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To Margalit Fox,
Marsha Melnick,
Margaret Moers Wenig—
women of valor.

And for Joel David Robinson and Lenora Miller Robinson—
may their memory be a blessing

ENGAGEMENT AND MARRIAGE

THE JEWISH VIEW OF MARRIAGE

It is no accident that the term for the marriage ceremony in Hebrew is *kiddushin/kantification*. Marriage is viewed by Judaism as a sacred act, also an imperative one. In the time of the Temple, the High Priest was not permitted to conduct the Yom Kippur rite if he was unmarried. The sages who wrote and compiled the Talmud were invariably married men. The Talmud states explicitly that one of the duties of a father is to see his son to the altar and to provide enough material support that his daughter will be marriageable. Even God is "married" to the Jewish people; in Hosea 2:21, Adonai says, "I will betroth you unto Me forever." Similarly, we greet the Sabbath as a bride. Such is the power and holiness of marriage in Jewish thought.

Marriage as an institution is as much the creation of God as anything in the Torah. "It is not good for man to be alone," the Creator says of Adam in Genesis 2:18 before creating Eve as his companion. By investing marriage with a Divine origin, Judaism gives it even greater weight and sanctity.

At the same time, marriage is a legal, contractual agreement. Traditionally, the marriage contract represents the agreement of a woman to give up a portion of her legal autonomy in return for a promise of financial support and other rights that she receives from a man. A Jewish marriage contract (*ketubah*) is made between two autonomous entities, man and woman; but there is a *quid pro quo* here, an arrangement negotiated between equals—to an extent.

The Mishnah quotes Torah to the effect that a man "acquires" a wife, but the Talmud glosses the Mishnah, making it clear that a wife is not property. The husband will be the contracting party, the one who executes the contract. But it becomes effective only when the wife accepts it. (For a more detailed discussion of the contract itself, see sidebar "The *Ketubah*," p. 161.) Even in an arranged marriage between minors, the girl always had the right to refuse to accept her putative fiancé.

Jewish men are obligated by the Talmud and the marriage contract to provide their wives with food, clothing, medical care, conjugal relations, ransom if she is kidnapped, suitable burial if she dies first, or support from his estate and the right to live in his house if he dies first; a

fund for the support of his daughters until they marry if he dies before that event; a sum of money mandated in the *ketubah*; and that same sum to her sons in addition to whatever they inherit if she dies before her husband.

Jewish women, in turn, are obligated by the Talmud to provide earnings from her labor (if any), any overless object she finds while out of the house, profits from her capital, but only for purposes of the household (and not including the capital itself), and the right to inherit her estate. Jewish law has always permitted women to own property and to enter into contracts, even after marriage. Additionally, it explicitly protects husbands from beating their wives, forcing them to have sex, or restricting their free movement.

These dual obligations may seem insignificant to some today, but as a foundation stone on which the Jewish marriage was built two thousand years ago, they constituted an impressively progressive beginning. Even today, at least on paper, from the most *frum/shtetl* observant to the most Reform, Jewish marriage laws are designed to protect the rights of wives. (Divorce, as we will see in the next section of this chapter, can be a rather different story.)

THE KETUBAH

Long before there was an organized feminist movement, Jewish law made some tentative moves towards protecting the rights of married women. As far back as the Book of Exodus and continuing through the Talmud, certain rights and obligations incumbent on husbands were spelled out explicitly. But the document that protected those rights the most thoroughly, indeed, the oldest surviving institutionalization of a woman's marriage and divorce rights, is the *ketubah*, the marriage certificate that is signed and handed to the bride during a Jewish wedding ceremony. The obligation outlined in the *ketubah* (literally, "the writing") one's dowry and therefore binding under Jewish law.

The oldest known example of a *ketubah* dates back to the fifth century B.C.E.; its terms are not significantly different from those to be found in a contemporary Orthodox wedding certificate.

A traditional *ketubah* will usually include the following provisions:

- A provision for the maintenance of the wife after divorce, to be paid in a lump sum; the amount is supposed to be equivalent to the

- amount needed to support her for one year.
- The value of the property the bride brings to the marriage, the husband may enjoy the income accrued from this property, but in a divorce he must repay the principal.
- An additional amount pledged by the husband, the "*kesef kenubi/conditional kenubi*."
- A woman's *kenubi* acts as a lien on her husband's property, a mortgage, or, if wren, assuring her ability to collect in the event of his death or their divorce.

