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OF MARRIAGE: RELATIONSHIP AND RELATIONS

I have written this piece, and I present it here, likewise, with a measure of ambivalence and trepidation. On the one hand, its subject is important, as a conceptual and ideological topic, per se. Moreover, beyond the theoretical, it impinges upon intimate chambers in the life of almost any and every halakhically committed Jew or Jewess. Finally, to the knowledgeable, the basic issues and primary texts are probably familiar, so that any attempt at grappling with the concerns and elucidating them may be welcome.

On the other hand, others may find parts of the discussion disturbing, if not objectionable. To some, it may appear to stand in violation of the Mishna's admonition, as elucidated by the Gemara (*Hagiga* 11b), against public discussion of the arcane aspects of proscribed sexual liaisons. While the issues herewith treated have received fuller expositions in numerous Torah-oriented books and articles, every accretion may be challenged as an erosion of the proper level of *tseni'ut*. Of greater concern is the prospect that others, particularly the relatively less initiate, may find the essay unsettling. Perhaps, hitherto fully comfortable with the roseate tinge of some contemporary presentations of Jewish attitudes to sexuality, they may find their personal equipoise adversely affected by exposure to less positive sources. The result may be either some erosion in the quality and enthusiasm of married life, or, conversely, some slippage in respect for pillars of the halakhic world, such as Rambam and Ramban. And this might, in turn, undermine commitment to halakha in its totality.

On a broader, and possibly deeper, front, the differences noted between attitudes expressed by Hazal and later formulations raise issues concerning periodization and continuity within the halakhic system; and, for readers not wholly satisfied with suggestions I have tentatively advanced, by way of resolution, the impact may be, again, possibly unsettling.

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Despite the ambivalence, I have, obviously, decided to proceed. I have done so not only in the interest of spiritual and intellectual candor but, additionally, on the sanguine assumption that, on balance, the effect will be constructive, inasmuch as most of the readers are already aware of the primary problems and will be spiritually enriched by its systematic analysis, their faith and commitment energized and fortified by the Torah discourse of *massa u-matan be-divrei Torah*, rather than enervated or diluted. Nevertheless, where spiritual influence is at stake, a measure of trepidation persists. It is my hope and prayer that the Giver of Torah spare and save us from any fault or blemish in its dissemination.



Were I to respond, in full, to the overarching question presented to me—“What models are there in the classical rabbinic literature for relationships between men and women?”—I would preface my discussion with the observation that, as regards marriage (presumably, our primary focus), the models in evidence in Hazal are both few and partial. As to the sociological reality, there are, of course, interesting and possibly suggestive anecdotes. The story of the woman who was obligated to swear in Rava’s bet din but was prevented from doing so when his wife interfered to inform him that she was an untrustworthy *hashuda* (*Ketubbot* 85a),¹ tells us something about his wife’s presence at the proceedings and about their relationship. Or again, the story of R. Ze’ira’s wife—who proffered some food to R. Hiyya b. Ashi which he, evidently due to halakhic reservations, refused to eat, upon which she responded: “I made it for your rebbe and he ate, and you don’t eat?!” (*Shabbat* 140a)—reflects a different sort of assertiveness.

Assorted evidence could unquestionably be addressed, some of it pointing in different directions. However, as far as full-blown normative models are concerned, I believe the harvest is scant. There is, of course, a corpus of halakhot spelling out the respective rights and duties, and these have been subsequently elucidated. However, as regards many of the issues which confront and concern many contemporary couples, we find relatively little imperative direction. These include the dynamics of the relationship proper—areas and degrees of authority and responsibility, the prioritization of respective individual interests, the nature of decision-making, etc.—as well as aspects which extend beyond it: the place of the marriage within the broader context of life and activity, and the scope and character of relations to others, be they children, general family, friends, or associates.

There exist, admittedly, some directives regarding some of these concerns. For the most part, however, they have been relegated to the realms of *devar ba-reshut*, an area not axiologically neutral but neither fully normative, with regard to which personal preference, with a possible eye upon meaningful variables, is characteristic. In a word, they are subject to the discussion, predilection, and decision of individual couples. Of course, romantic souls are scandalized by the thought that such issues may be “negotiated” at all, while pragmatists may be convinced that the abjuration of planning is a possible recipe for collision. My point is simply that there is room for flexibility and mutual choice. Whether the character of a marriage is dictated by convention, contemporary mores, or conscious limning is another matter.

Thus, the familiar description of an *isha keshera* as a wife who performs the will of her husband (*retson ba'alalah*),² in no way precludes a husband's declaring that his *ratson* is precisely a desire for understanding and consensus. Or again, the Gemara's suggested division between general and domestic, or between celestial and mundane, matters, as the domains of the husband and the wife respectively, does not obviate a desire to cross those lines where the proper qualifications exist. Nor would this come under the rubric of a *holekh ba-atsat ishto*, one who follows his wife's advice, for whom the Gemara anticipates dire consequences (*Eruvin* 18b). The appellation and the strictures refer to a man who does not engage in serious discussion and decision, but instead blindly follows spousal counsel, whether, like the Antonys of the world, out of romantic passion, or out of sheer henpecked acquiescence. Barring that, consensus may be deemed both fairer and wiser, as *tovim ba-shenayim min ha-ehad* (two are better than one); and there may be situations in which the preemptory command, “Listen to all that she says” (Gen. 21:12) applies, inasmuch as the Midrash notes, Abraham was secondary to Sarah in the realm of prophecy.³

It is difficult, and possibly presumptuous, therefore, to speak of absolute marital models in Hazal. Obviously, every Jewish home should be grounded upon the centrality of Torah, *avoda* (Divine service), and *gemilut hasadim* (acts of kindness), and dedication to these cardinal values must be assured in the structuring of its lifestyle. This is doubly true with respect to the homes of aspiring *talmidei hakhamim*, but is by no means confined to them. Much of the detail concerning the nature of the marital relationship, coincidence, and distinctiveness, or balance and proportion, is, however, very much a *devar ba-reshut*.

This would be the gist of my preface were I tackling my overarch-

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ing question in scope and in depth, even if only with respect to marriage. Having, however, been accorded the prerogative of devoting myself to a discussion of one of the subtopics delineated, I shall exercise that option and focus upon a narrower, albeit perhaps thornier, issue: “How shall we view possible models of the marriage relationship (love and companionship vs. procreation)?” This formulation strikingly parallels the opening of the Rav’s essay, “Marriage,” in *Family Redeemed*. “There are,” the Rav notes,

two basic theories about the institution of marriage. One theory developed a *transeunt* axiology, that is, a value system that finds the meaning of matrimony *outside* of the matrimonial union. The other theory developed an *immanent* matrimonial value system, discovering meaning *within*.⁴

The essay then proceeds to develop the distinction, explaining that the theories focus upon the welfare of the group or of the individuals—i.e., upon procreation and fellowship—respectively; and, drawing upon Humash and Hazal, goes on to mold and posit a Jewish perspective upon the institution and its ideological base.

As we might have expected, the ideal subsequently espoused is inclusive and comprehensive. Resembling the ellipse rather than the circle, it has two foci. Moreover—and, within the essay, this point is both central and critical—both goals and their corollaries are integrally related:

Seen from the halakhic viewpoint, matrimonial community is not realized without embracing three personae. At this level, marriage redeems the productive urge from its animal species orientation and turns it into a spiritual tragic longing of man for his origin or source.⁵

Hence, this position rejects not only the narrowing of telos to one of the elements, but also the inclination to regard marriage as the pursuit of two independent and possibly divergent aims, to be somehow balanced, in theory and in practice. It rather bears the stamp of a covenantal relationship—entered into between the parties, and with reference to the broader covenant between God and man, generally, and between the *Ribbono shel Olam* and *Keneset Yisrael*, particularly—within and through which twin goals are interactively achieved.

