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**WEDDED TO CHANGE AND TRADITION:  
CONSERVATIVE JEWISH SAME-SEX WEDDINGS AND RITUAL CHANGE**

by  
**LOGAN KRAMER**

**SUBMITTED TO SCRIPPS COLLEGE IN PARTIAL FULFILLMENT  
OF THE DEGREE OF BACHELOR OF ARTS**

**PROFESSOR GARY GILBERT  
PROFESSOR LUIS SALÉS**

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## Table of Contents

Acknowledgements .....	ii
Introduction .....	1
Chapter 1: The Wedding as a Community-Defining Ritual .....	7
Chapter 2: A Case Study of Conservative Jewish Same-Sex Marriage & Weddings .....	24
Chapter 3: Defining a Theory of Ritual Change .....	47
Conclusion .....	60
Bibliography .....	65

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## Introduction

In 2006, voters in eight states banned same-sex marriage through constitutional amendments. New Jersey became the only state at the time where same-sex civil unions were legal, and Massachusetts was the only state where same-sex couples could legally marry.<sup>1</sup> The Pew Research Institute found in July 2006 that 56 percent of Americans opposed allowing gays and lesbians to marry legally, while only 35 percent were in favor.<sup>2</sup> In that same year and counter to the predominant national opinion, the Conservative Jewish movement's leaders opted to allow their clergy to officiate at same-sex commitment ceremonies. The decision "effectively normalize[d] the status of gay and lesbian Jews in the Jewish community"<sup>3</sup> by extending an earlier decision from 1992 that had expressed that gays and lesbians should be welcomed into the community without detailing how that welcoming might occur.<sup>4</sup> The 2006 decision remarked that "we consider stable, committed, Jewish relationships to be as necessary and beneficial for homosexuals and their families as they are for heterosexuals"<sup>5</sup> while not ruling on the nature of these relationships under Jewish law. This decision made headlines, being covered in major Jewish newspapers and igniting messages of support and dissent both within the Conservative Jewish community and outside of it.

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<sup>1</sup> Pew Research Center's Religion & Public Life Project, "Same-Sex Marriage, State by State," June 26, 2015, <https://www.pewforum.org/2015/06/26/same-sex-marriage-state-by-state/>.

<sup>2</sup> Pew Research Center - U.S. Politics & Policy, "Pragmatic Americans Liberal and Conservative on Social Issues," August 3, 2006, <https://www.people-press.org/2006/08/03/pragmatic-americans-liberal-and-conservative-on-social-issues/>.

<sup>3</sup> Elliot Dorff, Daniel Nevins, and Avram Reisner, "Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards," December 6, 2006, 19.

<sup>4</sup> "Consensus Statement on Homosexuality," 1992.

<sup>5</sup> Dorff, Nevins, and Reisner, "Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards," 19.

A less notable Conservative decision regarding same-sex weddings came six years later. The Committee on Jewish Law & Standards (CJLS), the Conservative body designated to rule on responsa submitted by rabbis who have questions about Jewish law, approved an appendix to their 2006 decision. This 2012 appendix, written by Rabbis Elliot Dorff, Daniel Nevins, and Avram Reisner, was named “Rituals and Documents of Marriage and Divorce for Same-Sex Couples.”<sup>6</sup> The 2006 responsum, authored by the same rabbis, didn’t include any discussion of what a same-sex commitment ceremony could include, it simply allowed Conservative clergy to officiate at same-sex commitment ceremonies and suggested that clergy should consider possibilities for what these rituals might look like. The 2012 appendix addressed this open question by offering two specific potential same-sex wedding rituals. It also clarified that these ceremonies should be called “weddings,” not commitment ceremonies or any other name meant to separate them from heterosexual weddings.<sup>7</sup> These two proposed rituals are quite different from one another: one offers the chance to follow a “traditional” heterosexual wedding framework as closely as possible, while the other introduces new ritual objects and different blessings to differentiate the ceremony from existing ones. These new same-sex wedding rituals transformed the very definition of a Conservative Jewish wedding by shifting not only who could participate in one of these weddings but also the ritual mechanisms that could be part of the wedding.

The process of developing these same-sex wedding rituals and the ritual change that made these new rituals possible are the subjects of my research. In Chapter 1, I discuss what makes a wedding a ritual. By defining the wedding as a powerful, transformative, and

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<sup>6</sup> Elliot Dorff, Daniel Nevins, and Avram Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples,” Spring 2012.

<sup>7</sup> Dorff, Nevins, and Reisner, 3.

performative ritual, I examine how the creation of same-sex wedding rituals is an ideal example to help us understand the ways that a religious community might approach ritual change. I also interrogate how marriage has been used to define Jewish community boundaries, contextualizing new same-sex wedding rituals within this long history. In Chapter 2, I zoom in to examine the debates around Conservative Jewish same-sex marriage and the rituals that emerged after same-sex weddings were allowed by the movement. I am interested in how the process of acceptance of same-sex marriage in Conservative Judaism reflects societal shifts that translated to change in tradition. The diversity of the two rituals that the CJLS approved reveals how the Conservative movement imagines not only ritual change but its own community and its future. In Chapter 3, I develop my own theory of ritual change based on the example of same-sex wedding rituals in the Conservative Jewish movement. I propose that ritual change is often influenced by change in the definitions of both the ritual and the religious communities that perform said ritual. Previous work on ritual change has left out the major impact that changing definitions of a religious community might have on their rituals, and I hope this theory might serve as a corrective.

While the ritual change theory I develop may be applicable to a variety of rituals, I chose to focus on Conservative Jewish same-sex wedding rituals for a variety of reasons. The Conservative movement has occupied a unique and challenging position in the 20<sup>th</sup> and 21<sup>st</sup> centuries as the American Jewish movement attempting to define a centrist position between the Orthodox and Reform movements. Most scholars say that Conservative Judaism in the United States began in earnest in 1902, when Solomon Schechter was asked to lead the Jewish Theological Seminary (JTS), which is now the main seminary to train Conservative rabbis,

cantors, and scholars.<sup>8</sup> JTS attracted rabbinical students who wanted to balance Americanization with traditional Judaism, and they became rabbis who “sermonized in English, presided over mixed-seating congregations, and sought to promote the synagogue as a vehicle for communal identity as well as religious worship (unlike the Reform movement).”<sup>9</sup> Alan T. Levenson, a historian of modern Judaism, argues that the movement “began with a deep commitment to modernity”<sup>10</sup> even as its early leaders attempted to differentiate Conservative Judaism from the Reform movement. For much of the first half of the 20<sup>th</sup> century, the Conservative movement was the largest in the United States, but it began declining in membership after the 1950s as changes in the Jewish community made it even more complicated to maintain Jewish centrism.<sup>11</sup>

In the present day, the movement still struggles with one of the core issues it began with as a premise: how to create a movement which prioritizes Jewish tradition and practice without losing its footing in modern American society. The Conservative Jewish movement’s debates over same-sex marriage and proper same-sex wedding rituals reveal the identity crisis the movement faces in its centrist position. The CJLS, which deals with questions about how the Conservative Jewish commitment to halakhah (Jewish law) applies in modern-day situations, is at the nexus of this work attempting to find the balance between tradition and change. The CJLS re-defines the Conservative Jewish community with each decision they make. By examining the example of same-sex wedding rituals, I show that shifts in the definition of the “Conservative

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<sup>8</sup> Alan T. Levenson, “American Judaism,” in *The Columbia Guide to Religion in American History*, ed. Paul Harvey, Edward J. Blum, and Randall Stephens (Columbia University Press, 2012), 338–51, [www.jstor.org/stable/10.7312/harv14020.22](http://www.jstor.org/stable/10.7312/harv14020.22).

<sup>9</sup> Levenson, 342.

<sup>10</sup> Levenson, 343.

<sup>11</sup> Daniel Judah Elazar and Rela M. Geffen, *The Conservative Movement in Judaism: Dilemmas and Opportunities* (Albany: State University of New York Press, 2000), 18–19.



Jewish wedding” and the Conservative Jewish community itself informed these new same-sex wedding rituals.

Catherine Bell’s understanding of ritual in her book *Ritual Theory, Ritual Practice* is what I use as a starting point for my definition of ritual in this project. Bell notes that ritual is most meaningful to the theorist when that theorist understands the mechanisms that make that particular ritual meaningful to the ritual actor or actors.<sup>12</sup> This is part of my endeavor in this thesis. I am most interested in ritual’s meaning and relevance to people’s lives and to their community’s self-definition. I take ritual to mean any repeated practice in which a community finds meaning, but I focus most specifically on institutionalized rituals that have been defined in writing because of their importance to certain religious communities.

I have chosen to use the terms “same-sex marriage,” “same-sex wedding,” and “same-sex couple” throughout this piece because they were, and still are, the most common terms used in the discourse around this topic in Jewish writing and among the American public more broadly. Except when texts explicitly reference “gays and lesbians,” I refer to “queer people” to acknowledge the wide array of sexualities of those who might be entering a same-sex marriage. It would also be a misstep to suggest that same-sex weddings are the only method, or even the most important one, by which religious communities can include queer people. Before and after the federal legalization of same-sex marriage, queer activists like Mattilda Sycamore have often noted how this legalization was spearheaded by gay assimilationists who were quick to ignore how their efforts benefited white, cisgender, gay men to the detriment of other queer folks with

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<sup>12</sup> Catherine M. Bell, *Ritual Theory, Ritual Practice* (New York: Oxford University Press, 2009), 28.

more marginalized identities.<sup>13</sup> The choice to focus on same-sex marriage is not meant to exclude important discussions of how American religious communities are dealing with, or avoiding, all sorts of trans and queer issues, but rather to highlight how the particularities of how the Conservative Jewish community approaches change can be seen in their development of same-sex wedding rituals. In some ways, same-sex marriage has been a test for how religious communities will respond to or understand other issues of gender and sexuality, so analyzing approaches to same-sex weddings may give us clues as to how ritual change might reflect shifts around other issues of gender and sexuality.

The study of ritual theory must take into consideration the changes in community boundaries that contribute to ritual shifts. Same-sex marriage was legalized throughout the United States less than five years prior to the writing of this thesis, and so it serves as a relevant contemporary example to examine ritual change. The Conservative Jewish movement essentially redefined its wedding rituals to accommodate the movement's acceptance of same-sex marriage, which has implications on weddings for all Conservative Jews, not just same-sex couples. Ritual change offers the vital opportunity for a religious community to put its ideological shifts into practice in a visible way. In the case of the Conservative Jewish movement, that took the form of two new same-sex wedding rituals in 2012 which are representative of the community's efforts to balance commitments to Jewish law, tradition, and staying relevant in a contemporary context.

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<sup>13</sup> Mattilda Sycamore, *That's Revolting!: Queer Strategies for Resisting Assimilation* (Berkeley: Soft Skull Press, 2008), 2–3, <http://ebookcentral.proquest.com/lib/claremont/detail.action?docID=478886>.

## Chapter 1

### The Wedding as a Community-Defining Ritual

Religious communities implement rituals for a wide range of purposes, but one of the key benefits of ritual is its potential for enacting a religious community's beliefs in performance. It's sometimes difficult to point to the moment that a ritual appeared. Rituals often seem persistent, and even static, because they are repeated in a certain way enough times that the community simply knows they exist. The ritual likely does not need to be questioned until it no longer seems relevant to the community. But rituals change over time, even if those changes are obscured. Especially when considering how rituals change, we must examine how the performance of a ritual changes to reflect changing beliefs. In the contemporary American context, as the state has determined how to regulate same-sex marriages, religious communities too have been pushed to question how same-sex weddings might fit into their communities. Same-sex weddings serve as a node where questions of gender, sexuality, and change more broadly come together in a single ritual that can be defined by religious communities. By conceptualizing the wedding as a transformative, powerful and performative ritual, we can analyze how religious groups might choose to develop same-sex wedding rituals to reflect their own approaches to change. However, these changes are not simply external forces to which religious communities respond. The communities themselves change their conceptions of themselves over time, redefining their own boundaries. Part of the power of a religious community lies in its ability to clearly define who belongs and who does not. The wedding is a site where religious communities, and Jewish communities specifically, have traditionally affirmed their own changing community boundaries.

## The Ritual Nature of the Wedding

There are two levels on which to conceptualize the wedding as ritual. The entire wedding ceremony is a ritual, but it is also made up of many component rituals. These component rituals are the moments that might be captured in a photograph, like the engaged couple walking around one another under their *huppah* or breaking a glass. We must pay attention to each of these shorter rituals as well, because the creation of a same-sex wedding practice requires analyzing every moment of normative wedding practices to consider what adaptations of those rituals could and should look like. With this in mind, we can understand the wedding more broadly as well as each of its component parts as being rituals that are sites of power and social transformation using the frameworks of Victor Turner and Catherine Bell. These rituals in which social structures are undone and created anew are also necessarily performative. Meanwhile, Judith Butler's theories about gender performativity help to elucidate how the same-sex wedding pushes people to ask bigger questions about how rituals inscribe meaning on people and on time. Each of these theorists nuances the ritual of the wedding, a ritual that may seem to be unchanging but is actually constantly shifting to reflect community values.