In recent years, rabbis have begun supplying couples with a "plain-English" summation of the obligations of the husband.

The *Isnuid* states explicitly that the purpose of the *kenubi* was to make sure that "it should not be easy for a husband to divorce his wife," a protection that is necessary under Jewish law since only the husband can initiate a divorce.

Beginning sometime in the tenth or eleventh century, it became common for *kenubi* (the plural) to be executed in beautifully illuminated versions, often decorated with biblical verses that were appropriate to the nature of the occasion. Different schools of illumination developed reflecting the artistic bent of the Diaspora communities in which they were designed. Since the 1960s, there has been something of a renaissance of the hand-painted *kenubi*, with many couples hanging their *kenubi* in the home as a work of art with a highly personal emotional significance.

The Conservative movement has in recent years introduced a passage into their *kenubi* in which both husband and wife agree to accept the decision of the *bai din*, the rabbinical court, in matters regarding divorce. The Reform movement has replaced the traditional *kenubi* with a more modern "egalitarian" version, focusing more on the interpersonal obligations of marriage and less on the financial and legal ones. Given the history of the document as the first real assertion of a woman's rights in marriage, this seems an eminently logical and just development within Reform tradition.

ENGAGEMENT

Today, arranged marriages put together by a *shadchan/matchmaker* are a rarity in all but ultra-Orthodox families. Even in those families,

though, the parents ultimately have no authority to force a marriage, nor do they have the right to veto their children's choice of spouse. There are still, however, some marriages that are prohibited by Jewish law, usually for reasons of consanguinity (See sidebar "Prohibited Marriages," p. 169.)

Among ultra-Orthodox Jews the custom of bestowing a dowry (*दान* in Hebrew) is still observed. It often takes the form today of the *ket*: a promise to support the new son-in-law while he studies at the yeshiva. Even in previous centuries a great scholar or the scion of an important rabbinical line was considered a greater catch than a rich ignoramus; the *ket* is one of the more benevolent fruits of that attitude.

Jewish engagements are like anyone else's; they can last a week, or they can last several years. (You may be old enough to remember Milton Berle's running jokes about his sister's several decades' long engagement.) Among Orthodox Jews, however, engagements are short; once the decision has been made, and an engagement document signed, there is no reason to delay a *simcha/joyous event* and, given that Orthodox couples will have no physical contact before the marriage, it also seems the considerate thing to do for young people.

The choice of a wedding date is bit thornier for Jews than for non-Jews. Even in Reform Judaism, one does not get married on certain days. Among the proscribed days are Shabbat, the festivals, the High Holy Days, and the Ten Days of Repentance. In addition, more traditionally observant Jews will not get married during the Omer period (except on Lag b'Omer or, in Zionist circles, Yom Ha'atzma'ut or Yom Yerushalayim), the Three Weeks mourning period, or any major or minor fast day. Additionally, because an Orthodox man is forbidden to come in contact with his wife when she is menstruating, Orthodox couples will try to time a wedding to her menstrual cycle.

BEFORE THE CEREMONY

The Shabbat before the wedding both Orthodox and non-Orthodox Jewish couples will enjoy a ritual called the *afuf*, a Yiddish word that means "calling up." The groom (and in non-Orthodox congregations usually the bride as well) is called to the Torah for an *aliyah*. After he has completed the second of the blessings for the reading of the Torah, he will be petted from all sides by candy, symbolic of the congregation's

wishes for a sweet future for the couple. (In Israel they throw early at *hor mizrah* ceremonies as well.)

The day before the wedding, a traditionally observant bride will visit the *mikveh/ritual bath* to immerse herself. In the *shetlah*, she would often be accompanied to the door by *blazemim*, the itinerant musicians that could be found all over Eastern Europe and hired for just such events.

On the day of an Orthodox wedding, just before the ceremony itself, the *ketubah* is signed by two witnesses. This is followed by a *i'noyan/conditum*, a legal contract between the parents agreeing that their children will be married; after the *i'noyan* is read aloud, the two mothers will break a dish, a symbol of the irreversible nature of the decision that has been made. (Since the engagement document was written to be difficult to abrogate if the couple changed their mind, this ceremony is now held off until the day of the wedding, but in the past it may have been done in advance, when the engagement was announced.)

Now the groom is escorted from the room by a phalanx of male friends who sing to him, walking backwards before him, "clearing the way" for him to go to his bride for the *bedeken*, a Yiddish word that literally means "bedecking." He is taken to the room where the bride is waiting and there he lowers her bridal veil over her face.