It is a stimulating piece, written with characteristic philosophic sophistication, psychological insight, and spiritual vision. Framed in simple terms, however, its central thesis, relating to the nature of marriage as both instrumental and intrinsic, is traditional, rather than inno-

vative. The *Tur* opens his *Even ha-Ezer*, whose first section deals with *Hilkhot Periya ve-Reviya* (The Laws of Reproduction) with a brief paean to the author of marriage—in both aspects:

Blessed is God that He desires the best for his creatures. For He knew that it is not “good” for man to remain alone and thus made for him a “fitting helper.” Moreover, since the purpose of creation is reproduction, which is impossible without the “helper,” God commanded that man cleave to the “helper” which He had created. Therefore each person must marry in order to reproduce.⁶

Whether, from a technical halakhic standpoint, marriage is necessary for the formal fulfillment of the mitsva of procreation, *peru u-revu*, is possibly a matter of debate. Rosh was emphatic in stressing that it was not. In explaining the text of *birkat erusin* (the matrimonial blessing) and its convoluted content, he states that it does not relate to any particular mitsva—surely, not that of procreation, as one could potentially fulfill the commandment to reproduce without marrying.⁷ This view is palpably accepted by *rishonim* who held, on the basis of a passage in the Yerushalmi,⁸ that the mitsva could, *be-di'avad* (in extreme circumstances) be fulfilled through an incestuous union, not amenable to matrimony. Rambam, however, seems to have held otherwise. This is perhaps indicated by the inclusion of the mitsva within *Hilkhot Ishut* (The Laws of Matrimony), but is fairly explicit in the heading to this section: “(1) To marry a woman with a *ketubba* and *kiddushin* . . . (4) To reproduce from her.” What is beyond question, however, is the fact that the institution is not designed solely in order to provide a licit channel for the perpetuation of the human, or the national, race.

The importance attached within Judaism to the mitsva of procreation can hardly be overemphasized. It is conceived in religious, rather than primarily social, categories; and this, not simply as an affirmative response to a normative commandment as any other mitsva, but as the implementation of the divine design in the creation of the world: “He did not form it for waste, but created it for habitation” (Isaiah 45:18).⁹ Hence, willful abstinence is not regarded as merely the failure to do good but is equated with the perpetration of evil (*Yevamot* 63b): “Ben Azzai said: As though he sheds blood and diminishes the divine image; so severe is the judgment passed upon the shirker.”

However, procreation is manifestly not the sole *raison d’être* for marriage. The verse in Ecclesiastes (9:9) counsels, “Enjoy life with a

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woman you love,” clearly referring to the realization of life rather than to its creation. Hazal correspondingly note (*Yevamot* 62b) that “any man who has no wife lives without joy, without blessing, and without goodness”—again, focusing upon personal bliss per se. Moreover, R. Huna’s reproach of bachelorhood beyond a certain age (*Kiddushin* 29b), while explicitly motivated by the concern about the *hirburei avera* (sinful machinations of sexual fantasy), probably also reflects the championing of the marital relation as such.

The significance of the interpersonal element is further reinforced by the substance of a familiar proof-text, twice cited in the Gemara and codified by Rambam:

Whoever loves his wife as himself and honors her more than himself—of him Scripture says, “And you will know that your tent shall be in peace and you will visit your habitation, and not sin” (Job 5:24).¹⁰

The use of the accusative mode—as opposed to that of the more general “You shall love your neighbor as yourself” (Lev. 19:18), which, as Ramban noted,¹¹ bespeaks concern for another’s welfare, but does not command loving his persona—underscores the emotional aspect of the amatory component in marriage. And whatever the referent of the intended *kibbud*—honor, esteem, service, or provision—it is patently clear that the institution is not perceived as a mere instrument to enable procreative sustenance of the human race. It is, of course, logically arguable that the *raison d’être* of marriage is indeed purely instrumental, but that the message of the Gemara is simply a directive prescribing the desirable mode of attitude and conduct for a person who, by dint of whatever circumstance and for any reason, finds himself within its context. Nevertheless, it is surely difficult to sustain such a contention in the face of the Torah’s prelude to its establishment: It is not good for man to be alone, I shall make him a fitting helper (Genesis 2:18).¹² As the Rav noted in this connection, the term “good” is not confined here to subjective psychological gratification, but encompasses ethical and existential well-being as well. Describing the verse as an “ontological postulate,” he expounds: “A lonely human existence is not good; it lacks God’s sanction and exposes an imperfect form of being.” Hence, “Marriage is not just a successful partnership, but an existential community.”¹³

The sense and the experience of that community is, of course, multifaceted. I have heretofore, following my questioner, paired love and companionship, distinguishing both from the procreative process as a

motive for marriage. They are, however, far from synonymous, and differ markedly with respect to both ground and substance. While each can relieve the pangs of loneliness, the power and intensity of love, given or received, is in no way comparable to the relatively dispassionate and pragmatically oriented character of companionship. Both, however, within the context of a marriage, provide not only emotional warmth but human meaning, not without spiritual significance. Hence, Judaism has not regarded celibacy, even when religiously motivated, as an ideal. When, as Hazal interpreted, Aaron and Miriam implied that they too should abandon marriage as had Moshe Rabbenu, they were in effect told that his situation was unique and had no bearing upon theirs,¹⁴ which should remain normal:

We have thus learned that when [the prophets'] prophecy dissipates, they return to their tents—meaning their bodily needs—like the rest of the nation. [The prophets] are thus not to separate from their wives. Our teacher Moses, however, did not “return to his tent”; he thus separated from woman, and similar needs, altogether. [Instead] his mind was bound to the “Rock of Ages,” with God’s honor never dissipating from him. His face shone with light, and he was holy like the angels.¹⁵

There may be, subsequently, rare exceptions: “Whosever’s soul craves Torah constantly, learns like Ben-Azzai, and clings to [Torah] his whole life, thus neglecting to marry, *ein be-yado avon* (bears no sin).”¹⁶ *Ein be-yado avon* is the most that, even in such a case, Rambam could assert. The valued norm is marriage, and its centrality is not at issue.

What does appear to be very much at issue is not the institution of marriage per se, but its physical component. By way of example, I recall vividly a discussion with R. Elimelekh Bar-Shaul. I went to see him during my first stay in Israel, in the summer of 1962. In the course of my visit, a kollel student entered and asked him about an aggadic account concerning David and Abigail, cited in the Gemara in *Megilla* (14b):

Rather it teaches that [Abigail] revealed her thigh and David walked three full *parsas*. He said to her: “Please tell me.” She responded: “Do not let this be a cause of stumbling.”¹⁷

Quite apart from the Tosafot’s¹⁸ question as to how the conduct was becoming Abigail, could it be possible, he objected, that God’s anointed, *ne’im zemirot Yisrael* (poet of Israel), would have been affected by the stimulus? In response, R. Bar-Shaul launched into a twenty-minute

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disquisition, waxing almost lyrical as he explained that the impact was perfectly human and thoroughly honorable, that sexuality was an integral aspect of divinely ordered and ordained personality, and that, far from being associated with shame, it was, and was intended to be, a reflection of healthy vigor, fully consistent with the cardinal value of *tsevi'ut*. Upon the interlocutor's departure, I observed to R. Bar-Shaul that his position was an accurate expression of our modern sensibility, but, I questioned, was it consonant and consistent with the prevailing tone of prominent *rishonim*. Parrying the inquiry, he contended that indeed it was; and on that assertive note, the discussion concluded, and there the matter rested.

But does it truly rest? We are confronted by a singular phenomenon, one which, historically, has been the subject of animated controversy within the world of religious thought: the symbol of unbridled lust, to some, and of quasi-mystical ecstasy, to others; almost unparalleled for sheer visceral intensity, and yet enveloped with romantic passion; its attendant denudation eradicating the line between the human and the bestial, on the one hand, while enabling maximal bonding, on the other; the most productive of human activity, in one respect, and, on most occasions, the most predictably fruitless endeavor, in another. The topic has generated much discourse and elicited polar responses as well as an intermediate spectrum; and indeed it does not rest easily.

