



Intersectionality, Sexuality and Jewish Text: Permission to Interpret

<p>Genesis 1:27 (27) And God created man in His own image, in the image of God created He him; male and female created He them.</p>	<p>בראשית א' כ"ז וַיִּבְרָא אֱלֹהִים אֶת־הָאָדָם בְּצַלְמוֹ בְּצֶלֶם אֱלֹהִים בָּרָא אֹתוֹ זָכָר וְנָקְבָה בָרָא אֹתָם:</p>
<p>Genesis 2:18-24 (18) And the LORD God said: 'It is not good that the man should be alone; I will make a help meet for him.' (21) And the LORD God caused a deep sleep to fall upon the man, and he slept; and He took one of his ribs, and closed up the place with flesh instead thereof. (22) And the rib, which the LORD God had taken from the man, He made into a woman, and brought her unto the man. (24) Therefore shall a man leave his father and his mother, and shall cleave unto his wife, and they shall be one flesh.</p>	<p>בראשית ב' י"ח-כ"ד יח וַיֹּאמֶר יי אֱלֹהִים לֹא־טוֹב הָיוּ הָאָדָם לְבָדוֹ אֶעֱשֶׂה־לּוֹ עֵזֶר כְּנֶגְדּוֹ: כא וַיִּפֹּל יי אֱלֹהִים תַּרְדֵּמָה עַל־ הָאָדָם וַיִּישָׁן וַיִּקַּח אֶחָת מִצִּלְעָתָיו וַיִּסְגֹּר בָּשָׂר תַּחְתָּנָה: כב וַיִּבֶן יי אֱלֹהִים אֶת־הַצֶּלַע אֲשֶׁר־לָקַח מִן־ הָאָדָם לְאִשָּׁה וַיִּבְאֶהָ אֶל־הָאָדָם: כד עַל־כֵּן יַעֲזֹב אִישׁ אֶת־אָבִיו וְאֶת־ אִמּוֹ וְדָבַק בְּאִשְׁתּוֹ וְהָיוּ לְבָשָׂר אֶחָד:</p>
<p>Genesis Rabbah 8:1 (Soncino) (1) And God said: Let us make <i>Adam</i> in our image, in our shape: R' Yirmiyah ben Elazar said, when Hashem created Adam HaRishon, he was created as both genders; thus is it written, "male and female did He create them." R' Shmuel bar Nachman said, when Hashem created Adam HaRishon, He created him with two faces, one on each side, and [when He made Chavah,] He split him along the middle, forming two backs. They challenged him: but it is written, "And He took one of his ribs!" He said to them, ["mitzalosav" doesn't mean rib, it means] one of his sides, similar to that which is said, "and to the 'tzela' of the Mishkan," which is translated "the side of the Mishkan." R' Tanchuma said in the name of R' Benaya, when Hashem created Adam HaRishon, He created him as a lifeless mass able to reach from one end of the Earth to the other; thus is it written, "Your eyes saw a mass."</p>	<p>בראשית רבה ח' א' א וַיֹּאמֶר אֱלֹהִים נַעֲשֶׂה אָדָם בְּצַלְמֵנו כְּדִמוּתֵנו. אָמַר רַבִּי יִרְמְיָה בֶּן־עֶזְרָא: בַּשָּׁעָ שֶׁבָּרָא הַקָּדוֹשׁ בְּרוּךְ הוּא אֶת אָדָם הָרִאשׁוֹן, אֲנִדְרוּגִינוּס בְּרָאוּ, הַדָּא הוּא דְכַתִּיב: זָכָר וְנָקְבָה בְּרָאם. אָמַר רַבִּי שְׁמוּאֵל בַּר נַחֲמָן: בַּשָּׁעָ שֶׁבָּרָא הַקָּב"ה אֶת אָדָם הָרִאשׁוֹן, דִּי פְּרָצוּפִים בְּרָאוּ וְנִסְרוּ וְעִשְׂאוּ גִבִּיִּים, גִּב לְכָאן וְגִב לְכָאן. אֵיתִיבּוּן לֵיהּ, וְהַכְּתִיב: וַיִּקַּח אֶחָת מִצִּלְעוֹתָיו! אָמַר לְהוֹן: מִתְרִין סִטְרוֹהִי, הִיךְ מַה דָּאֵת אָמַר: (שְׁמוֹת כו): וְלִצְלַע הַמִּשְׁכָּן, דְּמִתְרַגְמִין וְלִסְטֵר מִשְׁכְּנָא וְגו'. רַבִּי תַּנְחוּמָא בְּשֵׁם רַבִּי בְּנִינָה וְרַבִּי בְּרַכִּיָּה בְּשֵׁם ר"א אָמַר: בַּשָּׁעָ שֶׁבָּרָא הַקָּדוֹשׁ בְּרוּךְ הוּא אֶת אָדָם הָרִאשׁוֹן גּוֹלָם בְּרָאוּ, וְהָיָה מוֹטֵל מִסּוֹף הָעוֹלָם וְעַד סוֹפוֹ, הַדָּא הוּא דְכַתִּיב: (תְּהִלִּים קלט) גִּלְמִי רָאוּ עֵינֶיךָ וְגו'.</p>

How are human beings created? Is there room in the creation story to expand on the binary structure of male/female?

