

"MORALITY AND THE FAMILY"

an address by

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That the Western world finds itself in the midst of a continuing moral crisis is a self-evident fact which needs no documentation. We can repeat, with complete appropriateness to ourselves, the plaint of R. Haninah of Sepphoris: "Zimri was only one in his generation, and because of him 24,000 of Israel died -- and we have so many Zimri's in our generation!"¹ The traditional moral restraints that have prevailed for centuries in Western civilization are crumbling, and Jews are not the least of those affected by the moral and spiritual rootlessness of our generation. Indeed, we probably feel the consequences of this massive displacement even more than do others, for the fulcrum of Jewish life and continuity has always been the family, and it is the family that is the first victim of moral delinquency.²

Nevertheless, for the sake of perspective, it is good for us to remember, in the course of our deliberations, that such anti-moral impulses are not new in history. Indeed, the statement of R. Haninah itself is indicative of moral laxity in third century Palestine. There is considerable truth in a recent assertion that there is a permanent revolution against traditional Jewish sexual morality, but that the style and form and intensity of the revolt changes in different historical epochs.³

What makes our contemporary problem more serious, however, is that one overriding fact which makes all the problems of the

~~blems of the~~ modern Jew so much more consequential: the world is smaller than it ever was. Communications technology has transformed the whole world into one little "shtetl," and we can no longer hope to localize spiritual infections and pray that they will disappear without afflicting others elsewhere. A new sommersault in morals in Hollywood, the revelation of novel escapades of perversion in London, an excitingly original style in mini-morals out of Paris, and fresh examples of the sexual itineracy of celebrities in Italy--these are the pace-setters of moral degeneracy throughout the world limited only by the speed of wire-photos to the world's newspapers and picture magazines.

One additional factor complicates the problem for us, and that is the attempt to declare the deviation from morality as itself a moral philosophy, to dignify what had heretofore been considered a licentious lapse as a systematic morality. In saying this, I do not wish to prejudice the case against the New Morality, but merely to point to the novelty in the situation that confronts us as the expositors of Torah Judaism in the third quarter of the twentieth century.

What has brought us to the present crisis in sexual morality? I believe that an etiology of our current sickness will discover four major elements. They are: the new tensions imposed upon adolescents by earlier maturation and delayed marriage (because of economic reasons and prolonged education); the perfection and wide

availability of the means of contraception; the successful control and treatment of venereal diseases; and, above all else (and most directly responsible for the New Morality as a conceptual as well as an empirical rejection of traditional Jewish morality), the erosion of traditional religious faith and authority throughout the world.

In speaking of the New Morality, we must distinguish between two strands in it. One is that associated with the name of Hugh Hefner, founder of that infamous American institution known as the "Playboy Club," in which there disport themselves young females in various stages of disrobement. The profitable commercial enterprise is accompanied by the exposition of a totally immoral "philosophy," made to appeal mostly to professional bachelors who prefer the pleasures of married life without any of the obligations and encumbrances that issue from that legal commitment called marriage. The major theme of this school is, "play it cool," do not become involved. Indeed, its philosophy of sex is really a modern variant of ancient Gnostic anti-sexualism, where contempt for this world is expressed by abusing sex instead of abjuring it completely; both the disuse and misuse of sex are indicative of a fundamentally negative orientation to sex. The Hefner's are essentially contemptuous of women, whom they regard as merely the objects of sexual exploitation. The casual relationship which they advocate is no relationship at all; it takes no account of the existential nature of sexuality, treating coitus as an episode rather than a means of

the most profound personal communication. With this point of view we shall not deal at all in this paper, not even to dignify it with the pejorative epithets it so richly deserves.

What should be of interest to us, if only because it is a more potent and serious adversary to all we stand for, is the approach espoused on many college campuses in the United States -- and presumably in Western Europe -- which emphasizes and cherishes the relationship dimension of sexuality, the "sex community." Here we find a blending of the desire for maximum freedom from moral codes together with a deep concern for personal sensitivities, for communication between persons as persons.

