

Jewish Family Life and Customs

A Practical Guide



INTRODUCTION

This pamphlet has been produced by the Family Law Group of the Board of Deputies to give information to solicitors and others concerning the requirements of practising Jews in the United Kingdom. We explain the nature of those requirements.

The level of religious observance varies amongst Jews of different affiliations (Orthodox, Masorti, Reform and Liberal.) Even within the different affiliations, personal religious observance may well vary and the needs of Jewish clients can differ widely. In this pamphlet we deal principally with Orthodox Jews whose level of observance and interpretation of Jewish law may be stricter than others.

Families are the building block of society and Jewish law and tradition highlights the centrality of the Jewish family. Judaism recognises that each parent has something different to give to their children to contribute to their religious, educational, emotional, social and material needs. It is also important that both parents have the opportunity to give their children 'quality' time. As certain commandments are incumbent on men and certain ones are incumbent on women, a child may only have a full Jewish experience if he or she witnesses both the mother and father practising Judaism. Where only one parent is Jewish, achieving a full Jewish experience may be more challenging.

Jewish tradition highlights the importance of family ties and only by maintaining contact with both parents will the child be able to sustain relationships with both sets of grandparents and other relatives.

It is important for children to be able to experience life cycle events (their own, those of relatives and those within the community). This will be facilitated by exposure to family and social networks of both parents. These events will include weddings, circumcisions, *bar mitzvahs* and *bat mitzvahs* (sometimes called a *bat chayil*) when a Jewish child comes of age (13 for a boy and 12 or 13 for a girl) and takes on the responsibilities of being an adult.

SABBATH AND FESTIVAL OBSERVANCES

The sabbath (*'shabbat'*) is of particular importance in a Jewish home. Jewish law requires Jews to refrain from various acts of “work” on the sabbath, in commemoration of God’s cessation of creativity on the seventh day of creation. The prohibited acts of “work” include travelling (other than on foot), cooking, writing, carrying, the switching on and off of electricity, using a telephone and any transaction of a commercial nature such as shopping.

Festival laws are, for these purposes, almost indistinguishable from sabbath laws. Where this pamphlet talks about sabbath observance, festival observance is included.

Timing of the sabbath

The sabbath starts on Friday about one hour before nightfall or 15 minutes before dusk. Thus, a practising Jew needs to leave work or school or anywhere else, in sufficient time to arrive home by the onset of the sabbath which at its earliest in mid-winter, is approximately 3.25 pm and which is after 5.30 pm for most of the year. The sabbath lasts for approximately 25 hours from whatever time it commences.

Timing of Festivals

Like the sabbath, the festivals also always commence immediately before dusk on the previous day and the comments in the previous paragraph also apply. Members of families who intend to spend the sabbath or festival together will need to be in the place where they wish to spend the sabbath or festival unless they live within walking distance from one another. Festivals can fall on any day of the week but it is extremely unusual for all 13 to fall on weekdays in the same year. Every year the dates will be different as they fall in accordance with the lunar calendar.

In addition to the sabbath in the United Kingdom there are a total of 13 holy days “festivals” in the Jewish calendar comprising:

Passover (<i>Pesach</i>)	March/April	Two sets of two days separated by four semi-festive days
Pentecost (<i>Shavuoth</i>)	May/June	Two days
New Year (<i>Rosh Hashana</i>)	September/October	Two days
Day of Atonement (<i>Yom Kippur</i>)	September/October	One Fast day – always 10 days after New Year
Tabernacles (<i>Sukkot</i>)	September/October	Two sets of two days separated by five semi-festive days.
In addition there are the following:		
Festival of Lights (<i>Chanukah or Hannukah</i>)	November/December	Eight days – candelabra lights and some gifts – travel/work permitted
<i>Purim</i>	February/March	One day – reading of the story of Esther – fancy dress and family celebration – travel/work permitted

There are also 6 fast days (including *Yom Kippur*).

Sabbath

It is difficult adequately to stress the centrality and the binding nature of the sabbath and festival laws for observant orthodox Jews. Sabbath observance in many ways is the central rock on which the rest of Judaism is founded. For an observant Jew there can be no compromise and there is no mechanism for granting dispensation. The only relaxation is where there is a possible risk to life and so when family members or children require emergency medical attention, they can travel on the sabbath and festivals.

