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5. Conclusion/Signatures

<p>We, the witnesses, attest that everything that is written and specified above has been done in our presence and is valid and effective.</p>	<p>כָּל מָה שֶׁכָּתוּב וּמְפָרֵשׁ לְעֵיל נֶאֱמַר וְנַעֲשֶׂה לְפָנֵינוּ, וְהַכֵּל שְׂרִיר וְקִיָּם.</p>
<p>(Signature) _____, witness</p>	<p>_____ עד/ה</p>
<p>(Signature) _____, witness</p>	<p>_____ עד/ה</p>

C) Conditions (adapted from the condition drafted by Elliot Dorff, Daniel Nevins, Avram Reisner)

The couple may place this condition on the *Hitkadshut/Brit Ahuvim* in a separate document rather than in the binding marital document.

This document is to be completed and signed by the couple and their witnesses prior to the wedding ceremony. A copy shall be kept by the officiating rabbi, with the original returned to the couple together with their other marriage documents.

This is to certify that on the [Hebrew date] day of the [Hebrew month] in the year [Hebrew year], corresponding to the [secular date] of [secular month], [secular year] in [name of jurisdiction], _____ and _____, of their own free will and accord, stipulated the following with respect to the Covenant of Loving Partners/marriage by *hitkadshut* that they enter today:

Should we choose to part at some future time, just as this covenant has been concluded openly before the Jewish people, so does each partner commit to severing this bond through dissolution [*hafarah*] in the fashion ordained by a Jewish court [*Bet Din*].

Notwithstanding, should we be separated for more than six months with the intent by either party to terminate the union, this covenant shall be null and void.

1. Signatures/Witnesses

Bride _____	החתן: _____
Groom _____	_____
Witness _____	הכלה: _____
Witness _____	_____
	עדים: _____ _____

D) Document (and Procedures) of Divorce/Hafarah (adapted from Dorff, Nevins, and Reisner)⁴

There is no need to replicate the procedures involving a scribe which the rabbis required for a get. Thus, the following documents may be filled in, printed, and signed. The signature (hatimah) is by the partner presenting the document; as indicated below. When both agree to participate in this proceeding, each should fill out the document and present it to the other. However, in cases where this is not the case, one partner may complete the dissolution document unilaterally. Witnesses to the signature of the principal are required, following the general requirements of witnesses under Jewish law. Three copies of each dissolution document should be signed with one original returned to each party, and one forwarded to the Rabbinical Assembly, as described below.

נוסח הַפְּרָה מֵאִשָּׁה לְאִישׁ

בְּ _____ בְּשַׁבָּת, _____ לְחֹדֶשׁ _____, שְׁנַת חֲמִשָּׁת אֲלָפִים וְשִׁבְעַ מֵאוֹת וְ _____ לְמִנְיָן שְׁאֲנוּ מוֹנִים כָּאֵן בְּ _____ בְּמִדְיַת _____ אֲנִי _____, הַמְּכַוֵּנָה _____, עֲמֻדָתִי בְּרִצּוֹן חֲפְזִי, בְּלֹא אוֹנֶס וּבְלֹא דוֹסָק, וּפְטָרְתִיךָ, _____ הַמְּכַוֵּנָה _____, שְׁהֵייתִי רְעִי עַד עֵתָה, מִן הַבְּרִית שְׁהֵתְקַיְמָה בֵּינֵינוּ. הָרִי רְשׁוֹת בְּגִדְךָ לְכָרוֹת בְּרִית אֲהוּבִים אֶתְרַת כְּרִצּוֹנְךָ. וְזֶה יְהִי לְךָ לְאוֹת הַפְּרַת הַבְּרִית שְׁהֵתְקַיְמָה בֵּינֵינוּ לְשַׁעֲבֵר בְּעֵינֶיךָ וּבְעֵינֵי אֱלֹהִים וְאָדָם.

