

moral choice. If homosexuality is not the result of compulsion, then it must be considered to be a freely chosen act. And as a freely chosen act, it is forbidden by Jewish law (Leviticus 20:13). It is a violation of the Torah's concept of sexual purpose and sexual functions, not unlike the modern biological notion that years of evolution have placed the sexual organs in a heterosexual position—evidence, we are told, that wo/man is programed for procreation, not for homosexuality.

Of course, the homosexuality spoken of as being morally repugnant, whether an illness or not, pertains not to fantasies or mere contact, but to the behavioristic act of sodomy. It is the act itself, not the actor, that is morally repugnant. We are bidden to show every compassion for the sinner—but not for the sin. Yet our compassion for the sinner need not lead us to condone something that is inimical to the Jewish concept of sex and family. The fact that Talmud and codes (Kiddushin 82a; Even ha-Ezer 24:1) say that "Jews are above suspicion" of doing that kind of thing is interesting: it means that homosexuality is not, or at least had not been, a Jewish "vice." Some claim that this rare incidence of homosexuality in the Jewish community (at least until recent times) is the result of Judaism's affirmative attitude to heterosexual sex and family life.

The value judgments are evident in the laws on birth control as well. The sexual act in marriage has two independent coequal purposes—the procreational ("peru urevu—be fertile and increase") and the relational (shalom bayit—family harmony); marital sex is integral to both. So in cases where a possible pregnancy poses a threat to the wife's health or well-being, the physical relationship must not be set aside. Likewise, if the hazards of pregnancy are avoided by sexual abstinence, then both purposes or functions of marriage, instead of just one, are subverted. If conception of children must be prevented, it would be wrong to subvert the mitzvah of marital sex at the same time. Hence contraception is mandated. Where contraception is used by choice, there are some methods that are acceptable to most authorities (see Medicine for a discussion of various contraception methods).

In abortion, too, concern for the woman's welfare is evident in Jewish ethics. Paramount in decisions about abortion is the principle that "her welfare takes precedence." But whereas this refers to the relative interests of mother vis-à-vis the potential child, the rest of the Jewish sex ethic refers to woman vis-à-vis man. In this arena, considerateness for her is as fundamental as is the abstract moral concern for the fetus, and detailed legal and moral provisions aim at preventing a "sex-object" role.

The Jewish sex ethic, then, affirms sexual pleasure in the disciplined structure of family life and holds the restraints of civilization to be the means of holiness.

## A contemporary approach to Jewish sexuality

by Arthur Green

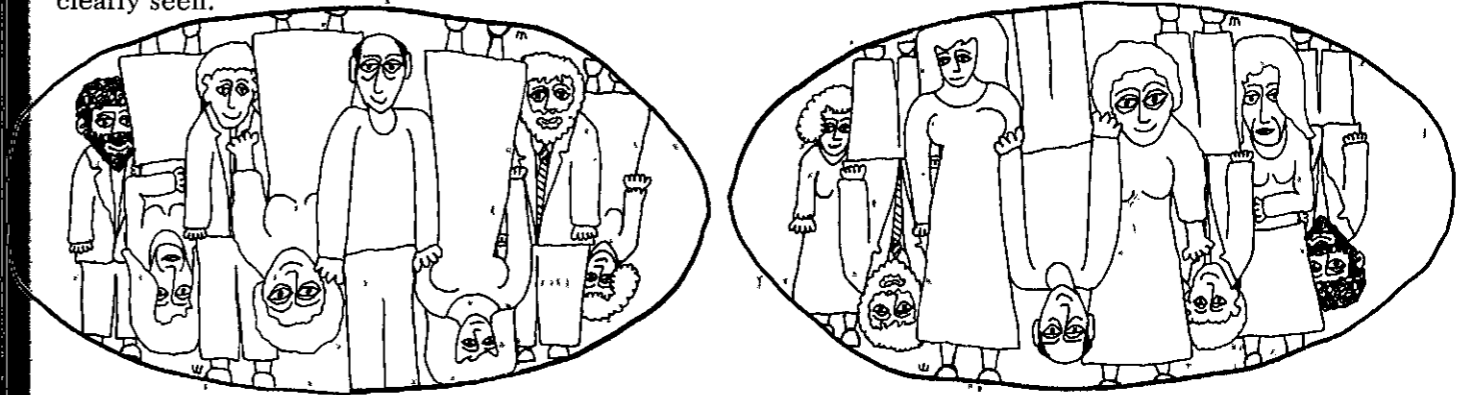
For the sake of honesty, it should be stated at the outset that any treatment of sexuality in this *Catalog* is necessarily problematical. The nature of the *Catalog*, from its outset, has been twofold: to be a guide to traditional Jewish living, drawn with some leeway from the traditional sources, and at the same time a reflection of the neotraditional Jewish life-style that is

