

IMPORTANT DECLARATION

from the

Union of Orthodox Rabbis of the State of Massachusetts

In the Morning Journal of July 15, 1928 there appeared a report of a campaign which is now in progress between the rabbis and the cantors about the right to officiate at marriages in the State of Massachusetts. To the uninitiated reader it would appear from that report that the rabbis are the pursuers, the aggressors, and the cantors are the persecuted and on the defensive. For, according to the report in the newspaper mentioned above, the cantors have always been the official dispensers of the marriage rites, and it is only due to certain technical interpretations of the legal code that the cantors have been prohibited their right to practice this branch of their profession. The report further stated that the cantors were about to have a bill passed in the Legislature that their right to marry couples be restored, but that a number of rabbis petitioned the law-making bodies that the bill be held over for the time being.

Therefore, in order that the public might be correctly informed, we deem it our sacred duty to openly explain to our Jewish people just what this thing is all about, in order that they might know who really are the aggressors and who are the persecuted, or "martyrs" in this case. And we declare beforehand that we do not intend to divulge the "naked truth", in order that degradation in the eyes of the public may be avoided; for if we were to disclose the numerous facts which have come to our attention pertaining to marriages performed by cantors, or other "officiators", we are sure that our Jews, congregations and individuals alike, would stand aghast, in awe and surprise. We will, therefore, restrict ourselves to a few remarks regarding the "bill", which has caused the controversy between the rabbis and the cantors.

It is a well known fact that the marriage ceremony is one of the most sacred functions of our Holy Law and the most important factor in the preservation of family purity, of which we are justly proud. According to בעלי התוס' (the Commentators on the Talmud in 12th and 13th centuries) the marriage formula "Behold, thou are consecrated to me with this ring, according to the laws of Moses and Israel" (הרי את מקודשת וכו') means that when the bridegroom pronounces the words "According to the law of Moses and Israel", he thereby accepts upon himself to comply with all the laws, both of Holy Scripture and of the Talmud. There are numerous marriage laws contained in the various volumes of the Talmud and also in the four books of the (שלחן ערוך) and it is for this reason that our Rabbis, of blessed memory, ruled that "One who is not thoroughly familiar with the marriage and divorce laws must not occupy himself with them." (פירושין י"ג אה"ע ט"ז מ"ט) And just as the divorce laws are complicated and many, and must be observed to the letter, in order that no doubt remain as to the legality of the proceedings, so that the woman in question may be set free and cease to be a married woman, so the marriage laws must be observed just as rigidly, before the girl in question may become a married woman. And it is for this reason that the right to perform marriage ceremonies has been relegated to ordained rabbis from times immemorial, in every Jewish community and congregation.