Sanctity in Sexuality

I. Religious Dissonance: Can Sex and Religion Co Exist?

<p>Genesis Rabbah Chapter 9 (Sefaria) Rabbi Nahman said in Rabbi Samuel's name: 'Behold, it was good' refers to the Good Desire; 'And behold, it was very good' refers to the Evil Desire. Can then the Evil Desire be very good? That would be extraordinary! But without the Evil Desire, however, no man would build a house, take a wife and beget children;</p>	<p>בראשית רבה (תיאודור-אלבק) ט [וַיִּרְא אֱלֹהִים אֶת כָּל אֲשֶׁר עָשָׂה וְהִנֵּה טוֹב מְאֹד] ... נַחֲמָן בְּשֵׁם ר' שְׁמוּאֵל הִנֵּה טוֹב מְאֹד זֶה יִצֵּר טוֹב, וְהִנֵּה טוֹב מְאֹד זֶה יִצֵּר הָרַע, וְכִי יִצֵּר הָרַע טוֹב מְאֹד הוּא אֲתִמָּה, אֵלָּא שְׂאִלּוּלִי יִצֵּר הָרַע לֹא בָּנָה אָדָם בֵּית וְלֹא נָשָׂא אִשָּׁה וְלֹא הוֹלִיד בָּנִים</p>
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<p>Babylonian Talmud – Tractate Yoma 69b (translation Daniel Boyarin: Carnal Israel, p.61)</p> <p>They said: “Since it is a time of [God’s] favor, let us pray regarding Desire for sexual sin.’ They prayed and he was committed into their hands. He said to them, “Be careful, for if you kill that one, the world will end.” They imprisoned him for three days and then they looked for a fresh egg in all of the Land of Israel, and they did not find one. They said, “What shall we do? If we kill him, the world will end. If we pray for half, in heaven they do not answer halfway prayers. Blind him and let him go. At least, a man does not become aroused by his female relatives.”</p>	<p>תלמוד בבלי מסכת יומא (ס"ט)</p> <p>אמרו: הואיל ועת רצון הוא נבעי רחמי איצרא דעבירה. בעו רחמי ואמסר בדייהו. אמר להו: חזו דאי קטליתו ליה לההוא - כליא עלמא. חבשוהו תלתא יומי, ובעו ביעתא בת יומא בכל ארץ ישראל ולא אשתכח. אמרי: היכי נעביד? נקטליה - כליא עלמא! ניבעי רחמי אפלגא - פלגא ברקיעא לא יהבי. כחלינהו לעיניה, ושבקוהו. ואהני דלא מיגרי ביה לאיניש בקריבתה.</p>
<p>Tractate Sukkah 52a (translation: Ibid, p. 65)</p> <p>And the Northern one, I will remove from among you [Joel 2:21]: This is the Evil Desire which is hidden and present in the heart of man...For it has performed mightily [ibid]. Said Abbaye: “Among the Torah scholars more than anyone.” As in the story of Abbaye who heard a certain man saying to a woman, “Let us get up early and go together on the way.” He [Abbaye] said: “I will go and separate them from doing that which is forbidden.” He went behind them for three parasangs in a meadow. When they separated from each other, he heard them, saying “Our way is long and our company is sweet.” Said Abbaye, “if that had been me, I would not have been able to control myself.” He went and swung on the door-hinge [a sign of depression] and was miserable. A certain old man by and taught him, “Everyone who is greater than his fellow, his Desire is greater also.”</p>	<p>מסכת סוכה דף נב עמוד א</p> <p>יואל קראו צפוני, שנאמר ואת הצפוני ארחיק מעליכם. תנו רבנן: ואת הצפוני ארחיק מעליכם - זה יצר הרע, שצפון ועומד בלבו של אדם; והדחתיו אל ארץ ציה ושממה - למקום שאין בני אדם מצויין להתגרות בה; את פניו אל הים הקדמוני - שנתן עיניו במקדש ראשון והחריבו והרג תלמידי חכמים שבו; וסופו אל הים האחרון - שנתן עיניו במקדש שני והחריבו, והרג תלמידי חכמים שבו; ועלה באשו ותעל צחנתו - שמניח אומות העולם ומתגרה בשונאיהם של ישראל; כי הגדיל לעשות - אמר אבבי: ובתלמידי חכמים יותר מכולם. כי הא, דאבבי שמעיה לההוא גברא דקאמר לההיא אתתא: נקדים וניזיל באורחא. אזל אמר: איזיל אפרשינהו מאיסורא. אזל בתרייהו תלתא פרסי באגמא. כי הו פרשי מהדדי שמעיהו דקא אמרי: אורחין רחיקא וצוותין בסימא. אמר אבבי: אי מאן דסני לי הוה - לא הוה מצי לאוקומיה נפשיה. אזל, תלא נפשיה בעיבורא דדשא, ומצטער. אתא ההוא סבא, תנא ליה: כל הגדול מחבירו יצרו גדול הימנו.</p>
<p>Tractate Kiddushin 81b</p> <p>The Gemara relates: Rabbi Ḥiyya bar Ashi was accustomed to say, whenever he would fall on his face in prayer: May the Merciful One save us from the evil inclination. One day his wife heard him saying this prayer. She said: After all, it has been several years since he has withdrawn from engaging in intercourse with me due to his advanced years. What is the reason that he says this prayer, as there is no concern that he will engage in sinful sexual behavior? One day, while he was studying in his garden, she adorned herself and repeatedly walked past him. He said: Who are you? She said: I am Ḥaruta, a well-known prostitute, returning from my day at work. He propositioned her. She said to him: Give me that pomegranate from the top of the tree as payment. He leapt up, went, and</p>	<p>מסכת קידושין (פא:)</p> <p>רבי חייא בר אשי הוה רגיל כל עידן דהוה נפל לאפיה הוה אמר הרחמן יצילנו מיצר הרע יומא חד שמעתינהו דביתהו אמרה מכדי הא כמה שני דפריש ליה מינאי מאי טעמא קאמר הכי יומא חדא הוה קא גריס בגינתיה קשטה נפשה חלפה ותנייה קמיה אמר לה מאן את אמרה אנא חרותא דהדרי מיומא תבעה אמרה ליה אייתי ניהליה להך רומנא דריש צוציתא שוור אזל אתייה</p>



<p>brought it to her, and they engaged in intercourse. When he came home, his wife was lighting a fire in the oven. He went and sat inside it. She said to him: What is this? He said to her: Such and such an incident occurred; he told her that he engaged in intercourse with a prostitute. She said to him: It was I. He paid no attention to her, thinking she was merely trying to comfort him, until she gave him signs that it was indeed she. He said to her: I, in any event, intended to transgress. The Gemara relates: All the days of that righteous man he would fast for the transgression he intended to commit, until he died by that death in his misery.</p>	<p>ניהלה כי אתא לביתה הוה קא שגרא דביתהו תנורא סליק וקא יתיב בגויה אמרה ליה מאי האי אמר לה הכי והכי הוה מעשה אמרה ליה אנא הואי לא אשגח בה עד דיהבה ליה סימני אמר לה אנא מיהא לאיסורא איכווני כל ימיו של אותו צדיק היה מתענה עד שמת באותה מיתה</p>
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<p>Tractate Sanhedrin 22b Rav Shmuel bar Unya says in the name of Rav: A woman is raw material, like a vessel that has not been completed, and makes a covenant, becoming truly connected, only to the one who made her a vessel through her first act of sexual intercourse, as it is stated: "For your Maker is your husband, the Lord of hosts is His name" (Isaiah 54:5).</p>	<p>מסכת סנהדרין (כב:) אמר רב שמואל בר אבניא משמיה דרב אשה גולם היא ואינה כורתת ברית אלא למי שעשהא כלי שנאמר (ישעיהו נד, ה) כי בועליך עושיך ה' צבאות שמו</p>
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What are some of the tensions that arise from the texts above regarding sexuality?
What is the difference between male and female sexuality?

You shall be Holy

<p>Leviticus 20:7-8 You shall sanctify yourselves and be holy, for I the LORD am your God. You shall faithfully observe My laws: I the LORD make you holy.</p>	<p>ויקרא כ ז-ח והתקדשתם והייתם קדושים כי אני ה' אלהיכם. ושמרתם את חקותי ועשיתם אתם אתם אני ה' מקדשכם</p>
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Kedusha or sanctity/separation lies at the heart of our relationship with God. Before going further, think of ways in which you would expect "kedusha" affect your lives in order to achieve the goal of connecting to God in the day to day. Now think of how to apply it to sexual choices. What would your kedusha look like?

