

## Double Ring Ceremony

*Is it permissible for a bride to give the groom a ring under the huppah and, if so, when may the ring be presented and what may the bride say?*

In a celebrated responsum, Rabbi Moshe Feinstein, of blessed memory, invalidated Reform wedding ceremonies on several grounds (*Responsa Iggerot Moshe*, 1961, *Even Ha' Ezer*, no. 77, pp. 178–179). He writes: "...there are a number of factors that invalidate the marriage even if the procedure of betrothal was performed, such as [his giving her] her ring or the ring that he gave her as a gift beforehand, and now he says some words. Specifically, there is the concern that no legal act of betrothal was performed at all from man to woman in that, as many of them do, they merely exchange rings and she (i.e., the bride) also speaks and similarly [the ceremony includes] many other worthless practices borrowed from Gentile custom...." Rabbi Feinstein appears to say that it is possible to invalidate a marriage even when performed before proper witnesses if the wedding ceremony lacks the appropriate legal act of betrothal, such as when the bride and groom exchange rings. He rules that the exchange of rings is not a legal act of betrothal, and the marriage is thus a nullity. Therefore it certainly would be halakhically forbidden to exchange rings during any wedding ceremony, for doing so would result in an invalid marriage, and their subsequent intercourse would be categorized as immoral since the groom and bride are technically single (See Deuteronomy 23:18 and *Sifre Deuteronomy*, ed. Finkelstein, p. 283; *Gittin* 81a–b; Maimonides, *Laws of Marital Relations* 1:4). What is left to determine, however, is whether an exchange of rings falls into the category of *halipin* (a barter-like exchange), which consequently could not constitute a legal act of betrothal.

In examining the rabbinic sources it is clear, however, that an exchange of rings as done under the *huppah* in contemporary weddings is not *halipin*. There are

five reasons why barter is an inappropriate method of effecting a marriage.

First, the Talmud (*Kiddushin* 6b) states: "Furthermore, it was Rava who ruled: 'A gift given on condition that it be returned is called a valid gift....' But said Rav Ashi: 'This is true in all matters except for that of [marriage to] a woman, for a woman cannot be acquired by exchange.' Rav Huna Mar, son of Rabbi Nehemiah said to Rav Ashi: 'We teach in Rava's name as you have stated'." RaShI (*ad locum*, s.v. *ella amar*) explains the reason Rav Ashi excludes exchange as a mode for acquiring a wife stating that it is similar to *kinyan sudar*, i.e., a simulated barter called "purchase by kerchief" (see Ruth 4:8), whereby the buyer gives to the seller some barterable item through which the buyer acquires title to the seller's property and the item is subsequently returned. It is like an exchange, as RaShI earlier (*Kiddushin* 3a, s.v. *halipin*) stated: "Exchange is purchase by kerchief". However, the Tosafot (*Kiddushin* 6b, s.v. *levar*) state that Rabbenu Tam does not consider this exchange. Rather, the rabbis did not consider a gift given on condition that it be returned valid for transacting a marriage because the item used in *halipin* is customarily returned also; so this transaction (gift on condition) looks like an exchange, and people would come to say that exchange is indeed a proper mode of acquiring a wife. Therefore, the rabbis nullified his marriage.

Whether one accepts RaShI or the Tosafot, the main point of both interpretations is that people customarily return what is given through an exchange which resembles "purchase by kerchief". It is like the act of acquisition the groom performs in accepting the responsibility for the terms of the marriage contract with the witnesses through the exchange of a kerchief or any other inconsequential item. It all depends on the item being returned and vocalizing that very intent. Thus Maimonides (*Laws of Marital Relations* 5:24) rules: "One who says to a woman, 'Behold you are betrothed to me by this coin on condition you return it to me' is not betrothed whether she returned it or not. For if she did not return it to him, the condition was not fulfilled and if she did return it to him, she neither benefitted from it nor received it at all." Applying this to the question under consideration, we note an obvious difference: there is no return when the bride gives the groom a ring. It is her ring to begin with and it is not the same ring that she received from the groom for betrothal.