### Finally

All of this is necessarily inadequate. It is simply impossible to discuss fully such crucial issues within the confines of a few pages. The only possibility is to open a door and begin to understand the premises on which Jewish concern rests. And the concern that above all informs and speaks through any discussion of any sexual issue in Judaism is the affirmation of sexual pleasure and the celebration of the continuation of life as God's blessing to His people.



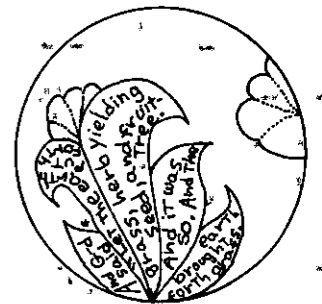
evolving among certain young-in-spirit American Jews, in havurot—alternative communities—and in the life patterns of concerned individuals. While these circles have tended toward traditionalism in ritual areas, have often rediscovered liturgy as a means toward personal religious expression, and have redeveloped deep Jewish ethnic loyalties, those of us who form them know that we are postmodern rather than premodern Jews, and that our life-style is hardly to be considered halakhic ("legal" within normative Jewish canons) in the full sense of that term. It is in the areas of sexuality and the place of women that this discrepancy between fully halakhic traditionalism and the neotraditionalism of these "new Jews" is most clearly seen.



A few examples in the realm of sexual mores will serve to clarify our point. Halakhah, frowning upon any degree of sexual expression outside of marriage, has classically sought to protect its followers from sexual arousal in untoward circumstances: unmarried men and women should not dance together, touch each other, be alone in a room together. The ethic of this current group is utterly different. Short of genital sexuality, expressions of intimacy are encouraged: in matters of hugging, holding, and speaking of love, most people in the Jewish counterculture are not unlike their American post-1960s counterparts, sometimes shocking their more Orthodox associates. One of the leaders of this many-streamed movement, otherwise generally identified with a somewhat hip version of halakhic Judaism, was heard to explain it thus: our ancestors worked so one-sidedly at developing the life of the spirit, that they came to be afraid of their bodies; now, when Jews have returned to the land and are discovering their rootedness to the physical, we must also return to loving God through forms of bodily expression. The brief sermon was concluded with an exhortation to get up and dance and, in the tightly-grasped circle, to know that we love one another. Rav Kook, on whose thinking such an analysis is based, would hardly have approved!

A more serious example: The halakhah has generally viewed all forms of nonmarital intercourse as beilat zenut—harlotry. Among the many young unmarrieds in groups that are close to this *Catalog*, there is hardly any thought of condemnation concerning premarital sexuality, including intercourse (even without deep love commitment!), provided it is carried on within the general bounds of interpersonal decency. Even to evoke such "liberal" halakhic standards as the legitimacy of common-law marriage is irrelevant to the lives of these Jews, who have rather guiltlessly had any number of sexual partners.

Yet another example: The halakhah has always taken a rather dim view, to put it mildly, of homosexuality. The biblical term abomination pretty well sums up the traditional attitude. When a havurah schedules a retreat and announces that "spouses and lovers" (including homosexual lovers) of haverim are welcome to attend the weekend event, it is clear that



approval has been given to an open flouting of the halakhic norm. While remaining rather conservative in their own lives, few people in these circles are now scandalized at the *thought* of bisexual behavior.

Given this situation, which cannot simply be wished out of existence by well-meaning traditionalists, how is one to write a guide to sexual practices? To leave the issue untouched would be an unforgivable avoidance. The need for such a guide is most serious: Jews who find the old standards inoperable for them find themselves bereft of moral guidance in this area, and are in need of a new and realistic approach. What follows, then, is a stumbling outline of what might be called a sexual ethic for Jews who have found the whole traditional realm of *hilkhot ishut* impossible as a personal standard, and who nevertheless seek guidance from the traditional wisdom and values of Judaism.