Likely the clearest purpose of a wedding is to make a marriage official, or to allow the couple to leave as a conjoined entity where once there were two individuals. Another purpose of the wedding is to make public this creation of a new married couple, and the wedding ritual facilitates this change in how the couple is defined. While the wedding is just one example of this, anthropologist Victor Turner argues more broadly that rituals offer a liminal time in which normative social structures can be momentarily upended. What's special about liminal rites for

Turner is “the blend they offer of lowliness and sacredness, of homogeneity and comradeship.”<sup>14</sup> A wedding is an ideal example of one of these liminal rites. Liminality suggests a quality of being in-between that weddings exemplify, as they mark a transitional moment, whereby two individuals become recognized as a unit. Additionally, the wedding ritual certainly creates a sense of comradeship among all those involved, not just the couple. The guests invited to a wedding ceremony are likely there because they know the couple being married, and if they don't they are likely observing the wedding because they feel some sort of communal obligation to participate in the ritual. Everyone can come together around a shared interest in the commitment that the couple in front of them is making to each other. However, Turner takes this a step further by arguing that rituals momentarily subvert social structures specifically by making the group feel homogenous or equalized. It would be misguided to apply Turner's theory to weddings because this sense of homogeneity or equality erases the many ways that weddings operate to highlight power imbalances or shifts rather than equality. While a sense of comradeship seems appropriate to describe a wedding ritual, this comradeship does not negate the necessary hierarchy that must remain for an officiant to conduct a wedding ritual in a manner that the state, and often a religious group, deems appropriate. Turner's conception of liminality as it relates to rituals helps us to think about the unique temporal context of weddings. However, his theoretical lens falls short in its application to weddings because it suggests that the liminality of a ritual equalizes people present at the ritual. In the context of a wedding, relationships of power between people shift and mold during the liminal moment, without ever needing to equalize everyone present at the ritual to do so.

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<sup>14</sup> Victor Turner, *The Ritual Process: Structure and Anti-Structure* (Ithaca, New York: Cornell University Press, 1966). 96.

The experience of the couple getting married differs from that of the guests' or witnesses' experiences though. The two people that are the focus of the wedding ritual may be actively equalized with each other or not depending on the type of wedding ritual they participate in. The next chapter highlights how one of the ritual innovations introduced in Conservative Jewish same-sex wedding rituals was an egalitarian ring exchange. This particular component of the wedding ritual works to equalize the two members of the couple as they acquire their union rather than one partner acquiring the other. In a traditional heterosexual Conservative wedding, the man would acquire his soon-to-be wife with a ring, separating them in social standing if only for a moment. Turner's ideas about liminal and socially transformative rites apply in certain ways to the couple getting married, but ultimately the social hierarchy present in a wedding is wholly dependent on the framework of the ritual.

Over forty years after Turner wrote about his own socially transformative understanding of ritual, Catherine Bell built on Turner's work and that of other ritual theorists by linking ritual to power. Bell shows that ritual is a strategy that can be employed for various purposes, and she argues that ritualization creates and maintains power relationships.<sup>15</sup> Like Turner, Bell understands that some social transformation happens during rituals. But she connects this idea to power, adopting a Foucauldian understanding of power to better understand how ritual can be purposefully deployed for certain ends. People who are part of rituals, Bell claims, interact with and simultaneously create a "structured and structuring environment"<sup>16</sup> in which relationships of power are taken from that environment and recreated by that environment. In this way, ritualization often reifies existing social structures but also provides an opportunity to create new

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<sup>15</sup> Bell, *Ritual Theory, Ritual Practice*. 197.

<sup>16</sup> Bell, 207.

relationships of power. One of the key points in Bell's argument is that even though rituals may feel natural, they are strategic. Strategy insinuates a force that creates the ritual and the relationships of power that mark certain rituals. The force comes from religious communities, since it is in their best interest to create rituals that reflect their beliefs about relationships of power so that those rituals are most meaningful to their individual community.

Bell was one of many theorists who moved ritual theory from its focus on what ritual is to what ritual does, thereby acknowledging that religious communities are actors who have power to determine the most meaningful rituals for certain purposes. One of the thinkers to pick up on this shift in ritual theory and apply it to their own work was Judith Butler. Butler points to how gender might seem to naturally exist in all beings, but is actually socially constructed and performed. In *Gender Trouble*, Butler writes "that the gendered body is performative suggests that it has no ontological status apart from the various acts which constitute its reality."<sup>17</sup> These constitutive acts are the rituals that create the gendered body and inscribe meaning onto it. In other words, gender would not exist without the rituals that are repeated enough times to create gender. Butler further explains that "this repetition is at once a reenactment and re-experiencing of a set of meanings already socially established; and it is the mundane and ritualized form of their legitimation."<sup>18</sup> The performative nature of gender reproduces social norms and expectations and turns them into rituals from Butler's perspective, making each day an opportunity to reassert one's gender and legitimize certain norms that are reproduced by this performativity. This new understanding of gender, which scholars and activists have built upon and critiqued, is one change that religions must contend with. If gender is not natural, and is

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<sup>17</sup> Judith Butler, *Gender Trouble* (New York: Routledge, 1990). 136.

<sup>18</sup> Butler. 136.

instead repeated and ritualized every day, religious communities who believe in this conception of gender must consider how their own rituals feature as a part of this performative process.

The performative ritual of the wedding itself constitutes subjects, specifically the couple getting married, because the couple practices many of the same acts that have solidified their gender presentation in the years leading up to the moment of the wedding. The everyday repetitive rituals Butler saw as contributing to gender performativity are also present at more formally organized rituals like a wedding. The most performative rituals in terms of gender are not those that show up in a wedding officiation guide, but rather are the rituals that exist in between the lines. These performative actions are stylized “bodily gestures [and] movements”<sup>19</sup> that in the context of a wedding might look like the way someone walks down the aisle or interacts with their soon-to-be spouse. Gender performativity shows up in how the couple, and everyone else involved in the wedding, presents themselves to each other, and is understood by the rest of the people in the room. However, by developing certain wedding rituals, religious communities retain some freedom to determine how gender performativity plays into the wedding, a ritual which is generally quite public.

One option that religious communities can choose from as they consider how to adapt to societal shifts, related to gender or not, is to create entirely new rituals. Performativity, whether it’s recognized by that term or not, can often be part of the conceptualization of those new rituals. Vanessa Ochs, a Jewish ritual theorist, offers insight into how this process of creating ritual often happens by categorizing the various components that make up a new ritual. Ochs considers herself to be a ritual innovator, and from the experience of creating new rituals has found that when Jews create a new ritual, they can often pull from a ritual toolbox with three

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<sup>19</sup> Butler, 140.



compartments. The first compartment is full of texts, from a variety of Jewish sources, which can be quoted in full but can also be used as examples to be adapted into new texts. The second compartment is full of “familiar and resonant Jewish ritual actions and objects.”<sup>20</sup> The advantage of this compartment is that the ritual innovator can draw upon an extensive existing vocabulary of Jewish ritual actions and objects, but use those actions and objects to create a new ritual that is connected to the past. The third compartment is less concrete than the first two and consists of certain core Jewish understandings about the world, a commitment to which Ochs calls “the compass that guides all Jewish innovation.”<sup>21</sup> This ritual toolbox offers possibilities for rooting new rituals in bits and pieces of conventional procedure without having to fully replicate it. The toolbox is broadly applicable to new Jewish rituals in Ochs’ opinion, but is specifically relevant here to understanding how religious communities might develop same-sex wedding rituals since these rituals often represent an innovation of past heterosexual wedding rituals. Categorizing the component parts of these rituals facilitates a deeper understanding of how ritual performativity draws upon myriad sources, texts, and people to create an intentional experience for all those involved in a new ritual.

Ochs’ ritual toolbox also offers a way to think about the mediums by which both transformations of power and performativity happen during Jewish same-sex wedding rituals. If Bell’s theory about relationships of power being enacted through ritual is the “why” of Jewish same-sex wedding rituals, Ochs’ ritual toolbox is the “how.” As we will see in the following chapter, the Conservative Jewish movement has used the tools from this ritual toolbox to create their own unique same-sex wedding rituals that represent certain approaches to change. No

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<sup>20</sup> Vanessa Ochs, *Inventing Jewish Ritual* (Philadelphia: Jewish Publication Society, 2007), 6.

<sup>21</sup> Ochs, 6.

matter the particular approach to change that defines a ritual, all rituals operate to define certain power dynamics in a liminal time period in which social transformation feels possible for participants in the ritual. These participants are engaging in a performative ritual, one that reaffirms existing social structures and yet offers opportunities for new ones to form. Same-sex weddings are a vital site where that tension between tradition and change, a key to Conservative Jewish identity, can be unraveled through different approaches. Conservative Jewish leaders found inspiration and some applicable pieces in their traditional rituals to create same-sex wedding rituals, showing how these rituals ultimately pull from similar ritual toolboxes.

### **The Project of a Same-Sex Wedding Ritual**

At its core, what initially sets apart a Jewish same-sex wedding from any other Jewish wedding are the gender identities and sexualities of the two people getting married. As part of the creation of the ritual around this wedding, other differences will emerge. However, gender is the essential reason that a new ritual is necessary. The traditional *kiddushin* Jewish wedding ritual takes the genders of a man and woman for granted, assuming that they will perform the wedding ritual with the same gender performativity that permeates their everyday lives. This was one of the assumptions that informed the creation of a traditional Jewish wedding ritual. Because of this, a different expectation of gender performativity becomes enmeshed in the ways that a Jewish same-sex wedding is developed against the grain of the traditional ritual. Simply put, the traditional wedding ceremony was not made for any combination of people except a cisgender man and a cisgender woman. If a same-sex wedding ritual is to be allowed, it challenges the notion that this traditional wedding performed for a cisgender Jewish man and a cisgender Jewish woman is the only way to define the ritual.

Both gender and ritual share this characteristic of seeming static. Their constructed stasis persuades people that gender and ritual are somehow natural, obscuring the role of communities that are constantly defining and redefining them. Butler describes that in the construction of gender, “the tacit collective agreement to perform, produce, and sustain discrete and polar genders as cultural fictions is obscured by the credibility of those productions—and the punishments that attend not agreeing to believe in them; the construction ‘compels’ our belief in its necessity and naturalness.”<sup>22</sup> Here Butler points out that the fictional nature of gender is hidden by its very construction, and societal punishments exist for those who refuse to follow along with this fictional status quo. Rituals too are often presented as timeless and resistant to change in a way that obscures their very construction by the communities that practice the rituals. Rituals are constructed in such a way that even when changes do happen, rituals seem to remain static and retain the same definition as before any change.<sup>23</sup> Since both gender and ritual are constructed by the communities in which they are implemented, it is worth interrogating how both these constructed concepts end up having dramatic impacts on those same communities.

Creating a same-sex wedding ritual requires religious communities to consider the ostensibly static nature of gender and ritual simultaneously. Weddings in particular serve as a unique example of how ritual is interpreted as unchanging. As the following chapter will explain, when the Conservative Jewish movement first began thinking about whether they might allow clergy to officiate at same-sex commitment ceremonies, “even the name of such a ceremony was

<sup>22</sup> Judith Butler, *Gender Trouble* (New York: Routledge, 1990), 140.

<sup>23</sup> Axel Michaels, “Ritual and Meaning,” in *Theorizing Rituals: Issues, Topics, Approaches, Concepts*, ed. Jens Kreinath, Jan Snoek, and Michael Stausberg, 114–1 (Boston: Brill, 2006), 247–64.

a matter at issue.”<sup>24</sup> As the controversy of what to call such a ceremony continued, the process of determining what a proper ritual for a same-sex wedding might look like continued as well. Part of this careful consideration about same-sex weddings was based in a desire to preserve the seemingly unchanging Jewish wedding ritual.

However, this façade of stasis protecting the wedding ritual from change is quickly broken down when one references Jewish history. Even the norm of monogamous heterosexual marriage in Judaism cannot be taken for granted, according to Michael Broyde. Well into the modern period Sephardic Jews legitimated polygynous marriage, in part because of their geographic overlap with Muslim societies that also legitimated this practice.<sup>25</sup> In fact, regulating sexual relationships through monogamous heterosexual marriage is a product of the past several hundred years rather than something that has been true for the entirety of Jewish history.<sup>26</sup> Broyde is certainly not saying that queer relationships or marriages were the norm before, but by focusing on how cultural context led to the existence of heterosexual monogamous marriage as the norm, he opens a space in which we can interrogate marriage as a tradition which was not always ubiquitous. While marriage and the rituals associated with weddings are taken to be my main focuses for analysis, I do not intend to assume that monogamous heterosexual marriage is obvious as the norm against which same-sex wedding rituals are created. Whether or not it was working against a norm, religious communities saw the creation of same-sex wedding rituals as a

<sup>24</sup> Elliot N. Dorff, “Ḥayyei Min u’Mishpahah: Moral Guidance on Sex and Family Life,” in *Modern Conservative Judaism: Evolving Thought and Practice* (University of Nebraska Press, Jewish Publication Society, 2018), 291.