It will not do merely to denounce the New Morality (and it is only this second strand to which we shall henceforth refer by this term) unreflectively. In fact, upon dispassionate analysis we may learn from it some positive moral insights. Its emphasis on not injuring anyone, on protecting the interests and integrity of the personality of the other, is something which needs constant reiteration in our depersonalized technopolitan society. It is not that we Jews have never heard of this idea before -- it is ingrained in the very fibre of Judaism -- but it never hurts to be reminded of our own moral obligations by the noble impulses that flourish amongst others. As Orthodox Rabbis, we are uncompromisingly committed to the moral code of the Halakhah. Yet we know that the Halakhah, like any code of law, may inflict injury upon individuals.⁴

Such casualties are inevitable for the greater good to be attained by society (or, in our case, the Jewish people) as a whole. Nevertheless, it is our ethical duty to mitigate any such suffering which results from the practice of Halakhah. Such was the motivation of Gedolei Yisrael of all generations in their orientation to the problems of the Agunah, as one example. It behooves us to rise to new levels of moral courage to discover genuine halakhic remedies for similar and new problems that afflict our particular generation, some of which have been discussed earlier in this Conference.

Yet for all its nobility, this major premise of the New Morality threatens to undermine the whole structure of morality as we know it, and forever to destroy the family as the fundamental collective unit upon which all of society is based. The negative rule of not-hurting-anyone else is bound to become, I fear, the sole normative criterion for all legal codes in the Western world. Thus, adultery and homosexuality will be legally permitted where both parties consent -- and are of the age of consent -- and no third party is injured thereby. And what becomes legally permissible tends to become the moral norm as well for society at large.

Underlying the particular sexological philosophy of the New Morality is the hedonistic ethos which is so integral to the entire modern experience. To enjoy, to derive pleasure, is not only the privilege but, verily, the duty of man. Not to have experienced a particular form of pleasure means to have tolerated a vacuum in one's

life, to have failed in the human mission of tasting of every cup of joy passed at the banquet of life.

What is Judaism's view to sexual experience? Surely this august assembly needs no instruction in so decisive an area of Judaism's Weltanschauung. Yet a few words are necessary in order to provide the perspective for the rest of our discussion, with the surely superfluous word of caution that a Jewish response to the perplexities of our times cannot be confined to sexual morality per se. Moral values are an inseparable part of the totality of Torah, and cannot be dispensed individually like so many aspirin tablets. It is only in the context of Torah as a whole that Jewish morality becomes meaningful, and it is only in an atmosphere permeated with the striving for kedushah or self-transcendence that the particular category of personal holiness known as sexual morality truly makes sense.

Of course, we must admit at the outset that there is more than one authentic Jewish outlook. Not all theories extant in our Tradition are identical and me'ore ehad. Some of the differences in approach between Maimonides and Nachmanides are fairly well known.⁵ Surely the sexology of Iggeret ha-Kodesh, by R. Joseph Gikatila (mistakenly ascribed to Nachmanides) is far different from that of Maimonides, and is miles apart from that of R. Solomon Ganzfried in his Kitzur Shulhan Arukh. We ought not to ignore these real differences and, on the contrary, ought to be thankful that we are at

liberty to choose from amongst a variety of views.

Still, despite this divergence of views, certain common fundamentals can be discerned. Procreation as the first Biblical commandment, and the condemnation of celibacy (in almost all cases), clearly reveal an acceptance of sexuality as part of the divine design. Each act of creation is declared good (ki tov) by the Creator; the only lo tov, "not good," is the lack of a spouse for Adam: lo tov heyot ha-adam levado.⁶ That sexual comradeship is an intrinsic good, alongside with and beyond that of the perpetuation of the species, is evident from the two Scriptural accounts of the creation. The first, which presents man as a natural being, shows him immediately commanded to "be fruitful and multiply." The second, which treats him as a moral creature, speaks of his loneliness and his subsequent companionship, not of propagation.⁷ In the context of these two goals of sexual life, the sex act as an intensely pleasurable experience and a means of unmediated personal communication between lover and beloved is thoroughly legitimate.⁸ As long as pleasure is not converted into the sole purpose of existence, it can find its rightful role in the attainment of human happiness.⁹

