

Messianic Jewish Ethics Concerning Intimacy & Sexuality: An Overview

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Hashivenu Forum, 2016*

Introduction

Unpacking our assigned topic, we will be addressing five tasks in this paper:

1. We will present an overview, and not a complete treatment of the subject;
2. We will examine what intimacy is and its place in the divine scheme of things;
3. We will address how sexuality is properly integrated into this intimacy;
4. We will propose ethical guidelines for both intimacy and sexual behavior;
5. We will do all in a manner compatible with the more mature Messianic Judaism advocated by Hashivenu.

What Do We Mean By “Intimacy?”

Evelyn and James Whitehead compare intimacy to “holding one another.”

As friends, we hold one another in affection; as colleagues, we hold one another accountable in our work. . . we often engage one another in the confusing embrace of conflict. . . . An intimate relationship brings us close enough to one another that we are changed in the process.

The relationship of friendship brings us closer. We share our self with friends, who open them selves to us in return. Friendship makes us intimates—emotional ties develop; our lives overlap. This proximity, while affording comfort and support, also make friends our most knowledgeable critics.

Collaboration brings us close. Working together puts people regularly in close contact. We see each other's strength and resilience, we learn about each other's limitations and blind spots. Even without becoming friends, we can become genuinely involved in one another's lives. This involvement is what intimacy is about. In close relationships we hold one another in conflict as often as in compassion and care.¹

At its core then, to speak of intimacy is to speak of mutual vulnerability, at various depths and within a variety of relational contexts. This being the case, the level of trust extended to one another by intimate partners or associates, and the level of responsibility each bears for how he/she responds to that trust, displays how seriously each honors the implications of ourselves and others being made *b'tzelem Elohim*, in the image of God. This is related to the sixth Hashivenu Core Principle: "Because all people are created in the image of God, how we treat them is a reflection of our respect and love for Him. Therefore, true piety cannot exist apart from human decency."² Similarly, there is a connection between respecting God and how we treat others in intimate relationships who are made in his image. Sexual behavior is not only a matter of ethics: it is a matter of theology.

Intimacy and Covenant

Intimate relationships are always intrinsically and often explicitly covenantal. And because of the way we experience and mature in life, covenantal relationships are foundationally familial. Scripture reminds us that such family relationships and covenant-keeping reflect God's way of relating to the world he has created according to his will. Going further back to find the origins of relatedness and covenant, most Christian theologians would relate this foundationally to intra-trinitarian relationships among the Persons of the Holy Trinity. In this schema, we

¹ Evelyn Eaton Whitehead and James D. Whitehead, *A Sense of Sexuality: Christian Love and Intimacy* (New York: Doubleday, 1989), 58-59.

² Hashivenu Core Principles, found on line March 28, 2016 at http://www.hashivenu.org/index.php?option=com_content&view=section&layout=blog&id=6&Itemid=54

should see life as intrinsically about relationships and covenants, explicit and implied, ultimately rooted in God's way of relating to the created order and to relationships within the Divine Being.³

Regardless of its origins, experientially this all begins with the human family. It is in our families that we learn or fail to learn and experience the meaning of intimate covenantal relationship. And what we learn or fail to learn there either casts its shadow or sheds its light

³ This model, commonly termed "the social Trinity," is championed by Jurgen Moltmann and most theologians. However, not everyone agrees with this formulation. For example, Colin Brown believes it overemphasizes the three-ness of God at the expense of the unity of the Divine Being, while misreading the demands of the biblical text. He carefully makes his case from a basis in systematics and historical theology in an article remarkable for its depth, clarity, precise language. His final paragraph reads,

Whereas the first three Gospels stress the activity of the Spirit, the Fourth Gospel focuses on Jesus as the one who does the works of the Father (John 10: 37-38). He who has seen Jesus has seen the Father (John 14: 9). For it is the Father who dwells in Jesus who does his works (John 14:10). One may be inclined to look at the Gospel material and ask "Who is doing what?" The Gospels answer this question by presenting the root of the doctrine of the Trinity and the Incarnation. The picture that they give is not of three divine beings with separate functions like creating, redeeming, and sustaining. It is one God who manifests himself as the Father, speaking his word or wisdom [the Logos], through his life-giving breath [the Spirit]. Just as we cannot speak without breath, the divine word of the Father is not uttered without the Father's divine breath. We are not speaking of three beings. Neither are we merely talking about "inspiration" in the sense of enlightenment. We are talking about the threefold God in human life, the God who always exists and acts in his threefoldness. As God draws near in this mystery of revelation, we are confronted with the mystery of the Trinity and Incarnation. Colin Brown, "Trinity and Incarnation: In Search of Contemporary Orthodoxy," by (*Ex Auditu*, 7, 1991), 100.

Brown includes a footnote relevant to our current discussion.

It may be noted that, whereas Logos is masculine, Sophia (wisdom) is feminine, and is frequently depicted as such. This and other considerations suggest to me that we should not identify the members of the Trinity with one or other sex (i.e., say with Gélpí and others that the Spirit is female as a counterpart to the maleness of the First and Second Persons of the Trinity). Rather, there is a sense in which the persons of the Trinity transcend sexuality and at the same time embody elements contained in sexual imagery. (*Ibid.*, 100, his footnote 52).

over the rest of our days and relationships. Most often, both the shadow and the light are there, and moving toward the light of rightly conducted intimate relationship is a choice we must make to keep the darkness at bay.

Let's look for a moment at covenantal relationship as being both implied and explicit.

Covenant Relationships - Implicit and Explicit

Implicit and explicit covenantal relationships permeate the Bible. Although much continues to be written concerning covenants between the Divine and humankind (the Noahic, for example) and the Divine and Israel (for example, the Abrahamic, Sinaitic, and Davidic), few pause to notice the atmosphere of *implicit* covenants which stitches the entire text and all of human life together. Without these stitches, all falls part.

For example, consider the various levels of covenant making, covenant keeping, and covenant violation just in this list of accounts

- God makes a formal covenant with Abram, for instance, in the covenant of the pieces in Gen 15.
- Abram makes a formal covenant with Abimelech (Gen 21:25-34)
- Lot and his daughters are stigmatized for violating the covenantal relationship between children and their father (Gen 19:30-38).
- Cain is stigmatized for violating not only the command of God, but also his covenantal relationship with his brother.
- The Book of Obadiah twice excoriates Edom for violating the implicit familial covenantal relationship he shares with the descendants of Jacob:

Because of the violence done to your brother Jacob, shame shall cover you, and you shall be cut off forever. On the day that you stood aloof, on the day that strangers carried off

his wealth and foreigners entered his gates and cast lots for Jerusalem, you were like one of them. But *do not gloat over the day of your brother in the day of his misfortune*; do not rejoice over the people of Judah in the day of their ruin; do not boast in the day of distress (Obadiah 1:10-12, ESV, emphasis added).

Rahab and The Spies - Implicit and Explicit Covenantal Relationships

Both the formal and implicit nature of covenant come together in the account of Rahab and the two Israelite spies (Joshua 2). She displays covenantal/*hesed* care for her family, honoring her intimate covenantal relationship and assuring both her safety and theirs in her negotiations with the spies. While taking responsibility for the well-being of her family is implicitly covenantal, this leads to Rahab making an explicit covenant with the spies naming the reciprocity they owe her for saving their lives. The language of Torah is explicitly covenantal in how Rahab and the spies each define and then each pledge covenant faithfulness to each other, and the blessings and curses attached to keeping or violating that covenant. Although they signed no documents, and no Notary Public was there for the transaction, her conversation with the spies bears the telltale marks of a formal covenant.

Examine every book of the Bible and you will detect this fine stitching of relationship, covenant, and intimacy, either being honored or being violated. This interplay of implicit and explicit covenantal relational intimacy in the family context is best displayed in the Book of Ruth.

The Book of Ruth – Familial Covenantal Relationships Are Foundational

Mark S. Smith⁴ richly develops this connection between covenant and relationship as foundationally a family affair, focusing on the best known verses in book:

⁴ Mark S. Smith, “‘Your People Shall Be My People’: Family and Covenant in Ruth 1:16-17,” *CBQ* 69 (2007), 246.

16 But Rut said,

“Don’t press me to leave you
and stop following you;
for wherever you go, I will go;
and wherever you stay, I will stay.

Your people will be my people
and your God will be my God.

17 Where you die, I will die;
and there I will be buried.

May Adonai bring terrible curses on me,
and worse ones as well,
if anything but death
separates you and me.” (Ruth 1:16-17 CJB)

Smith⁵ agrees with Tikva Frymer-Kensky’s verdict that these verses “resonate with the Bible’s cadence of covenant and contract,”⁶ and in contrast to Edward Campbell,⁷ who sees the language of covenant (for example, the term *hesed*) as imported into Ruth from the royal court or the temple, both Frymer-Kensky and Smith, along with Frank Moore Cross,⁸ see here how “it is the model of family extended across family lines that is being expressed in treaty and covenant language. . . . Covenant is an extension of family relations across family lines.”⁹ This is why formal treaties in the Old Testament borrow family terms such as “father” and “son” in vassal treaties, and “brother” in parity treaties. One may observe a marvelous fluidity in the use of these terms and structures. Smith develops this theme:

Covenantal procedures appear operative on various social levels. It is for this reason that covenant could be readily applied to marriage (See Mal 2:14; Ezek 16:8; Prov 2:17). Despite the recognition of such cases, it often escapes scholarly attention that covenantal relationship could take place at all levels of society. . . . Covenant is a

⁵ Ibid.