<sup>25</sup> Mendell Lewittes, “The Literature of Law,” in *Understanding Rabbinic Judaism: From Talmudic to Modern Times*, ed. Jacob Neusner (Wipf and Stock, 2003), 75.

<sup>26</sup> Michael Broyde, “Jewish Law and the Abandonment of Marriage: Diverse Models of Sexuality and Reproduction in the Jewish View, and the Return to Monogamy in the Modern Era,” in *Marriage, Sex, and Family in Judaism* (Rowman & Littlefield Publishers, 2005), 91.

project. That project was possible in part because of choices by the state to give religious communities some power to facilitate weddings.

### **Making it Official in Collaboration with the State**

In an American context in particular, religious communities and the state balance the responsibility of marriage and the performance of weddings. Both the state and religious communities have a vested interest in marrying couples. For the state, “marriage is the most common form of, and the most effective foundation for safe, stable, effective families (which are the basic unit of society).”<sup>27</sup> The state desires marriage because in many ways it serves as the backbone of civic society. Additionally, there are other advantages for the state to endorse marriage, including spouses being responsible for each other’s debts, having easier access to inheritance in the case of a spouse’s death, being able to access to court resources for a divorce, and many more.<sup>28</sup> Many religious communities want people to marry for similar reasons. In religious communities as in the state, marital families are the systems where people learn and develop their values and religiosity, connecting them to a wider network. As I mention later in this chapter, there is a long history of Jewish communities using endogamy to define their own community boundaries. Both the state and religious communities want marriages to occur for their own benefit, and that starts with weddings.

The religious ritual of a wedding is possible only because the state authorizes religious leaders to perform weddings. In the United States, marriage policy gets complicated because

<sup>27</sup> Lynn D. Wardle, “Marriage and Religious Liberty: Comparative Law Problems and Conflict of Laws Solutions,” *Journal of Law & Family Studies* 12, no. 2 (2010): 322.

<sup>28</sup> Sonia B. Green, “Currency Of Love: Customary International Law And The Battle For Same-Sex Marriage In The United States,” *University of Pennsylvania Journal of Law and Social Change* 14, no. 1 (2011): 57.

individual states make their own decisions about marriage regulations. However, many policies are consistent even across states. Throughout the United States rabbis, ministers, priests, and other religious leaders “are competent as officers of the state to perform legally valid marriage ceremonies” and have the legal authority to bind people in marriage just by being ordained.<sup>29</sup> This gives religious leaders the power to determine what they consider a “proper” wedding to legally marry a couple. At the same time, the First Amendment protects these religious leaders’ rights to refuse to perform a wedding for any couple they choose.

While religious communities could still reserve the right to deny a couple officiation of their marriage, 2015 was a turning point because religious leaders with the authority to marry people had to make a choice about how to respond to the idea of same-sex marriage. On June 26, 2015, the United States Supreme Court released its *Obergefell v. Hodges* decision that legalized same-sex marriage federally.<sup>30</sup> Before *Obergefell*, domestic partnerships and other legal situations allowed individual states to regulate same-sex relationships without always granting them the same rights or terminology as heterosexual married couples. The majority opinion referenced religion in its choice to legalize same-sex marriage, pointing out that “marriage is sacred to those who live by their religions and offers unique fulfillment to those who find meaning in the secular realm.”<sup>31</sup> In a country where the separation of church and state is written into the Bill of Rights, the recognition of this sacredness of marriage speaks to the strong link between marriage and religion in the United States. Religious communities themselves imbue this sacredness upon the wedding in the way that they construct the wedding ritual, but it is this

<sup>29</sup> William W. Bassett, *Religious Organizations and the Law* (Clark Boardman Callaghan, 2008), supra note 22, at 11:3, 11–17.

<sup>30</sup> *Obergefell v. Hodges*, 576 U.S. (2015).

<sup>31</sup> *Obergefell v. Hodges*, 576 U.S. at 3.

American conception of marriage as religious that explains why and how religious communities have the authority they do to partially determine what marriage looks like in the United States.

The wedding is one site where religious communities must reckon with how queer people might fit into their community or not. People can hide their sexuality from their religious community most of the time, but if someone wants to get married in a same-sex religious ceremony, the opportunity arises for the religious community to respond in whatever way they deem fit to the request for a ritual. After 2015 in the United States, the state had determined how it would regulate same-sex marriages. At that point, it was up to religious communities to determine if they too were interested in the power to recognize same-sex couples, or to dismiss them entirely.

### **The Formation of a Jewish Community Through Marriage**

The issue of how to treat same-sex couples was just the most recent of a string of examples from hundreds of years of the Jewish community using marriage to define and redefine its own community boundaries. A key example of this is the practice of endogamy, marrying within the group, which characterized many ancient Jewish communities. Throughout the Persian, Hellenistic, and Roman eras, Jews were presented with paganist traditions by the rulers of those imperial powers, but Jews rejected paganism in favor of their own religious practices while staying open to influence from other traditions.<sup>32</sup> Marriage was one of the practices that not only kept this tightknit community going, but defined it. As Étan Levine writes:

A wedding's externals reflected its inner content, and the Jewish marital ideal was emphatically social, not atomistic: conjugal love was not romantic escapism seeking isolation from family, society, and authority. A wedding involved not only a couple,

<sup>32</sup> Étan Levine, "The Home as a 'Small Temple,'" in *Marital Relations in Ancient Judaism*, 1st ed. (Harrassowitz Verlag, 2009), 41.

close kin and neighbors but the entire People. Marriage was not to be a deterioration by self-isolation nor an assimilation vehicle into an ecumenical super-culture. There was no doubt as to what made a marriage legitimately Jewish, and its opposite was the mating of two individuals actuating their anti-social hostility. Such a bond was not a community's foundation but its negation: Jewish society could never have arisen nor continued by being an aggregate of individualistic families. Only interdependence, loyalty and devotion could bind and expand patriarchal families into a People.<sup>33</sup>

Marriage was not a method to join together disparate couples into a whole, but rather a way that all of these families were devised as interdependent to form the People. Levine argues that in ancient Jewish communities, the social aspect of marriage and weddings was the most important. Rather than seeing marriage as the bonding of two people, it was the bonding of those two people to their greater community. Marriage tied a couple to the People, and the wedding was the event that initiated this bond.

The practice of endogamy facilitates this definition of marriage, because it's much easier to include a couple in the greater community if both were already previously members of the community and the only difference now is their relationship to one another. This practice has some of its roots in the Hebrew Bible, where exogamy is explicitly discouraged in chapters 9 and 10 of Ezra. In that story, many of the men in Judah have taken foreign wives "so that the holy race has mixed itself with the peoples of the lands."<sup>34</sup> Ezra cries out in repentance to God and gathers all the men of Judah and Benjamin, telling them to "make confession to the Lord the God of your fathers, and do his will; separate yourselves from the people of the land and from the foreign wives."<sup>35</sup> Though this is a difficult task logistically since so many men have foreign wives, in a matter of a few months all the men with non-Jewish wives had "put them away with

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<sup>33</sup> Levine, 51.

<sup>34</sup> Ezra 9:2 RSV

<sup>35</sup> Ezra 10:11 RSV



their children.”<sup>36</sup> This dissolution of families shows that marriage does not uniformly reign supreme in the community. Only a certain kind of marriage, namely endogamous marriage, is acceptable for Ezra. The drastic measure of casting out all foreign women married to Jewish men in addition to their children affirms that Ezra believes these women and children cannot belong to his people. The message is clear: Ezra’s community can only be the true covenantal community if they marry within their group rather than marrying people from the tribes living around them.

This tradition of defining community boundaries through marriage continued for many centuries, even into the modern period. In recent decades, the issue of interfaith marriage has set Conservative Judaism apart from its more liberal counterparts, because Conservative Jewish leaders have consistently opted to bar Conservative clergy from officiating at weddings between Jews and non-Jews. This position was first made official by CJLS in 1970 and again in 1971 when the CJLS affirmed that no member of the Rabbinical Assembly, the Conservative association of rabbis, would be allowed to officiate at the wedding of a Jew and a non-Jew. Then in 1972, the CJLS took this further and voted that no Conservative rabbi or cantor would be allowed to attend the wedding ceremony or reception of a Jew and a non-Jew, nor could an interfaith couple be married in a Conservative synagogue.<sup>37</sup> In 2018, the Rabbinical Assembly announced that Conservative clergy could attend interfaith weddings<sup>38</sup> but Conservative leadership remains committed to welcoming interfaith couples and families to their congregations without being willing to officiate at their weddings.

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<sup>36</sup> Ezra 10:44 RSV

<sup>37</sup> Jerome Epstein, “Congratulations to Mixed Marriage Families,” March 30, 1989, 460.

<sup>38</sup> Ben Sales, “Conservative Rabbis Can Now Attend Intermarriages,” *Jewish Telegraphic Agency*, October 22, 2018, <https://www.jta.org/2018/10/22/united-states/conservative-rabbis-can-now-attend-intermarriages>.

Even amid declining numbers of Conservative Jews in the United States and rising social pressure to allow intermarriages, the Conservative movement has not officially budged. In 2017, the Rabbinical Assembly expelled Rabbi Seymour Rosenbloom, who'd been a Conservative rabbi for over 40 years, after he wrote an op-ed about officiating at the wedding of his stepdaughter and her non-Jewish husband.<sup>39</sup> That same year after Rosenbloom and other rabbis announced intentions to officiate at interfaith weddings, the Rabbinical Assembly released a letter affirming "the traditional practice of reserving rabbinic officiation to two Jews."<sup>40</sup> The issue of intermarriage remains a sticking point for the Conservative Jewish movement, ensuring that they protect a definition of Jewish marriage as a marriage between two Jews. However, this stance also helps reinforce certain community boundaries of the Conservative movement as well. Even though Conservative leaders are welcoming of interfaith couples, their unwillingness to perform Conservative weddings for interfaith couples means that interfaith couples are not afforded the same standing in the community at this vital time of transition. The Conservative movement has defined its own community boundaries by its willingness to perform same-sex weddings and simultaneous reticence to perform interfaith weddings.

The ancient practice of endogamy and the current Conservative practice of preventing interfaith marriages both offer striking examples of how the boundaries of Jewish communities have been defined by marriage. Marriage has been used as a tool to keep certain people out of the Jewish community, and to protect a certain definition and ideal of those within the

<sup>39</sup> Emma Green, "'We're Headed Toward One of the Greatest Divisions in the History of the Jewish People,'" *The Atlantic*, July 16, 2017, <https://www.theatlantic.com/politics/archive/2017/07/intermarriage-conservative-judaism/533637/>.

<sup>40</sup> Bradley Shavit Artson, "Conservative/Masorti Judaism, Covenantal Love, & Responsibility: A Pastoral Letter to Conservative/Masorti Rabbis, Cantors, Educators, Institutional Leadership and Kehillot," October 2017, 4.

community. Because of this, it is even more important to study the intricacies of how the wedding ritual is performed because it is the moment at which this boundary-setting is repeated anew. Who can get married and how they can do so says much about how a religious community sees itself and its boundaries. The development of same-sex wedding rituals follows in a long tradition of Jewish marriage practices which make marriage a defining feature of the community, determining appropriate boundaries for said community.

## **Conclusion**

The wedding must be understood as a powerful, transformative, and performative ritual for us to fully unpack how changes to this ritual over time might reflect shifts in the community's boundaries. Marriage is an important social institution, one that both the state and religious communities want to protect. The wedding is a ritual that allows religious communities to define who is and isn't allowed to be part of their community, as evidenced by endogamous practices in ancient and biblical Judaism as well as rules against intermarriage in contemporary Conservative Judaism. It's clear that religious communities hold immense power in their capacity to define wedding rituals and thereby define their own communities. In the following chapter, I examine a case study of the development of same-sex wedding rituals in the Conservative Jewish movement. The ritual change that occurs in this process reveals how the community has changed its perceptions of itself. This example shows how Conservative Jewish leaders balance their commitments to tradition and change as they create wedding rituals that are meaningful for their communities and representative of their own ideas about how to define what Conservative Judaism is and ought to be.

