

RABBI NORMAN LAMM
THE JEWISH CENTER
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NEW YORK, N. Y. 10024
SCHUYLER 4-3511

April 12, 1967

Professor Milton R. Konvitz
N. Y. S. School of Industrial and
Labor Relations
Cornell University
Ithaca, N. Y. 14850

Dear Professor Konvitz:

Please forgive me my undue delay in reacting to the splendid article, a reprint of which you sent me, on "Privacy and the Law: A Philosophical Prelude." I preferred to do justice to so eminent an author by reading his work with the requisite diligence and attention, instead of a perfunctory and cursory reading together with a superficial note of thanks.

Your ideas are certainly enlightening, and constitute a most valuable contribution to the current literature on the theme of privacy. I quite agree with your association of sexual immorality with the exposure of one's physical privacy in the Bible, as evidenced by the cases of Adam and Noah. I would add that the general Biblical term for illicit sex is giluy arayot -- which implies exposure, revealing, uncovering, and therefore the reverse of privacy and modesty.

I hope you will forgive me for registering one objection to this section of your article. I would not have referred to the story of Adam and Eve as a "mythical" teaching. Even if one does not accept the narrative of Adam and Eve as being literal and historical truth, it is still a considerable jump from mythology to figurative truth in the Bible.

Your connection of Justice Douglas's opinion on "Zones of Privacy" as flowing out of Justice Brennan's notion of "breathing space," calls to mind the great and fundamental Talmudic principle of seyag le'torah; if, therefore, indeed, privacy is a Biblical notion, then Jews must consider it not as a point but as an area or "zone," and therefore Rabbinical legislation must include the "penumbra" in the areas prohibited to intrusion.

It might interest you to know that I have been invited by Senator Edward Long to testify before his Senate sub-Committee on the view of Jewish law and theology on the question of privacy.

Prof. Milton R. Konvitz

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It was a pleasure corresponding with you -- I still hope to hear from you and receive any comments you may have on my article -- and I look forward to meeting you personally at the May 7th Dinner by The Jewish Center in honor of Rabbi Jung.

Cordially yours,

A handwritten signature in dark ink, appearing to read 'Norman Lamm', with a large, looping flourish extending from the end of the signature.

RABBI NORMAN LAMM

RNL/fz