The greatest and potentially most divine mystery accessible to most humans is the mystery of sexuality. The totality and all-embracing quality of sexual expression, including the arousal of body, mind, and emotions, has in many ways been used by our sages to symbolize the most profound secrets of the cosmos. "All of scripture is holy," says Rabbi Akiba, "but the Song of Songs is the holy of holies" (Yadayim 3:5).

Kabbalists see the very origins of the universe as a never-ceasing process of arousal, coupling, gestation, and birth within the life of a God who is both male and female, and proclaim this complex inner flow of divinity, described in the most graphic of sexual terms, to be the highest of mysteries.

All this imagery provides for the Jew an *ideal* of sexuality. While we know well that most human sexuality hardly approaches this exalted picture, it does provide us with a point of view. It indicates strongly that we Jews should stand opposed to the current moves toward the "demystification" of sexuality, which seeks to define coupling as a purely biological function. We are made most fully human by the fact that this act, shared by us with the animal kingdom, can be raised in our consciousness to the rung of *raza de-yihudat*—the sublime mystery of union. Sexuality at its fullest is brimming with religious *kavvanah*: this is a teaching that we would be fools to ignore. If we cannot fulfill the ideal, we can begin to approach it.

The sort of coupling spoken of here is impossible if it is not mutually engaging. One could hardly imagine a religiously more offensive thought than that of one person "using" another in order to reach the sublime. A high level of sexuality can only be based upon a fully developed intimacy between those involved, an intimacy that includes a daytime life-together which serves as a counterpoint to the greater intimacies of the night.

The tradition has always assumed that such intimacy can exist only between two given individuals, that any person is capable of only one such intimate relationship at a particular point in life, and that these two individuals be a man and a woman. Such a relationship is sanctified by the bonds of marriage: All these assumptions are now called into question by the possibilities of open marriage, loving homosexuality, and nonmarital love situations: We can no longer insist upon the singular legitimacy of exclusive heterosexual monogamy as a key to the sexual ideal. We can, however, assert the value of deep and honest intimacy, including a full life with the other, as a *sine qua non* of sexuality at its highest.

This intimacy perforce involves another area of traditional Jewish concern: that of interpersonal *responsibility*. The whole area of sexuality, both in the search for partners and in the act itself, is one of tremendous personal vulnerability. The complex needs that emerge in the course of sexual giv-

God and Israel are lovers: Israel, the redeemed servant girl at the Red Sea, sees a vision of her young black-curl'd lover coming toward her. Sinai, the great revelatory event of human history, is constantly depicted in terms of love and marriage. The words of God at Sinai are kisses, and from the sublime kissing of God and Israel at Sinai, according to some Kabbalists, angels are born (Horodetzky, *Kitvei ha-Ari*). In the Tent of Meeting, a place of privacy and silence, that marriage is consummated. The highest form of prayer, say the Hasidic masters, is to be termed "intercourse with the Presence" (*Toldot Yaakov Yosef* 38d). The Sabbath is the time when God and the community of Israel meet in sexual embrace.



Passion is a master.  
—Yiddish Proverb  
Trans. Leo Rosten



Rather talk to a woman and think of God than talk to God and think of a woman.  
—Yiddish Proverb  
Trans. Leo Rosten



The pursuit of passion becomes boring.  
—Hasidic Saying, Trans. Leo Rosten

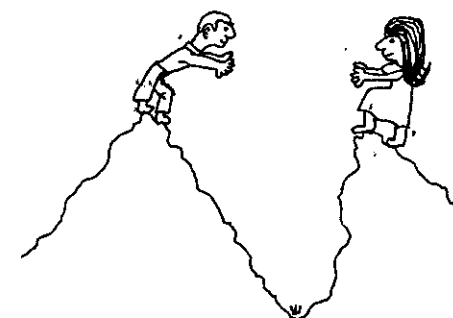
ing do not permit that giving to be taken for granted, but rather call for responsible consideration on the part of the other. While we may no longer live within the traditional view, which claims that a man "possesses" a woman by virtue of having intercourse with her, our ethics should still contain a mutualized echo of that view. Despite claims of sexual liberation, we should have sufficient psychological awareness to realize that sexual involvement may be of great and sometimes traumatic significance to the other, and the feelings involved must be taken seriously. Any ethic that says that I am responsible only for myself, but not for the other, is abhorrent to Judaism.