In non-Orthodox weddings, few of these rituals are observed except for the signing of the *ketubah*. Instead, we proceed to the wedding itself.

THE WEDDING CEREMONY

The groom at a Jewish wedding may wear a *talit*, depending on the custom of the community; in an Orthodox wedding, he will usually also wear a *kittel*, a white robe that he will wear from then on at Yom Kippur, at the Pesach *seder*, and, eventually, to his own burial. In Ashkenazi tradition, the *talit* will be his first, a gift from his bride. The groom will take his place first, the bride stands to his right.

Jewish wedding ceremonies essentially have two parts, the *kiddushin* (here, the betrothal) and the *nissuin/nuptial*. The first part designates for the community that the *ketulah/bride* and *blazem/groom* are for one another only; the second gives them to one another. Ten centuries ago,

these were two separate ceremonies, often with as much as a year between them, but today they are one continuous event.

A Jewish wedding begins with the parents of both bride and groom leading their children to the *khupah/marriage canopy*. The *khupah* can be no more than a *celic* supported by four poles held by friends of the couple, or it may be a more elaborate embroidered cloth. There is no "giving away" of the bride; she is not the property of her father, and the wedding unites not just individuals but two families. Usually, this processional will be accompanied by music, sometimes by members of the wedding party leading the way with candles. The *khupah* symbolizes the couple's new home, open to the community in which they will be included and which they will want to include. A *mayan* must be present.

When they have come under the *khupah*, the bride will circle the groom either three or seven times (depending on the community's *minhag*). Some communities have abandoned this ritual because of its suggestions of female subservience to the husband. Others, conversely, have the groom repeat the ritual, or have each circle the other while they hold hands.

Now the rabbi (or whoever is conducting the ceremony) introduces the couple to the guests, then recites a prayer asking for God's blessing on their union, *M'Alot*. As is the custom at so many joyous occasions, a blessing is said over a glass of wine, as is a special blessing for the *mayan/nuptials*, after which the bride and groom drink wine together.

The groom places the wedding ring on his bride's finger, reciting:

"*Hanan at mekudshet li, b'vade at zu, k'lan Mode r'Yisrael*"

"Be sanctified to me with this ring, according to the laws of Moses and Israel."

In some modern ceremonies, she will do the same. Her acceptance of the ring constitutes her consenting to become his wife; two qualified witnesses are required for this part of the ceremony. Jews traditionally have eschewed all but the most simple of wedding rings. A ring with a stone or other gaudy ornamentation calls attention to its value, and raises the possibility of fraud. Only gold marked with its weight in karats is used for the same reason. The ring must belong solely to the

groom. If the ring is a family heirloom, it must be "purchased" by the groom with a token sum. (Today, particularly at liberal Jewish weddings, the bride may also present the groom with a ring.)

This is the point at which the two halves of the ceremony were joined in the eleventh century. Usually the break between them is demarcated by a reading of the *ketubah*. Often the rabbi will make a short speech and members of the wedding will offer personal prayers, songs, poems, etc.

The second half of the ceremony, the *nis'uin*, begins with the recital of the *sheva b'rabot/seven blessings*. The blessings, prescribed in the Talmud, are for:

- wine
- Creation
- the creation of humanity
- the creation of the human ability to reproduce
- the future joy of Zion and her children
- the joy of the bride and groom
- love, kinship, peace, friendship, and the sound of happy wedding couples in a restored Jerusalem

Only two of the blessings relate to marriage, but taken together, they serve to place the joy of the wedding in the larger context of Jewish history and belief, from Eden to the Messianic future and the promise of a return to Zion.

There is one part of the Jewish wedding ceremony that everyone, even non-Jews, seems to be familiar with, and it comes now: the groom is handed a glass (or a highball or plate) covered in a white cloth, he places it on the ground and steps on it with his right heel, shattering it. There are several reasons given for this custom. The most common explanation is that the breaking of the glass reminds us of the destruction of the Temple, a sign of mourning; often the verse, "If I forget thee, O Jerusalem," will be recited or sung before the glass is broken. Some suggest that it is a superstition designed to ally the jealous ouster of evil spirits. Another possible explanation is an anthropological

one, that it symbolizes the taking of the bride's virginity, which will follow not long after the wedding ceremony.

