Summary

K'Dat Moshe V'Yisrael: Questions of *Halakhic* and Liturgical Integrity in the case of a Wedding of a Jew and a non-Jew

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5 Chapters

The goal of this thesis was to understand the *halakhic* and liturgical meanings of selected pieces of the wedding liturgy, and, based on these, to propose ways to treat the liturgy in the case of a wedding of a Jew and a non-Jew.

The contribution of this thesis is the presentation of possible interpretations of three elements of the wedding liturgy and a proposal for how to treat these elements in the case of a wedding of a Jew and a non-Jew.

Division of Chapters:

1. Introduction
2. Bircat Erusin
3. *K'Dat Moshe V'Yisrael*
4. *Sheva Berakhot*
5. Conclusion
6. Appendices

Kinds of material used:

1. Classical text (Biblical commentary; *Mishnah, Tosefta, Talmud, Hilchot Ishut; Shulhan Aruch; Siddur Rav Sa'adia Gaon*)
2. Articles in modern liturgical scholarship
3. Sources in Reform Judaism (CCAR Yearbook, CCAR Journal, Reform Responsa)
4. Interviews with 15 Reform Rabbis

K'Dat Moshe V'Yisrael:
Questions of Liturgical Integrity in the Case of a Wedding of a Jew and a non-Jew

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Contents

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1. Introduction

"...liturgical proclamations cause something to be by saying it is so,
or commit people to make it so in the future."[1]

"Ritual, then, seems to mediate between antithetical poles:
it both preserves traditions and transforms them...
What we disagree about most passionately
are the proportions of tradition and innovation
that will accomplish...balance."[2]

I cannot quote much of what was said during my wedding. But I know for certain that we said the grammatically appropriate versions of *harei at mekudeshet li*... ("Behold, you are consecrated to me...") Along with other essential parts of the ritual, this liturgical line served as a vehicle through which we married each other. Seen from another perspective, however, we had long been married already. In our own hearts, we had married each other by spending years coming to know each other, by devoting ourselves to each other's growth, by engaging in and learning from conflict with each other, by intertwining our lives and setting goals together. But, in addition to this private journey, we also wanted a corresponding public process, in which our community would gather to formally recognize, celebrate and pledge support for our relationship and lifetime commitment to each other. A wedding, in addition to highlighting something that already exists, also changes it. Our personal commitment became part of the institution of marriage, and this change, like most institutional affiliations, brought both gifts and burdens. Those gifts and burdens are not the subject of this thesis, but the fact

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[1] Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Philadelphia, Pennsylvania: Jewish Publication Society, 1998), 79-80; Adler refers to J.L. Austin, *How To Do Things With Words*, 150, for the discussion of future commitments, which he calls "commissives."
[2] Ibid. 84.

that they were brought about by a ritual is. Because a wedding ceremony is the enactment of a personal decision through symbol, the liturgy should reflect the real decision being enacted, rather than constitute some extraneous, superimposed rote.

In *Engendering Judaism*, Rachel Adler makes the case that "words we say to God are grounded in our personal integrity." Quoting a talmudic story, Adler shows the importance of truth in liturgical language and points out two obstacles to such truth in traditional liturgy. The first is dissonance between reality as we understand it, on the one hand, and as it was understood by the authors of a given prayer, on the other. The example cited is a story in Tractate Yoma, in which Jeremiah and Daniel are each shown to have found God lacking in one of the qualities usually ascribed to the Divine. Neither can honestly recite the formula of Divine attributes originally ascribed to Moses ("great, mighty and awesome God," Deut. 10:17) Two solutions are illustrated. In the first, Jeremiah and Daniel implement "liturgical change," each omitting the adjective which he cannot say with integrity. Alternatively (and, according to the story, preferably), the members of the Great Assembly restore the original list of God's qualities but offer new interpretations, explaining how a given attribute can apply to a changed understanding of God. Both solutions resolve the conflicts created by the dissonance between the earlier and the later perceptions of God.

The second obstacle to liturgical integrity is the absence of liturgical recognition for an important experience. Adler quotes a passage from Rabbi Laura Geller, who describes the painful realization that the tradition of blessings in Judaism, generally understood to include a blessing for every "important moment in the lifetime of a Jew," actually lacks blessings for many important moments, particularly in her life as a Jewish

woman.[3] These two obstacles to the integrity of prayer – dissonance between traditional liturgy and a current situation, and a lack of liturgy that addresses an important event – are part of the multifaceted challenge created by Jews marrying non-Jews.

In this thesis, I will consider the classical Jewish wedding liturgy and its *halakhic* and liturgical meanings as they may or may not be applicable in the case of an interfaith wedding. Two purposes motivate me in the effort to understand the halakhic and liturgical meanings of the classical wedding liturgy. Primarily, I want to provide an alternative to the polarized 'Yes' or 'No' options in response to the question of whether to officiate interfaith weddings. It should be possible to see the issue in a more nuanced way, as a "no, but" perhaps, or a "yes, however." Second, given the fact that such weddings are being performed, at least in some quarters, I want to develop an approach to the issue of interfaith weddings that is grounded in the framework of Jewish liturgy, ritual and tradition.

It is possible to divide interfaith couples who seek Jewish weddings into two broad categories: that of a Jew and a non-Jew whose relationship and life (or simply their backgrounds) reflect a mixture of religious practices or who do not practice any religion at all; and that of a Jew and non-Jew who commit themselves to a Jewish life and home. While I do not propose a conclusive answer to how to best ritualize either category of wedding, or even to determine whether rabbis should officiate at either one of them, I do begin with the following assumption, upon which this thesis builds. The first category of wedding might be most appropriately enacted (with or without a rabbi leading) through a ceremony that uses certain Jewish symbols and language but is explicitly distinct from

[3] Laura Geller, "Symposium: What Kind of Tikkun Does the World Need?" *Tikkun* 1:1 (1986): 17, quoted in Adler, 61-62.

the traditional ritual.[4] The second category, that of a Jew and non-Jew who commit themselves to a Jewish life and home, might be best performed with the traditional ritual, with key adaptations. It is this process of adaptation for the second category of wedding that I begin here, by examining the traditional liturgy and the changes it may suggest for planning a ceremony that honors Jewish tradition, has respect for ritual integrity, and appropriately enacts the marriage of a Jew and a non-Jew who are committed to Jewish life and continuity.

I am aware that according to classical *halakhah*, interfaith marriage is unequivocally prohibited. *Halakhically*, the only answer to whether a rabbi can perform a wedding between a Jew and a non-Jew is "No." As (Reform) Rabbi Martin B. Ryback explains,

> How can a rabbi possibly intone *harei at mekudeshet li* (Behold, you are sanctified to me) when all authorities say *ain kiddushin tofsin* (there can be no valid sanctification [between a Jew and a non-Jew])?... Obviously, the rabbi cannot appropriate *kiddushin* 'according to the law of Man and God,' because *kiddushin* are possible only *k'dat moshe v'yisrael* (according to the law of Moses and Israel)[5] (translations and transliterations added).

However, given that interfaith weddings are a part of contemporary Reform Jewish reality, and precisely *because* interfaith wedding officiation contradicts the classical *halakhic* position, I believe that in order to assess how to use the liturgy responsibly in an interfaith wedding, it will be helpful to include the traditional sources and meanings of the liturgy

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[4] One example of such a ceremony is the "Children of Noah" wedding ceremony created by Rabbis Arthur Waskow, Rebecca Alpert and Linda Holtzman, which uses the biblical covenant of God with Noah as a model for the covenant of marriage and which allows for a service with Jewish sources but without reference to the traditional Jewish wedding.

[5] Martin B.Ryback, "Eight Questions of Halakhah ," *CCAR Journal* (Spring 1973): 22. Ryback cites *Ketubot* 3 and the *Tosafot* there.

Before beginning my examination of the wedding liturgy, which is my focus, I will review some of the history of the issue of interfaith marriage and *halakhah* in the Reform movement. The record of Reform rabbis' treatment of interfaith marriage is punctuated with a small number of public declarations, alongside a great deal of private soul-searching, judgment and *angst*. This difficult course has produced a range of policies implemented by individual rabbis. On the question of the practical implications of intermarriage in terms of Jewish continuity, many on both sides agree that we do not yet have enough sociological data to produce answers.[6] On the question of the relationship of Reform Judaism with *halakhah*, opinion varies widely. Rabbi Nancy Wiener chronicles the history of changing Reform practice in matters of marriage in "Jewish Marriage Innovations and Alterations: From Commercial/Legal Transaction to Spiritual Transformation." The key change is that

> Marriage was transformed from a legal/commercial transaction with an inherent religious component into a strictly religious and spiritual ceremony, completely devoid of any legal status within Judaism or outside of Judaism.
>
> ...
>
> Thereafter, the religious meaning of marriage became a concern of the Reformers. Without its traditional legal definition, what was *qiddushin* when it became a religious adjunct to a civil legal act? This is the question that the Reform Movement has struggled with since the latter decades of the nineteenth century.[7]

However, this sense that marriage lost "all legal status within Judaism [and] outside of Judaism," was not universally or permanently held.

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[6] In sharing their pain over the decision to officiate for interfaith couples or not, many rabbis continue to note what Rabbi Herman Schaalman asserted in 1973: "Nothing we know now, including information derived from the most recent Community Study, is either sufficient or unambiguous enough to re-assure us in this matter." Herman E. Schaalman, "Report of the *Ad Hoc* Committee on Mixed Marriage,"*CCAR Yearbook* (1973): 62.

[7] Nancy H. Wiener, "Jewish Marriage Innovations and Alterations: From Commercial/Legal Transaction to Spiritual Transformation." *CCAR Journal* (Fall 2001): 44.

In 1909, a public stand was taken against interfaith marriage and officiation at such marriages by Reform rabbis. In 1973 this position was reiterated, after much debate, with a caveat in the second sentence of the policy, recognizing that "historically its [the CCAR's] members have held and continue to hold divergent interpretations of Jewish tradition."[8] A few remarks from the 1973 discussion illustrate its parameters. Rabbi Bruce Warshal dismisses the issue of *halakhah* by relegating it beyond the bounds of Reform Judaism altogether, declaring, "We should understand we are dealing with sociology, not with *Halakhah*. If we were dealing with *Halakhah*, we would all be Orthodox Jews..."[9] Others disagree. Rabbi Herman Schaalman argues,

> The claim has been made that it is fatuous for us to refer to and ask for *halakhic* considerations since frequently we have not been meticulous in this regard, nor, at times, even respectful of *halakhah* in the past... [However,] an unmistakable corrective thrust has been at work among us... Moreover, in such essential areas as belief in God, *Talmud Torah, Tsedaka, Shabbat*..., life-cycle events and others, we have maintained traditional norms or closely related derivations knowing that such adherence alone has guaranteed and maintained our Jewish authenticity.

Schaalman then clarifies, "Let it be perfectly clear that by *halakhah* we do not mean or intend the Orthodox version or interpretation of it but rather the creative, if necessary bold even experimental, method of *halakhic* thinking and formulation which we find in certain periods and persons of the past, and which is congenial and acceptable to us as liberals."[10] Rabbi Reeve R. Brenner speaks to the need to "place the issue of mixed marriage... within the context of *Halakhah*, Reform Jewish *Halakhah*. And Reform *Halakhah*, to quote Rabbi Chanan Brichto, is the body of decisions of our Conference." Brenner continues,

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[8] See Appendix A for the full resolution.
[9] Bruce Warshal, in "Mixed Marriage: Discussion," *CCAR Yearbook* (1973): 72.
[10] Schaalman, 60-61.

> it seems to me that *Halakhah* on mixed marriage cannot be made in disregard of other crossroads. The principle issue bringing us together cannot be disengaged from related *Halakhic* issues such as 'Who is a Jew?' 'What constitutes conversion?' 'Who is a Reform Jew?' and the like... these are interrelated issues: conversion, intermarriage, Jewish identity, divorce, illegitimacy, and so on. And it is folly to decide upon them separately and out of context..."[11]

The resolution that was proposed by the Committee on Mixed Marriage and, in the end, adopted by the Conference is simultaneously an assertion of policy and a recognition of the inability of the Reform rabbinic body either to come to consensus or to enforce policy on such a controversial issue as interfaith marriage. Dr. Eugene Mihaly, during the 1973 discussion, cites the 1937 CCAR Platform, which addresses this very issue:

> It is inevitable that in a movement such as ours, representing as it does a wide divergence of opinion, only statements couched in the broadest terms, capable of a variety of interpretations, with built-in ambiguities, will truly reflect the Conference consensus.