Contemplating our own Torah world, one is persistently struck by an apparent dissonance between the impression conveyed by Hazal and *rishonim*, respectively. In surveying the Gemara, we are struck by both its omissions and its assertions, general as well as halakhic. There is little in the way of either squeamish embarrassment or outright reservation. There is no revulsion from concupiscent pleasure nor recoil from romantic passion (*Sanhedrin* 7a):

One was wont to say: "When our love was intense, a bed the width of a blade was room enough for both of us to lie upon. Now that our love is less intense, a [king-size] bed the width of sixty cubits does not suffice."

At one point, the Gemara in *Berakhot* (57b) explores the possibility that sexual activity constitutes one of a triad of elements which convey a sense of *me-ein olam ha-ba* (a taste of the world to come);¹⁹ and while the designation is subsequently rejected, the reason given bears no taint of principled objection, but rather consists of the prosaic observation that sexual activity may be physically enervating. Several pages later

(*Berakhot* 62a), it recounts how R. Kahana surreptitiously entered the bedroom of Rav, his master, in order to observe his conduct, as “It is Torah, and I must learn,” and noted the excitable passion which had suffused the relations. Elsewhere, the Gemara patently reproaches a person who sleeps in the same room with a married couple, thus precluding them, indirectly, from experiencing sexual pleasure (*Eruvin* 63b):

One who sleeps in an enclosed space where a man and his wife lie, it is of him that the verse states, “You drive the women of My people away from their pleasant homes” (Micah 2:9).

Indeed, it goes so far as to state that the critique applies even if the wife is a *nidda*, inasmuch, presumably, as the intrusive disruption of even aphysical intimacy is objectionable. In a more purely aggadic vein, we note a remarkable portrait of postmortal embrace of Abraham and Sarah (*Bava Batra* 58a):

R. Bana’a was signposting [burial] caves. When he came to the cave of Abraham, he found Eliezer the servant of Abraham standing at the entrance. [R. Bana’a] said to [Eliezer]: What is Abraham doing? [Eliezer] replied: He is sleeping in the arms of Sarah, and she is peering at his head.²⁰

And the point is further underscored with reference to the *avot* and *immahot* in another context. “Why were the foremothers barren,” asks the Midrash; and, inter alia, it goes on to cite two complementary explanations related to our theme (*Bereshit Rabba* 45:5):

R. Azarya said in the name of R. Yohanan b. Papa that it was in order that women should endear themselves to their husbands with their ornaments. . . . R. Huna and R. Avun in the name of R. Meir say that it was in order that their husbands should derive benefit from them, for each time a woman conceives she becomes disgusting and forsaken.

Finally, in a more explicitly ideological mode, we are of course all familiar with R. Meir’s rationale for the prohibition of *nidda* (*Nidda* 31b):

Why did the Torah ordain that the impurity of menstruation should continue for seven days? Because being in constant contact with his wife [a husband might] develop a loathing towards her. The Torah, therefore, ordained: Let her be unclean for seven days in order that

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she shall be beloved by her husband as at the time of her first entry into the bridal chamber.

The assertion that, far from being meant to diminish the scope of marital sexuality, the injunction is rather intended to intensify it, speaks for itself.

Turning to halakhic contexts, we encounter a similar message. Relations on the holiest day of the week are not only permitted but encouraged, as “marital relations are part of the Sabbath delight.”²¹ A prospective bridegroom is exempt from reciting *keri’at shema* for several days prior to his wedding, inasmuch as one who is engaged in performing one mitsva, whose discharge interferes with another,²² is released from the latter. In his case, anticipatory contemplation of his initial marital encounter is defined as a legitimate dispensation from the need to concentrate upon *shema*, even though a person who has just lost a fortune enjoys no such dispensation, being rather ordered to transcend his voluntary despondency, regarded as a *tirda de-reshut* (anxiety of a secular nature), and to focus upon his *avodat Hashem*.²³ Or again, halakha mandates that a pregnant or nursing woman may or must embrace otherwise problematic birth control. The dictum has spawned an extensive literature on the topic, but at no point has a responsible *posek* suggested that the couple simply abstain.²⁴

Prima facie, another familiar dictum might be perceived as sounding a less positive note (*Ketubbot* 8b):

Said R. Hanan, the son of Rav: All know for what purpose a bride is brought into the bridal canopy. But whoever disgraces his mouth and utters a word of folly—even if a [divine] decree of seventy years of happiness were sealed [and granted] unto him—it is turned for him into evil.

However, given the broader context we have noted, it is reasonable to assume that the stricture does not apply to verbal acknowledgment of the sexual aspect of marriage per se—after all, the Gemara is replete with expositions of its halakhic minutiae—but rather to its lascivious if not pornographic savoring, with licentious titillation. Refrain from prurience need not issue in prudery.

This harvest stands in marked contrast to positions adopted by some of the foremost *rishonim*. In a major chapter in *Mishneh Torah*, devoted to the rejection of excessive asceticism and positing the Mishna’s dictum, *ve-kol ma’asekha yihyu le-shem shamayim* (all your deeds should be [performed] for the sake of heaven), as an overriding

spiritual ideal, Rambam evidently found no place for either love or companionship as the *raison d'être* of marital sexuality:

So too, when one has sexual relations, he should act in order to maintain his health and to reproduce. Therefore, he should not have relations any time he desires, rather only during the time when he must produce semen as a medical need or for the sake of reproduction.²⁵

In the *Moreh Nevukhim*, he is fully explicit, ascribing the designation of Hebrew as *leshon ha-kodesh* to the paucity of its sexual nomenclature:

For in this holy language no word at all has been laid down in order to designate either the male or the female organ of copulation, nor are there words designating the act itself that brings about generation. . . . No word at all designating, according to its first meaning, any of these things has been laid down in the Hebrew language, they being signified by terms used in a figurative sense, and by allusions.²⁶

Ramban challenged this judgment, although without explicitly confronting its underlying premise.²⁷ Elsewhere, however, he, in turn, gives vent to the same general attitude. Remarkably, he does so in direct contradistinction to R. Meir's rationale for the prohibition regarding relations with a *nidda*:

The verse prohibits [cohabiting] with a *nidda* for the reason I already noted. For the Torah allows cohabitation only for the sake of reproduction. The fetus, moreover, is formed from either fully or mostly from the woman's [real] blood; it cannot be formed from the menstrual blood.²⁸

This, on the heels of an earlier sweeping apodictic statement: "Know that sexual relations, in the Torah, are remote and disgusting, unless they are for the sustenance of the species."²⁹ Subsequently, he cites, with evident approval, a milder formulation of Ibn Ezra:

Said R. Abraham [Ibn Ezra]: sexual relations are divided into three parts. The first for reproduction; the second to ease the bodily necessities; and the third for the desire comparable to the desires of the animals.³⁰

Conceivably, however, the citation only presents a value-neutral classification; and, in any event, the bestial instinctual drive noted

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alongside the procreative and the medicinal is still poles removed from the world of love and companionship.

Admittedly, a more balanced and even positive attitude finds expression in two loci classici, the fullest expositions of the subject in the writings of *rishonim*—the concluding chapter of Rabad’s *Ba’alei ha-Nefesh* and the anonymous *Iggeret ha-Kodesh*, often erroneously attributed to Ramban. In his “*Sha’ar ha-Kedusha*,” Rabad anchors the discussion of marital sexuality within the broader context of the need to discipline unbridled passion and biophysical impulse in the quest for purgative sanctity:

One must therefore overwhelm and conquer his inclination, standing upon his soul to fight his urges, in order that his soul should rise above that animalistic soul which has nothing which prevents it from obtaining all its desires.³¹

Significantly, this prefatory comment does not distinguish radically between various impulses, and sexuality is treated within the pale of the general spectrum, ranging between ascetic suppression and indulgent accommodation. Moreover, he does not delegitimize all unproductive relations. Nevertheless, of the four motivations whose value Rabad acknowledges, the first two refer to procreation, the last to relieving pressures which might lead to sinful action and fantasy, and the third to responsiveness to a wife’s romantic needs and advances:

The third . . . that she desires him and he recognizes her attempts to please him. She adorns herself that he should notice her.³²

This is still a far cry from R. Bar-Shaul’s cadences.

