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Getting to Yes

Rethinking *Kiddushin*: A New Path for Uniting Loving Couples

by

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1. Introduction

1.1. Interfaith as a communal and institutional challenge

This is an examination of the concept of interfaith marriage¹, the challenges it introduces to the halakhic, or Jewish legal, concept of *Kiddushin* (Jewish betrothal) and the changes it brings to the “traditional theory of Jewish marriage”² and to the worldwide Jewish community today. Interfaith marriage seems as ancient as the institution of marriage itself, and from the stories of the Patriarchs and Matriarchs in Genesis to the Books of Esther and Ruth and to Ezra and Nehemiah, the Hebrew Bible provides numerous references to the practice, albeit not always welcomed, of an early version of interfaith marriage. As the Mishnah, Talmud and the later halakhic body of legal thought have defined and further shaped, developed, and occasionally altered the concept of *kiddushin*, the question of marriage between Jews and non-Jewish partners has come to the attention of rabbis and, in later generations, academic scholars, who addressed them in responsa or *teshuvot*, reflecting various schools of thought in the Jewish world throughout the generations.

¹ For the purposes of this paper, when I refer to interfaith marriage, I mean a marriage between a Jewish and a non-Jewish partner.

² Greenstein – pp.1

My focus goes beyond the academic and rabbinic understandings of the act of *kiddushin*. I will explore halakhic methodologies used presently and present detailed applications of these methodologies that can be helpful in bringing solutions and benefitting interfaith couples and their families who want to have a wedding that embraces Jewish tradition yet is inclusive and sensitive to the needs of the non-Jewish partner and their family.

I will also examine the issues of interfaith marriage and how they affect the Jewish community on a demographic basis. Working with interfaith couples and families has proven to be a challenge for the various Jewish religious movements. There is much angst and trepidation when it comes to working with this familial demographic and each movement has its own way to address these challenges.

As much as it is an important issue, it is also a highly sensitive one, and in some circles, not all Orthodox, the mere notion of bringing interfaith (Jewish and non-Jewish) partners under the *huppah*, the Jewish marriage canopy, would be considered blasphemous. But as discussed below, interfaith marriage is a reality in the Jewish community in the United States – and albeit to a different degree, elsewhere as well — with survey data showing that more than half of young Jews are marrying non-Jewish spouses and that a majority among American Jews support a Jewish institutional solution to interfaith marriage. My own journey therefore clearly reflects a communal trajectory and evolving trends in the wider modern Jewish community. Controversial and innovative as some of those ideas may still seem to some, clearly many in progressive Jewish movements and organizations have increasingly come to embrace change and have grown more comfortable with reexamining the way we observe our Jewishness.

The challenge of interfaith marriage is central in its significance and complexity, as it concerns the very basic unit of the Jewish family and thus it relates personal identity with the future of the community. It would hardly be an exaggeration to say that it is one in a series of key questions concerning the meaning of Jewish life and Jewish continuity, questions that have deeply and increasingly engaged the modern Jewish community for well over sixty years, forcing our institutions to come to grips with the changes in society and to attempt innovative approaches to

address needs and demands that cannot be put aside. Perhaps the most prominent among those questions has been how to engage theologically and institutionally with those who identify as LGBTQ and seek acceptance from the community and a deeper relationship with their Jewish faith. The speed and scope of engagement with the LGBTQ question within the Jewish world provides a framework to address the challenges of interfaith relationships: how to work with couples in an interfaith relationship and what can be done to make them and their families and children feel more comfortable in our synagogues, and how to better engage with our own congregations as lay leaders and clergy given a changing demographic landscape, and finally, what tools we may bring to the table to work on these issues in a pluralistic manner, yet guided by *halakhah*.

1.2. Personal journey to acceptance

This project has a personal import, charting my own personal journey and how I have come to a new understanding of Jewish marriage and *kiddushin*, as well as the changes I would like to incorporate in my own practice as a rabbi. In the past few years, I have realized that along with demographic and theological changes in the Jewish community over the past 30 years, I personally and theologically have changed and evolved as well, and just as the transition in the community has not been smooth nor easy, my own transition has been challenging, leaving many questions still unanswered. But my personal guiding philosophy, my *hashkafah*, has allowed me to better understand the dynamic motion of the halakhic process. The personal dimension of this work allows me to explore the changes that I have experienced and to apply what I have learned in my research over many years.

I admit I come to this writing from a place of real discomfort. I grew up understanding that interfaith marriage is something that was just not done. In my youth, my father would have sat *shiva* (mourned) for me had I married anyone who was not Jewish. And my father's seemingly harsh attitude was hardly exceptional among people of the previous generations, deeply concerned for Jewish continuity under the ever-growing existential threat of intermarriage in an assimilated society.

Not only would I not marry outside the faith, but up until the past few years, I would not even entertain the idea of officiating an interfaith marriage, nor would I ever condone it. But the broader changes in the community have caught up with me personally, and through my deeper understanding of *halakhah*, Jewish history and the development of rabbinic Judaism, as well as a clearer and better understanding of my own spiritual issues, I have slowly come to see that, both biblically and historically, the Jewish community has always had to engage with the concept of intermarriage. The changing world dynamic and environment in the modern Jewish world have allowed me to see the issues that face the Jewish community in a different light. My personal and spiritual understanding of interfaith marriage has changed dramatically and continues to evolve.

The changes in my understanding came as I engaged full time with Jewish communal work. As I began to work with people in the LGBTQ community, those who identify as non-religious cultural Jews, and with many interfaith family units within synagogue *kehillot* (communities), I have come to question my previously held assumptions. These assumptions inculcated in me from childhood about the threat to Jewish continuity from intermarriage, I now see as an extraordinary opportunity to build an even stronger *havurah*, a grouping of like-minded people, that can become a diverse and engaged multi-generational Jewish community. The more families I got to know on a personal level, the more I became convinced that there is a new dynamic at play. We, as clergy and lay leaders, have got to do something to keep those who are considered the other, engaged and part of the greater community. For myself, I had to come to grips with the fact that interfaith marriage is a reality and that making my sacred spaces open and available to all is what I do as a clergy person and what I believe our faith communities must strive for.

Herein, I describe my journey, my findings, my ideas about the issues at hand, and finally how I come to grips with bringing together *reim ahuvim*, loving couples, be it those belonging to the LGBTQ community or those intending to form interfaith families, in a religiously based ritual that has its roots in *halakhah*. I will also examine different processes and rituals culminating in a ritual of my own design.

2. The Changing Face of Jewish Marriage

2.1. Marriage and the Concept of *Kiddushin*

The halakhic concept of Jewish marriage is first codified in the *Mishnah*. In Tractate or *Masekhet Kiddushin*, we learn that a woman is acquired for betrothal in three ways and is able to acquire herself, i.e., to dissolve the marriage, in two ways. This definition of Jewish marriage, as Professor Michael Satlow points out in *Jewish Marriage in Antiquity* is gendered and transactional: It contrasts significantly with our modern concept of marriage as a public acknowledgement of the private commitment of two individuals with the intention of creating a bond and a family. It is worth noting that already the first *mishnah* connects the idea of establishing the relationship with the circumstances of its dissolution.

The rabbis instituted a separation between two stages in marriage, *kiddushin* (קידושין from the Hebrew root קד"ש, to mark that the woman is distinguished or dedicated for the man) and *nissuin* (נישואין, from the Hebrew root נש"א), where the first stage amounts to a mutual commitment of husband and wife and the second marks the full consummation of the relationship with the couple living together. The time period separating the two stages seems to have originally lasted a year but already in the Middle Ages had diminished to mere minutes. Indeed, the *Mishnah* denotes betrothal by *kiddushin*, while in the Bible the terms most often employed are derived from the Hebrew root *a-r-s* (in Biblical Hebrew usually the root אר"ש that in post Biblical Hebrew mostly appears as אר"ס, with similar or close derivatives in other ancient semitic languages; in modern Hebrew, the term denotes engagement but one which is relatively noncommittal legally). Although *kiddushin* and *nissuin* are closely related and in modern traditional ceremonies occur one after the other, they are 2 separate parts. *Kiddushin* refers to the formalized legal status of the marriage with all its halakhic implications that affect the status of the woman.³ The *nissuin* section of the wedding ceremony actualizes the union and the loving couple begin their life together.

³ During the *kiddushin* stage of marriage, the betrothed woman takes on the status of a married woman and the laws of adultery apply.

The differences between the Biblical and Mishnaic conceptions of *kiddushin* raise questions about the nature and evolution of prevailing practices among ancient Jewish populations throughout the generations. Moreover, it is hardly straightforward to deduce from the *Mishnah*'s prescriptions the extent to which the *Mishnaic* guidelines were adhered to in practice across all sections of Jewish society.

There are of course many questions that arise regarding *kiddushin*. What are the issues raised when only thinking through the *kiddushin* lens in a modern setting? Is *kiddushin* the only way to create a partnership between loving individuals within a Jewish context? Are there other *halakhic* pathways that allow *re'im ahuvim* to live in a binding relationship? Is it time to replace *kiddushin* with other, less problematic ways to join a loving couple in marriage?

With these important questions in mind, I will examine the history of *kiddushin* and how it has evolved since Biblical times, using present-day examples of *halakhic* thinkers who have influenced our perspective on marriage. With the understanding that *kiddushin* in a rabbinic sense has shortcomings which impact the lives of same-sex couples, interfaith couples, and others, I will offer an alternative commitment ritual that will sanctify a loving partnership based on a *halakhic* framework, which may be used in both *halakhic* and *non-halakhic* unions. I will also document how I reached my understanding of this complex issue, guided by *halakhah* and a deeper understanding of the Jewish community and how I fit into it at this point in my life.

2.2. The Ritual of Marriage

Interfaith marriage has been a reality of Jewish existence and a concern of Jewish law from time immemorial. Furthermore, the attempt to extrapolate the concept of intermarriage or the prohibition thereof back to the Biblical Israelites is fraught with challenges. To cite just one notable example, we know little about the marriage of Avram and Sarai: The Torah does not specify how they met, let alone what ritual, if any, concretized their relationship. “The details about marriage in the Hebrew Bible are sparse and we lack the specifics regarding marriage in biblical times,” argues Rabbi Pamela Barmash,⁴ referring to the uncertainty in our knowledge

⁴ Egalitarian *Kiddushin* and Ketubbah, CJLS E.H.27:6.2020, p. 5.

about marriage. She adds that we do not know the legal formalities through which marriage was actualized, nor do we know what was included in marriage agreements in ancient Israel.⁵

But it would be wrong to conclude from the textual silence regarding marriage rituals and contractual commitments that those are simply much newer, modern inventions. In fact, ancient contemporary cultures already had instituted marriage. In Barmash's words:

However, we do have evidence for marriage contracts from the dominant culture in biblical times, Mesopotamia, a culture whose influence may be felt in practically every chapter of the Hebrew Bible and perhaps even more deeply in rabbinic law.⁶

Another approach is to approximate the biblical marriage conception from the practices in nearby contemporary societies. For instance, one may reason that the marriage between Avram and Sarai likely followed the prevailing traditions of ancient Mesopotamia. Taking this methodological approach, Satlow says:

In the Hebrew Bible, betrothal had legal consequences. From the time at which the betrothal was formally concluded (probably with the payment of a *mohar*, or bride-price), the betrothed woman was considered, in some respects, to be married. Babylonian and other ancient legal systems ascribe a similar force to betrothal, which Driver and Miles have called "inchoate marriage." The wedding itself, and the transfer of the bride from her father's to her husband's house, legally "completed" marriage and put into effect a wider range of marital regulations. Although the Hebrew Bible is nearly silent about betrothal customs and practices, it appears that there could be some delay between betrothal and the wedding, during which time the bride, if married for the first time, would live in her father's house and be subject to his authority, but would also be considered a married woman.⁷

⁵ Ibid.

⁶ Ibid.

⁷ Satlow, p. 69.

This is to say that although we can infer some general indication of what might have been biblical traditions, it is hard to deduce any specific ritualistic guidelines from the text, and therefore we must look elsewhere. Post-biblical Rabbinic Judaism is considerably more informative and systematic about marriage and betrothal.

Our relative ignorance about biblical marriage is replaced with very detailed prescriptions in the transition to rabbinic marriage. From the very first *mishnah* of *Masekhet Kiddushin*, the contractual significance, conditions and obligations are prescribed in minute detail. Consider *Kiddushin* 1:1⁸:

הָאִשָּׁה נִקְנִית בְּשָׁלֹשׁ דְּרָכִים, וְקוֹנֶה אֶת עַצְמָהּ בְּשְׁתֵּי דְרָכִים. נִקְנִית בְּכֶסֶף, בְּשֵׁטֶר, וּבְבִיאָהּ. בְּכֶסֶף, בֵּית שַׁמַּי אוֹמְרִים, בְּדִינָר וּבְשֵׁנֶה דִינָר. וּבֵית הַלֵּל אוֹמְרִים, בְּפְרוּטָה וּבְשֵׁנֶה פְרוּטָה. וְכַמָּה הִיא פְרוּטָה, אֶחָד מִשְׁמֹנֶה בְּאֶסֶר הָאִיטְלָקִי. וְקוֹנֶה אֶת עַצְמָהּ בְּגַט וּבְמִיתַת הַבָּעַל. הִיבְמָה נִקְנִית בְּבִיאָהּ. וְקוֹנֶה אֶת עַצְמָהּ בְּחִלְצָה וּבְמִיתַת הַיָּבָם:

A woman is acquired in three ways and acquires herself in two: She is acquired by money, by document, or by intercourse. “By money”: Bet Shammai says: a denar or the equivalent of a denar; Bet Hillel says: a *perutah* or the equivalent of a *perutah*. And how much is a *perutah*? An eighth of an Italian *issar*. And she acquires herself by divorce or by her husband's death. A *yevamah*⁹ is acquired by intercourse. And she acquires herself by *halitzah* or by the *yavam*'s death.

In a detailed *teshuvah*, or responsum, that was approved by the Rabbinical Assembly of the Conservative Movement in 2020, Rabbi Gail Labovitz, a professor at the Ziegler School of Rabbinic Studies and a prominent feminist scholar, carves egalitarian paths for halakhic marriage in the rabbinical historical highly gendered landscape.¹⁰

⁸ Note that all Biblical, Mishnaic and Talmudic sources and their translations come from sefaria.org. For Biblical text I use the, *Tanakh: The Holy Scriptures*, by JPS; Talmud, The William Davidson Edition (Steinsaltz); and *Mishnah*, the Mishnah Yomit by Dr. Joshua Kulp.