## Chapter 2

### A Case Study of Conservative Jewish Same-Sex Marriage & Weddings

As explained in the last chapter, rituals represent religious communities' theoretical perspectives put into action. The wedding serves as a transformational site of power as two people affirm their commitment to one another, and often their commitment to a certain religious tradition. This chapter will focus on a case study of the Conservative Jewish movement and the ritual options that the movement has developed to perform same-sex marriages after a period of changing views on the issue. From the first official discussions of homosexuality to the publishing of potential ceremonies that Conservative clergy could use to officiate at same-sex weddings, twenty-three years passed in which the views of the American public and the Conservative rabbinate changed dramatically. As their approach to same-sex couples shifted, Conservative rabbis realized that rituals needed to be adapted to allow same-sex weddings to take place. The 2012 Committee on Jewish Law and Standards (CJLS) responsum written by Rabbis Elliot Dorff, Daniel Nevins, and Avram Reisner as an appendix to their 2006 responsum offered two ritual options for local communities to choose from. The first uses as much of an existing ritual as possible to form a new one with slightly different specific contents, while the second method takes the opportunity to branch out from a traditional ritual structure because of the new context. These two options that the Conservative movement suggested as frameworks for same-sex weddings send distinctly different messages about how Conservative clergy should think about adapting ritual to reflect change. This case study is an example of a religious community can create and change rituals that reveal changing ideas about their own community's definition and values.

## Issues of Homosexuality Before Contemporary Times

Queer Jews have likely been part of Jewish communities for hundreds of years, even if the vocabulary around queerness has evolved. However, before the mid-20<sup>th</sup> century, much of the conversation around biblical mentions of queerness focused on the story of Sodom and Gomorrah, a story from Judges, and two verses from Leviticus that are often read as prohibiting male homosexual sex. Leviticus 18:22 is a directive that “You shall not lie with a male as with a woman; it is an abomination”<sup>41</sup> while Leviticus 20:13 says “If a man lies with a male as with a woman, both of them have committed an abomination; they shall be put to death, their blood is upon them.”<sup>42</sup> However, as Frederick Greenspahn and other scholars point out, these verses do not address queer relationships as we now understand them. If they are read as prohibitions of an abomination, a contestable reading, they narrowly prohibit one particular sex act between men.<sup>43</sup> This is a prohibition that the Conservative Jewish movement has upheld. Though same-sex unions were permitted in 2006 as I explain later in this chapter, the very same responsum included in its first legal finding that “gay men are instructed to refrain from anal sex.”<sup>44</sup> This followed in a tradition of often separating homosexual sex from homosexual relationships.

These biblical and later rabbinic discussions of same-sex relationships view women and men in these relationships differently. Female homosexual sex is never explicitly mentioned in the Hebrew Bible, though some notable stories like that of Ruth have been interpreted as representative of same-sex attraction or relationships between women. Explicit references of

<sup>41</sup> Leviticus 18:22 RSV

<sup>42</sup> Leviticus 20:13 RSV

<sup>43</sup> Frederick E. Greenspahn, “Homosexuality and the Bible,” *CCAR Journal: A Reform Jewish Quarterly*, Fall 2002, 42.

<sup>44</sup> Dorff, Nevins, and Reisner, “Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards,” 19.

women in same-sex relationships are mentioned later in rabbinic literature though. For example, the medieval rabbi Moses Maimonides wrote about issues of women having sex with other women and compiled legal precedents to which he added his commentary in his work *Mishneh Torah*. According to Rebecca Alpert, Maimonides took particular interest in stating that women in heterosexual marriages should not participate in lesbian behavior or lesbian marriage as he believed these fit into the category of “biblically prohibited ‘doings of Egypt.’”<sup>45</sup> However, Alpert believes that Maimonides and his contemporaries were less worried about the presumed lesbian party and more worried about the impacts on women already in committed heterosexual marriages. She finds that “in contrast to modern European practice, Jewish law punishes the wife and not the partner, the presumed lesbian, who entices her. The person presumed to initiate sexual contact is not the one who is blamed or punished. Lesbian behavior itself is not considered problematic unless it threatens the institution of heterosexual marriage.”<sup>46</sup> It’s interesting that here there seems to be evidence that sexual activities between women were not necessarily seen as wrong for their own sake. Rather, they were wrong because they threatened heterosexual marriage, the foundation upon which the Jewish community was built and maintained.

These are texts that even today some Orthodox Jewish leaders will turn to as proof of a Jewish prohibition on queer sex and relationships. In other words, these texts are part of the storied tradition that the Conservative Jewish movement had to work against when it considered allowing same-sex marriages and reimagining wedding rituals for same-sex couples.

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<sup>45</sup> Rebecca Alpert, *Like Bread on the Seder Plate: Jewish Lesbians and the Transformation of Tradition* (New York: Columbia University Press, 1993), 32.

<sup>46</sup> Alpert, 33.

## The History of the CJLS on Same-Sex Marriage

The Committee on Jewish Law and Standards (CJLS) of the Rabbinical Assembly is a group of twenty-five rabbis, as well as six non-voting members, that aims to continually evaluate Jewish law and establish how tradition and modernity should co-exist in Conservative Jewish theology and practice.<sup>47</sup> Conservative rabbis ask questions and write responsa to the committee that are then voted upon. In accordance with their belief in halakhic pluralism, it's possible for the CJLS to vote to approve multiple responsa on the same issue, even if the responsa support conflicting viewpoints. It is then up to individual rabbis to decide how to bring those conflicting possibilities back to their communities. As the “official voice for Conservative halakhah,” the CJLS abides by six main guidelines when making decisions:

1. Changes are not made for their own sake;
2. A lenient ruling is preferable to a strict one;
3. Subjects are studied in a historic-scientific fashion;
4. The *Shulhan Arukh* is not viewed as the ultimate authority;
5. A commitment to halakhic pluralism is maintained;
6. Significant emphasis is placed on the moral component of Judaism and of Jewish law.<sup>48</sup>

As the third guideline makes clear, religious precedent is not the only factor in deciding on matters of halakhah. While “changes are not made for their own sake,” they are sometimes made for the sake of better reflecting contemporary thinking and values in a manner that still reflects a commitment to tradition. The sixth guideline allows broad power for the CJLS to emphasize “the moral component of Judaism and of Jewish law,” which presents a wide

<sup>47</sup> “Committee on Jewish Law and Standards | The Rabbinical Assembly,” The Rabbinical Assembly, n.d., <https://www.rabbinicalassembly.org/jewish-law/committee-jewish-law-and-standards>.

<sup>48</sup> Aaron L. Starr, “Tradition vs. Modernity: The CJLS and Conservative Halakhah,” *Conservative Judaism*, no. 1 (2005): 3.

opportunity to introduce moral reasoning into the CJLS's decision-making process. This morality is largely determined based on the CJLS rabbis' experiences with their own communities and others within the Conservative movement. Ultimately, the changing morality of the majority of observant Conservative Jewish people "at least as discerned by members of the CJLS, holds the power to initiate a great deal of change."<sup>49</sup> As the official body to decide on changes to halakhah, the CJLS often reflects societal changes in the ways that its responsa take up issues that concern modern Conservative Jews.

While the CJLS makes decisions on halakhah that inform the Conservative movement's individual congregations, it cannot speak for every single community nor for every Conservative Jew. In fact, many of the questions that the CJLS grapples with come about because of differences in practice between Conservative congregations. Generally, the committee aims to reflect the current feelings of the movement, as opposed to pushing it forward or backward. The CJLS determines the limits of the plurality of experiences and views that fit into their understanding of Conservative Judaism, using Jewish law to confront issues brought about by modernity. This was how homosexuality, and later same-sex marriage, came to be addressed by the CJLS multiple times as the movement changed their perspective over time.

The CJLS first officially took up the issue of homosexuality in 1989, when two responsa with conflicting views were presented to the committee. One responsum argued that the movement should have a vested interest in procreation and for this reason should not change Jewish interpretation of the laws on the issue of homosexuality. The other responsum used the history of homosexuality written about in David F. Greenberg's book *The Construction of Homosexuality* to argue that ancient homosexual relations were all coercive in some way and that

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<sup>49</sup> Starr, 7.



modern gay sex should be treated similarly to heterosexual sex as laid out in a previous CJLS responsum.<sup>50</sup> Ultimately the CJLS wanted to vote for position in between the two presented, so they voted on neither of the 1989 responsa. Not approving a responsa meant that the status quo was upheld for the time being, while the rabbis waited for an intermediary position to be written. Then the committee dedicated many meetings from 1991-1992 to specifically focus on their views on homosexuality.<sup>51</sup> The result of these meetings was a variety of individual papers adopted by the committee which were summed up in the “Consensus Statement on Homosexuality,” approved by a vote of nineteen in favor, three opposed, and one abstaining. In this statement, the CJLS decided that gays and lesbians were deemed “welcome in [their] congregations, youth groups, camps, and schools”<sup>52</sup> but Conservative rabbis were barred from performing same-sex commitment ceremonies. The statement also noted that openly gay and lesbian people would not be allowed to become rabbis or cantors, and that individual communities could make rulings about whether gays and lesbians could serve as teachers and lay leaders.<sup>53</sup> The stance of the CJLS in 1992 accepted a bit of change by affirming the existence of gays and lesbians in Conservative communities, but severely restricted gays and lesbians’ ability to serve as community leaders and to take part in rituals like commitment ceremonies. This limited recognition granted to gays and lesbians is indicative of the struggle facing the Conservative movement as it attempts to balance its attachment to tradition and the values of modernity. The negotiation of tradition and modernity here shifts the boundaries of the Conservative movement to include gays and lesbians in some ways while excluding them from

<sup>50</sup> Dorff, “Hayyei Min u’Mishpahah,” 287.

<sup>51</sup> Dorff, 287.

<sup>52</sup> “Consensus Statement on Homosexuality,” 612.

<sup>53</sup> “Consensus Statement on Homosexuality,” 612.

other parts of Conservative Jewish life and leadership, advancing a certain definition of who can be a Conservative Jew and to what extent they can participate in the community.

For many years, this consensus statement guided the way that individual Conservative rabbis made decisions on the local level regarding the participation of gays and lesbians in ritual. But Elliot Dorff, one of the rabbis who voted to approve the consensus statement, acknowledged that “behind the scenes, the nineteen CJLS members who voiced agreement on the Consensus Statement had wanted the movement to appear less splintered over this issue than it then was. In fact, although they had voted in seeming agreement with the Consensus Statement, they did not understand its application in the same way.”<sup>54</sup> Some of the rabbis anticipated that this would become a permanent stance for the Conservative movement, while others hoped that the CJLS would revisit the stance.<sup>55</sup> Ultimately the CJLS did revisit the issue, in part because there was general consensus on welcoming gay and lesbian Jews to Conservative congregations, but issues such as the possibility of same-sex marriage ceremonies were much more contentious.<sup>56</sup> The final push to revisit the 1992 consensus statement came in December 2003 from Rabbinical Assembly president Rabbi Reuven Hammer and the United Synagogue of Conservative Judaism president Judy Yudoff, who kickstarted three years of CJLS discussions about how gay and lesbian Jews would fit into Conservative congregations.<sup>57</sup> As time passed after the 1992 response on homosexuality were approved, the American public increasingly began to engage in a wider conversation about homosexuality and same-sex marriage that led the Conservative movement to reconsider their position based on both new information and changing attitudes.

<sup>54</sup> Dorff, “Hayyei Min u’Mishpahah,” 288.

<sup>55</sup> Dorff, 288.

<sup>56</sup> Dorff, 290.

<sup>57</sup> Dorff, 291.

In 2006, the CJLS voted on five responsa, three of which were approved by committee vote. When they voted, Dorff noted that “all twenty-five CJLS voting members were in attendance, one mark of the contentiousness that had continued, unabated, around this issue. A second mark was the CJLS’s simultaneous approval of three diverging perspectives.”<sup>58</sup> One of these perspectives, a responsum by Rabbi Joel Roth, upheld the 1992 consensus that banned Conservative clergy from officiating at same-sex commitment ceremonies and banned gay and lesbian students from ordination from a Conservative seminary.<sup>59</sup> Another responsum, written by Rabbi Leonard Levy, had the same conclusions as Roth’s but also suggested that gay and lesbian Jews should pursue conversation therapy, a suggestion he backpedaled on over a decade later.<sup>60</sup> The final approved responsum was written by Rabbis Elliot Dorff, Daniel Nevins, and Avram Reisner. Their responsum changed the way that the Conservative movement could officially treat queer individuals, because it acknowledged that while classical rabbinic law didn’t allow for same-sex marriage, the Jewish imperative to preserve human dignity necessitated the acceptance of same-sex unions.<sup>61</sup> Dorff, Nevins, and Reisner drew this principle of human dignity from Jewish tradition, relying on passages from the Torah and Talmud to show how they believed the Conservative movement should approach the “genuine conflict between our ancient heterosexual ideal and our imperative to safeguard the dignity of gay and lesbian Jews.”<sup>62</sup> Notably, this responsum cited over 80 psychologists and psychiatrists as evidence of why the preservation of

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<sup>58</sup> Dorff, 294.

<sup>59</sup> Joel Roth, “Homosexuality Revisited,” 2006.