Mihaly then remarks that he nonetheless perceives in the Conference "a desperate urge to coerce consensus..." He reminds his colleagues that even the authoritative *halakhic* code, the *Shulchan Aruch,* which reflected the Sephardic customs of the Jews who first accepted it, was later adapted by Ashkenazic authorities in order to be relied upon in their communities, which had slightly different customs.[12]

The 1973 resolution was adopted despite the lack of consensus, and there have been no further CCAR resolutions on interfaith wedding officiation since then, but there have been questions posed and responsa issued by leaders in the movement. In 1979, a question was asked regarding the appropriateness of blessing of an interfaith couple in synagogue preceding their wedding (at which the rabbi did not officiate). The response

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[11] Reeve Brenner, "Report of the *Ad Hoc* Committee on Mixed Marriage," *CCAR Yearbook* (1973): 82.
[12] Eugene Mihaly, in "Mixed Marriage: Discussion," *CCAR Yearbook* (1973): 86.

is noteworthy not because it answers in the negative, but because it includes such sweeping statements as:

> All Reform Jews discourage [interfaith marriage]... It is our duty to continue warning against the contemplated intermarriage. This is our task in this matter as in all other areas in which "warning" plays a major role. Judaism disapproves of intermarriage, and we should do everything possible to strengthen this position. [13]

In a 1982 responsum, a long list of reasons offers background for the position against interfaith marriage. Serious concerns include the contribution of interfaith marriage to the increasing division among sectors of the Jewish world, as well as the fear that "In times of prejudice and anti-Semitism, families with a mixed marriage will be subject to greater pressures and will have fewer resources through which they can withstand such pressure."[14]

While strong arguments and intense feelings characterize this debate in the Reform movement, the hope of many participants is echoed in Rabbi Neil Kominsky's statement in the Spring 1973 *CCAR Journal*, "To each of us, the stewardship implied by our rabbinate is sacred; we may differ as to the actions we feel are required of us. If so, then let us differ, and know that we differ "*l'shem shamaim* [for the sake of heaven]."[15]

Lest we believe that only Reform rabbis face anguishing questions resulting from interfaith relationships, we should be aware of the parallel question, faced by Orthodox rabbis, of whether a rabbi will oversee a conversion that is clearly for the purpose of marriage. While the rule against conversion *lashem davar* (for sake of something [else]) clearly prohibits converting a non-Jew in order to enable him or her to marry a Jew,

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[13] "Prayer for Couple Contemplating Intermarriage," (1979) #147 in *American Reform Responsa: Collected Responsa of the Central Conference of American Rabbis 1889-1983*, edited by Walter Jacob. New York: CCAR, 1983, 465.
[14] "Rabbi Officiating at a Mixed Marriage," (1982) #149 in *American Reform Responsa: Collected Responsa of the Central Conference of American Rabbis 1889-1983*, edited by Walter Jacob. New York: CCAR, 1983, 467.
[15] Neil Kominsky, "The Role of the Rabbi," *CCAR Journal* (Spring 1973): 28.

Orthodox *poskim* (halakhic judges) have addressed this issue and come to varying decisions.[16] In analyzing this variety despite the rule, Rabbi David Ellenson differentiates "rule" from "principle." In general, *poskim* who invoke the halakhic *rule* tend to decide *against* conversion for the sake of marriage, and those who invoke halakhic *principles* tend to decide *in favor* of such conversion.[17] Ellenson, in an analysis of the approach of the Conservative movement to *halakhah,* uses an understanding based in the legal philosophies of Robert Cover and Ronald Dworkin; the approach also applies to the *poskim* dealing with the conversion question:

> Dworkin explains that legal systems... [distinguish] among the rules, principles, and policies that operate within all bodies of law. 'Rules,' Dworkin writes, 'are applicable in an 'all or nothing' fashion.' The consequences attached to rules are followed automatically. Principles, in contrast, are general notions, often moral ones, that may be relevant to a particular decision... Indeed, a principle generally possesses a dimension of importance that a rule does not."[18]

This phenomenon also carries over into the debate among Reform rabbis over wedding officiation for interfaith couples. This does not mean that rabbis who do officiate have the corner on principles, or that rabbis who do not officiate at interfaith weddings do so based solely on the rule and not out of principle, but rather that there are Jewish principles that may render the question less obvious and place it in a larger or different context, thus allowing for decisions which contradict the rule. For example, Rabbi Richard A. Davis invokes the principle of serving the needs of Jews in describing his decision to officiate for interfaith couples, pointing to the gap in service for Jews who wish to maintain some connection to Jewishness, but who are not synagogue affiliated.

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[16] See David Ellenson, "The Development of Orthodox Attitudes to Conversion in the Modern Period," *Conservative Judaism* 36(4) (Summer 1983): 57-72.
[17] Ellenson, class lecture, HUC-JIR June 2, 2003.
[18] Ellenson, *Between Tradition and Culture: The Dialectics of Modern Jewish Religion and Identity* (Atlanta, Georgia: Scholars Press, 1994), 104-5.

This principle of serving Jews may be unchanging, but its application develops over time, as the landscape and needs of the Jewish community change. Davis reflects that the decision is less personally agonizing now than it was fifteen years ago – then it was both a theological issue and one of whether he would be abandoning friends and risking valued relationships with colleagues in the Reform and other movements if he did interfaith weddings. Today, for Davis, while it remains an important theological problem, he sees performing intermarriages as having become a service to rabbinic colleagues as well.

Appropriately, given the trans-denominational nature of the issue of interfaith marriage, the idea for this thesis originally emerged from a conversation between two Conservative rabbis, which was relayed to me by one of them.[19] One of the rabbis surprised the other by saying he thought that Conservative rabbis should officiate at interfaith weddings. His argument was simple, and not uncommon among Reform clergy: we do not prevent intermarriages by not officiating for them; by refusing to officiate, we only hurt people and drive them from Judaism and Jewish community. The solution, he suggested, would be to design a ceremony, distinct from the classical liturgy, which would appropriately symbolize and enact a wedding between a Jew and a non-Jew. I was intrigued by this line of thinking, being in the midst of my own deliberations on the topic of interfaith marriage, and have found the approach both appropriate and helpful. I thank these two rabbis and friends for their wisdom and for sharing it with me.

It is not my objective to create an entire interfaith wedding ceremony, but rather to examine key elements of the traditional wedding liturgy, in order to decide how best to

[19] For obvious reasons, these individuals must remain anonymous unless and until the Rabbinical Assembly, the Conservative rabbinic body, changes its policy against officiation and even attendance at interfaith weddings.

treat them in the wedding of a Jew and a non-Jew who are committed to Jewish life. In the order that they appear in the liturgy, I will discuss: the betrothal blessing *(birkat erusin);* the concluding phrase of the "ring formula" *(k'dat Moshe v'Yisrael)*; and the Seven Wedding Blessings *(Sheva Berakhot)*. In each case, I will examine possible meanings of the liturgy and present potential reasons for including, omitting or changing the liturgy.

2. *Birkat Erusin*

> Blessed are you, Adonai our God, ruler of the universe who has sanctified us with your commandments and commanded us concerning the forbidden sexual relations/ "nakedness" *(arayot)*. You have forbidden us the merely espoused *(arusot)*, and permitted us those who have been fully wedded to us *(nesuot lanu)* by means of *chupah* and *kiddushin*. Blessed are you Adonai, who sanctify Israel by means of *chupah* and *kiddushin*.[20]

The betrothal blessing, *birkat erusin*, is the key component of *kiddushin*, the first part of the wedding ceremony. The blessing highlights the overall construct of the traditional *halakhic* wedding, by which a man acquires a woman[21]. For this reason, the content of the blessing is not what one might expect in a betrothal blessing. In explaining the blessing's purpose, Rachel Adler explains that "Interdicting acquisition [of a woman] by sexual intercourse is central to the rabbis' transformation of marriage into a public religious ceremony."[22] Listeners at a wedding may note what Adler calls the "admonitory tone" of the blessing and wonder why such a tone belongs in the wedding. According to Adler (who echoes the standard interpretation seen by many), the Rabbis were attempting to effect a change in sexual behavior by instituting the rituals and laws of marriage. Regulating sexual conduct is no small task, and the challenge may have brought out the urge to remind all those at a wedding, through a blessing such as this one, of the laws regarding sexual relationships. The message is clear: the sexual prohibitions found in Leviticus *(arayot)* are of primary importance, and permitted sexual relations occur within a marriage, which consists of *kiddushin* (the wedding ritual, including,

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[20] Translation adapted from Adler, 177. For Hebrew, see Birnbaum *Siddur*, p753.
[21] From a feminist or egalitarian perspective, there are problems both with the overall framework and specifically with *birkat erusin*. The "us" refers only to men, while the "espoused" and the "wedded to us" refer only to women, as is clear in the gendered Hebrew.
[22] Adler, p177.

especially, witnesses and the woman's receipt of her *ketubah*) and *chupah* (co-habitation or its symbolic representation in the form of the wedding canopy)[23]. Many Reform rabbis do include or adapt *birkat erusin*, at least in weddings of two Jews, despite the problems inherent in it. (A common adaptation is the use of only the *chatimah*, the closing line of the longer blessing, "Blessed are you who sanctify your people Israel by means of *chupah* and *kiddushin*.) Rabbi Nancy Wiener notes that in the Reform rabbis' manuals of the twentieth century, among other changes, "...*Birkat Erusin*, when included, is radically reinterpreted to refer to the expectation of sexual exclusivity on the part of both members of the couple."[24]

In considering *birkat erusin* in regards to an interfaith wedding, we must determine if, in this blessing, Jewish marriage is distinguished from *non-Jewish marriage*, or from *unsanctified and un-sanctioned sexual relations*. Put differently, does the blessing focus on the particularistic Jewishness (in ethnic terms) of Jewish marriage, or on the foundation of marriage in universalistic moral values? How can we determine whether *birkat erusin* primarily focuses on the Jewishness of Jewish marriage, or on its foundation in sexual morality? Since the body of the blessing invokes the sexual prohibitions found in Leviticus, the answer depends on how we understand the role of these prohibitions in the wedding liturgy. The question is difficult since both messages are inherent in the text – as part of the Levitical Holiness Code, the laws are meant both to build a society whose ethical norms are of the highest moral value and to distinguish the followers of the Law from other peoples. The question of how much the purpose of

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[23] Actually, the canopy is a much later symbol of the event; Isserles still knew of it as a relatively recent innovation. The idea, however, is that either sexual intercourse for the purpose of establishing marriage or a symbolic equivalent of that intent is required. In fact, *halakhah* still requires all three. Even with the symbolic value of a canopy, for example, marriage can be annulled should consummation not occur.
[24] Wiener, 45.

Torah and subsequent Jewish tradition is to differentiate Jews from non-Jews for the sake of being different is a broad and important one beyond this thesis, but here, it is at least important to decide which is the primary reason for invoking the text in *birkat erusin.* Maimonides, in his treatment of marriage in *Hilchot Ishut,* opens with his interpretation of the effect of the Torah's regulations on relationships:

> Before the Torah was given, when a man would meet a woman in the marketplace and he and she decided to marry, he would bring her home, conduct relations in private and thus make her his wife. Once the Torah was given, the Jews were commanded that when a man desires to marry a woman, he must acquire her as a wife in the presence of witnesses. [Only] after this does she become his wife. This is [alluded to in Deuteronomy 22:13]: "When a man takes a wife and has relations with her..."[25]

In *Hilchot Ishut,* the Rabbis' institution of marriage takes on the significance of a positive commandment. Only after listing "To marry a woman, granting her the rights of the formal marriage contract *(ketubah),* and sanctifying the relationship through the rites of *kiddushin,*" does Maimonides then include the biblical commandment to be fruitful and multiply.[26] Clearly, Maimonides is arguing that Torah led to stronger ethical standards in the unions of men and women and particularly to the protection of women, since the requirement of witnesses and the *ketubah's* guarantee of a woman's right to financial stability in the case of divorce worked to safeguard women. This seems to me the correct way to view the mention in the blessing of the laws of proper conduct in human relations. While some elements of Jewish law, such as *kashrut,* circumcision and the observance of Jewish festivals, can be understood to function primarily to distinguish Jews as Jews, the laws invoked in *birkat erusin* are meant to elevate human behavior to a new standard of morality. This elevation, of course, is a Jewish pursuit, but not one whose chief purpose

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[25] Maimonides, *Mishneh Torah, Hilchot Ishut* 1:1, translated by Eliyahu Touger (Jerusalem: Moznaim Publishing Corporation, 1994), 12.
[26] Ibid. 10.

is to mark Jews as distinct; rather, I propose it is the Jewish implementation of what are understood to be universal ethics.

The second question that arises in examining *birkat erusin* from the perspective of its inclusion in an interfaith wedding is that of the meaning of the concluding phrase, *mekadesh yisrael al yedei chupah v'kiddushin*, and specifically whether a non-Jew can meaningfully and appropriately be part of that meaning. To begin with, there is scholarly controversy over the meaning of the root *kuf, daled, shin* (the root of the word *mekadesh*). This controversy involves many key terms associated with marriage: *kiddushin*, the general expression for a wedding; *asher kidshanu*, the classic opening of a blessing for the fulfillment of a commandment; and *harei at mekudeshet li* in the formula said in conjunction with the giving of the ring. Disagreement focuses on whether the root necessarily or always connotes holiness, or whether it may at times only indicate separateness, without implying sanctity. A comment in tractate *Kiddushin* of the Babylonian Talmud shows the mixture of the two meanings as they apply to marriage, by comparing betrothal to the setting aside of an object for God – clearly both separation and sanctification occur: "He [the groom by his act of betrothal] prohibits her [the bride] to the whole world [except himself] like *hekdesh* [an article consecrated to the Holy Temple, which is prohibited for any use other than as an offering to God]."[27] This combination of meanings applies frequently to the use of the root in liturgy, although the aspect of separation is not always emphasized in English translations. For example, in the 1950's *A Guide for Reform Jewish Practice* asserts, "The wedding service is entirely spiritual in character and sacred in procedure as its Hebrew name *kiddushin*

[27] *Kiddushin* 2b, translated in Wiener, 37 (spelling of transliteration mine).