⁶ Tikva Frymer-Kensky, *Reading The Women of The Bible: A New Interpretation of Their Stories* (New York: Schocken, 2002), 241, quoted in Smith, *Your People*, 246.

⁷ Edward F. Campbell, *The Anchor Bible. Vol. 7, Ruth: a New Translation with Introduction, Notes, and Commentary* (Garden City, N.Y.: Doubleday, 1975), 80.

⁸ Frank Moore Cross, *From Epic to Canon: History and Literature in Ancient Israel* (Baltimore/London: Johns Hopkins Press, 1998), 11, quoted in Smith, *Your People*.

⁹ Smith, *Your People*, 247, 252.

mechanism useful for family life, to extend relation to be on the family, or even to intensify relations within family life (Gen 31:44-50).¹⁰

Frank Moore Cross put it succinctly: “The language of covenant, kinship-in-law, is taken from the language of kinship, kinship-in-flesh.”¹¹ Notice the direction: legal categories of covenant are derived from familial realities, not vice versa. And intimacy is by no means synonymous with nuptial relationships but has a much wider range of contexts and expressions.

The Tao

The sexual intimacies of marriage involve mutual vulnerabilities and responsibilities, rooted in creational realities, mediated by culture, ritually embodied, and covenantally expressed. C. S. Lewis termed the moral and ethical standards conveyed by natural, rather than special revelation, the *Tao*.¹² Violating such standards for which all are responsible brings offense and disgrace to the parties involved, their families, kinship groups, wider social context, and God himself. This accountability for natural revelation is what Paul unpacks for us in Romans one and two.

Another example of such implicit covenantal responsibility is when Abraham lies to Abimelech who rebukes him saying: “What have you done to us? And how have I sinned against you, that you have brought on me and my kingdom a great sin? *You have done to me things that ought not to be done*” (Gen 20:9). In other words, everyone knows that this is not

¹⁰ Ibid., 254, quoting Paul Kalluveetil, *Declaration and Covenant: a Comprehensive Review of Covenant Formulae from the Old Testament and the Ancient Near East* (Analecta Biblica, 88) (Rome: Biblical Institute Press, 1982), 11-12.

¹¹ Cross, *From Epic to Canon*, 11)

¹² C. S. Lewis, *The Abolition of Man, Or, Reflections On Education with Special Reference to the Teaching of English in the Upper Forms of Schools* (San Francisco: HarperSanFrancisco, 2001), 19.

allowed. Even Abraham and Abimelech have an implicit covenantal relationship with each other because that is just the way life is.

The Intrinsic Unavoidability of Dealing With An Ethic of Intimacy and Sexuality

In terms of this paper's concerns, these insights remind us that the nature of and ethics pertaining to sexuality and intimacy are implicit in the world as God made it, and have their proper setting in marital relationships which are intrinsically covenantal even before formal covenants are made. This intrinsic marital covenantalism is engrained in the created order, in God's way of relating to the world, in the nature of Divine Being, even apart from the special revelation of scripture. Sexual ethics and behavioral standards are not simply matters of personal choice or elective covenant. They are implicit in the nature of things, and while these ethics and standards may be ignored and violated, or recognized and observed, our responsibility to honor them cannot be avoided.

Two brief examples help to drive this home. First, those who choose to have "an open marriage" where either partner is free to have other sex partners, do not, in the biblical sense of the word have a marriage at all, and bring disgrace to their families of origin and to their wider circles of association, to society, ultimately offending God himself. Regardless of what kinds of formal covenants they enter into, avoid, or create, regardless of how others may regard their lifestyle, the grain of created and social reality is already set. Participants in an open marriage are violating various implicit covenants besides the explicit covenant of marriage. Second, we may learn a lesson from the name of a Christian documentary film decrying the abuses and entanglements of the pornography industry. The movie is titled "Somebody's Daughter," referencing the moral imperative to remember our covenantal obligation to treat others as we

would be treated, and this, not simply because of the Divine command, but also because of the nature of reality. To defile somebody else's daughter, or to contribute to her defilement, is as odious as the same happening to one's own daughter, and equally sinful and odious in the nature of the case.

Abraham Joshua Heschel, *z'tl*, speaks eloquently of the ethical imperatives incumbent upon a diverse humankind, united in the image and creative purposes of God:

First and foremost we meet as human beings who have so much in common : a heart, a face, a voice, the presence of a soul, fears, hope, the ability to trust, a capacity for compassion and understanding, the kinship of being human. My first task in every encounter is to comprehend the personhood of the human being I face, to sense the kinship of being human, solidarity of being. . . . Whenever one man is hurt we are all injured. The human is a disclosure of the divine, and all men are one in God's care for man. Many things on earth are precious, some are holy, humanity is holy of holies. To meet a human being is an opportunity to sense the image of God, the presence of God.

To meet a human being is an opportunity to sense the image of God, the presence of God. According to a rabbinical interpretation, the Lord said to Moses : "Wherever you see the trace of man, there I stand before you..."¹³

We live our lives amidst a web of interrelated, diverse, and multi-level covenantal relationships. These relational responsibilities assess our initiatives and responses. Relational behaviors derive their weight and authority from the will, intent, and creative activity of God who is the root of beingness, relationship, intimacy, and covenant. Our clarity about our lives and their caliber depends on making these covenantal interconnections conscious as illumined by scripture, tradition, and experience.

¹³ Harold Kasimov and Byron L. Sherwin, eds., *No Religion Is an Island: Abraham Joshua Heschel and Interreligious Dialogue* (Eugene, OR: Wipf & Stock, 2009), 7-8.

So far we have provided a sketch of intimacy. The Whiteheads nicely color in that sketch for us. Perhaps this coloration will make what we have said more vivid in your mind's eye in preparation for our further considerations. Here is what they say:

As a strength of adult maturity, intimacy is the capacity

- to commit oneself to particular people
- in relationships that last over time
- and to meet the accompanying demands for change
- in ways that do not compromise personal integrity¹⁴

Having seen how intimacy, relationship, and covenant are mutually intertwined, rooted in the Divine Being and the created order, we come now to our next concern: How to relate all of this to sexuality.

Relationship, Covenant, Intimacy, and Sexuality

In November 2004 the Vatican convened an ecumenical colloquium, "Complementarity of Man and Woman in Marriage," where Rabbi Lord Jonathan Sacks delivered a brief address on the development of human intimacy and sexuality as reflected in the creative acts of God.¹⁵ He did as we have done with intimacy and relationship, rooting all in God's creational intent, while taking matters further in dealing with matters of sexuality. Summarizing and commenting on his address will help us integrate creation and covenant, relationship, intimacy, and sexuality.

Rabbi Sacks names and elevates his theme calling it "the most beautiful idea in the history of civilization: the idea of the love that brings new life into the world."¹⁶ This love is first that of

¹⁴ Evelyn Eaton Whitehead and James D. Whitehead, *Wisdom of the Body: Making Sense of Our Sexuality* (New York: Crossroad, 2001), 47.

¹⁵ Rabbi Lord Jonathan Sacks, "The Love That Brings New Life Into the World," found on line March 22, 2016 at <http://www.rabbisacks.org/love-brings-new-life-world-rabbi-sacks-institution-marriage/>

¹⁶ Sacks, "Love That Brings," no page.

the Creator for his creation, but also the love of humankind made in his image, mirroring God's creative love in creating and nurturing life.

Sacks' Seven Key Moments in God's Creative Activity

He outlines seven key moments in God's creative work that serve to bring sexuality and intimacy together for the betterment of the world and the fulfillment of the Divine will. He does so within an evolutionary paradigm.

The first key moment is the beginnings of sexual reproduction as contrasted with the asexual production of cellular division, or the formation of buds, or parthenogenesis, and fragmentation, all asexual means of reproduction. With the birth of sexual reproduction comes a new and glorious theme, of life being born when male and female meet and embrace.

The second key moment was the unexpected development or the imperative that human parents cooperate in nurturing their human babies. This nurturance is made necessary by the extended period of time young humans remain dependent and unable to fend for themselves, longer than any other species. The third key moment which took longer to become the norm was monogamous pair bonding, replacing polygamy which Rabbi Sacks terms "the ultimate expression of inequality because it means that many males never get the chance to have a wife and child."¹⁷ As a result, sexual envy has, throughout history, among animals as well as humans, been a prime driver of violence. However, Torah had a better idea. The opening chapters of Genesis teach us that every human being is equal, and more than that, made in the image of God. In the ancient world, the King alone was made in the image of God. In Torah then, all of us are made in his image, and thus, we are all royalty.

¹⁷ Ibid.