⁹ הַיָּבָמָה (b. h.; v. יָבָם) *sister-in-law*, esp. *y'vamah, the widow of a brother who died without issue*. Yeb. IV, 10 לא הי' לא וי' widow must be neither discharged nor married before three months after her husband's death. [Jastrow Dictionary]

¹⁰ Labovitz, Gail, “[With Righteousness and With Justice. With Goodness and With Mercy: Options for Egalitarian Marriage Within Halakhah](#),” (2000), published as decision CJLS EH 27:1.2020.

Labovitz acknowledges the non-egalitarian origin of *kiddushin* is a situation where the groom is actively participating in an act of taking, in a sense acquiring, the bride. It is the man who makes the pronouncement to the woman, “Behold, you are *m’kudeshet*, (set aside) to me,” thereby altering her legal status and betrothing her to himself. Henceforth, the woman is considered to be in an exclusive relationship with the groom and is forbidden sexually to any other man. Yet this relationship was clearly asymmetric, given that the man does not bear a similar commitment of exclusivity to the woman (it was only by the decree issued by Rabbi Gershom in the Middle Ages that polygamy was forbidden in the Askenazi world). But it is a mistake to conclude that the woman has a mere passive role. As Labovitz points out: “This is not to say that the will and intent of the woman is immaterial.”

Already in its discussion of the very first *mishnah* of *Kiddushin*, the Babylonian Talmud, *Kiddushin* 2a-b, makes clear that the woman’s consent is necessary. But Labovitz qualifies the importance of the traditional role of the woman, “her consent, however, need only be indicated passively, through her acceptance of the item of value, or document that affects *kiddushin*.”¹¹

Another issue that Labovitz raises is that *kiddushin* is unilateral in nature, meaning that it is based on the man’s action, and so too is the legal nature of divorce (*gittin*). Since *kiddushin* is considered a unilateral form of acquisition (note the *mishnah* above) it is up to the acquirer (the groom) to “relinquish his acquisition.” *Kiddushin* and *gittin* (halakhic divorce) are both unilateral acts. When a husband presents his (soon to be ex-) wife with a *get* (a halakhic divorce document), this act reverses what had been enacted by the previous act of *kiddushin*: “Behold, you are permitted to any man”. This divorce is affected by the man via his free will and consent.¹² The ensuing problem of the *agunah*, a woman trapped in a marriage because either her husband was unable to give her a *get* because of illness, or his whereabouts were unknown, was well known since rabbinic times. Neither the woman nor the rabbinic court could obviate this status and enforce a *get* without the husband’s consent. Modern times have also associated the term *agunah* with a one-sided legal tactic: the husband could withhold the *get* as a matter of spite or extortion, disallowing the woman to remarry or even have another relationship. In some

¹¹ Ibid.

¹² See Mishnah Yev. 14:1

circumstances, this unfortunate situation could motivate a despairing woman to find recourse outside *halakhah*, risking complications of halakhic adultery and possible *mamzerut* (a child born from a forbidden relationship).

These same issues that were a problem for a male and female couple, were discussed as problematic for same sex marriage by Rabbis Dorff, Nevins and Reisner, arguing that the act of *kiddushin* becomes problematic precisely because of the “unidirectional” (and gendered) nature of this methodology and the possible suffering in a divorce and presentation of a *get*.¹³

The traditional concept of *kiddushin*, in Labovitz’s words, “presents a challenge to those seeking a more egalitarian expression of Jewish law and ritual, both in a practical way... and on a more foundational level in that marriage by a unilateral act and metaphors of ownership is not a model that can comfortably fit with a modern understanding of marriage as a partnership of equals.”¹⁴ It is clearly a challenge to square the traditional concept of marriage with our expectations of egalitarian relationships and rituals, not to mention accommodating same-sex marriage within a Jewish framework. Those who are affected by these challenges and are *halakhically* informed are forced to find alternatives, based on *halakhah* that will do away with these issues, and so to find ways to bring together *re'im ahuvim*, interfaith couples among them, together in a holy union that is not *kiddushin*.

2.3. Intermarriage in the Bible

Marriage has been an institution well before the codification of *kiddushin* in Jewish law. Throughout the Bible there are many stories and references to marriage, though this very concept may be an anachronism. A term commonly employed in the Torah is *lakah*, to take or acquire, and is often used in terms of taking a wife, *lakahat ishah*, and yet no specific ceremony or ritual seems to be alluded to by this term.

¹³ See Dorff, Nevins, Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples” CJLS EH 24.2012a

¹⁴ Labovitz (2020), p. 7

In the Book of Genesis, we learn that Sarai was simply Abram's wife, and we can piece together a certain surrounding that characterizes their circles. In Gen.12:5 we read:

וַיִּקַּח אַבְרָם אֶת-שָׂרַי אִשְׁתּוֹ וְאֶת-לוֹט בֶּן-אָחִיו, וְאֶת-כָּל-רְכוּשָׁם אֲשֶׁר רָכְשׁוּ, וְאֶת-הַנֶּפֶשׁ, אֲשֶׁר-עָשׂוּ בְּחָרָן; וַיָּבֹאוּ, לְלֶכֶת אֶרְצָה כְּנָעַן, וַיָּבֹאוּ, אֶרְצָה כְּנָעַן.

Abram took his wife Sarai and his brother's son Lot, and all the wealth that they had amassed, and the persons that they had acquired in Haran; and they set out for the land of Canaan. When they arrived in the land of Canaan.

Who were these "persons" mentioned in the text? Were they employees of the House of Avram and Sarai, or were they, as later rabbis interpreting the text pointed out, people who chose to follow the path of monotheism blazed by Avram and Sarai? There does not seem to be any clear answer in the Torah regarding their status, although the rabbis of the *midrash* suggested they were all converts.¹⁵ Understandably post-biblical interpreters employed a strategy of explaining away interfaith and other mixing among the early biblical protagonists. Importantly, the very fact that the rabbis engaged time and again with explaining away biblical conduct is in itself an indicator of the discrepancies between key biblical texts and rabbinic concepts of marriage codified many generations afterwards. One important conclusion is that very early in the Torah, some interfaith mixing of traditions and people is described, nonchalantly, and seemingly without judgment.

Much of the Book of Genesis is dedicated to recounting the story of a family, and, not surprisingly, the choice of a proper bride for the male protagonist is a major concern in the Patriarchs' stories. In Genesis 24:3, Abraham, now "advanced in years," instructs his household servant Eliezer

וְאֶשְׁבִּיעֶךָ בַּיהוָה אֱלֹהֵי הַשָּׁמַיִם וְאֱלֹהֵי הָאָרֶץ אֲשֶׁר לֹא-תִקַּח אִשָּׁה לְבְנֵי מִכְנֹת הַכְּנַעֲנִי אֲשֶׁר אָנֹכִי יוֹשֵׁב בְּקִרְבּוֹ:
and I will make you swear by the Lord, the God of heaven and the God of the earth, that you will not take a wife for my son from the daughters of the Canaanites among whom I dwell,

¹⁵ Rashi and Ibn Ezra cite B'reishit Rabbah 39:14 which speaks of Avram and Sarai converting the persons in their company.

But the real priorities behind this seemingly no-intermarriage instruction are quickly revealed in the verses that follow, 4-9:

כי אל־ארצי ואל־מולדתי תלך ולקחת אשה לבני ליצחק:

but will go to the land of my birth and get a wife for my son Isaac.”

ויאמר אליו העבד אולי לא־תאבה האשה ללכת אחרי אל־הארץ הזאת הֲשָׁב אָשִׁיב אֶת־בְּנֶךָ אֶל־הָאָרֶץ אֲשֶׁר־יָצָאתָ מִשָּׁם:

And the servant said to him, “What if the woman does not consent to follow me to this land, shall I then take your son back to the land from which you came?”

ויאמר אליו אברהם השׁמֵר לך פֶּן־תָּשִׁיב אֶת־בְּנִי שָׁמָּה:

Abraham answered him, “On no account must you take my son back there!

ה' אֱ־לֹהֵי הַשָּׁמַיִם אֲשֶׁר לָקַחְנִי מִבֵּית אָבִי וּמֵאֶרֶץ מוֹלַדְתִּי וְאֲשֶׁר דִּבְרָ־לִי וְאֲשֶׁר נִשְׁבַּע־לִי לֵאמֹר לְנֹרְעָה אֶתֶּן אֶת־הָאָרֶץ הַזֹּאת הוּא יִשְׁלַח מַלְאָכָו לִפְנֵיךָ וְלָקַחְתָּ אִשָּׁה לְבְנִי מִשָּׁם:

The Lord, the God of heaven—who took me from my father’s house and from my native land, who promised me on oath, saying, ‘I will assign this land to your offspring’—will send a messenger before you, and you will get a wife for my son from there.

וְאִם־לֹא תֵאבְדָה הָאִשָּׁה לְלָכֶת אַחֲרַי וְנִקִּיתָ מִשְׁבַּעַתִּי זֹאת רַק אֶת־בְּנִי לֹא תָשִׁיב שָׁמָּה:

And if the woman does not consent to follow you, you shall then be clear of this oath to me; but do not take my son back there.”

וַיִּשָׂם הָעֶבֶד אֶת־יָדוֹ תַּחַת יָרֵךְ אֲבִרָהִם אֲדֹנָיו וַיִּשְׁבַּע לוֹ עַל־הַדָּבָר הַזֶּה:

So the servant put his hand under the thigh of his master Abraham and swore to him as bidden.

Abraham clearly exhibits a double concern: setting up his offspring in his location while fending off possible diluting and distracting idolatrous influences to permeate from a new wife. Both concerns act to preserve the new distinct religious identity in the new land, toward the realization of God's promise. Abraham's own marriage with his own blood relative Sarah makes evident the expectation that a woman hailing from one's native land and own family is the safest bet to maintain identity.

The prohibition against intermarriage to emerge from this text feels utilitarian, and is removed from the future legalistic formulations, yet it fits the tribal and familial character of the early biblical stories. The tribal understanding of intermarriage is rather consistent in the early Biblical stories, and is evident again, for instance, in ill feelings towards Esav's wife who was a Hittite.

The familial-tribal nature of marriage continues in the next generation. Like his father before him, now Yitzhak instructs his son Ya'akov, not to take a Canaanite wife, and sends him to his brother-in-law Lavan (Rivka's brother). The stolen idol story (Gen. 31) illustrates the differences in faith and rituals between Ya'akov and Lavan's household. In his commentary, Rashi suggests that Rachel stole the idols (Gen. 31:19) so as to separate her father from *avodah zarah* (idolatry) and, referencing B'reishit Rabbah (74:5), as a proof text. But this also raises the possibility that Rachel would have wanted the idols for her personal use as this was her own tradition as a child. The conclusion is that marriage between families of different rituals and beliefs was not inconceivable in the generation of the patriarchs and matriarchs, as expected in the overall tribal landscape portrayed in Genesis.

In the stories of Ya'akov's children, there is no concern shown for any intermarriage and both Judah and Simeon even take Canaanite women as wives; yet, when Dina is taken (raped) by Sh'khem the son of Hamor in Gen. 34, Ya'akov's sons are outraged. Hamor tells them that his son wants to marry Dina and they should come and marry, i.e., intermarry, with them. The sons tell Hamor that they cannot allow their sister to be married to a man who is not circumcised for it is a disgrace. They demand that all their men get circumcised and after three days, when they were all healing and in pain, Simeon and Levi took their swords and killed all the men of the town.

Yosef married an Egyptian woman (chosen for him by Pharaoh) and even Moshe Rabbenu married a woman who was the daughter of a Midianite priest. But in B'midbar 12:1-13, the Torah recounts the story of Aaron and Miriam speaking out against Tzipora, Moshe's wife. Miriam was punished with tzara'at (a skin ailment), and Moshe pleaded with God to heal her, yet she had to stay outside the camp for seven days. Time and again, we find there is intermarriage in the Pentateuch, yet there is tension when it comes to that issue. An interesting side note to all the above is that all children receive their lineage from their father, thus showing us that patrilineal descent was favored.

The prohibition on intermarriage with the Seven Canaanite Nations, in Deuteronomy 7:1-4 is expressed in a tribal language not very different from the language of the instruction of Abraham. It is set as one in a series of anti-assimilation steps with the expressed intention of consolidating the settlement of the Promised Land and the newcomer Israelites' autonomy of worship.

כִּי יִבְיָאֶה ה' אֱלֹהֶיךָ אֶל־הָאָרֶץ אֲשֶׁר־אַתָּה בֹא־שָׁמָּה לְרִשְׁתָּהּ וְנָשַׁל גּוֹיִם־רַבִּים מִפְּנֵיךָ הַחַתִּי וְהַגְּרִגְשִׁי וְהָאֱמֹרִי וְהַכְּנַעֲנִי וְהַפְּרִזִּי וְהַחִוִּי וְהַיְבוּסִי שִׁבְעָה גּוֹיִם רַבִּים וְעַצוּמִים מִמֶּנּוּ:

When the Lord your God brings you to the land that you are about to enter and possess, and [God] dislodges many nations before you—the Hittites, Girgashites, Amorites, Canaanites, Perizzites, Hivites, and Jebusites, seven nations much larger than you—

וַיִּנְתְּנֵם ה' אֱלֹהֶיךָ לְפָנֶיךָ וְהִפִּיתָם הַחַרְם תַּחַרְיֵם אֹתָם לֹא־תִכְרַת לָהֶם בְּרִית וְלֹא תִחַנְּנֵם:

and the Lord your God delivers them to you and you defeat them, you must doom them to destruction: grant them no terms and give them no quarter.

וְלֹא תִתְּנֶנּוּ בָּם בְּרִית לֹא־תִתְּנוּ לָבָנוּ וּבְהוֹ לֹא־תִקַּח לְבָנֵיכֶם:

You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons.

כִּי־יִסֹר אֶת־בְּנֵיךָ מֵאֲחֹרֵי וְעַבְדוּ אֱלֹהִים אֲחֵרִים וְתָרָה אֶפְיֵהוּ בְּכֶם וְהִשְׁמִידְךָ מִקֶּרֶב:

For they will turn your children away from Me to worship other gods, and the Lord's anger will blaze forth against you, promptly wiping you out.

