

# Thinking About Doing It

by: Rabbi Jeremy Rosen

## Question:

Given that many young Orthodox men and women are having sex before marriage and still remain Orthodox, how do you, as a rabbi, deal with the issue?

## Answer:

Clearly, a Torah response to premarital sex is to get married early or to exercise control. Yet all educators know that human beings are built differently, respond differently. Just as some are rationalists and others are mystics, so different people have different sexual urges and different degrees of self-control.

But, equally, we know that prescriptive halacha is always balanced by recuperative and remedial halacha. Hence the fascinating discussion on the Gemara in Kiddushin (40a) about someone whose urges are so strong he cannot control them, and the debate as to whether the remedy was meant to be taken literally or not. How are we to understand those references in the Talmud to rabbis visiting prostitutes? Or why is it that the rabbis seem to define adultery almost exclusively in terms of sexual penetration when laws such as the Sotah (Bamidbar (Numbers) 5:11-31) indicate that betrayal of trust is a serious problem?

Halacha is predicated not just upon ex-cathedra general rules, but also on responding to individual cases and rabbis as poskim taking an ad hominem approach.

Obviously, Torah presents us with general ethical commands—or, if with Leibowitz you want to avoid that issue, simply imperatives. Sex should be within marriage. Men and women should get married and have children. Indeed, one should also engage with God directly. But we do not punish or chase out of our communities those who do not marry or those who have no direct experience of the Divine.

There are, to my knowledge, four different approaches adopted by thinking halachists:

1. **Don't ask and turn a blind eye.** That is a failure of leadership.
2. **Forbid and turn your back.** That is a failure of humanity.
3. **Accept the realities of modern living and educate against unwanted consequences.** This is putting Torah second.
4. **Actively encourage the maximum residual halachic observance.** (*Bechol deracheycha daEyhu afilu lidvar aveyrach* – *Know God in whatever you do, even when you do wrong.* Brachot 63a) I guess this would be behind the idea of a single girl going to the mikveh. This is at least an honest compromise.

I do not believe it is either right or desirable to oppose clear Torah

positions, and certainly not to assume that prevailing morality outside of Torah is necessarily correct. To publicize approval or to publicly counsel palliatives, whether contraception, mikveh, or Las Vegas, would be to give up on Torah before the struggle has begun. And let us agree that the struggle is equally compelling on issues such as business ethics, honesty, and humanity.

But I do believe that sensitive Orthodox rabbis should not turn blind eyes, but should discuss, be supportive, recuperative, and sensitive, depending on circumstances. Remember Kohelet (Ecclesiastes) 7.20!

(SEE 2/6/05 FOR FOLLOW-UP TO THIS POST.)

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