Is Judaism 'Sex Positive?' Understanding Trends in Recent Jewish Sexual Ethics

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Introduction

When I tell people that I am a scholar of Jewish sexual ethics, I am sometimes asked just what Judaism has to say about the matter. I usually give the unhelpful academic refrain of "well, it's complicated…" or I tell the well-worn joke about "two Jews, three opinions." The fact of the matter is that Jewish thinking on sexual ethics, as with most other things, is contentious, multivocal, and often contradictory. However, there are actually two levels on which this question operates. The first level is what the multiplicity of classical Jewish traditions have offered directly on matters of sexual conduct—what "Judaism says about sex." The second level is the way modern and contemporary thinkers have presented classical sources on sex and sexuality—what "Jewish thinkers say Judaism says about sex."

In the past seventy years or so, as the academic study of Jewish ethics has gained an institutional foothold and as rabbis and Jewish public intellectuals have had to grapple with changes in public sexual mores and with the increasing reach of popular media, both of these levels of the question have, at least in Jewish thought in the U.S. and Canada, exhibited some clear trends. Here, I offer an analysis and a critique of these trends, especially in academic Jewish sexual ethics as it currently stands, and suggest some directions for its future growth.

I organize literature in modern and contemporary Jewish sexual ethics according to a typology of "cautious" versus "expansive," a typology which does not fall neatly along denomi-

national lines. While "cautious" voices consider sex, like the body itself, "morally neutral and potentially good" (in the words of ethicist and Conservative Rabbi Elliot N. Dorff),[1] in practice they think about sex largely in terms of its risks and believe that only in the context of a committed, monogamous relationship can those risks be managed and sex's potential for goodness unlocked. "Expansive" voices, on the other hand, think about sex primarily as an expression of the holiness of the created human body and human connection; for them, risk is a secondary consideration. While expansive voices can and do have contexts for sexual expression that they prefer over others, the range of sexual expression in which they find holiness is much broader than that of "cautious" voices.

Both sets of voices are invested, at least rhetorically, in the claim that Judaism as a tradition—and on this point one generally finds it presented as a single tradition— has a relatively positive view of sex, sexuality, and the body. This claim serves, on the one hand, to distinguish Jewish sexual teaching—especially more conservative teaching—from what writers see as the dominant conservative Christian discourse on the topic, such that sexual restraint is not conflated with sexual repression. Their aim is thus to paint religious Jews as more reasonable and enlightened than their conservative Christian brethren. On the other hand, it serves to demonstrate that "religious" teaching on sexuality is not monolithic, and it provides a potential incentive for people whose sexual politics are more relaxed to embrace Judaism. However, for some expansive voices this rhetoric is explicitly revisionist; their embrace of sexually affirming streams is framed in terms of reworking

1 Dorff, Elliot N., *Matters of Life and Death: A Jewish Approach to Medical Ethics*. Philadelphia, PA: Jewish Publication Society, 1998, 24.

the tradition to foreground marginalized voices, or of reclaiming suppressed aspects of it for the same purpose.[2]

There is also a strong trend common to both cautious and expansive voices of framing their particular Jewish position in opposition to what they perceive as the dominant set of secular cultural values around sexuality. For cautious voices, these secular values are generally portrayed as permissive, instrumentalizing, shallowly focused on immediate pleasure, and uninterested in genuine relationship or long-term commitment. Jewish values, by contrast, are said to sanctify sex by locating it within a context of command, covenant, and deliberate relationship. Expansive voices tend to frame secular values—or, for them, hegemonic, corporate, or patriarchal values—as objectifying and commodifying bodies and sexuality, especially women's. If they identify restrictive elements in non-Jewish sexual discourse, they are likely to frame them as dominating or prudish. Here, Jewish values counter secular discourse by affirming the sanctity and worth of each embodied human person, elevating sex from the merely transactional to the humane and relational.

Finally, both sets of voices deploy a similar, limited set of biblical and rabbinic texts in service of this claim. However, this set of texts—and the ways in which academic Jewish sexual ethics has tended to read them—may not be the richest set of textual sources for thinking about Jewish sexual ethics. Indeed, an overwhelming focus on these texts may obscure sources—for example, sources that deal with ritual purity, or with the social risks of communal text study— that prove far more fruitful for constructive work.