This understanding of intermarriage seemed to have little changed in *Nevi'im* (The Prophets), recounting the developments taking place during the kingdoms and first Temple. It seemed to have been a rather common practice among the elite, though not unproblematic as it is often acknowledged as a possible source of bad influences, introducing adultery into the very heart of the king's household. Even the founders of the most prestigious royal dynasty, namely David and Shlomo, are implicated. In the famous triangle of David and Bat Sheva, Uria was not an Israelite, yet this status does not diminish from the grievance committed against him by the king. Shlomo marrying the daughter of the Egyptian Pharaoh is clearly a political and diplomatic act that is part of the kingdom-building intentions of an ambitious ruler. There is a clear tension between a practice that is frowned upon yet common even among the more righteous rulers. The tension is evident in the text (I Kings, 11: 1-4) that discusses in length about Shlomo's relationships with foreign women.

וְהַמֶּלֶךְ שְׁלֹמֹה אָהַב נָשִׁים נְכָרִיּוֹת רַבּוֹת וְאֵת-בַּת-פַּרְעֹה מוֹאָבִיּוֹת עַמֻּנִיּוֹת אֲדָמִית צִדְנִית חִתִּית:

King Solomon loved many foreign women in addition to Pharaoh's daughter—Moabite, Ammonite, Edomite, Phoenician, and Hittite women,

מִן-הַגּוֹיִם אֲשֶׁר אָמַר-ה' אֶל-בְּנֵי יִשְׂרָאֵל לֹא-תִבְאוּ בָהֶם וְהֵם לֹא-יָבֹאוּ בָכֶם אֲכֹן וַיְטוּ אֶת-לִבְבְּכֶם אַחֲרֵי אֱלֹהֵיהֶם כִּי הֵם דָּבַק שְׁלֹמֹה לְאִהָבָה:

from the nations of which the LORD had said to the Israelites, "None of you shall join them and none of them shall join you, lest they turn your heart away to follow their gods." Such Solomon clung to and loved.

וַיְהִי-לּוֹ נָשִׁים שִׁבְעַת מֵאוֹת וּפְלִגְשִׁים שְׁלֹשׁ מֵאוֹת וַיְטוּ נַפְשׁוֹ אֶת-לִבּוֹ:

He had seven hundred royal wives and three hundred concubines; and his wives turned his heart away.

וַיְהִי לֵעַת זָקֵנָה שְׁלֹמֹה נַפְשׁוֹ הֵטוּ אֶת-לִבְבוֹ אַחֲרֵי אֱלֹהִים אַחֲרִים וְלֹא-הָיָה לְכַבֹּד שְׁלֹמֹה עִם-ה' אֶל-לֵהָיו כְּלָבֵב דָּוִד אָבִיו:

In his old age, his wives turned away Solomon's heart after other gods, and he was not as wholeheartedly devoted to the LORD his God as his father David had been.

In *Ketuvim* (The Writings), we again find examples of how hard it is to reconcile later conceptions of intermarriage with the pre-Mishnaic ones. Consider two narratives with female protagonists and a focus on what we (though not the Biblical authors) may call intermarriage. The Book of Ruth places intermarriage at the center stage, between Israelite men (the sons of Naomi and Avimelekh) and the non-Israelite women Ruth and Orpah who are not only foreigners but hailed from the Moabite tribe whose members (alongside the Ammonites) were explicitly banned in Deut. 23:4 to mingle with the Israelites.

The other biblical story, the Book of Esther, flips some of the social and political context of Ruth. In Esther, it is the woman who is Jewish¹⁶ (unique in the *Megillat Esther*, *Jewish* and not *Judean*), and the man, the powerful king, who is not. The power relations are reversed as well. In the Book of Ruth, Ruth, the Moabite woman, is a newcomer in Bethlehem where power, status and norms are clearly Israelite. In the Book of Esther, the Jews are a minority group in the capital city and the other domains of an all-encompassing empire, and their fortunes are determined by and changed according to the whims of a king. Yet both stories share a core principle: a clear nontribal relationship as the linchpin of the narrative. Moreover, in both these stories, the interfaith relationship is accorded a historical significance that exceeds that of its locale and is important to the overall history of the Jewish people. The Book of Ruth ends with the establishment of a lineage to King David, i.e., to the divinely selected royal dynasty; the Book of Esther, ends with the delivery of the Jews from a complete disaster.

¹⁶ Note that *Megillat Esther* speaks of Mordecai as an *ish yedudi*, a Jewish man, and that Haman was trying to do away with the *yehudim*. In his essay, *Jewish Not Judean: The Diaspora in the Book of Esther*, Ophir Yarden makes the point that the *yehudim* in Persia were not Judean, but rather Jews. He says, "Although Judea is one of the provinces of the multicultural empire of Persia, the book of Esther never mentions it. Rather, it grapples with the precarious position of Jews scattered throughout Persia, outside their ancestral homeland, and who stand out among the non-Jews in their insistence on keeping to their cultural rules and norms."

<https://www.thetorah.com/article/jewish-not-judean-the-diaspora-in-the-book-of-esther>

The case of Ruth suggests a criterion for interfaith marriage: the adoption of the Jewish faith by the non-Jewish partner.

ותאמר רות אל-תפגעני-בי, לעזבך לשוב מאחריך: כי אל-אשר תלכי אלה, ובאשר תליני אליו--עמך עמי, ואלהיך אלהי.

But Ruth replied (Ruth 1:16), “Do not urge me to leave you, to turn back and not follow you. For wherever you go, I will go; wherever you lodge, I will lodge; your people shall be my people, and your God my God.”

Indeed, the verse has been widely cited as a text source as well as inspiration for conversion. The rabbis of the Midrash and the Talmud seemed convinced of the conversion language in these verses, and in modern times, various movements use the verses Ruth 1:16 -17 in the present-day conversion process.¹⁷ Seeing the words of Ruth as conversion allows our Sages to be able to explain away the intermarriage and assert that Ruth having converted was in fact Jewish. A similar rationale enables the rabbis to explain away the uncomfortable doubts about our foremothers as well. Although the Jewish Bible is full of examples of intermarriage between different cultures, the rabbis needed to keep the community away from the influences of the outside world, and so they chose a more insular path.

The question then arises, does this mean the Jewish Bible and Judaism in general, accept intermarriage? As I pointed above, it's complicated. In the earlier verses, we see the Bible itself speaks to tribal segregation in certain cases, but even those rules were broken in many instances. The rabbis of the midrash and commentaries all point to conversion as the remedy to this intermarriage, but it seems the conversion process was nothing more than following a leader (see Avram and Sarai – Gen. 12:1) or just pronouncing one's allegiance to the God of Israel (in the case of Naomi and Ruth). For the male converts, there is circumcision. These forms of *geirut* (conversion) add a new dynamic and a new level of complexity to our issue. Who exactly is Jewish, and who can marry whom? Who can join Klal Yisrael, and who is forbidden? And finally, what would happen if one does intermarry?¹⁸

¹⁷ See Morah Derekh, The Rabbinical Assembly Rabbi's Manual, The Rabbinical Assembly, 1998, New York, NY. p. 24

Also see L'chol Z'man V'eit, CCAR Life Cycle Guide, Chapter III (Conversion). Opening page begins with Ruth 1:16, p. 8.

¹⁸ It is important to note that up to this point I point to Biblical examples of intermarriage, yet today, we are rabbinic rather than Biblical Jews. We will examine the rabbinic attitudes later in this essay.

As mentioned above, Deuteronomy 7:1- 4, describes the moment when the Israelite Nation is preparing to cross the Jordan River as they enter the Promised Land and Moshe is addressing the Israelites, presumably in God's name. There is a very clear prohibition against intermarrying with the seven Canaanite nations (or tribes), but these verses even go so far as to tell the Israelites to completely obliterate these (7) nations from the face of the earth, because they will turn your sons and daughters towards idolatry and away from following God. Additionally, the next verse, five, describes how we should destroy their alters, statues, pillars and burn their images. Verse six adds that we (the Israelites) are a holy and chosen people, thus making the prohibition not only about idolatry, but about a holiness covenant between God and the Israelites. I again stress that these verses look more territorial and tribal in nature, as it clarifies and expands the original prohibition in B'reishit. The final verse by Moshe works to reenforce the original rule by adding a holiness clause.

Chapter 23 of Deuteronomy describes those who may or may not be included in the assembly of God. Verse four specifically speaks again about the Ammonite and the Moabite (see Ruth) who shall never be admitted to the assembly of God, even after the tenth generation. Again, in my understanding, this still speaks to a tribal prohibition because they did not help the Israelites when they left Egypt and furthermore hired Balaam to curse the Israelite Nation.

2.4. The concept of *Ger*

The concept of *ger* in the Torah provides us with another perspective to address the issue of interfaith relationships. The *mitzvah* to be mindful of the *ger* is a central principle in Jewish law.

BT Bava Metzia 59b stresses the importance of this *mitzvah* and teaches that according to Rabbi Eliezer the Great the "Torah warns us 36 times, and some say 46 times, not to oppress the stranger" (*ger*). Among the many instances in the *mitzvah* is mentioned in the Torah, Deut. 10:18-19 and 11:1 speak to how we are to love the stranger and how God loves the *ger*. Further on Deut. 29: 9 – 11, once again describes how the *ger* will enter into the covenant of the Lord, your God.

Rabbinically, the term *ger* is used for one who converts (a proselyte) to Judaism going through the prescribed process of mikvah and for men, circumcision. The word itself is Biblically derived, but is this what the Torah means when it speaks of the *ger*?

The Torah speaks many times about the *ger* (pl. *gerim*), a noun from the verb *gur*, “to dwell”; thus, the *ger* is literally “a dweller.” But defining exactly what kind of person the Torah means by this term is difficult, and assorted passages understand this term differently.¹⁹

Professor Rosen-Zvi points out that the *ger* of Deuteronomy is defined as a “foreigner living among Israelites. These *gerim* are vulnerable socially and economically and must, therefore, be assisted.”²⁰ He says that this is clearly illustrated in the Deuteronomic tithing laws.²¹ The *ger* in Deuteronomy appears alongside of widows, orphans and at times the Levite, who is considered a “landless downtrodden individual”.

Professor Rosen-Zvi continues by describing other types of *gerim* (plural of *ger*). There are *gerim* who are “Israelites living among non-Israelites”,²² and those *gerim* who were “vulnerable non-Israelites living among Israelites”. These were *gerim* who lived on Israelite land and were vulnerable to those who might prey upon them like animals, but more so, others who would take advantage of them. There are various laws put in place to protect them that even go so far as to allow for a day of rest (shabbat) afforded to the *ger*.²³ Rosen-Zvi points to those *gerim* who are non-Israelite who are equal to Israelites under the law, emphasizing the need for “equal treatment of the *ger*, noting that the *ger* share obligations and rights with the natural citizen”,²⁴ and at times treated subject to the same “requirements and even punishments if they violate Israelite norms”.²⁵ What is interesting is that the Book of Leviticus treats a *ger* like a natural citizen who is punished as such in the case of blasphemy, murder and *lex talionis*. In Lev. 24:15-22 we learn

¹⁹ Ishay Rosen-Zvi, "In the Torah, Is the *Ger* Ever a Convert?" TheTorah.com (2019). <https://thetorah.com/article/in-the-torah-is-the-ger-ever-a-convert>

²⁰ Ibid.

²¹ See Deut.14:29

²² See Ex. 2:22 and 18:3 referring to Moshe’s son *Gershom* meaning “a foreigner there” and stating that he was a stranger in a foreign land. Also see Gen. 15:13 speaking of Abraham’s descendants becoming *gerim* and Gen. 23:4 showing Abraham as a *ger toshav* (a resident alien).

²³ See Ex.23:9, 12

²⁴ See Num. 9:14, 15:14-16 and 15:26

²⁵ See Num. 15:29

that although the *ger* is a protected class in many cases, the *ger* is also opened to being judged as a natural citizen (*ezrah*) in these instances, and is not considered the vulnerable one, but rather as one who lives among the Israelites and should know these rules. Num. 24:22 states clearly:

“You shall have one standard for stranger and citizen alike: for I the LORD am your God.”

What we learn from the above is that the definition of the term *ger* in the Torah is not as clear cut as we find in the rabbinical writings. What is much clearer is that although we do have many different definitions of the word *ger*, we also understand that this is a class of people who are to be respected, taken care of and in many cases, treated as one of our own for, as the Torah points out, we too (the Israelite nation) were *gerim* (strangers) in a foreign land and we must remember what this experience felt like. As pointed out above in Bava Metzia 59b, we are to take special care not to oppress the *ger* in our midst for they are like our own people.

The issues of *gerut* and intermarriage are closely linked. In rabbinical times, *gerut* was a strategy to explain away intercultural exchanges and interfaith relationships. But it is important to note that *gerut*, not unlike *kiddushin*, is a rabbinical, post-biblical concept (with the exception of circumcision). We may say the rabbis give us a great many fences to climb over to get to *gerut*.

The post-exilic Books of Ezra and Nehemiah almost directly take the verse from Deuteronomy 7:1-6 and use it as an across-the-board prohibition of marrying outside of the Jewish faith. In Ezra 9-10 and Nehemiah 13:22-31 we find the clearest prohibition against any intermarriage, demanding those who had married outside the Israelite people send the non-Jewish spouse away, along with their children, although not very popular with many of the people involved. They were very clear that this prohibition was based on the purity of the holy seed, in that it (the holy seed) was intermingled with the people of the land (Ezra 9:2), and also that the “children could not speak the languages of the Jews” (Nehemiah 13:24). I see Ezra and Nehemiah reacting to their environment and times. The people, in the opinion of Ezra and Nehemiah, needed to come back to the ways and practices of Torah. Conversely, if we look simply at the verses from Deuteronomy (7:1-6 and 23:4), the reasoning was more about territorial and tribal differences, and that the Ammonites and Moabites did not aide Israel as they left Egypt, and more so, they hired a prophet to curse Israel.

Many would like to point to the Book of Ruth and the Books of Ezra and Nehemiah to show the stark differences in the stories and how one is conservative when it comes to intermarriage, and the other (Ruth) more liberal, but I am not so sure that is the case.

In the Ruth story there is a clear “conversion/acceptance of the God of Israel” process, and that is exactly what Ezra and Nehemiah want. Ezra and Nehemiah were angered by the loss of the Jewish culture. In Nehemiah 13:24 we read:

וּבְנֵיהֶם, חֲצֵי מְדַבֵּר אֲשֶׁר־יְהוּדִית, וְאֵינָם מְכִירִים, לְדַבֵּר יְהוּדִית--וְכִלְשׁוֹן, עִם וְעִם.
and their children spoke half in the speech of Ashdod, and could not speak in the Jews' language, but according to the language of each people. (Nehemiah 13:24)s

Nehemiah’s lament was that not only could the offspring of these intermarriages not speak the mother tongue, but even more importantly, they did not understand and live a true Jewish life. Had the children been integrated into Jewish society, there may have been no problem.