In contrast, a genuinely enthusiastic tone pervades the discussion of the *Iggeret ha-Kodesh*. After an introductory chapter explaining the purpose and direction of the manual, he confronts the axiological issue head-on:

Know that this essay is clean and holy and represents that which is appropriate at the appropriate time and with the correct intentions. One should not think that this appropriate essay contains shamefulness or nastiness. . . . All should believe that God created everything according to His wisdom and did not create anything shameful or disgusting. For if this essay says something shameful, behold the sexual organs are the shameful organs, yet it was God who created them with His word, as it says “He created you, and prepared you” (Deut. 32:6). . . . If the

sexual organs were truly shameful, how could God have created something deficient or shameful, God forbid?³³

However, I believe there is little question but that this chord, music to modern ears, is, in the medieval context, decidedly in the minority—not quite sotto voce but surely pianissimo. The selfsame *Ba'al ha-Turim* who opens his magnum opus with the paean we have noted, paraphrases Ramban in his commentary on Leviticus³⁴ without comment but, probably, with approval. And we have not so much as glanced at the renunciatory *Hassidei Ashkenaz*, with their delegitimization of virtually all passionate sensory pleasure.

The attitudinal issue may perhaps be gauged by an additional parameter. While marital love is, hopefully, not readily quantifiable, the recommended frequency of relations presumably reflects, inter alia, how they are perceived axiologically. Halakhically, the matter is discussed within the context of the mitsva of *ona* (marital relations), the normative duty incumbent upon a husband to satisfy his wife's sexual needs.³⁵ In sum, various standards are posited, albeit with a measure of flexibility, taking into account a number of variables: the husband's ability, on the one hand—depending upon vocation, strength, competing interests, etc.—and the wife's needs, on the other, with a particular eye to expectations raised at the time of the marriage. Our present focus, however, is precisely the point at which duty is exhausted and transcended; the province, beyond halakhic norm, in which inclination, ideology, and aspiration hold sway.

In this connection, the primary locus classicus is generally perceived as the Gemara in *Berakhot* concerning the requirement that a *ba'al kerit* (one who has experienced a seminal emission) immerse in a proper *mikve* before he be permitted to study Torah.³⁶ This demand is not grounded in the laws of ritual purity, strictly defined, as no similar standard is set for persons who have attained a graver degree of *tum'a*.³⁷ Rather, two factors are cited. The first is the need to sustain, in every encounter with Torah, the degree of awe which characterized its revelation at Sinai (*Berakhot* 22a):

As it has been taught: “And you shall make them known to your children and your children's children,” and it is written immediately afterwards, “The day on which you stood before the Lord your God in Horeb” (Deut. 4:10). Just as there it was in dread and fear and trembling and quaking, so too in this case it must be in dread and fear and trembling and quaking. On the basis of this they laid down that suffer-

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ers from gonorrhea, lepers, and those who had intercourse with *niddot* are permitted to read the Torah, the Prophets, and the Hagiographa, and to study the Mishna, Gemara, halakhot and haggadot; but a *ba'al kerî* is forbidden.³⁸

This reason may be of some relevance to our broader issue, but a second presumably addresses our specific question immediately: “That scholars should not hover around their wives like roosters.” Rambam understood this to mean that the requirement was intended to have a deterrent effect, discouraging frequent marital relations; the text thus serves as a primary source for a general evaluation and recommendation:

The Sages were displeased with one who engages in persistent sexual relations, hovering around his wife like a rooster. This is an extremely flawed action, the action of boors. Rather, praiseworthy is one who diminishes his cohabitation; nevertheless, he should not be delinquent in his marital requirements without his wife’s consent. [The Sages] prohibited a seminally impure person from reading the Torah only so that he should diminish his sexual engagement.³⁹

The interpretation and the inference are open to question, however. At one plane, the Gemara does not state that the deterrent factor constituted the basic ground of the requirement. It only recounts that other Tanna’im held that a lesser purgative ritual, the pouring of a fairly small body of pure water upon the *ba'al kerî* sufficed, but that their students disagreed as to whether this ruling should be freely publicized—with those who favored restraint animated by concern over excessive sexuality.

At another plane, the Gemara narrates that the halakha was later rescinded; this, in accordance with the view of a later Tanna (*Berakhot* 22a):

It has been taught: R. Yehuda b. Betera used to say: Words of Torah are not susceptible to uncleanness . . . as it says, “Is not My word like as fire” (Jer. 23:29). Just as fire is not susceptible to impurity, so words of Torah are not susceptible to impurity.⁴⁰

This repeal invites two questions. First, in light of the principle that later *hakhamim* can rescind earlier legislation only if they are superior to their predecessors in wisdom and scope,⁴¹ whence did R. Yehuda b. Betera and his peers derive the authority to override Ezra’s innovation? Second, derivatively, what was the rationale and the context of the

repeal? The assertion that Torah is beyond defilement perhaps neutralizes the need for an analogue to Sinai. But what of the impact upon sexual habits? Does this remain in place or was this concern, too, rejected? As to the first question, Tosafot suggest two historical factors attendant upon the original ruling: R. Yehuda b. Betera either challenged the historicity of Ezra's involvement—"perhaps he believed that Ezra did not establish this law";⁴² or, more moderately, that he had, from the outset, instituted a contingent requirement, explicitly leaving open the option of later repeal. Rambam, however, presents a third alternative:

This ordinance (*takkana*) was not popularized and a majority of the people could not follow it consistently and it was therefore annulled.⁴³

On the basis of the *sugyot* in *Avoda Zara*, he elsewhere⁴⁴ formulates qualifications allowing for repeal of *takkanot* which had not taken root in the first place, particularly if they proved to be excessively burdensome, and he applies those exceptions here.

Given this explanation, there is no reason to assume that the earlier reasoning had been subsequently rejected. Indeed, there need be no process of formal repeal by a later bet din, but only the determination of a sociological fact. However, Meiri suggests a fourth alternative.

Some explain that the prohibition of a current bet din to revoke the *takkana* of an earlier bet din applies only when the ordinance was passed as a safeguard. However, if it is an interpretive ordinance, the later bet din may interpret it differently.⁴⁵

Having asserted that the limit upon a later bet din's ability to rescind only refers to *takkanot* which were grounded upon a perceived need to safeguard Torah values and avoid violation but not to the challenge of Scriptural interpretation, he goes on to specify how this qualification enabled rejection of the analogue to Sinai and of the ruling grounded upon it. The omission of any reference to the aim of inhibiting marital relations leaves open the possibility that this rationale too is finally refuted; or, at the very least, that it is conceded, against Rambam, that it had never been a *raison d'être* in the first place, but rather, at most, a disputed tactical reason for restraint in publicizing the repeal.

Perhaps most pressing, however, is a third consideration. While Rambam, previously cited, counseled minimal sexuality for all, the Gemara, even on the assumption that the *takkana* was designed as a deterrent, only refers to *talmidei hakhamim*. This focus can, without much question, be understood in Rambam's terms. While restraint is

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universally preferable, it is particularly advisable for a spiritual elite to be held to a higher standard. Rambam adhered to such a pattern in many contexts—notably, in *Hilkhot De'ot of Mishneh Torah*, in which, after four chapters devoted to molding the personality of the layman, he opens the fifth with a clear line of demarcation:

Just as the wise man distinguishes himself from others with his wisdom and opinions and he separates himself from the rest of the nation, so too he should distinguish himself with his actions, his food and drink, his sexual relations, his bodily requirements, his words, his walk, his dress, his maintenance, and his business dealings.⁴⁶

Correspondingly, several halakhot later, he embodies this thesis with respect to sexuality:

Though a wife is consistently permitted to her husband, a scholar should act with holiness and not hover around his wife like a rooster. [He should be with her], if he has the strength, only from one Sabbath night to the next.⁴⁷

However, it is entirely conceivable that *talmidei bakhamim* are singled out by the Gemara for an entirely different reason.

