

# Sexuality in the Jewish Tradition

articolo

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## *Judaism and Sex*

In Jewish law, sex is not considered shameful, sinful or obscene. Nor it is viewed as a necessary evil to comply with the duty of procreation. When sexual desire is satisfied between a husband and wife at the proper time, out of mutual love and desire, sex is a *mitzvah* (a good deed). Hence, Judaism considers sex natural and holy even if to be lived within clear limits and boundaries. As Avraham Peretz Friedman reminds us in his book *Marital Intimacy*, Maimonides said: “One should know that sexual union is holy and pure when it is done as it should be, at the time it should be, and with proper intent.”<sup>2</sup>

## *Be Fruitful and Multiply*

Traditionally, Judaism sees sex as acceptable only between a wife and husband. As the first commandment in the Torah is “be fruitful and multiply,” it is obvious as to why procreation makes it necessary to consider sex holy. Along the same lines, contraception can be seen as problematic because it interferes with the very same religious obligation to procreate. Yet, it is not always prohibited to use contraception.

As we shall see as the paper develops, issues concerning sex are mostly focused on men. This is so for a number of reasons, not last that the Talmud understands the commandment to procreate as a legal obligation specifically targeting men.

This is why, Jewish authorities are less strict against female contraception (i.e. birth control pill). What are seen as impermissible are methods of contraception that block or destroy the seed. This is why condoms are not acceptable. Sex does not have to take place *only* when there is a real chance for the woman to get pregnant. On the contrary, sex between spouses is allowed (sometimes even recommended) in situations where conception is impossible (for example when the woman is using an acceptable method of contraception, after menopause or if she is pregnant already).

## *Sexual Pleasure and Companionship*

Hence, it should not be surprising to stress that Judaism does underline the importance of sexual pleasure and companionship for their own sake and they are to be preserved so much that the Torah in Exodus 21:10 lists marital intimacy as one of the three basic rights that a husband has to ensure to provide to his wife always (the other two being food and clothing).

Conjugal duties become even more detailed in the Talmud. In one of its most extensive sections (called *Nashim* -literally “women”) there is ample explanation of the laws of sex and marriage.

Concerning men for instance, the Talmud provides a specific “time table” of the duty for a husband to sleep with his wife depending on his profession: while a sailor can sleep with his wife every six months, a camel driv-



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er has to do so every 30 days and an independent worker has an obligation to spend time with his spouse every night. Although the Talmud specifies the frequency of sexual obligation based on the husband's occupation, such frequency can be modified in the *ketubah* (marriage contract) prior to the wedding. A husband cannot take long journeys nor take a vow to abstain from sex for an extended period of time because these choices would deprive his wife of sex for too long.

Obviously, the wife can reject the attention from her husband, and Judaism explicitly forbids a husband to pressure on his wife with sexual advances if she does not want to. The Torah uses a root of *Yod Dalet* and *Ayin* for the word that describes sex between spouses. The root means "to know" and it appropriately underlines how central mind and heart (not only the body) are in a proper Jewish understanding of sex.

Yet, sexuality requires the body as well and Judaism does recognize the centrality also of this component. The need for a "chemical connection", seen as physical compatibility between husband and wife is required also in arranged marriages. The proposed couple must meet at least once before the marriage and if either of the two finds the other repulsive the marriage cannot take place as it is forbidden.

Sex should never be a selfish act aimed at personal satisfaction. On the contrary, it should function as an additional way to connect with one's spouse—hence sexual intercourse that does not take into account the partner's pleasure is an evil act and wrong. This is one of the reasons why a husband can never force his wife into sex. Sex should be experienced always at a time of joy, and should not take place while partners are arguing, drunk or altered by other substances. Sex is not to be used as leverage (by the depriving the partner of it or by compelling it) to achieve certain goals within the spouses (i.e. pushing the spouse to accept a certain decision or manipulate him or her into something they would otherwise disagree with).