Within marriage or other forms of steady sexual liaison there is an even greater degree of responsibility. Here the other has been led to trust, and that trust may not be violated. However open we may be with regard to alternative sexual life-styles, it should be said clearly that any Jewish ethic must remain unalterably opposed to any extramarital relationship in which the other marriage partner is deceived. A marriage that one partner unilaterally decides is "open" is in fact not open at all, and makes a mockery of the traditional values of fidelity, honesty, and responsibility.

The greater problem, however, is not that of the married but that of the unmarried. What do we say to the adult (we do not speak here of adolescents, whose problems are quite different) who has not found a person to share the depths of love, or who even feels incapable of such a relationship? What do we say to the widowed or divorced person, used to loving sexual fulfillment, who is now driven to distress partially by sexual loneliness? It is clear that *we cannot advocate celibacy for all who are not in love*. Given the world in which we live, they would simply ignore such pious pronouncements, rightly noting that it is usually the self-righteousness of the happily married that stands behind them. Living in a world where we cannot advocate either ideal sex or no sex as the alternatives, what we must begin to evolve is a *sliding scale* of sexual values. (Rabbi Zalman Schachter is owed our thanks for first having articulated the notion of the "sliding scale" in various areas of neohalakhic practice.) At the top of this scale would stand the fully knowing and loving relationship outlined above, while rape—fully unconsenting and anonymous sexuality—would stand at the bottom. Somewhere near the middle of the scale, neither glorified nor condemned, would be the relationship of two consenting persons, treating one another with decency, fulfilling the biological aspects of one another's love-needs, while making no pretense at deeper intimacy. Given such a scale, a Jew might begin to judge his/her own sexual behavior in terms of a series of challenges which s/he might want to address.

Each particular relationship will of course bring forth its own questions, and the place of any relationship on the scale of values would be determined by a combination of factors. Only at or near the bottom of the scale (rape) would we speak of sin; in other relationships we would do better to note the inadequacies of our situation than to bemoan our sins.

This kind of new halakhah, when taken seriously, is in its very liberalism more difficult and in some ways less immediately gratifying than the old. It does not remove our insecurities by telling us what we may and may not do. Rather, it leads us to self-examination and encourages growth. By maintaining the ideal of true and full sublime sexuality, we may be able to continually infuse ourselves with higher strivings, while not self-righteously condemning anyone who, through the circumstances of his/her life, stands at a different point in our flexible scale of intimate values.



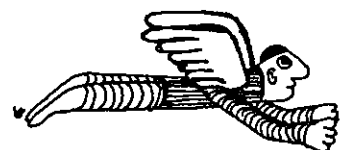
*Love*: Is the sexuality of this relationship an expression of a depth of feeling that exists between us, or is the feeling generated only by sexual arousal itself?

*Knowing*: Have the partner and I really come to know one another and see one another as full human beings, or does this act remain a basically anonymous sexual encounter?

*Honesty*: Have I presented myself in an untrue way (by words, dress, or style) in order to win this sexual reward, thus making it more difficult for true knowing to emerge in this relationship?

*Degradation*: Have I had to go someplace (pickup scene, bar?) or do something (pay in cash or favors?) that I consider personally debasing in order to get this partner, thus keeping myself far from true sexual fulfillment? Could I not find a partner in some more wholesome way?

*Consent*: Do both of us really want this sexual contact, or has one of us fallen into it unwillingly, making it a contact in which both are disgraced?



# sources & resources

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*The Jewish Publication Society of America  
Philadelphia*

ILLUSTRATIONS: *Stuart Copans*

DESIGN: *Adrienne Onderdonk Dudden*

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All rights reserved ISBN 0-8276-0084-4 9 8 7 6 5 4 3

Library of Congress catalog card number 73-11759

Manufactured in the United States of America



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**Michael Strassfeld**

# the <sup>2nd</sup>second Jewish catalog