From this it follows that woman is a companion to man, not an object created either for the satisfaction of his lust or merely as the means to bear his children: she is therefore a "thou," not an "it," a depersonalized "thing."¹⁰ Woman as well as man is created in the divine Image; normative Judaism rejects the Gnostic doctrine which holds that woman is the last of the emanations, so that man is

a direct reflection of God whereas woman is a reflection of man and only indirectly of God, and hence intrinsically less worthy than man. Sexuality, therefore, is fundamentally a form of intra-personal communication and not exclusively or even primarily functional. From this follow certain practical moral conclusions. Were sexuality only functional -- i.e., glandular release or reproduction -- then why not exchange partners even as the farmer exchanges his animals or the mechanic his machines? But if sexuality involves not only bios but also persona, then sexual chaos is unthinkable, because in persona we address ourselves to the very "being," the vital core of an individual person which is unique and irreplaceable.¹¹

These individual considerations are, however, as I mentioned, incomplete unless they are taken in the context of Judaism's worldview. All of life must be informed with the aspiration to achieve kedushah in imitation of God Who is holy,¹² and all of man's significant conduct must be judged by the criterion of kedushah. The more significant and powerful the force within man, the more its proper channelling is an aid towards and an act of kedushah, and the more one's failure to use it properly is an act of moral inadequacy and desecration. That is why the sex urge is, even more than other human forces, a test of kedushah; the control of the libidinal impulse is the measure of a man's success in his career of holiness.¹³

It is from this background that we are called upon to judge

the new currents in contemporary morality. What we have called the New Morality has, in the last half year, assumed much more importance than we would have normally accorded it, because some of its major tenets have now received at least passive sanction by no less powerful an ecclesiastical body than the British Council of Churches. It should be a matter of great concern to us that a major branch of Christianity has begun to retreat in the face of the massive pressures of the modern secular world, and has, for the first time in centuries, announced a readiness to consider abandoning the major moral foundations it had inherited from Judaism.

I have reference, of course, to Sex and Morality, the Report by the Working Party to the British Council of Churches, published in October 1966.

There are certain features of this report that speak highly in its favor. For one thing, it is certainly not propoganda. It set out to understand, not to condemn. It is a thoughtful and analytic document, distinguished by a refreshing open-mindedness. It states its conviction that many questions do not admit of any precise "answer."¹⁴ Now that is all to the good and deserves our commendation -- although one recalls, in reading the Report, what a famous American literary critic once said: "some people are so open-minded their brains fall out..." One may add-- even if the brains remain in, the moral walls collapse.

Speaking as a Jew, from a purely parochial point of view,

there are certain parts of this Report that we can warmly applaud. Thus, its rejection of early Christian anti-sexual attitudes, especially in the Augustinian tradition, brings it close to the classical Jewish view. Similarly, its acceptance of human nature as a complex psychophysical unity rather than as a bifurcated being in which body and spirit are locked in eternal strife. But this is vitiated by certain typical Christian lapses from objective scholarship, as when it credits Jesus with ending "the fatal dualism of flesh and spirit."¹⁵ We shall even have to exercise a greater measure of Jewish charity and forgive its offensiveness when it unthinkingly repeats some of the old Christian canards, comparing the Pharisees unfavorably with Jesus. Thus the invidious comparison of Jesus' moral teachings "with the 'code-morality' of the Pharisees, and also his concentration on motives and ideals of character rather than on external conformity."¹⁶ Such pejorative over-simplifications for the purpose of confessional self-gratulation are not only unjust, they also are unenlightening. Obviously the authors were ignorant of the "Pharisee" principle that in many ways immoral thoughts are worse than immoral acts;¹⁷ of the blessing to be recited after the first conjugal act; of the Kabbalists' insistence upon sacred thoughts during the act of coitus; of the Talmud's enjoining a man from marrying his bride without first seeing her, lest he discover her to be unattractive to him and thus violate the commandment "Thou shalt love thy neighbor as thyself."¹⁸