Second, according to the Talmud, such a mode of acquisition is effective even with an item that is valued less than a penny. As the Talmud (*Kiddushin* 3a, bottom) says: "And let us say that indeed is so? Barter (*halipin*) is possible with less than a penny while a woman cannot be acquired with less than a penny." RaShI (*ibid.*, 3b, s.v. *la mikanya*) explains that an item valued less than a penny is "derogatory to her dignity" and therefore barter is void for effecting a marriage.

Third, it is equally derogatory to her dignity if the item was given with the accompanying language of bartered exchange alone. As RaShI goes on to say

(*ibid.*) “Even with an item valued more than a penny, if it was given to her under the expressed terms of exchange [it is derogatory to her dignity. It is valid] only when he gives it to her with the accompanying language of acquisition or taking or betrothal.” And according to the interpretation of Rabbenu Tam (*Kiddushin* 3a, s.v. *ve’ishah*), it has nothing to do with any individual woman’s feelings. The rabbis ruled for all Jewish women. Hence, Rabbenu Tam emended the text before us, omitting the word “*nafshah*” (herself) because that suggested that she has some say in the matter. Rather, the reason for disallowing the use for betrothal of an item valued less than a penny is that the rabbis learn this rule from a similarity of expressions from the case of Ephron’s field (Genesis 23) in which the word “money” is used. Anything valued less than a penny is not “money”. Rabbi Menahem HaMeiri (*Beit haBehirah, Kiddushin*, ed. Sofer, p. 13) levels the interpretations of RaSHI and Rabbenu Tam: “Since barter is void [for effecting marriage], it is void even when the item is worth more than a penny. And even if she wished to accept it, her wishes are discounted because she is like one who agrees to be betrothed with mere words, which is not [betrothal] at all...and there is no need to emend the text for the intent of the greatest of rabbis (i.e., RaSHI) is to teach that it is derogatory to all women, and even if she explicitly accepted it, it is of no consequence as we have explained.”

Fourth, acquisition by exchange is acquisition by means of an item that has no specific and immediately known value. The Talmud (*Kiddushin* 8a) states: “[And how does Rabbah refute the proof?] This is its meaning: [a slave] can be acquired by money but not by produce or utensils. And what is that? Barter.” And RaSHI (*op. cit.* s.v. *b’ torat kesef*) explains that slaves can be acquired by money itself or by something that has the value of money but not by exchange (see *Kiddushin* 46a).

All these reasons for disallowing an exchange do not apply to the question of validity of a marriage which includes an exchange of rings. First, the rings used by the bride and groom are certainly valued more than a penny. Second, the language used under the *huppah* during an exchange of rings is not the formula for barter. Third, the value of the rings exchanged do have a specific and immediately known value, assuming they have no gem stones as is regularly the case (see *Kiddushin* 9a and *Tosafot RI Hazaken ad locum; Kiddushin* 9a, *Tosafot ad locum*, s.v. *vehilkheta*; Rabbenu Asher, *Kiddushin*, Chapter 1, Section 8; *Responsa RaShBA* ascribed to Nahmanides, no. 126).

Moreover, actual barter is essentially an exchange of things between two parties (see Rabbenu Tam cited in *Tosafot B.M.* 47a, s.v. *ge’ulah*), but in the case of a double ring ceremony, even with an exchange of rings, this is secondary to the primary purpose of the ceremony, namely, their mutual intent to establish a formal relationship of marriage. An actual case of barter is not in any way the intent of the

parties, and the fact that the words used by them are not the language of barter clearly indicates this. Hence, there is no barter either in the legal or the analogous sense.

Rabbi David Halivni points out, however, that there are cases in which the exchange of rings can render the *kiddushin* null and void. In order for the *kiddushin* to be valid, the groom, the bride, and the two designated witnesses to the act of *kiddushin* must all intend that by the groom's act of giving the bride a ring *kiddushin* is effected. If any of the above parties intends that this act by itself will not effect *kiddushin*, then the *kiddushin* are not valid. When the bride also gives the groom a ring, it is possible that she, the groom, or the witnesses may intend her giving the groom a ring to be necessary for effecting the *kiddushin*. This intention can be construed as intending that the groom's act of giving a ring to the bride not effect *kiddushin*, which would render the *kiddushin* invalid.

