

A Second Wedding Ceremony

By Rabbi Elliot N. Dorff

This responsum was approved by the CJLS on June 30, 2021 by a vote of nine in favor, six opposed and three abstaining (9-6-3). **Members voting in favor:** Rabbis David Fine, Micah Peltz, Jaymee Alpert, Elliot Dorff, Mordecai Schwartz, Robert Scheinberg, Barry Leff, Nate Crane, and Tracee Rosen. **Members voting against:** Rabbis Deborah Silver, Amy Levin, Daniel Nevins, Pamela Barmash, Avram Reisner, and Ariel Stofenmacher. **Members abstaining:** Rabbis Susan Grossman, Suzanne Brody, and Jan Caryl Kaufman.

Question: A Jewish couple has been married in a full, traditional ceremony but in the presence of only a small gathering due to the current COVID-19 pandemic or for some other reason (e.g., a parent, grandparent, or some other family member is dying, and they want that person to see the couple married). Later, when the pandemic has ceased and large gatherings are again safe, or when the reason for the first ceremony has passed and they now want to celebrate their wedding in the presence of their extended family and friends, may they use the traditional wedding ceremony again?¹

Answer:

The questioners in this case (I have been asked this question by three rabbis to date) are asking specifically about the situation in which a rabbi officiated at a wedding ceremony for a man and a woman using the full traditional Jewish wedding ceremony the first time and now the same rabbi and couple want to do so again for the second ceremony that they are planning so that they can celebrate the couple's wedding in the presence of their extended family and friends who could not be invited to the first ceremony, either because of the COVID-19 pandemic or because of a family reason. (I note that a second celebration for these reasons of the *Brit Ahuvim/Ahuvot* ceremony that the Committee on Jewish Law and Standards [CJLS] approved for same-sex couples² would need a separate analysis.) Nothing in this responsum is intended to preclude rabbis and couples from creating an entirely different ceremony for the second event (perhaps a modified version of the anniversary ceremony in the Rabbinical Assembly's *Moreh Derekh*,

¹ This and many other questions of the etiquette of a second wedding ceremony affect many couples of any and all faiths. As Marina Bolotnikova put it, "If 2020 was the year of the Zoom wedding, 2021 promises to be the year of after-parties," and she discusses some of the issues of etiquette (the ceremony, gifts, attire, etc.) that arise in such settings. Marina Bolotnikova, "The Year of the Wedding After-Party," *New York Times*, April 4, 2021, <https://www.nytimes.com/2021/03/30/style/wedding-after-parties.html> (accessed 5/4/21).

² Elliot Dorff, Daniel Nevins, and Avram Reisner, "Rituals and Documents of Marriage and Divorce for Same-Sex Couples," <https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/2011-2020/same-sex-marriage-and-divorce-appendix.pdf> (accessed 5/12/21).

pages C67ff) or from using other approved wedding ceremonies. Indeed, the Committee on Jewish Law and Standards (CJLS) has approved two egalitarian ceremonies, one by Rabbi Pamela Barmash and the other by Rabbi Gail Labovitz,³ and it may approve other forms of wedding ceremonies in the future. Because the question addressed to me was whether it is permissible to use the traditional Jewish wedding ceremony again when the couple's wedding is being celebrated in the presence of extended family and friends, this responsum responds to that question and does not address what the couple may or should do in a second ceremony if they used one of the egalitarian ceremonies or the same-sex ceremonies approved by the CJLS; each of those requires a separate analysis.

I certainly understand why a rabbi and couple may want to use a completely different ceremony the second time in order to reflect the reality that they have been married already, and this responsum affirms the right of the rabbi and couple to do that. At the same time, I also understand why the rabbi and couple may want to repeat the traditional ceremony but this time in the presence of family and friends, both because they want their family and friends to witness their wedding using the same rituals used by their parents, grandparents, and ancestors back through the generations, but also so that they will not have to remember their wedding throughout their marriage as less than what they wanted. For that reason, this responsum will articulate a way in which doing that is acceptable in Jewish law.

There are two issues involved in permitting a repeat of the traditional ceremony: the formula that the groom traditionally says to the bride, and the question of whether repeating the blessings would be uttering blessings in vain (*berakhot l'vatalah*).