<p>Tractate Berachot 62a Kahana once went in and hid under Rab's bed. He heard him chatting [with his wife] and joking and doing what he required. He said to him: One would think that Abba's mouth had never sipped the dish before! He said to him: Kahana, are you here? Go out, because it is rude. He replied: It is a matter of Torah, and I require to learn.</p>	<p>מסכת ברכות (סב.) רב כהנא על, גנא תותיה פורייה דרב. [נכנס ושכב תחת מיטתו] שמעיה דשח ושחק ועשה צרכיו, אמר ליה: דמי פומיה [דומה פיו] דאבא כדלא שריף תבשילא [אכל תבשיל]! אמר לו: כהנא, הכא את? פוק, דלאו ארח ארעא [צא שאין זה דרך ארץ]. אמר לו: תורה היא וללמוד אני צריך.</p>
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<p>Tractate Menachot 44a There was once a man who was particularly careful about the commandment of <i>tzitzit</i> (fringes). He heard that there was a prostitute in a town by the sea who took four hundred gold coins as her price. He sent to her four hundred gold coins and set a time to come to her. When his time came, he went... She said 'Let him come in'. When he entered she had prepared for him seven beds, six of silver and one of gold...She went up and sat naked on the</p>
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top bed. As he was climbing up to sit with her, the four strings of his *tzitzit* smacked him in the face. He fell...She came down and said 'By the city of Rome, I will not let you rest until you tell me what blemish you saw on me.' He said 'I have never seen a more beautiful woman than you, but there is one commandment that God commanded us, and *tzitzit* is its name...Now the *tzitzit* are witnesses against me.' She said to him 'I will not let you rest until you tell me what your name is, the name of your city, the name of your teacher, and the name of the school in which you learned this Torah.' He wrote it down...She got up and divided her possessions—one third for the government, one third for the poor, and one third she kept, including the sheets from the bed. She came to the *Beit Midrash* (house of study) of Rabbi Chiya. She said 'Rabbi, command me and make me a convert.' He said to her 'My daughter, have you set your eyes on one of the students?' She took out the paper and gave it to him. He said 'Go, and enjoy your purchase.' Then, the sheets which she had spread for him in prohibition, she now spread for him lawfully.

How do these sources create a positive culture for sexuality?

The Right to Sexual Pleasure in the Marital Relationship

Sexual relations are the right of the woman in marriage and the duty of the man. Because this is a legal right, the Mishna codifies it in a structural way so that if there is deviation, the woman can go to court and demand what is hers. This does not mean that a couple is forced to have relations. Note that a woman however, cannot consistently refuse relations even though it is her right, or she is called a rebellious wife. A man who refuses to have sex with this wife is called a rebellious husband. Note that while there is no equality, there is a degree of balance that permeates the marital relationship in general and this area in particular.

Tractate Ketubot - Chapter Five, Mishnayot 6-7

A man forbade himself by vow from having intercourse with his wife: Beth Shammai says: two weeks; Beth Hillel says: one week. Students may go away to study Torah, without the permission [of their wives for a period of] thirty days; workers for one week. The times for conjugal duty prescribed in the torah are: For independent men, every day; For workers, twice a week; For donkey-drivers, once a week; For camel-drivers, once in thirty days; For sailors, once in six months. These are the words of Rabbi Eliezer.

If a wife rebels against her husband [and refuse sexual relations] her *ketubah* is reduced by seven *denarii* a week. Rabbi Judah says: seven *tropaics*. How long does he continue to reduce? Until the amount of her *ketubah*. Rabbi Yose says: he may continue to reduce, and if she receives an inheritance he may collect from it. Similarly, if a husband rebels against his wife, an addition of three *denarii* a week is made to her *ketubah*. Rabbi Judah said: three *tropaics*.

מסכת כתובות – פרק ה, משניות ו-ז

המדיר את אשתו מתשמיש המטה, בית שמאי אומרים, שתי שבטות. בית הלל אומרים, שבט אחת. התלמידים יוצאין לתלמוד תורה שלא ברישות, שלשים יום. הפועלים, שבט אחת. העונה האמורה בתורה, הטילין, בכל יום. הפועלים, שתיים בשבט. החמרים, אחת בשבט. הגמלים, אחת לשלשים יום. הספנים, אחת לששה חדשים, דברי רבי אליעזר:

המורדת על בעלה, פוחתין לה מכתבתה שבועה דינרין בשבט. רבי יהודה אומר, שבועה טרפעיין. עד מתי הוא פוחת, עד כנגד כתבתה. רבי יוסי אומר, לעולם הוא פוחת והולך, שקמא תפול לה ירשה ממקום אחר, גובה הימנה. וכן המורד על אשתו, מוסיפין לה על כתבתה שלשה דינרין בשבט. רבי יהודה אומר, שלשה טרפעיין:



Maimonides - Laws of *Ishut* (Personal Status) 14:8-9

8 She is asked why she rebelled. If she says, "He is loathsome to me and I cannot willingly have relations with him," then pressure is forthwith exerted up on him to divorce her because she is not like a captive that she has to have relations with a man who is hateful to her. However, when she exits [the marriage] it is without anything whatsoever of the ketubah entitlements....

9 but if when asked she says, "My purpose is to torment him in retaliation for such and such that he did to me or for his having cursed me or quarreled with me and the like, then she is sent away from the Beit Din with the following threat: "Be advised that if you persist in your rebellion, then even if your ketubah is worth a hundred maneh you shall forfeit it all."

רמב"ם - הלכות אישות פרק יד

הלכה ח - האשה שמנעה בעלה מתשמיש המטה היא הנקראת מורדת, ושואלין אותה מפני מה מרדה, אם אמרה מאסתיהו ואיני יכולה להבעל לו מדעתי כופין אותו להוציא לשעתו לפי שאינה כשבויה שתבעל לשנוי לה, ותצא בלא כתובה כלל ותטול בלאותיה הקיימין בין מנכסים שהכניסה לבעלה ונתחייב באחריותו בין מנכסים שלא נתחייב באחריותו, ואינה נוטלת משל בעל כלום ואפילו מנעל שברגליה ומטפחת שבראשה שלקחן לה פושטת ונותנת וכן כל שנתן לה מתנה מחזרת אותו שלא נתן לה על מנת שתטול ותצא .

הלכה ט - ואם מרדה מתחת בעלה כדי לצערו ואמרה הריני מצערת אותו בכך מפני שעשה לי כך וכך או מפני שקללני או מפני שעשה עמי מריבה וכיוצא בדברים אלו, שולחים לה מבית דין ואומרים לה הוי יודעת שאם את עומדת במרדך אפילו כתובתך מאה מנה הפסדת אותה, ואחר כך מכריזין עליה בבתי כנסיות ובבתי מדרשות בכל יום ארבע שבתות זו אחר זו ואומרים פלונית מרדה על בעלה.