<sup>60</sup> Leonard Levy, “Same-Sex Attraction and Halakhah,” 2006. In August 2019, Levy released a clarification to say that he recognized the harm of conversion therapy and did not want his responsum to be read as advocating for therapy to change one’s sexuality.

<sup>61</sup> Dorff, Nevins, and Reisner, “Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards.”

<sup>62</sup> Dorff, Nevins, and Reisner, 19.

human dignity required accepting same-sex unions.<sup>63</sup> Dorff, Nevins, and Reisner balanced a strong halakhic argument with secular scientific evidence to make their case.

The simultaneous approval of these three responsa meant that individual Conservative rabbis could choose which one(s) to follow within their own congregations. But unsurprisingly, the responsum that made headlines and received the most reactions was Dorff, Nevins, and Reisner's paper. While the 2006 responsum supported Conservative rabbis officiating at commitment ceremonies and weddings where possible, the authors acknowledged that the specifics of the ritual were still unclear at the time of writing:

We favor the establishment of committed and loving relationships for gay and lesbian Jews. The celebration of such a union is appropriate with blessings over wine and *sheheheyanu*, with psalms and other readings to be developed by local authorities... Yet can these relationships be recognized under the rubric of *kiddushin* (Jewish marriage)? Does their dissolution require a ritual of *gerushin* (divorce)? What format and force would such rituals require? These are complicated and controversial questions that deserve a separate study. We have no objection to informal rituals of celebration for gay couples, including the elements mentioned above, but we are not able in this responsum to address the many halakhic questions surrounding gay marriage. Our paper does not provide for rituals of *kiddushin* for gay and lesbian couples.<sup>64</sup>

This responsum was important as a stepping stone to authorize Conservative Jewish same-sex marriages, but ultimately the rabbis left some of the more complicated issues of practice up for future debate and up to local rabbis to make decisions for their own communities. Entering into marriage can only happen with some sort of wedding ritual, so determining proper rituals was necessary for Conservative Jewish same-sex couples to enjoy the same right to get married by Conservative clergy that their heterosexual peers did. This left Conservative clergy searching for their own ways to recognize same-sex commitment ceremonies and weddings without clear guidelines to do so.

<sup>63</sup> Dorff, Nevins, and Reisner, 20–22.

<sup>64</sup> Dorff, Nevins, and Reisner, 17.

## Developing Two Options for Ritual Change

After 2006, Conservative clergy faced a question mark when it came to how to officiate a same-sex commitment ceremony or wedding. They had the precedent of heterosexual wedding ceremonies to assist them, but Conservative rabbis had a wide variety of ideas about how much of that traditional liturgy to include or replace.<sup>65</sup> Some chose to perform same-sex weddings almost exactly the same as heterosexual ones, replacing only the gendered language to match the gender identities of the couple. Others chose to omit blessings they felt were unfit for same-sex ceremonies, or they scrapped the traditional ring exchange.<sup>66</sup> According to Dorff, this initial ambiguity was purposeful as he and the other authors of the responsum hoped that other Conservative rabbis would take up the charge to develop ritual frameworks to share with the movement. Dorff, Nevins, and Reisner were surprised when this did not occur, and instead the rabbis received an influx of requests that they offer their own frameworks for same-sex wedding rituals.<sup>67</sup>

The result was Dorff, Nevins, and Reisner's 2012 appendix to their 2006 CJLS responsum, called "Rituals and Documents of Marriage and Divorce for Same-Sex Couples." Written as a collaborative effort with gay and lesbian rabbis and rabbinical students, the goal of the appendix was to suggest two examples for how to officiate a Jewish same-sex wedding ceremony. As discussed in the last chapter, rituals bring theoretical stances to life, and that was exactly what Dorff, Nevins, and Reisner intended with this follow-up. However, they offer two unique model ceremonies for rabbis to choose from as they craft ritual experiences for same-sex

<sup>65</sup> Naomi Zeveloff, "Conservatives Give Gay Wedding Guidance," May 31, 2012, <https://forward.com/news/157142/conservatives-give-gay-wedding-guidance/>.

<sup>66</sup> Zeveloff.

<sup>67</sup> Dorff, "Hayyei Min u'Mishpahah," 296.

weddings. Offering two options for ceremonies suggests an ambiguity of opinion regarding the best way to recognize same-sex couples while respecting the traditions of heterosexual Jewish marriages, but it also offers local communities some choice in the matter. What these two ceremonies share are the following four sections that the authors believe are necessary to have a Jewish wedding:

- a. The couple is welcomed, and God’s blessings are requested for their marriage.
- b. Traditional symbols of celebration—such as wine—and of commitment—such as rings—are used to add significance to this moment.
- c. A document of “covenant” committing the couple to live a life of mutual fidelity and responsibility is read and witnessed. This covenant is affirmed at the rings ceremony and constitutes the halakhic mechanism for binding the couple together as a family.
- d. Blessings thanking God for this sacred moment of loving covenant are recited, and the couple’s relationship is linked to the broader narrative of the Jewish people and its redemption.<sup>68</sup>

Like Vanessa Ochs’ ritual toolbox, this general outline can be broadly interpreted to create unique rituals. No matter the gender identities of the people getting married, Dorff, Nevins, and Reisner suggest this four-part list is the non-negotiable foundation upon which any new Jewish wedding ritual must be based. The two marriage ceremonies suggested in the appendix offer two unique interpretations of this framework. Each ceremony offers its own mix of blessings, ritual objects, and a covenant to recognize the same-sex couple. The first ceremony option is called *Huppah* and Seven Blessings, a ceremony “modeled closely on the traditional Jewish ceremony for heterosexual marriage while using a legal mechanism that is distinct from *kiddushin*.”<sup>69</sup> The second ceremony option is called *Tallit* and Three Blessings, and is different from traditional wedding rituals in many ways including that the couple is wrapped in a *tallit*, a prayer shawl, in place of being covered by a wedding canopy. Each of these ceremonies is

<sup>68</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples,” 3.

<sup>69</sup> Dorff, Nevins, and Reisner, 6.

marked by Hebrew blessings, and the appendix includes separate versions for male and female couples because of the gendered nature of the Hebrew language. English translations of each ceremony are gender-neutral. The two same-sex wedding ceremonies proposed by Dorff, Nevins, and Reisner in 2012 represent the differing ways that the Conservative movement hoped to change and create rituals to reflect the movement's evolving sense of self. By offering these two options, Dorff, Nevins, and Reisner highlight the tensions inherent in the Conservative movement's attempt to establish a centrist position.

### **Ceremony Option #1: *Huppah* and Seven Blessings**

The first ceremony that Dorff, Nevins, and Reisner propose is one they call “*Huppah* and Seven Blessings,” with the Hebrew word *huppah* referring to the canopy above the couple during a wedding ceremony. They explain that while the ceremony uses the traditional Jewish *kiddushin* wedding ceremony as a model, “[their] goal is to replicate the powerful imagery of the traditional wedding ceremony within a distinctive legal structure of covenant, *berit*, rather than *kiddushin*.”<sup>70</sup> The legal structure of *kiddushin* is discussed in the Mishnah, where it's written that women can be acquired for betrothal “by money, by document, or by intercourse.”<sup>71</sup> This form of marriage through acquisition is the legal structure featured in the official Conservative rabbi's guide to officiating weddings and other rituals. In that guide, the provided heterosexual wedding ceremony includes an exchange of rings that serves as a stand-in for acquisition by money so the husband can acquire his wife by offering her a ring.<sup>72</sup> The official legal structure consecrating the

<sup>70</sup> Dorff, Nevins, and Reisner, 6.

<sup>71</sup> *M. Kiddushin 1:1*, n.d.

<sup>72</sup> Perry Raphael Rank and Gordon M. Freeman, eds., *Moreh Derekh: The Rabbi's Manual of The Rabbinical Assembly*, 1998, C-48.

marriage in the *Huppah* and Seven Blessings ceremony differs from a traditional Conservative Jewish wedding ceremony, but this ceremony emulates as much of the heterosexual wedding as possible to protect the long-held traditions of the Conservative movement.

The *Huppah* and Seven Blessings ceremony, like the *kiddushin* one, includes rings as the centerpiece of the ceremony. After the clergy recites welcoming prayers and opening blessings, the couple is invited to exchange rings. Unlike the traditional heterosexual model, the rabbis clarify in a footnote that “the rings symbolize mutual devotion, not acquisition, so the declaration does not include *kiddushin*.”<sup>73</sup> The emphasis on equity and partnership is evident in the two blessings included in the ceremony when the rings are exchanged. As each of the members of the couple puts a ring on their partner’s finger, they are invited to say “be my covenanted partner, in love and friendship, in peace and companionship, in the eyes of God and humanity.”<sup>74</sup> Then together they are invited to recite “may it be Your will, Adonai, our God, to establish our life-long household and to bring Your presence into our lives.”<sup>75</sup> This ring ceremony differs from a *kiddushin* one in that neither partner is acquiring the other. Instead, they each acquire “the partnership established between them as stipulated in the covenant”<sup>76</sup> that is read directly after the exchange of rings. Using rings to mark this part of the ceremony reflects the heteronormative tradition of men acquiring women in traditional Jewish wedding ceremonies, but here the rings mark a different sort of partnership because of the blessings that accompany the exchange of rings. The liturgy is adapted to reflect a different intent, while the ritual object used to establish the marriage stays constant.

<sup>73</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples,” 8.

<sup>74</sup> Dorff, Nevins, and Reisner, 10.

<sup>75</sup> Dorff, Nevins, and Reisner, 10.

<sup>76</sup> Dorff, Nevins, and Reisner, 6.



After the exchange of rings, the marriage covenant is read and later signed by the witnesses. Traditional heterosexual weddings also include the signing of a contract, known as a *ketubah*. However, the covenant included as a commonality between the two same-sex wedding ceremony options is called the Covenant of Loving Partners and is different than a traditional *ketubah* in a few ways. Rather than marking one partner's acquisition of another, this covenant describes an exclusive partnership founded on mutual responsibility for one another. The couple agrees that "we shall share from this day a partnership, joyfully and wholeheartedly establishing a household in common with moral and financial responsibilities for one another."<sup>77</sup> This covenant defines a broad array of commitments that the couple makes to each other and their partnership, with only two instances of gendered language in the English translation and options for female and male couples in Hebrew.<sup>78</sup> The commitment to establish a household together alludes to the possibility of raising Jewish children in the future, or at least creating a home environment where Jewish rituals can be practiced and Jewish holidays can be celebrated. Within the framework of the wedding ceremony, the reading and signing of the covenant serves as an opportunity for the couple to commit to their long-term partnership in the form of a document that will endure past the momentary upending of social structures of the wedding ceremony itself.

This alternative covenant is not without precedent; it took significant inspiration from the *b'rit ahuvim* proposed by Jewish theologian Rachel Adler. Adler's *b'rit ahuvim*, or covenant of lovers, arose as an alternative to *kiddushin* specifically for heterosexual couples that wanted an

<sup>77</sup> Dorff, Nevins, and Reisner, 17.

<sup>78</sup> Dorff, Nevins, and Reisner, 16–17.

egalitarian wedding without the tradition of a man acquiring his wife.<sup>79</sup> She herself noted later that her suggestion was not exactly replicated by the CJLS with their new wedding ceremony for same-sex couples, though it inspired the theoretical structure of the CJLS' covenant.<sup>80</sup> Adler's impact on the covenant shared between the two ceremonies that Dorff, Nevins, and Reisner suggest can be seen in the way that the covenant addresses the couple as lovers and prioritizes their acquisition of their union over their acquisition of each other. This covenant places the 2012 appendix in the context of a broader conversation about ritual change in weddings, including among straight couples hoping to be married in an egalitarian ceremony similarly to same-sex couples. The CJLS rabbis searching for a way to adapt traditional wedding rituals for same-sex couples had Adler as an example to look towards, even if her covenant hadn't initially been intended for use by same-sex couples.

After the ceremony of covenant during which the covenant is read and signed, the namesake seven blessings included in the *Huppah* and Seven Blessings ceremony emulate the seven blessings included in the manual to perform Conservative weddings. Blessings 1, 2, and 5 are translated the same way in the *Huppah* and Seven Blessings ceremony as they are in the rabbis' officiation manual. However, the other blessings include small shifts in language to make the English translation gender-neutral. The third blessing invokes God as "Creator of humanity"<sup>81</sup> instead of as "creator of man and woman."<sup>82</sup> With the focus on humanity rather than

<sup>79</sup> Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Philadelphia: The Jewish Publication Society, 1998), 199.

<sup>80</sup> Rachel Adler, "Critiquing and Rethinking Kiddushin," *AJS Perspectives*, May 18, 2014, <http://perspectives.ajsnet.org/the-marriage-issue-spring-2013/critiquing-and-rethinking-kiddushin/>.

<sup>81</sup> Dorff, Nevins, and Reisner, "Rituals and Documents of Marriage and Divorce for Same-Sex Couples," 10.