If we turn to Rabbinic Judaism, it is clear that the message is not a positive one.

In *Contemporary Halakhic Problems*, Volume II, Part II, Chapter XIII, The Prohibition against Intermarriage by Rabbi J. David Bleich²⁶. Rav Bleich begins his essay with a quote from Zohar, *Shmot 3b*:²⁷

There are three [persons] who drive away the Shekhinah from the world.... [The second is] he who cohabits with the daughter of a gentile.... The leaders of the people in each generation are punished for this transgression if they are aware [of it] and are not zealous, for this obligation is incumbent upon them, [viz.,] to be zealous on behalf of the Holy One, blessed be He.

²⁶ Rabbi J. David Bleich, “Volume II, Part II, Chapter XIII, The Prohibition against Intermarriage,” in *Contemporary Halakhic Problems, Volume II*, Second (Brooklyn, NY: KTAV Publishing, Yeshiva University Press, 2018).

²⁷ Please note that Rabbi Bleich is modern halakhic scholar using a mediaeval (post-rabbinic) source to introduce his article. In this article he uses a cross section of Rabbinic, mediaeval, and modern Rabbinic sources to come to his conclusions on the issue of intermarriage.

Rabbi Bleich points out that there is no other practice in Judaism that is more abhorred than that of intermarriage, and choosing a Jewish partner is considered the backbone of the Jewish ethnic identity. Although there are many differences of opinion on the many points of *halakhah* in Rabbinic literature, there are few, if any in the classical Rabbinic texts in regard to intermarriage.

As I pointed out above, *Deuteronomy 7* is one of the clearest prohibitions in the Torah regarding intermarriage. In the Babylonian Talmud *Avodah Zarah 36b* it states:

It was stated that the prohibition against marrying the daughters of gentiles was decreed on account of idolatry. The Gemara raises an objection: But the prohibition against marrying **their daughters** is prescribed by **Torah law, as it is written: “Neither shall you make marriages with them”** (Deuteronomy 7). The Gemara explains: **By Torah law** intermarriage is prohibited only with the **seven** Canaanite **nations, but** intermarriage with **the other nations** of the world is **not** prohibited, **and** the students of Shammai and Hillel **came and decreed** that intermarriage is prohibited **even with the other nations.**²⁸

The Talmudic discussion establishes a prohibition on intermarriage with all nations. In the discussion that follows in 36b, the Talmud discusses the opinion of Rabbi Shimon ben Yohai who disagrees with the Sages and maintains that the concluding phrase of this verse, “for he will turn thy son from following Me,” (Deut.7:4) serves to broaden the prohibition to encompass marriage with members of other nations as well making this a law derived from the Torah (*mi di’oraita*).

R. Shimon ben Yohai reasons that Scripture explicitly states the rationale underlying the prohibition as a means of extending the ban to encompass all non-Jews. The fear expressed in this explanatory phrase certainly is not limited to marriage with a member of one of the Seven Nations but is a valid consideration with regard to marriage between a Jew and any non-Jew.”²⁹ Maimonides in *Hilkhoh Issurei Bi’ah* 12:1, seems to agree with Rabbi Shimon ben Yohai:

²⁸ Translation from sefaria.org, William Davidson Edition – Koren Noé Talmud with commentary by Rabbi Adin Even Steinsaltz

²⁹ Ibid.

When a Jew engages in relations with a woman from other nations, [taking her] as his spouse or a Jewess engages in relations with a non-Jew as his spouse, they are punished by lashes, according to Scriptural Law. As [Deuteronomy 7:3] states: "You shall not intermarry with them. Do not give your daughter to his son, and do not take his daughter for your son." This prohibition applies equally to [individuals from] the seven [Canaanite] nations and all other gentiles.³⁰

Although there may be disagreement on verses and how they are interpreted, it is clear that rabbinic law follows a strict prohibition of intermarriage, but in the contemporary world, even within traditional movements, there is change.

All one has to do is look at the modern State of Israel to see that change is on the horizon for the concept of *kiddushin*. The landscape within Israel's Jewish community is significantly different from that of the United States', given the state monopoly accorded to the Orthodox rabbinate. But even within the Israeli society, challenging reality that does not recognize civil marriage, some Orthodox and non-Orthodox Jewish couples have carved out workarounds toward more egalitarian rituals.³¹

3. Getting to Yes

In this section, I delve into my personal journey. I begin with a human encounter between myself and a friend that made me aware (although not at the time) of the strong emotions that surround the issue intermarriage. I reexplore post-rabbinic sources and then move on to a historic perspective until I find my way to yes. It was and still remains a complex and deeply nuanced issue for me personally and theologically; one that is continually being reassessed and reexamined.

³⁰ Translation from sefaria.org, *Hilkhot Bi'ah*, Mishneh Torah, Eliyahu Touger, Jerusalem, Moznaim Pub., c1986 – c2007

³¹See the description from 2007 of an egalitarian Orthodox marriage ceremony taking place in Israel. The writer Tania Tzion Valdeks is an activist in an organization that helps women who are refused a get by uncooperative husbands: [*Mehaddshim et hakiddushin*](#) (Hebrew).

I want to tell a personal story. In the early nineteen nineties, I davened (prayed) in a Western Massachusetts town and had led many of the Shabbat and the *Yamim Nora'im* (the High Holy Days) services. Having a home in the area, I had the opportunity to speak with many local residents and had the chance to build deep ties to many in the neighborhood. This was an area that had a large Jewish and progressive population with many synagogues in the area and many of these residents were active and engaged in their synagogue's activities. They had a commitment to the Jewish community at large and each *shul* (synagogue), and no matter the movement affiliation, each synagogue had strong participation in services.

One afternoon, I was out in the community, speaking with one of the local merchants who used to be a very active member in one of the synagogues mentioned above, and he told me the story of his son's wedding. His son met a wonderful woman and fell in love with her. She was not Jewish, and although this was somewhat of a shock to this man, there was no way that he'd stand in the way of his son's, and daughter-in-law's to be, happiness. All he wanted was that his son be married by his rabbi, someone this man respected, and had a strong relationship with. He went to his rabbi and asked that they officiate at this wedding and ultimately, this rabbi refused citing their movement's and their own personal opposition to interfaith marriage. As much as this man asked, cajoled, and even begged, the rabbi declined. The rabbi said they would be happy to speak with his son and his fiancé about the possibilities of conversion, and of course that no matter what, the son and his new wife (and future children) would be welcome members of the temple, but none of this would change the mind of the rabbi unless this woman would convert. The level of pain, anger and rejection could not be described. The personal hurt by this decision was immediate and so deep that it destroyed his sense of belonging to this synagogue that had been part of his family ever since he was a young man.

This man was heartbroken and vowed never to go back to his once beloved synagogue. The holy space where he said *kaddish* (the prayer used in the mourning process) for his parents and where he and his children became bar and bat *mitzvah* and where he himself got married to his wife. This had occurred four years before I spoke to him and the last time we spoke (just a few years ago), he had still not rejoined a synagogue. His son did marry the woman and it was a civil

ceremony, created a family, and as this man reported, there was no Jewish ritual or sense of culture in the son's home.

I tell this story not because I stood up in outrage over hearing it at the time, but worse yet, I told him that I understood where the rabbi was coming from and that I would have made the same decision. I even understood the hurt this man was feeling and yet it was my sincere belief that interfaith marriage would destroy any sense of Jewish continuity that was left, even though Jewish interfaith marriage had been rising for years and continues to this day reaching astronomical levels.

The issue of interfaith marriage has been present for centuries, going back to the times of the Temple [and probably before], and as pointed out above, Torah law forbade marriage with people from the seven Canaanite nations out of concern that a Jew who marries a non-Jew would be drawn toward the idolatry and “abhorrent practices” of his/her spouse. The Talmud extended the prohibition to include all non-Jews for the same reason, thus erecting a wall between the Jewish people and the non-Jews. Either there was conversion to Judaism (without ulterior motives) and the non-Jew would be treated as any other member of the Jewish people, or a marriage to a non-Jew had no religious status and to that end, this sort of union just did not exist in the eyes of the Jewish community.

“The Gaonic period saw a continuation of the interfaith marriage discussion with some responsa from that time showing incidences of mixed marriages and in reaction to which Talmudic *isurim* (prohibitions) were sometimes extended, but without significant changes in practice.”³² The rabbinic literature of the period evokes relationships with servants and concubines. To understand the context of Jewish perspectives of the era, it is useful to keep in mind that in the Middle Ages, the Catholic Church railed against intermarriage with the Jews with similar intensity.

³² ARR 445-465 CCAR Responsa 146 – This responsum cites B. Lewin, *Otzar Ha Geonim*. There are several discussions of relevant issues throughout the Babylonian Talmud, Yev 48b; Kid. 22b, 66b, 68b, in these instances both casual intercourse and long-term relationships with servants, concubines, or wives were contemplated.

For generations during and post Middle Ages, Jews married within the Jewish community. Examples of interfaith couples were limited, and rarely was rabbinical attention needed to decide complications that arise from intermarriage. Intermarriage usually entailed leaving the Jewish faith and severing ties with the community. In the late 16th century, Shakespeare's Merchant of Venice describes a web of intricate personal, familial, legal, and professional relationships between Jews and Christians set in the republic of Venice. Jessica, the daughter of the moneylender Shylock, a rich observant Jew, intends to elope with the poor Christian, Lorenzo. Her announcement entwines her intention to marry a Christian with conversion to her husband's faith and away from her father. She revokes at the same time her attachments with faith, family and community:

Alack, what heinous sin is it in me
To be ashamed to be my father's child?
But though I am a daughter to his blood,
I am not to his manners. O Lorenzo,
If thou keep promise, I shall end this strife,
Become a Christian and thy loving wife.

(Shakespeare, Merchant of Venice, 2.3.16-21)³³

The rabbinic prohibitions on intermarriage notwithstanding, societal changes and increased Jewish assimilation heralded a shift in the incident of intermarriage with Jewish emancipation starting from the 18th century in Western Europe and the United States. With the French Revolution, marriage was rendered a matter of state rather than church. Later, Napoleon instituted full equal legal rights for the Jews, and encouraged the establishment of Jewish institutions that would represent Jewish interest vis-a-vis the state. With the Jews being given equal standing, the question of intermarriage now appeared in a manner that was remote from the rabbinic medieval considerations and already resembled modern ones. In 1806, the question of

³³ From Open Source Shakespeare
https://www.opensourceshakespeare.org/views/plays/play_view.php?WorkID=merchantvenice&Act=2&Scene=3&Scope=scene

intermarriage was brought to the attention of the Napoleonic Sanhedrin, who was asked to adjudicate about:³⁴

Can a Jewess marry a Christian, or a Jew a Christian woman, or has the law ordered that Jews should only marry among themselves?

The Sanhedrin discussed the matter while acknowledging that in France, Spain and Germany, intermarriages between Jews and Christians had already taken place with varying degrees of toleration by the authorities. The final answer came when the “Great Sanhedrin declared further that marriages between Israelites and Christians, contracted according to the laws of the Code Civil, are civilly binding, and that, although they cannot be invested with religious forms, they shall not result in anathema,”³⁵ thus, the French Jewish body provides the blueprint for the rather modern framework that conceptualizes intermarriage as individual decision by consenting citizens away from the gaze of the religious authorities.³⁶

3.1. Early Reform Responsa

The declaration by the Great Sanhedrin that civil marriage between Israelites (Jews) and Christians are civilly binding was significant when in 1908 and again in 1909, the Central Conference of American Rabbis (the CCAR) dealt with the question of intermarriage thoroughly. In 1909, the conference presented two papers, citing many sources, and reviewing positions taken by various Reform groups in the 19th century. The discussion that came out of that conference made it clear that all the rabbis there opposed mixed marriages, although some were willing to officiate at them. The central debate on the subject matter centered on the freedom of the “individual rabbi versus the power of the Conference and the general force of rabbinic tradition.” The resulting resolution that passed was:

³⁴ Quoted in ARR 445-465 CCAR Responsa 146. Reform Judaism and Mixed Marriage (Vol. XC, 1980, pp. 86-102)
³⁵ *ibid.*

³⁶ For a more detailed history of intermarriage in the Jewish community, see the article by Ephraim Feldman, “Intermarriage Historically Considered” in the CCAR Yearbook, vol. 19, and ARR 445-465 CCAR Responsa 146. Reform Judaism and Mixed Marriage (Vol. XC, 1980, pp. 86-102)

The Central Conference of American Rabbis declares that mixed marriages are contrary to the tradition of the Jewish religion and should, therefore, be discouraged by the American rabbinate.³⁷

In 1915, Kaufmann Kohler in a lengthy essay made it clear that Reform Judaism accepts civil marriages as valid and so too in the case of mixed marriages as well.³⁸

This subject area was given a great deal of coverage in the years following and many in the Reform rabbinate showed great concern about intermarriage although nothing was brought up on the floor of the Conference until 1947 when a special committee chaired by Solomon B. Freehof proposed a set of recommendations which were adopted by the Conference. The CCAR reaffirmed the 1909 resolution on mixed marriages and proposed the following added resolutions:

II. The CCAR considers all sincere applicants for proselytizing as acceptable whether or not it is the intention of the candidate to marry a Jew.

III. We consider civil marriage to be completely valid but lacking the sanctity which religion can bestow upon it. We recommend that whenever a civil marriage between Jews has taken place, it be followed as soon as possible by a Jewish religious marriage ceremony.

IV. Since it is the point of view of the Conference that all sincere applicants for conversion be accepted whether marriage is involved or not, and since, too, we recognize the validity of civil marriages but urge that they be sanctified by a religious marriage ceremony, we surely would accept such a proselyte and officiate at the religious marriage. However, it should be clear that the fact that the couple is already married by civil law does not obviate the necessity of conversion of the Gentile party before the Jewish marriage service can take place.

³⁷ Ibid.

³⁸ *ibid* – Also see “The Harmonization of the Jewish and Civil Laws of Marriage and Divorce,” CCAR Yearbook, 1915, pp.335ff)

V. The Conference may well take the stand that wherever the state acknowledges the validity of common law marriage, we likewise consider them to be valid; but that just as in cases of civil marriage. we urge that they be changed to regular marriage by license and religious ceremony.

VI. We cannot take quite the same attitude which traditional law has taken inasmuch as marriage, especially in England and the United States, is not only church marriage; it has also, to some extent, the status of civil marriage, at least to the extent that the license to marry was issued by the state. Nevertheless, in this case, the mood of the traditional attitude must determine our point of view. We cannot declare such a marriage invalid but would consider it highly improper and should endeavor, as much as possible, to persuade the couple to be married subsequently by Jewish ceremony. Likewise, on the basis of the unanimous attitude of traditional law, it would be improper for a rabbi to participate with a Christian minister at such a marriage.