(Sanctification) implies."[28] I will not attempt to arrive at a single consistent meaning for this essential root, but will approach the question of saying *mekadesh yisrael al yedei chupah v'kiddushin* in an interfaith wedding with the understanding that the root *kuf, daled, shin* means "to sanctify," or "to make holy," and also connotes separateness, as is suggested by its role in the wedding liturgy.

Debate over the proper conclusion *(chatimah)* of *birkat erusin* is found in the Talmud and in later centuries as well. The question in this debate is whether the *chatimah* should close simply with "... *mekadesh yisrael*" or instead with "*mekadesh yisrael* by means of *chupah* and *kiddushin.*" Simcha Assaf, Hebrew University scholar of *halakhic* literature and liturgy, in an article documenting the relationship between the scholars of France and Germany and those in Spain, discusses an exchange of letters on the subject of the *chatimah* for *birkat erusin.* As the letters include both the content of the Talmudic debate[29] and that of later scholars, I include here a section of the article, which I have translated from the Hebrew.

> Of the exchange of queries and responsa between the scholars of [France and Germany/Ashkenaz with Spain] in the early ages, we know nothing except for the words of Rabenu Tam... in which he testified that such an exchange of queries and responsa did exist. However, in *Shibbolei Haleket*, Part 2 (#73) one question and answer of this kind was preserved and it is of great interest...
>
> ... The scholars of Spain tried to influence the scholars of France and Ashkenaz to change their custom and hold to the custom of the two academies of the period of the first *Geonim*, which the Sefardim followed, in that they conclude [the blessing] solely with "who sanctifies Israel." And to this the scholars of France and Ashkenaz responded: "We will not stray to the right or the left from the custom of our predecessors, the geonim, wise and unbiased, who concluded with "who sanctifies his people Israel **through *chupah* and *kiddushin.***"
>
> In order to better understand the responsa of the scholars of Spain, I cite here the response of Rav Hai on this matter, because the response of the scholars of Spain is based

[28] Doppelt and Polish, "A Guide For Reform Jewish Practice," *CCAR Journal* (June 1956): 17, quoted in Wiener, 45.

[29] The gemara referred to is in *Ketubot,* 7b.

on this response... "You wrote regarding what is the *birkat erusin*: since there are those who conclude it with 'who sanctifies Israel' alone, and there are those who conclude it with 'who sanctifies Israel through *chupah* and *kiddushin*' – and it is our custom to conclude with 'who sanctifies his people Israel through *chupah* and *kiddushin*,' is it proper to do it that way [by including the extra modifying phrase] or not? The answer is is explicit in the *gemara*: "Rav Aha (son of Rava in the name of Rav Yehuda) concludes with ... 'who sanctifies Israel.'" That is how they conclude the blessing in the two *yeshivot*, having done so since days of old all the way to now. **The addition that you recommended actually detracts from the idea, since the sanctity of Israel is not dependent on this [*chupah* and *kiddushin*]**. It would be fitting for you to return to the law and to our custom in full agreement of all parties."[30] **(bold type added)**

Assaf goes on to detail which communities and scholars followed each custom, the trend being that in Spain the custom was to say only 'who sanctifies Israel,'[31] with most of France and Germany adding 'through *chupah* and *kiddushin.*' Later *siddurim* show that by the fifteenth century, Spain had adopted the extra wording as well.

The Ashkenazi scholars cite several arguments for their inclusion of the additional phrase in the *chatimah*. First, they compare *birkat erusin* to other blessings in which we sanctify the day *(kiddushei d'yoma)*, pointing out that wherever we conclude with *mekadesh yisrael*, we include also a further mention of the occasion – for example, on Rosh Hashanah, we conclude with *mekadesh yisrael v'yom hazikaron* (who sanctifies Israel and Rosh Hashanah, also called *yom hazikaron*). "Further," the scholars claim, "we have proof from the Talmud, as it is said, 'With all blessings, one must conclude with *mei'ein chatimah* [a preamble whose content introduces the conclusion] next to the *chatimah.*' Since we say [in the preamble of this blessing], 'who has permitted us those who have been wedded to us by means of *chupah* and *kiddushin*,' we must conclude with 'who sanctifies Israel by means of *chupah* and *kiddushin.*'" They note that *birkat erusin*

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[30] Simcha Assaf, *"Halifat Sh'elot U'Teshuvot: Beyn Sefarad u'vein Tsarfat V'Ashkenaz,"* *Tarbitz* (Year 8): 166-7.

[31] See Assaf, 167-8, notes 33-40, as well as Saadja Gaon, *Siddur Saadja Gaon*, ed. I. Davidson et al (Jerusalem: Mekize Nirdamim, 1941): 77, note to line 3.

should not be compared to blessings said before eating or fulfilling a commandment (*birkot perut* or *birkot mitzvah*) because as short blessings, they do not have concluding formulas at all. If one insists on likening *birkat erusin* to a *birkat mitzvah*, they continue, then one should do as Rav Aba and Rava bar Rav Ada did[32] and not add a concluding formula to the blessing at all, but simply stop after "... and permitted us those who have been fully wedded to us by means of *chupah* and *kiddushin.*" However, they do not recommend this: their clear preference is their own custom of pronouncing the *chatimah*, with *al yedei chupah v'kiddushin.*

For our purposes, we can see the *machloket* over the conclusion of *birkat erusin* theologically. It may originally have been simply a difference of custom with both sides intent on charging the other with *halakhic* error, but the rationales adduced during the debate have genuine significance for determining what *birkat erusin* means and whether it is appropriate for an intermarriage ceremony.

Hai and the Sefardi authorities simply dismiss out of hand the possibility that Israel's sanctity can depend on marriage (more specifically, on *chupah* and *kiddushin*). By contrast, the Ashkenazi authorities turn this dismissal on its head, declaring, "it is only through *chupah* and *kiddushin* that Israel's very existence is sanctified." The authors then point to the blessing itself to support their case. By reading the blessing closely, we can see their point: the opening of the blessing declares that we are *sanctified* by God's commandments; then the body of the blessing cites the particular commandments that prohibit immoral sexual relations and permit sexual relations within marriage; finally, the conclusion, with the addition, attributes that permission to the process of *chupah* and *kiddushin.* In effect, the Ashkenazi authorities are asking, What

[32] See *Ketubot* 70b.

could this blessing possibly mean, if not that the sanctity of Israel is dependent upon *chupah* and *kiddushin*?

Let us step back from the close-up view of *birkat erusin* that we have been considering and look again at the two obstacles to liturgical integrity discussed in the introductory chapter: first, dissonance between the handed-down liturgy and contemporary reality, and second, the absence of liturgy marking an important event. The second issue is obvious, in our case – the whole question presupposed by this thesis derives from the absence in the classical liturgy of a wedding ceremony for interfaith marriages. Since, in fact, interfaith wedding ceremonies are performed by some rabbis, I am addressing the first issue – can such a ceremony be performed without dissonance, and if so, how? In the case of any Jewish wedding, the kind of dissonance I am discussing would be, for example, the unilateral giving of a ring by a groom to a bride. Since in the current period, among Reform Jews (and many others too), marriage is understood more as a partnership of equals than as the acquisition of a woman by a man, a mutual ring exchange more effectively enacts the creation of a modern marriage (the gap between ideals and reality notwithstanding).

With the goal of liturgical integrity in mind, we can return to the question of whether *mekadesh yisrael* should be said at an interfaith wedding. In the end, the debate over whether to conclude *birkat erusin* with *al yedei chupah v'kiddushin* may be immaterial; given the fact that in every other instance of *mekadesh yisrael*, it is followed by a summary or reflection relevant to the moment, even if the addition is not spoken, it is implied. Thus, *mekadesh yisrael*, uttered at a wedding, suggests *mekadesh yisrael al yedei chupah v'kiddushin*. The kernel of this argument that is relevant to our case is the

question of the meaning and sources of the sanctity of Israel and how this matter relates to marriage. Specifically, our question is not whether to include *al yedei chupah v'kiddushin*, but whether to say *mekadesh yisrael* (at all) at an interfaith wedding. If the sanctity of Israel depends on marriage, or, in other words, if it is primarily through marriage that God sanctifies Israel, it might be persuasively argued that only a full member of the people of Israel can be a part of such a marriage. This argument is based on the assumption that only a full member of the Jewish people can live a life that would increase the sanctity of the people. If, instead, Israel's sanctity is especially affirmed during a wedding, as with a festival, but that sanctity is not primarily the consequence of weddings, there may be more room to imagine the appropriate inclusion of a non-Jew in a Jewish wedding. Although the second view may be accurate, it is useful here to view the question from the more stringent perspective, and to imagine that the sanctity of Israel does in fact depend on marriage. We must then answer the vital question: Is the assumption that only a marriage of two Jews can add to the sanctity of Israel correct? Or is it possible for an interfaith marriage also to sanctify the Jewish people? This is essentially the question asked by some Reform rabbis who officiate at interfaith weddings. Through the various criteria that they require of interfaith couples whom they marry, these rabbis satisfy themselves that the answer is affirmative. It is not a simple matter to determine that a non-Jew is helping to sanctify Israel, but the participation and commitment of many non-Jews in Jewish communities demonstrates that it is not only possible but has happened before and continues to happen. Current examples are found throughout the Reform movement especially, but also in the other movements of Judaism. In my conversations with fifteen rabbis about interfaith wedding officiation,

one experience was recounted most frequently: a number of rabbis who had not imagined themselves performing interfaith weddings spoke of encountering interfaith couples who were participating in synagogue life and raising their children as Jews. Rabbis cited a number of reasons for non-Jewish partners of these couples not converting to Judaism, including the need to consider conversion separately from marriage, and the importance of not rushing or forcing the process of deciding to convert to Judaism. In addition, some non-Jews who involve themselves in Jewish life choose not to convert formally out of consideration for their family members who might feel personally rejected. It is not my aim to discuss these choices, but to note that there are non-Jews who, despite the choice not to convert, become valuable contributing members of Jewish communities. A remarkable example of this process is attested to by Rabbi Sam Gordon who leads Temple Sukkat Shalom in Illinois. This congregation traces its beginnings to an interfaith support group that Gordon led. Over a period of years, the group grew into a *chavurah* and finally into a full and inclusive congregation.

The possibility of an interfaith couple contributing positively to the Jewish present and future must be taken into account in deciding whether to omit, adapt or reinterpret the words *mekadesh yisrael* at an interfaith wedding. As we have seen, Jewish tradition endows a wedding with the power to sanctify the whole people. It is my contention that the words and symbols of such a ritual should have real meaning, making it worthy of this power. In order for a Jewish wedding of an interfaith couple to have real meaning, the gap must be bridged between the reality of the interfaith couple and the traditional connotations and *halakhic* significance of the classical liturgy. The three alternatives in the case of liturgical dissonance are to omit, to modify, or to reinterpret the

liturgy. In the case of *mekadesh yisrael*, to omit would be tantamount to saying the wedding does not merit God's blessing on the people of Israel. To modify this essential phrase would also suggest that the couple's marriage will not contribute positively to Jewish life. Neither of these options is consistent with what we have learned, namely that, by definition, a Jewish wedding must sanctify the Jewish people. If a given interfaith marriage cannot be expected to contribute meaningfully to Jewish life, then an essential element of the wedding will be missing, regardless of the liturgy spoken. The classic understanding that the wedding of two Jews in the framework of Jewish law is an occasion by which the Jewish people are sanctified can be reinterpreted to include an interfaith wedding, *if* the interfaith partnership in fact sanctifies Israel (here meant to signify the Jewish people). This criterion is demanding and yet impossible to define unanimously. I do not think a rigid or universal standard is necessary, but nonetheless communal liturgy must mean something communally. Otherwise, as Rabbi Lawrence Kushner says, "Everyone will be making Shabbos for herself."[33] It is therefore the responsibility of the *mesader et kiddushin* (wedding officiant) and the interfaith couple wishing to be married in a Jewish wedding to consider what it would mean for this marriage to sanctify the Jewish people in deciding if a Jewish wedding is appropriate. Rather than propose a set of criteria and requirements, I hope to participate in a cooperative effort to support the integrity of Jewish liturgy and to achieve an understanding that, when *mekadesh yisrael* is pronounced, the occasion in fact sanctifies the Jewish people and thus merits the blessing.

[33] Lawrence Kushner, personal communication, December 3, 2003.

3. *K'dat Moshe V'yisrael*

The brief liturgical line often called the "ring formula" accompanies the climactic moment of a wedding when (traditionally) the groom bestows a ring on the bride – in liberal ceremonies, two rings are exchanged. Despite the consistent use of uniform wording in this declaration as we now know it, Jewish law does not require a particular formula to accompany the giving of the ring. Rather, there is (or at least there was) a range of acceptable language, with parameters concerning the context and meaning.[34] Most importantly, two witnesses are required[35], and much of the discussion focuses on the ways by which the requirement of the woman displaying her consent can be satisfied.[36] However, the declaration, "Behold, you are consecrated to me with this ring, according to *dat moshe v'yisrael*," has now become fixed by tradition if not by law. What is *dat moshe v'yisrael*, and how should this liturgy be considered in the context of the wedding of a Jew and a non-Jew?