The fourth remarkable development was how monogamous pair bonding transformed moral life. Most models of moral social analysis highlight the principle of reciprocity, the *Tao* explored by C. S. Lewis in *The Abolition of Man*, where countering nihilism, he insisted that there is a moral grain in the universe to which all cultures pay some sort of tribute: “What is common to them all . . . is the doctrine of objective value, the belief that certain attitudes are really true, and others really false, to the kind of thing the universe is and the kind of things we are.”¹⁸

Sacks reminds us that the Bible goes further than fairness in this fourth great development, to what he calls “three loves,” which have clear implications for the ethical concerns addressed in our paper:

What was new and remarkable in the Hebrew Bible was the idea that love, not just fairness, is the driving principle of the moral life. Three loves. “Love the Lord your God with all your heart, all your soul and all your might.” “Love your neighbour as yourself.” And, repeated no less than 36 times in the Mosaic books, “Love the stranger because you know what it feels like to be a stranger.” Or to put it another way: just as God created the natural world in love and forgiveness, so we are charged with creating the social world in love and forgiveness. And that love is a flame lit in marriage and the family. Morality is the love between husband and wife, parent and child, extended outward to the world.¹⁹

This insight which Sacks expresses so beautifully is a foundation stone of our current project. Notice as well how he brings together the grain of the created order, and how this should be reflected in social, familial, and marital life. This is especially so as joined together to Sacks’ fifth key element, Judaism’s embrace of and rootedness in covenant, a category he suggests to be borrowed from ancient near eastern cognate cultures. As we have already noted, as a lived reality, covenant is something which begins in the family and is extended to the world. He then

¹⁸ Lewis, *Abolition of Man*, 19.

¹⁹ Sacks, “Love That Brings,” no page.

gives us a simple and useful definition of covenantal marriage, sketching out its implications for the symbiosis between intimacy and sexuality.

A covenant is like a marriage. It is a mutual pledge of loyalty and trust between two or more people, each respecting the dignity and integrity of the other, to work together to achieve together what neither can achieve alone. And there is one thing even God cannot achieve alone, which is to live within the human heart. That needs us.

So the Hebrew word *emunah*, wrongly translated as faith, really means faithfulness, fidelity, loyalty, steadfastness, not walking away even when the going gets tough, trusting the other and honoring the other's trust in us. What covenant did, and we see this in almost all the prophets, was to understand the relationship between us and God in terms of the relationship between bride and groom, wife and husband. Love thus became not only the basis of morality but also of theology. In Judaism faith is a marriage.²⁰

Here he joins our emphasis on covenant being rooted in family rather than imported into the family context. And we can only be grateful for his how this metaphor of faith as a marriage clarifies what our relationship with God demands of us: marital fidelity and commitment to another, which colors our perceptions and decisions in every other area of life. When we feel we have wandered from God, the way back is to return to a relationship of marital intimacy with and faithfulness to him. Because of this intimate covenantal bond we ought never lose sight of him as we look at the various options and choices confronting us, never turning our backs on God toward other things, but living all of life in the light of His countenance and our union with him. In the marital language Paul uses, echoing Genesis 2:24, "The one who is joined to the Lord is one spirit with him." (1 Cor. 6:17, CEB).

But just as we must learn to see our relationship with God as a kind of marriage, so we must see our marriages as reflections our God-relationship. It is for this reason then that adultery and idolatry are so interrelated. Our human spousal relationship is more than a context for legalized sex and procreation. It is a crucible in which we learn and display faithfulness to God and right relationship with him.

²⁰ Ibid.

Without intending to, Rabbi Sacks here foreshadows the connection between Messiah and his people, also intensely covenantal and marital.

Turning to Sacks' sixth shining moment, he explores how intimate relationships create a space where everyone else and everything else is to be encountered and evaluated. He insists that "truth, beauty, goodness, and life itself, do not exist in any one person or entity but in the 'between,' . . . the interpersonal, the counterpoint of speaking and listening, giving and receiving."²¹ Sacks reminds us that "throughout the Hebrew Bible and the rabbinic literature, the vehicle of truth is conversation" whether between God and us, or among the Rabbis themselves, and between humans living in some sort of covenantal relationship with each other. After the pattern of the humanity having been created male and female, the Jewish tradition urges us to see ourselves not as nothing, nor as everything, the final arbiters of truth and beauty, but ever and always to learn to see ourselves as half and that "we need to open ourselves to another if we are to become whole."²² Throughout life, certainly in marriage, but also in other arenas, we are living in an *ezer k'negdo* relationship—finding through interaction with others a wholeness that will always elude us apart from them. This has wide-reaching implications for every kind of interaction and intimacy, beyond the compass of marriage. And this touches deeply on R. K. Soulen's exploration of the covenant of mutual blessing, which while beginning between God and humankind, is replicated between man and woman before going out to bless the world.²³

All this leads to Sacks' seventh key insight, that in Judaism the home and the family are the Holy of Holies of the life of faith. He points out how Torah gives only one explanation as to why HaShem chose Abraham, and it has to do with family faith: "For I have chosen him, that

²¹ Ibid.

²² Ibid.

²³ R. Kendall Soulen, *The God of Israel and Christian Theology* (Minneapolis: Fortress Press) 2009.

he may command his children and his household after him to keep the way of the Lord by doing righteousness and justice, so that the Lord may bring to Abraham what he has promised him” (Gen. 18:19 ESV). Sacks joins that imperative to the *Shema*, where we are reminded, “You shall teach them diligently to your children, and shall talk of them when you sit in your house, and when you walk by the way, and when you lie down, and when you rise” (Deut. 6:7). When it comes to Judaism, it’s all in the family. Through all our persecutions and dislocations, what has kept us together and maintained our sense of identity has been our sense of family, our sense of community, and our faith, all stitched together with the thread of covenant, implicit and explicit.

Sacks nicely recaps all we have been summarizing of his thought:

So that is one way of telling the story, a Jewish way, beginning with the birth of sexual reproduction, then the unique demands of human parenting, then the eventual triumph of monogamy as a fundamental statement of human equality, followed by the way marriage shaped our vision of the moral and religious life as based on love and covenant and faithfulness, even to the point of thinking of truth as a conversation between lover and beloved. Marriage and the family are where faith finds its home and where the Divine Presence lives in the love between husband and wife, parent and child.²⁴

How Then Shall We Live? Ethical Perspectives on Intimacy and Sexuality

Rabbi Elliot Dorff’s treatment *This is My Beloved, This is My Friend: A Rabbinic Letter on Intimate Relations*,²⁵ is regarded as the voice of Conservative Judaism on the subject it addresses. His authoritative overview of tradition-rooted Jewish sensibilities on the ethics of intimacy and sexuality provide a useful structure to inform this section of our treatment.

We examine the first three parts of his letter, which he describes as follows:

Part A is a discussion of the general values which pervade the Jewish tradition and bear upon sexual relations as well. This part is intended to put the entire discussion of

²⁴ Sacks, “Love That Brings,” no page.

²⁵ Elliot N. Dorff, *This is My Beloved, This is My Friend: A Rabbinic Letter on Intimate Relations (A Paper of the Commission on Human Sexuality, the Rabbinical Assembly)*(New York: Rabbinical Assembly), 1996.

sexuality in the context of the rest of our relationships to each other. Part B discusses Jewish norms for marital, heterosexual sex, and Part C turns to heterosexual sex outside the bonds of marriage. . . . This rabbinic letter, then, while not pretending to be exhaustive in its treatment of human sexuality and intimacy, will address the major concepts and values involved, framing them in the context of Jewish law, ethics, and theology. . . . This letter is . . . intended to present the thrust of the Jewish tradition on sexuality and intimacy in a way which is as open and contemporary as possible. Through it we hope that Jewish tradition will indeed be Torah (instruction) for all of us in this important area of life, as it is and should be in so many others.²⁶

Summarizing his work, we will interleave comments of our own. We begin with his Section A, which considers general values that pervade the Jewish tradition and bear upon sexual relations as well.

General Values Pervading The Jewish Tradition and Bearing Upon Sexual Relations

1. The role of religion in discussions of sexual norms.

Religions depict the ways in which we are linked to each other, to the environment, and to God. . . . One's religion is therefore important in a discussion of sexual norms because religions help us to put sex in context. . . . That helps to determine the goals of sex and the values which derive from those goals. It helps to make sexual activity not just a source of pleasure, but part of a meaningful life.²⁷

When it comes to matters of putting sex in context, we believe it crucial to remain mindful that a proper understanding of intimacy and sexuality must be grounded in understanding and accommodating to the relational nature and creational intent of God. God created humankind to be in relationship with Himself, and created us to be in relationship with each other. Again, we can only have a proper understanding of the nature and conduct of intimacy and sexuality as and if we remain moored in who God is and what he intended. By contrast, we view it to be confusing and unhelpful to root discussions of intimacy and sexuality in human felt needs, preferences, senses of self, or pastoral concerns.

²⁶ Dorff, *My Beloved*, 6.

²⁷ *Ibid.*, 6-7.

Especially since the time of Karl Barth, and also since the rise of Liberation Theology in the 1980, theologians have spoken of theologizing “from above,” from the perspective of what we know of the revelation of Divine intent, or “from below,” from the perspective of human needs, conflicts, processing, and concerns. We believe that a Messianic Jewish ethic of intimacy and sexuality must always be compassionate about the human condition, yet must remain primarily a theology and ethic from above, accommodating human perspectives and behaviors to the revelation of Divine intent rather than reinterpreting the Divine intent to accommodate how we see, feel, think, and experience in life as we know it. This means that, along with R. Kendall Soulen, we see matters of sexuality and intimacy as reflective of the Creator’s economy of mutual blessing, his modality of distributing blessing through the other—through the very differentness of others. This being the case, we might see heterosexuality as a subset of what might be termed, *heteroeulogia*—blessing through the other.