R. Joseph B. Soloveitchik *Family Redeemed* p.50

Judaism did not overlook or underestimate the physical aspects of marriage. On the contrary, once sacrificial withdrawal from the sinful erotic paradise of change and variety is completed, the natural element in marriage comes to the fore. The two partners owe each other not only fidelity, but also full gratification of their sexual needs. Refusal or failure by one of the partners to satisfy the conjugal rights of the other is sufficient reason for divorce. Each one must observe these laws of consortium with regard to the other. The marriage must not be converted into an exclusively spiritual fellowship. Marriage without carnal enjoyment and erotic love is contrary to human nature and is to be dissolved.

Are there limits?

Below are basic texts that consider limits on sexual interaction. The first text shows discomfort by quoting the angels who of course do not have sex but pay attention to what the conclusion is. Also note the consequence of problematic sex. In the second text with Rav Hisda, he gives advice to his daughters. Is there anything you can take from these texts in building a Jewish sexual ethic without regard to gender/sexual choices?

Tractate Nedarim 20a-b

R. Johanan b. Dahabai said: The Ministering Angels told me four things: People are born lame because they [sc. their parents] overturned their table [i.e., practised unnatural cohabitation]; dumb, because they kiss 'that place'; deaf, because they converse during cohabitation; blind, because they look at 'that place'. And we challenged: **Imma Shalom was**



asked: **Why are your children so exceedingly beautiful?** She replied: [Because] he [my husband] 'converses' with me neither at the beginning nor at the end of the night, but [only] at midnight; and when he 'converses', he uncovers a handbreadth and covers a hand breadth, and is as though he were compelled by a demon. And when I asked him, **What is the reason for this [for choosing midnight],** he replied, **So that I may not think of another woman, lest my children be as bastards....** R. Johanan said: The above is the view of R. Johanan b. Dahabai; but our Sages said: The *halachah* is not as R. Johanan b. Dahabai, but a man may do whatever he pleases **with his wife [at intercourse]**...A woman once came before Rabbi and said, 'Rabbi! I set a table before my husband, but he overturned it.' Rabbi replied: 'My daughter! the Torah hath permitted thee to him — what then can I do for you?' A certain woman came before Rabbi. She said to him: Rabbi, I set him the table and he turned it over. He said: How is the case different from fish? And you shall not wander after your hearts [Num. 16:39] — From hence Rabbi said: Let not a man drink from this cup and have his mind on another cup....Said Rabbi Levi: These are nine categories: Children of fright; children of rape; children of a despised woman; children of excommunication; children of exchange; children of strife; children of drunkenness; children of one whom he has divorced in his heart; children of mixture; children of a brazen woman. Indeed? But did not Shmuel the son of Nahmani say that Rabbi Jochanan said; Any man whose wife approaches him sexually will have children such as were unknown even in the generation of Moses. That refers to a case where she arouses him [but does not explicitly ask for sex].

Tractate Shabbat 140b

After citing Rav Hisda's recommendations to students, the Gemara cites his advice to his daughters. **Rav Hisda said to his daughters: Be modest before your husbands; do not eat bread before your husbands,** lest you eat too much and be demeaned in their eyes. Similarly, he advised: **Do not eat vegetables at night,** as vegetables cause bad breath. **Do not eat dates at night and do not drink beer at night,** as these loosen the bowels. **And do not relieve yourself in the place where your husbands relieve themselves,** so that they will not be revolted by you. **And when a person calls at the door seeking to enter, do not say: Who is it,** in the masculine form, **but rather: Who is it,** in the feminine form. Avoid creating the impression that you have dealings with other men. In order to demonstrate the value of modesty to his daughters, Rav Hisda **held a pearl in one hand and a clod of earth in the other. The pearl he showed them immediately, and the clod of earth, he did not show them until they were upset** due to their curiosity, **and then he showed it to them.** This taught them that a concealed object is more attractive than one on display, even if it is less valuable.

Rashi (ad loc)

When he holds a jewel in one hand and a seed grain in the other — when your husband is fondling you to whet his desire for you for the purpose of sex, and he holds your breasts in one hand and the other hand goes to "that place."

Show him the jewel — the breasts make available to him, in order to increase his desire (or "lust"), but the place of intercourse do not make available to him quickly, in order that his desire and affection should be increased, and he should suffer, and then you should show it to him.

2. Maimonides – Laws of Prohibited Sexual Relations 21:9

A man's wife is permitted to him. Therefore, whatever a man wishes to do with his wife he may do. He may have intercourse whenever he pleases and he may kiss any organ he wishes. And he may have intercourse in a natural or unnatural manner [as long as he does not expend semen

רמב"ם - הלכות איסורי ביאה פרק כא, הלכה ט
אשתו של אדם מותרת היא לו, לפיכך כל מה שאדם רוצה לעשות באשתו ג עושה, בועל בכל עת שירצה ומנשק בכל אבר ואבר שירצה, ובא עליה כדרכה ושלא ד