Sex is seen as a right of the woman not of the man. In fact, the husband has a duty to

have sexual intercourse with his wife regularly and to ensure that she enjoys it. He also has the obligation to look for signs that his wife wants sex and offer to provide it even when she does explicitly ask for it (though remaining cautious as to what she really wants).

As mentioned above, women's right to sex—called *onah*—is one of the three basic rights that a wife needs to have guaranteed (with food and clothing being the other two) and that the husband cannot reduce at any time during their relationship (unless for health-related issues).

Even though sex is a woman's right, this does not mean that she does not have some obligations too that she must follow. A wife can never withhold sex from her partner as a form of punishment or revenge. If she does not comply with this explicit directive, the husband is entitled not only to divorce her but also to do so without having to pay the—often substantial—divorce settlement agreed upon by the two spouses in the *ketubah*. This can happen even if they have already fulfilled the halakhic obligation to procreate.

Even within the boundaries of marriage, Jewish law gives some clear restrictions to sex. Marital sex cannot take place during menstruation for example. It is interesting to notice how this restriction has evolved across time. While in the Torah the prohibition concerned only sexual intercourse during this time of the month, later rabbinic decisions opted for a neater stand—eventually leading to a full-scale avoidance of all physical contacts between spouses during that time. In addition, these restrictions are prolonged for seven days after the end of a woman's period and until she undergoes a ritual bath (*mikveh*). It should be noted that, traditionally, the *mikveh* was used to purify different people in different situations. In contemporary society, the main use of those baths (aside from the one just explained) is that of the ritual of conversion—even if in some of the communities, religious men keep on immersing themselves periodically to purify themselves. It is important to stress however, that the cleansings sought with a *mikveh* is spiritual, not physical. Hence, it is not surprising that

that the ritual bath is not valid unless the person has not properly washed herself before the immersion. This tradition is so important in Jewish ritual life that a new community would first build a mikveh and then a synagogue.

All these types of laws are defined as “family purity laws” (*Taharat HaMishpacha*), and –though not followed by many Jews in modern society– they have recently seen a sort of revival through a number of reinterpretations, from both liberal and traditional Jewish contexts, so to fit modern rhythms and dynamics.

The prohibition against having sex during the wife’s period is stated in Leviticus 18, where there is also a very specific list of inappropriate sexual behavior, including incest and bestiality. The prohibition against adultery instead –aside from being listed among the Ten Commandments– appears in Exodus 20 and Deuteronomy 5.

### *The Evil Inclination*

Although it has been explained why and how sex is to be considered holy, in Judaism sexual drive is often associated with the *yetzer ra*, the evil inclination. Even if our sexual impulses come from the *yetzer ra* (the evil inclination or impulse), this does not mean that it is to be condemned in all circumstances, as thirst and hunger are also impulses that are driven by the *yetzer ra*. What is important to understand and work towards is the channelling of this evil impulse, so, as in the case of hunger, thirst or other basic instincts, we need to control and satisfy our sexual desires at the right time and place and in the proper manner. In fact, it should not be forgotten that the evil inclination can help both holiness and productivity. As said in a famous midrash: “were it not for the *yetzer ra*, no man would build a house, marry a wife, or beget children.”<sup>23</sup>

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It is worth to consider also the image of sex that comes out of the tradition of the medieval Jewish mysticism –namely that expressed in the Kabbalah. In the words of Arthur Green in his Second Jewish Catalogue, “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.”<sup>24</sup>

Many medieval philosophers did not share this enthusiasm for sex. In the Guide of the Perplexed for example, Maimonides –one of the greatest Jewish thinker of all time– wrote: “The law about forbidden sexual intercourse seeks in all its parts to inculcate the lesson that we ought to limit sexual intercourse altogether, hold it in contempt, and only desire it very rarely.”<sup>25</sup>

### *Judaism and Premarital Sex*

The approach that Jewish law has towards premarital sex is probably more elastic than one would initially expect. In fact, the Torah –differently from many other types of sexual relationships– does not explicitly consider it outlaw, and, as a result, a child born out of such a relationship is not considered a *mamzer* (illegitimate). Having said that, marital sex remains the ideal option in Judaism and premarital sex is usually not approved of and seen as a weak behaviour.

