

Ceremonies for the Commitment and Dissolution of Same Sex Unions

Rabbi Dan Shevitz

The couple stands beneath a Chuppa. Each partner in turn holds a Torah scroll and makes the following declarations:

יריב ס'ית בידיו ויישבוע:

תריב ס'ית בידיה ותישבוע:

נְשָׁבַע אֲנִי בְּאֱלֹהֵי יִשְׂרָאֵל שְׁשָׂמוּ רַחוּם וְחַנוּן, וְעַל דַּעַת בֵּית דִּין זֶה, שְׁ _____ יְהִי לִי בֶן זִוְגִי. אֲנִי אֶפְרָגְס אוֹתוֹ וְאֶכְבֵּד אוֹתוֹ וְאֶזֶן אוֹתוֹ כְּדָרְךָ כָּל מְשֻׁפָּחוֹת הָעוֹלָם, כִּי אֶהְבֵּת נַפְשִׁי אֶהְבֵּתוֹ. הִנֵּה בְרִית כְּרוּתָה בֵּינֵינוּ לְבָנוֹת בֵּית נְאֻמָּן בְּיִשְׂרָאֵל בּוֹ יִשְׁכְּנוּ אֶהְבֵּה וְאֶחְזֶה שְׁלוֹם וְרַעוּת. יְהִי רָצוֹן מִלְּפָנֶי רַבּוֹן הָעוֹלָמִים שְׁיִמְלֵא בֵּיתֵנוּ אֶהְבֵּת הַשֵּׁם וְכַבֹּד הַבְּרִיּוֹת, אֶהְבֵּת הַתּוֹרָה וְיִרְאֵת שְׁמַיִם.

נְשָׁבַעָה אֲנִי בְּאֱלֹהֵי יִשְׂרָאֵל, שְׁשָׂמוּ רַחוּם וְחַנוּן, וְעַל דַּעַת בֵּית דִּין זֶה, שְׁ _____ תְהִיָּה לִי בַת זִוְגִי. אֲנִי אֶפְרָגְס אוֹתָהּ וְאֶכְבֵּד אוֹתָהּ וְאֶזֶן אוֹתָהּ כְּדָרְךָ כָּל מְשֻׁפָּחוֹת הָעוֹלָם, כִּי אֶהְבֵּת נַפְשִׁי אֶהְבֵּתֶיהָ. הִנֵּה בְרִית כְּרוּתָה בֵּינֵינוּ לְבָנוֹת בֵּית נְאֻמָּן בְּיִשְׂרָאֵל בּוֹ יִשְׁכְּנוּ אֶהְבֵּה וְאֶחְזֶה שְׁלוֹם וְרַעוּת. יְהִי רָצוֹן מִלְּפָנֶי רַבּוֹן הָעוֹלָמִים שְׁיִמְלֵא בֵּיתֵנוּ אֶהְבֵּת הַשֵּׁם וְכַבֹּד הַבְּרִיּוֹת, אֶהְבֵּת הַתּוֹרָה וְיִרְאֵת שְׁמַיִם.

הִיָּה בֶן זִוְגִי וְכֵן יְעוּדִי בְּטַבְעַת זָוֶן כִּי נַפְשִׁי בְּנַפְשֶׁךָ קְשׁוּבָה. יְהִי חֶלְקִי עִמָּךְ וְחֶלְקֶךָ עִמָּדִי. כְּכַתוּב בַּתּוֹרָה -

הִיָּה בַת זִוְגִי וְכַתּוּב יְעוּדִי בְּטַבְעַת זָוֶן כִּי נַפְשִׁי בְּנַפְשֶׁךָ קְשׁוּבָה. יְהִי חֶלְקִי עִמָּךְ וְחֶלְקֶךָ עִמָּדִי. כְּכַתוּב בַּתּוֹרָה -

S/He holds a Torah scroll in her/his arms and, addressing the Bet Din, swears: I solemnly swear to Almighty God, whose name is Merciful and Kind, and under the aegis of this Rabbinic court, that _____ shall be my life partner. I will support him/her, honor him/her and sustain him/her in the manner of all families, for I love her/him as myself. Now, a covenant is forged between us to build a proper house among the People of Israel, in which shall dwell love and companionship, peace and friendship. May it be the will of the Master of all Worlds that our home be filled with the love of God and the honor of all creatures, love of Torah and piety.