Children of religious school age should likewise not be required to undergo a special ceremony of conversion but should receive instruction as regular students in the school. The ceremony of Confirmation at the end of the school course shall be considered in lieu of a conversion ceremony. Children older than confirmation age should not be converted without their own consent. The Talmudic law likewise gives the child who is converted in infancy by the court the right to reject the conversion when it becomes of religious age. Therefore, the convert should receive regular instruction for that purpose and be converted in the regular conversion ceremony.³⁹

Note the nuance of the resolution. It allows for those wishing to convert for any reason “whether or not it is the intention of the candidate to marry a Jew” to be considered as valid candidates. The Conference’s acceptance of civil marriage (both Jewish couples and interfaith couples) allows for membership in synagogues and for the children of said union no special ceremony of conversion is required. It seems as if the Conference was trying to do away with as many stumbling blocks as possible to retain the couple and perhaps have a chance of the conversion of the non-Jewish partner.

³⁹ Ibid.

Although the Reform Movement has consistently discouraged mixed marriage and its rabbis from officiating at them, this is an ongoing conversation in the Reform movement as many rabbis have chosen the path of officiation at mixed marriages. The movement itself has made the process of conversion and temple membership much easier for those in a mixed marriage, but they are not alone in this quest.

3.2. Early Conservative Responsa

In 1958, the Conservative movement found it necessary to address the issue of intermarriage and synagogue membership in an article in the Rabbinical Assembly Annual, 1958 appropriately called “Intermarriage and Membership in a Congregation” (pp. 110ff). This article restated the Rabbinical Assembly’s existing opinion opposing intermarriage. In 1982, Rabbi Kassel Abelson presented his paper, “The Non-Jewish Spouse and Children of a Mixed Marriage in the Synagogue”⁴⁰ citing a majority opinion paper from 1963 drafted by Rabbi Max J. Routtenberg entitled “The Jew Who Has Intermarried.” This paper dealt with a Jew who intermarried and yet wanted to become a member of a Conservative synagogue. The paper made it clear that this was not a case of *halakhah*, but rather of standards.

Rabbi Routtenberg’s paper depicts this man as one who has transgressed a Biblical law but who has “not read himself out of the Jewish community”.⁴¹ The paper goes on to say that “in other contexts it was demonstrated that the Jewish community of the past was not anxious to read a Jew out of the fold for transgressing the commandments of the Torah. The desire to join a synagogue may properly be understood as an act of *teshuvah* and should be treated as such. At the same time, it is essential to maintain a posture of opposition to marriage between Jew and non-Jew.”⁴²

Rabbi Routtenberg recommends that the rabbi of the congregation speak with the member and his non-Jewish spouse about conversion and if they refuse, the rabbi should discuss with them

⁴⁰ The Non-Jewish Spouse and Children of a Mixed Marriage in the Synagogue
<https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/20012004/24.pdf>

⁴¹ Ibid.

⁴² Ibid.

their specific status within the congregation. He then outlines five bullet points to clarify his points:

(a) The Jewish party to the marriage may be accepted to membership in the congregation provided there is a definite agreement that the children of this marriage shall be raised as Jews (and converted to Judaism where the mother is not Jewish).

(b) The privileges of membership do not extend to the non-Jewish spouse -- seats on the High Holy Days, cemetery rights, voting, etc. It does not entitle the non-Jewish woman to membership in Sisterhood or the non-Jewish man to membership in the Men's Club. The right of worship shall not be denied, since this courtesy is extended to anyone who may desire to attend the services in the synagogue.

(c) The intermarried Jew, while admitted to membership in the congregation, will not be entitled to hold any office or to serve as chairman of any committee, nor shall he be singled out for any special honors.

(d) The one who intermarries after he has been admitted to membership shall not be deprived of his membership as a consequence of this act. His status and that of his non-Jewish spouse shall be the same as that described in paragraphs b and c. If he refuses to give his children a Jewish education and refuses to have them converted to Judaism, he shall forfeit his membership.

(e) All restrictions and limitations shall be lifted from the non-Jewish spouse who accepts Judaism.⁴³

The paper ends with the statement:

"We believe it is our duty to save a Jew, individually, for our people, by dealing with him with compassion and understanding, rather than with hostility or indifference. We ought to accept him in the congregation of our people and exert every effort to make his entire family feel that they would be welcome in *kehal Hashem*. By doing this we will be

⁴³ Ibid.

following the best dictates of our religious conscience as well as serving the highest interests of the Jewish people."

Note that this is a very different proposal from the Reform Movement in 1947. It is a great deal less welcoming and provides many more stumbling blocks.

Rabbi Abelson points out that the closing statement is in direct tension with Rabbi Routtenberg's bullet points. Rabbi Abelson proposes that we need a new dynamic when it comes to dealing with intermarried couples. He said:

Almost two decades after this paper was promulgated, we must look afresh at the situation and determine whether the policies and procedures outlined in this paper still apply to our current situation, or whether "the best dictates of our religious conscience as well as serving the highest interests of the Jewish people" require a new or modified policy.⁴⁴

Rabbi Abelson saw the non-Jewish spouse as a *ger tzedek*, a righteous (or true) proselyte or a *ger toshav*, a resident alien or one who lives among the Jewish people and takes on many (but not all) of their traditions and ritual practices. The *geri toshav*, became our trusted friends and were allowed to live in the land and enjoy many of the privileges of citizenship. Is this not unlike many of the interfaith marriages that many Jewish clergy come in contact within their communities and through other functions of their work and personal lives? He also goes on to call the intermarried couple, *re'im ahuvim*, loving friends with "overtones of marriages". This is clearly a different understanding of an intermarried couple and their position in the synagogue, versus that of Rabbi Routtenberg. Rabbi Abelson's attitudes toward the intermarried couples show his openness to recognizing the issue and the challenges that come with it. Instead of constructing an even higher wall between people of different faiths that marry and want to become part of a synagogue family, he pushes to bring them closer so the family could learn and perhaps become closer to the congregational family and perhaps even to convert, but first, he saw the need to build relationships and community for the non-Jewish partner.

⁴⁴ Ibid.

Of course, there were conflicting views coming from other Conservative rabbis who opposed the inclusion of interfaith families and held to a more *mahmir*, i.e., religiously stringent, position that saw intermarriage as an existential threat to Jewish continuity. In his 1989 *teshuvah* (rabbinical opinion in answer to a question put forth), “Congratulations to Mixed Marriage Families,”⁴⁵ Rabbi Jerome Epstein opined on the implications of a community where interfaith is a reality. He phrased the question by detailing the pedestrian scenarios that arise from this increasingly familiar reality:

Should synagogues congratulate members upon the marriage of their children to non-Jews? What is the propriety of congratulating the grandparents of a newborn when the child's parents are intermarried? Should congregations be permitted to willingly accept donations and provide concomitant public acknowledgment of such donations on the occasion of an intermarriage or on the birth of a child of an intermarriage?

After telling the readers that there were many issues and nuances that needed to be examined, Rabbi Epstein opened his argument by referring to the history of the interfaith issue within the Conservative Movement. He cited one of the “earliest recorded decision[s]” from the 1940s by the Rabbinical Assembly Law Committee (CJLS),⁴⁶ that acknowledged the issue of intermarriage but refused to condone it:

The Committee agreed that it would be highly improper for a synagogue to accept a Jew who married a Gentile woman as a member of the congregation. Admission of such a person to membership involves tacit approval of his conduct. Marrying outside of the faith is considered tantamount to a rupture with the Jewish community, since the offspring of mixed marriages are usually weaned away from the Jewish religion.

Rabbi Epstein cited various other correspondence between rabbis and CJLS rulings that prohibited a man who had intermarried from getting and honors or aliyot, and even in some cases recommending that this person lose his membership privileges if his spouse did not convert. He also cited Rabbi Routtenberg’s *teshuvah*, the 1970 CJLS ruling and the 1971 resolution

⁴⁵ Rabbi Jerome Epstein, “[Congratulations to Mixed Marriage Families](#),” 1989, in *Proceedings of the Committee on Jewish Law and Standards* of the Conservative Movement: EH 16.1989.

⁴⁶ CJLS Report, *Rabbinical Assembly Proceedings: 1941-1944*, p. 142-143.

prohibiting Conservative rabbis from officiating at an intermarriage between and Jew and a non-Jew and made it binding on all members of the Rabbinical Assembly. In 1972, Conservative rabbis (and cantors) were prohibited from participating, before, after or during a mixed marriage (even if only a guest) and the CJLS ruled that a Conservative synagogue may not be used as a venue for an intermarriage.

Rabbi Epstein also correctly predicted the outcome of the recent Pew reports that show an increase in acceptance of interfaith marriage. He cited (un-verified statistics) that said:

Over the past three decades, the degree of acceptance of intermarriage within the Conservative movement has risen. Many Conservative Jews no longer exhibit embarrassment in acknowledging the intermarriage of a child or grandchild. The number of intermarried Jews in Conservative congregations has increased... Over this same three decades, the attitude regarding intermarriage by the general Jewish community, as reflected in parents' projections as to what they would do with an impending intermarriage, has changed dramatically. In 1965, 26% of the parents polled in a Boston demographic study indicated they would strongly oppose a child's intermarriage. In 1985, the number that indicated that they would "strongly oppose" a child's intermarriage dropped to 9%. In 1965, 44% indicated that they would "discourage" a child's intermarriage. In 1985, that number had dropped to 22%. In 1965, 25% indicated that they would be neutral or would accept an intermarriage. In 1985, that number rose dramatically to 66%, indicating that they would either be neutral or accepting of an intermarriage.

Based on these and other more prohibitive rulings, Rabbi Epstein concluded that:

Since it is the official policy of the Conservative movement and its arms, including the Rabbinical Assembly and the United Synagogue of Conservative Judaism, to discourage intermarriage and to take steps to prevent it, it is important that no action, whatsoever, be initiated that would imply the removal of the sanction, a changing of the norm or a willingness to condone intermarriages.⁴⁷

⁴⁷ Ibid.

He thus reinforced the ruling that no congratulations were to be offered to the parents and family (the couple included) of an interfaith marriage, although “it may be painful for the Jewish family members of the intermarried Jew and, [and] it may even negatively affect synagogue membership,” stating that “intermarriages should not be publicly acknowledged in any recognized forum within the congregation.”⁴⁸

Rabbi Epstein continued by adding that there should be no congratulations for the birth of a non-Jewish child, unless said child were to be converted (and then congratulations would be put off until the conversion) and that donations to the synagogue in honor of any of these life cycle events may not be accepted.

This very hardline approach shows the two opposing sides of a very emotional issue. These *teshuvot* from both the Reform and Conservative movements are representative of some of the earlier rulings and essays written on the topic of intermarriage in the modern period and are only the tip of the iceberg. Many more modern opinions and *teshuvot* followed within both movements with many showing more tolerance and acceptance for those Jews who chose to marry a non-Jewish spouse. Although there are still many who do not accept intermarriage as part of their movement (there are many in both the Reform and Conservative movements who still oppose interfaith marriage),⁴⁹ it seems that attitudes towards those who chose to marry outside the Jewish faith are softening and there is more understanding of their personal decisions.

3.3. Building Safe Spaces

The Reform Movement has made a strong statement by openly welcoming interfaith couples to join a synagogue and become part of a community. On the ReformJudaism.org official website, the movement welcomes interfaith families in an unambiguous tone: Interfaith Families: [Reform Judaism Sees You, Welcomes You, Is You](#), a title that may be meant to indicate a nontrivial welcome that is missing elsewhere across the Jewish world. The page’s text does not shy away from stressing that interfaith families would find a home within the Reform Movement,

⁴⁸ *ibid*

⁴⁹ According to a 2018 JTA article about interfaith marriage officiation, 84% of Reform rabbis and 88% of Reconstructionist rabbis officiate at interfaith weddings. <https://www.jta.org/2018/08/08/united-states/nearly-all-reform-rabbis-perform-intermarriages-but-not-with-non-jewish-clergy-study-finds>

In communities all across our Movement, there are interfaith families thriving in our sanctuaries, schools, and synagogue leadership. You don't have to be Jewish to find a home in Jewish community. When you show up with the wholeness of who you are, when you give from your own life's harvest, our Jewish world grows stronger and more beautiful.

If you identify as interfaith, multi-faith, Jewish-adjacent or Jew-ish, you belong in our Movement.

If your Jewish kids enjoy celebrating with their extended family on Diwali, Easter, or Ramadan, you belong.

If you are curious about Jewish ritual or prayer, but aren't sure where your own spirituality fits in, you belong here.

The [page](#) links to different resources and stories available through and offered by the Reform Movement, including: “Honoring My Christian Family,” “Blessing Beyond Borders: An Interfaith Tale,” “No, I Did Not Convert Because My Husband Is Jewish!”

It seems that this website design was intentional and reflects a policy. In fact, the CCAR is still resolute in their stance on interfaith marriage not being ideal, but they have opted to communicate an inclusive message emphasizing that the Reform Movement provides a common ground and welcoming environment for those families who are seeking a safe space in which to explore their spiritual journey.

Although perhaps not going as far as the Reform Movement, yet coming from a more traditional position, the United Synagogue of Conservative Synagogues (USCJ) has made significant progress towards inclusion of interfaith families as well. In 2022, under the leadership of Keren R. McGinity, Ph.D., interfaith specialist at the USCJ, they instituted “Rimonim” a resource for Conservative rabbis in conjunction with the Rabbinical Assembly that provides webinars, and other learning opportunities to help interfaith families feel more comfortable in a Conservative synagogue and Judaism as a whole. McGinity recounts her personal story in a 2022 article on the

website, [“Conservative Judaism’s new narrative on Jewish intermarriage.”](#) In “shul shopping,” she and her partner came away feeling alienated. She writes,

The Conservative movement has evolved in its thinking about intermarriage since my family, and undoubtedly many others, had that personal experience. The “continuity crisis” narrative that dominated communal discourse for decades was based on assumptions that people who intermarry cease to identify as Jewish, be involved in the community, or raise Jewish children. This linear thinking equated intermarriage with extinction, labeled it a “threat” to Jewish continuity, and held communal consciousness in a vise grip until quite recently. It simultaneously ignored change over time, and the rise of new ethnicity, feminism and evolving gender roles found in more interdisciplinary research.

