

Including Sheva Berachot in Commitment Ceremonies

Rabbi Tracee L. Rosen

When my life partner, Keren, and I celebrated our *brit ahavah* ten years ago this month, we wanted to make sure that our ceremony was a recognizably Jewish one. We had a *chuppah*, we drank wine, we exchanged rings, we smashed a glass at the end, and we had friends and family in abundance to celebrate with us. To the casual observer, it was another Jewish wedding. But in substance, in the texts and the words that were spoken, we took care to avoid using the standard language of the traditional Jewish wedding blessings. Ours was a relationship that was worthy of making a public commitment, but as a same-sex couple, we did not feel it was authentic to represent our family unit as *k'dat Moshe v'Yisrael* (in accordance with the laws of Moses and Israel). As we wrote in the pamphlet we created for our guests:

The traditional Jewish wedding is constructed based on the underlying assumption that the husband acquires the wife. In our situation, we couldn't decide who was acquiring whom, so we had to find a different model. Our ceremony is modeled on the Jewish notion of *brit*, covenant, a mutual partnership between two partners. Not only do we have rabbinic civil laws regarding contracts to draw from, but based on the kabalistic notions of actions in this world influencing actions in the cosmos (and vice-versa), we also draw from the model of God's covenantal relationship with Israel.

In place of a *ketubah*, we had witnesses sign a version of Rachel Adler's *brit ahavah* document. There was no *birkat eirusin* (betrothal blessing), and in place of the *sheva berachot* — which conclude the wedding service — we had family and friends chant seven verses from *haftarot* readings, sections of Biblical verses from the prophetic books, which mirrored the themes of the seven blessings of the wedding service.

Almost five years later, in the spring of 2007, I was invited to take part in the Rabbinical Assembly's ad-hoc task-force that was assembled to address the practical questions that would arise in the aftermath of the vote by the Committee on Jewish Law and Standards (CJLS) to approve the responsum by Rabbis Dorff, Nevins, and Reisner, which allowed for the full inclusion of openly gay and lesbian Jews public roles in the Conservative movement. Regarding the subject of commitment ceremonies / weddings, they wrote:

This responsum does not provide *kiddushin* for same-sex couples. Nonetheless, we consider stable, committed, Jewish relationships to be as necessary and beneficial for homosexuals and their families as they are for heterosexuals. ... **The celebration of such a union is appropriate** (emphasis mine).

Within the context of the ad hoc committee, we compiled many examples of rituals and ceremonies used by gay and lesbians couples (Conservative, Reconstructionist, Reform, Israeli) to celebrate such unions, but did not progress significantly beyond that point as the question of exactly what aspects of the Jewish wedding constituted the acts of *kiddushin* and *nisuin* were deemed outside our purview, and were referred to the (CJLS) for clarification. That is where the matter has rested for the past five years.

In the intervening time, a number of states in the United States have dealt with the issue of civil marriage for gay and lesbian couples (most recently New York State in June 2011), and now the recent endorsement by President Obama has again focused attention on the matter. This is increasing the call by Conservative clergy for guidelines on how to create a Jewish celebration of such a union without making it *kiddushin*.

While others have and will deal at length with other aspects of the ceremony, I want to focus specifically on the permissibility of including the *sheva berachot* in a commitment ceremony, since as a result of my further study of the issue, I have changed my mind regarding the inclusion of these texts, and now believe that these *berachot* are not the instrument

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through which bride and groom become married in the traditional ceremony. Instead these are *berachot* recited by and for the community who are in attendance in fulfillment of the mitzvah of rejoicing with the couple.

Traditionally, we describe the Jewish wedding as consisting of two parts, *eirusin/ kiddushin*, which we call betrothal, and *nisuin*, which we call marriage. I believe this dichotomy is erroneous, and that the ceremony actually has three distinctive parts, only two of which are the performative aspects of consecrating the marriage.