2 Tamar Ross's taxonomy of revisionism within Jewish feminism, in part III of *Expanding the Palace of Torah: Orthodoxy and Feminism*. Lebanon, NH: Brandeis University Press, 2004, is useful here.

Cautious Voices

Cautious voices, as a rule, view sexuality as neutral or potentially good, but they hold that the proper or ideal context for sexual expression is marriage. For them, while sexuality can be commanded, beautiful, and holy within the context of Jewish marriage, it is volatile, dangerous, distorted, and amoral or immoral outside an approved container. These voices also tend to assert a direct relationship between the context of sexual interaction and the interpersonal values played out within it. This is true of cautious voices in both halakhic and non-halakhic movements. Although cautious voices within halakhic movements need not, in theory, proffer any further ethical reasons for their positions—premarital and extramarital sexual contact, homosexuality, and masturbation are already legally forbidden, biblically in the case of adultery, homosexuality, and masturbation, and rabbinically in the case of premarital and some extramarital sex[3]—it is usually the case that such are offered anyway. Cautious voices from non-halakhic movements have little choice but to appeal primarily to ethical reasoning.

There are two main languages through which these voices express their caution: A language of purpose and a language of risk. Purpose language insists that sex must exist within a committed, deliberate, long-term union (almost always a marriage) in order to achieve its potential

3 Biblically speaking, adultery occurs if and only if a married woman has sex with someone other than her husband. In this case both parties have committed adultery. If, on the other hand, a married man sleeps with an unmarried woman, adultery has not occurred (although a lesser transgression may have occurred depending on the circumstance).

goodness and, indeed, to have any real meaning at all. Outside of such a context, it is merely an unchecked bodily function, hardly different from the copulation of other animals. Thus, for example, the Reform Rabbi and scholar Eugene Borowitz asserts that "a direct concern with sexual fulfillment is fundamentally physiological and egotistic, and probably quite impersonal, even though it may care about giving as well as getting sensation."[4] Language of purpose also pits individual fulfillment against communal obligation. This rhetoric also stands, like both cautious and expansive sources, opposed to what Israeli Modern Orthodox Rabbi Yuval Cherlow calls "the warped value system of the Western world in general."[5] Cherlow argues that while "the desire for happiness and personal fulfillment constitutes one of the foundations of the modern lifestyle… the marriage relationship is not merely about rights. It is a deeper and more comprehensive relationship which entails responsibilities as well."[6]

Cautious voices that condemn masturbation and "deviant" practices usually invoke the language of purpose. As Modern Orthodox Rabbi Reuven P. Bulka puts it, "the spiritual creativity of shared intimacy transmutes what could be perceived as a biological waste into a humanly fulfilling act. Seed that is spilled is essentially sensuality without spirituality, and is categorically condemned."[7] The Orthodox Rabbi and popular Jewish writer Shmuley Boteach, who is relatively lenient regarding the activities

4 Borowitz, Eugene B., *Choosing a Sex Ethic: A Jewish Inquiry*. New York: Schocken Books, 1969, 107.

5 Cherlow, Yuval, "Premarital Guidance Literature in the Internet Age," *Gender Relationships in Marriage and Out,* edited by Rivkah Blau, New York: Yeshiva University Press, 2004, 131-172 (at 150).

6 Ibid., 149.

7 Bulka, Reuven P., *Jewish Marriage: A Halakhic Ethic*. New York: Ktav Publishing, 1986, 109.

he permits to married couples, condemns both masturbation[8] and sexual sadomasochism[9] along similar lines: "Sadomasochism results entirely from the been-there, done-that mentality in which those who have no holiness or modesty in their sexual relationships will try to end the monotony…[its participants] cannot get to know each other more deeply…"[10] Thus, for him, activities which appear to lack either obvious mutuality[11] or an obvious, bodily route to direct sexual pleasure cannot comprise fit, holy sexuality, even when practiced by a married couple within basic halakhic standards.