She continues by saying “there is much work to do to change the perception that interfaith couples and their families are persona non grata in our Jewish spaces” and that the USCJ sees interfaith families as an opportunity and not a curse. She also points to the work that individual congregations are doing to foster understanding and openness and how rabbis are harnessing their spiritual creativity to be more inviting to interfaith families. There are many Conservative rabbis who offer blessings during an *aufruf* ritual (a ritual that occurs when *re'im ahuvim* are called to the Torah on a day when it is read, and publicly blessed, just before their wedding) in celebration of this family’s upcoming wedding, something that was specifically prohibited in many of the above mentioned *teshuvot* from the CJLS, which shows a new openness to becoming more welcoming to interfaith couples.

In early 2023, we have also seen the USCJ promoting a video conference with Rabbi Dayna Ruttenberg called “Making Amends to Interfaith Couples and Families: Healing Hearts and Inclusion,”⁵⁰ which aims to address the hurt felt by interfaith families based on their experiences in Conservative synagogues. This is a landmark event that sheds a new light on the prior perceptions of interfaith marriage in the USCJ, and I believe will serve as a steppingstone

⁵⁰ <https://crm.uscj.org/civicrm/event/info?reset=1&id=572>

towards a greater understanding and openness towards interfaith families in the Conservative Movement.

I began section 3 with a story of the personal heartbreak a father had to endure because of who his son loved. In one instance, a man of great belief and commitment to his synagogue and the Jewish people was made to make a choice between his son and a system of belief that he felt abandoned by in a moment of spiritual dissonance. In conversation I told this man that I understood why the rabbi made this decision and that I would have done the same. It took me an additional 15 years to understand that loving someone is a personal choice, and that if I as a clergy person reject that person, I may never have the chance to guide, teach and engage with both the Jewish and non-Jewish partner. I could potentially lose the chance to have a rich and satisfying spiritual relationship that might lead to them both becoming part of a Jewish community, and eventually if they would have children, to engage with them in Jewish learning both as a family and directly with their children.

Because of this and my personal family experience with interfaith marriage, I have come to understand that I must open my mind and heart to more than just one way of seeing an issue. In her book *Engendering Judaism: An Inclusive Theology and Ethics* Rachel Adler writes; “Progressive Jews understand Judaism as an evolving system, constantly reshaped and renewed through its relationship with its changing historical contexts.”⁵¹ I have come to fully understand this statement and it has influenced and inspired my own religious and spiritual practice. I am very clearly influenced by *halakhah*, but I am not bound by it, thus I have created a marriage ritual that is inspired by *halakhah* and the many teachers that have been quoted in this essay.

3.4. Bringing the Pieces Together

The purpose of our rabbinical function, our teaching, counseling, and leadership, is to help our people make Jewish choices, build Jewish homes, and ensure the transmission of Jewish life and identity to our children. Mixed marriage tends to frustrate the achievement of these ends.

⁵¹ Engendering Judaism, R Adler, pp. 24

(Reform Responsa for the Twenty-First Century, Vol. 2, pp. 271.)

The Pew reports and the other demographic and sociological studies that uncover the spiritual and religious practices and beliefs of our present-day Jewish community have shown us that this Jewish world we live in is constantly being “reshaped and renewed through its relationship with its changing historical context.” If the Jewish clergy, who are tasked with teaching, guiding, listening intently, and becoming an exemplar of understanding miss this opportunity, then we stand the chance of losing the very people who came to us for guidance in the first place.

The information supplied by the Pew report and other statistical agencies that study the Jewish community is quite complex. What this tells us is that each marriage and relationship is unique in its make-up and that it would be a mistake to base one’s understanding of a couple’s potential to pass on Jewish tradition and identity based on a statistical profile. With that uniqueness and complexity in mind, I believe it is incumbent on the officiating clergy person to base their mixed marriage officiation policy on a case-by-case evaluation of each relationship. For myself, I need to understand whether an interfaith couple is likely to have a home environment that engages in Judaism, if there are, or will be children, to create a way to transmit Jewish values, traditions and identity to these children and the next generations, and to be open to engage with their chosen Jewish community. Each clergy person should develop a subjective personal process in order to evaluate each couple’s potential to engage with their partner in building a home that makes Judaism an important part of their lives. My personal practice is to meet with the *re'im ahuvim* for at least six sessions, but often more, before the wedding date. Two of those sessions will be individual: I will meet with each partner separately from the other, at least once, to discuss, among other things, how Judaism can be a part of both their lives. In the case of an interfaith relationship, I intend to discuss how children will affect their Jewish engagement and how the non-Jewish partner will engage with their Jewish community. As I have not yet officiated in interfaith marriage but fully expect to in the future, I will also explore how the non-Jewish partner may interact with their parents and family (especially during holidays) and how the non-Jewish partner can learn more about Judaism in a safe and non-judgmental way.

3.5. Changes in Sociological and Demographic Landscape

Far from being hypothetical or a niche concern, the question of intermarriage has increasingly occupied the attention of the Jewish world, in the communities of the United States but also in Europe, Latin America, and – albeit with different dynamics – in Israel. One need only look at the New York Times wedding announcements to realize that interfaith weddings are a reality of American Jews. To obtain a quantitative perspective, the most authoritative source on the demographics of the Jewish community is the periodic reports issued by the Pew Research Center, which surveys Jewish Americans among other communities of interest. Pew asked American Jews repeatedly and at length about the identity of their spouses and opinions about intermarriage in the most recent 2020-1 [updated report](#) which was preceded by another high-profile report in 2013. The attention by Pew and the media coverage it generated are in themselves a testament to the importance of the issue in the Jewish world.

Pew portrays a Jewish community where intermarriage is mainstream, and the reality in, roughly speaking, half the non-Orthodox community in the U.S. According to the 2020 figures (the 2021 report), 58% of Jewish respondents reported a Jewish spouse, while 42% reported a non-Jewish spouse. The figures in the previous report, 2013, were similar (56% and 44% respectively). A closer look at the data suggests an intensification of interfaith marriage among Jewish Americans: among couples wedded (and remained married, Pew measures “intact marriage”) after 2010, 61% have a non-Jewish spouse, while for couples married before 1980, the ratio is only 18%. The seemingly different trend raising from the headline figures of 2013, could be explained by the increase in the relative weight of the Orthodox among Jewish Americans. Interfaith marriage is exceedingly rare among Orthodox (about 2%), so we can spot two opposing significant and consistent trends that act to leave the overall headline figure at bay: non-Orthodox Jews are increasingly marrying a non-Jewish partner, while the Orthodox, who are consistently very unlikely to marry outside the faith, inch up in their relative weight in the overall community.

Indeed, intermarriage emerges as a watershed between the Orthodox and the non-Orthodox majority. In stark contrast to the increasing intermarriage rate among the other denominations, the rate of intermarriage was 2% among Orthodox, but 25% among Conservative, and 42%

among Reform, rising to 68% among unaffiliated. Among those with two parents being Jewish, the rate was 34% but more than doubled to 82% where only one parent was Jewish.

Interestingly, the Orthodox rate is similar to the rate among Israeli Jews reported by Pew in a survey of Israeli society (2016). The group most likely to report a non-Jewish partner are Russian Jews (Jews who immigrated from the former U.S.S.R, mostly since the 1990s).

To complete the statistical picture, one should remember that American Jews comprise around 2% of U.S. population (and only a single digit in most of the states with the highest Jewish population located in the states of New York, Florida, and California). Interfaith marriage among Jews is in line with similar overall trends in the U.S. population, while it is perhaps trailing the trajectory for other small religious groups like Mormons and Muslims (with interfaith marriage rates of 85% and 87% respectively).

Public opinion among American Jews seems to follow those societal realities. Pew asked whether rabbis should officiate in interfaith ceremonies: 64% replied in the affirmative, and another 25% chose “it depends.” Only 9% chose an outright “no.” However, it seems the response here highly correlated with being (non) Orthodox: 73% of the Orthodox were against rabbis performing intermarriage ceremonies, while the picture was reversed among all other affiliations, with almost two-thirds Conservative saying “yes” or “it depends”; and even more decisive support among Reform or the unaffiliated. Interestingly, those trends among the groups were remarkably replicated with the responses to the question about rabbis performing same-sex marriages; the several percentages of differences between the respective questions were mostly due to smaller “it depends” about same-sex marriage, and objection (among Orthodox) or support (among all others) gained accordingly. It is fair to conclude that as a first approximation attitudes toward Jewish recognition of intermarriage are likely to follow the trajectory of same-sex marriage, a question that has been very prominent in Jewish and political life in recent years.

The wider conclusions to Jewish future emerging from the Pew data are nuanced. Clearly interfaith marriage has a diluting effect on the Jewish community, creating a three-tier community: the tightly knit Orthodox where intermarriage is almost nonexistent; the Conservative and Reform movements, where the percentage of those who intermarry may still be

a minority, yet the numbers are increasing year over year; and the loosely or not affiliated, among whom intermarriage has become a majority practice and perhaps a defining feature. Yet, it is also clear that interfaith marriage is far from being understood as a ticket out of Jewish life. Though measures of Jewish identity, education and affiliation seem generally stronger among individuals whose both parents reported as Jewish, often interfaith families choose to raise children as Jewish and impart Jewish values and identities to their offspring (whether in addition to possibly other religious identities). In addition, the overall percentage of children born into interfaith families who now as adult report a commitment to Jewish identity is significant enough to make a dent in calculations and prospects of the next generation of the Jewish community.

4. Is *Kiddushin* the only way?

שְׂמַחַת תְּשׁוּמַח רְעִים הָאֱהוּבִים, כְּשֶׁמֶחךָ יִצְרָךְ בְּגוֹן עֵדוֹן מִקֶּדֶם.

May these loving companions rejoice together
with the joy You have set aside for them since the days of Creation.

(Sheva Brakhot, #6)

In an article for *AJS Perspectives*⁵² Rachel Adler states:

The word is out in both the Diaspora and Israel: the classic form of Jewish marriage known as *kiddushin* has problems. Critiques and remedies are presented from Orthodox and non-Orthodox sources. An entire issue of *Sh'ma* (June 2010) has been devoted to rethinking Jewish weddings, “The Trouble With *Kiddushin*”.⁵³

Critics allege that the legal structure of *kiddushin* is a format for inequality in the marital relationship. Wives are biblically required to be monogamous; husbands are not. *Kiddushin* is rooted in property law. In the first chapter of the Talmudic tractate *Kiddushin*, valid methods of acquiring a wife are analogous to ways of acquiring slaves, land, animals, and other chattel. As Rabbi Gail Labovitz notes in her interdisciplinary study, *Marriage and*

⁵² <http://perspectives.ajsnet.org/the-marriage-issue-spring-2013/critiquing-and-rethinking-kiddushin/> (Nov. 9, 2022)

⁵³ <https://www.bjpa.org/content/upload/bjpa/jun1/jun10.pdf>

Metaphor,⁵⁴ the Talmud frequently uses objectifying metaphors of owning and buying in regard to marriage.⁵⁵

In this section I will describe some modern rituals that are contemporary in nature and challenge the status quo of the concept of *kiddushin*, and how these new methodologies can be used for LGBTQ and, more so, for interfaith weddings.

An important point in the following discussion is the underlying commitment to *halakhah*. The methodologies that I consider are *halakhic* with respect to the essence of *kiddushin*. The point of view is captured by Rachel Adler, who argues forcefully that Orthodox Jews should not hold a monopoly on *halakhah*. Adler says, “*Halakhah* belongs to Liberal Jews no less than to Orthodox Jews because the stories of Judaism belong to us all. A *halakhah* is a communal praxis grounded in Jewish stories.”⁵⁶

Rabbis Rachel Adler, David Greenstein, Pamela Barmash, Gail Labovitz and others have addressed the issues that are inherent in the process of *kiddushin* and have taken up the challenge to find different methodologies based in *halakhah* that can bypass some of these problems and bring loving couples together in marriage albeit not called *kiddushin*. Rabbi Amichai Lau-Lavie quoted Rabbi Gordon Tucker when speaking about the 2006 decision of the CJLS to open the door to the ordination of gay men and lesbians, and to same-sex commitment ceremonies. Lau-Lavie said regarding Rabbi Tucker and the Conservative Movement:⁵⁷

Committed to the values of human dignity and progress, the movement leaders offered creative halakhic solutions that honor both tradition and modernity. In his *teshuvah* on the topic⁵⁸ Rabbi Gordon Tucker argued for “a different overall halakhic methodology” that will better serve, at times, our evolving realities. He suggests that some cases will call on

⁵⁴ Labowitz, Gail. *Marriage and Metaphor*, Lexington Books, Lanham, Maryland, 2009

⁵⁵ See BT Kid. 2a-2b – The Gemara connotes that the woman is acquired in *kiddushin* similarly to the way one might acquire a field.

⁵⁶ Adler, Rachel, *Engendering Judaism*, p. 25.

⁵⁷ Lau-Lavie, Amichai. *Joy*: 2017, p.11.

⁵⁸ דרוש וקבל שכר : Halakhic and Metahalakhic Arguments Concerning Judaism and Homosexuality – Tucker, Gordon. – CJLS Responsa, 2006.

us not to offer “a reprise of past decisions and interpretations, but rather an enterprise, at least on occasions that call for it, in improvising on established themes.”

Here, Rabbi Tucker has challenged us to go beyond the words and the actions of the *halakhah* and use the intent of the *halakhah* itself to offer different non-normative paths that will help us to overcome the issues posed by said *halakhah*, in this case, *kiddushin*. Below I shall examine three methodologies by various scholars that can provide a different experience and bypass the problems that were mentioned above. Each has its strengths and shortcomings, but above all, they show a deep understanding and respect for the intent of the *halakhah*.

4.1. *Derekh Kiddushin*

This methodology of *Derekh Kiddushin*, which is akin to quasi-marriage, is a rabbinic methodology that was championed by Professor Meyer Simcha Feldblum *zt”l*, an Israeli U.S.-educated Orthodox rabbi and Talmud scholar. In his article (in Hebrew) on the “Problem of Agunot and Mamzerim: A suggested Overall and General Solution.” The Hebrew term *derekh* דרך denotes “by way” of *kiddushin*.

Feldblum’s motivation is not intermarriage but the problem of agunot and mamzerim that would be eliminated by a partnership model (*shutafut*) rather than the Talmudic *kinyan* or acquisition model, a concept that he believes modern women would not knowingly endorse. A partnership of *derekh kiddushin* would not establish *kiddushin* (hence no *mamzerim*) and not require a *get* (hence no *agunot*). He draws on a rabbinic precedent found in BT *Yevamot* 112b, where a couple wanted to wed but were ineligible to contract a valid marriage. The relationship the Sages allowed for them to participate in did not constitute promiscuity (*z’nut*) yet did not meet the rabbinic requirements for *kiddushin*, and accordingly there was no requirement for a *get*.

