

Example of research paper on jewish marriage

[Sociology](#), [Social Issues](#)



Introduction

Judaism, like other millennia-old world religions, has within it many voices and opinions on such core human subjects as sexuality, marriage and family. The institution of marriage has gone through different changes over the different historical periods of the Jews. Traditional Jewish marriage comprises of several rituals (e. g. purification of the bride) as well as several documents (e. g. the marriage contract) that spell out the marriage terms and conditions. This paper explores marriage in the context of the Jewish religion.

Historical context

The formalization of marriage among the Jews began at the beginning of the Persian period during which the Tanakh reached its current form. It marked the beginning of the acknowledgement of the union of a man and a woman in marriage within the Jewish law. In the history of the Jews, the rabbinic period is believed to have promoted the Jewish understanding of marriage. During that period, marriage received much attention as a status-affecting ceremony within the Rabbinic circles centered as it was in the Mishnah/law. Rabbinic Judaism's earliest text, four of the seven tractates within the Order of Women deal with marriage and divorce. One may say, along with several historians, that the texts of Rabbinic Judaism situated marriage between the strict contractual notions held by the Roman society. Marriage was perceived as a contract between two individuals that entailed specific obligations and responsibilities to one another. At that time women were in the need of protection and material support, while men were in need of household help and a way to fulfill their commandment to procreate.

Sex is presented as the husband's conjugal duty to his wife, even to the point of enumerating the accepted frequency of intercourse a woman might insist upon. In bring out marriage in the Jewish context then, the language of the Mishnah rarely strays from the language of a legal arrangement between consenting parties, with the norm highly regulated and every eventuality anticipated and negotiated. Similarly, divorce was portrayed as the consequence of one party failing to uphold its ' part of the bargain', including the ability to bear children extending the procreative aspect of marriage. The Jewish religious setting had clearly outlined the aspect of prohibited marriages given in Document 1-3 according to Deuteronomy 23: 2-9: No one whose testes are crushed or whose member is cut off shall be admitted into the congregation of the Lord. No one begotten shall be admitted into the congregation of the Lord (Browning et. al 17).

Traditional Jewish marriage

The kettuba (marriage contract) and tena'im (marriage conditions) are the most important aspects in the traditional Jewish marriages. The kettuba is a prenuptial agreement instituted by the rabbis in the first century to grant women economic protection within the marriage and in case of its dissolution (Goldberg 106; Ehrman 98). In a time when it was very easy to expel a woman from her husband's household, the kettuba ensured that " he shall not regard it as easy to divorce her" as provided in the Babylonian Talmud. The kettuba was not a mutual contract but rather the husband's one-sided promise to his wife, witnessed by two men.

Traditionally, most women were not considered autonomous beings. Until she married, a woman was under the auspices of her father. The wedding of

a woman who was not a divorcee or widow marked the transition from her father's to her husband's possession. The Mishnah (kiddushin 1: 1) perceived a betrothal partially as a financial transaction through which the man symbolically 'acquired' the woman by giving her an object. Though modern scholars and traditional apologists have argued that acquisition of the woman is limited to a husband's claim for exclusive conjugal rights, the 'right' and expectation of the wife in question do housework was also granted by the rabbis.

In the traditional ketubba, the groom pledges to provide his bride food, clothing and sexual relations. He also designates a certain amount of income for the bride in case he dies or divorces her. Lastly, the ketubba assures that the woman can leave the marriage with her dowry and its increment as documented in Shulhan Arukh Even Ha'ezer 1: 26. The rabbis had the right and privilege to add to the contents of the Torah among other Jewish sacred books (Herr 447). Overtime, the Rabbis expended the range of a husband's duties so that he became obliged to provide his wife with medical care, to ransom her from captivity and to bear the costs of her funeral (Cohn-Sherbok 102). They also allowed for the addition of tena'im, which might add additional financial terms or protections for the woman agreed on by the families of the bride and groom. A woman's obligations to her husband were not the focus of the ketubba or tena'im.

Marriages in the Jewish tradition should be conducted using the language of the original ketubba. One of the defining clauses in a traditional Jewish marriage is "Thou art my wife and I am thy husband forever" (Goldberg 109;). However, post-Talmudic rabbinical authorities did not allow the phrase

because it implied that the groom consecrated himself to the bride as well. All marriages are supposed to be conducted under a canopy. Maimonides invoked kedusha (holiness in terms of values) in the description of the appropriate sexual behavior for Jewish scholars and leaders of the community. Another aspect that was of great importance was Kedusha yetera. This refers to the manner in which a husband and wife should treat each other in their speech and daily behavior.

Traditional Jews viewed sex as an obligation of the man toward the woman. This duty was explicitly mentioned in the traditional ketubba. It ensured that moments of intimacy would not be preempted by the husband's potential involvement with other wives (polygamy was allowed in the traditional Jewish setting) or by his work. The Maimonides explicitly defined the conditions under which intimacy was to occur in marriage as written in Mishneh Torah Hilkhhot De'ot 5: 4-5: "The bride and the groom agree to come to one another when they are both willing and happy". This showed that sexual expression should take place only under conditions of mutual desire and joy. The following is a generic translation of the kettuba.

On the ___ day of the Hebrew month___ in the year ___since the creation of the world, according to our way of reckoning here in___,

The bridegroom, ___son of ___ and ___ said to the bride: "Be my partner and covenanted spouse, and I will be your man forever and give you your ketubba, according to the Law of Moses and Israel." And___ accepted.

The bride, ___daughter of ___ and ___ said to the groom: "Be my partner and covenanted spouse, and I will be your woman forever, according to the Law of Moses and Israel." And ___ accepted.