1. *The betrothal formula.* At the original ceremony, what the groom says to the bride in pronouncing the "*harei at...*" sentence is what philosophers call "a performative utterance," in that the groom, in saying what he said, was legally making something happen – namely, creating the betrothal. The word that makes it performative is "*harei*," meaning "hereby." At a subsequent ceremony, the same utterance may be said for either of two reasons: (a) There is no harm in the groom repeating his performative utterance to the same woman with the same ring, especially because there is no *berakhah* involved and because their betrothal and its obligations last throughout their marriage. Furthermore, everyone present will understand that this ceremony is not intended to nullify the first ceremony; it is rather intended to repeat it in the presence of family and friends. To make sure that everyone understands that, in my recommendations at the end of this responsum, I suggest that the rabbi make this clear at the very beginning of the ceremony, so everybody understands that this ceremony is intended to repeat, not replace, the first one. (b) Furthermore, "*harei*" can also affirm and emphasize the legal status or evaluation of the practice described in what follows in the sentence, as in *M. Bava Kamma* 1:1 and *M. Bava Metzi'a* 1:5 and in the *Pesah Haggadah*, *v'khol ha-marbeh l'sapper b'yitzi'at mitzra'yim harei zeh meshubah*. As such, it is often left untranslated,

³ Pamela Barmash, "Egalitarian Kiddushin and Ketubbah,"

<https://www.rabbinicalassembly.org/sites/default/files/2020-03/Egalitarian%20Kiddushin%202020%20final.pdf> (accessed 4/1/21); Gail Labovitz, "With Righteousness and with Justice, With Goodness and With Mercy: Options for Egalitarian Marriage Within Halakhah," <https://www.rabbinicalassembly.org/sites/default/files/2020-05/LabovitzEgalitarianMarriage.pdf> (accessed 4/13/21).

but it is intended in descriptive contexts to reenforce what is being said, so its meaning is something like “definitely,” “certainly,” or “indeed.” So the groom’s use of this formula in the second wedding ceremony may be a true, descriptive utterance rather than a performative one, describing the fact that, indeed, she is his bride and made so by this ring.⁴ Therefore, there is no problem in his saying the line again at the later ceremony.

That said, in the second wedding ceremony, even though the groom may say the usual “*harei at...*” formula while putting a ring on his bride’s finger, he need not do so. He may instead say a passage from our tradition about love and commitment, for by traditional Jewish law, they have already been married in the traditional ritual during the first ceremony. He may also say the formula in the past tense, “*harei at kudasht li...*” Ironically, though, it is probably the most traditional couples who will want the husband to say the usual “*harei at...*” formula to his bride in the presence of their family and friends to make this feel like a real wedding. For the reasons stated above, he should have the option of restating the formula in the second wedding ceremony.

Brides sometimes add jewels to their wedding ring after their wedding for aesthetic or sentimental reasons (e.g., from a relative). Even though the ring that the groom uses to betroth his bride may not have jewels in it so that its worth is easily determined, the same rules do not apply in what everyone recognizes as a second ceremony.

As long as I am discussing this issue, let me say that in a traditional Jewish wedding ceremony, the problem I have had with a bride saying the reverse to the groom after the man says “*harei at...*” are the words “*b’taba’at zo*,” because, according to traditional Jewish law, which is the source of the traditional Jewish wedding ceremony, the ring she gives to him cannot serve as the instrument of the betrothal, as either a performative or a descriptive utterance.⁵ So I have suggested to brides that they say something else entirely, especially because they have the option of saying something from our tradition about love and commitment rather than the legal formula that grooms must say. Rabbi Aaron Alexander, however, has called my attention to a decision of the CJLS in the 1970s that permitted the bride to say the same formula but in the masculine gender to her groom while putting a ring on his finger because once he says the formula to her, she is betrothed, and whatever she says (unless she refuses the betrothal) has no legal authority.⁶ That is clearly a rationale that undermines the equality of women and is

⁴ The first philosopher to develop the distinction between performative and descriptive utterances was J. L. Austin, *Sense and Sensibilia* (Oxford: Clarendon Press, 1962) and also his *How to Do Things with Words* (Oxford: Clarendon Press, 1962). For a short description of this theory and its later philosophical developments, including a number of examples of performative utterances in a wide variety of areas of life, see “Performative Utterances,” https://en.wikipedia.org/wiki/Performative_utterance (accessed 6/8/21). As Rabbi David Fine has told me, the same distinction is used by anthropologists. See, for example, this article, which has a number of references to other articles on this in its opening paragraph: D. S. Gardner, “Performativity in Ritual: The Mianmin Case,” *Man*, New Series 18:2 (June, 1983), 346-360, <https://www.jstor.org/stable/2801439?seq=1> (accessed 6/8/21).

⁵ B. *Kiddushin* 5b.