The graduated list of required *ona*, with vocation designated as a primary variable, opens: “The *ona* that the Torah requires refers to those *tayyalin* everyday.” The Gemara then asks, “What are *tayyalin*,” and in response, cites divergent conceptions (*Ketubbot* 62a):

What is meant by *tayyalin*? Rava replied: day students (*benei pirkei*). Said Abaye to him: [These are the men] of whom it is written in Scripture (Psalms 127:2), “It is vain for you that you rise early, and sit up late, those that eat of the bread of toil; so He gives to those who chase their sleep away.” “These,” R. Yitshak explained, are the wives of the scholars, who chase the sleep from their eyes in this world and achieve thereby the life of the world to come. Yet you say [that *tayyalin* are] “day students”! [The explanation], however, said Abaye, is in agreement [with a statement] of Rav who said that [a *tayyal* is one] for instance, like R. Shemuel b. Shilat who eats of his own, drinks of his own, and sleeps in the shadow of his mansion and a king’s officer never passes his door. When Ravin came he stated: [A *tayyal* is one], for instance, like the pampered men of the West (Israel).

Ravin’s definition—essentially, relaxed, effete, and possibly sybaritic

men—is not surprising. Those of Rava and Abaye probably are. With respect to *benei pirkei*, Rashi explains: “Students whose rabbi dwells in their town. They therefore may learn while living in their own houses.” These are, in effect, roughly the equivalent of contemporary kollel students. And yet, Rava did not cavil at the thought that they, of all people, would be charged with nightly relations. Moreover, Abaye does not challenge this conception on philosophic or axiological grounds. He does not address issues of spiritual decadence or passionate surfeit. He simply contends, as Rashi explains, that the pressures of Torah learning and the time they need to devote to prolonged sojourn in the bet midrash clearly preclude nightly conjugal activity; or, conversely, as suggested by *Talmidei Rabbenu Yona*,⁴⁸ that the effort expended in the course of intensive study may be debilitating and enervating no less than the energy exerted by the ordinary laborer. Moreover, Abaye’s exemplar is a *melamed tinokot* (a teacher of children); and with regard to him, too, daily *ona* is not regarded as inconsonant with his lofty spiritual career.

The implication is clear, and the brief interchange may suggestively explain why, in the Gemara’s discussion concerning *ba’al kerit, talmidei hakhamim* are singled out. The formulation may simply be regarded as a variant of Abaye’s position. Read in this vein, the passage expresses neither revulsion from the carnal nor ideological recoil from the manifest blend of the physical, the psychic, and the spiritual of which sexual experience is comprised. The issue rather turns upon the conflict of resources and the consequent need to budget time, attention, and energy—fundamentally, the same type of concern that would arise with regard to any activity which would divert attention and capacity from the world of *talmud Torah*. Hence, the singling out of the *talmid hakham* as opposed to the ordinary layman. The maintenance of a proper balance between mundane concerns, however innocent, and spiritual aspirations is, of course, a major axiological challenge in its own right; and the excessive preoccupation with the temporal is the object of criticism: “Putting aside heavenly matters in favor of the mundane.”⁴⁹ This is radically different, however, from the rejection of a given sphere of activity as problematic *per se*.

Perhaps even more noteworthy is a parallel, and yet remarkably different, formulation in the Yerushalmi (*Berakhot* 3:4):

R. Ya’akov b. Avun said: the only reason they instituted this *tevila* (ritual immersion) was so the Israelites would not be like roosters, having relations, rising, then descending to eat.

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In contrast with the disdain for sexuality Rambam elicited from the Bavli,⁵⁰ we encounter here an appreciation of its worth as the basis for the *takkana* of *tevila*. At the heart of the matter lies the critical distinction between animal and human sexuality. For the cock, coitus constitutes, at most, an intense physiological experience of brief duration and of no subsequent perceptible import. It is, in a word, casual. For man and woman, endowed with the capacity for “looking before and after,” charged with the mandate to infuse even erotic activity with meaning, the same experience is framed within the context of an existential relationship, and, particularly when informed by religious content, invests the persons and their encounter with passionate and spiritual purpose. It is precisely in order to underscore the significance of sexual relations, in order to focus attention upon their character and consequences, that *tevila* was ordained. The restraints imposed sans *tevila* are intended to assure that relations *not* be casual. They generate interactive awareness which serves to ennoble and enhance sexuality, elevating it, redemptively, from the bestial to the human. And, inasmuch as this aspiration is not confined to an elite cadre of the learned, R. Ya’akov b. Avun speaks, comprehensively, of all:

R. Ya’akov b. Avun said: the only reason they instituted this *tevila* (ritual immersion) was so the Israelites would not be like roosters, having relations, rising, then descending to eat.

The question of frequency confronted—and, in a sense, confounded—a leading Ashkenazi *posek*, the thirteenth-century author of the *Or Zaruv’a*. On the one hand, he quotes the Gemara’s explanation regarding *ba’al keri*, which he interprets, like Rambam, as referring to the deterrent aspect of the *takkana*, as well as the recommendation that the *ona* of *talmidei hakhamim* be “from Sabbath eve to Sabbath eve.” On the other hand, he cites a narrative from a Gemara in *Ketubbot* which seems to point in the opposite direction:

However, that certain case that the Talmud relates is a bit unclear to me. There it concludes that Yehuda the son of R. Hiyya and son-in-law of R. Yanai was sitting in the house of learning. “*Kol bei shimshei*,” [Yehuda] went to his house only to be confronted by [the vision of] a pillar of fire. One day he became engrossed in his learning [and remained] and did not see the sign. They said to turn over his bed [like a mourner], for were Yehuda not alive, he would not have missed his marital requirement. It was like “an error committed by a ruler” (Eccl.

10:5) and he died. We can conclude that it was praiseworthy that he was often with his wife.⁵¹

Unlike Rashi, who, elsewhere⁵² interprets *kol bei shimshei* as “weekly,” the *Or Zaru’a* understood the phrase, more literally, as “nightly”; hence, his difficulty.

We, for our part, are confronted by a quandary of our own; and it is dual. At one plane, we ask ourselves, within the context of our learning—it is Torah, and we must learn—a simple and straightforward question. In light of the predominant evidence we have noted from Hazal and, particularly, its halakhic component, how and why did Rambam, Ramban, and some other *rishonim*, deviate so markedly from their prevalent attitude? With reference to *yetser* (the inclination)—generic in connotation but defined by Rashi as *shel tashmish* (sexual desire)—Hazal identify it as one of a triad which, optimally, one should “let the left hand deflect and the right hand bring close” (*Sota* 47a). One sometimes gets the impression that the proportion was subsequently inverted.

The allure of facile historicistic solutions—in our case, of ascription to Sufi or Scholastic influences, regarding worldliness, in general, or sexuality, in particular—is palpably self-evident. In dealing with giants, however, we strive to avoid succumbing to its alluring temptations.

To be sure, post Hazal *gedolim*, *rishonim*, or *aharonim* may be affected by the impact of contact with a general culture to which their predecessors had not been exposed and to whose content and direction they respond. Upon critical evaluation of what they have encountered, they may incorporate what they find consonant with tradition and reject what is not. In the process, they may legitimately enlarge the bounds of their *hashkafa* and introduce hitherto unperceived insights and interpretations. No one questions Aristotle’s impact upon Rambam or Kierkegaard’s upon the Rav. In our case, however, we are seemingly dealing with apparent contravention rather than nuanced accretion; hence, while we may assign some weight to the historical factor, this will hardly suffice, and we must entertain other factors as well, seeking resolution in other directions. Probably the most promising is the suggestion that the sources I have cited were, in the eyes of some *rishonim*, qualitatively outweighed by others. Most significantly, we might note his wife’s account of R. Eliezer’s marital conduct and attitude which, as a paradigm, figures prominently in the *Ba’alei ha-Nefesh* (*Nedarim* 20b): “When he ‘tells,’ let him reveal a *tefah* while concurrently hiding a *tefah*, as if he were forced to act by a demon.”