In addition, considering that the restriction of not having sex during the period applies to both married and unmarried couples, and that is forbidden for a unmarried woman (with the exception of the soon-to-be brides) to take a ritual bath in the *mikveh* –necessary to purify the couple each month– it would appear logical to affirm that, tough indirectly, sex by an unmarried couple is likely breaking a Torah decree.

### *Sex Within vs Outside Marriage*

The doubts that can be more or less stressed in the context of premarital sex disappear with marriage—which is instead glorified and perceived as a crucial step in one’s life. Deriving it from the word “holy” in Hebrew, marriage is defined as *kiddushin*, and that—as any other things considered holy in Judaism—means that they are special and unique. Sex within marriage is praised as holy too, and that is why most Jewish religious authorities disapprove of premarital sex: it deprives the act of the possibility to take place within the context of *kiddushin*.

### *What About Long-Term Monogamous Relationships?*

Should we consider long-term relationships somehow differently given that, although not married, the two partners would exclusively commit themselves to have sexual intercourse with each other? Generally speaking this does not seem to be the case for any of the variations of modern Judaism: from Reform movement (at least officially) to the Conservative thinkers, there is agreement that such relationships cannot be considered as holy.

As we have seen however, the Torah does not explicitly condemn premarital sex, hence the issue is open to interpretation and the current reading has not always been like this. For instance, in other historical periods traditional sources and religious authorities were less strict towards this kind of relationship. In the Middle Ages in Spain, Nachmanides saw sex with an unmarried woman that was not having an affair with another man as permissible.

In a sense related to this kind of reading is the status of a specific non-marital sexual relationship: concubinage. The Torah does not condemn this extra-marital sexual relationship (a concubine or *pilegesh* is a woman who, even if—mostly sexually—involved only to one man, is not granted with the legal benefits that wife gets instead). In the bible there are many references to this relationship (the

most famous being the parallel relationship that Abraham has with his wife Sarah and his slave Hagar), and it was common to see this as permissible. In recent times, most Jewish authorities have dismissed the moral acceptability of the practice of concubinage with the sole exception of Jacob Emden, that, with his legal authority, in the 18<sup>th</sup> century suggested to re-introduce the practice—with scarce success.

### *Call for Change?*

Given the way society has changed, some liberal thinkers have claimed that a new sexual ethic is necessary to address the current reality of premarital sexual intercourse.

For instance, one of the leaders of the Jewish Renewal movement in the US, Arthur Waskow, suggests that we should change our way to conceptualize marriage so to “make it easy for sexually active people from puberty on to enter and leave marriages.”<sup>6</sup> Even more traditional positions in Judaism such as the Reform and Conservative movements, have come to terms with the fact that—though marriage remains the ideal context in which to have sexual interaction—it should be acknowledged that complying with this prescription in contemporary society (where people hardly marry before their 30s if at all) is extremely difficult. As a result of this consideration, representatives of both approaches have suggested that—when existent—premarital sexual relationships should follow exactly as much as possible the guidelines applied to married couple—including the duty to respect the idea that all human beings are created in the image of God. Furthermore, Elliot Dorff, a conservative rabbi, stresses the importance of fidelity, modesty, health and safety also in premarital or non-marital sex.

### *Abortion*

Though not ideal of course, abortion is not only tolerated by Jewish law, but in some in-

stances, it is specifically required. When the life of the mother is at stake for example, abortion is mandatory. Even if the unborn child is granted with the status of “potential human life” (hence with a value that should not push us to terminate the pregnancy lightly) until the vast majority of the body has exited the mother’s womb, its value is always subordinated to that of “full human life” –in this case, that of the mother. The Talmud says explicitly that if the foetus puts at risk the life of the mother, you cut it up inside her body and remove it limb by limb if required, as its life is not as worthy as hers. Once most of the body of the child has emerged from the mother however, it is to be considered equally valuable and you cannot take its life to save the one of the mother, because you cannot choose between two human lives.

