

Civil Marriages in Israel: A First Step

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Two years ago, when I co-officiated at a wedding for two American Jews in Jerusalem, my co-officiant and I declared spontaneously at the ceremony's conclusion: "By the power *not* vested in us by the State of Israel, we declare you husband and wife." Humor aside, it is both deeply frustrating and distressing that non-Orthodox rabbis in Israel have no legal or state-sanctioned status to officiate at weddings, divorces, conversions, or funerals. In Israel, religion and state remain entrenched in the hands of an increasingly ultra-Orthodox rabbinate.

And yet, Reform and Conservative rabbis actually do find ways to "officiate" at these critical lifecycle events. In the late 1990s, when it became clear to the Reform and Conservative movements that the Supreme Court would rule against our demand to officiate, we embraced a different strategy. Together, we informed our constituents as well as secular Israelis that we would be willing — regardless of the state's blessing — to perform Jewish, Israeli, egalitarian, meaningful weddings. The Reform movement, to which I belong, requires that the couple be married in a civil ceremony for the purpose of registering as a couple at the Ministry of Interior. According to international law, Israel must register couples married abroad in state-sanctioned ceremonies. Cyprus is the closest country to facilitate this procedure, but some couples travel to Europe or elsewhere. The Reform movement also demands that a prenuptial agreement, rendered by a lawyer, be signed before marriage, which would help protect the woman in the event of divorce, since the only way to obtain a divorce is through the rabbinate. Such a "prenup" has been found to help women strengthen their cases for property rights and other matters in rabbinic courts, where men can use the system to extort wives who are seeking a divorce.

Approximately 2,000 Israelis each year are opting for alternative ceremonies or contractual arrangements that are written by lawyers. Over the past years, the number of Israelis seeking official *rabbinit* weddings has decreased, according to a source I spoke with at the Office of Government Statistics, despite the fact that the overall population has risen. One might conclude that Israelis are no longer exclusively opting for weddings officiated by the rabbinate —

even though that is the only "official" address for such matters.

It happens that my co-officiant at that wedding, my brother, Rabbi Levi Weiman Kelman, is one of the few Diaspora-model congregational rabbis in Israel. Levi officiated not only at my daughter's baby naming (*simchat bat*) and bat mitzvah, but also at her wedding. Weeks before her wedding, my daughter, her fiancé, and the two sets of parents flew to Larnaca — a port city on Cyprus's southern coast — to witness our children's civil marriage. The flight — on a 747 jet — was filled with Israelis, primarily Russian speakers, who were traveling to Cyprus to marry. In fact, more Israelis get married in Cyprus than local Cypriots!

I left their quaint ceremony in a state of fury. How appalling that a basic civil right — marriage — is denied to thousands of citizens in this so-called "only real democracy" in the Middle East. Though my daughter and son-in-law were eligible for a rabbinate-officiated ceremony, they chose not to have one because they didn't want an Orthodox rabbi to officiate. But many Israeli citizens whose Jewish status is unclear are not even eligible, even though they've been raised here, served in the Israeli army, and are upstanding citizens. Only if they agree to an Orthodox conversion would they be allowed to be married by the rabbinate. Most refuse.

Would civil marriage in Israel alleviate this problem? Civil marriage would indeed have an immediate impact on thousands of Israelis from the former Soviet Union who are ineligible to marry in Israel. It would save families the expense of flying in and out of Cyprus, and, most important, it would pave the way for non-Orthodox Israeli marriages, in general, to become a viable and accessible choice. A civil marriage would be performed and registered at "city hall," by a government bureaucrat, after which the couple would celebrate at a wedding ceremony of their choice. This option would also allow two persons of different faiths to marry. The issue of same-sex marriages would be a more complicated political battle; but civil marriages might help prepare the ground for this later on. Finally, civil marriage would anticipate civil divorce, which would defang the current *rabbinit* hegemony over divorce. However, civil marriage will not resolve the

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issue of Jewish status for immigrants and children of immigrants whose Jewish identity is not recognized and who are unwilling to undergo Orthodox conversion.

Will civil marriages threaten the unity of the Jewish people? I do not believe so. Sadly, families most concerned with the “religious”

purity of their children’s spouses have long ago isolated themselves from the rest of us. While I hope that one day Reform and Conservative marriages will be state sanctioned in Israel, civil ceremonies could be the first step toward fulfilling a basic human right guaranteed for all citizens of Israel.