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According to some interpretations cited by Rabad, the concluding phrase signifies an admixture of recoil reflected in brevity: “Meaning it is as if the demon kicked him and he acts, and then relinquishes the action. That is how much he shortened sexual relations.”⁵³ However, other interpretations abound—some going so far as to suggest that the procedure was intended to increase, rather than diminish, passion;⁵⁴ and, in any event, one is still perplexed by the positive attitude presumably reflected in the relevant halakhot. This evidence is sometimes deflected by the contention that the encouragement of, say, relations on Shabbat is grounded in the fulfillment of conjugal obligation rather than in axiological approval. This is strange as doctrine, however. It seems odd that halakha would recommend engaging in activity conceived as “distant and disgusting in the Torah, unless performed for the maintenance of the species” solely in order to satisfy perceived wifely infirmity—and that this should be performed, of all times, on Shabbat. Hence, while the conjecture I have advanced appears to me reasonable and likely, much of the difficulty remains.

To the extent that we do succeed in harmonizing the positions of Hazal and of *rishonim*, we ameliorate the pressure of one issue but exacerbate that of another. For we are brought, in turn, to a second quandary: our own. While I have conducted no empirical survey, I believe there is little question regarding the sensibility of the contemporary Torah world, irrespective of camp and orientation. We stand, fundamentally, with R. Bar-Shaul. We assert the value of romantic love, its physical manifestation included, without flinching from the prospect of concomitant sensual pleasure; and we do so without harboring guilt or reservations. We insist, of course, upon its sanctification—this, within the context of suffusive *kedusha* of carnal experience, generally. We do not, in any sense and form, join Blake, Lawrence, and their ideological confreres in celebrating lusty passion in isolation, and, on both halakhic and ethical grounds—which are, in a meaningful sense, themselves halakhic—reject non-marital sexuality as transient, vulgar, and possibly exploitative, devoid of interpersonal commitment or social and legal sanction. Moreover, even with reference to the context of marriage, we recoil from the supposed transmutation of the erotic into a quasi-mystical experience, bordering on the transcendental, encountered in some quarters. Conceptually and historically, such associations are idolatrous rather than Jewish. With regard to the basic phenomenon of sexual experience, however, our instincts and our attitude are clearly positive. We have no qualms.

Relatively few are familiar—or, perhaps even comfortable with the substance or rhetoric of *Shelah's* formulation:

With respect to copulation, when enacted with holiness and purity, is most holy, bestirring [matters] above; a person sanctifies himself in the nether [world], and he is sanctified greatly from the upper, and he fulfills [the commandment], “You shall be holy, for I am holy, Hashem your God.” For every copulation resembles that of Adam and Eve, performed in His form and image.⁵⁵

But as to the fundamental attitude, we are very much attuned.

This attitude is clearly manifest in a section from Rav Kook's *Orot ha-Kodesh*, aptly titled “*Ha-Netiya ha-Minit le-Atid*” (The Future of Sexual Inclination):

The sexual inclination goes and pours forth toward the future, toward the perfect existence; it will bring a time when the existence of the world to come will be present in this world. For the future existence is filled with splendor and pleasantness. Great, therefore, is this intense desire, this powerful longing of the eternal inclination; and the tendentious Holiness settles its light only upon [this desire]. And the pure soul steers this desire towards its destination.⁵⁶

The passage presumably reflects a general tendency to affirmative “world-acceptance,” but its thrust, with respect to this particular area is, for our purposes, nonetheless noteworthy.

Readers of these lines are probably more familiar with the Rav's formulations—less florid but sharper, more comprehensive, and more explicit. The fullest treatment appears in the chapter on “The Redemption of Sexual Life,” in the posthumously published volume *Family Redeemed*. The essay confronts the prospect of shame, distinguishing radically between it and the shyness embodied in *tzeni'ut*; interweaves sexuality and community; harnesses sensibility to nuanced interpretation of phrases in the opening chapters of Genesis regarding the human and the animal order, respectively; and concludes with a striking declaration:

Oneness of the flesh is a metaphor indicative of complete unity, of a community of souls which comes into existence under the pressure of the sexual urge.⁵⁷

The theme had been developed, however, in writings published

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during the Rav's lifetime, typified by a sub-chapter on the topic within the context of the discourse on *ha'ala'at ha-guf*, towards the conclusion of *U-Vikkashtem mi-Sham*:

Greek philosophy and Christianity never grasped the ethico-metaphysical nature of the sexual union. Only in halakha is this act based firmly in religious life—the commandment to “be fruitful and multiply” is the first commandment in the Torah. Marital life is blessed and pure. The “single life,” though not an eternal sin, stands in contrast to the perspective of halakha. One who remains without a wife is left without happiness, without blessing, without Torah.⁵⁸

Moreover, while the terminology and the rationale might vary—and the readiness to deal with the topic explicitly, at all, considerably limited—I have the distinct impression that the situation is not significantly different within the haredi world. R. Yosef Epstein's *Mitsvot ha-Bayit*⁵⁹—his is an authentic voice of the *yeshivot ha-mussar*—serves as a prime example. He opens the section entitled *mili de-tseni'uta* with a passage from *Shelah* which sings the praises of “quantitatively a tiny union, yet qualitatively large”—to wit, the *Iggeret ha-Kodesh* continues with the passage I quoted previously from the *Iggeret* proper, and follows this with a citation from R. Ya'akov Emden's collection of responsa, *Mor u-Ketsi'a*. Speaking of marital relations, the latter writes:

True scholars, who stand in God's confidence, know that this act (sexual union) is important and good and is advantageous to the soul as well. There is no comparable value in all other acts of man when this act is performed with pure intentions and innocent and wholesome thoughts; certainly it is called holy. There is in it no flaw, nor depreciation, nor reproach. On the contrary, [this act] is so precious and great that man becomes a partner with his Maker, and becomes akin to Him in the act of creation, as it says, “Let us make man.”⁶⁰

The conclusion clearly refers to the procreative aspect of sexuality, but, just as clearly, the passage as a whole expresses appreciation of the relations per se: it is beneficial for the body as well. Much the same spirit pervades Prof. Yehuda Levi's *Ish, Isha, u-Mishpaha*,⁶¹ warmly approbated by R. Zalman Nehemiah Goldberg and R. Yehoshua Neuwirth, and sprinkled with references to the Steipler's epistles. While the book is conceived as an antithesis to modernism (it is subtitled, *Moderna Mul Masoret* [Modernism vs. Traditionalism]), its thrust is, with respect to our issue, very much in line with contemporary winds of doctrine.

Assuming these facts to be correct—as regards my own spiritual environs, I can attest directly—we ask ourselves: How and why do we depart from positions articulated by some of our greatest—“from whose mouths we live and from whose waters we drink”—and, is this departure legitimate? Are we victims of the *Zeitgeist*, swept along by general socio-historical currents? Do we tailor our attitude on this issue to conform to appetitive convenience and erotic desire? Have we, in this case, adopted a self-satisfying posture of facile world-acceptance clothed in culturally correct garb?

To the extent that I am capable of candid self-awareness, I trust these questions can and should be answered in the negative. Our commitment to sexuality, properly sanctified, redeemed and redeeming, does not derive from libidinous passion but is, rather, grounded in profound spiritual instincts—upon our recognition that “God saw all that He created, and behold it was very good,” on the one hand, and our quest for meaningful interpersonal commingling, on the other. It is, for us, not merely an instrument for parallel intense enjoyment, nor a vehicle for reciprocal consumption. It is, rather, a fundamental component in a comprehensive relationship—at once, both itself an aspect of that relationship and a means toward molding its totality. This is our honed perception of “cleaving to his wife that they become one flesh”—partly carnal, in one sense, and yet powerfully existential in another.