Even when the officiating rabbi ascertains that the groom, bride, and the two designated witnesses all intend that the groom's act of giving the bride a ring fully completes the act of *kiddushin*, and they understand that what the bride does after accepting this ring is in no way part of the formal act of *kiddushin*, there remains the halakhic concern for the perception created by the exchange of rings that the bride has the same role as the groom in the marriage ceremony, and this is inconsistent with a Jewish marriage. In a Jewish marriage, the groom acquires the bride (see Deuteronomy 24:1) with her consent (see *Kiddushin* 2b), which is to say, he acquires her and she is acquired by him by means of her receiving the betrothal money (nowadays, a ring) from him. The bride and groom have different functions (see *Kiddushin* 5a and parallels; Jerusalem Talmud, *Kiddushin*, Chapter 1, beginning). Therefore, because a double ring ceremony may be misleading to observers (see *Betzah* 9a and parallels), the bride ought not give a ring to the groom immediately after she receives a ring—as betrothal money—from the groom.

Despite having said this, it is clear that the custom of double ring ceremony has already spread throughout many Jewish communities. Therefore, we must instruct the brides, grooms, and witnesses how to behave in regard to the rings so that the *kiddushin* will be valid and no misleading conclusions will be drawn. The rabbi arranging the wedding should advise the couple that if they wish to have a double ring ceremony the bride may not give the groom a ring during the part of the ceremony when she receives the marital ring from the groom who says "You are hereby consecrated to me as my wife with this ring". Rather, she may give him a ring after the reading of the *ketubah* or, better, after the seven blessings are completed. And if she wants to say something when she gives a ring to the groom, she ought not say "I am hereby betrothed to you" or any of the other phrases the rabbis proscribed (see Tosefta *Kiddushin*, Chapter 1, beginning; *Kiddushin* 5a) or, God forbid, "You are hereby betrothed to me" which would appear to indicate that

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she is rejecting the Jewish form of betrothal which was arranged in principle and in its particulars by the Rabbis. And, it is well known, anyone who betroths does so according to the Rabbinic institution of marriage (*ada' ata deRabbanan*; *Gittin* 33a and parallels; Tosafot, *ad locum*, s.v. *kol*). The bride, however, is permitted to use any phrase describing her love and devotion (like *ani ledodi vedodi li*) or even suggestive of giving a gift. Moreover, this gift given at the time of the marriage falls under the category of her dowry. Better still would be advising the bride to give the groom the ring during *yihud* (the time they are sequestered following the ceremony). Giving the ring at this time would lend added importance to *yihud* which today stands in place of the *huppah* of old. What we today call "*huppah*" is not the *huppah* of the Talmudic period (see *Sukkah* 25b, Tosafot, s.v. *ein*; Rabbenu Asher, *Sukkah*, Chapter 2, Section 8).

To sum up, since the exchange of rings is under no circumstances considered barter, the bride's giving of a ring to the groom, even after her receiving the wedding band from him, does not in itself invalidate the marriage *ex post facto*; but the intention of the bride, the groom, or the witnesses to consider the bride's giving of a ring to the groom part of the act of *kiddushin* may retroactively invalidate the *kiddushin*. For this reason, and because observers may be lead to conclude that the couple is degrading the Jewish way of effecting marriage in which man and woman are complements and not competitors, *ab initio* an exchange of rings ought not to be practiced. Even if bride, groom, and witnesses had the correct intention, we are concerned that observers would perceive the marriage to be void in that it failed to follow the procedures of the Rabbis. Therefore, if the bride wishes to give the groom a ring under the *huppah*, it would best be given after the reading of the *ketubah* or after the chanting of the seven blessings. Even more appropriate is her giving the ring to the groom during the period of sequestering following the ceremony (*yihud*). In any case, the bride may only verbalize her giving the ring as a gift, with no mention of betrothal.

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