2. The human being as an integrated whole. . . .with no part of us capable of living apart from any other part of us.

The body, the mind, the emotions, the will, and the spirit are all involved, at least to some degree, in everything we do in life, and they affect each other continuously and pervasively. This integrated view of the human being has an immediate implication for our sexual activities- namely, that on as conscious and deliberate a level as possible, our sexual acts ought to reflect our own values as individuals and as Jews.²⁸

Dorff amplifies four implications of this second value. First, our sexual activities must neither be considered nor lived out separated from our values, second, sexual intercourse must neither be considered nor conducted in isolation from its “effect on the rest of our lives. . . (but) rather be (seen) . . . as one important part of our human existence which is tied to all the other parts and which therefore affects, and is affected by, the totality of our lives.”²⁹ This means,

²⁸ Ibid., 7.

²⁹ Ibid.

third, that “some of the concepts and norms which we generally apply to other parts of our lives are at least as important in our sexual relationships”³⁰ because all aspects of our lives effect each other synergistically. “Sex is an integral part of the whole of our being.”³¹

This union of the body and values contrasts with Platonic or gnostic ways of thinking, and even with Enlightenment thinking which draws a contrast between the world of spirit or values and the world of the flesh and experience. No. Our sex lives are, for better or worse, an embodiment of our true values directing the trajectory of our embodied selves.

His fourth amplification of the Jewish value of human beings as integrated wholes has direct implications for our Messianic Jewish ethic of intimacy and sexuality.

Just as each of us is an integrated whole, so too each Jew’s identity as a human being is critically dependent upon his or her ties to the People Israel. Indeed, while Enlightenment ideology would have us believe that each person is an isolated individual who may or may not choose to join a group and may choose to leave it at any moment, Jewish sources understand us as inextricably connected to the Jewish people. This means that all of our acts, including our sexual ones, have social consequences. Therefore, while our sexual activities should reflect our own values and not simply peer pressure, in shaping our individual sexual values we must consider the effects of what we do on others- not only those with whom we engage in sexual relations, but also the moral character of our people. In this, as in other areas of life, our actions should be a kiddush hashem, a sanctification of God’s name, by reflecting well on the Jewish tradition, the Jewish people, and the God Jews worship.³²

Our sexual mores and conduct reflect not only on ourselves, our families, and our people Israel, but also on our God, on Messiah, and on the wider people of God throughout time. Despite the widespread contemporary preference for making them so, sexual mores and behaviors are not a merely private affair.

3. Being Created in the Image of God . . . we share some of God’s characteristics.

Like God, but, of course, not to the same degree, we are capable of sustained thought, creativity, and awareness of ourselves, our world, and God; the light of God is imminent

³⁰ Ibid., 7.

³¹ Ibid.

³² Ibid., 8.

in our spirit (Proverbs 20:27). We share in God's dominion over the earth (Genesis 1:26, 28), and we have the divine attribute of free will (Genesis 3:5; Deuteronomy 30:19). We are privileged to commune with God and, in rabbinic terms, even to be God's partner in ongoing acts of creation. This means that each of us has divine worth regardless of our abilities or disabilities, our wealth or poverty, our personal qualities or defects, and our usefulness to others. We have divine worth even if we do not think very much of who we ourselves are.³³

All of this being true lays upon us an inescapable responsibility for the quality of our moral choices with deep implications in the realm of interpersonal intimacy, both non-sexual and sexual. If we indeed know the difference between right and wrong, we have the responsibility to choose the right. In Paul's words, we are "without excuse" (Rom. 1:20). If we are to be God's partners in ongoing acts of creation, we must act accordingly. And in view of the biblical and Jewish conviction that the human person is a unitary being, we cannot condone unworthy conduct in the sexual realm as if it were a different system from our moral capacities. "Intimate relations, then, are not seen within Judaism as simply physical release or the product of animalistic lust; they are, when carried out in the proper context and way, no less than an expression of the divine image within us."³⁴

4. Modesty. In view of all of the principles discussed thus far, we are obliged to "treat our own body with modesty."³⁵

While not viewing sexual activity to be base or dirty, "Jewish law does require that it be held private."³⁶ This modesty in the realm of sexuality, termed *tzniut*, applies to matters of apparel, speech and public conduct. While one may dress stylishly, one must be careful of creating sexual allure.

³³ Ibid., 8.

³⁴ Ibid., 9.

³⁵ Ibid.

³⁶ Ibid.

“Similarly, our speech patterns should manifest respect for our bodies as creations of God, (while) sexual language which is crass or violent bespeaks discomfort with one’s body and disrespect for its divine value,”³⁷ degrading the quality of public discourse. It should come as no surprise that the Apostolic Witness speaks in analogous terms, as in Ephesians 5:3-6.

5. Respect for others. Our tradition reminds us that “we must respect every other human being, regardless of the extent of any given individual’s talents, beauty, intelligence, wealth, character traits, or any other factor. The Hebrew term for this value is *kavod ha-briyyot*.”³⁸

This kind of respect for all others must also be made evident in our relationships with sexual partners, relationships meant to represent deep love and intimacy. This being the case, sexual relations must be free of coercion, and should be a matter of mutual consent and in a context where both partners acknowledge a love for each other.

6. Honesty. The respect we are obliged to have for others requires that we not deceive them.

The only exception to this is when such honesty, seen as frankness, might be injurious to another party. One may, and some would say, should in such cases choose tact over truth. And while one must be honest, one need not report and discuss every matter that comes to mind. Sometimes it is best to simply keep things to oneself. “One must be honest, but not brutally so.”³⁹

Dorff reminds us that those involved in sexual relationships must disclose what others have a right to know, or example, any sexually transmitted diseases they might have. People should

³⁷ Ibid., 10.

³⁸ Ibid., 10.

³⁹ Ibid., 11.

not be dishonest about their commitment to the other, lying about commitment to gain sexual favors. Even at the stage of a friendship that has not yet become a romance, “honesty requires that, within the boundaries of tact, people should make their feelings and intentions clear.”⁴⁰ Such standards also apply to marriages. One should not feel obliged or entitled to share every thought, nor to say things even that are true when to do so would be unkind or tactless. One ought not to feel obliged or entitled to share every fantasy, past or present. “Nevertheless, it is right to be open and honest about those matters which the spouse has a right to know, especially matters which affect either or both members of the couple in significant ways and might influence the quality of the relationship.”⁴¹ In intimate communications we must exercise both discernment and tact.

7. Love and fidelity. “You shall love your neighbor as yourself” (Leviticus 19:18).⁴²

Many would judge this to be the most famous of the Torah’s commandments, grouped by our Messiah Yeshua alongside the *Shema*, and associated with the love that we owe to the our Creator and Redeemer.

Such love toward our human fellow requires us to show concern for our neighbor in concrete ways, but even more so when romantic involvement is factored in, where we assume that the feelings of attachment are stronger. We are deeply obliged to look after the well-being of our romantic partner, making all necessary efforts to not offend, not to take the person for granted, nor to do any harm in any manner. Love requires that we always have the wellbeing of the other in mind. This holds true for all relationships, but especially so in the most intimate of relationships, marriage.

⁴⁰ Ibid., 11.

⁴¹ Ibid., 11.

⁴² Ibid., 12.

It is here that as Messianic Jews we have reason to be grateful for how the Messiah's relationship with his people, and ours with him, illumines human spousal relationships, and how spousal relationships, properly understood and conducted, illumine the relationship of Messiah with his people. We mentioned earlier how this reciprocity is true of our relationship with God the Father. It is true also of our relationship with the Messiah. In Ephesians 5:25-33, Paul explores the unity of Messiah and the Holy Congregation which is his body, tying this in with the unity of a man and his wife as being one flesh, going so far as say that a man's wife *is* his body. All of this goes back to the Creation story, where a man's wife is bone of his bone and flesh of his flesh, and where in true marital unity, husband and wife become one flesh. Therefore, in a marriage rightly conducted, self-love and love for one's spouse come together. One loves one's spouse as one loves him- or her-self, and in that love, loves oneself. Paul refers to the reciprocal illumination of marriage and the relationship of Messiah and his people as a mystery—something deeper than we can fathom, and more true than we can know.

This kind of intensely intimate and covenantal spousal unity should be expressed in faithfulness. This goes beyond honesty toward a deeper level of trust and exclusivity. Expanding an earlier statement, we could define intimacy as mutual vulnerability in an atmosphere of trust, safety, and mutual nurture. If I am to be the only lover of my spouse I therefore must be willing to be open and intimate with him or her. Such mutual vulnerability is only possible where one can be trusted to both speak and hear the truth, and where both parties feel secure and safe with each other. Such relationships are impossible apart from the expectation and experience of faithfulness.

8. Health and safety. Just as our bodies belong to our spouses, so, in a deeper and more total sense they belong to God.⁴³

God owns our bodies both by right of creation and of redemption. We are told by the Apostle Paul to glorify God in our bodies which are God's, that we are not our own, but are bought with a price, and being bought with a price, we should not become the slaves of men (2 Cor. 7).

Dorff says we humans are tenants in our bodies, with God as the owner who has a right to require that we take proper care of "the property," including getting proper sleep, exercise, diet, and hygiene, not mutilating our bodies, nor taking undue risks with them. This also precludes suicide, as if it were our own choice.⁴⁴ No. We are not our own: we were bought with a price, and therefore must glorify God in our bodies which are God's. And in the area of intimacy and sexuality, we owe it to our spouses to take care of our bodies as to health and beauty, and of course must make every effort to avoid the kinds of illicit activities that bring with them AIDS and other sexually transmitted diseases.