<p>to no purpose - <i>missing from most manuscripts of the Rambam</i>]. And nevertheless, the pious way is not to act lightly in this matter, and to sanctify himself during intercourse, as we have explained in the Laws of Knowledge. And he ought not to deviate from the common practice, for this thing is really only for procreation.</p>	<p>כדרכה [ובלבד שלא יוציא שכבת זרע לבטלה – ברוב כתבי יד ליתא] ואף על פי כן מדת חסידות שלא יקל אדם את ראשו לכך ושיקדש עצמו בשעת תשמיש כמו שביארנו בהלכות דעות, ולא יסיר מדרך העולם ומנהגו שאין דבר זה אלא כדי לפרות ולרבות.</p>
<p>Rema – Shulchan Arukh, Even Haezer 23 And a man can do with his wife as he pleases, have sexual intercourse any time that he desires and kiss any organ that he desires and have natural or unnatural intercourse, or between the legs (intercrural) as long as he does not waste semen (Tur) and there are those who are lenient and say unnatural intercourse is allowed even if he emits semen if it is done randomly and he is not accustomed to this (also the Tur) and even though all of this is permitted, all who sanctify themselves with what is permitted to them, sanctified, they will say to him.</p>	<p>רמ"א – שו"ת ערוך, אבן העזר כג הגה: יג] ויכול לעשות עם אשתו מה שירצה, יד] בועל בכל עת שירצה א טו] ומנשק בכל אבר שירצה, טז] ובא עליה בין כדרכה [א] בין שלא כדרכה, או דרך אברים יז] ובלבד שלא יוציא זרע לבטלה (טור). ויש מקילין ואומרים שמותר שלא כדרכה ב (ב) אפילו אם הוציא זרע, אם עושה באקראי ג ואינו רגיל בכך (גם זה טור בשם ר"י). ואף על פי שמותר בכל אלה, יח] כל המקדש עצמו במותר לו קדוש יאמרו לו (דברי הרב)</p>
<p>Tractate Niddah 25b ...Rabbi Yitzhak the son of Ami said: If a woman "seeds" [comes to orgasm] first – she will bear a male child, if a man seeds first – she will bear a female child.</p>	<p>מסכת נדה (כה:) מהו דתימא הואיל ואמר רב יצחק בר אמי: אשה מזרעת תחילה - יולדת זכר, איש מזרע תחלה - יולדת נקבה</p>
<p>Sefer ha-Mitzvot Katan, Mitzvah 285 R. Yitzchak of Corbeil, France, 13th C (Translation R. Dov Linzer) The mitzvah [for a man] to make his wife happy [or, to give pleasure to his wife], as it states, "And he shall make happy the wife that he has taken" (Deut. 22). There is connected to this positive commandment a negative prohibition, namely, "He shall not diminish her <i>onah</i>" (Ex. 21:9). Now, how great is this mitzvah! For behold the Torah exempted him from going to the army [for its sake], and even if his wife is pregnant, it is a mitzvah to make her happy if he understands that she is desirous of this, and he has the health to do it...</p>	<p>ספר מצוות קטן - מצוה רפה לשמח את אשתו כדכתיב (דברים כ"ב) ושמח את אשתו אשר לקח, יש בעשה זה לאו, שנאמר ועונתה לא יגרע, והנה כמה גדולה המצוה הזאת שהרי פטרתו תורה (סמ"ג לאוין ר"ל) מליצא בצבא, ואפי' אשתו מעוברת מצוה לשמחה אם סבור הוא שהיא מתאוה, ויש בו בריאות לעשות (שי"ע א"ח סי' ר"מ חייב לפוקדה)...</p>



<p>Igeret Hakodesh Chapter 6 (translation Seymour J. Cohen)</p> <p>Therefore, when you and your wife are engaged in sexual union, do not behave lightheartedly and regard this act as vain, idle and improper. Certainly, be not lightheaded in the presence of your wife. Do not speak of empty things with her...therefore when engaging in the esex act, you must begin by speaking to her in amanner that will draw her heart to you, calm her spirits and make her happy. Thus your minds will be bound upon one another as one and your intencion will unite with hers. Speak to her so that your words will provoke desire, love, will and passion, as well as words leading to reverence for God, piety and modesty...to conclude when you are ready for sexual union, see that your wife's inteions combine with yours. Do not hurry to arouse her until she is receptive. Be calm and as you enter the path of love and will, let her insemination come first so that her seed be the substance and your seed like the design....</p>	<p>איגרת הקודש המיוחס לרמב"ן פרק ו</p> <p>... כל זמן שהאדם מתחבר לאשה, אל יהא בקלות ראש ודברי שוא ותעתועים, ואל תקל ראשך כנגד האשה, ואל תרבה בשיחה בטלה עמה. ולפיכך יש לך להכניסה תחלה בדברים שמושכין את לבה ומיישבין דעתה ומשמחין אותה, כדי שתקשר דעתה בדעתך וכוונתה בכוונתך. תאמר לה דברים קצתם מכניסין אותה בדברי חשק ואהבה ורצון, וקצתם מושכין אותה ליראת שמים וחסידות וצניעות... וכשאתה מתחבר עמה אל תמהר לעורר בה התאוה, כדי שתתישב דעתה, [ותכנס עמה בדרך אהבה ורצון, בענין שתזריע היא תחלה, כדי שיהיה הזרע שלה כחומר והזרע שלך כצורה, כענין שנאמר אשה כי תזריע וילדה זכר.</p>
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Nidda: Does it bring sanctity or pleasure into marriage?

The laws preventing a couple from sexual intimacy during her menses are presented without any reasons or justification. De facto they create sexual and non sexual space. Lesbian couples and non married hetero couples have begun to explore the use of mikva in their sexual practices. Can you think of any reason to bring such practices into a modern sexual ethic?

<p>(Midrash Tanhuman Ki Tissa 2)</p> <p>It is the way of the world that people fence their fields with hedges and bushes of thorns and thistles and what is a hedge of roses? These are the mitzvot which are as plentiful as roses. What does this mean? A man desires to see himself under the hupa since there is no day in the world as dear to him in which he rejoices with wife. What does he do? He goes to great expense and sets up his hupa. He comes to approach her [sexually] and she tells him: "I have seen a stain like a red rose" And immediately he distances himself! He turns his face one way and she turns her face the other way. Who has caused him not to come close to her?</p> <p>What snake has bitten him? What scorpion has stung him, such that he does not come close to her? What wall stands between them? It is none other than the words of the Torah, as it is written "and to a woman who is nidda do not approach (Leviticus 18), therefore it is written a hedge of roses.</p>	<p>מדרש תנחומא (ורשא) פרשת כי תשא סימן ב</p> <p>דרך העולם גודרים שדותיהם בקוצים ובדרדרים בשיחין ובסגין ומה הוא סוגה בשושנים אלו מצות הרבה כשושנים כיצד היה מתאוה לראות עצמו בתוך חופתו לפי שאין לו יום בעולם חביב ממנו שהוא שמח עם אשתו מה עשה הוציא הוצאות הרבה הציע חופתו בא להזקק עמה אמרה לו כשושנה אדומה ראיתי פירש הימנה זה הופך פניו לכאן וזו הופכת פניה לכאן מי הפרישו ממנה אי זה נחש עוקצו אי זה עקרב הזיקו אי זה גדר ביניהם אלא דברי תורה שנאמר (ויקרא יח) ואל אשה בנדת טומאתה לא תקרב לכך כתיב סוגה בשושנים,</p>
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<p>Tractate Niddah 31b Rabbi Meir used to say: Why does the Torah state that a woman retains her menstrual status for seven days? Because he becomes accustomed to being with her and loses interest in her. The Torah said: Let her be forbidden to him for seven days so that she will be as dear to her husband as when she entered the huppa.</p>	<p>מסכת נדה (לא:) תניא, היה ר"מ אומר: מפני מה אמרה תורה נדה לשבעה - מפני שרגיל בה, וקץ בה, אמרה תורה: תהא טמאה שבעה ימים, כדי שתהא חביבה על בעלה כשעת כניסתה לחופה.</p>
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A. Biblical Sources

<p>Leviticus 18:19 Do not come near a woman during her period of impurity to uncover her nakedness.</p>	<p>ויקרא יח:יט ואל אשה בנידת טומאתה לא תקרב לגלות ערותה</p>
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Premarital Sex: Has Anything Changed?