Cautious writers who deploy a language of purpose forbid sexual acts that seem, from their ethical vantage, to be pursued solely or primarily for the sake of sexual pleasure, rather than for the sake of cementing marital stability, building appropriate social structures, performing divine commands (such as procreation), or attaining greater holiness. Sex is a divine gift, worthy of affirmation, when

8 Boteach, Shmuley, *Kosher Sex: A Recipe for Passion and Intimacy*. New York: Doubleday, 1999, 89-90.

9 Which, oddly, he seems to equate almost exclusively with the very specific phenomenon of "cock-and-ball-torture," in which one inflicts various painful sensations on one's or one's partner's penis and scrotum via strikes, weights, piercings, and so forth. He also uses the almost certainly apocryphal practice of "gerbiling" as a rhetorical device. Boteach, *Kosher Sex,* 134-7; http://www.snopes.com/risque/homosexuality/gerbil.asp.

10 This last statement is unsupportable. See Newmahr, Staci, *Playing on the Edge: Sadomasochism, Risk, and Intimacy*. Bloomington, IN: Indiana University Press, 2011 for an ethnographic account of a BDSM [Bondage/Discipline/Domination/Submission/Sado-Masochism] community; of note is the deep friendship shared by many of the community's members, and the significant and detailed negotiation that occurs prior to enacting any scene.

11 Even if, as in organized BDSM, consent and mutuality are negotiated prior to engaging in the activity as well as throughout it.

married couples engage in it with these purposes in mind. When these purposes are absent, however, sex is merely a shallow, animalistic appetite.

Risk language, by contrast, highlights the social, physical, or spiritual dangers of sex, insisting that the only acceptable method of controlling these risks is to restrict sex to marriage. Sex is a necessary but dangerous force whose inherent risk can only be mitigated through strict containment; while sex is salubrious and sanctified within marriage, outside that container, it becomes corrosive and antisocial. Writers from halakhically liberal and non-halakhic traditions tend to give significant attention to risks such as STIs and unwanted pregnancy, whereas writers from more halakhically conservative traditions tend to focus much more on the social and spiritual risks of sex. They may fear the breakdown of the "traditional" family: Maurice Lamm writes, "the Jewish people will survive only if the Jewish family survives. The Jewish family will survive only if that old, powerful fortress of marriage is preserved in the form in which it has existed since Sinai—the sanctified, immovable, inviolate rock of civilization."[12] Specific arguments about STIs and unwanted pregnancy evolve in relation to professional consensus on sexual, social, and psychological matters: In 1998, Conservative Rabbi and bioethicist Elliot N. Dorff advised any HIV-positive individual to remain celibate.[13] However, as the treatment of HIV advanced and the infection became chronic and livable, he softened his stance somewhat, in 2009 admitting sex with a condom as a "second best alternative."[14]

12 Lamm, Maurice, *The Jewish Way in Love and Marriage*. Middle Village, NY: Jonathan David Publishers, 1991, 48.

13 Dorff, *Matters of Life and Death*, 116.

14 Dorff, "A Jewish Perspective on Birth Control and Procre-

Indeed, Dorff's writings on sexuality are an excellent example of cautious language of purpose and risk within a relatively liberal context. Even though Dorff has made significant halakhic arguments in favor of homosexuality and permits masturbation and even premarital sex within the context of a long-term, committed relationship, he is a paradigmatically cautious voice, for his ethical rhetoric clearly and centrally employs languages of purpose and risk. The foundation of Dorff's ethic is the theological claim that the body fundamentally belongs not to oneself, but to God.[15] The implications of God's ownership regarding care for and endangerment of, or risk to, the body emerge clearly for sexual ethics, as we are advised to be especially risk averse in our sexual behavior. Thus, sex is best expressed within marriage, or at least a long-term, committed, monogamous relationship. For Dorff, "casual and promiscuous encounters, while not as egregious as adultery and incest, are [to] be avoided, since they involve little or no love or commitment and carry substantial health risks."[16]

Even as Dorff makes room for sex within committed, monogamous non-marital relationships, he characterizes it as "not fulfilling the Jewish ideal."[17] He states that, "Jewish norms in sexual matters, like Jewish norms in other areas, are not all-or-nothing phenomena."[18] Similarly, while he permits masturbation, this is framed in terms of it being a better alternative to non-marital, partnered

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ation," *The Passionate Torah: Sex and Judaism*, edited by Danya Ruttenberg, New York: NYU Press, 2009, 152-168 (at 158).