As with *birkat erusin*, in order to assess whether it is fitting to use the classic liturgy in the case of a wedding of a Jew and a non-Jew, I will examine the meaning of *dat moshe v'yisrael* and its function in the wedding. The expression *dat moshe v'yisrael* occurs in a limited range of contexts, but, nonetheless, functions in quite different ways from what one might imagine, given the common assumption of its meaning in the wedding ceremony. With this line in particular, it is essential to understand the difference between *halakhic* and liturgical meanings, and to consider both. Both meanings are significant in the case of a wedding, as the Jewish wedding ceremony, in its

[34] *Shulchan Aruch* 27:3; *Hilchot Ishut* 4:1-5
[35] *Shulchan Aruch* 27:1-2; *Hilchot Ishut* 4:6
[36] *Shulchan Aruch* 27: 7-9; *Hilchot Ishut* 4:1-5

origins if not in all modern contexts, is both a legal procedure and a ritual. By specifically *halakhic meaning*, I mean the parameters of the phrase in Jewish law, which can be discerned from its occurrences in text. In contrast, by *liturgical meaning*, I mean the less concrete but nonetheless important implications of the phrase in the understanding of most people who hear it spoken during a wedding ceremony.

Halakhic **Meanings**

Review of the textual occurrences of *dat moshe v'yisrael* reveals three possible *halakhic* meanings. First, *dat moshe v'yisrael* is a synonym for all of Jewish law. Rashi, for example, (*Yevamot* 110a and *Gittin* 33a) holds that *k'dat moshe v'yisrael* attests to the fact that marriage depends on the authority of the Sages; it is *d'rabanan* as opposed to *d'oraita*, a reference to all of the legislation that the rabbinic authorities create to complement and clarify the laws given in the written Torah. In keeping with the *g'mara* to *Ketubot*, he maintains that marriage must be within the purview of rabbinic law, if the rabbis are to be invested with authority to annul improper cases of *kiddushin*. (Without such authority, divorce would be assumed to be a matter only of the marital laws found in the written Torah; dissolution of a marriage would be beyond rabbinic control, and husbands would be able to summarily discharge their wives while wives would have no recourse against abuses of their husbands.) The *Tosafot (Ketubot* 3a*)* confirms the claim that marriage is within rabbinic authority, using the expression *k'dat moshe v'yisrael* in the wedding liturgy as supporting evidence. Rashbam, commenting on a discussion of valid and invalid methods of betrothal in *Bava Batra*, invokes the same principle, also relying on the use of the expression *k'dat moshe v'yisrael;* here, Rashbam stresses that the

Rabbis' authority extends so far as to allow them to render invalid a betrothal that would otherwise be valid.

A case in *Tosefta Ketubot* 4:9 cites *k'dat moshe v'yisrael* at the end of a marriage contract to indicate acceptance of the marriage's validity. This occurrence, while not providing rich context for the definition of the expression, confirms that it is part of the legal language used by the Sages in creating a marriage. If the above group of occurrences of the expression is definitive, then *dat moshe v'yisrael* is coterminous with the body of classical Jewish law. It would then be inappropriate to include this piece of wedding liturgy in an interfaith wedding, since Jewish law does not recognize the marriage of a Jew to a non-Jew.

Ramban (commentary on Deuteronomy 21), however, invokes a variation of *dat moshe v'yisrael*: *dat moshe vihudit*. While *yehudit* is an adjective meaning "Jewish," and is not precisely synonymous with *yisrael*, which signifies "Israel" or "the Jewish people," the two phrases are parallel and similar enough to shed light on each other. The context of Deuteronomy 21 is that of a captive gentile woman, who is to be given a month's time to mourn her parents before becoming the wife of an Israelite. Ramban appends the phrase *dat moshe vihudit* to the mention of the marriage of such a woman to her Israelite captor. In this context, the phrase may refer to Jewish law in general, which the woman would adopt upon being married, and also to the related issue that Rashi raises: the particular authority of rabbinic law over matters of marriage.

A second possible *halakhic* meaning of *dat moshe v'yisrael* is that it refers to a subset of Jewish law, or perhaps of Jewish custom, that is primarily pertinent to wives. This interpretation is indicated in *Mishnah Ketubot* 7:6, which addresses the question of

when a woman would be ineligible to receive the assets otherwise guaranteed her by her *ketubah* in case of divorce. The answer is: "She who transgresses the Law of Moses [*dat moshe*] and Jewish custom [*dat yehudit*]." The *Mishnah* then asks, "What is meant here by the Law of Moses?" and "What is meant here by Jewish custom?" and in answer, two lists of behaviors are given:

Transgressions of the Law of Moses [*dat moshe*]	Transgressions of Jewish custom [*dat yehudit*]
She gives him food that was not tithed	She goes out with her head uncovered
She has sexual relations with him when she is a menstruant	She spins in the street [exposing her arms in public]
She does not separate out *challah* [the priest's-share of her dough]	She converses with everyone [or "all men"]
She makes a vow and does not fulfill it	She curses his parents to his face (in one opinion)
	She is a loud-mouthed woman, speaking so loudly in her house that her neighbors can hear (in another opinion)[37]

The above list of transgressions against *dat yehudit* clearly leads to the definition of the phrase found in the *Encyclopedia Talmudit:* "the customs of modesty by which daughters of Israel behaved." Such aspects of behavior and personality as physical modesty, tendency to converse with many people, and speaking volume fall into the realm of custom, or even personal habit, rather than strict matters of law. Similarly, the issues of a woman's head-covering in public and of her cursing her husband's parents to his face may fall partially under the domain of law, but are also understood as custom. Married Jewish women covering their heads is traced, creatively but not strongly, to the biblical verse in which the authorities *uncover* the head of a woman accused of adultery.[38] And although the case of the woman cursing her husband's parents to his face might seem to

[37] *Mishnah Ketubot* 7:6. My translation adapted from Blackman; material in brackets is Blackman's interpretation of the sometimes uncertain *Mishnaic* meaning.
[38] *Ketubot* 72a, Numbers 5:18.

be associated with the commandment to honor one's parents, in this context the concern is primarily with honoring the feelings of one's spouse. Thus the description "customs of modesty by which daughters of Israel behaved" effectively synthesizes the *Mishnah's* list of examples of how a woman might transgress *dat yehudit.*

Appropriately, the *Encyclopedia Talmudit* grants *dat moshe* (law) a weightier description than *dat yehudit* (custom). Relying at least in part on Rashi's interpretation of *k'dat moshe v'yisrael,* the definition begins, "*Dat moshe* is all of the commandments said in the Torah,[39] or hinted therein."[40] This broad declaration recalls the first interpretation of *dat moshe v'yisrael,* equating the category with all of biblical and rabbinic law. But the *Encyclopedia* then describes the second possibility, the more limited usage of the phrase to imply just a subset of the law: "In general, *dat moshe* is used in reference to a woman who transgresses the law (*dat*), in relation to her divorce or her *ketubah,* in the case that she fails her husband or transgresses through immodesty." Thus, even if the phrase *dat moshe* is traced to sources of biblical and rabbinic law in general, the phrase itself is almost only used in conjunction with laws pertinent to women accused of failing their husbands. If *dat moshe* may be defined as a section of Jewish law primarily incumbent upon women, and not as the entirety of Jewish law, then the inclusion of the expression in an interfaith wedding might be appropriate, if the couple and rabbi, after examining these regulations, were to find them to be applicable as a standard by which the couple agrees to pursue married life. In a traditional context, of course, even this limited sense would prohibit the application of the phrase to an interfaith marriage, since

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[39] Meyer Berlin and Shlomo Josef Zevin, eds., *Encyclopedia Talmudit* (Jerusalem: Mossad Harav Kook, 1957), s.v. "*Dat Moshe" and "Dat Yehudit."* The entry refers to *Ketubot* 72a and to Rashi's commentary there.

[40] Ibid. Here, the Meiri's comment on the same page is referenced.

it would include such expectations as the husband's responsibility for the fulfillment of vows made by his wife. But traditionalistic contexts would be unlikely to see the issue of interfaith marriage arising in the first place. In a non-traditionalist setting, the limited view of *dat moshe* as just that section of Jewish law pertaining to a relationship between husband and wife might indeed be applicable even to an interfaith marriage, if the couple were to agree to live according to the same standards that apply to a marriage between two liberal Jews.

There is also a third possible reading: not the totality of Jewish law and not even just that subset of law pertaining to the proper married relationship, but a specific standard pertaining to the quality of that relationship. This reading arises from the *mishnah's* list of violations of *dat moshe* All of the examples portray ways in which women *cause their husbands unknowingly to transgress significant biblical commandments.* Ensuring that food has been tithed, taking *challah,* (separating out a piece of dough for the priests, or later, in memory of the destroyed Temple), observing the laws of "family purity," and keeping vows (since *halakhah* holds a man responsible for his wife's vows) are the very commandments that are not simply the domain of women, but are specifically the kinds of responsibilities in which husbands are dependent upon their wives to observe. The classification *dat moshe* thus invokes not only the kinds of *mitzvot* that women observe on behalf of their husbands, but also the sense of trust that spouses invest in each other. This becomes even clearer in the definitions of *dat moshe* and *dat yehudit* found in Maimonides' *Hilchot Ishut.* While the examples given are almost identical to those in *Mishnah Ketubot,* Maimonides follows his examples with a

description of how it might become known that a woman transgressed a particular element of *dat moshe:*

> ... For example, she said: 'So and so, the priest, [separated tithes] from this produce for me,' 'So and so separated *challah* [from this dough],' 'So and so, the Sage, said this stain does not render me a *niddah* [menstruant] - and after eating the food or engaging in sexual relations with her, the husband asked the person whose name was mentioned and he denied the occurrence of the incident...[41]

Given this description of women purposely deceiving their husbands, *dat moshe* may refer precisely to the trust that must exist between spouses in a successful marriage, for it is this trust that has been violated in the examples. Thus the expression may be less an actual legal term than an ideal of loving conduct between husband and wife, invoked primarily in relation to women who do not meet this ideal. Such a reading is corroborated by Maimonides' *Hilchot Ishut* 24:16, which states,

> [When a woman] violates the faith of Moses [*dat moshe*] or the Jewish faith [*dat yehudit*]...her husband is not compelled to divorce her. If he desires [to remain married], he need not divorce her.[42]

The leeway left to the husband suggests two possible interpretations of *dat moshe v'yisrael*:

1) The phrase does refer to the body of Jewish law, or some subset thereof, but even so, given the husband's leeway here, the consequences of breaching this standard do not *necessarily* force the end of the marriage. This second possibility agrees with the first reading, in which Rashi equates the term with rabbinic law, but does not make the concept so legally binding that the court alone reserves judgment on whether to apply it.

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[41] *Hilchot Ishut* 24:11, translation from Touger, 314.
[42] *Hilchot Ishut* 24:16, translation from Touger, 318. Touger, notes that the law does not compel a divorce unless two witnesses testify to the woman having willingly committed adultery. Not surprisingly, the prohibition against adultery is stronger than that against violating *dat moshe* or *dat yehudit.*

2) The phrase refers to the *character of the marital relationship,* and not to the religious observance or general morality of the wife or husband, because if *dat moshe v'yisrael* were an actual set of legal regulations, then their violation would call for some kind of punitive response meted out by the court and enforced on the wife, not left to her husband to decide alone. Since instead (according to Maimonides), the husband is allowed to decide whether his wife's behavior affects him so adversely that their marriage cannot continue, the phrase points to an ideal quality of relationship. Appropriately, then, the phrase *dat moshe v'yisrael* serves as the standard in accordance with which a couple is married.

The standard of *dat moshe v'yisrael* occurs also in *Tosefta Ketubot* 7, where it is applied to both men and women. Here the last interpretation of those outlined above, focusing on the quality of the marital relationship, is expanded. The list of behaviors of wives toward husbands is similar to those that the *Mishnah* portrays as *dat yehudit*, thus subsuming *dat yehudit* and its association with women's modesty into *dat moshe v'yisrael*. But in the *Tosefta*, several behaviors, this time of husbands toward wives, are also considered transgressions of *dat moshe v'yisrael*.[43]

> [If] he required her by vow to give a taste of what she was cooking to everybody [who came by], or that she draw and pour on the ash heap[44], or that she tell everybody about things that are between him and her, he must send her away and pay off her marriage contract, *because he has not behaved with her in accord with the law of Moses and of Israel* (italics added).[45]

[43] While Chapter 7 of *Mishnah Ketubot* addresses similar behaviors of men, it does not apply the term *dat moshe v'yisrael* to them as the *Tosefta* does.
[44] Meaning of the Hebrew uncertain.
[45] *Tosefta Ketubot* 7:6, translation adapted from Neusner, 764.

