

## **Crafting a Traditionally Worded, Aramaic, Same-Gendered Jewish Marriage Contract (Ketubah)**

by Rabbi D'vorah Rose, MA, RN

### **I. Why Did We Choose To Craft a Traditionally Worded, Aramaic, Same-Gendered *Ketubah*?**

Jewish customs (*minhagim*) and Jewish law (*Halachah*) are important to my wife, Christine, and to me. We both studied quite extensively the *minhagim*, the history and the *halachah* of the marriage contract (*ketubah*) as well as of the engagement contract (*tenaim*).

**The *Tenaim*:** As we were both already independent adults who had not lived in our family homes for many years, a traditional *tenaim* representing a leave-taking from our families did not make much sense for us. We chose to take the themes and *minhagim* of the *tenaim* and crafted a ceremony that was witnessed by our families and closest friends. In this ceremony we each offered and each accepted an item of equal value, and made public statements of our commitment to enter into marriage with one another.

One aspect of this ceremony that had great meaning to us was that we called upon our witnesses to help hold and guide us during the transition and necessary preparatory work that would occur from the point of making our *tenaim* to the time of signing the *ketubah* and making *kiddushin* (including *kinyan*) and *nissuin*. We were grateful to have grounded this transition with *tenaim* rather than with a secular engagement party.

As a same-gendered couple we had to be cautious about setting up safeguards before signing our marriage license (signed in California in 2008, two days before the Proposition 8 vote prohibited further marriages). Thus in keeping with the *tenaim* contractual tradition, we created a legally-binding prenuptial agreement. But, rather than it being primarily a declaration of actions and consequences should the marriage agreement fail to be upheld, our prenuptial agreement is a declaration of the protections and rights we established for one another as a married couple, as well as agreements should there be a dissolution of our marriage.

**The *Ketubah*:** As we studied the variety of *ketubot* that have been crafted for same-gendered couples, we found that, for us, they were not well enough grounded in Jewish tradition to provide the gravitas we were seeking for our marriage. We considered the Brit Ahuvim Lovers Covenant<sup>1</sup>; the many egalitarian and liberal *ketubot* which highlight intent and are more poetic

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<sup>1</sup> Adler, Rachel. [Engendering Judaism: An Inclusive Theology and Ethics](#). Beacon Press. Boston, MA. 1998.

than contractual; and the same-gender *ketubot* that reference the love shared by Jonathan and David or by Ruth and Naomi.

We wished to have our *ketubah* represent the reality of the marriage we were entering -- that we were each of our free will choosing to accept and enter into a contract, not only for emotional and spiritual support and challenge, but also a real and binding contract with economic and familial consequences.

We did ultimately use one piece from the standard Brit Ahuvim, the final paragraph at the end of our *ketubah*, quoted from Avot de Rebbe Natan 8:3. However, we considered this to be a poetic addition to the contract rather than a key part of it. We also opened our *ketubah* with a quote by Kahlil Gibran; again, we considered this to be a poetic addition to the *ketubah*.

Obviously, neither of us considers a same-gendered marriage to be a binding *halachic* prohibition. And from the *halachic* perspective there is certainly less concern expressed about lesbian couples than about gay couples. I will not provide a review of this material here, as there have been many scholarly and insightful evaluations of this concern provided by the Conservative, Reconstructionist, Reform and Renewal movements; excellent material written by progressive Modern Orthodox Jews; and much analysis demonstrating the historical development of the concern about homosexuality. I would like to assure the reader, though, that I have studied these *responsas* (adjudications of this Jewish legal question), scholarly essays, and teaching materials.

Ultimately, we chose to work with the traditional Aramaic *ketubah*. We recognized that there would need to be grammatical as well as conceptual changes. For instance, as we understand our relationship to be composed of two who are truly equal, how could only one of us accept a gift from the other? And who would be betrothed to whom? As I was a student in the ALEPH Rabbinic Program at the time of our marriage preparation, Christine and I selected the traditional *ketubah* template provided by Rabbi Zalman Schachter-Shalomi to ALEPH rabbis.