So must we forgive such coarse statements as the Report's reference to "restrictive or crude moral rules found in the Old Testaments."¹⁹

Having willingly excused these minor points, we cannot in good conscience fail to accuse the authors of Sex and Morality of a more serious charge: that of being mealy-mouthed. At the crucial point in the development of their thesis, they lose their courage. Daring analysis gives way to a failure of nerve disguised as pious liberalism. They want to please everybody, and succeed in satisfying nobody. Only a few examples, among many that can be offered in evidence, will suffice.

On the question of moral rules, we are told: "It is possible to make motive and character the primary subject of moral judgment, while also giving great weight to the value of a sound moral code.... It may be held that the rules of abstinence before marriage and fidelity within it" are universally valid.²⁰ Is this the reaction of a great historical religion to the moral dilemmas of an age? Is it not possible to find a middle ground between authoritarian ex cathedra pronouncements and the pitifully detached conjecture of the professor of comparative religion?

Or note the hesitancy and the diffidence in the following apologetics as the authors genuflect before the gods of cultural relativism: "we cannot imagine any circumstances in which it would be right to tolerate all forms of homicide. If this is so, there need be no inconsistency in claiming that certain rulings concerned

with sexual conduct represent permanent moral insights, without being committed to a belief in the fixity of moral rules in general."²¹ The circumlocution reflects a lack of conviction, a fatal flaw in a document of this kind.²²

But if this be considered primarily a stylistic or literary criticism, which it is not, let us point to the two major conceptual items that, to my mind, disqualify the results of this Report from consideration by Judaism as a religious conception of sex morality.

Its first decisive weakness is that it is fundamentally not a religious document at all; it is stamped throughout by its capitulation to a secular humanism. Quite plainly, one looks in vain in this Report for God -- the God who demands and judges as well as the One who benevolently gives a stick of gum to His little children who entertain good, especially liberal, intentions. Thus, some members of the group of authors would like to leave individual moral issues up to personal decisions, adding that "...the liberty claimed is compatible with a responsible attitude to society at large."²³ Now it certainly is noble to feel responsible to society at large, but is there no God in the world to whom man ought feel responsible? Does not religion consider that society itself is responsible to Him?

The humanistic bias of the Report is evident in the utilitarian criterion for moral action. Whether "free love" between adults is moral or not depends, according to the authors, on whether it

"involves....damage to the individual or to society."²⁴ Not surprisingly, the Report holds that "the knowledge of contraception should not be withheld from minors and the unmarried."²⁵ Ad kedei kakh!

What has happened, apparently, is that the authors have accepted the truly ethical element in the New Morality, the emphasis on personality and personal relationships, and this has been declared the victor in its contest with normative morality. This is, in essence, the acceptance of situational ethics or contextual morality: when the general norm threatens to thwart my personality -- its unfolding, its development, its integrity -- then I may lay aside the law as inapplicable to me in my particular situation. But who is to determine whether my reluctance to accept the moral rule issues from the autonomy of my person or the satisfaction of my passion? Obviously, no law, whether divine or human, is relevant here; and conscience is notoriously fallible when convenient rationalizations are easily available.