15 Dorff, "A Jewish Perspective on Birth Control and Procreation," 152.

16 Dorff, *Matters of Life and Death*, 111.

17 Ibid., 112.

18 Ibid.

sexual expression, rather than in terms of it having a positive value of its own. For teens in particular, partnered sexual expression is strongly discouraged; this is couched overwhelmingly in risk language. He writes that "teenagers need to refrain from sexual intercourse, for they cannot honestly deal with its implications or results—such as the commitments and responsibilities that sexual relations normally imply for both partners, including, especially, the possibility of children and the risk of AIDS and other sexually transmitted diseases."[19]

Thus, cautious voices, even where they accept non-marital sexuality in certain contexts, nevertheless treat it as a less-good version of the ideal of marital sexuality. Furthermore, the contexts in which they accept non-marital sexuality tend to resemble marriage in everything but rite. Outside an appropriate container, sex, even when it is seen as fundamentally good, has risks that heavily outweigh any possible benefits.

Expansive Voices

Almost all expansive voices within contemporary Jewish discourse on sexual ethics also belong to the canon of Jewish feminist thought. Feminist innovation within Judaism required radical re-workings of Jewish texts, laws, rituals, customs, and socio-cultural attitudes, and because many of the issues that affect women's roles in Jewish life have to do with the body, it was inevitable that many of the thinkers engaging those questions would also engage questions of sex and sexuality directly. Expansive writers, such as Rabbis Arthur Green and Arthur Waskow, who have not made their names primarily as Jewish fem-

19 Ibid., 117.

inists, nevertheless are generally considered at least to be feminist allies, and reference feminist tropes implicitly, if not explicitly, within their own work.

Along these lines, expansive re-evaluations of sexuality tend to have one of two foundations. They may be based directly in feminist and, more recently, queer claims. Thus, for example, Jewish educator Melanie Malka Landau's work toward redefining "good sex" rests on the fundamental claim that, "the desirable relationship between men and women is not about exchanging male dominance for female dominance; rather, it is about transforming the relationship beyond power dynamics to a dance of giving and receiving."[20] Alternatively or additionally, they may make a broader "times have changed" argument: The realities of people's lives are different than they were when *halakhah* was codified, and sexual ethics must account for these changes—changes which prominently include women's demands for political, social, economic, and bodily liberation. Thus, Reconstructionist Rabbi Arthur Green opens his influential 1976 essay, "A Contemporary Approach to Jewish Sexuality," with the claim that "we are postmodern rather than premodern Jews… it is in the areas of sexuality and the place of women that this discrepancy between fully *halakhic* traditionalism and the neotraditionalism of these 'new Jews' is most clearly seen."[21]

20 Landau, Melanie Malka, "Good Sex: A Feminist Jewish Perspective," *The Passionate Torah*, 93-106 (at 102).

21 Green, Arthur, "A Contemporary Approach to Jewish Sexuality" *The Second Jewish Catalog: Sources and Resources,* edited by Michael Strassfeld and Sharon Strassfeld, Philadelphia, PA: Jewish Publication Society, 1976, 96-99 (at 97). Likewise, Green's fellow Reconstructionist Rabbi David Teutsch writes, "family and sexual ethics must adapt to changing social, political, and technological conditions" (*A Guide To Jewish Practice*, *Vol. 1: Everyday Living*.

Expansive voices view sexuality as something that is fundamentally good. This view tends to flow from an appreciation of the holiness and wholesomeness of the God-given body, in all its functions. As Judith Plaskow puts it, "We believe that we honor the image of God by honoring the body…We affirm that each human being must be taught that the awakening of sexual feeling and the desire for sexual activity are natural and good, and that an understanding of how to express sexuality must also be taught."[22] Like many among the cautious voices, expansive voices are likely to give greater weight to the sexually affirming stream of textual tradition; however, where they do engage the cautious stream of tradition they are likely to do so in critical terms, focusing on the ways in which the tradition is more cautious about women's sexuality than about men's.

