issue of Jewish status for immigrants and children of immigrants whose Jewish identity is not recognized and who are unwilling to undergo Orthodox conversion.

Will civil marriages threaten the unity of the Jewish people? I do not believe so. Sadly, families most concerned with the "religious" purity of their children's spouses have long ago isolated themselves from the rest of us. While I hope that one day Reform and Conservative marriages will be state sanctioned in Israel, civil ceremonies could be the first step toward fulfilling a basic human right guaranteed for all citizens of Israel.


Coat of the *Agunah*

153 x 151 cm

Digital scans of antique *ketubot,* threads

I tore to shreds the reproduced scans of antique *ketubot* from the archive of the Jewish National Library at Hebrew University as a metaphor for the state of an *agunah*, a woman chained to her marriage. I then sewed together each piece as a symbol that an *agunah* is hemmed in by every word of the *ketubah*. I left the threads hanging because she is left hanging, her status completely in the hands of her recalcitrant husband. I then reassembled the pieces into a large and cumbersome coat that she must wear continually. The sleeves and hem are sewn shut — she is trapped and unable to free herself. It is created out of paper, because it is paper (her *ketubah*) that entraps her and it is paper (her *get*) that will free her.

Andi Arnovitz is a printmaker/paper artist living and working in Jerusalem. Her work can be seen at www.andiarnovitz.com.
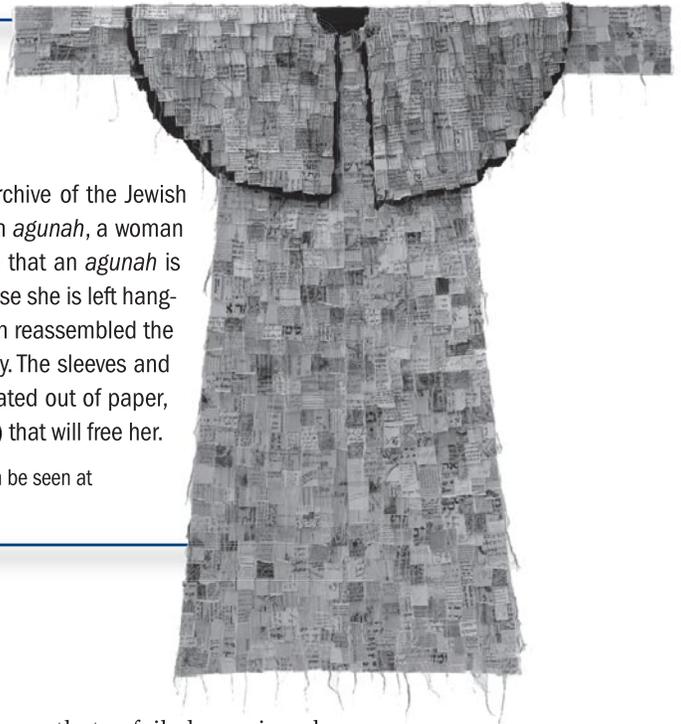
Sanctifying Endings

MELANIE MALKA LANDAU

Finding legal strategies to address the problem of divorce and *agunot* (chained women whose husbands won't grant them a religious divorce) were of critical importance to the Manchester University Agunah Research Unit, whose draft report was issued last summer. The unit focused its efforts on finding solutions that would take into account the most intransigent halakhic perspective in order to achieve a global set of solutions of which at least one would be acceptable to all Orthodox and ultra-Orthodox rabbinic authorities. While the effort is to be applauded, the report neglected to question the appropriateness of kiddushin as the model of marriage for contemporary Jews, which while regretful is understandable, given their target audience.

The non-reciprocal nature of kiddushin, as well as the unresolved problem of *agunot*, have prompted many thinkers, Orthodox and not, to conceptualize alternative forms of sanctifying long-term commitments within heterosexual relationships. These alternatives have a profound impact on Jewish divorce. One example is conditional marriage, detailed in Rabbi Eliezer Berkovits' *Tenai be'Nissuin uve'Get*,[1] which ostensibly maintains the initial acquisition (*kinyan*) but allows that a failed marriage be retroactively annulled in the case where a husband refuses to grant his wife a divorce. In this model, divorce ceases to be problematic because the husband either grants a divorce within a specified time or the marriage is considered retroactively nullified.

Derekh kiddushin is another marriage alternative. It bypasses the acquisition, which is part of the betrothal, by creating a cohabitation relationship that Rabbi Meir Simcha Feldblum rehabilitated in the late 1990s from ancient rabbinic tradition.[2] Feldblum's rendition of *derekh kiddushin* does not require divorce because, though it sets out a cohabitation agreement, the agreement falls short of the nonreciprocal rabbinic requirements for establishing marriage. Scholars have criticized *derekh kiddushin*, saying that it is no different than concubinage, a model that does not represent the holiness of marriage. Egalitarian betrothals are, in recent years, more common, and their status has elicited an array of opinions from contemporary Orthodox authorities, similar to analyses of *derekh kiddushin*.[3]

Historically, there has also been divided opinion as to the nature of relationships requiring a *get*. The Babylonian Gaonim and

[1] Eliezer Berkovits, *Tenai be'Nissuin uve'Get* (in Hebrew). Jerusalem: Mossad HaRav Kook, 1966.