It is here that the Report fails as a religious document. It confuses humanistic existentialism expressed in religious vocabulary with an authentic religious stand. It has de-theocentricized all of life, and particularly sexual morality. The religious Jew cannot accept this. With all our concern for man and society, the goal of life is holiness, and the reason for this is imitatio dei: "Ye shall be holy, for I the Lord your God am holy."²⁶ We agree, certainly,

that bios is inadequate, and that we must strive for humanum; but humanum alone is insufficient without divinum: "Thou shalt love thy neighbor as thyself, I am the Lord." That is why we can and ought feel profound sympathy (to use two cases cited in the Report) with the young man who wants intercourse with "an understanding woman" in order to allay his anxieties about his potency, or with a woman married to a near-impotent or homosexual husband who craves "occasional satisfaction, without complications, outside marriage."²⁷ But we can never condone such actions as anything less than corrupt and polluting. It is only by cutting itself off from its theistic roots and adopting an exaggerated anthropocentric morality that the authors can suspend their judgment in such cases and, to compound the injury, add the piddling afterthought that "the phrase 'without complications' overlooks the fact that intercourse can lead to all sorts of complications."²⁸ This is, in effect, a gesture of approval to "Lady Chatterly's Lover." We, on the contrary, have declared such unchastity -- for that is certainly what it is -- so grave an offense that one should rather submit to death than violate it, even if one needs it for therapeutic reasons.²⁹

This leads, in turn, to the second major Jewish criticism of this "religious" variety of the New Morality, namely, that it reveals an atavistic antinomianism. There is here a return to the Pauline polemic against the Law (Torah) via the uncertainties of situational ethics. To adopt two rules "which would, we believe, at

present rule out most of the extra-marital intercourse which actually occurs"³⁰ is in effect to abandon all rules. The statement that "love is the only rule imposed by Jesus" is an invitation to moral lawlessness sanctioned by good intentions. Such antimorism is only too well known to Jews from the catastrophic chapter of Jewish history written by the pseudo-Messiahs, Sabbatai Zevi and Jacob Frank.

There cannot, of course, be a morality based on motives alone; there must be rules. So, what the British Report attempts is to eat its cake and have it too. It demolishes the normative basis of morality, pushing "code-morality" out of the front door, and then inviting it in by the back door. It wants all the advantages of a halakhic approach without a Halakhah. Notice, thus, its remarkable plea for living by the rules without having rules: "...every action, no matter how private, has some repercussions on society sooner or later. Thus, it can be argued that even an engaged couple are doing a disservice to society if they 'anticipate marriage'... To weaken the rule may well encourage free sexual intercourse between the unmarried, and ultimately increase the incidence of promiscuity and adultery."³¹ Despite all the polite hesitation and the courteous restraint, the rationalizations do not come off. A young man in a situation of temptation, were he confronted by such an argument, would simply shrug his shoulders and say, "So what?" And indeed, in terms of the Report itself, So what? -- and why not?

Jewish morality would, for better or worse, offer no hesitation. Its verdict is clear: no excuse for אין ארסות וזנות ^{812;} and the first blessing at the wedding ceremony speaks of the prohibition for engaged couples to engage in sexual intercourse. Perhaps this is a rule that is widely violated. But the validity of a moral principle is not determined by a popularity contest. There is a world of difference between morals and mores.

What conclusions can we draw from this Report? Its analysis is, I believe, invaluable; its solutions, such as they are, are valueless. This Report, if accepted, will signify the building of the church's moral edifice on shifting sands which will ultimately bring the whole structure down.

For us Jews, life will become more difficult, in the realm of sexual morality as in everything else. The problems affecting the non-Jewish community affect us with equal poignancy. The originator of the unfortunately valid maxim, "wie es sich christelt, so judelt sich," was R. Judah he-Hasid of medieval Germany. And his statement, כאנהג הנוצרים בן אנהג היהודים, was made specifically about sexual matters!

If this Report should ultimately become the policy of most of Protestantism, and if the avant-garde liberals in the Catholic Church should gain sufficient momentum, it is quite conceivable that we religious Jews will be left alone, as we were in the ancient world, alone to proclaim the Word of God to an unredeemed world in matters

of marriage and morality.

