

CHAPTER 5, LAWS 4-5 - PRIVATE MATTERS

by Rabbi Dovid Rosenfeld

Law 4: Even though one's wife is permitted to him constantly, it is appropriate for the Torah scholar to act with holiness and not be found by his wife like a rooster, but rather from Friday night to Friday night (if he has the strength). And when he speaks with her [about having relations], he should not speak at the start of the night when he is sated and his stomach is full and not at the end of the night when he is hungry, but rather at the middle of the night when the food in his innards is digested.

He should not be excessively lightheaded, nor should he speak vulgarly in empty matters, even in complete privacy (lit., 'between him and her'). Behold, it states in our tradition, 'He [G-d] tells a person what [was] his speech' (Amos 4:13) [regarding which] the Sages say, 'Even [for the] light speech between a man and his wife he will eventually have to give an accounting in judgment' (Talmud Chagigah 5b). They should not both be drunk, lazy or unhappy -- nor either one of them. She should not be asleep. He should not force her against her will, rather it should be with both of their wills and good spirits. He should speak with her a little and laugh with her a little in order that her soul be set at ease. He should make love with shame and not brazenness, and he should separate immediately [after].

Law 5: Whoever accustoms himself in this way, not only has he sanctified himself, purified himself, and improved his character, but if he begets children, they will be beautiful, bashful, and fit for wisdom and piety. Whereas anyone who accustoms himself as most people (lit., 'the rest of the nation') who go in darkness will have children just like them (lit., 'as that nation').

This week the Rambam continues to discuss the behavior appropriate for the Torah scholar, in this law discussing the scholar's personal life.

This is admittedly the sort of subject folks don't like to hear about -- being told to curtail one's private behavior. And in truth, by letter of law very little is forbidden between husband and wife (when one's wife is permitted) (see Talmud Nedarim 20b -- I'm leaving things purposely vague here for obvious reasons). But as in many areas, the Torah scholar, who must be prepared to devote himself to a higher calling, is asked to direct his focus away from his personal pleasures to more divinely-inspired ones. (We discussed in past weeks how Judaism on the other hand does not preach complete celibacy and the denial of human nature.)

We hear a lot of talk today about the holiness of sex -- how, in contrast to many other religions (both

Western and Eastern), Judaism views heterosexual relationship as part of man's highest human expression and interaction. Without getting over our heads in Kabbalistic notions, I'd like to make a few basic points which I feel are actually fairly self-evident from a theological standpoint. Let me state them as three basic principles, as follows.

(1) The more good an act accomplishes in this world, the more spiritually-packed it must be. An act which has the potential to create life can only be viewed as an act of immense holiness, one which unleashes enormous spiritual forces, culminating in the bringing of a soul down from the highest spheres to the world of man. Consequently, it would be impossible to view sex as an "evil" act since it is inconceivable that good would emanate from evil.

(2) The greater potential for good an act has, the greater the temptation to corrupt it -- as the dark side of the force would never allow such potential for greatness to go unchallenged. Thus, if there is any human drive which man is tempted to vulgarize and transform into anything other than a creative act, it is the sex drive. This in itself is probably the greatest indication of such a drive's actual potential for good.

(3) The higher the stakes involved in the performance of an action, the more it depends upon the intent and sincerity of the parties involved. When an act has such potential for goodness -- with an equally strong drive to corrupt it -- it all depends on the selfishness / selflessness of the partners. The very same act can be a cruel and selfish act of taking -- of enjoying oneself at another's expense, or one of giving -- of intimate sharing and of giving pleasure to another while appreciating the fact that the other too willingly gives pleasure to him.

(As an aside, as my teacher [R. Yochanan Zweig](#) once explained, the highest form of relationship is one in which both parties give and receive at once. Receiving alone is shaming and mortifying. Giving alone is uplifting and inspiring, but pains the other party who only receives. Thus, the highest type of relationship is complementary -- where each party gives the other what it lacks. This describes the ideal marriage relationship in general and the sexual act in particular.)

This in a nutshell describes man's relationship with his sex drive. It is in truth one of the most powerful forces for good in creation, and for that very reason man is tempted to corrupt it like no other. Only true and intense good -- if misused -- can be corrupted into such horrific evil.