If rings are being used, either of the following passages should be recited when the ring is given:

S/He addresses the partner: Now, be my mate and partner in destiny, for my soul is bound up with yours. May my portion always be with you, and yours with mine. As it is written in our Torah:

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וּתְאֹמַר רוּת אֶל תִּפְגַּעִי בִּי לְעִזְבוֹתָ לָשׁוּב מֵאַחֲרַיִךְ כִּי אֵל אֲשֶׁר תִּלְכִּי אֵלַי וּבְאִשְׁרֵי תְּלִינִי אֶלְיוֹן עִמָּךְ
עִמִּי וְאֱלֹהֶיךָ אֱלֹהֵי: בְּאִשְׁרֵי תְּמוֹתַי אָמוֹת וְשֵׁם אֶקְבֹּר כֹּה יַעֲשֶׂה יי לִי וְכֹה יִסִּיף כִּי הַמּוֹת יִפְרִיד בֵּינִי
וּבֵינֶךָ.

Ruth said: “Do not entreat me to leave you or turn from you; where you go shall I go, where you lodge shall I lodge. Your people shall be my people and your God my God. Where you die, there shall I die and be buried. A solemn oath to God: Let only death ever part us!” *Ruth 1:16*

וַיֹּאמֶר יְהוֹנָתָן לְדָוִד לֵךְ לְשָׁלוֹם אֲשֶׁר נִשְׁבַּעְנוּ שְׁנֵינוּ אֲנַחְנוּ בְּשֵׁם יי לֵאמֹר יי יְהִיָּה | בֵּינִי וּבֵינֶךָ וּבֵין
זַרְעֵי וּבֵין זַרְעֶךָ עַד עוֹלָם.

Jonathan said to David: “Go in peace, for we have sworn between us in the name of God -- Let God’s Presence be between us and our children after us forever.” *1Sam 20:42*

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If there is an officiant, S/He may offer words of Torah and blessing. The ceremony is concluded with a bracha said over a glass of wine:

בְּרוּךְ אַתָּה ה', אֱ-לֹהֵינוּ מֶלֶךְ הָעוֹלָם, בּוֹרֵא פְּרֵי הַגָּפֶן.

You Source of all Blessing whose presence fills the world – Creator of the fruit of the vine.

The guests answer: אָמֵן Amen.

Each partner drinks.

A glass is placed on the ground in front of the couple; they join hands and together break it.

Mazal tov!

Note:

The ritual is based on the use of an oath to assume responsibilities between individuals. It depends on the model of the halachic understanding of another case of obligations created between individuals which duplicated those imposed by the Torah, namely, adoption. In an adoption, the adopting parents, by means of an oath (which may be implied or explicit) assume the responsibilities that the law imposes on biological parents. Here, the context and language reflect the language of mutual obligations found in the ketuba. Because the exchange of rings is not a part of the oath, I have included it as an option and in italicized characters so it may be included or excluded as desired.

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Dissolution of Same Sex Commitment

The dissolution of an obligation made by vow, implicit or explicit, is done by and in the presence of a Bet Din, a Jewish Court of three dayanim (judges). They may all be rabbis, or only the Av (head of the court). If a rabbi is not present the court should be made up of three learned Jews unrelated to either partner. If the partners are not physically together at the time and place of the ceremony, either one may appoint an agent to act in his/her stead with appropriate changes in the language.

Av:

For what purpose do you come before us?

Petitioners:

Honorable Judges: Once our hearts were full of promise for the future, and we believed we could build a home together for all time. We made promises to each other, and before our families, friends and community. But our dreams did not come to pass, our home is plagued with discontent, and we have come to the sad conclusion that our promise to live together, joined together in a sacred bond, cannot honestly be fulfilled.

We ask you to release us from our vows, so that we may innocent before God and honorable to each other.

Av:

Had you known when you undertook your commitments all that you now know, would you have made the promises to each other that you made?

Petitioners:

Had we known, we would not have made those promises.