<sup>82</sup> Rank and Freeman, *Moreh Derekh: The Rabbi's Manual of The Rabbinical Assembly*, C-54.

man and woman, this blessing transforms from a reference to the couple in the gendered original to a blessing meant to encompass the entire community, regardless of gender. The seventh, and longest, blessing ends with the sentence “Praised are You, Adonai, who has kept us alive and sustained us and brought us to this joyous time”<sup>83</sup> in place of “Praised are You, Adonai, who causes the groom and the bride to rejoice together.”<sup>84</sup> Dorff, Nevins, and Reisner could’ve chosen to replace “the groom and the bride” with “the bride and the bride” or “the groom and the groom” depending on the gender identities of the couple. However, they chose not to. Instead, this use of the first-person “us” shifts the blessing to apply to everyone gathered to participate in or witness the wedding ceremony. While the seven blessings in this ceremony seem at first glance to follow perfectly in the tradition of the seven blessings, the slight changes allow for a ceremony which reflects a focus on the couple in their communal context rather than on the couple alone.

To a wedding guest without extensive liturgical knowledge, the differences between a ceremony conducted with this framework and a traditional heterosexual *kiddushin* ceremony would likely be unnoticeable. Ultimately this means that the *Huppah* and Seven Blessings ceremony would be as close to a traditional heterosexual one as possible without using the same legal framework reserved for straight couples. The *Huppah* and Seven Blessings ceremony gives same-sex couples the chance to get married with many of the same rituals that have marked Conservative Jewish tradition for decades, but simultaneously obscures the ways in which the traditional ritual is not inclusive of all Conservative Jews. The CJLS’ approval of this ceremony marks a desire to allow same-sex couples to have nearly the same experience at their wedding as

<sup>83</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples,” 11.

<sup>84</sup> Rank and Freeman, *Moreh Derekh: The Rabbi’s Manual of The Rabbinical Assembly*, C–55.

a heterosexual couple would, albeit with some changes in language. For couples and clergy that want another approach, Dorff, Nevins, and Reisner offer another wedding ceremony that deviates from the traditional elements that define this one.

### **Ceremony Option #2: *Tallit* and Three Blessings**

If the first ceremony suggested follows closely the model set by traditional heterosexual Jewish weddings, the second ceremony is a different model entirely. Some of the liturgy is similar to the first proposed ceremony, but this ceremony largely ignores many of the ritual elements that are found in *kiddushin* ceremonies. The *Tallit* and Three Blessings ceremony is an example of a Conservative Jewish option to set aside certain aspects of tradition in instances where change necessitates a new approach.

One of the most visually apparent differences between this *Tallit* and Three Blessings ceremony and traditional Jewish wedding ceremonies is the lack of a *huppah*, a wedding canopy. This ceremony instead involves a tradition where “the couple recites the blessing over the tallit jointly and wrap themselves together into a large tallit (which might be specially prepared for the occasion)”<sup>85</sup> right after the exchange of rings and before the marriage covenant is read. Even to the untrained eye, this ceremony is distinct from a traditional Jewish heterosexual wedding ritual. The couple uses the *tallit* within the ritual to bind themselves together in marriage, representing their new union by enveloping themselves in a *tallit*, which is used in many other Jewish rituals.

The *huppah* has been associated with Jewish heterosexual weddings for so long that its absence in the *Tallit* and Three Blessings ceremony serves as a visual reminder that leaders of

<sup>85</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples,” 14.

the Conservative movement can choose to distance themselves from aspects of the movement's past that don't align with their current values.

In another move to adapt the liturgy to better serve same-sex couples, this ceremony includes three blessings after the reading of the marriage covenant rather than the traditional seven blessings. The first is the typical blessing over the wine, a staple in many Jewish rituals. The second blessing praises God "whose glory is evident in all of creation."<sup>86</sup> The third blessing is the most important as a representation of this ceremony's treatment of same-sex couples. Its English translation reads as follows:

Praised are You, Adonai our God, who rules the universe, who created human beings in the divine image, who structured us in the image of God, and who said, "It is not good for a person to live alone, I will make a fitting helper for each one." "Give thanks to Adonai, for God is good, God's faithfulness is eternal." Praised are You, Adonai, our God, who has kept us alive and sustained us and brought us to this joyous time.<sup>87</sup>

This blessing departs from the traditional seven blessings because of how it alludes to Adam and Eve. In the traditional seven blessings, the rabbi, cantor, or another person chosen to recite will reference Adam and Eve directly. One of the traditional seven blessings asks to "grant perfect joy to these loving companions, as You did for the first man and woman in the Garden of Eden."<sup>88</sup> In contrast, the new blessing suggests that the "joyous time" that the couple is experiencing does not have to be intimately tied to their biological sex in the same way that the traditional blessing is. The reference to Adam and Eve still exists in this blessing, but in a different valence. The last sentence of the new blessing, offering praise because God "has kept us alive and sustained us and brought us to this joyous time"<sup>89</sup> also acknowledges the challenges

<sup>86</sup> Dorff, Nevins, and Reisner, 14.

<sup>87</sup> Dorff, Nevins, and Reisner, 14.

<sup>88</sup> Rank and Freeman, *Moreh Derekh: The Rabbi's Manual of The Rabbinical Assembly*, C-55.

<sup>89</sup> Dorff, Nevins, and Reisner, "Rituals and Documents of Marriage and Divorce for Same-Sex Couples," 14.

that could stand in the way of the couple making it to their wedding. Before 2006, the movement that approved this document was itself an obstacle to same-sex couples getting married. By proposing an alternative to a blessing which references Adam and Eve as the example of a proper relationship, the Conservative movement offers justice to couples who want to emerge from the heteronormative shadows of Jewish history that kept them from entering relationships and marriages.

The creation of the brand-new *Tallit* and Three Blessings ritual rests upon the premise that traditional Jewish wedding rituals and structures like *kiddushin* did not fit same-sex weddings. It would not have been possible to conceive of this wedding ceremony without detaching the concept of a wedding from many of the ritual objects and practices which have defined traditional Conservative Jewish weddings. This acceptance of a different way of doing things shows the CJLS' willingness to compromise on certain aspects of Conservative ritual history as long as the same effects are achieved by the ceremony. There are certain unnegotiable elements found in this ceremony, despite its radical departure from other elements of the traditional ceremony. This ceremony features the reading and signing of a covenant. There are still multiple blessings recited during the ceremony, even if their language differs from the traditional wedding blessings. The use of different blessings and different ritual objects like the *tallit* ensure that the content of this *Tallit* and Three Blessings ceremony is distinct because of its development for same-sex couples.

### **Conflicting Opportunities for Change**

How should the Conservative movement adapt its wedding rituals for same-sex couples?

The CJLS chose to support two answers to this question when they voted to approve these two

example same-sex wedding ceremonies in Dorff, Nevins, and Reisner’s responsum from 2012. Both offer alternatives that incorporate certain parts of Jewish traditional wedding ceremonies, but with new liturgy and ritual practices that set the ceremonies apart. Rabbis Dorff, Nevins, and Reisner take care to warn readers that their goal is not to suggest that ritual change is necessary across the board. They write that “while some heterosexual couples may see in these new models of *brit* (covenant) and *shutafut* (partnership) for same-sex couples a basis for abandoning the traditional model of *kiddushin* (sanctification), Conservative Judaism has taught us to respect ancient liturgy and to minimize modifications of text, focusing instead on interpretive evolution.”<sup>90</sup> In other words, just because these modifications to ritual are occurring for same-sex couples does not mean that the rituals developed for heterosexual couples should be modified any more than they already have been. A focus on “interpretive evolution” suggests that there are ways that liturgy and ritual can evolve over time without sacrificing the core intent of the ritual or text. The *Huppah* and Seven Blessings ceremony utilizes interpretive evolution to reuse much of the traditional heterosexual wedding liturgy while reinterpreting its meaning within the context of same-sex weddings. The *Tallit* and Three Blessings ceremony respects the traditional liturgy by allowing it to stand in its own place, and substituting novel liturgy to evoke the power of the old tradition while forming a new tradition for same-sex couples. However, these distinct manners of interpreting and adapting a tradition show just how difficult it can be to balance conflicting priorities.

The creation of a same-sex wedding ritual is just one of many questions that the Conservative movement has had to face as it aims to establish a centrist position in American Judaism. Daniel Elazar and Rela Geffen noted this struggle in their writing about Conservative

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<sup>90</sup> Dorff, Nevins, and Reisner, 4.

Judaism in the 1960s, but their analysis of the unique nature of the Conservative Jewish synagogue's attempt to define itself rings true in the discussion of the development of same-sex wedding rituals fifty years later:

In some respects the synagogue, in its effort to retard assimilation, became an agent of assimilation. This is a problem inherent in a centrist, moderate position, whose adherents see themselves as defending tradition by adapting it. Holding the line on essentials while changing the rest leads to continual tension and is very difficult to achieve, especially in a rather populist democratic society where not only being Jewish is voluntary but also how to be Jewish in a competitive marketplace.<sup>91</sup>

The Conservative Jewish movement's struggle to confront modernity in its ritual practices can be succinctly summed up in Elazar and Geffen's words: "defending tradition by adapting it." But the point to which it may be adapted to balance on the thin line between orthodoxy and liberalism has been unclear. It was so unclear, in fact, that just one way of performing same-sex weddings was not considered exact enough to reflect the Conservative rabbis' ideas of how traditional wedding rituals might be adapted for same-sex couples. In one case, the *huppah* was considered an "essential" for the wedding ritual, while in the other ceremony the *huppah* was replaced by other ritual objects. For both of these options to fit within the framework of a Conservative Jewish wedding, that framework itself must be redefined to consider the broad spectrum of acceptable rituals. The debate over appropriate rituals thus becomes a debate about the Conservative movement itself and how Conservative practices can reflect changing norms.

These two ritual options assume that there is more than one way to think about societal change and how it can impact ritual. But this ambiguity is a double-edged sword. Clergy and same-sex couples have the freedom to choose between these two ceremonies (and likely an

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<sup>91</sup> Elazar and Geffen, *The Conservative Movement in Judaism: Dilemmas and Opportunities*, 21.



infinite number of other possibilities if their clergy member is willing to get creative) to find a ritual that is meaningful to them. This freedom to choose something that makes ritual feel personally meaningful to a same-sex couple was not even a given within the Conservative movement until 2006, at which point it legitimated same-sex relationships and same-sex people from the standpoint of religious leadership. But one of the issues with pluralism of opinion is that it leaves future decision-makers with less clarity about the best way to approach future problems. The Conservative movement was clear about allowing its clergy to perform same-sex weddings, but the CJLS was ambiguous in the precedent it set about how rituals might be adapted to new social realities.

In the conclusion to their 2012 responsum, Dorff, Nevins, and Reisner wrote that “we hope that the ceremonies and documents in this Appendix will be welcomed by rabbis and couples around the Jewish world as one way to invest these important life cycle events with Jewish meaning and holiness and thus further make our gay and lesbian members fully welcome within the Conservative/Masorti community.”<sup>92</sup> They recognized that by adapting a ritual which had offered legitimacy and recognition to heterosexual couples for years, they were legitimating the existence and belonging of queer members of their communities. Ritual has the power to redefine the boundaries of who and what belong within a religious community. In the next chapter, I discuss some of these implications of the various ways that religious communities like the Conservative movement choose to approach change. Change is a constant, which means that religious communities must continuously be rethinking how their rituals fit into a contemporary context. Each of these choices, like the choice that the CJLS made to offer two distinctly separate

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<sup>92</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples,” 20.

ways of adapting wedding rituals for same-sex couples, comes with its own set of consequences for how religious communities define themselves, make future choices about ritual, and stay true to their traditions.

## Chapter 3

### Defining a Theory of Ritual Change

The development of same-sex wedding rituals in the Conservative Jewish movement was ultimately a process during which the Conservative movement labored to create a same-sex wedding ritual that respected tradition, differed at least as much as was necessary to match a couple's gender identities, and felt true to Conservative Jewish ideas about weddings and marriage. Deciding to allow and later defining same-sex wedding rituals required self-reflection on the part of the Conservative Jewish community. This process of ritual change was informed by social shifts as American views of same-sex marriage shifted more broadly and the Conservative community determined what rituals were appropriate to show that “gays and lesbians are welcome in [their] congregations, youth groups, camps, and schools”<sup>93</sup> as they claimed in 1992. Based on the case study in the previous chapter, I propose a theory of ritual change that acknowledges how ritual change is impacted by changing definitions of ritual, but also by changing definitions of religious community boundaries. As these communities redefine themselves and what constitutes their group, ritual must be adapted to shift alongside religious communities.