<p>Maimonides – Laws of <i>Ishut</i> 1:4 Translation from http://www.chabad.org/ Before the Torah was given, when a man would meet a woman in the marketplace and he and she desired, he could give her payment, engage in relations with her wherever they desired and then depart. Such a woman is referred to as a harlot. When the Torah was given, relations with a harlot became forbidden as it is stated "There shall not be harlot among the daughters of Israel". Therefore a person who has relations with a woman for the sake of lust without kiddushin receives lashes as prescribed by the Torah, because he had relations with a harlot. Raavad: A woman does not become a harlot unless she abandons herself to everyone but if she designates herself for one man she does not incur lashes nor a negative prohibition and she is the concubine that is written about....in any event, there is no negative prohibition unless she abandons herself to all men for if it is as he (the Rambam) says, how will the seducer pay a fine if he was lashed for having sexual relations with her (and one penalty per crime) but certainly, a woman who succumbs to seduction is not a harlot.</p>	<p>רמב"ם - הלכות אישות א:ד קודם מתן תורה היה אדם פוגע אשה בשוק אם רצה הוא והיא נותן לה שכרה ובוועל אותה על אם הדרך והולך לו, וזו היא הנקראת קדשה, משנתנה התורה נאסרה הקדשה שנאמר +דברים כ"ג+ לא תהיה קדשה מבנות ישראל, לפיכך כל הבועל אשה לשם זנות בלא קידושין לוקה מן התורה מפני שבעל קדשה. +/השגת הראב"ד/ קודם מתן תורה אדם פוגע אשה בשוק אם רצה הוא והיא נותן לה שכרה ובוועל אותה על אם הדרך והולך לו וזו היא הנקראת קדשה. א"א אין קדשה אלא מזומנת והיא המופקרת לכל אדם אבל המייחדת עצמה לאיש אחד אין בה לא מלקות ולא איסור לאו והיא הפילגש הכתובה, ובעלי הלשון דורשין פילגש מלה הפוכה ומורכבת בפי שגל עומדת לפרקים למשגל משמשת את הבית ופעמים למשכב, ויש ספרים שכתוב בהם (סנהדרין כא) פילגשים קדושין בלא כתובה, מ"מ אין איסור לאו אלא במזומנת עצמה לכל אדם, שאם כדבריו מפתה היאך משלם עליה ממון והלא לוקה עליה אלא ודאי משהוצרכה לפיתוי אינה קדשה+.</p>
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<p>Rivash: 14th century Spain 425 Question: You asked me to explain to you that which is written in the Torah: "And to a menstruating woman do not come near to uncover her nakedness" is it said about every menstruating woman, be it his wife or be it an unmarried woman? And if so, how was this not mentioned in all the laws of niddah discussed in the Rashba, Raavad etc. For according to their words, they only talked about married women; and how did it become customary to be known by all that an unmarried woman is permitted? And according to our sages, how did</p>



leave any kedeshot in the world? For it must be true that the women did not purify themselves. And how did they not make a decree – no corrective or fence of purity for single women; so that the many not stumble since after all the punishment is Karet, and one who touches the little finger of a nidda incurs lashes? And if it was only about his wife that the Torah talks about, there is difficulty with the language of the Rambam in many places since he makes clear that there is a prohibition to touch a niddah – whether single or married: The answer is clear: Sex with a menstruating woman is forbidden whether she is his wife, whether she is his friend's wife, whether she is unmarried and this is clear. And no-one ever doubted it. And even speaking about it is unnecessary. The verse even said simply "To a menstruating woman do not come near. And it made no distinction between one's wife and an unmarried woman for it did not say "to your wife"

For behold sex with an unmarried woman is prohibited biblically even when she is not menstruating, according to the Rambam. And she will receive lashes when she prepared for it; meaning, when she prepared to have sex promiscuously. And behold she is a harlot, even though she doesn't sit in a brothel, and hasn't made herself universally available. And according to those who dispute the Rambam, and say that sex with an unmarried woman incurs neither violation of a negative precept nor lashes, nevertheless, one violates a rabbinic commandment through sex with her. For behold even seclusion with an unmarried woman is prohibited by the decree of the Davidic court—how much more so sex with an unmarried woman! There is also one who says that that there is a biblical violation to sex with an unmarried woman, even though there is no negative precept and no lashes. And it is a prohibition [derived from] a positive commandment of "When a man takes a wife and has sex with her"—says the Torah, when you want to have sex, do so through marriage. And there are those who permitted sex with an unmarried woman, as long as she is designated for him alone and said that this is the concubine. But even this, Rambam forbade to a regular person and only permitted to the king, as he writes in the book of judges. And this dispute is ancient. And space does not permit more.

Nevertheless, there is none who would permit promiscuous sex with an unmarried woman. And that which people say "So and so the unmarried woman is permissible" it is true; for she is permissible after marriage. And even with promiscuous sex. There is at least not the additional stringency of the connection of the husband. And we learn this from the bill of divorce where he writes to her – behold you are permissible to any man. But if they want to say that she is completely permissible, even promiscuously, and that there is not even a rabbinic prohibition for this, then they are in error. For even being in a room alone with her was forbidden by King David's court. All the more so, intercourse with her. Therefore, what the Ra'avad and Rashab in their books were writing about was a menstruating wife who is forbidden only because of menstruation. But as for a single woman, they had no need to discuss her at all, since even when she is not menstruating, intercourse with her is forbidden whether by the Torah or by the Rabbis. Being alone with her is also forbidden, as ordained by David's court. Looking at her lasciviously is forbidden by the Rabbis, and they tied their prohibition to the verse: And you shall avoid every bad thing. But even though this is all forbidden by the Rabbish, it is more heinous to violate it when she is menstruating than when she is not, since then it serves as a barrier and precaution from violating something which is punished by Kareit – unlike when she is not menstruating.

And that which you asked: how did Chazal allow any prostitutes to remain in business for they do not purify themselves (through immersion). Heaven forbid that Chazal would permit prostitution, even if the prostitutes were to immerse for menstrual purity! For the Torah has shouted: "There should not be a prostitute from the daughters of Israel."Come let us reprimand our generation which is not behaving properly. And the leaders of our generation hide their eyes (and pretend not to notice the Jewish prostitutes), les the promiscuous Jewish



men fall prey to non-Jewish prostitutes and that lead to even worse consequences. And the kedeshot that existed in Chazal's time were against their wishes.