#### *Masturbation*

Male masturbation is clearly prohibited in Jewish law. The principle behind the condemnation of such action is derived from the story of Onan in the Torah.<sup>7</sup> In order to avoid becoming a father instead of his deceased brother, Onan practiced *coitus interruptus*. Although technically not true masturbation, God kills Onan for this sin and Jewish law derived a broader guideline from the story, forbidding any act that destroys the seed of the man (*ba-sh’cha’tat zera*) –defining this as ejaculating outside the vagina. The Talmud reinforces the statement in this passage: “In the case of a man, the hand that reaches below the navel should be chopped off.”<sup>8</sup> Concerning female masturbation, the issue is much less clear. Certainly, the spilling of the seed cannot be applied in female masturbation and there is no explicit prohibition in the Torah on the matter. Yet, Jewish law tends to categorize female masturbation as

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“impure thoughts” and this makes it somehow a taboo despite the lack of direct sources.

#### *The Laws of Separation*

The laws of separation (*niddah*) are not very known among non-Orthodox Jews, but this is so because most Jews do not continue to study after their *bar mitzvah* or *bat mitzvah* (ritual passage when a Jew becomes an adult) and the topic addressed by these laws do not seem appropriate for discussion for children.

As we saw, according to the Torah, a man is forbidden from having sexual intercourse with a *niddah*, that is, a menstruating woman.

This is part of a number of laws concerned with ritual purity contained in the Torah. In ancient times, when the Temple in Jerusalem was in place those concerned many aspects of life, but nowadays the law of *niddah* is the only law of ritual purity that can continue to be observed, as all the other are not applicable.

In the Torah, it is not explained why the laws of *niddah* are in place, but this period of forced abstention from the partner has psychological and physical benefits.

As for any other religious practice for a believer, at a psychological level following the laws that one considers having been given by God provides positive inputs for the single person and for the couple.

In addition, having to abstain from sexual interaction every month pushes the couple to build stronger non-sexual bonds, helps maintaining the desire high and not become obsessed with having to have sex all the time. Finally, the idea of self-discipline in this context is –as we saw with the evil inclination– important to build the confidence to be acting morally.

In a more practical dimension, there are some interesting considerations to make.



Among other techniques suggest by medical personnel dealing with couples having problems conceiving for example, the advice can be to abstain from sexual intercourse during the two weeks around the menstrual period and to have sex on alternate nights during the remaining time of the month. Notably, these prescriptions overlap nicely with the laws of *niddah*.

Moreover, having sex during the menstrual period increases the chances for a variety of vaginal infections (possibly even cervical cancer), as women are more vulnerable during those times.

#### NOTE

<sup>1</sup> As part of the stimulating discussion that took place in July 2017 during a Summer Course dedicated to the “Medicalization of Sexuality”, I was invited to contribute on the topic by analyzing sexuality in the

Jewish tradition and I gladly agreed, but it should be stated upfront that I am not an expert of the Jewish texts and the interpretations provided here are meant with immense respect but might be as developed as required for further in-depth analysis. J. Mitchell, *La condizione della donna*, Giulio Einaudi Editore, Torino, 1972, 61.

<sup>2</sup> A. PERETZ FRIEDMAN, *Marital Intimacy*, Compass Books, 2014, 20.

<sup>3</sup> *Bereishit Rabbah* 9:7.

<sup>4</sup> A. GREEN, *Second Jewish Catalogue*, 1974, 87.

<sup>5</sup> M. MAIMONIDES, *Guide for the Perplexed*, Friedländer tr. 1904, Kindle Edition, 376.

<sup>6</sup> A. WASKOW, & D. LANDES, «Down to Earth Judaism: Sexuality: A Discussion» in J. MAGONET (ed.), Berghahn Books 1995, 223.

<sup>7</sup> Genesis 38:8-10.

<sup>8</sup> *Niddah* 13.