⁶ Those who hold this view would then read B. *Kiddushin* 5b in a *diyyuk* manner. That is, when the bride says to the groom that with this ring she is betrothed to him, that is not legally effective only when she alone utters that formula, but if he first says the “*harei...*” line to her, then she is legally betrothed, and whatever she then says is legally irrelevant except if she refuses the betrothal. This is ironically taking the non-egalitarian nature of the traditional wedding ceremony to produce an egalitarian option for the woman. Rabbi Gordon Tucker adds another argument to

objectionable on those grounds, but it does provide a way in traditional Jewish law to justify the bride saying this formula to her groom if she wishes to do so, even though the ring that she puts on his finger does not legally effect their betrothal. Even though Rabbi David Golinkin does not like this practice – and, of course, no rabbi needs to use this permission for this practice, let alone encourage it -- here is his summary of this discussion:

Rabbi Aaron Blumenthal, who was a Conservative rabbi, ruled that the bride may recite “*harei atah mekudash li*”, without citing any sources. He maintains that “there is no valid halakhic objection to anything that the bride wishes to say after the bridegroom has voiced the traditional words which establish the halakhic validity of the marriage”. His opinion was accepted by the Committee on Jewish Law and Standards of the Rabbinical Assembly in 1973-1974 (Rabbi Blumenthal).

The Conservative *posek* (halakhic authority) Rabbi Isaac Klein relates that there is a new custom of the double-ring ceremony and sometimes the bride recites Song of Songs 6:3 or other verses. “Some authorities object to this practice since it is a deviation from the traditional pattern, especially if the formula used by the bride is the same as the one used by the groom [i.e., *harei atah mekudash li*; DG]. Legally, however, there can be no objection. Once the traditional formula has been recited, the betrothal is binding, and whatever is added is of no legal significance (*Nedarim* 87a).” Interestingly enough, the Orthodox *posek* Rabbi Zalman Nehemiah Goldberg quoted this same passage from the Talmud in connection with a bride giving a ring to the groom “and if so, what do we care what the woman did after the husband betrothed her with a ring” (quoted by Rabbi Jachter, p. 90), but he does not relate explicitly to the phrase “*harei atah mekudash li*”.⁷

This last line of reasoning is unnecessary, of course, in the egalitarian ceremony by Rabbi Pamela Barmash that the Committee on Jewish Law and Standards has approved, for in it each member of the couple betroths the other. Rabbi Barmash, however, has told me that she would have neither the groom nor the bride say this line in a second ceremony because they are already married and saying it at a subsequent ceremony might call into question the legitimacy of the first. It is precisely to address this concern that, as I will indicate below, I would have the rabbi make it clear at the beginning of the second ceremony that this ceremony is intended to repeat, nor revoke, the first one.

That said, as I stated earlier, in the second ceremony the rabbi and couple may choose not to have the groom repeat the formula in either the present or past tense. For that matter, the second ceremony need not look anything like the traditional, first one; it

permit her to say this. He points out that the Beraita there has her saying things in the passive voice, and that is what makes what she says not legally authoritative. It does not state (or probably, given the patriarchal nature of society then, even contemplate) what would happen legally if she used the active voice. See his article here: <https://www.jstor.org/stable/2801439?seq=1> (accessed 6/9/21). I would like to thank Rabbi Robert Scheinberg for this reference.

⁷ <https://schechter.edu/is-a-double-ring-ceremony-permissible-responsa-in-a-moment-volume-12-number-5/> (accessed 6/8/21).

can be a totally new, creative ceremony to mark and toast their marriage. The question that some rabbis are asking and that motivated this responsum, though, is that if the rabbi and couple want to repeat the traditional Jewish wedding ceremony but this time in the presence of family and friends, may they do so, and I am arguing for the reasons stated above that they may, with the exception of including the Name of God in *birkat eirussin*, as explained below.

In summary, at the original ceremony the groom, after reciting the traditional formula of betrothal, may add a passage from our tradition about love and commitment as he puts the ring on his bride's finger. In the second ceremony, he may say the "*harei at...*" formula in either the present or past tense, and he may say a passage from our tradition about love and commitment in addition to, or in place of, the "*harei at...*" formula in either tense. At both ceremonies, the bride may say a passage from our tradition about love and commitment to respond to the groom in place of, or in addition to, the masculine form of "*harei...*" She may say these lines whether or not she gives him a ring during the ceremony.