Feldblum specifies three types of *kiddushin*: first, *Kiddushei Torah* (Torah *Kiddushin*) which is the Biblical form of *kiddushin* and requires a *get* or the death of the husband. Second, *Kiddushin Mitakenet Hakhamim* (Rabbinic *Kiddushin*), which is the familiar form of rabbinic marriage and requires a *get* as well, and third, *Derekh Kiddushin*, which is neither Biblical nor rabbinic and

does not constitute *kinyan* and accordingly does not require a *get*. The significance of the third option is that the relationship is not considered *z'nut* or *pilegesh* (concubinage).⁵⁹

Feldblum's argument is quite radical and is meant as a major reform in the practices and rituals within the Jewish community, especially secular Jews in Israel. Feldblum wrote in Israel, and he addressed the reality of a Jewish but secular community. He contends that a prerequisite of rabbinic *kiddushin* is the woman's consent, but he contends, many if not most women today are not fully unaware of the implications of *kiddushin* being fashioned as an act of acquisition by the husband and would likely not have consented to *kiddushin* in such a form based on modern sensibilities. A lack of consent creates a challenge to the validity of marriages performed and creates a massive problem of *mamzerim*. Replacing rabbinic *kiddushin* with the *kiddushin*-like partnership would maintain the rigor of *halakhic kiddushin* while obviating a problem arising from discrepancies between the traditional and modern concepts of marriage.

Feldblum proposes the formula *Harei at meyu^hedet li* (הרי את מיוהדת לי, You are designated to me) should replace the usual *Harei at mekudeshet li* (הרי את מקודשת לי, You are consecrated to me).⁶⁰ In a ceremony performed between secular Jews, Feldblum suggests, the witnesses may well be secular as well. But overall, Feldblum fashions a ceremony that though distinct from *kiddushin* would necessitate only minimal changes, and accordingly the regular format of *ketubbah* could be used, and the traditional *Shevah Berakhot* would remain unchanged.

4.2. *Shevu'at Zugiyut: An Oath Model for Jewish Marriage*

Another non-*kiddushin* model proposed by Dr. Tzemaḥ Yoreh, of both halakhic and legal weight and precedent, is based on the concept of *nedarim* or *shevu'ah*, where the partners voluntarily commit to each other by taking on obligations and restrictions for which they may be held responsible by a Jewish court.⁶¹ This model is applicable to same-sex couples and could be

⁵⁹ According to Rachel Adler (p. 205), *pilagshut*, concubinage, does not constitute a single category, but a placeholder for varieties of long-term monogamous relationships that are neither *z'nut* nor *kiddushin*. They could be identified as a non-*kiddushin* relationship for which concubinage is the first precedent in Jewish legal history. She considers *Brit Ahuvim* [her methodology] in this category as well.

⁶⁰ I borrow this formula in my proposal for *Brit Re'ut*.

⁶¹ Yoreh, Tzemaḥ, "*Shevu'at Zugiyut: An Oath Model for Jewish Marriage Ceremonies*," n.d., 13.

applied in the case of interfaith couples where the Jewish partner is the one held halachically accountable.

4.2.1. Understanding *Nedarim* and *Shevu'ot*

The concept of self-commitment had been central in the earlier rabbinical eras, and discussions of it come up time and again in the Talmud, even outside Tractate *Nedarim*. A *neder* is a vow and a proclamation through which one forbids oneself from benefiting from a specified “tangible thing.” Among the most discussed categories of prohibitions are those that deal with sexual relations, either by prohibiting sexual relations with others or restricting one’s own body sexually to one’s partner. A closely related term is *shevu’ah*, which is an oath and a declaration to do, or not to do a particular action. An oath does not have to involve a “tangible thing”. Though a *neder* and *shavu’ah* may have the same effect, they are technically different: A *neder* conditions an object (e.g. a vow not to benefit from the object renders the object itself forbidden to the person); a *shvu’ah* commits the person (e.g. an oath not to benefit from the object renders the person forbidden from such benefiting).

Both a *neder* and *shevu’ah* must be orally declared, although some say that one may write them in a document as well. In order to enact a *shevu’ah*, one may use an object of some value (even a handkerchief would do) as a *siman* (a sign) or one may invoke God’s name, although the mere declaration of a *shevu’ah* implies the weight of God’s name. Both *neder* and *shevu’ah* can be declared privately and do not require witnesses to be valid, although having witnesses would make these vows or oaths publicly known. Not unlike how the discussion of marriage is closely intertwined with that of its dissolution, the *Mishnah* and more so the Talmud entwine *nederim* and *shevu’ot* with the procedures and conditions for their nullification. A *neder* can be released by a suitable authority like a rabbi or court; a release from a *shevu’ah* may be possible if more difficult.

4.2.2. Vow and oaths in the context of marriage

In the *shidukhin* (matchmaking or the engagement) process leading to the marriage, there has been traditionally some use of the instrument of *shavu'ah* to concretize partners' commitments. *Shulhan Arukh, Yoreh Deah 208:5* speaks about an oath not to marry a specific person versus a vow that a specific person "would not be his wife;" the oath is nullified, and the marriage remains, but the vow is not nullified, and he must divorce his wife.

In the model of oath or vow the relationship is marked by the individual commitment to a certain behavior. By taking on an oath or vow that prohibits one to be with someone else sexually (other than the one with whom they engaged in the oath with) is parallel to what *kiddushin* (or *birkat erusin*) does. Although this vow or oath enacts the same prohibitions of *kiddushin*, this arrangement does not constitute actual *kiddushin* and avoids the problems inherent in an act of acquisition. It does so by creating two, technically separate, commitments; the mutual nature of the relationship is expressed indirectly through a mechanism that conditions each individual commitment on the others, and the ceremony does not bring two agents in a union. Jewish law regards a vow as a very serious matter that is often frowned upon, and the practice is discouraged. Given the gravitas of taking a vow, it is incumbent upon the parties to pay special attention to all clauses, promises, vows and oaths, and to ensure the formulation of codicils to allow for the dissolution of the *neder* or *shevu'ah*.

Although there are many interesting applications to the *Neder/Shevu'ah* model of marriage, and there is *halakhic* precedent, the act of negotiating a long contract and verbally recounting each vow and oath out loud, does not appeal to the need for a wedding to be a special moment that represents one's love for their partner. This methodology seems to work well for Jewish heterosexual couples, same-sex, and even interfaith couples, yet my preference would be for a more well-rounded ceremony with less of a contractual negotiation feel to it.

4.3. Brit Ahuvim – A Lover's Covenant

The last methodology I will discuss, and the one I use for the most part in my personal ritual is that of *brit ahuvim*, proposed by Dr. Rachel Adler in her book, *Engendering Judaism: An Inclusive Theology and Ethics*. This *brit* or covenant is how Adler conceptualized both the legal

and ritual process of creating a Jewish marriage and can be applied to many situations. She completely rejects a marriage model that is unilaterally based on the concept of acquisition and ownership (and ultimately the commoditization) of a human being.

In reading her works, I want to note initially that Dr. Adler, as a scholar is truly committed to *halakhah* as a part of Jewish life and that as a halakhist she accepts that *kiddushin* is a legal ritual which creates a legally binding relationship, albeit unilateral and acquisition based. She believes that *kiddushin* cannot be “reinterpreted, reconstructed, mutualized or otherwise retained so long as its fundamental act of unilateral acquisition can be understood as having taken effect... if a man gives the woman an item of value and says, *you are betrothed to me.*”⁶²

In chapter 5, Adler explains:

To treat both parties consistently as persons rather than property, we would have to reframe the legal portion of the ceremony in terms of partnership law rather than property law as it [*kiddushin*] is currently categorized. Only then would the ceremony’s legal component accurately reflect the kind of marriage to which egalitarian couple mean to pledge themselves.

And continues:

The problem with marital *kinyan* is not simply that it is unilateral, but that it commodifies human beings... The vocabulary and constitutive assumptions of *kiddushin* cannot be made to reflect a partnership of equals.⁶³

Adler must in this case find a different process so as to create a loving relationship. She visualized a marriage as a partnership of equals, created through the model of a covenant and not an act of acquisition of another human being. To Adler, a covenant can be more durable versus a contract, specifically a *shtar ketubbah* (the Jewish marriage document) in the case of *kiddushin*. In her understanding a covenant can endure when its terms are violated, whereas a halakhic

⁶² Engendering *Halakhah* – Labovitz pp. 170

⁶³ Adler, Rachel. *Engendering Judaism: An Inclusive Theology and Ethics* (25 Beacon Street, Boston, MA.: Beacon Press, 1998). pp. 191

ketubbah (marriage contract) technically must be terminated if the female partner commits adultery. Adler explains that a *brit ahuvim* can be maintained after either sexual, emotional, or other types of betrayal are committed by either of the two partners, provided they decide that they are able to reconcile their differences and continue their *brit* (covenant). In this case, a *brit* allows a great deal more flexibility than a fixed contract which has stipulations that if broken do not allow for a fix, but rather that the partnership must end. Thus, Adler turned to the legal model of *Shutafut* or partnership. Rabbinic law allowed for persons to engage in partnerships for various economic contexts. There are many references to two (or more) individuals pooling their resources and “placing them in a purse or sack” [and raising the sack] which is a symbolic expression creating a legal partnership.⁶⁴ This symbolic raising of a small purse or sack containing pooled items of value (they can be the rings) became part of Adler’s ritual as well as mine. It is also important to note that this exchange of items of value can be understood as a *kinyan* (an acquisition) but not as an acquisition of a person, rather an acquisition of a partnership (of marriage). Adler also points out that that this is not *kinyan sudar* (literally an acquisition of a scarf) which is halakhically used in a marriage ceremony for the groom to accept upon himself the obligations of the *ketubbah*, but also used in the acquisition of a moveable object. Adler’s *kinyan* represents the egalitarian acquisition of this partnership of marriage.

Adler also created a *shtar* (document) that details the couple’s commitments and obligations to each other and the mutual partnership of love. She refers to this document as both a “partnership deed and a covenant document”, thus combining the elements of the legal structure of a partnership [in the case a marriage] and a covenant of love which gives the partners the flexibility that a mere contract does not. Adler says that this document should be written in both Hebrew (the language of our people) and in a language that is easily understandable to the partners.

Brit ahuvim was performed literally in the family. Adler’s son, Amitai Adler, himself a Conservative rabbi, and his wife, Julie Pelc Adler, a Reform rabbi, and former student of Rachel

⁶⁴ See m. Ket 10:4 and Maimonides, *Hilkhot Shluḥin v Shutafin* 4:1,3. RaMbaM specifies that this methodology functions as the legal commitment to this partnership.

Adler's, chose *brit ahuvim* as the format for their wedding. They added the following formal qualification to emphasize that there no *kiddushin* has been established:

אין ברית אהובים זו קידושין, ואין באים החתן והכלה לשם קידושין, ולא לשם זנות, אלא לשם אהבה.

This *brit ahuvim* is not a *kiddushin* marriage and nor do the groom and bride unite for the purpose of enacting *kiddushin*, or with the intent of licentiousness, but only and solely for the intent of the expression of love.⁶⁵

Rachel Adler's *brit ahuvim* did not include provisions for the dissolution of the marriage. In their version, Rabbis Adler added guidelines to that effect, and again distanced the arrangement from *kiddushin* by specifying that a *get* would be unnecessary:

Should it happen, God forbid, that the groom or the bride might wish or require to cancel this partnership, it will be canceled by consent between the two of them, by a document and by their signatures and those of two valid witnesses, before a rabbinic court; or, by the declaration of intent of one of them, by a document and by his or her signature and those of two valid witnesses before a just rabbinic court.. And all of this is without the need for a *get*.

It is interesting to note that although Rachel Adler critiques *Birkat Erusin* (the Blessing of Binding), she does not add an alternative to this blessing. In my proposed ritual, I use a form of the blessing offered by Rabbis Dorff, Nevins and Reisner that can also be used for same-sex couples, and I restructured it for an interfaith couple as well.

Adler also adds the blessing for seeing a rainbow cited during the raising of the bag holding the items of value and uses the regular *shevah brakhot*, the seven blessings for the traditional *nissuin* section of the wedding ceremony.

⁶⁵ My translation. Unlike other parts of their *Brit Ahuvim*, the Adlers do not provide an English translation to this declaration.

5. A Proposed Ritual: *Brit Re'ut*⁶⁶ (A Covenant of Companionship)

These ceremonies and methodologies all contributed to my ritual. I will add here that although I use halakhic methodologies, I openly admit that the marriage of a Jew and non-Jew is not halakhic. To that end, I use this ceremony as a bridge to welcome this couple into the Jewish community in love, respect and hope that the non-Jewish partner will become comfortable with Judaism and help in the creation of a Jewish home, and if they have children, to bring them up with a good foundation in Judaism.

The following ritual synthesizes three sources: first, Adler's original text (p. 214 – 217); second, the *brit ahuvim* that was signed by Amitai and Julie Adler (see below); and third, a *brit bhuvim* document created by Gail Labovitz for a family member.⁶⁷ I borrow the masculine/feminine Hebrew term *meyuhad/meyuhedet/meyuhedeh* (מיוחד/מיוחדת/מיוחדה)⁶⁸ from Feldblum's *Derekh Ahuvim* as a substitute for *mekudash/mekudeshet* that employs in *kiddushin*.

ב..... בשבת ב..... יום לחדש..... שנת..... לבריאת העולם למנין שאנו מונין כאן (place,)
(state), במדינת (Country), בפני עדים נאמנים וישרים, ובפני הקהל הקדוש הזה, באו הכלה/חתן/אהוב
המכונה (Bride's/Groom/Partner's* Hebrew Name or translit)
..... (Bride's/Groom/Partner's* English name, translit), והחתן/כלה/אהוב.....
(Groom's/Bride/Partners* Hebrew name) המכונה..... (Groom's/Bride/Partners* English)
(name) להתאחד ולהידבק זה בזו ומתוך כך לקיים בית נאמן (בישראל: traditional option).
ובכן ברית אהובים {רעות} זו תחל כשהכלה והחתן יסכימו בפני עדים לחיובי ותנאי השותפות הזאת, ויפלו את
הסכמתם על ידי הטלת ערבנותיהם לתוך כיס אחד, ויחתמו על שטר השותפות הזה:
ואלו החיובים בהם יתחייבו, בעלי ברית אהובים זו:

⁶⁶ The *Brit Re'ut* is influenced by Rachel Adler's *Brit Ahuvim* and the other methodologies mentioned above. I use a form of Professor Adler's *brit* as the basis for the *shtar*, contract, used in my ritual as it expresses the understanding of loving companions joining together in love. .