Ritual change may sound almost oxymoronic because of common understandings of ritual. We often understand ritual as an eternal tradition immune to change. Axel Michaels describes how “it seems to me that rituals, especially religious rituals, are intrinsically bound up with this notion of changelessness. Rituals are regarded as rigid, stereotypical, and unchangeable because they are *per definitionem* difficult to change. This does not mean that rituals are unchangeable. On the contrary, they are altered without giving up the claim of being

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<sup>93</sup> “Consensus Statement on Homosexuality,” 612.

invariable.”<sup>94</sup> According to Michaels, the process of ritual change is often obscured by our beliefs that rituals are practically impossible to change and seem to be static even when they’re not. If anything, this should encourage religionists to study ritual change as a process more closely to understand how changes in ritual come to be in a system designed to obscure them.

Kreinath, Snoek, and Stausberg introduce their extensive annotated bibliography on ritual theory by listing a few of the methods that ritual theorists have used to develop their own theories about ritual. The first was one that has already been used to guide this project, which they call the “prototype strategy”:

Take the ritual you are mostly familiar with, and elaborate on whatever you may regard as theoretically noteworthy characteristics of this ritual (and hence: ritual in general). Theoretically noteworthy are these features that may strike you as constituting the character of the respective action, behavior, or event as ritual (in contradistinction to non-ritual actions, behaviors, or events).<sup>95</sup>

The entire first chapter of this project was devoted to the theoretically noteworthy aspects of weddings, and sometimes same-sex weddings specifically, that make the wedding a ritual worth studying. Rather than create a theory of ritual like Kreinath, Snoek, and Stausberg are referencing, I’d like to use their prototype strategy to now propose a theory of ritual change.

My theory is that ritual change is at its core about changing definitions. I take definitions in this context to mean the way that the group in question commonly understands the object in focus. Definitions shift to include or exclude certain characteristics or examples as people’s perceptions of that object change. There are two definitions in particular that might shift to cause a ritual change: the definition of the religious community and the definition of the ritual. Rituals

<sup>94</sup> Michaels, “Ritual and Meaning,” 260.

<sup>95</sup> Jens Kreinath, Jan Snoek, and Michael Stausberg, *Theorizing Rituals: Annotated Bibliography of Ritual Theory, 1966-2005*, Numen Book Series: Studies in the History of Religions 114–2 (Boston: Brill, 2007), ix.

change when a traditional practice no longer meets the needs of the contemporary community. The reasons for this dysfunction often fit into one of two categories, either that people's idea of the ritual is changing or that their idea about who fits into their religious community and who should be performing the ritual is changing. Most ritual theorists focus on the definition of the ritual changing, if they write about ritual change at all. They don't assume that these rituals appear out of thin air; "evolution" has its own section in the index of Kreinath, Snoek, and Stausberg's anthology and many of the early ritual theorists compared ritual evolution to biological evolution. But leaving out considerations of the religious community performing the ritual ignores some of the most important reasons ritual change might occur.

Redefinitions of both the religious community and the ritual led to the development of same-sex wedding rituals in the Conservative Jewish movement. Understanding how both of these processes of redefinition shaped the way that same-sex wedding rituals evolved helps us think more broadly about how religious communities' confrontations with modernity shape ritual change.

### **Redefining the Ritual**

Various stages of development changed the definition of a Conservative Jewish wedding. Initially it might seem that Dorff, Nevins, and Reisner's 2006 responsum served as a turning point by allowing same-sex weddings as Conservative Jewish weddings. However, the responsum didn't change the definition of a Conservative Jewish wedding or marriage. The authors acknowledge this limitation of their work by explaining that "[they] have no objection to informal rituals of celebration for gay couples... but we are not able in this responsum to address

the many halakhic questions surrounding gay marriage.”<sup>96</sup> The entire document skirts the issue of marriage, instead discussing same-sex unions, relationships, and commitment ceremonies.<sup>97</sup> This language was in part representative of the political reality in the United States at the time. It would still be nine more years before the *Obergefell v. Hodges* Supreme Court decision affirmed the right of same-sex couples to marry throughout the United States.

Tension exists here between the decision made by a religious community and the government that has the legal power over those choices. However, it seems that rabbis in the Conservative movement, or at least on the CJLS, knew that even without most American same-sex couples having the opportunity to legally marry, it was important to offer the option to more formally recognize their relationships and to pave the way for Conservative Jewish same-sex marriage as individual states allowed. As Dorff put it when interviewed about the decision, “We do have a Jewish and a social and a medical need to try to confirm those unions.”<sup>98</sup> This need to affirm same-sex couples reflects a shift in how Conservative Jewish couples were defined, but not yet how Conservative Jewish marriage or weddings were defined.

In 2012, the boundaries of what could be considered a Conservative Jewish wedding officially expanded to include the new ritual frameworks proposed by Dorff, Nevins, and Reisner. By voting for both of these documents, the CJLS was making a statement that they wanted to change the definition of the ritual of the Conservative Jewish wedding to include same-sex weddings, and they were willing to specifically define what this new kind of ritual

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<sup>96</sup> Dorff, Nevins, and Reisner, “Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards,” 17.

<sup>97</sup> Dorff, Nevins, and Reisner, “Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards.”

<sup>98</sup> Ben Harris, “Just What Does the Gay Ruling Mean?,” *Jewish Telegraphic Agency World Report*, December 8, 2006.

would look like to fit within the Conservative Jewish wedding umbrella. This shift in definition was already beginning to happen unofficially at a smaller scale, among communities where same-sex weddings were legal. However, Dorff, Nevins, and Reisner seem aware of the ambiguity left by their 2006 statement which used “commitment ceremony” as a stand-in for “wedding” without unpacking how this differentiated same-sex couples from heterosexual couples. They clarified that “we are convinced that the nomenclature of gay marriage and divorce should be equal and clearly stated as such, not obscured in ambiguous language. Thus, even though the halakhic mechanism for binding the couple together is distinct from the traditional model of *kiddushin*, the result is still a Jewish marriage.”<sup>99</sup> The fact that the CJLS was willing to call same-sex marriages Jewish marriages marks an important and necessary step in ensuring that same-sex wedding rituals are fully considered Conservative Jewish wedding rituals.

Each of these societal developments and CJLS choices added to an expanding definition of the Conservative Jewish wedding. This expansion of who might be allowed to participate in a Conservative Jewish wedding was accompanied by a simultaneous narrowing of the requirements for said wedding. In particular, the *Tallit* and Three Blessings framework shows how ritual objects that might once have been considered standard for all Conservative Jewish weddings were no longer necessary as a marker of a correctly officiated wedding.<sup>100</sup> The traditional seven blessings and the iconic *huppah* featured at many Jewish weddings were suddenly not required for a wedding to be sufficient for Conservative Jewish clergy. If following the *Tallit* and Three Blessings ritual framework leads to a successful Conservative Jewish

<sup>99</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples,” 3.

<sup>100</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples.”

wedding, then many other ritual options which eschew traditional pieces of a Conservative Jewish wedding might also fit properly within this new definition. This move to offer two ritual frameworks, but particularly the *Tallit* and Three Blessings ritual, opened a Pandora's box of sorts. One of the key ritual changes presented in Dorff, Nevins, and Reisner's 2012 appendix that helped to redefine the Conservative Jewish wedding was the alternative to *kiddushin*, by which the partners acquired their partnership rather than one acquiring the other. As the headline of one 2012 New York Post opinion piece read, "Jews complain gay weddings are more fair than straight ones."<sup>101</sup> Some Conservative Jews saw the new same-sex wedding rituals as far more egalitarian than the rituals offered to heterosexual couples. This refined definition of the Conservative Jewish wedding offers space for many more changes to Jewish wedding rituals to be developed.

However, Dorff, Nevins, and Reisner recognized this possibility and seemed to worry that people may take their ritual reinvention too far. The CJLS toes the line between expanding the boundaries of the Conservative Jewish wedding enough but not too much. As the definition of the wedding evolves, the end goal of the ritual stays the same even if the means differ. A Conservative Jewish wedding both before and after these shifts seems poised to honor a couple's union, follow certain Jewish traditions, and sanctify the household and relationship they will build together. The result of the ritual is constant. Dorff, Nevins, and Reisner acknowledged this in their appendix, noting that the debate between following traditional heterosexual weddings as much as possible versus creating a sense of distinction for same-sex wedding rituals is "a good-faith debate with the shared goal of strengthening stable and loving unions for both gay and

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<sup>101</sup> Mayrav Saar, "Jews Complain Gay Weddings Are More Fair than Straight Ones," *New York Post*, September 9, 2012, <https://nypost.com/2012/09/09/jews-complain-gay-weddings-are-more-fair-than-straight-ones/>.



straight couples.”<sup>102</sup> The rabbis supported an expansive definition of the Conservative Jewish wedding by offering two rituals that represented contrasting understandings of how to balance tradition and change. They allowed room for debate and differing interpretations while still emerging from this process with concrete ritual frameworks that individual clergy members could follow to officiate at same-sex weddings. In addition to desiring to create a ritual definition inclusive of a wide range of beliefs about tradition, the authors likely also recognized that communities desire autonomy when it comes to ritual. Communities choose those rituals they find most relevant and meaningful for them. Offering two ritual frameworks fulfills this need for communities to self-define their goals and desires when it comes to meaningful ritual. This process of considering the possibilities of meaningful same-sex wedding rituals also ultimately informed the way that Conservative Jews redefined themselves as a community.

### **Redefining the Religious Community**

The Conservative Jewish movement has often struggled to define itself, as the movement less tied to orthodoxy than Orthodox branches of Judaism, but more tied to Jewish law than the Reform movement. The community struggles with multiple options for balancing tradition and change, a struggle that unsurprisingly bleeds into the way that rituals are created and change. The minimal existing literature on ritual change focuses largely on how ritual itself changes. This is important, but ignores a key aspect of ritual change. Rituals are performed by people, who belong to a religious community that espouses certain values and practices but who also live their lives not always doing or thinking things directly tied to their religious community. As the

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<sup>102</sup> Dorff, Nevins, and Reisner, “Rituals and Documents of Marriage and Divorce for Same-Sex Couples,” 3.

world changes and people experience that world, religious communities are likely to have to grapple with that change. This theory nuances ritual change by acknowledging how ideological and demographic shifts in a religious community could lead to ritual changes. When a religious group redefines who belongs and who has certain powers in their community, rituals must shift to accommodate those changes.

With Conservative Jewish same-sex weddings, the question is not as simple as whether or not queer people who wanted to enter into a same-sex marriage would be accepted as part of the Conservative Jewish community. This question was, at least officially, answered in the 1992 Consensus on Homosexuality and then again in 2006 when it was deemed acceptable for Conservative rabbis and cantors to officiate at same-sex weddings. However, the 2006 responsum and its 2012 appendix allowing same-sex marriage and designing rituals specific to same-sex couples provoked responses that signaled that these decisions by the CJLS represented a certain definition of the Conservative Jewish movement. Whether people agreed with the CJLS decisions reflected their own definitions of Conservative Judaism and their understandings of how their religious community should define who is allowed in and what rituals might they be allowed to participate in.

In 2006 in the days following the approval of Dorff, Nevins, and Reisner's "Homosexuality, Human Dignity & Halakhah: A Combined Responsum for the Committee on Jewish Law and Standards" the flood of opinions published about the responsum showed just how tenuous the relationship between tradition and change was, and arguably has always been, for Conservative Jews determining how to define their community. Some saw this move by the CJLS as par for the course given societal shifts. Rabbi Jerome Epstein, a member of the CJLS

and then-executive vice president of The United Synagogue of Conservative Judaism, the association of Conservative congregations in North America, wrote in a column:

Conservative Judaism has always looked upon change as an organic process. As Conservative Jews, we are equal partners in the process of creating an authentic and resonant Judaism that gives full recognition to the claims of the past while considering the realities of the present.

Those Conservative communities and institutions prepared to move forward in accordance with the Law Committee's decision now are free to engage openly gay and lesbian rabbis and cantors, and to host same-sex commitment ceremonies. Those that opt for the status quo are equally free to do so. The communities, under the direction of their rabbis, are the final authorities; change is a process generated from within.

There is no judgment in the committee's decisions about which is the correct course of action. Both positions now are considered valid.<sup>103</sup>

Epstein's point that "change is a process generated from within" is prescient because it shows how ritual change like the choice to include same-sex weddings in Conservative Jewish wedding practices can only occur when a community has already undertaken an internal process of change. If and when individual congregations choose to begin performing same-sex wedding ceremonies, this represents an existing shift in the community in their willingness to change ritual to match other beliefs and practices. The community's reconsideration of itself is what makes ritual change feasible.

