

A Wedding Via Zoom?

The Freehof Institute of Progressive Halakhah, 2020 / תש"פ

You've scheduled your *hupah* and booked the venue. Now the realization sets in that, during a time of pandemic and enforced isolation/quarantine, your guests won't be able to join you. You could postpone the ceremony until a time when your guests will be able to attend, but you and your beloved are determined to go through with the ceremony on the appointed day. The good news is that you can hold the wedding online, with the two of you and the (socially-distanced) rabbi at the physical location while your guests watch the proceedings safely from their homes. The problem: does an online wedding meet the requirements of *halakhah*, Jewish law? That, as they say, is complicated. But we think there's a way to get to "yes."

Let's consider the problem by dividing the traditional Jewish wedding ritual into its three main constituent parts.

1. *Erusin* / אירוסין. The first part of the ceremony is often mistranslated as "betrothal," a word that suggests an engagement to marry. *Eirusin* is actually the formation of the legal bond between the couple. Its minimum requirements are: a) *ma'aseh kiddushin*, the act that creates the marriage bond, effected through the exchange of an object of monetary value, customarily a ring, b) carried out for the express purpose of marriage, which is why the groom – or, in our progressive practice, both bride and groom – make a statement to that effect – *harei at/ah m'kudeshet/m'kudash*, etc., at the time of the exchange, c) in the presence of two qualified witnesses who can see the ring exchange and hear the couple declare their intent to marry thereby. It's also the long-standing practice that the exchange be supervised by an officiant, the *m'sader kiddushin*.

There's no problem, of course, if the witnesses and the officiant are physically present at the ring exchange. But let's suppose that the witnesses, like everybody else, must shelter in place and therefore can only attend the ceremony in a virtual manner. Is their testimony valid even though they can only see the rings on a computer screen? [CCAR responsum no. 5773.3](#), "Conversion Beit Din via Video Conference," argues that the requirement of "presence" (בפני בית דין) is satisfied if the viewer watches the proceeding electronically. Similarly, the act of *kiddushin*, which must also take place in the *presence* of witnesses (בפני עדים; *Shulhan Arukh Even Ha'ezer* 34:9), can be accomplished via video. Obviously, it would be better that the witnesses be physically present to see the ring and witness the exchange, but in the case of *sha'at hadahak*, a time of special urgency, we have to consider whether the essence of *edut* (עדות), testimony, can reasonably be achieved through electronic means. It's instructive in this regard to cite the word of the *t'shuvah*: "The Talmudic authorities and Rashi, to be sure, could only imagine these acts being performed in a direct, 'hands-on' manner. Were they alive today, in a world where digital technology has dramatically expanded the ways in which we encounter and communicate with each other, we think they would agree with our reading of the tradition: a court convened via videoconference is a valid *beit din* for the purpose of supervising *giyur*."

One more thing: the couple must be able to see the witnesses at the moment of *kiddushin* (*Shulḥan Arukh Even Ha'ezer* 42:3). So think about that when you decide upon a video platform for the ceremony.

Is a *minyan* required for this part of the ceremony? Those who answer positively derive the requirement from the example of the wedding between Ruth and Boaz, for which Boaz gathered ten elders of the town (Ruth 4:2). See *B. Ketubot* 7b: תנא: מנין לברכת חתנים בעשרה? שנאמר: ויקח עשרה אנשים מזקני העיר ויאמר שבו פה. Others disagree, saying that the *minyan* in that case was assembled specifically for *hupah* and not for *erusin*, the first part of the wedding ceremony. (On all of this, see *Hil. HaRosh, Ketubot* 1:12.) In practice, a *minyan* is an ideal standard (*l'hatkhalah*) for this first part of the wedding but not an absolute requirement (*Shulḥan Arukh Even Ha'ezer* 34:4). Given the extraordinary circumstance of the current pandemic, there's no reason to insist upon the presence of a *minyan* for this part of the ceremony.

2. *Ketubah* / כתובה. It is customary to read the *ketubah* immediately following *erusin* and prior to *hupah*. The *ketubah* originally was a document of indebtedness (promissory note) in which the groom specified to financial obligations that he and his heirs would owe to the bride should he precede her in death or should the marriage end in divorce. Today, in liberal circles, the text of the *ketubah* is usually an egalitarian one that expresses the couple's vision of the union they are forming. The problem in our case is that the *ketubah* must be signed by two witnesses as testimony that the couple have agreed upon the terms stated in the document. What if the couple could not arrange for witnesses to sign the *ketubah*? In a *sha'at hadaḥak*, we can rely on the rule in *Mishnah Ketubot* 4:7: לא כתב לה כתובה בתולה גובה מאתים ואלמנה מנה מפני שהוא תנאי בית דין – כתב לה – “if the husband failed to write a *ketubah*, the wife nonetheless collects the amount that she should have been promised, because this is a requirement of the *beit din*.” In other words, the *ketubah* is not simply a matter left to negotiations between the parties. It is enforceable as a matter of law, a communal expectation that the couple will live up to the fundamental duties of marriage. Thus, even in the absence of a signed written document the wedding can go on, because the obligations enshrined in the *ketubah* exist and are binding upon the couple.

3. *Hupah* / חופה. The word *hupah*, commonly understood as the canopy under which the wedding ceremony takes place, refers halakhically to the moment that *marriage* takes effect, when the couple, who have already been bonded by way of the *ma'aseh kiddushin*, now begin to live together as a household united in marriage. (See *Shulḥan Arukh Even Ha'ezer* 55:1, and Isserles *ad loc.*, for the different definitions of *hupah*.) Since marriage (*nisu'in*) takes effect at this moment, we recite the *birkat ḥatanim*, also known as the *sheva b'rakhot*, the seven wedding blessings (actually six; since the blessings are recited over a cup of wine, we add *borei p'ri hagafen* to the *b'rakhot* that are specific to the wedding and the celebrations that follow). The difficulty here is that unlike *erusin*, the *sheva b'rakhot* do require a *minyan* (*Shulḥan Arukh Even Ha'ezer* 62:4). So what to do when shelter-in-place orders make it impossible to gather ten people at the place where the wedding occurs? There are two options.

- We can rely on those [opinions](#) that [hold](#) that, in *sha'at hadaḥak*, a valid *minyan* may be constructed by electronic means. In that case, we would recite the *b'rakhot*.
- What if we don't feel comfortable with that leniency and recognize only a physically-present *minyan* as valid? May we hold the wedding without reciting the *sheva b'rakhot*? This touches upon a long-standing halakhic question: is it permissible to hold a wedding

in a town so small that one cannot assemble a *minyan* there? Some *poskim* permit this, based upon the rule that failure to recite the required *b'rakhot* over an act does not render that act invalid (אין ברכות העכבות; R. Yisrael Isserlein, 15th-century Germany, *Resp. T'rumat Hadeshen*, part 2, no. 140; R. Moshe Isserles, *Darkhei Moshe to Tur, Even Ha'ezer* 62, no. 6). If we follow this opinion, we may hold the wedding without reciting the *sheva b'rakhot*. This makes eminent sense: the *b'rakhot* are certainly desirable; it wouldn't seem proper to hold a wedding without them. But when circumstances prevent us from reciting them, that's not sufficient reason to put off a wedding, especially when it's important to the couple to hold the ceremony sooner rather than later. In place of the blessings, the officiant and the couple may devise some liturgical readings that touch upon their themes. At some future date, when we are able to come together again, the *sheva b'rakhot* should be recited in the presence of a *minyan*.

Mazal tov!