Expansive voices differ most clearly from cautious voices in their belief that sexuality is not only a good, but that it can achieve goodness and holiness within a variety of expressions. Thus, Plaskow affirms "human sexuality in all its fluidity, complexity, and diversity."[23] Homosexuality, masturbation, and premarital sex all find approbation and even potential blessing here.[24] While cautious voices tend to claim that sex can only have real, deep meaning when it is restricted to a narrow set of expressions, expansive voices are likely to claim that sexuality's full universe of meaning can only be recognized when its fluidity

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Wyncote, PA: RRC Press, 2011, 162).

22 Plaskow, Judith and Donna Berman, *The Coming of Lilith: Essays on Feminism, Judaism, and Sexual Ethics, 1972-2003*. Boston, MA: Beacon Press, 2005, 176.

23 Ibid.

24 One might call this a different kind of purpose language—or, perhaps, an inversion of the meaning language used by cautious voices.

and diversity are given freer expression. Nor are all these writers non-*halakhic* or post-*halakhic.* Sara N.S. Meirowitz, who identifies as an observant Jew, mounts a defense of non-marital sex in an observant context, asking, "can only long-term relationships have sexual holiness? I posit that traditional Judaism has a thing or two to learn from more radical feminist and Jewish scholars who see that holiness in sexual relationships can come from recognizing the spark of divinity in one's partner and creating respectful norms."[25]

Notable among these voices is Jennie Rosenfeld, whose important dissertation, "Talmudic Rereadings: Toward a Modern Orthodox Sexual Ethic," combines ethnographic accounts of the sexual frustrations of Modern Orthodox singles with a careful, yet "against the grain" reading of a variety of Talmudic and later *halakhic* sources. Rather than attempt a *halakhic* argument in favor of traditionally forbidden sexual practices, Rosenfeld instead searches for "cracks and fissures within the text [where] there is some tension at play"[26] in order to articulate what she refers to as an "ethics of sin." Even though an Orthodox person might act in a way that violates *halakhah,* Rosenfeld argues, they can and must find a way to "violate the law and simultaneously manifest one's knowledge of G-d through ethical behavior."[27] Rosenfeld thus passionately articulates the ethical value specifically of sexual pleasure, even as expressed through masturbation and non-marital sex, while nevertheless acknowledging its il-

25 Meirowitz, Sara N.S., "Not Like a Virgin: Talking About Nonmarital Sex" *The Passionate Torah*, 169-181 (at 177).

26 Rosenfeld, Jennie, *Talmudic Re-Readings: Toward a Modern Orthodox Sexual Ethic*. Ph.D Diss., City University of New York, 2008*,* 36.

27 Ibid., 58.

licit character. Rosenfeld's Modern Orthodox standpoint means the range of activities she is willing to countenance even within this framework is less broad than many other expansive voices and even some of the more liberal cautious voices. However, her fundamental understanding of sexuality and sexual pleasure as valuable for their own sake and the relative absence of simple languages of risk and purpose from her work place her squarely within the expansive camp.

Expansive voices often reinterpret or reframe Jewish ethical, ritual, theological, or *halakhic* concepts to accommodate or account for their empirical and moral claims about sexuality, and especially to articulate heretofore taboo or forbidden activities in explicitly Jewish terms. Thus, sex educator and historian Hanne Blank suggests that "people practicing BDSM [Bondage/Discipline/Domination/Submission/Sado-Masochism] might conceptualize negotiations—who takes on what role(s), what acts are and are not acceptable, what parameters of sexual activity are to be part of their interactions with each other—as a form of *ketubah,* or marriage contract, specifying what each partner is obligated to bring to the relationship and what each can expect in terms of support and help if things go poorly."[28] Rabbi Jay Michaelson finds queer theological meaning in the differently-gendered aspects of God as articulated in *kabalistic* tradition.[29] And Rabbi Rebecca Alpert connects masturbation, understood as a practice of self-care and self-love, to the Jewish values of

28 Blank, "The Big O Also Means Olam" *Yentl's Revenge: The Next Wave of Jewish Feminism,* edited by Danya Ruttenberg, Seattle, WA: Seal Press, 2001, 194-205 (at 201).