At the same time, part of Epstein's goal in writing this column was to explain how the CJLS ruling was not the end-all-be-all, but rather a suggestion that individual rabbis and congregations could choose to follow or not. In his words, the "status quo" was still to not consider a same-sex wedding a Conservative Jewish wedding. This points to one of the struggles the Conservative movement faces in its attempts to include a diversity of viewpoints. What does

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<sup>103</sup> Jerome Epstein, "Decision Was Difficult, but Shows the Diversity of Conservative Jews," *Jewish Telegraphic Agency*, December 8, 2006, <https://www.jta.org/2006/12/08/archive/decision-was-difficult-but-shows-the-diversity-of-conservative-jews>.

it mean to be a Conservative Jewish community if the definition of the “status quo” differs between communities that claim the same label? This struggle to define Conservative Judaism was evident in some of the reactions to the decision. Days after the 2006 decision was made, a Jewish Telegraphic Agency article described how Canadian Conservative rabbis were not keen to begin officiating at same-sex weddings. “I haven’t polled our members, but I haven’t heard of one who has indicated that they will officiate at commitment ceremonies,’ said Rabbi Wayne Allen, president of the Rabbinical Assembly’s (Central) Canada region... ‘What that indicates is that the rabbis in our region are content with the traditional view of Jewish law.’”<sup>104</sup> More than just being content with a traditional view of Jewish law, these Canadian Conservative rabbis were making the statement that they were unhappy with changes to the traditions or boundaries of their Jewish community that threatened what they knew of as Conservative Judaism. At the time, some Canadian rabbis were discussing the possibility that their congregations would choose to disaffiliate from the official Conservative movement because of the same-sex marriage decision.<sup>105</sup> An affiliation with the Conservative movement implies that the congregation agrees to be considered Conservative, to fit under that term and whatever it means. Threatening disaffiliation underscores how these rabbis are struggling to see themselves, their congregations, and their beliefs represented within the direction they perceived that the Conservative movement was going.

<sup>104</sup> “Around the Jewish World Few Canadian Conservative Rabbis Expected to Perform Same-Sex Rite,” *Jewish Telegraphic Agency*, December 12, 2006, <https://www.jta.org/2006/12/12/archive/around-the-jewish-world-few-canadian-conservative-rabbis-expected-to-perform-same-sex-rite>.

<sup>105</sup> “Around the Jewish World Few Canadian Conservative Rabbis Expected to Perform Same-Sex Rite.”

Ritual change provoked by community redefinition is one important way that religious groups exhibit the complicated web of negotiations that occur surrounding the group's identity as they evolve. Weddings and marriage have become defining battlegrounds for the Conservative movement, particularly in distinguishing it from other mainstream movements of Judaism in North America. While the community made the choice to allow same-sex couples to marry at weddings officiated by Conservative clergy, and later defined ritual frameworks to make this even more accessible, interfaith marriage has been a sticking point. In recent years, many Conservative Jews and even a few rabbis have pushed to allow Conservative clergy to officiate at weddings between a Jew and a non-Jew, but the Rabbinical Assembly has stood firm in not approving the practice and going so far as to expel members of their organization that disobey the rule.<sup>106</sup> For example, the prominent Conservative Los Angeles Rabbi David Wolpe told the Atlantic in 2017 that "to bless an intermarried union is ... to in some way betray the very thing that I've given my life to, which is to try to maintain the Jewish tradition."<sup>107</sup> This is the same rabbi that in 2013 made headlines because he announced that he would perform same-sex weddings as soon as the Supreme Court allowed same-sex marriage in California, causing many families to leave his congregation.<sup>108</sup> The Conservative movement has used marriage as a way to set boundaries on membership in their community and standards for who is a Conservative Jew. Juxtaposed against the tense issue of interfaith marriage, it becomes even more clear how the desire to fully include same-sex couples motivated Conservative Jews to create certain same-sex

<sup>106</sup> Green, "We're Headed Toward One of the Greatest Divisions in the History of the Jewish People."

<sup>107</sup> Green.

<sup>108</sup> Adam Nagourney, "Gay Marriage Stirs Rebellion at Synagogue," *The New York Times*, July 5, 2013, <https://www.nytimes.com/2013/07/06/us/rabbi-takes-a-stand-for-gay-marriage-and-a-segment-of-the-congregation-rebels.html>.

wedding rituals, an offer they have not extended to interfaith couples. The inclusion of same-sex wedding rituals under the umbrella definition of the Conservative Jewish wedding reflects the community's desire to legitimate same-sex couples and their relationships as a form of gatekeeping.

## Conclusion

One of the limitations of this project is that I have only been able to analyze what has been written about Conservative Jewish weddings in order to understand them, rather than also being able to watch and experience weddings. J.Z. Smith has argued for ritualists employing a healthy dose of skepticism when studying ritual through how people talk or write about ritual rather than seeing how they experience it. While Smith analyzed bear-hunting rituals, one of his takeaways in studying communities that hunt was that “there appears to be a gap, an incongruity between their ideological statements of how they *ought* to hunt and their actual behavior while hunting. It is far more important and interesting that they say this is the way they hunt than that they actually do so.”<sup>109</sup> Following Smith's logic, what is more important here is to think about how Conservative Jews talk about ritual change in weddings than it is to observe how weddings take place. The frameworks for same-sex wedding rituals approved in 2012 by the CJLS certainly don't represent how all Conservative Jewish same-sex weddings look. But these two frameworks represent two unique ideals, both of which are results of a process of self-reflection by the community. Examining the process of ritual change that culminated in 2012 for the Conservative movement tells us just as much about how Conservative Jewish leaders defined their community as it does about the proper way to conduct a same-sex wedding.

<sup>109</sup> Jonathan Z. Smith, “The Bare Facts of Ritual,” *History of Religions* 20, no. 1/2 (1980): 123.

A ritual can only be as meaningful as it is relevant to people's lives in the community practicing that ritual. To ensure their rituals feel relevant, religious communities often develop rituals informed by the cultural context in which they are or will be practiced. This method of thinking about ritual change in terms of changing definitions of the religious community and the ritual itself brings evolving rituals into conversation with the evolving societal context in which that ritual happens. Acknowledging that both changes in the definition of a ritual and a religious community can impact ritual change underscores that rituals are deeply interwoven with the people who perform them. These contributing factors to ritual change were particularly evident in the example of same-sex wedding rituals in the Conservative Jewish movement because we can trace the evolution of these rituals alongside shifting community beliefs about same-sex marriage and marriage more broadly, ultimately changing how Conservative Jews saw their own group. This moment of societal rupture, during which religious communities like the Conservative movement had the opportunity to face the arbitrariness of their own rituals, facilitated ritual change. Future work on ritual change would benefit from similar analyses of how redefining community boundaries influences the ways in which rituals change.

## Conclusion

When people talk about being “wedded” to something, it generally means that they feel stuck with that particular thing or idea. They are convinced it is the right option, or that it’s the only option. In the case of the contemporary Conservative Jewish movement in the United States, this community is simultaneously wedded to both tradition and change, attempting to determine the appropriate balance between the two for any given ritual or belief. No matter their beliefs about orthodoxy or adaptation, every religious community in the contemporary world must negotiate tradition and change, and the Conservative Jewish movement is just one example of this. One of the most comprehensive ways to understand how this balance is accomplished is by looking at how societal shifts impact Conservative Jewish decision-making. The CJLS offered a unique opportunity to see these ideological shifts happening in real time because of the nature of responsa. Rabbis ask questions to the CJLS that feel prescient in their social context, ensuring that the CJLS is addressing topical inquiries about how Conservative Jewish beliefs and halakhah fit into contemporary society.

Ultimately the CJLS wanted to represent the movement’s beliefs, not pave the way for something that wasn’t representative of their constituency. At first, their hesitance to allow same-sex commitment ceremonies seems to suggest that they are wedded to a particular idea of marriage, one that they are unwilling to change. But over time, that definition of marriage does change. Popular opinion shifted and by 2006 the CJLS was willing to allow Conservative clergy to perform same-sex commitment ceremonies. Then, six years later, they clarified that 2006 opinion with specific rituals for same-sex weddings. The prescription of two different rituals allows for choice but also helped to further widen the definition of the Conservative Jewish wedding, since the *Tallit* and Three Blessings ritual offered a radically new wedding and



departed from many of the ritual components traditionally considered essential for a Conservative Jewish wedding. This insistence on diversity of ritual speaks to the CJLS' commitment to ensuring individual rabbis and congregations retain some authority to determine meaningful rituals for their own communities.

Understanding wedding rituals as powerful, transformative, and performative allows us to better analyze exactly how it is possible for these ceremonies to hold meaning in people's lives. Weddings are powerful in that they must be understood as a community's exertion of power over the couple, since the religious community and/or the state is the body which makes the marriage official. They are also powerful in the way that relationships of power between people at the ritual are created and enforced. Weddings are transformative because they represent this liminal time and space in which regular social structures are upended, allowing for a couple to join together in a unit. They are performative in that they offer a key opportunity for gender performativity to occur, during a ceremony that has traditionally been based around gender.

These traits are all reasons that marriage has often been used, especially in the Jewish tradition, to set boundaries for communities. Hundreds of years ago, those boundaries were mostly to protect a certain Jewish identity by supporting endogamy. But in the past two decades, the Conservative Jewish movement has also defined themselves through their choices about marriage and weddings. By allowing same-sex weddings, the movement makes a claim that same-sex couples deserve to be inducted into the community as a unit in a wedding ritual as much as heterosexual couples deserve this. The movement thus redefines its identity further by bringing to fulfillment the kind of inclusion of gays and lesbians they committed to in 1992. By 2012, Conservative Jewish leadership wanted to be clear that the same legal structure might not be used for a same-sex wedding, but same-sex couples were otherwise to be married in nearly

the same way that heterosexual couples were. A shift in the definition of the Conservative Jewish wedding allowed the movement to consider the new rituals devised in 2012 as proper weddings. Changes to the Conservative Jewish definition of both a wedding and their own group made the 2012 same-sex wedding rituals possible.

This ritual change in the Conservative Jewish movement showed one example of how changes in ritual definition and community definition both allow for ritual change to happen. Changes in the definition of a ritual may be a more obvious step on the way to ritual change, because the broadening or narrowing of the definition of a ritual necessitates changes in the ritual itself to match that new definition. The less obvious changes in community definition can also have powerful impacts on how a ritual happens. When the CJLS chose to allow same-sex marriages, not just commitment ceremonies, it reflected a redrawing of their community boundaries to include same-sex couples as full members of their communities, at least in terms of wedding rituals.

### **Looking Towards the Future**

If we take this evolution of same-sex wedding rituals in the Conservative Jewish tradition as just one example following in a long line of ritual change, then what comes next? The ritual change discussed in this thesis reveals much about the Conservative Jewish movement, but one of the key takeaways must be the acknowledgement that a diversity of rituals is key to the success of the movement. When Dorff, Nevins, and Reisner sat down six years after writing their responsum on same-sex marriage to devise its appendix detailing specific rituals for same-sex weddings, it seems that they recognized the limitations of their work. The two rituals they wrote offered the option to follow as closely as possible in the steps of heterosexual weddings of the

past and the option to throw away much of what had been considered traditional. I anticipate that this ritual creativity invoked in Dorff, Nevins, and Reisner's appendix will transcend same-sex weddings and be utilized by egalitarian, progressive heterosexual couples looking for a slightly different wedding ceremony. Their appendix was influenced by Rachel Adler's work to devise a more egalitarian wedding contract, and no doubt their work will inspire more ritual change and creativity too.

One of the major limitations of this project was that I was unable include an ethnographic component or personally interview anyone involved in Conservative Jewish same-sex weddings. This research was based on what Conservative Jews say and write about same-sex weddings rather than how they accomplish them. I knew that this could not represent the entire Conservative Jewish movement's views, even if the CJLS is meant to speak for the leadership of the movement. This is an area ripe with possibilities for future research, in part because Dorff, Nevins, and Reisner's rituals were only released 8 years ago. It would not surprise me if 10 years from now, 18 years after the release of these rituals, most Conservative Jewish weddings (regardless of the couple's sexualities) look more like these 2012 rituals than the ones featured in current clergy officiation guides.

While there is much to be studied in the Conservative Jewish movement, especially because of its unique project to balance a commitment to Jewish law with modernity, the implications of changing community boundaries on ritual can be studied across a wide range of rituals. I'd be curious if change in other rituals can be tied to changes in community definition, in Judaism or otherwise. This theory could be helpful to think particularly about conversion rituals, baptism rituals, confirmation rituals, and other rituals that help a community define its boundaries. While Conservative Jewish same-sex wedding rituals are a specific example of how

ritual change occurred in a contemporary context, this process of ritual change has something to teach ritual theorists more broadly about the relevance of ritual change. Religious communities don't often proclaim outright "we're redefining ourselves and who/what belongs in our community." However, their rituals and the changes happening to those rituals may be saying something about shifting community boundaries on the community's behalf. The seemingly static nature of ritual can obscure these messages, but those studying ritual must insist on unpacking how even slight changes in ritual may indicate ideological shifts among the group. Weddings and other rituals might appear to be performances that are based on age-old, static traditions. But those performances have much to tell us about the communities that define these rituals, because the process of ritual change reflects how a community defines itself.

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