⁶⁷ CJLS EH 27:1.2020.

⁶⁸ Note the choice of *meyuhad*, *meyuhedet* and *meyuhedeh* reflecting a non-gendered choice. There are tools to assist the officiant on the Nonbinary Hebrew Project website: <https://www.nonbinaryhebrew.com/grammar-systematics> As noted below, there are several minor changes to be made for this ritual and contracts to reflect appropriate terms (both partners are either grooms or brides) and along with the gendered Hebrew pronouns. This of course is a choice and open for discussion with the loving couple and the officiant.

בעלי הברית מייחדים את עצמם זה לזו וזו לזה, ולא יקחו עוד אחר על פני הזולת.

בעלי הברית מקבלים על עצמם לשתף פעולה בקיום בית נאמן (בישראל) ומשפחה שלימה: כלומר, לשמור אחד על השני, על בריאות הגוף ועל בריאות הנשמה; לדאוג כל אחד מידי יום ביומו לשמחת השני; לעזור אחד לשני ולהבין אחד את השני יהיו הנסיבות אשר יהיו; ולפרנס אחד את השני אם חלילה פרנסתם חסרה; ולזכור שניהם תמיד את המתנה והברכה של נס אהבתם.

בעלי הברית מקבלים על עצמם לחיות ביחד (כדרך עם ישראל: traditional option); (לעבוד את ה' א-להינו:), ולעשות הישר בעיניו; לבנות בית שהוא מקום חסד וצדקה, שלום ושמחה, אהבה ורעות, ועל כולם ללמוד וללמד בו; ויקיימו בבתים דברי חכמינו ז"ל: יהי ביתך בית ועד לחכמים, יהי ביתך פתוח לרוחה ויהיו עניים בני ביתך.

בעלי הברית (Bride's/Groom/Partner Hebrew name) (Groom's/Bride/Partner Hebrew name) מצהירים:

ברית אהובים {רעות} זאת אינה קידושין. בני זוג לא באים לשם קידושין ולא לשם זנות, אלא הם באים יחדיו בברית אהובים להביע את אהבתם ולמסד את משפחתם.

ויהיה רצון מלפני הבורא יתברך, שיקוים בבעלי ברית אהובים זו מה שנאמר: שימני כחותם על ליבך, כחותם על זרועך כי עזה כמוות אהבה. מים רבים לא יוכלו לכבות את האהבה ונהרות לא ישטפוה.

On the day of the week, theday of the month of (Hebrew month) in the year (Hebrew year) since the creation of the world, in the city of (City/town), (State), before truthful and sober witnesses, and before this holy congregation: come these, the bride, (Bride's /Groom/partner* English name) and the groom, (Groom's/Bride/partner English name), to unite and bond together, joining one to another in a Covenant of Lovers/Companionship, to make thus a household amongst the People of Israel.

Therefore, this Covenant of Lovers/Companionship shall be affected and begin at the moment the bride, (Bride or Groom's/partner's English first name), and the bridegroom, (Groom's or Bride's/partner's English first name), 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.

These are the terms by which the parties to this Covenant of Lovers-- the bride, (Bride or Groom's/partner's full English name), and the bridegroom, (Groom or Bride's/partner's full English name), -- shall be bound:

The bride and bridegroom/partners* set themselves apart, each for the other only, and shall not take any others to themselves.

The bride and bridegroom/partners* 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 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.

The bride and bridegroom/partners* agree that they shall dwell together according to the ways of the People Israel:[they shall serve Adonai 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)

The bride, (Bride or Groom's/partner's full English name) and the bridegroom, (Groom or Bride's/partner's full English name), also attest:

This Covenant of Lovers/Companionship is not a *kiddushin* marriage, and the marital relations of the bridegroom and bride are not intended to bring about *kiddushin* marriage.

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."

Groom (partner) _____ החתן/כלה/אהוב Bride (partner) _____ הכלה/חתן/אהוב
 Witness _____ עד Witness _____ עד
 Officiant _____ מסדר ברית

Notes:

- It is easy to accommodate the text for same-sex couples. Several minor alterations are required in the above text to reflect appropriate terms (both partners are either grooms or brides) and along with the gendered Hebrew pronouns. Two women may be referred to both as bride (כלה) and use only Hebrew female pronouns (זו) and, while for two men, the term would be groom (חתן) as well as the Hebrew male pronouns (זה).
- This *brit ahuvim/re'ut* contains a specific statement, where the partners announce publicly that the ritual is not intended to enact *kiddushin*. This is adapted from the text used by rabbis Amitai and Julie (Pelc) Adler.

5.1. Opening Blessings and exchange of rings

Both all-Jewish and interfaith rituals for the exchange of rings were inspired by Rabbi Meir Simchah haKohein Feldbloom's article "Ba'ayot⁶⁹ Agunot U'Mamzerim."

ברוכים הבאים בשם מקור החיים.

Blessed are all who gather in the name of the Source of all life.

(The following is read by the officiant only in English)

You are all welcomed to join in this holy ritual as we bring together these *re'im ahuvim* these two loving individuals into the covenant of love.

מי אדיר על הכל, מי ברוך על הכל, מי גדול על הכל, מי דגול על הכל,

⁶⁹ "Issues (lit. Problems) of Chained Women (those who are not granted a Jewish Divorce by their husbands for various reasons) and Estranged People (literal) [Those who are born as a result of certain forbidden relationships or are descendants of these people as defined by the Bible]"

הוא יברך את החתן והכלה:

May the One who is powerful, blessed, glorious and supreme bless this bride, (name) and this groom, (name).

The officiant pours a cup of wine

(The following English text is read by officiant, followed by the Hebrew blessing of the wine)

As you will both share the wine from a single cup,
so may you, under holy guidance,
share contentment, peace, and fulfilment from the cup of life.

May you find life's joy heightened,
its bitterness sweetened,
and all of its moments hallowed
by true companionship and love.⁷⁰

נברך את מקור החיים, רוח העולם, בורא פרי הגפן

Let us bless the source of all life, spirit of the world, who has created the fruit of the vine.

(Traditional/pluralistic version)

א—להינו וא—להי אבותינו ואימותינו השקף ממעון קדשך מן השמים

וברך את הרעים האהובים שבוראים ביניהם ברית אהובים

ברוך אתה ה', הטוב והמיטיב⁷¹

Our God and God of our Ancestors,

Look down from the heavens, your holy abode and bless these loving companions.

who are creating a Covenant of Lovers.

Blessed are you Adonai, who is good and does good.

⁷⁰ L'Chol Z'man V'Eit – CCAR Life Cycle Manual – CCAR Press, 2015/5775

⁷¹ This CJLS approved blessing serves as a substitute for the traditional *birkat erusin* was presented by Rabbis Dorff, Nevins and Reisner for use in same sex couples marriage ceremony. The version for interfaith couples is an adaptation based on Rabbis Dorff, Nevins and Reisner blessing.

(Alternative/universalist version)

שְׁכִינָה מְקוֹר חַיִּינוּ, הַשְׁקִיפִי מִמְעוֹן קִדְשְׁךָ מִן-הַשָּׁמַיִם
וּבְרַכֵּי אֶת הַרְעִים הָאֲהוּבִים שֶׁבּוֹרְאִים בֵּינֵיהֶם בְּרִית אֲהוּבִים.
בְּרוּכָה אַתְּ שְׁכִינָה, הַטּוֹבָה וְהַמֵּיטִיבָה.

Sh'khinah, Source of our lives

Look down your holy abode, from the heavens,
And bless these loving companions who are creating a Covenant of Lovers.
Blessed are you Sh'khinah, who is good and does good.

(First cup of wine is shared)

Exchanging of the Rings

(For Jewish couples. Bride and groom declare)

הָרִי אֲנִי מִיּוֹחַד/תְּהָ לְךָ/ךְ בַּטְּבַעַת זֶה כַּדַּת מֹשֶׁה וְיִשְׂרָאֵל

Behold, with this ring, I designate myself to you according to the Laws of Moses
and Israel.

(For interfaith couples. Bride and groom declare)

הָרִי אֲנִי מִיּוֹחַד/תְּהָ לְךָ/ךְ בַּטְּבַעַת זֶה עַל פִּי מִסֹּרֶת יִשְׂרָאֵל

Behold, with this ring, I designate myself to you according to the traditions of the
People of Israel.⁷²

The Brit is read.

(The officiant may address the couple here.)

⁷² I have chosen to create two separate designating statements for Jewish couples and interfaith couples. These statements/formulas highlight the tensions between the particular, (specifically for those of the Jewish Faith) yet celebrates the universality of our shared theologies.

5.2. Shevah Brakhot

The following is a modification of the Seven Blessings for an interfaith ritual. The Hebrew text is followed by the English translation that may or may not be read by the officiant rabbi. The English translation is from *L'Chol Z'man V'Eit, CCAR Life Cycle Manual* (CCAR Press: 2015), except for the fifth and seventh blessings that Rabbi Dr. Oren Steinitz and I have reformatted for an interfaith couple.

נברך את מקור החיים, רוח העולם

or

ברוך אתה ה', א-להינו מלך העולם, בורא פרי הגפן

We praise the Eternal, Source of Creation, creator of the fruit of the vine.

ברוך אתה ה', א-להינו מלך העולם, ששהכל ברא לכבודו

We praise the Eternal, Source of Creation, creator of all things.

ברוך אתה ה', א-להינו מלך העולם, יוצר האדם,

We praise the Eternal, Source of Creation, who has fashioned humankind.

ברוך אתה ה', א-להינו מלך העולם, אשר יצר את האדם בצלמו, בצלם דמות תבניתו, והתקין לו ממנו
בגן עדי עד: ברוך אתה ה', יוצר האדם

We praise the Eternal, Source of Creation, creator of humankind in the divine image. Praised are You, O God, creator of humanity.

(Traditional blessing)

שׁוֹשׁ תְּשׁוּשׁ וְתַגַּל הָעֵקֶרֶה, בְּקִבּוּץ בְּנֵיהָ לְתוֹכָהּ בְּשִׂמְחָה: בְּרוּךְ אַתָּה ה', מְשַׂמֵּחַ צִיּוֹן בְּבִנְיָהּ

Surely the solitary one rejoices and is jubilant, being made part of a household. We praise You, O God, who gives joy to Zion in the beloved she harbors.

(Alternative blessing)

שׁוֹשׁ תְּשׁוּשׁ וְתַגַּל הָאֲנוּשׁוֹת בְּעִבּוּדֵי יְלִידָהּ לְתִיקוֹן הָעוֹלָם. בְּרוּךְ אַתָּה ה', הַטּוֹב וְהַמֵּיטִיב

May humanity rejoice as her children work towards the fixing of the world.

Blessed is the One who is good and does good.

שִׂמְחַת תְּשֻׁמַח רַעִים הָאֱהוּבִים, בְּשִׂמְחָה יִצְרֶיךָ בְּגוֹן עֶדֶן מִקֶּדֶם: בְּרוּךְ אַתָּה ה', מְשַׂמֵּחַ (תָּתֵן וְכֹלֵה, רַעִים אֱהוּבִים)

May these two, lovers and companions to one another, rejoice as did God's first creations in the Garden of Eden. We praise You, O God, who gladdens those bound together by their love.

ברוך אתה ה', א-להינו מלך העולם, אשר ברא ששון ושמחה אהוב(ה) ורע(ה), גילה, רינה, דיצה וחדווה, אהבה ואחוה ושלוה ורעות, מהרה ה' א-להינו (רוח חיינו), ישמע בכל העולם, ובכל העמים, קול ששון וקול שמחה קול אהוב וקול רעה, קול מצהלות אהובים מחופתם ורעים ממשחה נגינתן, ברוך אתה ה', משמח רעים אהובים

Blessed is the Source of All, Spirit of the Universe, who created, joy and gladness, beloveds and companions, pleasure, song, delight, laughter, love, harmony, peace, and companionship. May it be, Eternal One, that in all of the world, and among all who dwell on Earth, that we hear the voices of joy and gladness, beloveds and companions, the voices of people feasting and their friends rejoicing. Blessed be the One who brings joy to loving companions.

The Priestly Blessings are recited and a glass may be broken, as is traditional in a Jewish wedding.

6. Conclusions

Leviticus 19:33-34 tells us about the obligation to “love the *ger*”:

וְכִי־יָגוּר אִתְּךָ גֵר בְּאֶרְצְכֶם לֹא תוֹנֶנּוּ אֹתוֹ: כְּאֲזַחַח מִכֶּם יְהִיֶּה לָכֶם הַגֵּר וְהַגֵּר אִתְּכֶם וְאַהֲבַתְּ לּוֹ כְּמֹדֶךָ כִּי־גֵרִים
הָיִיתֶם בְּאֶרֶץ מִצְרַיִם אֲנִי ה' אֱלֹהֵיכֶם:

When strangers reside with you in your land, you shall not wrong them. The strangers who reside with you shall be to you as your citizens; you shall love each one as yourself, for you were strangers in the land of Egypt: I 'ה am your God.

As a clergy person and a Jew, I learn from this the obligation to teach, counsel, and help people to make choices based on the teachings of my tradition, helping them build Judaism into their homes and lives, and transmit Jewish values, traditions, and the understanding of what Jewish identity is and how it may be experienced. This may sound like it could apply to anyone, but I feel that our obligation to the *ger*⁷³ is just that much more important. The non-Jewish partner in a mixed relationship is at a disadvantage in that they have (mostly) not experienced Judaism firsthand, and this journey can be scary, intimidating, and frustrating. I would like to add that the Jewish partner may not have had a Jewish education and thus they can find this process just as intimidating and frustrating. To that end, I find loving the *ger* (and their Jewish partner) as one of the most important things I can do as a Jew and as clergy. It is a reminder of where my people, and in extension, where I came from. It is not always a smooth journey and I believe that bringing my experiences to this endeavor can help to create their story within a Jewish framework. Thus, I have decided to begin to officiate interfaith weddings in the hopes that I can avoid breaking one's heart by rejecting someone's love, based on one's religious upbringing, and to hopefully create a safe environment for a Jew and their non-Jewish partner to learn, grow together, and perhaps in the future, create a family that will be built on a foundation of Jewish values.

⁷³ For the purposes of this section, I understand the *ger* as one who is not Jewish but is in a loving relationship with someone of the Jewish faith. The *ger* may or may not be open to conversion, but the possibility of exploration might exist.

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