Here, the expression connotes decency and respect, so that the above means of dishonoring one's wife are considered transgressions against *dat moshe v'yisrael*, and, as such, they are cause for divorce in which the woman receives the assets guaranteed to her upon marriage.

In light of the combined examples from the *Mishnah* and the *Tosefta*, as well as the later version in Maimonides *Hilchot Ishut*, *dat moshe v'yisrael* represents the expectation that Jewish wives behave according to certain norms of modesty and are trustworthy (particularly in their religious responsibilities within marriage), and that Jewish husbands treat their wives with respect. These expectations and concerns do not add up to the equivalent of all of Jewish law (the first interpretation discussed above). And while it is true that the phrase is used to refer to women who fail to maintain the expected standards in far more instances than it refers to men, still, its use is not limited to women, nor is it strictly legal (as in the second interpretation discussed above, that *dat moshe v'yisrael* refers to a subset of Jewish law pertaining to wives). Rather, the examples illustrate a standard representing behaviors, roles, and especially the qualities of trust and respect that are expected of married women and men. In this light, the term has legal significance, but only because if it can be shown that a man or woman has transgressed the standard, then the law recognizes such transgression as grounds for divorce should the aggrieved partner desire it.

If this definition of *dat moshe v'yisrael* is conclusive, then the question of whether to include the expression in the wedding of a Jew and a non-Jew might seem to be no different from the same question for a couple of which both partners are Jewish. That is, if the expression essentially refers to the ideal of trust and respect necessary in a

marriage, then there is no reason not to include this piece of classical liturgy in the wedding, regardless of whether the couple observes all of Jewish law or whether both partners are Jewish. This conclusion follows from the fact that, while the expression does have status as a category of behavior within Jewish law, it is not *synonymous* with that law and does not presuppose that law's binding quality on Jews who may opt out of it.

Liturgical Meaning

What does a given expression *mean* when it is said in the context of a worship service, a Passover *seder*, a Jewish wedding? The difference between the *halakhic* meaning of an expression and its liturgical meaning is similar to the distinction between signs and symbols, drawn by Rabbi Lawrence Hoffman in *The Art of Public Prayer*. Hoffman uses several examples to demonstrate that while the official meaning of an object or other symbol may be found through a scholarly investigation of its origins, the symbolic meaning of that object may be entirely different. The symbolism of the object is based on its association with "an experience or value that they [a given group] hold in common."[46] Hoffman gives the example of the Star of David. Asked to explain what the star symbolizes, Hoffman writes, "Having just finished reading a scholarly monograph on that very subject, I launched a copious explanation in terms of when Jews first started using the star in question, how they used it, and so on. But the lady who asked the question shrugged off everything I had to say. 'Rabbi,' she retorted, 'the star of David symbolizes the Jewish people...'"[47] The woman went on to assert her own explanation of how the star can be likened to the Jewish people, but the point is that there is a collective

[46] Lawrence A. Hoffman. *The Art of Public Prayer: Not for Clergy Only* (Washington, DC: The Pastoral Press, 1988), 20.
[47] Ibid, p23.

association between the star of David and the Jewish people that is no longer based on the history explained in the scholarly monograph. Similarly, liturgical language is distinct from the language of scholarship. One example that illustrates this difference is the "title track" liturgy of the Yom Kippur evening service, *Kol Nidrei*. Translation and history of the liturgy reveal it as an annulment of vows, with various explanations for its appearance on the Day of Atonement. But what does *Kol Nidrei* mean to those who hear it? The Aramaic words set to a compelling and memorable melody symbolize Yom Kippur itself, its solemnity, associations with family, the passing of time, past Days of Atonement, and childhood memories of the holiday, as well as other meanings, both collective and individual. Rabbis have at more than one time attempted to remove this piece of liturgy from the service because its official meaning does not seem appropriate to the occasion, but they have given up in the face of the communal attachment to what *Kol Nidrei* represents to the listeners. One more example will illustrate the concept of liturgical meaning. The youngest child at a Passover *seder* traditionally chants the Four Questions, a liturgy that includes the explanation of important symbolic foods and customs. But what does this recitation mean? Groups of Jews at a *seder* might agree on many answers, such as: It really is Passover; So and So is growing up; and, Our child is completing a Jewish rite of passage. This example portrays the potential for some aspects of the liturgical meaning of a given text to change year by year, while others remain relatively constant.

What, then, is the liturgical (as opposed to the *halakhic*) meaning of *k'dat moshe v'yisrael* in a non-Orthodox wedding? It might be optimal to survey a representative sampling of attendants at Jewish weddings in order to answer this question.

Alternatively, and more realistically, we can turn to what we think we already know about weddings, wedding assemblies, liturgy and liturgical meaning. As a child's first recitation of the Four Questions serves as a Jewish rite of passage in addition to its official role explaining elements of the *seder*, it is likely, at least, that the ring formula announces, "Now we are getting married, just as generations of Jews have been married." In other words, the ring formula is "what people say at a Jewish wedding" that makes it official, and by saying it, a couple places themselves in that tradition. In the case of the ring formula, the liturgical and official meanings are not distant from each other, because a wedding ring itself is so closely linked to the official meaning of a wedding. (With other symbols at a Jewish wedding, such as the *chupah* and the breaking of a glass, there is likely more distance between the origins of the symbol and what the symbol means to a wedding assembly.) As the liturgical effect of *Kol Nidrei* is to usher in the Day of Atonement with its many associations, the ring formula, accompanying the exchange of the primary symbol of marriage, has the effect of declaring that the marriage has occurred.

Liturgically, the concluding phrase of the ring formula, *k'dat moshe v'yisrael*, (before a mixed audience and not a group of Jewish scholars), announces that the marriage is "valid according to Judaism." Because "Judaism" is not uniformly practiced or interpreted, it must be understood that "valid" will have different meanings for different listeners. Some, for example, will understand it to mean that the wedding was performed in accordance with Jewish law; others will hear that it followed Jewish custom. Further, even the terms Jewish law and custom carry different implications for different sectors of the Jewish community. But all will agree on the ring's general

symbolic meaning of sealing the Jewish validity of the event. Thus, a useful approximation of the liturgical meaning of *k'dat moshe v'yisrael* is "valid according to Judaism."

Finally, since the majority of people in attendance at non-Orthodox weddings are not Hebrew speakers, it is important to consider the translations of *k'dat moshe v'yisrael* in the CCAR *Rabbi's Manual* – those, that is, that the officiant is likely to announce aloud in the vernacular as the official meaning of the phrase. These are what audiences are likely to understand at the time, given that a scholarly lecture on the history of the phrase is not part of the ceremony. In fact, the *Rabbi's Manual* published by the CCAR in 1988 offers four versions of the wedding service. In all four, the traditional Hebrew ring formula, ending with *k'dat moshe v'yisrael*, is used, with English versions accompanying the Hebrew. Given the non-*halakhic* foundation of Reform Judaism, we can assume that the editor understood the expression *not* to refer strictly to classical Jewish law. As a result, the phrase may be variously interpreted; it may refer to Jewish customs, or to Jewish values, or to the body of policies of the Reform movement or the CCAR. In addition, each service concludes with a declaration that provides insight into the relationship of the Reform wedding to classical Jewish law and tradition. Review of the ring formulas as well as the conclusions to each service suggests the official meaning of *k'dat moshe v'yisrael*, as intended by the Reform rabbinic authorities. Although, the official meaning can be understood as a Reform parallel to *halakhic* meaning, it does not replace the *halakhic* meaning of the expression, nor is it identical to the liturgical meaning. Rather, this official meaning is a third factor to consider in determining how to treat *k'dat moshe v'yisrael* in an interfaith wedding.

The four English renditions of the conclusion of the ring formula and the closing statements of the four ceremonies found in the CCAR *Rabbi's Manual* are:

Service	Conclusion of the ring formula	Closing statement
I and II	...in keeping with the heritage of Moses and Israel OR ...in keeping with the religion of the Jewish People. (This alternative is offered without the Hebrew.)	In keeping with our tradition...you are now husband and wife in the sight of God, the Jewish community, and all people...
III	...according to the law of God and the faith of Israel	...I do hereby, as a rabbi, declare your marriage to be valid and binding... in the sight of God and humankind...
IV	...according to the faith of Moses and Israel	...according to the tradition of our Jewish faith...[48]

Depending on which version of the ceremony is performed we get somewhat different expressions of what kind of recognition the authors expect for the marriage. For example, the two ceremonies that adhere more closely to the classical liturgy end by announcing, "you are now husband and wife in the sight of God, the Jewish community, and all people..." while the ceremonies that provide shortened versions of certain prayers[49] end with "...in the sight of God and humankind," or without any reference to whose "sight" will recognize the marriage. This last service is the only one that mentions that the couple has been married "in keeping with the laws of [the state]," perhaps in order to offer some kind of social recognition in the absence of that mentioned in the other versions. Notably, in the versions of the ring formula, the word "law" appears only once, referring to the "Law of God," and not to "Jewish law."

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[48] David Polish, ed., *Rabbi's Manual*,(New York: Central Conference of American Rabbis, 1988).
[49] Services III and IV abridge both *birkat erusin* and *Sheva Berakhot*.

The variation in tone and message of each of the renditions in the *Rabbi's Manual* clearly represents the authors' recognition of the diversity of perspective, background and religiosity among the constituencies served by Reform rabbis. A rabbi using this manual can choose the language that will be most suited to a particular couple and that couple's community. Yet, presumably, all of the options provided in the services are considered acceptable renditions of an official Reform Jewish wedding. All of the renditions of *k'dat moshe v'yisrael* must therefore share some "basic meaning" that is in harmony with the editor's interpretation of the expression, and, most importantly, all of them provide the implicit liturgical message that the marriage is *valid according to Judaism.*

***K'dat moshe v'yisrael* in an Interfaith Wedding: What to Do?**

Perhaps more than any other part of the liturgy of a Jewish wedding, the words *k'dat moshe v'yisrael* (and their translation, if they are translated) at once carry significant formal meaning and yet remain open to interpretation. It is possible to make a sound case for each of the meanings and implications that I have discussed above. Each of them may be true. But, as George Lakoff and Mark Johnson argue persuasively in *Metaphors We Live By*, "...truth is always relative to a conceptual system that is defined in large part by metaphor."[50] By metaphor, the authors mean the entire framework of understanding by which we understand some things in terms of others. Thus, the concept of Jews and non-Jews is meaningful only in the context of history, assimilation, anti-Semitism, religious concepts of responsibility and commandedness, and a host of other elements of human experience. Context must play a major part in the decision of how to treat *k'dat moshe v'yisrael* in the wedding of a Jew and a non-Jew. There may be no absolute or

[50] George Lakoff and Mark Johnson, *Metaphors We Live By*, (Chicago, Illinois: The University of Chicago Press, 1980), 159.

eternal answer to this question, but that does not mean that answering it for our time and situation is unimportant. Consideration of context will strengthen the integrity of liturgy as well as inter-denominational Jewish relationships.

I will conclude this chapter by reviewing the meanings discussed above and proposing a way to negotiate question of *k'dat moshe v'yisrael* in an interfaith wedding. Following are abbreviated descriptions of the *halakhic* and liturgical meanings and implications that I have discussed in this chapter.

Halakhic meanings and their implications

1. *Dat moshe v'yisrael* is another name for the body of classical Jewish law. It would be inappropriate to include this piece of wedding liturgy in an interfaith wedding, since Jewish law does not recognize the marriage of a Jew to a non-Jew.
2. *Dat moshe v'yisrael* is a segment of Jewish law primarily incumbent upon women. The inclusion of the expression in an interfaith wedding might be appropriate, if the couple and rabbi were to find this segment of Jewish law to be applicable to the particular couple's relationship.
3. *Dat moshe v'yisrael* essentially refers to the ideal of trust and respect necessary in a marriage. It represents basically the same expectations as the promise "to love, to honor, and to cherish,"[51] which has entered some Jewish wedding liturgies from the Christian tradition commonly recognized in American culture. There is no reason not to include this piece of classical liturgy in an interfaith wedding. Although the expression does have status as a category of behavior within Jewish law, it is not synonymous with that law.

[51] *Rabbi's Manual*. 53.

Liturgical meanings and their implications

1. The ring formula has the effect of declaring that the marriage has occurred.
2. Liturgically, the closing phrase of the ring formula, *k'dat moshe v'yisrael,* announces that the marriage is "valid according to Judaism."

Three options are before us in handling the liturgical expression *k'dat moshe v'yisrael* in an interfaith wedding: we can omit, adapt or reinterpret the liturgy to fit the contemporary reality. By omitting the phrase altogether, possibly based on the understanding that the phrase refers to classical *halakhah*, we would be left with a ring formula that reads: "Behold, you are consecrated to me with this ring." This option leaves little with which to argue, as it does not say anything about the relationship of the interfaith wedding to Jewish tradition.