9. Holiness.

Judaism demands of us that we live by the highest of moral standards, that we emulate God. The Torah says: "You shall be holy, for I the Lord, your God, am holy" (Leviticus 19:2). The Hebrew word *kadosh* which we translate "holy" means special, set apart, unique in character. As Jews, we are to aspire to be God-like, to shape our behavior in ways which sanctify God's Name (*kiddush hashem*), and, conversely, to avoid forms of behavior which desecrate God's Name (*hillul ha-shem*). And of course sex is one area where this quest must be followed. It is for this reason that the Jewish betrothal ceremony is called, in Hebrew, *kiddushin*, indicating that each of the parties is now "holy" to the other, uniquely their marital partner and expecting the economy of mutual blessing to be manifest as each partner faithfully and fully gives him- or her-self to the other.⁴⁵

⁴³ Ibid., 8-9.

⁴⁴ Ibid., 12-13.

⁴⁵ Ibid., 13.

Dorff reminds us that “Sex, as understood in the Jewish tradition, can distance one from God if one violates some of Judaism’s norms relevant to it, but sex can also bring human lives closer to God as one fulfills the divine purposes of companionship and procreation. . . . Sex, in the Jewish tradition, can be a vehicle not only for pleasure, celebration, and wholeness, but also for holiness.”⁴⁶ Indeed it must be only that.

Sex Within Marriage

1. Marital Companionship. Torah reminds us that marriage was God’s plan from the beginning, as we read “for it is not good that a person be alone, ... and therefore a man leaves his father and his mother and clings to his wife so that they become one flesh” (Genesis 2:18, 24).”⁴⁷

Dorff suggests that the reason Adam was created alone, before Eve, was so that he would experience and not merely imagine what it would be “to have everything but nobody.” He was thus set up to deeply appreciate Eve, because indeed, “it is not good that man should be alone.”⁴⁸

“Sex is one of the ways in which this companionship is expressed,”⁴⁹ and Torah recognizes the desire for sexual union to be both a male desire and a female desire. Marital sex partners are to make themselves available to each other, but to also respect when a partner is not ready for some reason, and not to allow sex life to become an arena of controlling the other partner either through forcing or withholding sex. His perspective is quite compatible with what Paul says on these matters in 1 Cor. 7:1-7. Partners should be people whose sexual lives are in the context of a wider sharing of life, its responsibilities, joys, and sorrows.

⁴⁶ Ibid., 13.

⁴⁷ Ibid., 13.

⁴⁸ Ibid., 14.

⁴⁹ Ibid., 14.

2. The importance of marriage and children.⁵⁰ The command to be fruitful and multiply reminds us that marriage is not only for the relief of human loneliness and desire: it is also for the procreation of children.

Parents who cannot have children are exempt from the command to do so, for Torah does not command what one cannot do. Yet, one may still choose to honor the commandment by adopting and raising, and if necessary, converting one or more children. While the Talmud says raising two children fulfills the commandment to be fruitful and multiply, Jewish culture rewards those who have more. The tradition sees children as not only an obligation, but also a blessing. Especially in view of the Shoah and the danger of the Jewish community dying out, raising Jewish children, and many of them, is a meritorious act. They are our link to the generations that are to come.

However, for Judaism, sexual activity is not simply for the purpose of procreation.

Both during and after the time that a couple are having their children, the duty to have conjugal relations for the sake of companionship continues. God's desire, according to the Torah and the Talmud, is that people should, if at all possible, live in marital partnership, regardless of their ability to procreate.⁵¹

He further states that as children come along, it is our duty to educate them to assure the survival of the Jewish tradition. We have seen that Abraham was charged with teaching his children (Gen. 18:19), and the *Shema* underscores our responsibility to do likewise. Regardless of what other educational venues are available, the home remains the center where Jewish learning and identity are to be nurtured. We can only agree with Dorff when he says,

In our own day, we are rediscovering that no schooling, however good, can be adequate, that family education is the key to the continuation of the Jewish heritage. The duty to educate one's children applies to every parent, married or single, custodial or not; but one

⁵⁰ Ibid., 15.

⁵¹ Ibid., 16.

of the objectives of marriage within the tradition is to provide the context in which children can best learn how to be Jews.⁵²

In our Messianic Jewish context, we will fail to raise our children rightly if we only raise them to live Jewish lives. Stuart Dauermann teaches and seeks to promote a model termed “the three stranded cord” which stresses the God-ordained synergy between going deeper into Jewish life (which might be associated with the Father), deeper into Yeshua faith (the Son), and deeper into relationship with God (which in these days between when Yeshua went in and out among us and the time that he will return in like manner as we saw him go, means life in the Holy Spirit). It is only as pursue all three of these strands in our spiritual nurture of our children that we will have well served them and the purposes of God.

Of course child-nurture includes education in sexual behavior. By observing their parents, children will or will not learn the nature and value of the relational intimacy which conjugal life is meant to celebrate and express. And in an age-appropriate manner, parents should welcome occasions for discussing matters of sexuality, including the values that undergird sexual intimacy rightly pursued. Children need to learn not simply about avoiding pregnancy and sexually transmitted diseases. They need to learn about the sanctity and fragility of sexual behavior as entrusted to us by the Creator.

Judaism is a religion that emphasizes marriage and family. But there are those people who cannot have children, and there are those who do not marry, whether they desire to do so or not. Care should always be taken to not add to such persons’ pain, and to deeply express and celebrate that all of us are made in the image of God, independent of our marital or parental status.

⁵² Ibid., 16.

For many, the decision whether or not to marry and/or to have children competes with the priorities of career and work. While Judaism honors work as being part of our imitation of God, for the joys it brings, and for the provisions it makes for family sustenance, we must recognize and resist the temptation to make work into an idol—something which has value in and of itself independent of its proper context in our wider life with God, faith, and family. This is especially the case when it comes to our investment of time. We must always guard ourselves against being seduced away from our proper availability to family members because of the demands of work and the satisfactions connected with it. This is a constant tension point in modern life, especially where pride and shame are connected to emblems of financial and professional success attached to the family.⁵³ Stuart recently corresponded with a home-schooling mother, married to a Jewish missionary. This mother was working four different jobs in addition to her other responsibilities. Friends, these things ought not to be so. Our faith tells us to seek first the Kingdom of God and His righteousness, and also reminds us in all matters to keep the main thing the main thing. And the main thing about being a spouse or a parent is maximizing the richness of the relationships involved. Overwork can impede and even damage the relational context which makes conjugal intimacy possible, and reduces sexual activity almost to an afterthought. Surely, this is not how things were meant to be.

3. Infertility. Infertility is no sin, nor should it ever be treated as shameful. Jewish law allows for medical interventions such as *in vitro* fertilization, and of course, adoption. However, in the absence of children, both spouses and their marriage are beautiful and holy in the sight of God, and such family units must never be considered or treated as somehow less.⁵⁴

⁵³ Ibid., 17-18.

⁵⁴ Ibid., 18-19.

4. Adultery and incest. Adultery, prohibited by the seventh of the Ten Commandments, is, together with idolatry and murder, one of the three prohibitions which our tradition says one is not to violate even on pain of losing one's life. Adultery betrays the covenantal bond of matrimony, violates trust, and permanently alters the lives of all concerned. There is nothing to excuse it or to commend it. Incest is, along with adultery, another behavior which must be avoided even to the loss of one's life. Those who feel tempted in this regard must seek professional intervention as soon as the inclination is detected.⁵⁵

5. Divorce. Rabbi Dorff's writing on divorce seems more permissive than our circles allow. And because divorce itself was handled so well in last year's forum we will not discuss it here.

6. Preparation for Marriage. Here we wish to go beyond Dorff's treatment of this subject,⁵⁶ to address issues of preparing for marriage maintenance, particularly as it affects intimacy and sexuality.

Bonding

There needs to be preparation for marriage, love is not enough, skills and education must be there to help the couple become one flesh. Two broken people with baggage, bad modeling, from divorced homes, with their own misconceptions about marriage, weaknesses, fears, and defenses, are trying to come together now to learn how to be married.

The Messiah models for us relational health in that he has no human psychological defenses such as projection, repression, and self-protection. Couples need to learn how to be vulnerable, practice self-disclosure, and not only give, but also receive from the other person as well. Therefore, when one partner expresses a fear, the other partner needs to learn how to listen

⁵⁵ Ibid., 19-20.

⁵⁶ Ibid., 21-23.

well, connect to the other's feelings, and then correct their own misperceptions. Other issues demand premarital attention as well, such as dealing with or relating to another person's family which is most likely different from your own, how to combine the lives of the individuals, such as money, working together, and living together.

When people are dating, the focus is generally on playing together and learning how to bond in less stressful circumstances. Marriage is something else entirely. When this couple gets married, they live together, and have to give up selfishness, self-centeredness, and learn to live in psychological nakedness with one that is mostly different from themselves. For this reason, a major task is learning how to manage separateness and togetherness.

Parenting

Premarital education is not enough in itself. Further education will be required when they build a family and must manage how this other person fits into and changes their lives. This blessing of parenthood is also a stressor since many women particularly have the misconception that the baby is going to love them. The truth is the child is needy and rather than meeting the love needs of the parents, and requires giving of the parents. Husbands often feel neglected as the wife is now bonding with the child or later, with the children, and oftentimes not only does this require a lot of time, but women often prefer their parenting role to spending time with their husbands. As the intimacy between the mother and child increases, it often effects the intimacy between the spousal partners with a reduction in sexual intimacy.

