

**“Nida, Being Shomer, and Shidduchim, Oh My!": Thinking, Talking, and Teaching Jewishly About Sexuality With People Who Think They Should be Keeping Halakha, But Aren't**

**I. Framing the Challenge:**

**1. Pirkei Avot (Ethics of the Fathers) 5:21**

הוא הנה אומר, בן חמש שנים למקרא, בן עשר למשנה, בן שלש עשרה למצות, בן חמש עשרה לתלמוד, בן שמונה עשרה לחפה, בן עשרים לרדף, בן שלשים לפת, בן ארבעים לבינה, בן חמשים לעצה, בן ששים לזקנה, בן שבעים לשיבה, בן שמונים לגבורה, בן תשעים לשובח, בן מאה כאלו מת ועבר ובטל מן העולם:

He [Yehudah ben Teima] used to say: Five years [is the age] for [the study of] Scripture, Ten [is the age] for [the study of] Mishnah, Thirteen [is the age] for [observing] commandments, Fifteen [is the age] for [the study of] Talmud, Eighteen [is the age] for the [wedding] canopy, Twenty [is the age] for pursuit, Thirty [is the age] for [full] strength, Forty [is the age] for understanding, Fifty [is the age] for [giving] counsel, Sixty [is the age] for mature age, Seventy [is the age] for a hoary head, Eighty [is the age] for [superadded] strength, Ninety [is the age] for [a] bending [stature], One hundred, is [the age at which one is] as if dead, passed away, and ceased from the world.

**2. Stephanie Coontz, “The Disestablishment of Marriage”, *New York Times*, June 22, 2013**

[R]umors of the death of marriage are greatly exaggerated. People are not giving up on marriage. They are simply waiting longer to tie the knot. Because the rate of marriage is calculated by the percentage of adult women (over 15) who get married each year, the marriage rate automatically falls as the average age of marriage goes up. In 1960, the majority of women were already married before they could legally have a glass of Champagne at their own wedding. A woman who was still unwed at 25 had some reason to fear that she would turn into what the Japanese call “Christmas cake,” left on the shelf.

Today the average age of first marriage is almost 27 for women and 29 for men, and the range of ages at first marriage is much more spread out. In 1960, Professor Cohen calculates, fewer than 8 percent of women and only 13 percent of men married for the first time at age 30 or older, compared with almost a third of all women and more than 40 percent of all men today. Most Americans still marry eventually, and they continue to hold marriage in high regard. Indeed, as a

voluntary relationship between two individuals, marriage comes with higher expectations of fairness, fidelity and intimacy than ever.

But marriage is no longer the central institution that organizes people's lives. Marriage is no longer the only place where people make major life transitions and decisions, enter into commitments or incur obligations. The rising age of marriage, combined with the increase in divorce and cohabitation since the 1960s, means that Americans spend a longer period of their adult lives outside marriage than ever before.

## II. We're All Adults, Here (Having an Honest Conversation About a Jewish Sexual Ethic)

### 3. Babylonian Talmud Brakhot 62a

תניא אמר רבי עקיבא פעם אחת נכנסתי אחר רבי יהושע לבית הכסא ולמדתי ממנו שלשה דברים למדתי שאין נפנין מזרח ומערב אלא צפון ודרום ולמדתי שאין נפרעין מעומד אלא מיושב ולמדתי שאין מקנחין בימין אלא בשמאל אמר ליה בן עזאי עד כאן העזת פניך ברבך אמר ליה תורה היא וללמוד אני צריך

It was taught in a *baraita* in tractate *Derekh Eretz* that **Rabbi Akiva said: I once entered the bathroom after my teacher Rabbi Yehoshua, and I learned three things from observing his behavior: I learned that one should not defecate while facing east and west, but rather while facing north and south; I learned that one should not uncover himself while standing, but while sitting, in the interest of modesty; and I learned that one should not wipe with his right hand, but with his left. Ben Azzai, a student of Rabbi Akiva, said to him: You were impertinent to your teacher to that extent that you observed that much? He replied: It is Torah, and I must learn.**

....

רב כהנא על גגא תותיה פורייה דרב שמעיה דשח ושחק ועשה צרכיו אמר ליה דמי פומיה דאבא כדלא שריף תבשילא אמר לו כהנא הכא את פוק דלאו ארח ארעא אמר לו תורה היא וללמוד אני צריך

On a similar note, the Gemara relates that **Rav Kahana entered and lay beneath Rav's bed. He heard Rav chatting and laughing with his wife, and seeing to his needs, i.e., having relations with her. Rav Kahana said to Rav: The mouth of Abba, Rav, is like one whom has never eaten a cooked dish, i.e., his behavior was lustful. Rav said to him: Kahana, you are here? Leave, as this is an undesirable mode of behavior. Rav Kahana said to him: It is Torah, and I must learn.**

### 4. Babylonian Talmud Sukkah 52b

אמר רבי יוחנן אבר קטן יש לו לאדם מרעיבו שבע משביעו רעב

**Rabbi Yoḥanan said: A man has a small organ** used in sexual relations. **If he starves the organ**, and does not overindulge, **it is satiated**; however, **if he satiates the organ** and overindulges in sexual relations, **it is starving**, and desires more.