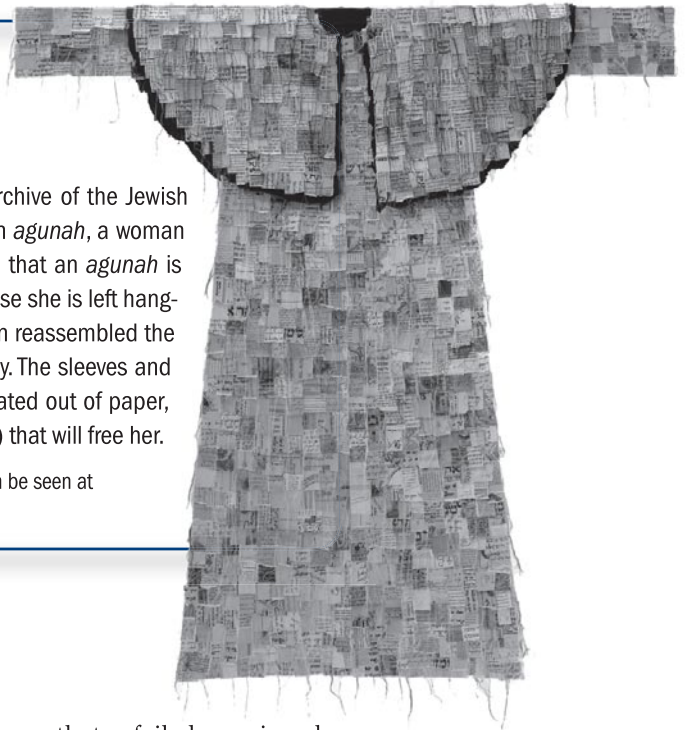
Coat of the Agunah

153 x 151 cm

Digital scans of antique *ketubot*, threads

I tore to shreds the reproduced scans of antique *ketubot* from the archive of the Jewish National Library at Hebrew University as a metaphor for the state of an *agunah*, a woman chained to her marriage. I then sewed together each piece as a symbol that an *agunah* is hemmed in by every word of the *ketubah*. I left the threads hanging because she is left hanging, her status completely in the hands of her recalcitrant husband. I then reassembled the pieces into a large and cumbersome coat that she must wear continually. The sleeves and hem are sewn shut – she is trapped and unable to free herself. It is created out of paper, because it is paper (her *ketubah*) that entraps her and it is paper (her *get*) that will free her.

Andi Arnovitz is a printmaker/paper artist living and working in Jerusalem. Her work can be seen at www.andiarnovitz.com.



Sanctifying Endings

MELANIE MALKA LANDAU

Finding legal strategies to address the problem of divorce and *agunot* (chained women whose husbands won’t grant them a religious divorce) were of critical importance to the Manchester University Agunah Research Unit, whose draft report was issued last summer. The unit focused its efforts on finding solutions that would take into account the most intransigent halakhic perspective in order to achieve a global set of solutions of which at least one would be acceptable to all Orthodox and ultra-Orthodox rabbinic authorities. While the effort is to be applauded, the report neglected to question the appropriateness of *kiddushin* as the model of marriage for contemporary Jews, which while regretful is understandable, given their target audience.

The non-reciprocal nature of *kiddushin*, as well as the unresolved problem of *agunot*, have prompted many thinkers, Orthodox and not, to conceptualize alternative forms of sanctifying long-term commitments within heterosexual relationships. These alternatives have a profound impact on Jewish divorce. One example is conditional marriage, detailed in Rabbi Eliezer Berkovits’ *Tenai be’Nissuin uve’Get*,¹ which ostensibly maintains the initial acquisition

(*kinyan*) but allows that a failed marriage be retroactively annulled in the case where a husband refuses to grant his wife a divorce. In this model, divorce ceases to be problematic because the husband either grants a divorce within a specified time or the marriage is considered retroactively nullified.

Derekh kiddushin is another marriage alternative. It bypasses the acquisition, which is part of the betrothal, by creating a cohabitation relationship that Rabbi Meir Simcha Feldblum rehabilitated in the late 1990s from ancient rabbinic tradition.² Feldblum’s rendition of *derekh kiddushin* does not require divorce because, though it sets out a cohabitation agreement, the agreement falls short of the nonreciprocal rabbinic requirements for establishing marriage. Scholars have criticized *derekh kiddushin*, saying that it is no different than concubinage, a model that does not represent the holiness of marriage. Egalitarian betrothals are, in recent years, more common, and their status has elicited an array of opinions from contemporary Orthodox authorities, similar to analyses of *derekh kiddushin*.³

Historically, there has also been divided opinion as to the nature of relationships requiring a *get*. The Babylonian Gaonim and

¹ Eliezer Berkovits, *Tenai be’Nissuin uve’Get* (in Hebrew). Jerusalem: Mossad HaRav Kook, 1966.

² For full text, see Meir S. Feldblum, “The problem of *agunot* and *mamzerim* – A suggested overall and general solution” (in Hebrew) *Dinei Israel* 19, 203-216.

³ The main difference may be that in the egalitarian *kiddushin* model, both partners may say “*harei at/ah mekudash/mekudeshet li*,” still maintaining the language of *kiddushin* as opposed to the *derekh kiddushin*, where the statement, also said by both parties may be, “*harei at/ah meyuhad/meyuhedet li*.”

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