Regardless of the reason, the sound of the glass breaking triggers a rising wave of shouts of *Mazel tov/Good luck!* and music. In Orthodox tradition, the men who led the groom to the *bedeken* will now lead the couple back down the aisle; they are given a few minutes together in *yibud/seclusion*. *Yibud* is a legal requirement to the marriage, symbolizing its consummation. A wedding dinner traditionally follows, no matter what branch of Judaism is involved, preceded by the appropriate blessings. In traditionally observant families and congregations, the *sheva b'rabot* will be repeated as part of *Birkat ha Mazon/Grace After Meals*.

While other Jewish couples may follow their wedding with a honeymoon, the Orthodox newlyweds will spend the next week being fed at the homes of friends. These festive meals, and the week following the wedding in which they take place, are also called the *sheva b'rabot*, and the blessings will be repeated in *Birkat ha Mazon/Grace After Meals* at each of those meals.

LEVIRATE MARRIAGE

In ancient times when the survival of children could not be taken for granted, and the continuance of a family line was largely a matter of luck, the death of a man before he fathered children was considered a particularly unfortunate loss to the community and the family. The Torah declares marriage between a woman and brother-in-law to be incestuous *except* when her husband has died under precisely those circumstances. Then, in the interest of keeping the family name and line intact, she is required to marry the brother. Such a marriage is called *yibum* in Hebrew or levirate marriage (from *levir*, the Latin for husband's brother).

Despite the biblical nature of this law, the rabbis of the Talmud were manifestly uncomfortable with the notion of such a union, particularly if it were only for religious purposes. To them it smacked of incest, regardless of its legal roots. As a result, rabbinic law requires the surviving brother to release his sister-in-law to marry someone else. The ceremony governing this release is called *halitzah*, and must be conducted by a *bet din* today, only the Orthodox recognize levirate marriage and the need for *halitzah*.

INTERMARRIAGE

Intermarriage is a painful subject for Jews. When the 1990 National Population Survey conducted by the UJA-Federation of Jewish Philanthropies showed a fifty-two percent intermarriage rate, accompanied by a steady decline in the number of such families that raised their children as Jews, alarm bells went off all over Jewish communities in the United States. For a moment, let us put aside the issues in Jewish law that are raised by intermarriage—and there are several—to concentrate on the issue that concerns Jews in their gut: the question of Jewish continuity in North America.

Jewish history is a long string of sociopolitical traumas inflicted on Jewish communities from outside. Whether one buys into the idea expressed by some ultra-Orthodox rabbis that the destruction of the two Temples in Jerusalem, mass murder of Jews in Western Europe during the Crusades, pogroms against the Jews in Eastern Europe over a three-hundred-year period, and, finally, the Shoah, are divine punishment against us for not following Torah, there is no question that our continued existence in this world has always been at risk.

Yet we have survived for four thousand years, survived where dozens of “greater” civilizations, empires, have disappeared—the Persians, Greeks, Romans, Macedonians, Babylonians, Mongols each had their moment on the world stage, then faded back into the history books. But the Jews persevered and survived.

How ironic, then, if the force that finally destroys this four-millennium-old heritage were to be the greater freedom and acceptance that we have won in pluralistic societies like America and Canada, if an individualness to our own traditions is what finally causes them to wither away.

Will this happen? Hard to say, but it appears to most Jewish activists to be the choice the Jewish communities of North America are facing.

Very few American rabbis will officiate at interfaith ceremonies. Couples who find themselves unable to obtain a rabbi to perform their wedding should be cognizant of Jewish law governing such a union. A Jewish wedding is a legal, contractual event. As we have seen in this chapter, when a bride accepts the ring from her groom, she is acknowledging acceptance of a contract binding under Jewish law. If only one of the parties is bound by Jewish law, how can the marriage have legal standing under that law?

The major function of marriage in the eyes of Jewish law is to establish and promulgate Jewish homes and families. If children born to non-Jewish mothers are not Jewish under Jewish law, if recent surveys show that the children of mixed marriages seldom identify themselves as Jews (regardless of which parent was Jewish), one can understand the unwillingness of rabbis to perform such ceremonies.

Still, within the Reform movement, there are quints and mixings about the blanket refusal to solemnize intermarriages. There are rabbis who will perform such weddings if the couple agrees to raise their children as Jews, to create a Jewish home. (There are also rabbis who will perform a wedding if the couple are not planning to have children.)