One final point which should be mentioned is that the said holiness of sex is not only in its ability to create life. To be sure, even not in the context of conception marital relations afford the opportunity for two souls to share and join in the most intimate manner. It enables the near-impossible feat of drawing together two opposites (meaning, humans of the opposite gender -- and I do mean opposites), into a warm, loving and complementary relationship -- rather than having their inborn differences clash and aggravate. The Talmud (Sotah 17a) states that if a husband and wife merit to have a loving relationship, the Divine Presence dwells in their midst. If not, "a fire consumes them." Anyone who has been in or has observed a marriage on the rocks will appreciate that "fire" is a weak

euphemism for the fury and bitterness which ensues.

To take the discussion one step deeper (admittedly over my head, but we'll give it a shot), there are many rabbinic sources which imply the sexual union is allegorical of and a physical facsimile of the ultimate union we desire with G-d in the World to Come. In Kabbalistic sources G-d is the male partner and Israel is the female. The ultimate connection we will have with G-d is one in which we will receive an outpouring of heavenly inspiration and enlightenment directly from G-d in the most pleasurable experience imaginable. During exile Israel is separated from G-d (Scripture often metaphorically describes Israel as being "widowed" from G-d); the awaited redemption is the point in history in which we'll be reunited. See for example Talmud Sanhedrin (106a): Woe to the nation who attempts to stand in the way at the time of Israel's redemption, who would presume to place his garment between the Lion and lioness when they come to mate. You want to **really** get on God's nerves? Oppose the return of Israel to Zion.

(At the same time as Israel being the female partner of G-d, the Sabbath is considered the female partner of Israel, and likewise Israel's relationship with the nations is depicted as a male-female one. A lot of deep ideas here; we're obviously keeping things fairly basic.)

There are also strong hints to this concept in the Torah's description of the Temple service performed by High Priest on Yom Kippur. The High Priest would enter the Holy of Holies (which Kabbalistic sources refer to as the bedroom) on that single day of the year to offer incense and perform other services to G-d. No one may be present in the entire Temple area when so intimate a rendezvous occurs (Leviticus 16:17). Many High Priests, especially during the Second Temple, died as a result of so intense an encounter -- though in spite of it Priests, even unworthy ones, vied for the opportunity for so rapturous an experience.

Finally, the Mishna states that one of the regularly-occurring **miracles** of the Temple is that the High Priest never had a seminal emission on Yom Kippur (invalidating him from the service) (Pirkei Avos 5:7). Clearly, despite everything else Yom Kippur stands for, this was the type of service which may well have elicited an erotic reaction on the part of the High Priest.

One final idea is the well-known concept that the Shechinah -- G-d's Presence which dwells within certain places -- is a feminine entity (whatever that means) -- as opposed to the other names of G-d which are all masculine. (All Hebrew words are either masculine or feminine -- although a few are androgynous.) When the Temple stood, G-d's Shechinah dwelled in the Holy of Holies of the Temple. After its destruction the Shechinah, as the Children of Israel, is in exile. The male and female parts must ultimately be reunited.

(All of this being said, one can easily appreciate the many modern attempts to cheapen and vulgarize Kabbalah by employing all sorts of sexual metaphors to describe the spiritual side of the world. Such can probably be seen as the ultimate shortcut to getting "high" with Kabbalah, understanding virtually none of it in the process. Unfortunately, there is the slightest kernel of truth

to the basic analogy, but as mass-marketed drivel, it simply panders to man's sexual fantasies, lowering and twisting Kabbalah beyond recognition in the process -- rather than providing the slightest hint to the enormous potential for holiness actually contained in the sexual union.)

Anyway, after that rather lengthy introduction, we now consider the Rambam's sound and rationalistic advice. Although as I mentioned earlier Jewish law forbids very little between husband and wife, to be sure the higher the act performed -- the greater the harmony, the selflessness and the modesty -- the greater the relationship's potential to be an act of holiness rather than one of vulgarity. And note from the Rambam's words that it is not only a matter of a lack of indulgence on the part of the husband but that both parties are joyous, loving and willing to share. Not surprisingly, the same Talmud I quoted above which states that virtually everything is permitted between husband and wife also states that the beauty and quality of the offspring which will result depends upon the level of the union (as the Rambam himself concludes). And with that, the same act which most of mankind views as a selfish and lustful act of taking, can become a beautiful act -- and man's greatest act of creation.

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