Eirusin — is the act of betrothal, which changes the status of the bride and groom to one of exclusive commitment to each other (although historically, according to traditional *halacha*, the bride is exclusively designated for the groom). Most contemporary, non-Orthodox rabbis, however, tend to focus on the mutuality of the monogamous commitment. It is marked by *birkat eirusin*, and completed by the sharing of a cup of wine. According to Talmudic sources, the performance of this ritual results in a state where the bride and groom are contractually committed to each other from this point forth, requiring a *get* to release these obligations, even though they aren't considered finally married at this point.

Kiddushin — is the actual act of marriage. According to the Talmud, Kiddushin is accomplished by one of three actions: *kesef* (the transfer of something of defined monetary value), *shtar* (the offer and acceptance of a written document stating an intention to be married), or *bi'ah* (sexual intercourse performed with the intention of consummating a marriage). In the case of the contemporary marriage ceremony, the ring is given by the groom and two witnesses are required to hear him state, "*harei at m'kudeshet li... Behold you are consecrated to me...*" to the bride, and to witness her acquiescence.¹ Also, at this time, the *ketubah* document is publicly read and transferred to the bride, in symbolic fulfillment of the second criteria of Kiddushin. For obvious reasons, the symbolic act of *bi'ah*, is postponed to after the ceremony during *yichud*.

Nisuin — is the public acknowledgement and celebration of the union via the recitation of the *sheva berachot*.

According to the first chapter of Tractate Kiddushin, the performance of any of these three acts named above — *kesef*, *shtar*, or *bi'ah* — accompanied by a properly formulated statement from the groom to the bride that they would be married done in front of two valid witnesses was sufficient for a legal marriage to be deemed to have taken place. The Talmud teaches that even without *chuppah* or a formal ceremony, *kiddushin tofsin* — the marriage is upheld. In the modern ceremony, it is with the giving of a ring (something of defined monetary value), accompanied by the formula: "*Harei at m'kudeshet li b'taba'at zu, k'dat Moshe v'Yisrael,*" that *kiddushin* is effected. The other two acts — *shtar* and *bi'ah* — are referentially incorporated, though not in the original format prescribed by the Talmud, through the reading of the *ketubah* and the segregation during *yichud*, respectively. It is important to note that these three parts of the wedding are the only sections that require valid *eidim*, witnesses, to attest to the validity of each act to ensure that the wedding is kosher.

What then is the purpose and impact of the recitation of the *sheva berachot*? I believe these are *berachot* recited by and for the community of participants in their own fulfillment of the mitzvah of being *m'sameyach chatan v'kallah*, causing the bride and groom to rejoice.

According to Dr. Michael Kaufman in *Love, Marriage, and Family in Jewish Law and Tradition*:

The Talmud declares that whoever gladdens the bridal couple is considered as if he had brought a sacrificial offering at the Temple in Jerusalem, or as if he had rebuilt one of the ruins of Jerusalem (Berachot 6b).

According to Midrash (Breishit Rabbah 18:1), God and his angels served as exalted exponents of this mitzvah when they participated in the wedding celebration of Adam and Eve and caused the couple to rejoice:

¹ While most Conservative rabbis are comfortable with a double ring ceremony, guidelines provided in *Moreh Derekh*, the Conservative rabbis' manual, clearly specify that it is the male who recites the formula of consecration (Harei at...), and that the bride's gift of a ring to the groom does not have the same effect of changing the marital status. This is in keeping with BT Kiddushin 5b which clearly specifies that it is the groom who must make the declaration of consecration.

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“The Holy Blessed One, made ten wedding canopies for them in the Garden of Eden, of precious stones, pearls, and gold... the angels were playing upon timbrels and dancing with pipes... the Holy Blessed One said to the ministering angels, ‘Come, let us descend and render acts of love to the first man and his wife, for the world rests upon acts of love...’ And the ministering angels went to and fro, [dancing] before Adam...”

Keitsad m’rakdin lifnei hakalah?--“How does one dance before the bride?”--asks the Talmud (Ketubot 16b-17a). Following the example of the talmudic sages Hillel and Shammai, Torah scholars usually take the lead in actively participating in the dancing in honor of bride and groom. Friends of the couple vie with one another to enliven the festivities through acts designed to make the bride and groom rejoice at their wedding.