There are some who argue that to turn such couples away is to send the message that Judaism isn't interested in retaining them in the faith. And the Reform movement recently took the further step of recognizing patrilineal descent in cases of mixed marriage in which the children have been raised in the Jewish faith. The wider implications of that decision are being much discussed (see sidebar “Who is a Jew?” p. 177).

Of course, if the non-Jewish spouse in an intermarriage is prepared to convert to Judaism, he or she will find full acceptance in any Jewish community. A marriage between a Jew-by-birth and a Jew-by-choice is a marriage between two Jews, not an intermarriage.

PROHIBITED MARRIAGES

There are numerous marriages that are prohibited by biblical law and Talmudic law. Many of these prohibitions are also found in civil law. The following table of prohibited marriages enumerates those proscriptions that are recognized by all branches of Judaism.

PROHIBITED DUE TO DEGREE OF CONSANGUINITY

1. Mother, grandmother (both paternal and maternal)
2. Daughter
3. Granddaughter, son's or daughter's granddaughter
4. Sister and half-sister
5. Father's sister, grandfather's sister
6. Mother's sister, grandmother's sister

PROHIBITED DUE TO DEGREE OF AFFINITY:

Through one's own marriage:

7. Wife's mother, wife's grandmother, wife's stepmother (not prohibited but considered objectionable)
8. Wife's daughter (nephew's wife)
9. Wife's granddaughter
10. Wife's sister (during wife's lifetime, in case of divorce)

Through marriage of near-blood relation:

11. Father's wife (stepmother); father's or mother's stepmother
12. Father's brother's wife, mother's brother's wife, father's uncle's brother's wife
13. Son's wife/grandson's or great-grandson's wife
14. Brother's wife (except in case of levirate marriage)

Traditionally, observant Jews are bound by a further set of prohibitions. They are not permitted to marry under the following circumstances:

1. A man may not marry a woman who has not received a *get* and therefore is not divorced under Jewish law
2. A *kohen* is forbidden to marry a divorcee, a proselyte, a woman known to be promiscuous, the offspring of a forbidden marriage between a *kohen* and any woman falling into one of the forbidden categories, or a woman released through *ketuliah*

DIVORCE

Given the sanctity with which it approaches marriage, it is no surprise that Judaism considers divorce a grave step. As it says in the Talmud, "When a man puts aside the wife of his youth, even the very altar weeps." But Judaism is nothing if not realistic and recognized from its earliest days that divorce would happen, although marriage is *kidushin/kelip*, a deeply unhappy marriage is not holy. "[T]he law of divorce is given for the peace of [humanity] and the unity of the family," says one contemporary Orthodox scholar. "Those who divorce when they must, bring good upon themselves, not evil."

Divorce has always been possible in Judaism, but it has had a legal character so that it cannot be entered into lightly. It is regarded as a last resort whose invocation is nothing less than tragic. In Malachi 2:14–

16, the eponymous prophet declares, "For I have divorced, says Adonai, the God of Israel." He characterizes it as an act of treachery, a betrayal of the covenant between husband and wife.

That said, it must be noted that in Jewish law it is the husband's exclusive prerogative to divorce. The divorce decree must be given in writing, a *sefer ketuv*, literally, a "book of cutting off," referred to in the Talmud as a *get*. The husband must deliver it into his wife's hand.

In their establishment of the grounds for divorce, the rabbis of the Mishnaic period (first century B.C.E.) disagreed. As was often the case in disputes over the interpretation of Jewish law, the School of Shammai took a narrow, strict view, counterposed by the more lenient School of Hillel. The followers of Shammai argued that the passage that said a man could divorce his wife only if she finds some unseemly quality¹⁶ in her, specifically and solely meant, in cases of marital infidelity. But the School of Hillel read this passage more broadly, arguing that a wife could be divorced for displeasing him even by an act as trivial as burning the soup. As was usually the case, the School of Hillel won out; Hillel's argument was, in fact, probably designed to protect the rights of the wife, making it possible for a divorced woman to remarry without someone assuming that her first marriage had ended because of some truly spectacular misconduct on her part.

Regardless, Jewish law favored the husband in divorce proceedings from its inception. The Mishnah was not utterly devoid of solicitude for wives; a man who "is afflicted with boils or a bad odor, or who works with malodorous material" could be compelled to grant his wife a divorce. As the Talmud reinterpreted Mishnah, the rabbis redressed the imbalance somewhat further. A number of circumstances were established under which the rabbinical court could compel the husband to grant a divorce: if a wife remained barren after ten years of marriage, if a husband contracted a "loathsome" disease, if a husband refused to or proved unable to support his wife, if a husband refused to have sex with his wife, if a husband was a wife-beater, even after having been warned by the court to stop.