Hearing our *ketubah* read aloud to our witnesses and then signing it was a profound experience. We felt that the seriousness of the commitment upon which we were embarking was held perfectly by our *ketubah*, and by the fact that the formula we were agreeing to had been recited (save for the same gendered grammar and poetic additions) for many generations before us.

## **Commentary on the *Ketubah***

Part One: This is the traditional opening.

Part Two: (a) We are blessed that there have come before us many Jewish women who have committed their lives to each other – historically, as well as in contemporary times. Thus we feel this is, in fact, an on-going custom. (b) Note that one ring is given first by Christine and received by D'vorah, and then a separate ring of equal value is offered by D'vorah and received by Christine. We each fully recited this formula. In this manner, we effected *kiddushin*. (c) We inserted matriarchs since they are also our ancestors. (d) Again, there is such strong evidence of lesbian couples over the millennia that we would argue there is a universal custom of commitments to lifelong lesbian relationships.

Three: Consent is offered by each of us.

Four: The traditional trousseau held true for us and we wanted the poetic addition of character traits we know are needed for a loving union to survive. We each “provided” 100 units of money (*zuzim*) to bring us to the total of 200 *zuzim*.

Five: This was a central statement for us; this stated for us the seriousness of our commitment to one another – while alive and after death.

Six: This is the traditional wording (save for the plural “brides.”)

Seven: We wanted to emphasize our theological belief and priority that our lives are committed to the work of repairing the world (*tikkun olam*) for all beings, not just one religious group and not just humans.

Eight: This is drawn from the standard Egalitarian *Ketubah*.

Nine: We felt this quote by Rabbi Nathan expressed so well our goals for our relationship that we added it to the *ketubah*. This is drawn from the standard Brit Ahuvim.

### **Additional Notes:**

Christine is of Lebanese descent and we wanted to honor her heritage. Thus, we chose to open our *ketubah* with the quote from Kahlil Gibran. We also selected a *ketubah* design that reflects the Middle Eastern Jewish (*Mizrachi*)/Arabic ornamental style.

We were aware of some minor grammatical errors within the original Aramaic text. We opted to keep those, as this was the text that had been passed down to us.

Rabbi Karen Berger provided us with the crafting of grammatically appropriate Aramaic, helped us wrestle with some key legal aspects of the ketubah (especially the *kiddushin*), and with some of the conceptual framing we wished to introduce to our *ketubah*. Our conversations with Rabbi Karen were intensely thoughtful and thought-provoking, and were an important part of our marriage preparation.

### **The Ketubah in English**

“But let there be spaces in your togetherness and let the winds of the heavens dance between you. Love one another but make not a bond of love; let it rather be a moving sea between the shores of your souls.” (Kahlil Gibran)

On the first day of the week, the 14th day of the month of Av in the year 5770 since the creation of the world, in the city of Stanford, Christine (Gabriela) daughter of Jerry and Sandra and D’vorah Lynne Rose (D’vorah Lee bat-Hanina) said to each other: “Be my wife according to the laws of Moses and Israel, and I will cherish, honor and support and maintain you in accordance with the custom of Jewish women who cherish, honor, support and maintain their wives faithfully. And I offer to you the settlement of equal gold rings, which belong to us, according to the law of Moses, the Patriarchs and Matriarchs, and we will also give each other food, clothing and necessities, and live with each other as beloved wives according to universal custom.”

And we consented and became married.

The trousseau that we bring to one another is in silver, gold, valuables, clothing, furniture and bedclothes, and in addition patience, kindness, generosity, love, and recognition of each other’s true selves. All was accepted for 100 zuzim by us, and increased in value by 100 silver zuzim for a total sum of 200 silver zuzim.

And thus said the brides: “All our property, real and personal, even the shirts from our backs, shall be mortgaged to secure the payment of this marriage contract, of these trousseaus and the additions made to them, during our lifetimes and after our deaths from the present day and forever.”