[2] For full text, see Meir S. Feldblum, "The problem of *agunot* and *mamzerim* — A suggested overall and general solution" (in Hebrew) *Dinei Israel* 19, 203-216.

[3] The main difference may be that in the egalitarian kiddushin model, both partners may say "*harei at/ah mekudash/mekudeshet li,*" still maintaining the language of kiddushin as opposed to the *derekh kiddushin,* where the statement, also said by both parties may be, "*harei at/ah meyuhad/meyuhedet li.*"

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some medieval Ashkenazic authorities writing on agreements pertaining to cohabitation comment that except for when it is recognized as a transient affair, marriage intent should be assumed and therefore a *get* would be required. Maimonides applies a more limited definition of intention to marry.[4]

But even if a divorce is not halakhically required in a *derekh kiddushin* relationship, the end of a relationship must be given some formal treatment. Because the approach that men can unilaterally divorce is no longer an acceptable option for many, how are we to create an ending that is both fair and just as well as ritually and spiritually appropriate? A kernel of thinking comes from a line of the poet T. S. Eliot, who wrote that "in my beginning is my end." The prescribed end of something actually influences the beginning, and the relationship as a whole is created by that structure of power. This sentiment is shared by feminist political theorist Susan Moller Okin, who argues that to ensure gender equality in the marriage, one must create a sense of just reciprocity not only in the ceremony that formalizes the marriage but also in the exit strategy. Her analysis suggests that the "relative potential of the exit options for the two parties is crucial to the power structure."[5]

One option would be to mimic the process of civil divorce, even in cases where there had not been a civil marriage. In Australia, for example, civil marriage is required when a religious marriage occurs. But even where there is no civil marriage, cohabitation relationships are acknowledged as legally equivalent to marriage.[6] In such instances, a couple that separates can apply to the family court to settle financial matters and child custody issues. The civil divorce requires twelve months of separation before the divorce is decreed, a span that could be reduced in cases of abuse or other criminal conduct.

Creating some ritual to mark the end of a relationship (the drama of the ritual of *get*, if not its legal ramifications), acknowledges the significance of the milestone. In some cases, the former partners may be on terms to complete part of the ritual together, but nonetheless, part of the ritual should include a singular reflection and acknowledgment by each partner about ending the relationship and an honoring of self, witnessed by supportive community. Sometimes, people are most isolated at these crucial lifecycle times; it would be helpful and instructive to offer a nurturing Jewish environment for individuals to experience both their vulnerability as well as their connectedness to community.

Creating new forms of partnership and also separation should draw on established paradigms. While fulfilling the technical requirements of divorce, these new forms should also express the values that underlie the human experience of separation and the transformation of relationship.

[4] Getsel Ellinson, "Civil Marriage in Israel: Halakhic and Social Implications" *Tradition*, 13 (1973) 24-34 at 27. Note that some argue that the presumption only applies to *kesherim* (kosher people) who care about licentiousness such as Responsa Ribash,6; Maggid Mishneh at Maimonides, *Mishneh Torah*, Laws of Divorce, 10:19. Also see *Mishpetei Uzziel*, EH,59 where he argues that there is no divorce necessary for a woman married in a civil ceremony only.

[5] Susan Moller Okin, *Justice, Gender and the Family*, 138.

[6] Except for same-sex couples who can cohabitate but not get married, according to the state.

Brit Ahuvim and Not Kiddushin

AMITAI ADLER AND JULIE PELC ADLER

When we decided to use the *Brit Ahuvim* (Lover's Covenant) marriage ceremony designed by feminist theologian Rachel Adler (Ami's mother), we did so not out of nepotism but out of a conviction that it is the best halakhic alternative to kiddushin. We have both studied the halakhot of kiddushin and we both felt that, as egalitarian feminists, kiddushin is simply unacceptable: however one were to spin it, kiddushin is ultimately about a man purchasing himself a wife. The parties are never equal; it takes an immense amount of halakhic contortionism to even approach equality in kiddushin. Best, we decided, to follow Ami's mother's proposal, and simply sidestep the entire morass.

Brit Ahuvim is grounded in the *halakhot* of partnership, and it was invented specifically to be an egalitarian Jewish marriage ceremony that is simply not kiddushin: it doesn't seek to change kiddushin or reinvent it, merely to be an alternative. We did considerable revision to its initial text, not to rewrite the concept and halakhic foundations, but to fill what we saw as some of the halakhic loopholes left open regarding divorce procedure (there previously was none extant) and the possibility that a *bet din* would label the marriage a *safek kiddushin* or "questionable kiddushin" (by means of repeated declarations that it is not a kiddushin, and a contractual condition retroactively annulling the contract should a *bet din* label it a *safek kiddushin*). This latter issue, of course, is ultimately insoluble; someone will always have a stricter halakhic view.

Our *Brit Ahuvim* would be a serious halakhic endeavor, something that reflected our dual commitments to egalitarianism and halakhic reform using halakhic tools, something that was still tied to tradition and joy. We wanted a marriage ceremony that would be flexible and innovative enough to be replicated by others — egalitarian couples across the Jewish spectrum, both heterosexual and LGBT.

Amitai Adler is a Conservative rabbi, a teacher, and writer. **Julie Pelc Adler** is a Reform rabbi, currently director of Jewish student life at Santa Monica College Hillel, and the director of the Berit Mila Program of Reform Judaism/NOAM.