And that which seemed unfathomable to you: How did they not establish immersion for the single woman, so that people not fall prey to her? There is no room for questioning. For because the unmarried woman is prohibited as we explained—it would be the opposite! For if she would immerse then she would truly be a stumbling block for then people would be lenient on the prohibition [of premarital sex], since the prohibition would then be rabbinic [and not an *issur kareit*]

Does a Mikvah Dunk Make Pre-Marital Sex Kosher? By [Elisheva Wolfe](#) / February 18, 200

On January 24th, Rabbi Yona Metzger, the Chief Ashkenazi rabbi in Israel, issued a prohibition against unmarried women immersing themselves in mikvahs. Rabbi Metzger's decree was in response to the recent condoning of premarital sex by various other rabbis and halachic authorities, who believe that the act is halachically tolerable on the condition that women immerse themselves in the mikvah. Metzger, on the other hand, doesn't want there to be any way for people to circumvent a rabbinic restriction against premarital sex.... Rabbi Metzger's prohibition came at a coincidental time for me: Just a few days earlier, I had used the mikvah for the first time—as an unmarried woman. I grew up in a religious community where the idea of going to the mikvah in order to make premarital sex kosher was absolutely taboo. Barring conversion, a girl would first step into the mikvah on her wedding day, and from then on she'd dunk one week after every period. Premarital sex was out of the question, so there was never any discussion about whether going to the mikvah would make it less problematic. I figured I'd see the inside of a mikvah just before I saw the underside of a chuppa, and for a long time that arrangement seemed fine to me. Then I met Ben. He was sweet, smart, funny, and attractive, and we had a kind of chemistry that I wouldn't have believed existed if I hadn't experienced it myself. When we first slept together I didn't worry or wonder about the halachic implications. Having sex with him felt like surfacing after being under water for too long. Though our life paths diverged, and a move I made left little hope for a committed relationship, we've done our best to see each other as often as possible. In the three years since meeting we've had sporadic trysts whenever we could manage to be in the same country at the same time. Then, this past December, everything changed: Ben announced that he was moving to New York for work. Suddenly we were venturing into the land of real relationships. He began talking about introducing me to his parents and spending the holidays with my family, and I found myself feeling simultaneously excited and terrified. As we began to plan our first weekend together as residents of the same country, I couldn't stop thinking about going to the mikvah. I had recently met a number of girls who went despite the fact that they weren't married, and I'd done some research about the rules against premarital sex. As far as I could tell, going to the mikvah nullified the main halachic problem with sex between Ben and me.....The night before Ben and I had plans to meet up, I found myself standing outside the West Side Mikvah. I was buzzed in and shown to a nice bathroom, where I washed my hair, cleaned inside my bellybutton, and tried to remove every spec of the mascara I'd put on that morning. The bathroom had a laminated list of instructions that reminded me to take off all of my jewelry and nail polish, so I spent twenty minutes attacking my recent manicure and pedicure with nail polish remover wipes, and then gingerly removed my nipple ring. ... To my surprise, I was greeted by a girl who couldn't have been much older than me, wearing a casual long dress, and no hat or wig. She walked me down the hallway to the mikvah itself, and I stammered that I was a *ba'al teshuva*, new to religious life, and so it was my first time at the mikvah and I might need instructions. ... On the subway home I couldn't stop thinking about the way the mikvah lady said 'mikvah day,' and about the soft smiles I had exchanged nervously with women in the waiting room. I didn't



feel spiritually cleansed or particularly close to God, but I did feel a strange connection to the other women in the mikvah. There was something quiet and nice about women coming together to help each other prepare for intimacy, even when it involved Q-tips and nail polish remover and cleaning my belly button. During my weekend with Ben I kept thinking back to the way I had been so closely examined. Though it had made me uncomfortable and anxious, it also seemed appropriate to make myself completely vulnerable—literally naked—in front of God in preparation for being vulnerable and naked with my boyfriend. The simple fact is that Ben and I would have had sex that weekend whether or not I went to the mikvah. According to halacha, the punishment should have been *karet*: being cut off from the community, and probably premature death. Ben and I had previously transgressed the rule against premarital sex, so maybe we were already screwed (no pun intended) but by going to the mikvah I was changing our pattern. Instead of ignoring halacha altogether, I was doing my best to reconcile it with my actions. I recognize that it isn't the ideal scenario, but I bet it's a pretty common one, and I'm not sure what would have been gained—by anyone—if the mikvah lady had refused to let me in, or if I hadn't gone at all. Most people don't wait for permission to have sex. If they want to do it badly enough it happens, regardless of religious law, societal expectations, or even the input of the Chief Ashkenazi Rabbi of Israel. No one in the religious world is encouraging couples to have premarital sex outright, or promising that a dunk in the mikvah will automatically purify a relationship, but a few rabbis and scholars have pointed out that if a woman goes to the mikvah, the couple's sex life is no longer illegal by Jewish law. If anything, the recent publicity and discussion around this issue may have inspired some women to take on a new mitzvah, and a handful of relationships may well have become less halachically problematic. Rabbi Metzger's concerns are valid, but his reaction is naive. A prohibition might stop some women from going to the mikvah, but it won't stop couples from engaging in premarital sex.

Gay and Lesbian Relationships

**Homosexuality? We don't have any...From 200 C.E. to 1600 C.E.
(Notice the change in attitude)**

<p>Mishnah - Tractate Kiddushin 4:14 Rabbi Judah said: An unmarried man must not tend cattle, nor may two unmarried men sleep together under the same cover. But the Sages permitted it. It was taught: They said to R. Judah: Israel is not suspected of male- male intercourse nor bestiality.</p>	<p>משנה - קידושין ד:יד ר' יהודה אומר לא ירעה רווק בהמה ולא ישנו שני רווקים בטלית אחת וחכמים מתירין</p>
<p>Maimonides – Laws of Forbidden Intercourse 22:2 Jewish men were not suspected of engaging in relations with men or with animals. Hence there is no prohibition against entering into privacy with them (being alone with them). If however, a person distances himself from <u>being alone with a male or animal it is praiseworthy. Sages of great stature would distance themselves from animals so that they would not be alone with them.</u></p>	<p>רמב"ם – הלכות איסורי ביאה כב:ב לא נחשדו ישראל על משכב זכור ועל הבהמה, לפיכך אין אסור להתייחד עמהן, ואם נתרחק אפילו מייחוד זכור ובהמה הרי זה משובח...</p>
<p>Shulchan Arukh - Even HaEzer 24:1 Jewish men were not suspected of engaging in relations with men or with animals. Hence there is no prohibition against</p>	<p>שולחן ערוך - אבן העזר כד:א לא נחשדו ישראל על משכב זכור ועל הבהמה, לפיכך אין איסור להתייחד עמהן, ואם נתרחק</p>



entering into privacy with them (being alone with them). If however, a person distances himself from being alone with a male or animal it is praiseworthy. Sages of great stature would distance themselves from animals so that they would not be alone with them. <u>And in these generations where promiscuity has increased, one should distance oneself from being alone with a male.</u>	אפילו מיחוד זכר ובהמה, הרי זה משובח. וגדולי החכמים היו מרחיקין הבהמה, כדי שלא יתייחדו עמה. ובדורות הללו שרבו הפריצים, יש להתרחק מלהתייחד עם הזכר
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Female Homosexuality