The couple must learn how to never weaken the marital bond. This task will now face them for the rest of their lives as the children are competing for their time and energies. Couples must also learn to navigate life stages together as well as handling problems and adversity that will affect and impact the marriage such as sickness, financial problems, crises in the families of

origin, etc. In Jewish life people often would rely on the advice of sages; having people of wisdom and experience to whom one can be accountable and who will help one grow. Having such persons in one's life, seeking and heeding their counsel, is a smart thing to do.

Cohabitation

Sociologically we are now seeing that more couples are living together both prior to and instead of marriage. Meg Jay explores this issue:

Cohabitation in the USA has increased more than 1500 percent in the last 50 years. This shift has largely been attributed to the sexual revolution, the availability of birth control, and the economics of young adulthood. . . . About two-thirds of twenty-somethings believe that moving in together before marriage is a good way to avoid divorce, but couples who live together first are actually less satisfied with their marriages and more likely to divorce. This is what sociologists call “the cohabitation effect.”⁵⁷

7. Single Parenthood. Single parenthood is a reality in our congregations, whether through divorce, death of a spouse, non-marital intercourse, artificial insemination or adoption.

Parenthood is perhaps the most demanding job one can have, but single parenthood is even more so.⁵⁸ Wise and compassionate religious communities will step to the fore to assist people in these situations, to “bear one another’s burdens and thus fulfill the law of Messiah” (Gal. 6:2).

Single parents who wish to date while their children are still at home must reckon with childrens’ sharp powers of observation, and must realize that “do as I say, not as I do” is less than worthless. Our conduct is the most potent form of teaching we have, for good or for ill. Therefore, single parents would do well to be vigilant and principled in their dating/sexual lives because what they allow for themselves they will never be able to forbid to their children.

8. Marital purity (*taharat hamishpahah*).

⁵⁷ Meg Jay, *The Defining Decade: Why Your Twenties Matter and How to Make the Most of Them Now*, trade ed. (New York: Grand Central Pub., 2013), 91.

⁵⁸ Dorff, *My Beloved*, 23-24.

The Torah includes rules that forbid sex during a woman's menstrual period (Leviticus 15:19-24; 18:19; 20:18). It gives no rationale for these rules apart from saying that they are part of the way in which the people Israel become holy- that is, separated from other peoples and in league with God.⁵⁹ While the Torah requires sexual abstinence for seven days, the Rabbis added another five, and so couples who follow these laws do not have conjugal relations for twelve days out of every menstrual month. The woman must immerse herself naked in undrawn waters, which legally has meant either in a natural body of water or, more commonly, in a mikvah, that is, a pool specially constructed to fulfill the legal requirements. No rabbinic opinion within the Conservative Movement has ever annulled these laws.⁵⁹

Instead of commenting more on this subject here, we instead refer you to the relevant section of the Halachic Standards now in force within the MJRC. See Appendix A of this paper.

9. Contraception. Rabbi Dorff reminds us that since the command to be fruitful and multiply is especially given to men, the tradition is more lenient about women's means of contraception than it is about men's. The tradition is also sensitive to issues of health, when and if a birth threatens the health of the mother and what is to be done in such cases to save the fetus, to abort the fetus, and to save the health of the mother⁶⁰.

The tradition prefers contraceptive methods that prevent conception over methods that terminate pregnancies. He reminds us:

In most cases Jewish law forbids abortion. For most of gestation, the fetus is considered "like the thigh of its mother," and, because our bodies are God's property, neither men nor women are permitted to amputate their thigh except to preserve their life or health. Jews are often misinformed about this because they have heard, correctly, that Jewish law requires abortion when the woman's life or health- physical or mental- is threatened by the pregnancy and that Jewish law permits abortion when the risk to the woman's life or health (again, physical or mental) is greater than that of a normal pregnancy but not so great as to constitute a clear and present danger to her. "Mental health" as a ground for abortion, however, has not been interpreted nearly as broadly in Jewish sources as it has been in American courts; it would not include, for example, the right to abort simply because the woman does not want to have another child.⁶¹

⁵⁹ Ibid., 24-25.

⁶⁰ Ibid., 25-26.

⁶¹ Ibid., 26. See 26-28 for Dorff's full discussion.

Although it is appropriate that we touch upon this subject in this paper, its prevalence in our day warrants further discussion not only on the conditions when abortion might be allowable, but also in how our communities are to regard and deal with the parties involved. This goes beyond the bounds of this paper's mandate, but needs to be handled.

10. Mutualitv in marital sex. Of course, sex is a powerful drive, and must never be used coercively either as a weapon of control or as a weapon of violence, as in rape. However, engaging in sexual activity requires the consent of both parties, and this consent must at times be negotiated.⁶² Dorff is wise in his advice on this matter.

Both spouses, however, will not always feel equally motivated to engage in conjugal relations, and one may acquiesce even when not really in the mood out of love for one's mate and concern to satisfy his or her needs. The Jewish tradition, in fact, instructs men to be sensitive to their wives' intimations of the desire for sex and to satisfy that need whenever possible. Conversely, a woman who is not particularly in the mood for sex may nevertheless consent to have sex with her husband out of love for him, and she should, in any case, be as sensitive to his desires as he should be to hers. If she really does not want to have sexual relations on a given occasion, though, she may refuse, and her husband must honor her wishes. Hopefully, the love the two spouses have for each other will enable them to support each other as much when one of them does not want to engage in conjugal relations as when they both do. As indicated earlier, sexual intercourse is to take place in private, and it must not subject either spouse to undue medical risk. Furthermore, the Torah, as we have indicated, has rules which limit sex to the times when the woman is not having her period.

He then goes on to discuss the modalities of sexual behavior, revealing that the Talmud is surprisingly modern in this matter. We see no reason to take exception to what it says here.

According to the Jewish tradition couples may engage in sexual relations in whatever way they want. "All forms of intercourse are legitimate," says the Talmud. Later Jewish sources are somewhat embarrassed by this permissiveness, but it remains the law. . . .

The Jewish tradition was keenly aware that sexual expression was not confined to intercourse. Beginning with the biblical book, Song of Songs, love poetry abounds in the Jewish tradition. It bespeaks the joys of love, which can and should be enjoyed in the whole host of ways in which lovers express their endearment of each other. This includes what one says to one's spouse during the day, non-sexual acts of love, and favors for one

⁶² Ibid., 28.

another. The mutuality of sex, and the strength of marriage, both depend upon the couple taking the time to reaffirm their love for each other in all of these ways, and more.⁶³

Women often feel a loss of libido as compared to their husbands and negotiating this is important in the marriage. Women often feel a loss of affection, communication, touch, and attention that doesn't necessarily have to lead to divorce. Both partners have to learn to navigate this.

There is often a dynamic that is set up in the family that reflects a lack of mutual submission and engagement as the marriage years press on. Communication is often lost and particularly in our culture, the marriage is often lost within the family. Marriages are now neglected because the children take precedence. This is wrong, but families often complain that this is the way that society is now. And often more family resources such as time, energy and money are given to the children than to the spouse. Many couples do not even maintain a policy of regular time together apart from the children and a date night and other times of being away from the children. It important to correct this because the couple needs to feel their own sense of self as a man and a woman which is then only enhanced by the other. This prevents their individuality being lost to a role of just Mom and Dad.

It is part of the God-given design that in a proper marriage, the man brings out his spouse's femaleness, and she brings out his maleness. This relational intimacy then often leads to sexual intimacy for the couple. That sets up a lose-lose situation where the children do not see a separate and protected marriage and they learn that everything within the family is theirs so that they even go into the marriage bed and feel that they central, and the marriage, peripheral. Without vigilance, the parents can allow this misordering of the household to become a de facto reality. Finally, many parents today do not really discipline their children and this may be also

⁶³ Ibid., 29.

seen is a rise in childhood disorders such as Attention Deficit Disorder which are due to a lack of parenting.

Non-Marital Sex

While allowing for and encouraging the kinds of hugging and kissing that are signs of natural and healthy relational affection, quoting Martin Buber's statement, "All real living is meeting,"⁶⁴ Dorff's concerns go beyond this to sexual intercourse among the non-married.

He begins his treatment by categorically disallowing all forms of sexual relations outside the marital bond, that is, extra-marital sex, calling them "a gross violation of Jewish law and of all of the values (previously) described." He also condemns casual and promiscuous sexual encounters as exhibiting little or no love, commitment, and covenantal life.⁶⁵

Having discounted extra-marital sex and promiscuous sex, he devotes the rest of this section to "sexual relations between two unmarried adults which take place in the context of an ongoing, loving relationship."⁶⁶

People engage in such (sexual) relations for a number of reasons: because a suitable mate has not yet been, or may never be, found, often despite painful and heartfelt searching; because one's life circumstances render marital commitment premature, often for emotional, educational, economic, or professional reasons; or because experience with divorce or the death of a partner has necessitated a gradual healing process, including experience of several transitional relationships prior to remarriage.⁶⁷

His assessment of the contexts in which such behavior exists presents a problem to us in the Messianic Jewish world, because while evincing sympathy for the human condition, certainly most and perhaps all of us would view his standards to be lax, allowing for what we cannot in

17. ⁶⁴ Martin Buber, *I and Thou*, 2nd ed., Continuum Impacts (London: Continuum, 2004),

⁶⁵ Dorff, *My Beloved*, 30.