29 Michelson, Jay, "On the Religious Significance of Homosexuality; or, Queering God, Torah, and Israel" *The Passionate Torah,* 212-228.

caring for and protecting the God-given body; further, she argues that it provides a training ground for understanding the importance of privacy and thus is an arena for practicing *tzniut*, or modesty.[30]

While expansive voices do not tend to talk in terms of risk-benefit language, preferring to speak in terms of fulfillment, expression, and relationality, they do not ignore risk. While they believe in the fundamental goodness of sexuality and the body, they also recognize that sexuality can cause harm. However, good sex versus harmful sex tends not to be as much a matter of taxonomy as it is for cautious voices. Rather, it is a question of the quality of relationships in a given case. Sexuality becomes dangerous and distorted through the breakdown of respectful relationships and through the misuse of power. Furthermore, expansive voices are somewhat more likely to foreground the positives of sexuality and treat the risks as more of an appended caution, perhaps in direct reaction to the heavy and, to them, disproportionate foregrounding of risks they observe among cautious voices.

Along these lines, expansive voices are not universally or uniformly permissive, as cautious voices are not uniformly restrictive. While there is a general consensus among these voices that homosexuality, premarital sex, and masturbation are not only permitted but are potential areas for sanctification, as in broader feminist movements, significant disagreements arise around questions of monogamy, pornography, and sex work. Hanne Blank, for example, strongly supports legitimizing sex work, arguing that it can be a form of female sexual self-determination and framing its practice by those who choose it

30 Alpert, Rebecca T., "Reconsidering Solitary Sex from a Jewish Perspective," *The Passionate Torah,* 182-190.

as a way to effect *tikkun olam.*[31] Martha Acklesburg, by contrast, argues that women's participation in sex work is largely a consequence of economic coercion.[32]

Moving Forward

Despite the diversity of permitted, tolerated, discouraged, or forbidden behaviors, interpretive approaches, and theologies among these writers, there are certain constants among them. First, regardless of the expansiveness or caution of the writer's position, almost all writers emphasize, at least rhetorically, the sexually affirming pole of the rabbinic tradition—either as a descriptive claim (for example, a claim that compared to Christianity, Judaism has affirmed the goodness of sexuality) or as an aspirational one (a claim that as we move forward, we should choose to emphasize the sexually affirming voices within the Jewish tradition). Normativizing one strand of rabbinic thought over another[33] thus is not solely the purview of expansive voices interested in reforming sexual mores; in rhetorically claiming the sexually affirming side of rabbinic tradition as dominant, at least relative to Christianity, cautious voices too have their own brand of revisionism.

31 Blank, Hanne, "The Sex of Work, the Work of Sex" in *Jewish Choices, Jewish Voices: Sex and Intimacy.* edited by Elliot N. Dorff and Danya Ruttenberg Philadelphia, PA: Jewish Publication Society, 2010, 91-97.

32 Acklesberg, "Sex Work: Whose Choice?" *Jewish Choices, Jewish Voices,* 105-110.

33 Tamar Ross, in *Expanding the Palace of Torah*, 107-9, commenting on similar tendencies in feminist Jewish treatments of rabbinic text, calls this "golden thread" revisionism (in the case of ignoring the fear or ascribing it to Hellenistic contamination), or "multiple thread" revisionism (in the case of minimizing or downplaying it.)

Second, when these writers appeal to traditional Jewish texts to ground their arguments, they all appeal to texts that have some sort of explicitly sexual primary subject matter. This, rather than texts' forms of argument or the way their subject matter functions within the larger world they describe, is the determining ground for which texts apply to which problem. Finally, although they are used in different ways and given different levels of importance, the concepts of risk and meaning seem to be operative in some form across the entire canon.