A further improvement (at least in Ashkenazi communities) occurred around 1000, when Rabbenu Gershom issued a *takanah*, a rabbinical enactment, stating that a wife could not be divorced without her consent. For all intents and purposes, divorce now could only be the product of an agreement between both spouses. About 150 years

later Rabbi Jacob Tam issued a *takanah* that provided for some narrow exceptions in emergencies. For instance, if a woman left the Jewish faith and therefore could ignore a summons to appear before a rabbinical court, the husband would be allowed to deposit a *get* before the court without her approval.

The process by which a Jewish divorce is granted is a relatively simple one (particularly when compared to civil divorce in some states). A *bet din*, literally "house of judgment," a rabbinical court consisting of three rabbis competent in the laws governing marriage and divorce, must be convened. A *signer/ezbe* and two witnesses should be present. They must be disinterested parties (and practicing Jews). Members of the *bet din* may serve as witnesses if no one else is available. If a civil divorce has already been granted, the rabbinical court will accept that the two parties are amenable to the divorce and will not inquire into the grounds or the financial settlement.

The manner in which the rabbis approach a divorce is meticulous in the extreme. The rabbi will ascertain with great precision the names of the individual divorcing—including nicknames—so that no one could possibly misconstrue the people meant. The description of the location at which the divorce occurred is also treated with precision. The river on which the city is situated is included in the document (since more than one city could have the same name) and divorces cannot be executed in cities where this detail is not clear.

The rabbis will interview both husband and wife to ascertain that each consents of his/her free will to the divorce. In the Diaspora, the participation of a Jew in such a court is purely voluntary; only in Israel does the (Orthodox) rabbinate actually control matters of marriage and divorce. If the divorce is granted, the *signer* draws up the *get*, a document in Hebrew, hand-etched like a column from the Torah. There is no "orn" *get*; each one is unique to the proceeding, a way of discouraging thoughtless divorce. Once the proceedings, which take about 90 minutes, are completed and the document has been delivered to the wife, either by the husband or a messenger of his appointment (which may include a member of the *bet din*), one of the rabbis will tear the *get*, thereby indicating that it has been used and cannot ever be used again. The wife is prohibited from marrying for ninety days, ostensibly a way of insuring that if she remarries and becomes pregnant immediately there can be no question of the paternity of the child.

Although the complexities of the process were designed to protect women, in practice it hasn't always worked out that way. In recent years a controversy has emerged concerning women whose husbands are either unwilling or unable to seek a *get*. For example, a husband who cannot be found—either due to a death to which there aren't at least two (male) witnesses or for which no corpse can be produced, or by his own devious means—cannot be compelled to grant a divorce. In the past, an Orthodox Jew who went off to war would grant his wife a provisional divorce in case he were to die without leaving a corpse and without witnesses, but when millions of Jews disappeared in the inferno of the Holocaust, no one had the time or foreknowledge to take such a precaution. As a result, after World War II the rabbis who governed marriage and divorce in Israel were forced by threats of mass suicide to make a blanket exception to the law.

Still, the problem of the Orthodox *agunah*—the "chained" woman, unable to obtain a *get* and therefore unable to remarry under Jewish law—will not go away. The Conservative movement found a solution that satisfied its rabbinic, inserting a clause into the *ketubah* that states that a husband who disappears for a period of several years and does not communicate with his wife for that time means for her to be divorced from him. The Reform movement follows a Talmudic principle, *divo demabshava dina/like law of the land is the law*, which states that in such matters secular law obtains. Consequently, a couple that seeks and receives a civil divorce is divorced in the eyes of the Reform rabbinate.

The Orthodox have rejected both these solutions. Their rabbis will not consider a change in the traditional form of the *ketubah*, and an Orthodox Jew must have a *get* in order to remarry. Moreover, the *get* must come from an Orthodox *bet din* or it is not acceptable to them. A child born to a woman who remarries after a divorce not sanctioned by an Orthodox *bet din* will be considered a *mamzer*, illegitimate. (See sidebar "Mamzerim," p. 144.) Ironically, because under *halakha*, the strict interpretation of Jewish law, a man may have more than one wife, the same principle would not apply to the children of a remarried man. Recently, some Orthodox rabbis have required a prenuptial agreement that calls for hefty fines in cases like those before they will perform a marriage. In Israel, a recalcitrant husband may find himself in prison or stripped of his passport. But the problem of the *agunah* persists.