The bride and groom took upon themselves to cherish, honor, support, and maintain each other; to come to one another when they are both willing and happy. They agreed to treat one another with special holiness, to respect each other more than themselves and to love one another as much as themselves; to nurture each other's growth, personal development, and joy of living. In addition, they pledged that their home will be their first priority/the fountain of their lives and that it would be established on mutual support, equality in responsibilities and sharing of all aspects of life.

In the traditional Jewish setting, the bride and bridegroom aspire to build a Zionist home in the Land of Israel, which would reflect the striving towards the practice of mending the world, and to raise children to do justly, love mercy and walk humbly with their God. The wedding was not complete without the signing of a property agreement which the authority and contents they took upon themselves freely as is the custom:

This contract is not to be considered a non-serious obligation or as mere form. And we received a token of acquisition from the groom ___ son of ___ and ___ to the bride ___, and from the bride ___ daughter of ___ and ___ to the groom ___, regarding all that has been written and explained above.

And all is valid and binding.

___ Witness___ Witness (Goldberg 111).

Prior to the wedding day, the bride and bridegroom are separated a few days to give them time alone with their families as well as close friends. The couple is supposed to fast on the day of the wedding. As on Yom Kippur, it is an act of purification and preparation for the new life about to begin (Cohn-Sherbok 54). On the night before the wedding, the bride and groom should

go to the mikve-a ritual bath. The groom immerses himself in a source of living water. He should be accompanied by his family and two close male friends. Ritual immersion is understood as symbolic of purification and rebirth. Additionally, it marks the events in the spiritual lifecycle as well as in the menstrual cycle of the bride.

In traditional settings, during the wedding ceremony, the men dance and sing before the bridegroom and follow him to the place where the bride is seated with all the women, waiting for him. There, the groom puts the veil over bride's face. At the same time, the rabbi, groom and/or guests recite the blessing given to Rebecca before she married Isaac as written in Genesis 24: 60- " Our sister be thou the mother of thousands and myriads". After the wedding ceremony, the couple would break a glass as one of the requirements of the Jewish tradition.

The rise of denominations and their view about marriage

In the west an intellectual elite in the nineteenth century articulated a variety of Jewish responses to the dilemma of integration based on radically differing views on the nature of Judaism, including the degree to which change is possible. These divisions, which evolved into denominations, ranged from a humanistic " religion" on the model of liberal Protestantism (Reform), to the distinctive beliefs and practices of a " people" (Conservative) to a divinely revealed set of laws not to be altered (Orthodox). Reform Judaism accepted Western legal forms of entering and dissolving the marital state, relegating rabbis to agents of the state and the marriage contract to a formalistic exchange of vows.

For Conservative and Orthodox Judaism, however, who preserved Jewish

Law-and did not always match up. Divorce was the greater problem, for the state did not recognize the need for religious divorce prior to marriage, but Jewish law viewed this second marriage as adulterous and the children illegitimate. With the acceptance of no-fault divorce in most states starting in the 1960s, this situation left many women who observed Jewish law chained a dead marriage, and each denomination sought a solution. The conservative movement composed a ketubah, the religious marriage contract, which could demand a husband and wife submit a Jewish court. The Orthodox organizations endorsed a prenuptial agreement, which contractually binds a husband to pay his wife's maintenance until he divorces her religiously. Today, most Conservative and Orthodox ketubbot use the traditional format, written in Aramaic-the everyday language of most Jews in antiquity. Some defend the traditional Ketubba by claiming that under modern civil governments, which protect women's interests and have jurisdiction over marriage, " the only function of the ketubba is to perpetuate an ancient tradition" (Klein 393). However, by accepting the traditional ketubba or by slightly modifying it within the scope of traditional Jewish marriage law, one is perforce also accepting traditional gender role assumptions. The truth is demonstrated by the fact that the Conservative movement's halakhic " egalitarian" ketubbot do not allow the bride to promise to support her groom, except in the event of his illness, or to recite the same words to him that he says to her (Goldberg 107; Cohn-Sherbok 98).

Some Conservative rabbis, use egalitarian ketubbot. However, these documents do not discuss " mundane" aspects of a couple's life as finances, sex, or division of not only labour but also assets. Thus, they fail to address

the concerns that originally gave rise to the ketubba: naming responsibilities, protecting the woman, and anticipating problems, including the possibility that the marriage might end. Unlike in the traditional Jewish setting, Conservative marriages are carried out in synagogues. Another aspect that the Conservative Jews have retained is defining the type of marriages that are acknowledged according to their rules and regulations. For instance, they have held the opinion that marriage should be heterogeneous thus do not support same sex marriages. This was also the case with Orthodox laws. They give guidance of the types of marriages and sexual orientations required from believers.

Conclusion

A Jewish wedding ceremony has two parts: betrothal or sanctification (Kiddushin) which includes ring ceremony, and marriage (nissuin), which takes place under a canopy (huppah) and includes the recitation of seven ancient blessings (sheva berachot). Each part of the ceremony includes a blessing over a cup of wine, a symbol of the couple's joy. The two parts of the ceremony are divided by publishing of a marriage contract (ketubbah) which the couple has signed and witnessed prior to the ceremony. It is customary to break a small glass, recalling the destruction of the Temple in Jerusalem by the Roman in 70 C. E., and signaling the end of the ceremony. A festive meal usually follows the ceremony for it is a religious obligation to make the bride and groom happy. Among the Conservative and Orthodox Jews, the marriage of a Jew and a non-Jew is not religiously valid and no rabbi from those branches will officiate such a union. The marriage contract, as discussed above, has different contents/concerns in the two denominations.

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