2. *The blessings.* The fact that our practice is to repeat *sheva berakhot* after *birkat ha-mazon* at the wedding feast and during the week after the wedding any time the couple is having a meal with others resolves the problem of *berakhot l'vatalah*, in my view, in saying them at a later, second ceremony, for clearly the tradition did not see such blessings as being uttered in vain, even if uttered multiple times after the wedding. Furthermore, as the *Shulhan Arukh* states, the factors that make clear that these blessings are not in vain are that (a) they accompany a feast in honor of the wedding and (b) they are in front of new people who did not attend the wedding.⁸ Granted that the *Shulhan Arukh* is talking only about the week after the wedding ceremony, but the whole point of having this second ceremony months after the first is precisely those two factors – namely, to invite many people who did not witness the first ceremony and to celebrate the couple's wedding with a wedding feast. Therefore, in my view, those factors make it clear that reciting the seven blessings at a second ceremony are definitely not in vain.⁹

Furthermore, as Rabbi Joshua Heller has pointed out to me, while the tradition typically considers this opportunity to repeat the seven blessings to be only during the first year, there are exceptions when the week of celebration is not able to begin. For example Rabbeinu Yeruham writes "[A groom] who recites the *sheva brrakhot* with his bride in one city, and travels to another city with his bride, even though there was a long delay along the way, he should make another *huppah* in the city where he arrived and observe the seven days of festivity in that place, and this is still referred to as the 'blessings of the groom in the house of the groom.'"¹⁰ Some later authorities, including the Beit Yosef¹¹ and the Ramah, interpret this as referring to a journey that takes just a

⁸ S.A. *Even Ha-Ezer* 62:6-8, 10.

⁹ S.A. *Even Ha-Ezer* 62:13 records a custom that in the presence of the bride and groom people add the line celebrating them in *Birkat Ha-Mazon* for a full twelve months. This is only in regard to the phrase, "*she-ha-simhah bi'm'ono v'shel akhalnu mishlo*," not the seven blessings, and it says "now" we do not do that, but even the *Shulhan Arukh* imagined a circumstance and way to celebrate the wedding long after it took place.

¹⁰ *Toldot Adam V'Havah*, Netiv 22, Part 2.

¹¹ Beit Yosef on Tur *Even Ha-Ezer* 62.

few days during the first week following the wedding, but the Taz¹² understands Rabbeinu Yeruham to apply to our situation, where there was a wedding, with minimal or no celebration. The “clock” of *sheva berakhot* does not start until they reach the place where they intend to have their celebration. This view would certainly apply in the situation of a wedding where the traditional celebration was cancelled by the pandemic.

The remaining problem, though, is *berakhot eirusin* at the second ceremony. The blessing over wine or grape juice is for the wine or grape juice they are about to drink, and so that is not a problem. The blessing about betrothal, though, is indeed a *berakhah l’vatalah* because they have already been both betrothed and married. So the rabbi may omit *berakhot eirusin* entirely. Following the opinion of Rabbi Moses Isserles, however, the leader of the service may recite the blessing of betrothal without using God’s Name; as recorded in some of the commentaries there, some also omit the phrase describing God as Sovereign (that is, without *shem* and perhaps also without *malkhut*).¹³

So, in sum, I would recommend the following:

- 1) The rabbi first makes clear what everyone present probably knows – namely, that the couple married previously but with only a small number of people present due to the pandemic or for some other family reason and they are now celebrating their marriage in the presence of the family and friends whom they wanted to invite. This ceremony, then, will include all of the parts of the traditional ceremony that can be repeated in accordance with Jewish law.
- 2) Then the bride and groom may say to each other some poetic lines, why they love each other, and/or what they have learned about each other during their wedded time together.
- 3) The rabbi may say the blessing over wine or grape juice and the blessing of betrothal, but the latter should be said without God’s Name and perhaps also without the phrase describing God as Sovereign. The rabbi may alternatively omit *berakhot eirusin* altogether in this second ceremony.
- 4) The groom gives her the same ring he used in the first ceremony and recites the “*harei at...*” formula. He may instead say the formula in the past tense. He may also say a romantic verse from our tradition to his bride in addition to, or instead of, the formula in either tense.
- 5) The bride, if she wishes, gives the groom a ring (probably the same ring she used in the first ceremony). Whether or not she gives him a ring during the ceremony, she may recite a line from our tradition to express her love and commitment to him in response to what he says to her in addition to, or in place of, reciting the masculine form of the “*harei...*” formula.
- 6) The rabbi reads all or part of the *ketubbah* that was used at the first ceremony. If the couple chooses to have an artistic rendition of their *ketubbah* made, it should bear the date of the original ceremony and, if possible, it should be signed by the original witnesses.
- 7) *Sheva berakhot*.

¹² Taz on *Even Ha-Ezer* 62:10, s.k. 8.

¹³ S.A. *Even Ha-Ezer* 34:3, gloss. I would like to thank Rabbi Mordecai Schwartz for suggesting this source and way of dealing with the problem to me.