As to the basis of our attitude’s legitimacy within the context of authoritative tradition, several factors may be cited. At one plane, we are buttressed, be it only subliminally, by the conviction that we are siding with Hazal, and they with us. At another, we are assuaged by the sense that while, at worst, we may be disregarding the attitudinal counsel of some *rishonim*, we are not countermanding their *pesak*; and that, with respect to issues of *hashkafa*, reliance upon minority views is more of a legitimate option than as regards specific halakhic matters.

Probably most significant, however, is our reliance upon our own mentors. Sensing that modern *gedolim*, “the judge of your era”—for our purposes, most notably, the Rav, but not he alone—have examined the issue and the evidence and adopted a positive stance, we, ordinary students of Torah, follow in their footsteps as we identify with their position. Whether they felt justified in accepting, out of the depths of their own conviction, a minority view; whether they held that our topic was essentially a matter of *hashkafic* proclivity, not necessarily amenable to the normal procedures of *pesak*; or whether some other unknown but imagined element—might, for instance, the hospitable climate of Kabbalistic

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sources, have had some impact—is a matter for conjecture. That the authority of our mentors can inform and sustain our sensibility is not.

I am left, nonetheless, with a lacuna. Even while adhering to the Rav's position, one may freely concede wishing that he had done for us what we have been challenged and constrained to do here: examine the various tiers of tradition and elucidate the basis for his own judgment and commitment. Admittedly, the need for such a confrontation recedes significantly if one ascribes the *Iggeret ha-Kodesh* to Ramban. That would change the alignment of major *ba'alei mahshava* amongst *rishonim* appreciably, isolating Rambam somewhat. That is a most unlikely assumption, however. Even if no other evidence existed—and it does⁶²—the citations from his commentary on Leviticus which I have adduced are strong enough ground, in and of themselves, for rejecting the ascription; and the Rav, for one, probably knew that.

As to Rambam, the Rav did relate to his views, and sought to enlist him in his own ranks. In a footnote appended to the passage I quoted from *U-Vikkashtem mi-Sham*, he adds:

In truth, even Rambam—despite his ascetic tendencies which emerged most uniquely in the *Moreh* where he describes the conflict between bodily desire and the spiritual yearning for God—reflects positively upon the sexual union. He denounced the sexual craze and aggression. Our teacher (Rambam) demands that man elevate his sexual existence; its sanctification is accomplished by stamping it with halakhic purpose.⁶³

He then proceeds to list a three-pronged purpose for sexuality: physiological, procreative, as a social-religious end, and teleological, as a means to the realization of historico-spiritual destiny. It must be conceded, however, that the attempt is far from convincing, with the reference to excerpts cited highly selective, bordering on the tendentious. So, in this respect, the lacuna persists.

It may of course be rejoined that the gap I have noted with respect to Rambam does not relate to sexuality per se, but is to be perceived within the broader context of asceticism and other-worldliness, with reference to which, both within the Torah world and that of general religious thought—ours is, after all, a universal topic—different camps, with varying orientations and emphases, assuredly exist. Such an approach would probably expand the authoritative base of *ba'alei mahshava* upon which one could presumably rely.

This is unquestionably true, but not wholly reassuring. Indeed, from a certain perspective, the contention, far from ameliorating our

concern, possibly exacerbates it. For we are brought to confront—honestly and squarely, and across a broader front—Wordsworth’s lament, “The world is too much with us, late and soon.” Whether the account is true is, for the modernist in particular, “a question to be asked”; whether, in the process of being, pragmatically and ideologically, in the world we do not, as the sonnet continues, “lay waste our powers.”

That self-examination is, collectively and personally, a religious imperative. Nevertheless, with respect to our specific issue, we remain true to our abiding spiritual intuitions. We cannot, as *Shelah* could not, acquiesce in the sense that so fundamental an aspect of physical and psychic reality is, by and large, merely a snare. We cannot, as the author of the *Iggeret ha-Kodesh* could not, abandon the conviction that so central a component of human nature is not part of the *tov me’od* of primordial creation. Consequently, impelled by our spiritual instincts and animated by the faith instilled in us by our Torah mentors, we opt for consecration rather than abstinence. In this most sensitive area, we strive for a life which is energized rather than neutralized—not merely sterilized and sanitized, but ennobled and ennobling. We are challenged to sanctify—by integrating sexuality within total sacral existence, characterized by the systole and diastole of divinely ordained denial and realization, and by infusing the relationship itself with human and spiritual content. This is by no means the easier course. May we have the wisdom and the commitment to render it the better.

NOTES

Elie Weissman assisted in the preparation of the article.

1. Cf. Rambam, *Hilkhot Sanhedrin* 24:1.
2. The description—with a possibly implicit prescription—does not appear in the Gemara. It is found in *Tanna de-Bei Eliyahu*, and thence, in Rambam, *Hilkhot Ishut* 15:20, and in *Hagahot Maimoniyot*, ad loc. See also *Keritut* 28a: “In all cases the father precedes the mother; for the mother is herself required to honor the father.” This refers, however, to service rather than subservience.
3. *Shemot Rabba* 1:1.
4. R. Joseph B. Soloveitchik, *Family Redeemed: Essays on Family Relationships*, ed. David Shatz and Joel B. Wolowelsky (Jersey City: Ktav, 2002), 31.
5. *Ibid.*, 35.
6. *Tur, Even ha-Ezer* 1. The proem is absent in *Shulhan Arukh*, which

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- plunges directly into the normative mode. However, R. Moses Isserles does add, as a codicil: One who has no wife is left without blessing, without Torah . . . he may not even be called a person. However, once he is married, his sins are “doubted” by God, as it is written (Proverbs 18:22): “One who has found a wife has found goodness, and has received the desirous doubt of God.”
7. *Ketubbot* 1:12.
 8. See *Yevamot* 2:6; Rashba and Ritva, *Yevamot* 22a. These may possibly refer only to incest *de-rabbanan*. See also *Minhat Hinnukh* 1:8 (Makhon Yerushalayim ed.); and Maharit Algazi, *Hilkhot Bekhorot* 9:65, which deal with this issue with reference to the problem of *mitsva ha-ba’a ba-avera*.
 9. See *Gittin* 41b, *Megilla* 27a, and *Avoda Zara* 13a.
 10. *Sanhedrin* 76b; see Rambam, *Isbut* 15:19.
 11. See his comment on Leviticus 19:17.
 12. See Ramban, ad loc. Rashi cites the Midrash as interpreting the statement with reference to cosmic, rather than personal, good.
 13. *Family Redeemed*, p. 17.
 14. See Numbers 12:1-8. The Rav quoted his father as stressing that the focus of the narrative is not the exposition of *lashon ha-ra* but, rather the challenge to Moses’ uniqueness.
 15. Rambam, *Hilkhot Yesodei ha-Torah* 7:6.
 16. Rambam, *Hilkhot Isbut* 15:3.
 17. For a different, but no less striking, interpretation of the cited, see Yerushalmi *Sanhedrin* 2:3.
 18. s.v. *she-gilta*.
 19. The impact of the passage is somewhat muted however, by the subsequent conclusion: relief from bowel pressure.
 20. The portrayal needs to be viewed within the context of the Gemara’s subsequent comment: “He said: Go and tell him that Bana’a is standing at the entrance. Said Abraham to him: Let him enter; it is well known that there is no passion in this [after] world.” Abraham’s assent to admit R. Bana’a, even though this would entail his being seen in an intimate pose, is explained on the basis of the knowledge that sexual passion does not exist in “this [after] world.” Hence, the import of the stance and the encounter is, in effect, desexualized. Nevertheless, the passage remains significant.
 21. Rambam, *Hilkhot Shabbat* 30:14.
 22. This condition is posited by Tosafot in many places. See e.g., *Sukka* 25a, s.v. *sbluki*. However, some *rishonim* assume the dispensation applies even if one could manage to perform both, provided that he is seriously engaged in the performance of the first mitsva. See *Or Zaru’a*, *Hilkhot Sukka* 2:299, and *She’elot u-Teshuvot Maharah Or Zaru’a* 161, 163, 183. The latter view was adopted by Rema; see *Orah Hayyim* 38:8.
 23. See *Berakhot* 11a and 17b, and *Sukka* 25a-b. See *Hiddushei ha-Rashba*, *Berakhot* 11a, s.v. *u-veLekhtekha*, for a possible distinction between the exemption in the course of the actual performance of a mitsva and that granted due to perturbation in anticipation of a mitsva.
 24. See *Ketubbot* 39a.