The brides have taken upon themselves the responsibility of this marriage contract, of the trousseaus and of the additions made to them, and according to the restrictive usages of all marriage contracts and according to the institutions of our sages of blessed memory. It is not to be regarded as a mere forfeiture without consideration or as a mere formula of a document.

The brides have promised each other to strive throughout their lives together to achieve an openness which will enable them to share their thoughts, feelings, and experiences; to be sensitive at all times to each other's needs; to attain mutual intellectual, emotional, physical and spiritual fulfillment; and to work for the perpetuation and wholeness of Judaism, the Jewish people, and all sentient beings, in their home, in their family life, and in their communal endeavors.

Everything is valid and established.

Bride: \_\_\_\_\_

Bride: \_\_\_\_\_

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

Rabbi: \_\_\_\_\_

“Acquire for yourself a partner, one who will eat with you, study and grow with you, sleep with you, and reveal the hidden aspects of your thoughts and life.” (Avot de Rebbe Natan 8:3)

## The Ketubah in Aramaic & Hebrew

Some of the key changes in the Aramaic are in bold and underlined.

### כתובה

<p>(in the Aramaic Ketubah) On the _____ day of the week, the _____ day of the month _____ in the year _____ since the creation of the world, in the city of _____</p>	<p>ב _____ בשבת _____ לחדש _____ שנת חמשת אלפים ושבע מאות לבריאת _____ עולם למנין שאנו מונין כאן _____ _____</p>
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<p>Christine (Aramaic: Gabriela) daughter of Jerry and Sandra and D'vorah Lynne Rose (Aramaic: D'vorah Lee bat Hanina) said to each other: "Be my wife according to the laws of Moses and Israel, and I will cherish, honor, support and maintain you in accordance with the custom of Jewish women who cherish, honor, support and maintain their wives faithfully. And I offer to you the settlement of equal gold rings, which belong to us, according to the law of Moses, the patriarchs and the matriarchs, and we will also give each other food, clothing and necessities, and live with each other as beloved wives according to universal custom."</p>	<p><b><u>איך גבריאל בת ג'רי וסנדרה סופלת אמרה לדבורה לי בת חנינה הוי לי לאנתה כדת משה וישראל ואנא אפלח ואוקיר ואיזון ואפרנס יתיכי ליכי כהלכות בנות יהודאן דפלחנן ומוקרן וזנן ומפרנסן לנשיהן בקושטא. ויהיבנא ליכי מהר בתוליכי כסף זוזי מאתן וטבעת זהבה שלי בידי דחזי ליכי מדאורייתא ואהבתנא ואמננא ואהיבנא ליכי מזיניכי וכסותיכי וסיפוקיכי ומיעל לותיכי ודיירנא כנשיהן אהובתן כאורח כל ארעא.</u></b></p> <p><b><u>ודבורה לי בת חנינה אמרה לגבריאל בת ג'רי וסנדרה סופלת הוי לי לאנתה כדת משה וישראל ואנא אפלח ואוקיר ואיזון ואפרנס יתיכי ליכי כהלכות בנות יהודאן דפלחנן ומוקרן וזנן ומפרנסן לנשיהן בקושטא. ויהיבנא ליכי מהר בתוליכי כסף זוזי מאתן וטבעת זהבה שלי בידי דחזי ליכי מדאורייתא ואהבתנא ואמננא ואהיבנא ליכי מזיניכי וכסותיכי וסיפוקיכי ומיעל לותיכי ודיירנא כנשיהן אהובתן כאורח כל ארעא.</u></b></p>
<p>And we consented and became married.</p>	<p><b><u>וצבי מרת גבריאל בת ג'רי וסנדרה סופלת ומרת דבורה לי בת חנינה בתולתאן אלין והוי להן לאנתהון.</u></b></p>
<p>The trousseau that we bring to one another is in silver, gold, valuables, clothing, furniture and bedclothes, and in addition patience, kindness, generosity, love and recognition of each other's true selves, all was accepted for 100 zuzim by us, and increased in value by 100 silver zuzim for a total sum of 200 silver zuzim.</p>	<p><b><u>ודנא נדוניא דהנהלת להדדי מבי גבריאל בת ג'רי וסנדרה סופלת ודבורה לי בת חנינה בין בכסף בין בזהב בין בתכשיטין במאני דלבושא בשימושי דירה ובשימושא דערסא בין אהבא בין אחוה ובין שלום ובין רעות ובין נדבת לבא ובין טביעות עינא בנשמנותינא. הכל קבל עלינא במאה זקוקים כסף צרוף דנן והוסיפא לה מין דיליה עוד מאה זקוקים כסף צרוף אחרים כנגדן סך הכל מאתים זקוקים כסף צרוף</u></b></p>