Talmudic Sources

Yevamot 76a:8-9 Rava said: With regard to these matters, the <i>halakha</i> is in accordance neither with the opinion of the son nor with that of the father. The son, this refers to that opinion of Rabba bar Rav Huna, which we just stated. As for the ruling of the father, this is referring to that which Rav Huna said: Women who rub against one another motivated by sexual desire are unfit to marry into the priesthood, as such conduct renders a woman a <i>zona</i> , whom a priest is prohibited from marrying. It was about this that Rava said that the <i>halakha</i> is not in accordance with Rav Huna's opinion. And even according to the opinion of Rabbi Elazar, who said that an unmarried man who has intercourse with an unmarried woman not for the sake of marriage renders her a <i>zona</i> , a woman who has had sexual relations with a man forbidden to her by the Torah, this applies only to intercourse with a man, but lewd behavior with another woman is mere licentiousness that does not render her a <i>zona</i> , and therefore she is still permitted to marry into the priesthood.	
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Jerusalem Talmud – Tractae Gittin 49c (8:10) ...Two women who would rub against one another, Beit Shammai rules them ineligible (to marry a priest) and Beit Hillel rules them eligible. (Priests are held to a higher standard regarding whom they can marry. Divorcees and converts are off limits and possibly women who have engaged in deviant sexual behavior)	ירושלמי - מסכת גיטין מט.: ח: ג) נשים שהיו <u>מסלדות</u> זו את זו בית שמאי פוסלין ובית הלל מכשירין.
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Maimonides - Laws of Forbidden Sexual Relations, 21:8 Lesbian relations are forbidden. This is the conduct of Egypt which we were warned against as in "Like the practices of the land of Egypt you shall not do". The Rabbis said: "What would they do? A man would marry a man, and a woman would marry a woman, and a woman would be married to two men." Although this conduct is forbidden, lashes are not given for it, for it is not a specific prohibition and there is no intercourse at all. Therefore such women are not forbidden to marry into the priesthood as <i>zonot</i> , nor does a woman become prohibited to her husband because of this, for this is not considered harlotry. It is, however, appropriate to give them stripes for rebellious conduct because they performed a transgression. A man should take precautions with his wife with regard to this matter and should prevent women who are known to engage in such practices from visiting her and her from visiting them.	רמב"ם - הלכות איסורי ביאה פרק כא הלכה ח נשים המסוללות זו בזו אסור וממעשה מצרים הוא שהוזהרנו עליו שנאמר כמעשה ארץ מצרים לא תעשו, אמרו חכמים מה היו עושים איש נושא איש ואשה נושא אשה, ואשה נשאת לשני אנשים, אף על פי שמעשה זה אסור אין מלקין עליו, שאין לו לאו מיוחד והרי אין שם ביאה כלל, לפיכך אין נאסרות לכהונה משום זנות ולא תיאסר אשה על בעלה בזה שאין כאן זנות, וראוי להכותן מכת מרדות הואיל ועשו איסור, ויש לאיש להקפיד על אשתו מדבר זה ומונע הנשים הידועות בכך מלהכנס לה ומלצאת היא אליהן.
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Part IV. Transgender

<p>Tractate Bikkurim Chapter 4</p> <p>1 An androgynous in some ways is [treated] like men and in other ways like women. In other ways is [treated] like both men and women and yet, in others, neither, like men, nor like women. ...Rabbi Yose says: The hermaphrodite is a category of its own and the Sages could not ascertain if he is man, or woman, whereas, a <i>tumtum</i> is either, a definite male, or definite female [though, we can't tell which since the organs are not visible]</p>	<p>מסכת ביכורים – פרק ד</p> <p>א אנדרוגינוס יש בו דרכים שוה לאנשים ויש בו דרכים שוה לנשים ויש בו דרכים שוה לאנשים ונשים ויש בו דרכים אינו שוה לאנשים ולא לנשים : רבי יוסי אומר אנדרוגינוס בריה בפני עצמה הוא ולא יכלו חכמים להכריע עליו אם הוא איש או אשה אבל טומטום אינו כן פעמים שהוא איש פעמים שהוא אשה :</p>
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<p>Teaching from Rabbi Yechiel Michael from Zloczow (1731-1786)</p> <p>It is known that when Issac was born, he was born with the soul of a female, as it is written in <i>Or Hachaim</i>, and through the <i>akeidah</i> (binding of Issac) he got a male soul that can influence (meaning, can impregnate). [With that we can understand why they more infertile humans than animals, even though that they both got the same blessing "It will not be within you and within your animals infertility".] But, this is known according to the <i>Sod</i> (Secret/Mysticism) of reincarnation - that at times, a female would be in a male body, because in the reasons of <i>gilgal</i> (reincarnation) the soul of a female would come to be in a male. ... that is why it says by Issac that Hashem (Divine) answered to him and not to her (Rebecca), because he needed divine help to be able to have kids.</p> <p><i>Translation by Abby Stein</i></p> <p>The Midrash, classical Jewish exegesis, adds that the [first human] being formed in G-d's likeness, was an androgynous, an inter-sexed, person . . . Hence, our tradition teaches that all bodies and genders are created in G-d's image, whether we identify as men, women, inter-sex, or something else.</p> <p>- Rabbi Elliot Kukla, Reform Devises Sex-Change Blessings</p> <p>Rabbi Benny Lau: Modern Orthodox Israeli Rabbi: (translation Rabbi Rahel Berkowitz)</p> <p>... The need of a person to get out of loneliness and live in couple-hood is an existential need. I am not concerned here with the legal question but a question of principle - whether life together, under one roof, by same-sex couples who find understanding and love for each other, is a prohibition? I think we have to create boundaries for an answer to this question: One border – one cannot permit a person to bring himself to transgress the Torah. Any physical or mental activity that produces physical arousal that is not allowed - will be prohibited. Without discussing the infinite variety of possible situations I say the Torah prohibition of sexual stimuli cannot be made permissible. The second border – it is not permissible to decree on people a life of being alone. Exiting from loneliness to life of couple-hood is really a life-saving act. I have seen many lonely individuals in my short life, and I know that they often in a high-risk situation [for suicide]. A man who cannot live true relationship with a woman (or vice versa) and is sentenced to a life of loneliness it may be a death sentence for him. Halacha knows very well the concept of "saving a life" and makes wide use of this concept whenever possible. Also "even a worry of [<i>safek</i>] saving a life" overrides [the prohibitions of] Shabbat. Even on this issue [of same sex couples] we have to use the same conceptual system and not be afraid to define the reality of loneliness as "a worry of saving lives". This definition requires us (family members, educators and rabbis) to do all we can that the people living around us will exit from darkness to light and from death to life. Loneliness is deadly poison and faithful relationship is the elixir of life. Choose life.</p>	
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