Role of Rabbi

The role of the Rabbi is often more extensive than that of pastoral carer, teacher and mediator. They decide questions of Jewish law and may act as an arbitrator. If a Rabbi is asked a question on Jewish law, his answer binds the questioner. Some communities turn to the Rabbi or the Jewish court (the *Beth Din*) for determination of civil issues, including inheritance, in preference to the civil courts.

Prayer

Adult men and boys over the age of 13 may wish to pray three times a day, in the morning, afternoon and in the evening. Whilst this can be performed individually, observant orthodox Jews prefer to attend synagogue and pray with at least 10 men present. Such group prayer is particularly important when a person is in a period of mourning. Afternoon prayers commonly take place at lunchtime during the winter months.

Education

Judaism lays great emphasis on the duty to educate children. Many families will prioritise time and funds for their children's religious and secular education.

Food

Jews are required to eat only kosher food. This means that while all fruit, vegetables and grains are permitted, only certain meat, fish and poultry are permitted. Jews who observe the dietary laws (including religious slaughter laws) require all food (including cheese and wine) to be manufactured and prepared under rabbinical supervision in order to be satisfied that no prohibited ingredients have been used. Consequently vegetarian cooked food may also be refused. There are strict additional rules for the preparation and service of food at home including where meat and milk products require to be kept separately.

Clothing

Observant Jewish men keep their heads covered at all times generally by wearing a skull cap (known as a *yarmulke*, *kappel* or *kippah*). Some will have tassels hanging from their clothing at the waist (*tzizit*). For prayer they wear a white or sometimes coloured garment round their shoulders (a *tallit*). Observant orthodox married women cover their hair or wear a wig at all times in public. Observant orthodox women and girls over the age of 12 will only wear modest clothing and many will not wear trousers, short skirts or short sleeves.

Life Events

Birth

Boys are circumcised (*brit mila*), at 8 days old or as soon as possible thereafter if there are medical reasons for delay. The circumcision is carried out by a *mohel* (plural '*mohelim*') who is registered to carry out this procedure by the Initiation Society or the Association of Reform and Liberal Mohalim.

Such persons are sometimes also registered medical doctors. Boys are named at this procedure and a boy's name is frequently not announced until the circumcision. If the firstborn child in a family is a boy, he is formally redeemed by a priest, at 30 days, at a ceremony known as *pidyon haben*. In certain communities, on a boy's third birthday he will have his first haircut, known as a *upsherinish*, as a rite of passage and then begin his religious education.

Girls are usually named in the synagogue often on the sabbath following the birth.

All these events are a cause for celebration.

Bar Mitzvah and Bat Mitzvah (Bat Chayil)

Boys are recognised as full members of the community at 13 when they celebrate *bar mitzvah*. Girls reach this stage at 12 or 13 when they celebrate *bat mitzvah* (or *bat chayil*). Both boys and girls have a period of intense study during the year leading up to the occasion. Traditionally children are expected to attend sabbath services regularly with their parents. In orthodox communities boys, in particular, accompany their fathers.

Weddings

Both parents of a bride and groom are expected to stand with their child during the marriage ceremony under the marriage canopy (*chupah*). Grandparents are also present under the *chupah*.

Death

Jews are to be buried as soon as possible after death. There are special rules for the preparation of the body for burial carried out by the (*chevra kadisha*) burial society. As little interference with the body as possible is a very important requirement, so a post mortem is actively discouraged unless absolutely necessary although an MRI scan may be accepted. If a body is cremated some orthodox cemeteries will not bury the ashes.

Bereavement and Mourning

When a Jew dies, the funeral should take place as soon as possible following the death. This is sometimes on the actual day of the death, although a day or two later is possible if family members have to come from abroad. This means that usually there is very little notice of a family funeral.

After the funeral, the immediate family of the deceased, which means spouse, parents, children and siblings, mourn for seven days. This is known as the *shiva*. During this time the immediate family stay at home, saying prayers and receiving visitors and condolences. During the thirty days following a death, some men do not shave or cut their hair and attend synagogue or prayer groups daily, sometimes three times a day. There are additional restrictions and requirements that extend to certain mourners for up to a year from the death.