This literature as a whole also usually exhibits a significant gap between content and general rhetoric, especially where its characterization of rabbinic text is concerned. Professional Jewish ethicists, as well as *halakhic* and non-*halakhic* Jewish popular writers tend to claim relatively body- and sex-positive streams of the tradition as representative of Jewish thought about sexuality as a whole, even though, as scholars like Daniel Boyarin, Michael Satlow, and Jonathan Schofer have demonstrated, there exists an equally strong stream of sexual asceticism within rabbinic literature.[34] Importantly, this emphasis on rabbinic affirmation of sexuality remains the case as a *rhetorical* claim about Jewish sexual ethics even where the *content* of these writings may seem to contemporary readers at odds with such a claim. Even where these writers

34 See Boyarin, Daniel, *Carnal Israel: Reading Sex in Talmudic Culture*. Berkeley, CA: University of California Press, 1993; Satlow, Michael, *Tasting The Dish: Rabbinic Rhetorics of Sexuality*. Providence, RI: Brown Judaic Studies, 1995; Schofer, Jonathan, *The Making of a Sage: A Study in Rabbinic Ethics*. Madison, WI: University of Wisconsin Press, 2005. For a general treatment of rabbinic asceticism in which sexuality works as a case study, see also Diamond, Eliezer, *Holy Men and Hunger Artists: Fasting and Asceticism in Rabbinic Culture.* Oxford, UK, and New York: Oxford University Press, 2004.

restrict sexual behavior—in part, precisely on the grounds of various associated risks—their overall rhetoric of sexuality in Judaism remains affirming.

The contemporary tradition is correct to stress the importance of sexuality for a person's and a community's psychosocial wellbeing. It errs, however, in two ways: first, in neglecting the sexually ascetic stream of rabbinic tradition, and second, in treating the phenomenon of sex in the rabbinic world as equivalent to sex in our contemporary one. Attending to the ascetic pole of the rabbinic tradition's sexual dialectic is important both from the perspective of hermeneutical responsibility and from the perspective of ethical and empirical accountability. From a hermeneutical perspective, to ignore or minimize the rabbinic fear of sexuality is to commit a kind of revisionism that belies the texts' particular voices and complexities. In fact, the rabbinic tradition's fear of sexuality is no less real, palpable, or present in the canon than is its affirmation of sexuality. The dialectic between anxiety about, and affirmation of, sexuality functions as a genuine dialectic, not as a weaker voice serving as a foil to emphasize a stronger one, nor as a secondary limit upon a generally positive tendency.

The second common error is trickier to grasp. The shapes of the conversations and norms around sex and sexuality within the universe of text and tradition we call rabbinic Judaism point us in interesting directions, but are in no sense proof that Judaism is or is not "sex-positive," or that it uniformly "thinks" any one thing about any given sexual activity or aspect of sexuality. While we can glean clues about attitudes toward sexuality or about how sexual concerns were or were not woven into Jewish (including pre-rabbinic) religious discourse at the time a given text was written or redacted, it is critical to remember that sex

is usually not the ultimate subject of discussion. Rather, the ultimate subject of discussion—especially if the source is, as most of them are, linked to the rabbinic tradition—is how to read, interpret, and live out God's Torah. For example, one of the most commonly-cited sources attesting to the rabbis' putative "sex-positivity"—Mishnah Ketubot 5:6, concerning a husband's sexual duty to his wife—becomes a question initially because of the ambiguity of the word *onah* in Exodus 21:10-11, which stipulates "If he takes himself another wife, he shall not diminish [his first wife's] food, clothing, or her *onah*."[35] The rabbis translate the word *onah* literally as "time," but what specific time is she owed? Only after this interpretive question comes up for discussion can the verse generate a rabbinic ruling.[36]

Put another way, classical Jewish sources, even those that *seem* to be about sexuality, are ultimately about *textuality.* The centrality of text in any rabbinic material means that these textual concerns themselves will substantially determine how that material configures the shape of any

35 "Onah" also carries the more specific meaning of "cohabitation," but the texts in question, perhaps in an instance of creating a problem in order to solve it, " interpret *onah,* literally as "time" and from there taken it to refer to time-specific sexual obligations. See Satlow, 265-8. Also see *b*. Yevamot 62b: "R. Yehoshua b. Levi said, any man who knows that his wife fears heaven, and he does not visit her [euphemistic here for sexual relations] is called a sinner, as it is said, 'you shall know that all is well in your tent, when you visit your dwelling [understood here as including your wife,] you shall not sin' (Job 5:24)."