However, it might be argued that, for the wedding of an interfaith couple that has made a commitment to Jewish life, a better liturgical solution will include that commitment in this important part of the ceremony. Including *k'dat moshe v'yisrael* and interpreting it fittingly for such a couple might draw upon the notion that this qualifying phrase refers to the qualities of trust and respect in a marital relationship. Alternately, some rabbis might properly reason that *k'dat moshe v'yisrael* can be appropriately included in such a wedding because, in the *Rabbi's Manual,* the phrase does not connote Jewish law but rather Jewish faith, heritage, and religion. This rendition of *dat moshe v'yisrael* represents the principle that Reform Judaism is a legitimate continuation of Jewish tradition (even in its departure from classical Jewish law). The problem with this

reasoning is that Reform Judaism – at least as represented by the CCAR[52] – currently does not recognize interfaith marriage as part of Jewish law, faith or heritage. Interfaith weddings may be allowed, but they are not encouraged, and the official CCAR liturgy therefore was not written with them in mind. The question that remains, then, is whether rabbis who want to assert that interfaith weddings *should be* understood as valid according to Judaism can or should do so just by including a liturgical statement that implicitly claims that they are already considered so. In the case of this particular piece of controversial and important liturgy, I do not think so.

While many Reform rabbis choose to view some interfaith unions within the context of Jewish faith and tradition, I suggest that impressing that perspective into the classical liturgy in our current historical context is not the best way to promote this view nor to enhance liturgical integrity. I make this judgment in large part based on the liturgical meaning of *k'dat moshe v'yisrael*. Most people will understand the traditional conclusion to the ring formula, whether translated as "according to Jewish *law*" or "according to Jewish *faith/heritage/religion*" to mean that the marriage is in fact *already* valid according to Judaism. If the traditional formula is used at an interfaith wedding, two problems result: 1) for people who do not see interfaith weddings as valid according to Judaism, the gap between the liturgy and reality as they see it may produce the impression that the truth and meaning of the wedding liturgy do not matter at this wedding; and 2) for those who do view interfaith weddings as a valid part of Jewish tradition, the gap between the liturgy that confirms the Jewish authenticity of the wedding, and the law and policies that do not recognize it as legitimate, creates the impression that Jewish law and the policies of the CCAR do not matter.

[52] See CCAR Resolution of the Committee on Mixed Marriage, Appendix A.

I propose that in the current context, the best way for rabbis to assert that the unions of Jews and non-Jews who are committed to Jewish life constitute a welcome development in Jewish tradition is by adapting the conclusion of the ring formula, both in Hebrew and in English, and explicitly noting this adaptation during the wedding ceremony. This recognition can be included elegantly and with respect for all involved.[53] In fact such clarification may be welcomed by couples and their communities who may be wondering about the status of the interfaith marriage. In part, my proposal represents an effort to draw a distinction between disagreeing with a policy and even contravening it, on the one hand, and using the wedding ceremony as the grounds on which to demonstrate against the policy on the other hand.[54] Because I see the question of whether to distinguish the wedding of a Jew and a non-Jew from that of two Jews not as a moral dilemma but as a cultural and contextual issue, I do not see the wedding ceremony itself as an appropriate or effective stage for protest.[55]

I do not profess to know what will be the best adaptation of the ring formula for interfaith couples. Instead I hope that in the near future, rabbis who choose to officiate at interfaith weddings will participate in a shared effort to create an appropriate liturgical adaptation of the ring formula. Such a process could keep this liturgy within our shared tradition, rather than leaving it out on the margins, where an unlimited number of variations weaken the important communal element of liturgy. As context changes, and

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[53] See Appendix B for examples.

[54] I recognize that the policy in fact acknowledges that rabbis "hold divergent interpretations of Jewish tradition" (See Appendix A), but the policy's intent is clearly to discourage officiation at interfaith marriages. What I mean is that rabbis who do officiate are contravening this intent, although they may not actually be violating the policy.

[55] If intermarriage were prohibited not only by Jewish law but also by the laws of our government, I might approach this issue differently. In other words, because interfaith couples are not prevented from marrying by the government, they do not need an activist campaign for their recognition, as, for example, same-sex couples do. I believe there may be a place for "making it so by saying it is so," in cases where it is important to make a statement in the cause of justice.

more interfaith couples become active participants in Jewish life, I believe such collaboration will become increasingly necessary.

Sheva Berakhot

In both tone and purpose, the second part of a Jewish wedding, *Nisuin*, differs from the first. With the sacred agreements and transactions of the wedding established, the ceremony now shifts into the mode of celebration, originally just a celebratory feast marking the transfer of a bride from her own or her father's domain to her husband's. Since the earliest of times, that transfer was highlighted by what we now call the *Sheva Berakhot*, or Seven Blessings. It is likely that the original celebration featured individual blessings by each of the arriving guests, but ever since the Babylonian Talmud canonized the ones we have, it has been common to say what the Talmud includes and to call them our "seven blessings." This sequence of blessings encompasses themes and associations that locate the wedding thematically in Jewish and even human history, and within the redemptive Jewish vision of the future. Unlike the liturgical elements discussed in the previous chapters, how to treat these blessings at the wedding of a Jew and a non-Jew is not a question of legal categories, because the sources and themes of the text are not legal in nature but rather symbolic. The *Sheva Berakhot* raise questions about the degree and kind of relationship that an interfaith couple has with several aspects of Jewish peoplehood. In order to address this issue, I will examine the blessings individually and as a whole liturgical piece. I will attend primarily to how the blessings reveal facets of Jewish identity, peoplehood and images of marriage. These themes will form the basis of my assessment of whether the blessings are suitable for the wedding of an interfaith couple committed to Jewish life.

1. **Blessed are You, Adonai our God, Ruler of the universe, who created the fruit of the vine.**[56]

The first of the *Sheva Berakhot* as they appear in the wedding liturgy is the blessing over wine.[57] This blessing does not relate specifically to weddings; instead, its presence in the *Sheva Berakhot* marks a wedding as a *simhah*, a joyous occasion not only for the couple but for the Jewish people. Therefore, as with the decision to have a Jewish wedding altogether, the inclusion of this blessing should signify an interfaith couple's intent to be part of Jewish communal life.

2. **Blessed are You, Adonai our God, Ruler of the universe, who created everything for your glory.**
3. **Blessed are You, Adonai our God, Ruler of the universe, shaper of humanity.**

The second blessing is based on language from Isaiah, "Every one that is called by My name, and whom I have *created for My glory*, I have formed him, yea, I have made him."[58] While the biblical verse refers to the people Israel, the blessing refers to "everything," and not to the Jews in particular. In addition to the reminder of God's glory, reflected in all things but especially noted upon the happy occasion of a wedding, the commentators associate the second and third blessings with the account of creation in Genesis. Rashi, asserting that the second blessing refers to the wedding assembly, links the honor that the guests show the couple by attending the ceremony to the honor shown

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[56] Translation of the *Sheva Berakhot* from Adler, 181-2. (Where the Hebrew shifts in the middle of each blessing from second to third person in speaking of God, Adler's translation uses the second person consistently, thus avoiding gendered God language.)

[57] The *Sheva Berakhot* are also recited after the wedding meal and during the week following the wedding, after meals held in honor of the couple. In the *Sheva Berakhot* as they appear in the Grace After Meals, the blessing over wine comes last rather than first.

[58] Isaiah 43:7, this connection noted in Ya'akov Verdiger, *Edut L'Yisrael*, (Israel: Institute for Research of Jewish Liturgy, 1963), 75.

by God to Adam - in the *midrash*, God is portrayed facilitating the first couple's union.[59] For Rashi, the third blessing praises God's creation of Adam. Meiri provides an alternate interpretation: the second blessing refers to all of creation and thus sets the scene for references to the creation of human beings in the blessings that follow. All of these explanations link the two blessings to the biblical and *midrashic* tradition and, through it, to Adam and Eve, who signify all of humanity. The message of these blessings, then, is inclusive, even universalistic. They focus the attention of the assembly on the goodness, or "glory" of God and specifically to God's creation of humankind, and thus raise no difficulty in relation to an interfaith wedding.

4. **Blessed are You, Adonai our God, Ruler of the universe, who has shaped humanity in your image, patterned after Your image and likeness, and enabled them to perpetuate this image out of their own being. Blessed are You, Adonai, shaper of humanity.**

The language of this blessing is complex and unusual. In particular, interpretation of the phrase "enabled them to perpetuate this image out of their own being" has occasioned debate over the biblical account of the creation of the first man and woman,[60] but all agree that in some way the blessing refers to the creation of human beings in the Divine image and to the ability to reproduce. While the theme of reproduction at a wedding may well be objectionable on grounds that not every couple has children, this problem is the same for interfaith couples as it is for two Jews. This blessing therefore does not present any problems specific to an interfaith wedding.

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[59] Rashi at *Ketubot* 7b-8a.
[60] The discussion of this blessing in *Ketubot* 8a refers to a discussion of creation found in *Eruvin* 18a and in *Berakhot* 61a, as noted by Adler.

5. **May the barren one exult and be glad as her children are joyfully gathered to her. Blessed are You, Adonai, who gladden Zion with her children.**

The expression "barren one" in reference to Jerusalem is found originally in Isaiah,[61] but in addition, commentators see the mention of Jerusalem at a wedding as fulfillment of the responsibility expressed in Psalms, "If I do not remember you, let my tongue cleave to the roof of my mouth; if I do not set Jerusalem above my highest joy."[62] The prophetic passages alluded to in this blessing form an associative bridge between the wedding and the anticipated reunion of Zion with "her children," the exiled Jewish people. Biblical metaphors both of marriage and of the relationship between parent and child link a bridal couple's personal future with the future of the Jewish people. Several sections of Isaiah articulate these metaphors, notably Isaiah 49:17-19, in which the bride is the land of Israel, and the people her children. God says to Zion, "Swiftly your children are coming...you shall don them all like jewels, deck yourself with them like a bride."[63] Isaiah 61:10 portrays the prophet, clothed by God "like a bridegroom adorned with a turban, like a bride bedecked with her finery," for the occasion of the people's return to the land. Rachel Adler explains, "At this festive event, Zion is at once the covenant bride, the barren wife made fruitful, and the mother reunited with her lost children."[64]

Is this associative link between a wedding and the future redemption of the Jewish people incongruous in the marriage of a Jew to a non-Jew? In other words, can the marriage of a Jew and a non-Jew contribute positively to the Jewish future? I address essentially this same question in the Chapter 2 (*Birkat Erusin*), by discussing whether an

[61] Isaiah 54:1
[62] Psalms 137:6, JPS translation.
[63] JPS translation.
[64] Adler, 188.

interfaith marriage may be said to sanctify the Jewish people. Here too, the answer depends on whether couples with one Jewish and one non-Jewish spouse participate in Jewish life and community. For those who do, this blessing appropriately highlights the profound connection of the Jewish people with the land of Israel.

The variety of Jewish relationships to the land of Israel is vast, and this aspect of Jewish life and identity may or may not be easily assimilated by a non-Jew, but it is a key element of Jewish culture no matter how it is interpreted. By marrying a Jew, a non-Jew can be said to marry into the Jewish people, even if he or she does not convert. By drawing attention to the Jewish relationship to the land of Israel and to the theme of longing for that land, this blessing becomes is an important piece of liturgy for an interfaith couple to encounter in considering the meaning of Jewish peoplehood. Rather than omitting or altering the blessing for an interfaith wedding, I suggest that it is important to encourage and guide a non-Jewish spouse to fashion a connection with the themes of this blessing, and then to include it.

6. **Grant great joy to these loving companions as You once gladdened Your creation in the Garden of Eden. Blessed are You, Adonai, who gladden the bridegroom and the bride.**

This prayer for a bridal couple's happiness contains two biblical allusions. First, the reference to the first couple in the Garden of Eden evokes an image of purity and of a fresh beginning. Since this reference precedes biblical divisions between peoples, it poses no conflict for an interfaith wedding. Second, as Adler notes, the phrase "loving companions," *(re'im ahuvim)* is a reminder of the command in Leviticus 19:18, "You shall love (*ahav)* your companion *(re'a)* as yourself." Although this well-known rule is generally cited without parochial connotation, it can be read as an exclusively Jewish

reference. The verse reads, "You shall not take vengeance or bear a grudge against your countrymen. Love your companion as yourself,"[65] thus making 'companion' and 'your countrymen' parallel expressions. "Your companion," may therefore be read as 'Your Jewish companion.' However, outside of the biblical context, the phrase 'loving companions' in this blessing clearly refers to the bridal couple, and not to one's countrymen, and is fitting for the wedding of 'loving companions' of any background.

7. **Blessed are You, Adonai our God, Ruler of the universe, who created joy and gladness, groom and bride, merriment, song, dance and delight, love and harmony, peace and companionship. Adonai, our God, may there soon be heard in the cities of Judah and the streets of Jerusalem the voice of joy and the voice of gladness, the voice of the bridegroom and the voice of the bride, the rapturous voices of the wedded from their bridal chambers, and of young people feasting and singing. Blessed are You, Adonai, who gladden the bridegroom together with the bride.**

Between the outpouring of expressions for joy and celebration at the beginning of this blessing and the praise for God who gladdens the bridal couple at the end is an allusion that counters the joy with a reminder of sorrow. The hope that the voices of celebration, and particularly of bridal couples, will be heard again in the cities of Judah and the streets of Jerusalem is expressed in language from Jeremiah, where this renewal is promised in the midst of the destroyed Jewish land:

> Thus said the Lord: Again there shall be heard in this place, which you say is ruined... in the towns of Judah and the streets of Jerusalem that are desolate... the sound of mirth and gladness, the voice of bridegroom and bride... For I will restore the fortunes of the land as of old – said the Lord.[66]

The destruction of Jerusalem is the archetypal Jewish loss, and the hope for the Jewish return to the land of Israel the archetypal Jewish hope. The summoning of this loss and

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[65] JPS translation, except for the substitution, from Adler, of 'companion' where JPS chooses 'fellow.'
[66] Jeremiah 33:10-11, JPS translation.

hope during a Jewish wedding serves as a reminder of the communal nature of Jewish life, and of Jewish communal joys and burdens. As Jewish lives are not seen as isolated lives, neither is a Jewish wedding a solely private event. It is therefore not surprising that the classic sorrows and dreams of the people have become attached to Jewish weddings. It is as if we say at each wedding, in answer to past trials, "Here is proof that the Jewish people flourishes."