⁶⁶ Ibid.

⁶⁷ Ibid.

good conscience permit. Understanding people's plight or conditions cannot be the same as permitting what we believe Scripture to forbid. Still, it does no good to pretend. The realities of which he speaks and the measures taken to address them are facts of life, certainly descriptive of the lives of many of our family members and congregants, even if not ourselves.

Yet here he also reminds us of the reason Judaism posits marriage as the sole appropriate context for sexual intercourse:

[It is only in this setting that] the couple can attain the threefold purposes for marital sex described above, namely, companionship, procreation, and the education of the next generation. While non-marital sex can provide companionship as well as physical release, especially in the context of a long-term relationship, unmarried couples generally do not want to undertake the responsibilities of having and educating children. They may care deeply for each other, especially in a long-term relationship, but their unwillingness to get married usually signifies that they are not ready to make a life-long commitment to each other.

While stating that Judaism cannot condone sexual conjugal relationship apart from marriage, he insists that those who do engage in such relations should nevertheless endeavor to honor Jewish concepts and values, stating that such norms are not an all or nothing matter.

While failing to restrict conjugal sex to marriage is wrong, it is still right that those who do so endeavor to live by Jewish values and norms in all aspects of life, including intimate ones.

He then specifies these Jewish values and norms and how they apply even to Jewish non-marital sexual conduct. We would do well to examine and to interact with them from our Messianic Jewish point of view.

1. "Seeing oneself and one's partner as the creatures of God. We are not machines; we are integrated wholes created by, and in the image of God. As such, our sexual activity must reflect our value system and the personhood of the other. If it is only for physical release, it

degrades us terribly.”⁶⁸ We would add that it also degrades sex and our sex partner, regardless of matters of mutual consent.

2. Respect for others. This means, minimally, that we must avoid coercive sex. While marriage makes it “more probable that the two partners will care for each other in their sexual relations as well as in all of the other arenas of life . . . unmarried people must (also) take special care to do this, if only because they know each other less well and are therefore more likely to misunderstand each other’s cues.”⁶⁹

3. Modesty. “The demand that one be modest in one’s sexual activities - as well as in one’s speech and dress - is another corollary of seeing oneself in the image of God. For singles it is especially important to note that modesty requires that one’s sexual activities be conducted in private and that they not be discussed with others.”⁷⁰ We would add that a dignified and proper attitude toward sexuality demands modesty in dress and bodily deportment. People are at least partially responsible for the results of dressing or behaving in a seductive manner, and cannot simply off-load the responsibility for their triggering inappropriate behaviors to the parties they arouse. In addition, seduction without the intent to engage in sexual behavior may be regarded as a form of cruelty, of toying with other persons. None of this commends us to God, nor does it reflect appropriate Jewish, Messianic Jewish, or Christian norms.

4. Honesty. Since their relationship takes place apart from the covenantal contexts of *kiddushin*, “unmarried sexual partners must . . . openly and honestly confront what their

⁶⁸ Ibid., 31.

⁶⁹ Ibid., 32.

⁷⁰ Ibid.

sexual activity means for the length and depth of their relationship.” Neither sex nor other people are things to be toyed with.⁷¹

5. Fidelity.

Marriage by its very nature demands fidelity; unmarried relationships by their very nature do not. The value of fidelity, then, and the security, intensity, and intimacy that it imparts to a relationship are not really available to a non-marital relationship. In the spirit of this value, though, one should avoid short-term sexual encounters and seek, instead, long-term relationships to which one remains faithful for the duration of the relationship. Infidelity breeds pain, distrust, and, in the extreme, inability to form intimate relationships with anyone. The Jewish tradition requires us to respect one another more than that; we minimally must be honest and faithful to our commitments so as to avoid harming one another.⁷²

However, it seems to us that if one is truly prepared to be faithful, then one should exhibit this fidelity by marrying the partner to whom one claims to be faithful. Conversely, it seems to make little sense to claim one’s intent to be faithful to such a relationship while avoiding marriage. It will not do to speak of uncommitted faithfulness. To be faithful is to be committed, and if one is so committed, then the marriage covenant is the context in which that commitment is lived out.

6. Health and safety. Here, Rabbi Dorff’s comments bear repeating in full, needing no additional comment.

From the standpoint of Judaism, marriage is the appropriate place for sexual relations. For those not living up to that standard it is imperative to recognize that sexual contact with any new partner raises the possible risk of AIDS. That is not only a pragmatic word to the wise; it comes out of the depths of the Jewish moral and legal tradition, where *pikuah nefesh* (saving a life) is a value of the highest order. Moreover we are commanded by our tradition to take measures to prevent illness in the first place. Fulfilling these commandments in this age requires all of the following:

(a) full disclosure of each partner’s sexual history from 1980 to the present to identify whether a previous partner may have been infected with the HIV virus;

⁷¹ Ibid.

⁷² Ibid.

(b) HIV testing for both partners before genital sex is considered, recognizing all the while that a negative test result is only valid six months after the last genital contact;

(c) careful and consistent use of condoms until the risk of infection has been definitively ruled out either by the partner's sexual history or results of HIV testing; and

(d) abstinence from coitus where there is demonstrated HIV infection in either partner.

If any of these requirements cannot be met, due to discomfort with open communication, lack of maturity, one partner's reticence to disclose his or her history, or doubts about the trustworthiness of the partner's assurances, then abstinence from genital sex with this partner is the only safe and Jewishly legitimate choice. AIDS, after all, is lethal; protection against it must be part of any sexual decision. We are always obligated to take care of our bodies, and that responsibility does not stop at the bedroom door. Sexual relationships must therefore be conducted with safety concerns clearly in our minds and hearts.⁷³

7. The possibility of a child. Even with the use of contraceptives, an unplanned pregnancy is always a possibility for unmarried heterosexual couples. Dorff insists, and we agree, that "abortion may not be used as a retroactive form of birth control: Jewish law forbids abortion for non-therapeutic reasons." He goes on to state that in Jewish law the fetus is not a full-fledged human being, but is seen to be part of the mother, and a potential human being. Such fetuses may only be aborted when the physical and/or mental health of the mother is at stake. For Dorff, "couples engaged in non-marital sexual relations must use contraceptives, and they must be prepared to undertake the responsibilities of raising a child or giving it up for adoption if one results."

8. The Jewish quality of the relationship.

Unmarried people who live together should discuss the Jewish character of their relationship just as much as newlyweds need to do. That ranges across the gamut of ritual commandments, such as the dietary laws and Sabbath and Festival observance, and it also involves all of the theological and moral issues described above. Moreover, single Jews should date Jews exclusively so as not to incur the problems of intermarriage for themselves and for the Jewish people as a whole.⁷⁴

⁷³ Ibid., 33.

⁷⁴ Ibid., 34.

He goes on to state that some 90% of the children of intermarriages are not raised as Jews, and intermarriage creates problems for spouses as well, with divorce rates among Jew-Gentile intermarriages being double the rate of marriages in general.⁷⁵

He points out that honoring Jewish values and ritual considerations is extremely problematic in an unmarried cohabitation context.⁷⁶ Still, Dorff holds out for some attempt to honor these values in “committed, loving relationships between mature people who strive to conduct their sexual lives according to the concepts and values he outlines.”⁷⁷

He refers to people engaged in non-marital sexual relationships as being “in transitional times in their lives.”⁷⁸ In this he is more generous than we would be inclined to be. In the current moral climate, making allowances for people “in transitional times in their lives” will certainly amount to giving license for such parties to follow the spirit of the age which is far more permissive toward non-marital sex than our religious tradition would allow. To ask among us if

⁷⁵ This brings up for us the issue of intermarriage among Messianic Jews, a huge issue. While we are committed to standing with all marriages among us, and while we celebrate and honor those non-Jews who actively support their Jewish partners in Jewish life, we do believe that for the sake of the covenantal depth and continuity of the Jewish people, intragroup marriage is best for Jews. An additional factor to consider is whether one should marry a fellow Yeshua-believer, and here again the answer is yes. Being a Jew and being a Yeshua believer are both whole-life commitments: neither is meant to be compartmentalized but rather to permeate all of life. This being so, it is unwise, and a form of spiritual self-sabotage, to pursue intermarriage with a someone who does not share the Jewish covenantal calling or does not share the priority of growing in and sharing with others Yeshua faith in the power of the Holy Spirit. In either of those cases, our Jewish commitment or commitment to Yeshua becomes nominal and an occasion for sadness, and even repentance. At the very least, we state strongly: Jewish Yeshua believers ought to marry other Jewish Yeshua believers. But if they do not, they must be loved and assisted among us.

⁷⁶ And of course this is true as well in an intermarried context.

⁷⁷ Dorff, *My Beloved*, 35. Similarly, as we would urge the intermarried to preserve and perpetuate Jewish life while observing the integrity of the boundaries of the halachic perspective adhered to by the members of the Messianic Jewish Rabbinical Council.

⁷⁸ Ibid,

people “in transition times in their lives” are therefore entitled to sexual license is to dictate the answer: no. Being sympathetic and being acquiescent must not be confused.

Although acknowledging that Jews often wait to marry until after graduate and even post-graduate educational goals are attained, Dorff reminds us that the longer one waits to marry, the fewer the eligible and appropriate partners are available. Therefore he suggests that people marry in their twenties, and that the surrounding social context should undertake the responsibility to be supportive of these kinds of decisions. Such earlier marriages address child-bearing considerations, as well as providing a sanctioned outlet for sexual and companionship needs.