36 See *Mekhilta deRabbi Ishmael* 21:9-10, a text contemporary with the Mishnah quoted above, for an explication of this interpretive issue. Here, R. Yoshia exploits a pun: עונה, "time" or "cohabitation" has a homonym, ענה, "force" or "duress." Connecting the instance of the first sense in Exodus to its use in the second sense, along with שכב, "to lie with" to describe the rape of Dinah in Genesis 34:2, R. Yoshia connects the term both to sex and to obligation.

empirical phenomenon that may come up for discussion. That is to say, here, textual concerns condition how the rabbis deal with real-world problems, not the other way around. Thus, anyone wishing to utilize rabbinic text for guidance in matters of contemporary practical ethics—as, indeed, the contemporary discipline of academic Jewish ethics as a whole has decided to do—must look past the simple denominative sense of the words they read in those rabbinic texts. If one wants to take into account the text's historical meaning and function—and, even more importantly, in gleaning the most nuanced practical guidance from that text—one must seek texts in which either the social functions of the topics under discussion, or even the formal patterns of the text itself, have substantial relevance to one's questions.

This means that those texts which appear at first to address the very topic on which one seeks guidance may turn out, upon further examination, not to be the best sources of guidance for one's actual questions. Such, I believe, is the case for sex and sexuality. Explicitly sexual biblical and rabbinic texts are not the best analogues for how sex, as a form of social interaction, functions in our contemporary world. Other texts from these canons, however, might provide better models. Ritual purity texts, for example, may help us think about social contagion and STI risks in measured, non-stigmatizing ways.[37] Texts that

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37 See my own articles, "A Prescription For Discourse: Power and Expertise in Ritual and Sexual Health," *Journal of Jewish Ethics* 4:2, 2018, and "Textual Relationships: On Perspective, Interpretive Discipline, and Constructive Ethics," *Journal of Textual Reasoning* 10:1, 2018, for more on how tannaitic ritual purity texts can offer resources for liberatory STI management. The latter article is available open-access at http://jtr.shanti.virginia.edu/vol-10-no-1-december-2018/textual-relationships-on-perspective-interpretive-discipline-and-constructive-ethics/.

deal with the social and metaphysical risks of rabbinic debate, such as the well-known Oven of Akhnai (*b.* Bava Metzia 59a-b), can offer resources for thinking about how communities develop around risky-yet-life-affirming activities and cultivate the kinds of social and interpretive virtues needed to manage those risks.[38] If scholars, rabbis, community leaders, and all Jews who take an active interest in being part of a complex and living tradition of text, theology, and ethics look beyond the plain sense of our texts and ask, "how do these texts do their interpretive and moral work?" we will find that there are countless other examples out there awaiting discovery.

Conclusion

While modern and contemporary Jewish thinkers have, on the whole, painted a picture of a Jewish canon—in particular, a biblical and rabbinic canon—that is relatively sex-positive, the text-historical reality is far more complex. Nevertheless, in examining the ways different modern and contemporary thinkers have depicted and deployed this rhetoric of sex-positivity, we can learn something about the ways Jewish thinkers have used sex and sexuality as key ways to define Judaism in contrast to their Christian contemporaries. Sex, or at least the rhetoric of sex, functions for these thinkers as a marker of Jewish distinction, especially social and moral distinction.

At the same time, as Jewish thinkers—especially those who do constructive work— move forward, it be-

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38 I explore such a use of the Oven of Akhnai text in my book manuscript; I also presented a paper on this at the 2018 Annual Meetings of the American Academy of Religion/Society for Biblical Literature, entitled "Torah Edgeplay: Risk, Power, and Polymorphous Community." November 18, 2018, Denver, CO.

hooves us to look beyond the rhetoric of sexual distinction and survey the vast resources of our textual canon with care. To do so may mean letting go of some of our default assumptions about sex and classical texts, but it also means allowing ourselves to appreciate the possibility of moral resources for thinking about sex and sexuality in places we might not have expected to find them.