Av:

. מותר לך, מותר לך, מותר לך You are released, you are released, you are released.

Dayanim:

. מותר לך, מותר לך, מותר לך

You are released, you are released, you are released.

Av:

Will you present each other with a גט פרידה – GET Preida: *a Deed of Separation*?

Petitioners:

Yes, and here is our Get.

The Get is read, and is signed by the members of the Bet Din and by the Petitioners. Together, they lift it up over their heads, and return it to the Av, who then cuts it.

Av:

Just as you began your wedded life in holiness, so end it in holiness. As you have asked forgiveness, will you try to forgive each other for trespasses, failures, and injuries that you have felt?

Petitioners:

As we have been forgiven, so we will try to forgive.

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Av:

Will you give each other a gift of farewell?

Petitioners exchange gifts and blessings.

Av:

לכו לשלום. Go now in peace, and may the Holy One bring you comfort for your loss, and courage to live faithfully.

Note:

The dissolution of the obligations created by an oath is well documented in the literature (see the Talmudic Encyclopedia, sv hatarat nedarim for the issues regarding the difference between oaths and vows). In the accompanying commitment ceremony, the oath is taken al da'at bet din, which should leave no doubt regarding the power of the court to annul the oath in the event of a civil divorce. Where no explicit oath has been undertaken, the court may construe an implicit oath. Such a construction is attested in the parallel circumstance of adoption, wherein the parental and filial obligations are legally created by force of an implied oath.

The Bet Din may encourage the couple to find a פתח תשובה, as suggested by Maimonides here:

מי שנשבע ולא ניחם על שבועתו ובא לבית דין לקיים שבועתו, אם ראו הדיינים שהיתר שבועה זו גורם למצוה ולשלום בין איש לאשתו בין אדם לחבירו ושקיום שבועה זו גורם לעבירה ולקטטה פותחין לו פתח ונושאים ונותנים עמו בדבר ומודיעין לו דברים שגורמת שבועתו עד שיתנחם, אם ניחם בדבריהם מתירין לו ואם לא נחם ועמד במריו הרי זה יקיים שבועתו יד הלי שבועות ו:י

If one swears an oath and has not explicitly repented of it, and comes before the Court...if the judges determine that releasing this oath will be source of *mitzvah* and peace between husband and wife or a person and his friend, and that the fulfilling of this oath leads to quarrel, they may give him an opening to reconsider his oath, and they engage him in conversation until he repents. If he repents of his oath as the judges have spoken, they release him. *Laws of Oaths 6:10*

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שטר גט פרידה

ב ___ בשבת ב ___ יום לירח ___ שנת ___
למנין שאנו מונים כאן _____

ו _____, _____
הצהרנו שנינו פה אחת:
אמרנו לבנות בית בישראל ולא עלה בידינו, ועל
זאת לבי דווי. נחמתי על הנדרים והשבועות
שבהם קשרנו את נפשינו. אנא ניפרד אחד מן
השני כדברי אברהם אבינו: אִם־הִשְׁמַאל
וְאִימָנָה וְאִם־הַיָּמִין וְאִשְׁמְאִלָּהּ. לְכִי נָא לְשִׁלּוּם
וְתֵהִי אַחֲרֵיתְךָ בְרוּכָה. הִנֵּה שֹׁטֵר זֶה גֵּט פְּרִידָה
בֵּינֵינוּ וְהָיָה לְכָל אָדָם
כְּדַת מֹשֶׁה וְיִשְׂרָאֵל.

נאום

נאום

נאום

אנחנו:

Translation:

On the ___ day of the week, the ___ day of the month of ___ year ___ according to the reckoning of this place
___ we two _____ and _____ spoke with one voice: "We had thought to build a home
in Israel, but we did not succeed. For this my heart aches. I regret the vows, oaths, and promises I made
to you by which we pledged our lives together. Let us now separate one from another, in the words of
Father Abraham: 'If you to the north, than I to the south; if you to the south, than I to the north.' Go now
in peace, and may your future be blessed. This document shall be a Deed of Separation between us, and
you are free to marry anyone you choose, according to the teachings of Moses and the practices of the
people of Israel."

Signature of the members of the Rabbinic court:
Signatures of the parties.



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