In the words of R. Shlomo Ganzfried, author of the *Kitzur Shulhan Arukh*, the Condensed Code of Jewish Law, “It is a mitzvah to gladden a groom and bride, and to dance before the bride, and to declare that she is attractive and performs acts of lovingkindness, and indeed we find that [the talmudic sage] R. Ilai would dance before the bride.”

So important was this mitzvah in the eyes of the rabbis of the Talmud, that it is one of the few instances in which it is permissible to lie – to declare that the bride is beautiful, even though she might not appear thus in the eyes of the beholder.

The strongest evidence that these *berachot* serve no performative function in terms of rendering the couple married is the fact that traditionally they are repeated at the festive meal following the ceremony and for the following seven days in many observant families. If these *berachot* had the effect of changing the couple’s status from engaged to married, then the repetition of them would constitute a *bracha l’vatala*, a blessing uttered in vain.

Additionally, the recitation of *sheva berachot* requires the presence of a minyan, and if they are recited on the days after the ceremony, require the presence of *panim chadashot*, new faces, that is people who were not present at either the ceremony or recitation of these *berachot* on one of the previous evenings. This is direct evidence that the beneficiary of the blessings is not the couple, but the members of the community who are being enabled to fulfill the mitzvah rejoicing with the couple.

Further evidence that the *sheva berachot* are not what constitute the performance of the marriage comes from a baraita in Ketubot 7b which states: “The Rabbis taught: We recite *sheva berachot* in the house of the grooms. Rabbi Yehudah says: We recite it even in the house of *eirusin*.” This, of course, refers to a time when *eirusin* and *kiddushin* took place at separate times. If the *sheva berachot* were the language through which a couple became married, then Rabbi Yehudah’s statement would make no sense, for then it would no longer be merely *eirusin*. Only if *sheva berachot* are viewed as words expressing the joy of the assembled community, does Rabbi Yehudah’s minority opinion make logical sense.

So what does this mean in terms of incorporating *sheva berachot* into a *brit ahavah*, same-sex commitment ceremony? I believe that it is consistent with the direction provided by the Dorff, Nevins, and Reisner *teshuvah*. Recitation of these blessings is not an act that renders the couple married in the eyes of *halachah*. Instead it is a communal response to the joy experienced when a permanent new Jewish family unit is created in one’s midst. As the *teshuvah* stated, “The celebration of such a union is appropriate.” The recitation of *sheva berachot* is the Jewish way to give voice to such a celebration.

Finally, many colleagues will ask: If the inclusion of *sheva berachot* is appropriate for commitment ceremonies, is it appropriate to change the *chatimot*, concluding words of the last two *berachot* from “*m’sameyach chatan v’chalah (im ha-chalah)*” to “*m’sameyach chatan v’chatan*” or “*m’sameyach chalah v’chalah*”? I would argue that it would depend on the individual rabbi’s perspective on the permissibility of changing the *chatimot* of blessings. If one holds, for example, that it is permissible to recite “*mageyn Avraham ufokeyd Sarah*” in the *amidah*, then changing the language of the *sheva berachot* should present no problem.

On the other hand, a colleague who believes that *berachot* should be recited as dictated by the Talmud could legitimately recite these *berachot* in their original formulation, as the essence of these *berachot* are praising God as the one who rejoices in the establishment of new families in the abstract, not specifically referring to the specific couple standing under the

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chuppah. That is, the community views itself as being God's *shlichim*, agents in creating joy and happiness for all *chatanim* and *kallot*, and I would argue, regardless of the specific configuration present at the moment.

As we enter new and uncharted water in the Conservative movement regarding the public celebration of the life commitments of same sex couples, I am heartened by the openness and receptiveness of my heterosexual colleagues to studying these issues and to creating rituals which will authentically embrace the gay and lesbian members of our communities and draw them closer to God and their Jewish heritage. May it lead us from strength to strength.



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