MODERN RITUALS
A Search for New Meanings

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Texts for this study session are on a separate document, Study: Rabbinic Texts

Behold you are [fill in the blank] to me....

New Approaches to Modern Wedding Ceremonies
by Dr. Gail Labovitz

INTRODUCTION

Jewish marriage, at least since the time of the rabbis of late antiquity, has been created through the rite and legal act known most commonly as kiddushin. When the groom places a ring on the finger of the bride under the huppah and says to her, “Harei at mikudeshet li b’taba’at zo k’dat Moshe v’Yisrael,” “Behold, you are betrothed [mikudeshet] to me according to the law of Moses and Israel,” he has just performed kiddushin. Although there is more to the wedding ceremony (such as the Sheva Berachot, the Seven Blessings), from this moment on the couple is legally bound and need a Jewish divorce document, known as a get, to sever their connection.

In recent years, a number of Jewish feminist writers (both female and male) have articulated some important critiques of kiddushin as model for marriage, both in terms of how gender and gender roles figure into the ceremony and in regards to the implications for divorce.

We will review some of the original rabbinic sources in which this model is established so as to better understand what assumptions about men and women and marriage they encode, and what practical problems might result from this model. We will then look at several proposals that have been made for ceremonies that preserve more or less of the tradition of kiddushin, while also conveying the intentions of a couple to create an equal and egalitarian partnership.
PART 1 Kiddushin and Get

Questions for discussion:

1. Think of metaphors that might be used to describe images of an ideal marriage.
   
   Some answers might include: a partnership; being best friends; a covenant; a mutual journey; an investment; a task one must work at to make it succeed; a work of art…

2. Ask for someone to summarize the plot of “The Taming of the Shrew,” particularly how does Petruchio “tame” Kate?

   He removes her from her family during their wedding feast. He deprives her of food and sleep.

   What relationship might there be between Petruchio’s comparison of Kate to his property and how he treats her?

   Some answers might include: By thinking of her as property or an animal, he does not have to treat her as an equal person. He declares himself dominant, and she is subordinate. He is turning her into an object.

3. What word is used to describe the marriage process in Mishnah Kiddushin 1:1? in 2:1?

   acquisition/מענקנין (1:1); betrothal/sanctification/מקಡש/מענקנין (2:1)

4. What other items can be “acquired” according to Mishnah Kiddushin 1:2-5?

   Slaves, livestock, real estate, moveable property

5. For those who know some Hebrew grammar, what do you notice about the verbs in Mishnah Kiddushin 1:1 and 1:2?

   ננקנין and מקדים are both feminine, and in passive forms/binyanim (niphal and nitpa’el, which rabbinic Hebrew uses as a passive form of hitpa’el).

   מקדים is masculine, and in an active binyan (pi’el)

6. Which term does Tosefta Kiddushin 1:1 use?
Both—it quotes Mishnah Kiddushin 1:1, but the groom uses מקודשת (or מאורסת, which is the biblical term) in his statement to the bride, and her resulting status is labeled as מקודשת.

How might you understand how “acquisition” and “betrothal” are related to each other in this text?

Some answers might include: kiddushin/betrothal became the preferred term and/or superseded the idea of marriage as kinyan/acquisition; they are basically two terms that mean the same thing; kiddushin is one way of several (another would be erusin/m’oreset) for expressing kinyan…

7. How does the Talmud in BT Kiddushin 2a-b explain the relationship of the two different terms?

One is said to be biblical, the other a (new) rabbinic term; perhaps kiddushin expresses exclusivity (at least hers to him) more clearly than does kinyan (by analogy to an item dedicated to God that can no longer be used/enjoyed by other people)

8. What do the latter part of Tosefta Kiddushin 1:1 and BT Kiddushin 4b and 5b add to our understanding about roles in the act of betrothal/marriage?

The man is active—he gives the money, he makes the statement—and the woman apparently passive; the statement must reflect that her status is changed.

9. What parallels (if any) do you see between the statement a man makes to enact kiddushin (Tosefta Kiddushin 1:1) and that which is written in the divorce document (Mishnah Gittin 9:3)?

They can be seen as two sides of one coin: just as he originally forbade her to all other men through kiddushin, now he releases her/permits her to other men through divorce; both are unilateral acts performed by the man.

10. Given the law as described in Mishnah Yevamot 14:1 and Tosefta Bava Batra 11:5, what do you suppose happens when a man is unable (for example, because his whereabouts are unknown or he has become mentally incompetent) or unwilling to give his wife a divorce?