<p>And thus said the brides: "All our property, real and personal, even the shirts from our backs, shall be mortgaged to secure the payment of this marriage contract, of these trousseaus and the additions made to them, during our lifetimes and after our deaths from the present day and forever."</p>	<p>וכך אמרה <u>גבריא אל בת ג'רי וסנדרה סופלת לדבורה לי בת חנינה הכלות</u> אנא למקנא נכסין דאית להון אחריות ודלית להון אחריות כלהון יהון אחראין וערבאין לפרוע מנהון שטר כתובתא דא נדוניא דן מנאי ואפילו מן גלימא דעל כתפאי בחיי ובתר חי ימן יומא דנן ולעלם.</p> <p>ואמרה <u>דבורה לי בת חנינה הכלות לגבריא אל בת ג'רי וסנדרה סופלת</u> אנא למקנא נכסין דאית להון אחריות ודלית להון אחריות כלהון יהון אחראין וערבאין לפרוע מנהון שטר כתובתא דא נדוניא דן מנאי ואפילו מן גלימא דעל כתפאי בחיי ובתר חי ימן יומא דנן ולעלם.</p>
<p>The brides have taken upon themselves the responsibility of this marriage contract, of the trousseaus and of the additions made to them. And according to the restrictive usages of all marriage contracts and according to the institutions of our sages of blessed memory. It is not to be regarded as a mere forfeiture without consideration or as a mere formula of a document.</p>	<p>ואחריות וחומר שטר כתובתא דא נדוניא דנא קבלא עליהן <u>גבריא אל בת ג'רי וסנדרה סופלת הכלה ודבורה לי בת חנינה הכלה</u> דנן כחומר כל שטרי כתובות <u>ותוספתות</u> דנהנין בבנות ישראל העשויין כתקון חכמינו זכרונם לברכה דלא כאסמכתא ודלא כטופסי דשטרי</p>
	<p>הבטיחו בנאמנות ונדיבות לב זו לזו להשתדל לשתף את חייהן להשתלמות והתפתחות אישיית ולעזרה וגילוי דעת הדדיות ולזכרון הבטחה זו כתבו עוד כתב הוראה עם פרטים העומדים לבקורת מזמן לזמן כפי הצורך בהסכמת שניהן. הכלות נשאו רינה ותפילה שהשייית יצרף שאיפתן למעשיהן שיהיו שמים לב האחד אל השני וששכם אחד <u>יעלה ויבוא ויגיע אותן</u> לסדר חיים בו ימלאו צורכי התודעה והרגש הגוף והנפש בתוך שלום בית ונחלת היהדות ועם ישראל <u>וכל יצורים מודעים</u>.</p>

	על כל מה דכתוב ומפורש לעיל במנא דכשר למקניא ביה והכל שריר וקים
	נאום _____
“Acquire for yourself a partner.” What does the phrase mean; a person should obtain a friend? That a person should find him/herself a partner that will eat with them, study and grow with them, sleep with them and reveal the hidden aspects of their thoughts and lives.” (Avot de Rabbi Natan 8:3).	קנה לך חבר. כיצד מלמד שיקנה אדם חבר לעצמו? שיאכל עמו ויקרא עמו וישנה עמו וישן עמו ויגלה לו כל סתריו, סתרי תורה וסתרי דרך ארץ (אבות דרבי נתן ח: ג)