25. *Hilkhot De'ot* 3:2. The sense of Rambam's formulation in this halakha—and, to an extent, throughout the chapter—seems somewhat unclear. He opens by stating, "A man must focus his mind and actions towards the recognition of only God," evidently leaving no room for any other motif, be it even intermediate or secondary, unless one reads "to focus" as an overall direction. He goes on to assert, "so too when he eats, drinks, or has relations he should not act merely for pleasure," clearly implying that the desire for pleasure is legitimate, if only it is not the exclusive motive. However, in the spirit of the segment I have quoted in my text, he continues, "Rather one should concentrate his acts of eating and drinking for bodily health alone." A similar ambiguity exists in an earlier formulation of the same general theme in *Shemoneh Perakim*, ch. 5. As to the reference to medical benefit, see, conversely, the elaborate enumeration of the medically problematic aspects of sexual excess in *De'ot* 4:19.

For a brief and balanced summary discussion of the broader issue of asceticism with respect to Rambam, see my late brother-in-law R. Isadore (Yitzhak) Twersky's *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven: Yale University Press, 1980), pp. 459-468—including, in relation to our specific focus the judgment: "Generally, his attitude towards sex is very stringent" (p. 466).

26. 3:8; in Shlomo Pines's translation (*The Guide of the Perplexed* [Chicago: University of Chicago Press, 1963]), p. 435.
27. See his comment on Exodus 30:13.
28. Leviticus 18:19.
29. Leviticus 18:6.
30. Leviticus 18:20.
31. *Ba'alei ha-Nefesh*, ed. Ephraim Buckwold (Bnei Brak, 1992), p. 171.
32. *Ibid.*, p. 174.
33. *Ibid.*, pp. 195-196; ch. 2. The *Iggeret* is printed in Buckwold's edition of the *Ba'alei ha-Nefesh*.
34. See *Perush ha-Tur ha-Arokh al ha-Torah*, Leviticus 18:6 and 18:19. The brief paraphrases lack the verve of Ramban's comments, but the spirit and the substance are clear.

Interestingly, R. Bahya b. Asher, in his comment upon Leviticus 18:6, paraphrases Ramban, with a yet sharper formulation: "From here we learn that sexual relations are biblically prohibited, unless performed for the purposes of promulgation of our species"; and, after challenging this position, cites Rabad as an alternative, referring to the four motivations he had recognized. However, he then adds: "And the fifth, which is that [sexual relations] for pleasure, comparable to bestial desire, are prohibited." Textually, it is not clear whether the comparison qualifies the *ta'anug ve-ta'ava*—as it is only the bestial kind which is prohibited—or whether all such pleasure is proscribed, as it is inherently bestial in character. The latter seems more likely, however.

35. See *Ketubbot* 61b-62b.
36. See *Berakhot* 20b and 22a, where the status of a *ba'al keri* is treated with regard to *tefilla*, *keri'at shema*, and *birkat ha-mazon* as well. Elsewhere, the ordinance is attributed to Ezra; see *Bava Kama* 82b. This historical fact is,

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- however, omitted from the *sugya* in *Berakhot*—presumably, as being irrelevant to the purely halakhic discourse.
37. See *Berakhot* 26a.
 38. The focus upon the element of tremor at Sinai, and the consequent emphasis upon maintaining it when encountering it is also expressed elsewhere. See, e.g., *Avot de-Rabbi Natan* 1:1 and 6:2, *Yoma* 4b, and Rambam *Hilkhot Hagiga* 3:6. Obviously, however, this element needs to be counterbalanced by the sense of joy and privilege. This important topic lies beyond my present bounds, however.
 39. *Hilkhot Issurei Bi'ah* 21:11.
 40. *Rishonim* disagreed as to whether the repeal was limited to Torah study or encompassed *tefilla* as well.
 41. See *Avoda Zara* 36a and Rambam, *Hilkhot Mamrim* ch. 2.
 42. *Bava Kama* 82b, s.v. *ata*.
 43. *Hilkhot Keri'at Shema* 4:8.
 44. See *Hilkhot Mamrim* 2:7-8, where it would appear that, in certain instances, no formal repeal is even necessary and the ordinance lapses, having been invalid from the outset.
 45. *Bet ha-Behira*, *Berakhot* 22a, s.v. *tevila*. On the other hand, it is of course possible that the goal of restraint remains a desideratum but is overridden by the higher priority of fuller *talmud Torah*.
 46. *Hilkhot De'ot* 5:1. The elitist element is of course much more fully articulated in the *Moreh*.
 47. *Hilkhot De'ot* 5:4.
 48. See the citation in *Shitta Mekubetset*, ad loc.
 49. See *Betsa* 15b, where the criticism is applied to those who leave a *shi'ur* in order to enjoy a *se'udat yom tov*; and, even more remarkably, *Shabbat* 10a, where Rava comments negatively upon a colleague's devoting too much time to *tefilla*, which is presumably focused upon petition for temporal needs.
 50. It is conceivable that the Bavli, too, should be interpreted in light of, and in accordance with, the Yerushalmi. I have not encountered this view in *rishonim*, however.
 51. *Or Zarua*, *Hilkhot Nidda* 360.
 52. See Rashi, *Ketubbot* 103a, s.v. *bei*.
 53. *Ba'alei ha-Nefesh*, p. 176. Rabad goes on to cite an alternative interpretation that the description refers to insistence upon a significant measure of dress during relations—this, notwithstanding the fact that R. Huna had designated such insistence as grounds for divorce; see *Ketubbot* 48a, and *Shulhan Arukh*, *Even ha-Ezer* 76:13 and commentaries thereon.
 54. See the comment of Ritva, cited in *Shitta Mekubetset*, *Nedarim* 20b.
 55. R. Yeshayahu Horowitz, *Shenei Luhot ha-Berit* (Jerusalem, 1970), *Sha'ar ha-Otiyot* 72b.
 56. R. Avraham Yitshak ha-Kohen Kook, *Orot ha-Kodesh* (Jerusalem: Mosad ha-Rav Kook, 1963), 3:38; p. 299.
 57. *Family Redeemed*, p. 104.
 58. *Ish ha-Halakha*, *Galuy ve-Nistar* (Jerusalem: World Zionist Organization, 1979), p. 104. The passage includes prominent mention of *periya ve-reviya*, but its broader positive thrust is clear.

59. See R. Yosef Dov Epstein, *Mitsvot ha-Bayit*, vol. 2 (New York: Mekhon le-Heker ha-Musar she-baHalakha, 1966), pp. 247-248.
60. *Orah Hayyim*, 240.
61. See Yehuda Levi, *Isb, Isha u-Mishpaha* (Bet El: Sifriyat Bet El, 2001), especially, pp. 51-62.
62. See Chavel's introduction to the *Iggeret* in his edition of *Kitvei ha-Ramban* (Jerusalem: Mosad ha-Rav Kook, 1962).
63. *Isb ha-Halakha*, pp. 213-4.