Teenagers present an additional problem, as their hormones will be the highest they will be in their lives, while they lack the maturity and financial capacity to set up a home together. He suggests the following:

The Conservative Movement has therefore created, and will continue to create opportunities for Jewish teenagers to meet each other and to learn to feel comfortable in each other’s presence. As long as the relationship is voluntary on the part of both partners, and as long as Judaism’s norms of modesty and privacy are maintained, holding hands, hugging, and kissing are as legitimate for teenagers as they build romantic relationships as they are for older people.⁷⁹

He holds that teenagers ought to abstain from sexual intercourse, being unable to take care of children, being ill-suited to deal with the commitments and responsibilities entailed in a sexually active life, and being in danger of sexually transmitted diseases. He does not recommend birth control, but rather, abstinence. He also holds that Jewish teens should only date other Jews, and choose colleges where they are apt to meet a significant number of Jews and thus, potential marriage partners. However, in our American Messianic Jewish context, the prospect of Messianic Jewish teens dating only other Messianic Jewish teens seems far-fetched at the very least.

⁷⁹ Ibid., 36.

Conclusion: B'reishit and Because

Our Holy Torah begins “*b'reishit bara Elokim* – in the beginning God created.” Just as all begins with God, so this paper ends with God as its reference point. Consider the following statements as a reflection on what we have been learning together.

Because the Living God of Abraham, Isaac, and Jacob, Sarah, and Rivka, Rachel and Leah is Creator, we must live so as to honor how both we ourselves and all other human selves are made in his image, meant to mirror his faithfulness and goodness in how we relate to one another.

Because the Living God of Abraham, Isaac, and Jacob, Sarah, and Rivka, Rachel and Leah is the covenant-making, covenant-keeping God, we must so live as to honor our implicit and explicit covenantal relationships with others.

Because the Living God of Abraham, Isaac, and Jacob, Sarah, and Rivka, Rachael and Leah is our King and Lawmaker, we must always be submitted to the mitzvot aseh (you shall do this) and lo ta'aseh (you shall not do that) as they govern our relationships with others, including intimate partners.

Because the Living God of Abraham, Isaac, and Jacob, Sarah, and Rivka, Rachael and Leah is our Redeemer, we know ourselves to be the beneficiaries of his infinite mercy. Therefore, we must always be prepared to show mercy to one another, realizing that intimate relationships cannot and will not exist apart from generous forgiveness.

Because the Living God of Abraham, Isaac, and Jacob, Sarah, and Rivka, Rachael and Leah revealed both his own perfection and perfected humanity in our Messiah, we look to Yeshua as our model of faithfulness, purity, love, relationship, and intimate trustworthiness. As

Messiah loved us and gave himself for us, so husbands ought to love their wives. As Messiah submitted to his Father in all things, even to death on a cross, so marital partners ought to submit to one another in love. As Messiah said, “Father, forgive them, they know not what they do,” so we too should be generous and sacrificial in our willingness to maintain intimate relationship in an atmosphere of pardon and forgiveness. And as Messiah maintained his sense of self and his obedience to the Father amidst the pressures and enticements other humans brought his way, so we too must seek to be people who “always do what is pleasing to Him” (John 8:29).

Because the Living God is the Consummator of all things, we look forward to the day when the New Jerusalem shall come down out of heaven from God, prepared as a bride adorned for her husband. We seek to have holy households which anticipate that day when the dwelling place of God will be with man and he will dwell with them, when indeed we will be his people, and God himself will be with us as our God. We want to have homes where loved ones wipe away every tear from each others eyes, until that day when death shall be no more, neither shall there be mourning, nor crying, nor pain anymore, for the former things have passed away (Rev. 21:2-4).

In all our relationships, may we reflect God’s image, and honor Messiah, until he comes to claim his people found in him “in splendor, without spot or wrinkle or any such thing, . . . holy and without blemish” (Eph. 5:27).

Even so, come Lord Yeshua. Maran atha!

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Appendix A

Messianic Jewish Rabbinical Council Guidelines for Family Purity, found on line at <http://ourrabbis.org/main/halakhah-mainmenu-26/lifecycle>

5.1 Family Purity

Why are there boundaries for sexuality?

If there is anything more personal than kashrut, this has to be it: sexuality. And as with kashrut, so here, part of the core of the issue is one of relational boundaries: are we going to accord God the right to "intrude" into our sex lives? To the extent that we consider God's prescriptions on this matter intrusive, we demonstrate our failure to understand that sex is God's gift to us, not our own creation, that we are God's servants in every area of life, and that God therefore has every right to make the rules.

This doesn't go down well in our generation. Not only is our culture oversexed and overstimulated, we have converted the entire domain of sexuality to a matter of individual rights and preferences. Once the issues are thus described, any input from God can only be viewed as "another opinion." But this will not do.

Two errors must be avoided in seeking to honor God in matters of niddah. First, the "impurity" (tumah) that attaches to a menstruant woman, or to a man who has ejaculated for that matter, has nothing to do with "dirtiness." In the days of our ancestors, this impurity indicated that such a person was temporarily separated from normal access to the Tabernacle or Temple. This is generally interpreted to mean that when a woman menstruates or a man ejaculates, we draw near to the mystery of the creation of life itself - and this is so special, that such an

encounter immediately puts the persons involved into a temporary special category. They are set aside, not as discarded or rejected, but in respect for the holy otherness of what has just occurred.

Niddah is all about respect for sexuality, for procreation, for the mystery of life and our privilege to have such an intimate connection to its creation.

The second error is to view niddah as a form of deprivation. In reality, it is a matter of protection. The constraints of niddah protect the sanctity of sexual relations, elevating our awareness that sex is a gift to be enjoyed, and never taken for granted.

Sexuality is so powerful that it can easily control a person, and all of us know people whose sex drives drive them. This should not be. Sex is a gift from God to be enjoyed, full of developing delights, not something that controls and drives us, depriving us of freedom. When sexuality is fully expressed within its rightful boundaries, marital joy remains conscious, full, and unsullied.

God's word about sex therefore is a familiar one: Enjoy! But the only way this can happen is to respect the limits God has set, ever mindful that sexual union is a gift, not a personal right. Niddah is a gift from God, given that we might enjoy marital sex, mindful that it too is a gift from God.

Decision & Commentary

According to our basic practice, all sexual relations should be avoided for a full seven days from the onset of the woman's monthly menstrual period, or until the menstrual period has ended, whichever is longer.

The Torah explicitly forbids all sexual relations during a woman's menstrual period (Leviticus 18:19; 20:18). It also determines that a menstruant is to be considered ritually impure

(and thus sexually inactive) for seven days from the onset of menstruation (Leviticus 15:19). Thus, our basic practice adheres to the straightforward meaning (peshat) of the biblical text.

After dealing with the normal menstrual period (Leviticus 15:19-24), the Torah proceeds to discuss the woman with an extended abnormal discharge (Leviticus 15:25-30). In such cases, the purification process requires seven days from the time the discharge ends (Leviticus 15:28). Jewish tradition combined this latter ruling with the previous unit concerning menstruation, and determined that a normal menstruant must wait seven full days after the cessation of her period (or after five days from the onset of menstruation, if her period lasted less than five days), and then immerse herself in a mikveh. She may then resume having sexual relations with her husband.

We view this traditional practice as a commendable fence around the Torah, to be treated with respect. Nevertheless, our basic practice is limited to the requirements contained in the peshat of the biblical law.

Appendix B - Marriage Myths

1. Being married fixes your pains and problems from your past. Your spouse will make up for your loss of love from your parent(s).
2. Love is all you need. You need respect, realistic expectations, commitment, friendship, attentiveness.
3. “My spouse will fill all of my needs.”
4. Having a baby will fix my marriage problems.
5. You can change your spouse, and you should change them to meet your expectations. Rather, you should change yourself and accept your spouse. They may or may not change.
6. It doesn't matter who my spouse's family is, or what they are like, I am not marrying them, I am marrying him/her.
7. My marriage should just take care of itself! It worked so well in the beginning!
8. Living together first helps me to know if I want to be with that person and prevents my making a mistake.
9. I need to spend all my free time with my spouse.
10. Happy and healthy couples don't argue and fight.
11. Monogamy means dissipated passion or boring sex. On the contrary, monogamy ≠ monotony.

Appendix C - Parenting Myths

1. I must treat all my children the same and be fair.
2. I can't afford to ruin my child so I must be a perfect parent.
3. The world is a terrible and scary place. I must protect my children 24/7.
4. I am here to make sure my children have a better life than I had. Therefore I have to help them avoid failure, pain, loss and disappointment.
5. I have to make my child into the image of me, rather than the image of God, since they are a reflection of me.
6. Parenting should come naturally.
7. I am not my mother or my father, so of course, I will naturally parent in my own way.
8. I must keep my children happy and that's the most important thing.
9. My child shouldn't have bad feeling about me or anything else, so I don't want to tell them no.
10. I need to devote my best attention to raising the children: the marriage will take care of itself.
11. I don't really trust my spouse with the kids. I'll just do all the parenting myself.
12. The world is a tough place out there. I need to make up what is lacking so my young adult children always have the lifestyle they aspire to.
13. The world is different from how it was when I was growing up, so I should keep rescuing my children from the consequences of their bad choices.