Marriage

As in civil law, there are a number of prohibited marriages although the list is not identical. Weddings between two Jews can take place in synagogues or elsewhere, including private homes. Most secretaries of synagogues keep the civil and religious marriage records, ensuring that the civil laws are complied with. The Rabbi will ensure that the religious law is followed and that the marriage is a permitted one in Jewish law prior to the wedding being celebrated. It is possible for two Jews to have an entirely civil or entirely religious marriage although most Jews marrying in the UK have a combined ceremony satisfying both religious and civil law. There are times within the Jewish calendar when weddings cannot be celebrated.

The validity of any marriage celebrated in another country is a question of fact which will need to be checked in accordance with the relevant civil law. Essentially, if the country in which the marriage has been celebrated recognises that it is valid, UK law will probably accept it as a valid civil marriage. Generally the only overseas Jewish marriage which could be recognised without an accompanying or prior civil ceremony is one performed by the Official Rabbinate in Israel.

In addition to a civil marriage certificate, the parties will receive a religious marriage document called the *ketubah*, which belongs to the wife. This document is signed by two Jewish witnesses to the marriage. It will need to be produced upon application for a religious divorce (*'get'*). It may also be required as proof of the Jewish identity of any child born of that marriage.

A central theme of marital life is that of family purity. As part of a complete intimate relationship, the couple are expected to refrain from physical contact at certain times of the wife's monthly cycle and then she should attend a ritual bath (the *mikveh*) before resuming their relationship. In orthodox communities, if a married man dies childless, his brother (if any) must perform a ceremony of *chalitza* before a Beth Din to enable the widow to remarry. Until then, the widow is forbidden to remarry. In any event, no widow may marry within 90 days of the death of her husband.

Conversion

While Judaism is not a proselytising religion, conversions are carried out by courts of Jewish religious law (*Beth Din*, plural *Batei Din*). Each *Beth Din* has different arrangements and not all foreign or even Israeli conversions are necessarily accepted by the United Kingdom *Batei Din*. If a woman converts to Judaism after the birth of a child, the child must be converted in his/her own right. If a non-Jewish child is adopted, the child will need to be converted and in the case of a boy a circumcision will take place. Circumcision cannot take place until the adoption process is complete.

Divorce

Nowhere within Jewish law is it stated that marriage is a lifelong union. Judaism recognises that marriages, unhappily, can fail and consequently provides specifically for divorce so that parties are free to remarry in a synagogue. 'Get' (plural *gittin*) is the word for a Jewish divorce. A Jewish divorce is a consensual document dissolving the marriage. The process is administered by the *Beth Din*. Traditionally the 'get' may only be granted by the husband to the wife who in turn accepts it. It is a formal document written on the instructions of the husband. After the giving and receiving of a 'get' both parties are free to marry again in a Jewish ceremony although the wife has to wait 90 days before remarriage (excluding the day of receiving the 'get' and the day of remarriage) or 24 months from the birth of any child.

(a) Importance of obtaining a 'get'

If a married Jewish woman who does not have a 'get' has children by another Jewish man (even after a previous Jewish marriage has been dissolved civilly), those children will have the status of *mamzer* (plural *mamzerim*). Such children suffer considerable problems when it comes to their marriage and are very limited in their choice of partner.

It is of the utmost importance that a Jewish woman, especially one of child-bearing age going through divorce proceedings, should have both a civil divorce and a 'get'. This is because if a wife subsequently wishes to obtain a 'get', the husband may not then be willing to grant one or it may not be possible to find him or because of mental impairment he may lack the capacity voluntarily to grant a 'get'. There is no remedy for any of these situations and therefore it is essential that a wife is advised of these pitfalls well before the civil divorce has been concluded.

(b) Timing of the 'get'

This process can usefully be initiated before the commencement of the civil proceedings. It is not necessary to wait until the husband and wife are separated to start the 'get' process but it cannot be written and finalised until the parties have separated.

In England and Wales the Divorce (Religious Marriages) Act 2002 added a new section 10(A) to the Matrimonial Causes Act 1973 (already in force) and in Scotland the Family Law (Scotland) Act 2006 adds a new section 3A to the Divorce (Scotland) Act 1976, (expected to be in force by a date in mid 2006). These statutes give the Court the discretion to prevent the granting of a final decree of divorce until confirmation that the formalities for dissolving the religious marriage have been completed. The confirmation is required from the appropriate *Beth Din* of the applicant's choice.