The question of the status of children of remarried Jews is one that has come up very infrequently. But the plight of the *agunah* has other ramifications, much more painful and destructive. A husband can decide—for whatever reason—that he will not grant his wife a divorce under any circumstances; he can virtually blackmail her, extort from her all the rights that would be guaranteed to her in the *ketubah*, and still refuse to obtain a *get*. He can simply refuse to show up at the *bet din*. She remains trapped in her status as an *agunah*, unable to remarry.

Orthodox rabbinate in the United States and Israel have only begun to deal with this problem in the last few years. Traditionally, a *bet din* was empowered to use any means necessary in such a case, up to and including physical coercion, to make the man actually say “I want to divorce my wife.” In practice that has not been the case, particularly in Israel where Jewish marriage and divorce are governed by the rabbinical courts exclusively. It is a situation that continues to evolve even as I write this sentence.

CONVERSION TO JUDAISM

Most people are familiar with Judaism’s history as a religion that does not actively proselytize, does not seek out converts. However, it wasn’t always that way. Abraham opened the flaps of his tent and welcomed the stranger, telling him of Adonai, the one true God, and urging him to put aside idolatry and polytheism. While he was speaking to the men, his wife Sarah would speak to the women.

Abraham and Sarah provided an example that Jesus and his followers took to heart quite successfully. At the time of his death, Jesus could number 120 among his group; in the year 312 C.E., Constantine the Great, head of the Roman Empire, would convert to Christianity. The year after his conversion, Constantine issued an edict of tolerance recognizing Christianity as one of the official religions of the empire, thereby putting it on an even legal footing with Judaism. Effectively this edict accelerated the spread of Christianity in Palestine. Coupled with the devastation undergone by the Jewish community there in the previous century, the result was that the Jews found themselves increasingly marginalized within what had once been their own country.

When Christianity was proclaimed the official faith of the Roman

Empire in 315 C.E., proselytizing by the Jews was forbidden on pain of death to both the convert and the one who converted him. Jews would be allowed to circumcise their own sons, but it would be illegal to circumcise non-Jews. In this way, the Romans hoped to eliminate proselytization on behalf of Judaism. With the ascendancy of a Christian emperor to the throne in Rome, the imperial battle against proselytizing for Judaism would take on increasing ardor and even violence. In 339 C.E. Constantius II prohibited the marriage of non-Jewish women to Jewish men and forbade Jews to purchase non-Jewish slaves. A ban was issued on the building of new synagogues in Palestine and it was made increasingly difficult to repair existing ones. In 353 C.E. it was decreed that non-Jews who converted to Judaism would forfeit all their goods to the State. The bans on circumcision were restated numerous times with increasingly harsh penalties until it was decreed that one who circumcised a non-Jew did so on pain of death.

Islam took a similarly dim view of Jewish conversion efforts. Proselytizing for Judaism came to a halt, and until recent discussions among contemporary rabbis (see sidebar “Should Judaism Proselytize?” p. 179), that had been the situation for the past thousand-plus years. Even so, many men and women chose to embrace Judaism despite having been raised in another faith or no religion at all. There are historical records of many large-scale conversions, the most famous being the mass conversion of the Central Asian tribe, the Khazars, in the eighth century.

Judaism looks with favor on those who do convert. The Bible speaks of the *ger/stranger* in your gates as a special class of people. The rabbis of the Talmud spoke of two types of *ger*, the *ger toshav*, the convert to Judaism, and the *ger nokhri*, those non-Jews who lived among the Jews and accepted the seven tenets of the Noahide laws, the essential religious duties of humanity as prescribed in Torah. It is said in Jewish lore that there will be a reward in the World to Come for the righteous of all nations, and those who follow the Noahide laws (see sidebar “The Noahide Laws,” p. 177) are considered to be among them. Indeed, for that reason, Jews have felt less of a pressing need to seek converts; we don’t believe that only “believers can be saved.”

Traditionally, rabbis have initially tried to discourage a non-Jew who asks to convert. On the most obvious level, it may have been dangerous, even life-threatening, to offer to help such a person become a Jew. At the same time, though, attempts to dissuade them serve another