- 8) The groom or the bride breaks the glass, if the couple wishes to include this last custom.

The rabbi may speak to the couple at any point during the service that the rabbi deems appropriate, but commonly this is done either before reading the *ketubbah* or before reciting the *sheva berakhot*. It is recommended that the service take place under a *huppah*. Any or all of the other customs before or after the wedding ceremony may also be done surrounding the second ceremony, including an *aliyah* to the Torah on a Shabbat before the second wedding ceremony in either or both of the bride's and groom's hometown synagogues, a *t'nai'im* ceremony, a groom's table, a bride's table, a *bedecken* ceremony, walking down the aisle, and circling each other before the ceremony as well as *yihud* and a celebratory meal thereafter, with all the usual additions for a wedding in the liturgy surrounding the meal.

Important addition: if the COVID-19 pandemic was the reason that extended family and friends could not be invited to the first wedding ceremony, the guidance of local and national health care authorities must be followed in regard to travel to the wedding, the number of people who may invited to the second ceremony, how distanced they must be from each other during the ceremony, and the limitations on the seating and dancing during the wedding feast.¹⁴

P'sak halakhah: When a man and woman who want to be married using the traditional Jewish wedding ceremony could not include their extended family and friends in their original wedding ceremony and now want to do so in a second traditional Jewish wedding ceremony, all of the traditional Jewish wedding ceremony and any or all of the customs accompanying a traditional Jewish wedding may be used except that in the second ceremony the Name of God in the blessing of betrothal (*birkhat eirussin*) should be omitted or that blessing and its accompanying blessing over a cup of wine or grape juice should be omitted altogether. To avoid any suspicion that this ceremony is intended to nullify the first, the rabbi should explain at the beginning of the second ceremony that it is intended to repeat, not revoke, the original ceremony, but this time in the presence of family and friends who could not be invited to the first ceremony.

That said, note the following about other options for the second ceremony:

- 1) In the first ceremony, the groom, according to traditional Jewish law, must say the "*harei at...*" formula to his bride and may add a passage from our tradition about love and commitment as he puts a ring on her finger. In the second ceremony, he may say the traditional formula as either a repeat of his performative utterance or now as a descriptive utterance, or he may use the past tense of the formula "*harei at kudasht li b'taba'at zo k'dat mosheh v'yisrael.*" He may also say a passage from our tradition to express his love and commitment to his bride instead of, or in addition to, saying the "*harei at...*" formula in either tense. In response to what the groom says in both ceremonies, the bride may say a traditional passage about her love and commitment to him in addition to, or in place of, saying the "*harei...*" formula in the masculine gender, whether she gives him a ring or not.

¹⁴ On this topic generally, see Elliot N. Dorff and Susan Grossman, "Wearing Face Covering, Physical Distancing, and Other Measures to Control the COVID-19 Pandemic," <https://www.rabbinicalassembly.org/sites/default/files/2021-03/Dorff%20Grossman%20Masks%20final%20reclassified.pdf> (accessed 5/11/2021).

- 2) This responsum specifically does not recommend use of the traditional Jewish wedding ceremony over the egalitarian ceremonies approved by the Committee on Jewish Law and Standards. In line with our usual procedures, both the traditional ceremony and its documents and the new, egalitarian ceremonies and their documents are legally acceptable. Moreover, this responsum does not address what should happen in a second ceremony for opposite-sex couples who used either of the egalitarian ceremonies approved by CJLS the first time or what should happen in a second ceremony for same-sex couples who used one of the ceremonies approved by the CJLS. A separate analysis for each of those ceremonies is required. That has not been done here because that was not the question asked. This responsum also does not preclude the use of a completely new ceremony that is not intended as a second wedding ceremony but is used to mark and celebrate the fact that the couple has been married; among them is the possibility of using a slightly modified version of the anniversary ceremony in the Rabbinical Assembly's *Moreh Derekh*, pages C67ff. This responsum is addressed only to those rabbis and couples who choose to use the traditional Jewish wedding ceremony in both the first and second ceremonies.

Finally, if the COVID-19 pandemic was the reason that extended family and friends could not be invited to the first wedding ceremony, the guidance of local and national health care authorities must be followed in regard to travel to the wedding, the number of people who may be invited to the second ceremony, how distanced they must be from each other during the ceremony, and the limitations on the seating and dancing during the wedding feast.¹⁵

¹⁵ I would like to thank Rabbis Aaron Alexander, Pamela Barmash, Judith Hauptman, Joshua Heller, Jan Kauffman, Barry Leff, Micah Peltz, Robert Scheinberg, and Mordecai Schwartz for their comments on earlier versions of this responsum.