In England and Wales an application for the exercise of the discretion should be made by a party to the marriage after decree nisi but before decree absolute. In Scotland such an application must be made prior to the decree of divorce being granted.

In any event, in England and Wales, husbands and wives should consider cross undertakings to give and receive a 'get' as part of the financial consent order (in Scotland, the minute of agreement). Similarly, in Scotland formal agreement should also be reached regarding the 'get' before the decree of divorce is granted.

(c) **Procedure**

One or both spouses are able to ask the *Beth Din* that proceedings be commenced for a Jewish divorce. Traditionally the procedure for a 'get' must be initiated by the husband. He instructs a trained scribe to write the 'get'. The individually written document is given by the husband to the wife in the presence of two witnesses. The act of the wife accepting the document completes the divorce process. Arrangements can be made so that an agent can give the document on behalf of the husband to the wife so that the couple need not meet. There are no references to responsibility for the breakdown of the marriage and no blame or fault. For the procedure there is usually only one attendance at the *Beth Din* although some *Batei Din* also have a preliminary appointment.

The actual 'get' document is retained by the *Beth Din* for safekeeping but a certificate of proof or release (*p'tur*) is given to both parties which needs to be produced if either wishes to remarry under Jewish law.

Cohabitation

The modern fact of cohabitation without marriage is acknowledged although not encouraged and in most observant orthodox communities, couples do not cohabit. Marriage is often arranged with the consent of both parties and frequently takes place at a young age, sometimes at 17 or 18 years of age.

If a couple cohabit as man and wife (for instance if children are born of that relationship) they may require a 'get'.

If, before a 'get' is given, a woman cohabits with a man or has sexual intercourse with a man she will be regarded as an adulterer and may not marry that man according to Jewish law, even if a 'get' is later obtained. Unless the 'get' has first been obtained, even if there is a civil marriage between them, there cannot be a religious marriage. Serious problems of status will affect the children born subsequent to the civil divorce as explained above. An admission of adultery will mean that if the person who has made such an admission wishes to marry the person with whom she has had the relationship, that marriage will not be possible.

Civil Partnership

Only the Liberal and Reform Jewish communities celebrate same sex relationships entered into under the Civil Partnership Act 2004.

Domestic and Child Abuse

Sadly such matters are not absent within the Jewish community. As in other communities they are often hidden and not spoken about within families and so it is imperative that where there are any concerns, attempts are not made to resolve such issues within communities. All concerns should be reported to social services and/or the police who have specific designated units with experienced personnel. Jewish community agencies, notably Jewish Marriage Council, Jewish Women's Aid and Norwood, have trained counsellors who can also provide aid and assistance.

HELPFUL CONTACTS

Board of Deputies of British Jews. www.bod.org.uk

Tel: 020 7543 5400 for enquiries and sabbath and festival times and employment booklet.

For Circumcision enquiries; Initiation Society of Great Britain

Tel: 020 8203 1352

Association of Reform and Liberal Mohalim www.reformjudaism.org.uk

Jewish Marriage Council -www.jmc-uk.org

Tel: 020 8203 6311

Jewish Women's Aid

Tel: 020 8445 8060 / Fax: 020 8445 0305

E-mail: info@jwa.org.uk

Emergency Pager: 04325 264429

Freephone Helpline: 0800 591203

Social Services, Adoption and Fostering Advice; Norwood – www.norwood.org.uk

Tel: 020 8954 4555

Jewish Care - www.jewishcare.org

Tel: 020 8922 2000

“Getting your Get” at www.gettingyourget.co.uk Information for use in England, Wales and Scotland about obtaining a Jewish divorce. Also contains a list of orthodox Batei Din.

Really Jewish Food Guide – www.kosher.org.uk

Scotland

Jewish Care Scotland - www.jcarescot.org.uk

Tel: 0141 620 1800 E-mail: admin@jcarescot.org.uk

Scottish Council of Jewish Communities – www.j-scot.org

Tel 0141 577 8208 E-mail: j-scot@j-scot.org

‘Women in the Jewish Community,’ Glasgow

Tel: 0141 586 6555

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