Traditionally, such a woman is known as an “agunah,” a chained wife, and she cannot remarry under Jewish law. Some people distinguish between an agunah (a woman whose husband has disappeared or is unable to give a divorce) and a m’surevet get (a woman whose husband is withholding a divorce).
11. Think back to your suggested metaphor for marriage. How does the rabbinic model fit with your model? Can the two be compatible? Do they contradict each other?

Note: at this point the session leader might want to present the text of the Sheva Berachot (in Hebrew or in translation), which suggest other, different models of marriage and relationship, before moving on to Section Two.
Part 2 – Creating New Models of Marriage

Questions for discussion:

1. If you could create a wedding ceremony that reflected your metaphorical model of an ideal marriage, what might it look like? What might the partners say to each other? What commitments would they make to each other? What would make it binding? Are there any verses, stories, images from the Bible or other Jewish sources that you would include or incorporate?

2. Look at the two texts in Section 1.
   What are some of the grounds on which the approaches of Klein and Adler differ?
   They differ in their understanding of the legal/halakhic result of a double-ring ceremony – according to Klein, his betrothal of her takes effect, while her statement is legally meaningless (and there will need to be a get if they were to divorce); according to Adler, the two acts (giving rings) and statements effectively cancel each other out and there is no betrothal in either direction.
   Klein focuses on the legal outcome; Adler suggests there are deeper issues altogether with the language and underlying meanings of kiddushin (see also the next section and question).

3. Contra Adler, Dreyfus and Greenstein (in Section 2) both argue for retaining something of the essence of kiddushin – reinterpreted and mutualized – as a statement about “marital exclusivity” (Dreyfus)/“mutual feelings of ownership and being owned” (Greenstein). Which position (if either) do you find closer to your image of an ideal marriage/relationship?

4. Discuss and clarify in the group the underlying legal basis and mechanism of each proposal.

Regarding Greenstein’s proposal, you may want to review Tosefta Kiddushin 1:1 (the latter part) and BT Kiddushin 4b and 5b, above.

Regarding Adler’s b’rit ahuvim, the leader may also wish to share one or both of these legal texts on the creation of a partnership under Jewish law:

a. Tosefta Ketubot 10:4
   Two [people] who “placed in a purse” (“pooled resources”: i.e., each contributed to a communal fund) – this one [contributing] one hundred and this one two hundred – and engaged in business, the profit goes to the middle (i.e., is split evenly).

b. Maimonides, Mishneh Torah, Laws of Agents and Partners, 4:1 and 3
   When partners want to become partners, by what [means] does each acquire [rights in] his partner’s money, to be a partner in it? If they are partnering with money, this one brings his money and this one brings his money, and they place them together in one purse and both of them lift the purse. (4:1)
   The partners who “placed in a purse” – this one [contributing] one hundred and this one two hundred and this one three hundred – and all used the money, and they [the assets] diminished or
grew, the profit or the loss is [divided] among them equally, according to their number and not according to the money (i.e., the proportional size of each initial investment). (4:3)

5. It has been suggested that one proof that a legal procedure or act is binding and effective is that another legal procedure or act is needed to undo it, or a legal arbiter (such as a court) is needed to confirm and oversee its dissolution. How have each of the authors here addressed (or not) this consideration in their proposals – i.e., what does each say about divorce procedures for a marriage done in the way they suggest?

Adler calls for a bet din – a Jewish court – to oversee the dissolution of b’rit ahuvim. Either partner can initiate the process. The dissolution should be documented by the court.

Greenstein suggests that “ending the marriage can now be accomplished through a mutual process of divorce” but does not further specify how this might occur. (In an endnote, he sends the reader to Adler’s discussion in her book)

Dreyfus states that since the two acts of kiddushin are constructed as each conditional on the other, this should mean “that a single get (given by either party to the other, to terminate either kiddushin) terminates both kiddushins.” (He discusses this point at greater length in the last entry of the series: mabrabu.blogspot.com/2011/01/wedding-part-5.html)

6. Think back to your suggested metaphor for marriage and the ceremony you imagined creating. Which of these proposals, if any, fit your model or your ideal marriage ceremony? Why or why not, how so or how not?

A concluding comment: While we have been primarily discussing heterosexual marriages in this study session, it is worth noting that the assigning of roles by gender means that kiddushin may not be an immediate or obvious fit for same-sex wedding ceremonies. Each of the options here could be readily used for marriages of any two (Jewish) partners, regardless of gender.

Finally, one more resource you may want to explore, a proposal for a reconfigured and more egalitarian model of (traditional) kiddushin: Jill Jacobs and Guy Izhak Austrian, “The Choices of Marriage: One Couple’s Attempt to Create an Egalitarian Jewish Wedding Ceremony within the Traditional Framework of Kiddushin,” Conservative Judaism 63:3 (2012).