### III. An Ethic of Sin

#### 5. Francois de la Rochefoucauld

"Hypocrisy is the tribute vice pays to virtue."

#### 6. Jennie Rosenfeld, *Talmud Rereadings: Toward a Modern Orthodox Sexual Ethic*. 2008.

Another talmudic passage makes this idea even more explicit (Berakhot 63a):

דרש בר קפרא: איזוהי פרשה קטנה שכל גופי תורה תלויין בה - +משלי ג+ בכל דרכיך דעהו והוא יישר ארחתיו. אמר רבא: אפילו לדבר עבירה.

Bar Kappara expounded: What short text is there upon which all the essential principles of the Torah depend? In all thy ways acknowledge Him and He will direct thy paths (Proverbs 3:6). Rava remarked: Even for a matter of Transgression.

In this passage, when Bar Kappara quotes the verse that in all of one's ways one should know G-d, Rava comments that even when one is engaged in transgression, one should still know G-d. Rava's comment seems paradoxical, for one would think that the act of transgression, of disobeying G-d's will, would be antithetical to knowledge of G-d. Yet in his interpretation of the verse, Rava sets the mandate and the obligation to know G-d even at the moment of sin. I would argue that Rava is pointing to the realm of ethics in this comment, because the ethical realm opens the space for an extra-legal knowledge of G-d, and in strictly legal terms one cannot know G-d while violating G-d's law. However, it is possible to violate the law and simultaneously manifest one's knowledge of G-d through ethical behavior.

While Rava's comment doesn't distinguish between the various realms in which sin can occur, I think his point is uniquely suited to the sexual realm, in which the mental turmoil and anguish experienced by the individual may be more than in other realms of sin, and as such the tendency to become obsessively focused on the sin rather than on the interpersonal relationship is particularly acute. Beyond that, Rava's comment also opens up the space and the possibility that one may at times be violating the law, but that one can still know G-d from the very place of sin. Sin doesn't close the door to a relationship with G-d, it simply mandates that the relationship happen

under different terms; the key here being that a relationship with G-d is eminently possible and realistic at all times, even during times of transgression.

#### **IV. Guilt and Shame**

##### **7. Koby Frances, "The Tightrope of Desire: A Qualitative Study of Sexual Conflict in Single Heterosexual Orthodox Jewish Men," *Psychoanalytic Psychology*. 2017.**

To summarize, in the *Disembodiment Position*, sexual conflicts have little to do with identity and moral failure. But rather, since sexual desires have not yet had the opportunity to coalesce into an organized and named part of the self, they feel senseless, dirty and abnormal and are thought of as external to their otherwise logical and sequential self. When juxtaposed with the purpose-driven ways in which they can own, plan, and regulate other drives and interests, the person is struck with a perplexing discrepancy that is resolved by splitting. However, when this splitting breaks down and their disorganized Self intrudes upon their controlled Self for a prolonged period of time, the person becomes overwhelmed with feelings of failure and depression or anger and resentment. This latter set of feelings led some participants to reject their religion and distance themselves from the Orthodox community.

##### **8. Jennie Rosenfeld, *Talmud Rereadings: Toward a Modern Orthodox Sexual Ethic*. 2008.**

Shame and guilt were themes and words that consistently appeared over the course of my conversations with singles. Complex feelings, they often further complicated and overshadowed people's sexual relationships or lack thereof. Often individuals became so self-absorbed in their shame over transgression, that they externalized and objectified the other as an embodiment of the *yetzer ha-ra* (evil inclination) and were therefore unable to treat him or her as a human being endowed with the *tzelem Elokim*, or image of G-d. The feelings of shame ran so deep and were by their nature so self-absorbed and self-centered, that at a certain point those feelings inhibited any sense of empathy for the other or other-directed concern.

#### **V. An ethic of marriage?**

##### **9. Rabbi Feivel Cohen, A Torah Perspective on Marriage, *Journal of Halakha and Contemporary Society* vol. LI**

Now understandably, when a course of action is but one of two options, the person will naturally choose the more appealing of the two. On the other hand, when it is not just an option but rather an imperative, then one sees to it that it happens.

This is as true of marriage as it is in all other human endeavors, and, inasmuch as the Torah says that you must be married, then there is no other option.

Now, before getting married, a person may feel that his future mate must be endowed with a somewhat lengthy list of stellar qualities pertaining to, among others, her appearance, her personality, and her intellect. It goes without saying that this man's search for a mate will prove fruitless. In this writer's opinion, however, this approach is flawed. At some point, the as-yet-still-single individual ought to reassess his order of priorities and place special emphasis on what ought to be one's primary requirements for an ideal mate (needless to say, beyond the personality-wise compatibility of the two individuals): a person who shares your aspirations and your goals in life, who shares your commitment to Torah, and who wishes to raise a Jewish family together with you....

It is incumbent upon a yid to pursue the fulfillment of marriage as zealously as he pursues the fulfillment all the other mitzvos of the Torah.....