עד/ה

עד/ה

חתימה

נוסח הַפְּרָה מֵאִישׁ לְאִשָּׁה

בְּ _____ בְּשַׁבָּת, _____ לְחֹדֶשׁ _____, שְׁנַת חֲמִשָּׁת אֲלָפִים וְשִׁבְעַ מֵאוֹת וְ _____ לְמִנְיָן שְׁאֲנוּ מוֹנִים כָּאֵן בְּ _____ בְּמִדְיַת _____ אֲנִי _____, הַמְּכַוֵּנָה _____, עֲמֻדָתִי בְּרִצּוֹן חֲפְזִי, בְּלֹא אוֹנֶס וּבְלֹא דוֹסָק, וּפְטָרְתִיךָ, _____ הַמְּכַוֵּנָה _____, שְׁהֵייתִי רְעִי עַד עֵתָה, מִן הַבְּרִית שְׁהֵתְקַיְמָה בֵּינֵינוּ. הָרִי רְשׁוֹת בְּגִדְךָ לְכָרוֹת בְּרִית אֲהוּבִים אֶתְרַת כְּרִצּוֹנְךָ. וְזֶה יְהִי לְךָ לְאוֹת הַפְּרַת הַבְּרִית שְׁהֵתְקַיְמָה בֵּינֵינוּ לְשַׁעֲבֵר בְּעֵינֶיךָ וּבְעֵינֵי אֱלֹהִים וְאָדָם.

עד/ה

עד/ה

חתימה

Dissolution of the Covenant of Loving Partners

On the _____ day of the week, the _____ day of the month of _____ in the year five thousand seven hundred _____, corresponding to the secular date of _____, here in _____ in the country of _____, I, _____ the daughter/son of _____, arose of my own free will, without coercion or pressure, and have released you _____ the daughter/son of _____, who had been my loving partner until now, from the covenant that had been between us. You are hereby permitted to establish any other such covenant that you desire. This shall be the formal dissolution of the covenant that had existed between us in your eyes, and in the eyes of God and all people.

⁴ <http://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/2011-2020/same-sex-marriage-and-divorce-appendix.pdf>, 18-20.

Procedure for Delivery

Ideally, where the separation is mutually agreed, each member of the partnership will fill out a dissolution form and deliver it personally to his or her partner. Where the partners exchange dissolution documents mutually, each should say (in Hebrew or English or any other language that is common to them):

לשון זכר:

הַתְּקַבֵּל הַפְּרָה זֶה. וְזֶה יִהְיֶה לְאוֹת הַפְּרַת הַבְּרִית שֶׁהִתְקַיְּמָה בֵּינֵינוּ לְשַׁעֲבֵר בְּעֵינֶיךָ וּבְעֵינֵי אֱלֹהִים וְאָדָם.

לשון נקבה:

הַתְּקַבְּלִי הַפְּרָה זֶה. וְזֶה יִהְיֶה לְאוֹת הַפְּרַת הַבְּרִית שֶׁהִתְקַיְּמָה בֵּינֵינוּ לְשַׁעֲבֵר בְּעֵינֶיךָ וּבְעֵינֵי אֱלֹהִים וְאָדָם.

“Here is the document of dissolution. This shall be the formal dissolution of the covenant that had existed between us in your eyes, and in the eyes of God and all people.”

The person giving the document shall then place it in the hands of his/her partner. Where mutual hafarot are contemplated, each should present the hafarah they have prepared to the other. Where no exchange is contemplated, a copy should be sent to the absent partner. While no rabbinic presence is necessary to effectuate this dissolution, the separating partners may wish to do so before their rabbi. In that case, the rabbi might serve as one of the witnesses to the hafarah and issue each of them, as well, a letter attesting to the performance of the ritual in his or her presence. In all cases the second copy should be sent to the Registry of Dissolutions of the Rabbinical Assembly, 3080 Broadway, NY, NY 10027, along with a copy of the Brit Ahuvim/Ahuvot if it is available or a statement of the date and place in which the Brit Ahuvim/Ahuvot was entered into, and the officiant thereof. Because of the significance of these documents, all mail (paper or electronic) should be registered, return receipt requested. The third copy should be retained by the principal.