Like the fifth blessing, this last blessing links a wedding with the Jewish relationship to the land of Israel and with the Jewish vision of Zion restored. This restoration is part of the Jewish vision of a healed world. In other words, the healing of all of the world's wounds is inseparable from the dream of Zion restored. Many accounts of the coming of the messiah mix the two images – the end of exile from Zion and the coming of a time of peace, a messianic age.[67] To include this blessing and, therefore, this allusion in the wedding of a Jew and a non-Jew is to say that the couple chooses to include this aspect of Jewish hopes in their understanding of themselves, even *as* a Jew and a non-Jew. Since Jews have a range of interpretations of the meaning of the end of the exile, there should be no requirement that an interfaith couple conform to a single interpretation. However, as I discuss above, marrying into the Jewish people and having a Jewish wedding, even without conversion, should require positive engagement with major elements of Jewish experience, one of which is the relationship with the land of Israel. Inclusion of this blessing in an interfaith wedding should be an indication of such engagement.

[67] For example, Isaiah 11:1-10.

The Impact of the *Sheva Berakhot* as a Whole

Rachel Adler describes the effect of the language and the substance of the *Sheva Berakhot* as a whole. Her description illuminates how the textual references embedded in this liturgy shape the meaning of the blessings: "[T]he metaphors that inform the *Sheva Berakhot* characterize marriage as a covenant between partners who choose each other, fail each other, even despair of each other, and yet return and renew their commitments."[68] While the comparison of marriage to a covenant between people and God may appear universal, *this* characterization of covenant is exactly the covenant of the Jewish people with God, as it is portrayed in the Hebrew Bible and in countless later depictions of Jewish spiritual development. The allowance for fallibility, the long view taken of a relationship, the element of hope even in times of despair, and the ability to recommit after betrayal – all of these are aspects of the Jewish relationship with the Divine, and they compose a powerful lens through which to understand marriage. In addition, As Gilah Langner observes, "[T]he blessings are an astonishing mixture of public and private joy. A longing for national redemption mingles with the redemptive power of personal love."[69] The many perspectives offered by the liturgy of the *Sheva Berakhot* enrich the wedding ceremony by setting it in the broad and extended context of Jewish history and future.

Using the *Sheva Berakhot* as a Tool for Jewish Engagement

The powerful liturgy of the *Sheva Berakhot* can pass unappreciated, or be seen as merely decorative poetry, if it is not noted either in the couple's preparation for the wedding or

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[68] Adler, 169.
[69] Gilah Langner, "Seven Wedding Blessings," *Kerem* Volume 1, (1992-93).

during the ceremony itself. However, if used well, it can inform both the wedding and the couple's relationship with Jewish spirituality and peoplehood. Because these blessings offer a picture of the richness of Jewish identity, the *Sheva Berakhot* is an appealing and instructive text for study and personal connection with essential elements of Jewish experience, history and spiritual perspective. A non-Jew who has made a decision to be involved in Jewish life, whether or not he or she later decides to become a Jew, ought to have as rich and broad a picture of Jewish life, identity and history as possible. The blessings offers one kind of entrance into such a picture, a kind not often available in "Introduction to Judaism" courses, nor in any single holiday celebration. In preparing for an interfaith wedding, a couple might use this poetic and far-reaching liturgy as a springboard to explore and develop their visions of redemption, their connections to Israel, and their understandings of what it means to be part of the Jewish people.

5. *Conclusion*

The aim of creating an accurate correspondence between liturgy and reality is not an unquestioned one. Liturgy has many functions, including, at times, the lifting of our spirits *out of* everyday reality. Yet, in this thesis, I have asserted that the wedding liturgy, or at least certain parts of it, should correspond to the real situation of the couple that is getting married. Because wedding assemblies are diverse, composed of people of all backgrounds and levels of Jewish knowledge, and because weddings have significant public as well as private meanings and consequences, I believe that some elements of their liturgies should be clear, concrete, and accurate reflections of the real circumstances that they commemorate. I have therefore tried to assess the meanings and consequences of some of these parts of the liturgy and to recommend ways to treat them in the case of an interfaith couple committed to Jewish life. In each case, I have considered three possible ways to treat the liturgy: to omit; to adapt; and to reinterpret the liturgy to fit current circumstances. While I came to believe strongly in my conclusions, my research led me not only to a new understandings of the liturgy itself but also to new humility regarding the diversity of opinion both about interfaith wedding officiation and about what constitutes liturgical integrity.

The traditional understanding that a Jewish wedding sanctifies the Jewish people led me to evaluate the question of whether to say *mekadesh yisrael* ("Who sanctifies Israel") at the conclusion of *birkat erusin*, by asking if it is possible for an interfaith marriage to sanctify the Jewish people. Many rabbis with whom I spoke shared their experiences of interfaith couples and families in their congregations who contribute positively to Jewish life, and whose various reasons for the non-Jew not converting to

Judaism do not prevent them from making a commitment to Jewish continuity in a variety of ways. These non-Jews may be considered *gerei toshav*, as Rabbi Jerome Davidson has suggested, an expression that, in this context, is meant to honor the role of a non-Jew who with integrity makes a home in the Jewish community. Based on the belief that an interfaith marriage that contributes to the strength of Jewish community can be understood to sanctify the Jewish people, I conclude that the phrase *mekadesh yisrael* can be appropriately included in an interfaith wedding, *if* the couple is committed to Jewish life and continuity. I also propose that the wedding officiant and the interfaith couple wishing to be married in a Jewish wedding are responsible for considering what it means for the marriage to sanctify the Jewish people and for taking this into account in deciding if a Jewish wedding is appropriate.

The closing phrase of the ring formula, *k'dat moshe v'yisrael*, carries many potential meanings reflected by its usage. In considering these meanings, and, in particular, the difference between liturgical and *halakhic* meanings, I came to the conclusion that context (the key factor in assessing liturgical meaning) must play a major role in the decision of how to treat this piece of liturgy in an interfaith wedding. After consideration of the possible meanings of *k'dat moshe v'yisrael* and the arguments that might lead either to omit, adapt, or reinterpret the expression in the case of an interfaith wedding, I advocate for adapting it. Although some valid arguments might permit its use without adaptation, I believe that altering it is the best way to be both clear and truthful. This decision is based in part on the current status of CCAR policy against interfaith wedding officiation. If this policy changes, it might be more arguable to say that *dat moshe v'yisrael*, according to the Reform rabbinic body, may be appropriately included in

an interfaith wedding. However, even if the CCAR policy changes, since weddings are one of the prime instances in which inter-denominational communities of Jews gather, I do not think that Reform policy should serve as the sole source of authority on the meaning of this phrase that comes to us from shared Jewish tradition. I also propose explicitly (and sensitively) noting the adaptation of the wedding ritual during the ceremony, in the interest of honesty and clarity. Jews by choice, who have decided to take on Jewish identity formally, have made a different decision from that of non-Jewish spouses of Jews who do not convert, and the differentiation of the liturgy in interfaith weddings need not be taken as an offense.

Finally, I examined the expressive liturgy of the *Sheva Berakhot*. Given the many biblical references in this part of the liturgy as well as in its interpretations by commentators, I found that the themes of these blessings can serve to inform both a wedding and a couple's relationship with Judaism, and specifically with the idea of Jewish peoplehood. The *Sheva Berakhot* are a window into important elements of Jewish spirituality, and this text can act as a springboard for the exploration of personal connections to themes such as the Jewish relationship to Israel, visions of redemption and the relationship between marriage and participation in the life of the Jewish people.

In my study of the wedding liturgy I have kept in mind an expression that I used to avoid, thinking it embarrassingly parochial. "Is it good for the Jews?" I would hear, and think, "What about everyone else?" Now, instead (at least in some contexts), I hear a call for thinking communally as opposed to solely personally. "Is it good not only for one Jew or one couple but for the Jewish community?" I do not think that all interfaith marriages are good or bad for the Jews. Rather, I think that interfaith marriage deserves

our careful and caring attention as a phenomenon that includes an increasing number of Jews who are and want to remain involved in Jewish communal life. This attention must include both outreach programming, which has now become an established effort, and rabbinic cooperation in deciding how best to address the religious questions raised by interfaith marriage. I have refrained from proposing my own set of criteria for which interfaith marriages might be seen as "good for the Jews," nor have I suggested which of the potential adaptations of *k'dat moshe v'yisrael* might be most appropriate, because I don't think that such a proposal should come from an individual. Instead, as I have stated, I believe some of these issues will be best addressed by a cooperative process that will foster development of appropriate liturgical adaptations. Jewish liturgy is a communal possession, and when context calls for liturgical change, it is the job of those who are responsible for that liturgy to make such changes together.

Appendix A

Resolution of the Committee on Mixed Marriage (adopted, 1973)

The Central Conference of American Rabbis, recalling its stand adopted in 1909 "that mixed marriage is contrary to the Jewish tradition and should be discouraged," now declares its opposition to participation by its members in any ceremony which solemnizes a mixed marriage.

The Central Conference of American Rabbis recognizes that historically its members have held and continue to hold divergent interpretations of Jewish tradition.

In order to keep open every channel to Judaism and *K'lal Yisrael* for those who have already entered into mixed marriage, the CCAR calls upon its members:

1. to assist fully in educating children of such mixed marriage as Jews;
2. to provide the opportunity for conversion of the non-Jewish spouse; and
3. to encourage a creative and consistent cultivation of involvement in the Jewish community and the synagogue.

Appendix B

An Anecdotal Survey:
How Some Reform Rabbis Treat Interfaith Wedding Officiation

While my study of the wedding liturgy focused on the academic examination of the sources of the wedding ceremony and its halakhic and liturgical meanings, it seemed important that I become informed of what rabbis are doing in the field, in some measure if not through an exhaustive survey. In speaking with fifteen rabbis about their practices and policies regarding interfaith weddings, I learned much more than I expected my few questions to yield. I asked specifically about rabbis' reasons for officiating or not officiating at interfaith weddings; about any liturgical changes they make in the ceremony in the case of an interfaith wedding; and about their requirements of interfaith couples if they do officiate. The following is an (unedited) account of the thinking and practices of some rabbis regarding interfaith wedding officiation based on my conversations with them.

I spoke first with Rabbi Kerry Olitzky, Director of the Jewish Outreach Institute. Rabbi Olitzky pointed to the multiple subcategories of interfaith marriage, advocating that each must be recognized and often treated differently. "We have to ask, 'What is an interfaith marriage?' Most people assume it's a marriage between two people of different traditions, but more often it's two people whose main religious tradition is American civil religion." Olitzky explains, the designation "interfaith marriage" includes couples for whom religion is much more central for one partner than the other, couples for whom cultural identifications are strong but religious participation is not, and many more

"types."[70] This perspective highlights the importance of specifying which type of interfaith wedding one has in mind in a given discussion.

Among the Reform rabbis with whom I spoke who officiate at interfaith weddings, there is a wide range of practice. Many feel comfortable applying much of the traditional ritual if they decide to officiate for an interfaith couple; some do not change the ceremony at all, and some make minor changes. Others omit significant parts of the traditional ceremony, sometimes adding liturgy specific to the case of intermarriage. A few have designed and used ceremonies entirely different from the classical ritual.

In discussing elements such as criteria for the witnesses who sign a *ketubah*, Rabbi David Posner declared, "Reform rabbis have no business talking about *halakhah*. The only standard of Reform Judaism should be *rachmanis*." Posner bases his approach to interfaith marriage on two principles: his refusal to turn away a Jew, and his commitment to interfaith relations; for him, not to co-officiate at an interfaith wedding would be to communicate a rejection to non-Jewish clergy: "We can be friendly at the interfaith breakfast on Thursday, but on Saturday night at a wedding, I despise you."[71] Thus, for Posner and some other Reform rabbis, to cite *halakhah* as a basis for declining to perform interfaith weddings is inconsistent with the Reform movement's relationship with Judaism: our love of tradition is not based in *halakhah* and it would be inconsistent to make it so in the case of weddings. From this perspective, it is a mistake for Reform clergy to invoke *halakhic* norms rather than relying on the values and guidelines of Reform Judaism, even where *halakhah* and Reform policy are in agreement.

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[70] Rabbi Kerry Olitzky, personal communication, October 20, 2003
[71] Rabbi David Posner, personal interview, October 30, 2003

For other rabbis, the Reform relationship with Jewish law is more complex. Rabbi Albert Axelrad explains, regarding interfaith weddings,

> I am prepared to participate [in selected interfaith weddings], making it clear that I will not conduct the standard Jewish ceremony. I tell the couple they must understand that marriage between a Jew and a non-Jew lacks standing in Jewish law. Meanwhile in my heart I know it is my responsibility to open a Jewish door to such a couple, with the hope that they will one day be able to walk through that door together as Jews.[72]

This approach illustrates a subtle negotiation of the relationship of Reform Judaism to Jewish law and to the sectors of the Jewish community that adhere to it. It also fosters an awareness of and connection to the tradition from which Jewish rituals have developed, even while exercising freedom to adapt that tradition.

An additional quesiton is that of whether an interfaith wedding *appears* to those in attendance to be different from a traditional Jewish wedding. I encountered some rabbis who emphasize the need to distinguish an interfaith wedding from a wedding of two Jews and others who stress the need *not* to distinguish an interfaith wedding from a wedding of two Jews. Both perspectives are based on principle. The claim that the interfaith wedding should be distinctly different from a traditional Jewish wedding is based on respect for the fact that the Jewish wedding ritual is not only a religious ceremony but also a legal process. Through the ritual, the couples' lives and property are joined in the context of Jewish law, and it is thus not only inappropriate but impossible to marry a Jew and a non-Jew using the same legal language and symbolism that was designed only to marry Jews to each other. More simply put, a Jewish law cannot be applied to the case of a non-Jew, and it should not appear as though this is occurring. Based on this, Rabbi Al Axelrad makes the difference between a wedding of two Jews

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[72] Al Axelrad, *Meditations of a Maverick Rabbi* (Chappaqua, New York: Rossel Books, 1985), 65.

and an interfaith wedding explicit. "[In] order to avoid deluding anyone present," he includes an explanatory statement in the opening of the ceremony:

> We celebrate your marriage...by hallowing this moment with a singular religious ceremony...which, on the one hand, borrows some Jewish elements and sources, but at the same time is not itself the recognized, Jewish ceremony...We affirm...your commitment as a family to become part of the Jewish community, one which not only shares the Jewish experience in its festivals and traditions, its valleys and peaks in history, but also strives to translate its concern for a wholesome spiritual life into the struggle for a decent life for all people.
>
> For you, _____, as you have expressed, Judaism is a significant part of your life, a positive and serious part of your identity; while for you _____, it is as you have said, a people to whom you are an ally, a world to which you are open, and into which, with your family, you are prepared to grow.[73]

In contrast, Rabbi Leigh Lerner speaks for the principle that interfaith couples who have made a Jewish commitment should not be treated in a way that implies that they are not part of the Jewish community. Since the interfaith couples he marries have fulfilled his requirements of Jewish learning, participation and commitment, he is satisfied that the couple is entering a Jewish marriage.[74] Interestingly, while Rabbi Lerner considers the liturgical and ritual changes he makes in the case of an interfaith wedding to be few and primarily visible only to the couple themselves, the changes he makes are similar to those of other rabbis who publicly highlight those changes during the wedding.

Although I did not ask about *ketubot* for interfaith couples, this issue was raised by several rabbis. Leigh Lerner distinguishes between a *ketubah* and the marriage certificate he uses for interfaith couples. His certificate includes the following statement:

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[73] Ibid 71-2; the author attributes the first paragraph to Rabbi Everett Gendler.
[74] Rabbi Leigh Lerner, personal communication, October 27, 2003.

...The Groom and the Bride have also promised each other to... work for the perpetuation of Judaism and of the Jewish people in their home, in their family life and in their communal endeavors.[75]

Al Axelrad also makes the interfaith nature of the marriage and the couple's Jewish commitment explicit:

We will strive to translate our personal fulfillment and family joy into social blessing, for the people Israel and for humankind.

Together, we shall pursue our common goal – a unified Jewish household. _____ reaffirms a strong and continuing Jewish commitment. _____is intent upon continuing the shared spiritual search which will bring this new family to its own special place in the Jewish community.[76]

Rabbi Ronne Friedman does not use a *ketubah* in an interfaith wedding, encouraging the couple instead to create a marriage contract of their own, not based on the traditional formula. Rabbi John Stein also did not use a *ketubah* when he officiated at an interfaith wedding, reasoning that a *ketubah* is "a sign of the Jewish unity of the marriage," and therefore inappropriate for an interfaith couple.

The most common liturgical change among the rabbis I spoke with is in the ring formula. Altered versions include:; *k'dat elohim* ("according to the law of God")[77]; *b'ahava uv'tzedek* or *b'ahava uv'emet* ("in love and righteousness," or "in love and truth")[78]; *kirston hashem* (according to the will of God);[79] *k'dat b'nei adam* (according to the law of humanity)[80]; and, in English, without accompanying Hebrew, "according to the law of God in everlasting love."[81] Finally, some rabbis adapt the ring formula by

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[75] From Lerner's "Marriage Certificate" for interfaith couples.
[76] From Axelrad's "Marriage Certificate" for interfaith couples.
[77] Rabbi Sam Gordon, personal communication, October 24, 2003.
[78] Rabbi Michael Barenbaum, personal communication, December 15, 2003.
[79] Rabbi Richard A. Davis, personal interview, November 10, 2003; Davis credits use of the phrase *kirston hashem* to Rabbi Abraham Klausner.
[80] Rabbi Ronne Friedman, personal communication, November 12, 2003.
[81] Lerner uses only the English for this expression. He notes that the Hebrew translation of "everlasting love," *ahavat olam*, is a concept important in both Judaism and Christianity, and he credits the use of *ahavat olam* in this context to Alvin Reines, Professor at Hebrew Union College, Cincinnati.

omitting the closing phrase and not replacing, so that it simply reads, "Behold, you are consecrated to me with this ring."[82]

Other rabbis do not change the wedding liturgy at all. Rabbi Sarah Reines explains that she only performs an interfaith wedding if she is satisfied that a couple is living Jewishly, and thus she does not change the liturgy. In her view, "'*k'dat moshe v'yisrael*' means 'I am *marrying* you according to Jewish tradition," and is not a claim to be living according to Jewish law. Rabbi Reines talks with couples about this piece of liturgy and gives them the choice of an alternative text, but most choose the original liturgy. Similarly, Rabbi Stacy Friedman recited the original version of the ring formula in the only interfaith wedding she has officiated until now. She discussed its meaning with the couple, using it as a way into talking about their commitment to living Jewish lives.

Rabbis also shared the reasons for their decisions as well as the requirements they make of interfaith couples whom they marry. For Rabbi Ronne Friedman, the question of whether the non-Jewish partner practices another faith is central not primarily because of questions of interfaith family life but because he believes a person should not make a promise as significant as the commitment of marriage in a framework that is not their own. If the non-Jewish partner practices another faith, Friedman encourages the couple to create their own ceremony that will allow the marriage to be enacted within the religious frameworks of both members of the couple, although Friedman will not officiate. Like many other rabbis, he requires interfaith couples for whom he does officiate to take a substantive class in Judaism, to make a commitment to a Jewish home

[82] Rabbi John Stein, personal communication November, 2003, and Rabbi Al Axelrad, personal notes.

and Jewish engagement, and for the non-Jew to view conversion to Judaism as at least a future possibility.[83]

Rabbi John Stein officiated for interfaith couples for the first many years of his rabbinate and now does not officiate. In both cases, Stein says he has based his decision on respect for the cultures and histories of the congregations he serves. In addition, Stein asserts that one reason to officiate at interfaith weddings is to

> separate conversion and *chupah*. I believe there are too many situations where, despite our best efforts, people convert for the wrong reasons. If we could take the pressure off the non-Jew, we could ... [increase] the authenticity of many of their conversions.

Stein, who served congregations in Indianapolis and San Diego, saw himself embodying the boundary described by Norman Mirsky, who wrote that the Reform rabbi, after the second World War, "became a religious leader who represented the outer limit, the boundary, beyond which one could not go and still be considered one who meets Jewish religious needs in the general Jewish community."[84] When he was the only Reform rabbi in a geographical area, or the only one who would officiate at interfaith weddings, Stein saw the need to "err on the side of inclusivity." When Rabbi Stein did officiate, the question of liturgical change was an issue not of *halakhah* but of what he calls the "integrity of language, and it was important for him to make appropriate liturgical changes, "even if I was the only one who knew what it meant."

Rabbi Amy Schwartzman explained her difficult decision not to officiate at interfaith weddings in terms of her relationship with the larger bodies of which she is a member. "I see myself as empowered by Judaism and the Reform movement (despite that the government empowers me to do wedding's as a rabbi); both Judaism and the CCAR

[83] Friedman, personal communication, November 12, 2003.
[84] Norman Mirsky, "Mixed Marriage and the Reform Rabbinate," *Midstream* (January, 1970), 43.

are not sanctioning my doing interfaith marriages. I'm a team player, so even though I could make an independent decision, I take that very seriously. She also articulates her perspective on the fair and appropriate distinction between Jews and non-Jews in Jewish ritual: "If every non-Jewish member of [my congregation] can do everything – have an *aliyah*, be married with the traditional ring formula, etcetera, then why be Jewish?" Comparing Jewish identity with citizenship, Schwartzman explains, "I'm prepared to reserve some rights responsibilities and privileges to those who've covenanted themselves."[85]

Ger Toshav

The exception to the lack of open discussion among Reform rabbis on the issue of interfaith wedding officiation is a group, convened by Rabbi Jerome Davidson, which has been considering the designation *ger toshav* for non-Jews who have made a substantive commitment to Jewish life and continuity. Davidson explains, "Here was someone who was a 'de facto Jew' voting with his or her feet, signing on in a life way but not in a formal way...[This was] true in various periods of Jewish history when it was more important to be inclusive than to try to be 'pure.[86]'"

Early in his career, Davidson says, when he was asked to officiate for interfaith couples, "it underscored my commitment not to do them, because it was usually a parent asking for a communal seal of approval, or a young person asking for similar cosmetic reasons." Three factors influenced Davidson to change his perspective:

1) We had begun to welcome interfaith families into the congregation;
2) Very frequently, the Jewish partner would say to me, "We really want to have a Jewish home but the decision to convert is too momentous to make along with the decision to marry;

[85] Rabbi Amy Schwartzman, personal communication, December 2, 2003.
[86] Rabbi Jerome Davidson, personal interview, November 19, 2003.

3) There was a growing number of congregants in the congregation with non-Jewish partners raising children Jewishly.

Davidson found the positions of the CCAR not to be helpful and notes that there had been little other action on the issue in the CCAR. "Beneath the surface there was tension, demonizing, divisiveness. People were afraid to put it on the table. My inclination was to bring it out of the cellar and into the light of day." Davidson approached the leaders of the CCAR and UAHC (now URJ), and some faculty at Hebrew Union College. "No one said, 'This is a terrible idea to consider.' People thought I was the right person to do it – not a new kid on the block." Davidson invited about forty rabbis, men and women representing different geographical regions, to a meeting. In this forum, Davidson remembers there was "good, respectful conversation, with people discussing why they do or don't officiate." This group has met twice each year since its beginning. The group read an article by Rabbi Myron Kinberg, promoting the idea of a contemporary *ger toshav*, and brought several experts to address them on various aspects of the topic. Particularly influential on the group was social psychologist Bethamie Horowitz, who impressed upon the rabbis that Jewish identity is not a result of "externals," nor even of birth, but rather it is the product of 1) meaningful, close relationships and 2) experience.[87] This perspective made sense in terms of the rabbis' experiences with interfaith couples in their congregations. After some years of meeting with the original group, Davidson began to lead discussions at rabbinic retreats, and again, although there was a diversity of opinions, all were in favor of discussion. Most recently, at the CCAR Convention in Spring, 2003 in Washington DC, a late evening discussion drew approximately 100 people.

[87] Paraphrasing of Horowitz is from Davidson.

Over the time during which the group has discussed the idea of the *ger toshav*, a list of requirements has developed, similar to the requirements of many rabbis who officiate at select interfaith weddings:

- The non-Jew must not practice another faith;
- The religious culture of the couple's home must be exclusively Jewish;
- Children must be raised as Jews, and not in another faith;
- The *ger toshav* must begin a process of study of Judaism before marriage and continue this after the wedding.
- Synagogue affiliation is expected when practical.
- The *ger toshav* must see conversion to Judaism as at least a possibility for him- or herself in the future.

Davidson sees the use of the *ger toshav* framework as a firm place to stand for rabbis who are willing to officiate for interfaith couples if the non-Jewish partner fits the definition of a *ger toshav*. "It is a middle ground, not a slippery slope – it's only a slippery slope if you have to go further than you want." However, he notes that rabbis he knows are not inclined to formalize the term and status of the *ger toshav*. Nonetheless, URG Outreach Director Dru Greenwood credits Davidson with fostering a "sea change" within the Reform rabbinic body.[88] As a result of his leadership, she says, it is now possible to hold respectful discussions among rabbis of varying opinions and policies on interfaith marriage officiation, where this was not the case some years ago.

[88] Dru Greenwood, personal communication, December 20, 2003.

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