It will be a great burden, but one which we shall willingly bear. The Talmud teaches that a man's voice carries farther at night than by day, because the sun interferes with his voice waves by day.³² Then the Talmud adds,

תִּזְכֹּר אֱלֹהִים עִלְיָא דְּחַמְדָּה לְמַחַד קוֹל
דְּחַמְדָּה לְרַחֲמֵי, (אֱלֹהִים) קוֹל דְּחַמְדָּה לְרַחֲמֵי קוֹל עִלְיָא דְּחַמְדָּה

When the sun shines forth in all its radiance, when the ideal of Kedushah prevails in all its luminous splendor, man need not speak up; his feeble voice, mouthing his own moral and philosophical ruminations, are of no concern. But when the קוֹל עִלְיָא דְּחַמְדָּה departs, when the sun of kedushah and tzeniut sets, and the night is long and black and bitter, then the voice of man must be heard, upholding those sacred principles which make life worth living.

In our days, that sun has set. The "New Morality," with or without ecclesiastical endorsement, has eclipsed our most lustrous ideals. At such a time we dare not remain silent. Let our collective voices be the קוֹל דְּחַמְדָּה לְרַחֲמֵי which will, from this suburb of Rome, proclaim the Torat emet until the sun of our ge'ulah shelemah rises once again over Zion and Jerusalem and for the entire world.

FOOTNOTES

1. J. T. Taanit 3:4 -- צמחי ארץ היה צבורו ונכסיו מילוני
כ"ב אלף, ואין כמה צמחי יל צבורו
2. See Saadia, Emunot Ve'deot, 3:1 -- ואין היכנסה לאסור הנאות (אלו)
יהיו המצבים כדמות, ואלו יצא אחד מהם ארזין ליכנסהו גמול
לצדו, ואילו הוהו צבורו סרבו באלו ירל ממנו המצואה, ואלו צד שוור
קרוציו מצור וואיאם ויעל המה להו מוצו אהם מן החנינה
c.f. Yoma 9a -- וישלח מלך את העם זוכה אלכמותיו-על דסקי מלכותו
3. Monfred Harris, "Reflections on the Sexual Revolution,"
Conservative Judaism (Spring 1966), p.4.
4. Maimonides, Guide for the Perplexed, 3:34.
5. Thus, for instance, Maimonides, Guide, 3:8; Nachmanides,
Commentary to Exodus 30:13. But cf. Commentary to Lev.18:
6 and 18:19, where he considers only procreation as the
proper goal of sexual congress. R.Bachya (to Lev.27:2) takes
exception to this; see infra, n-8.
6. Gen.2:18. This point is made by R. Isaac Breuer, Moriah,
opening paragraph.
7. See, in more detail, my A Hedge of Roses (New York:Feldheim,
1966), pp.23-31, and my article on "Sex Education and the
Synagogue" to be published shortly under the auspices of
the Federation of Jewish Philanthropies of New York City.
8. See supra, n.5 on Nachmanides and Bachya. Saadia, whose ethical
theory demands the fulfillment of man's potential in all of
life and not the exclusive concentration on any one aspect,
discusses the biological dimension of sex (מלע) and the
erotic or romantic (תלע) separately. The former has as
its purpose procreation. The latter is legitimate only
within the confines of marriage. Thus, in his Emunot ve'Deot,
ואין הענין הזה טור כי אדם מלעם ליצא, לילדו ומהוהו
אילוצו העולם, כמו אמר (מלע) ב"ש אלא וקדוש ויזא חן,
בדיד ירוק צב צד, באהבה תלע תמיד

The term "אילוצו העולם" should not be taken as synonymous
with procreation. First, because the parallel term used in
the לעז המלע is "אקיק צד צד". Second, and
most important, his proof-text reveals that he intends love,

not reproduction.

9. For Saadia, the purpose of all the commandments is to grant man happiness (ib., Pt.3 and Pt.10), which is, of course, not identical with pleasure but which can include it. Maimonides too operates in a eudaemonistic framework, substituting knowledge of God for conduct as the most direct way to man's greatest bliss.
10. "Family Purity" safeguards this personal nature of the marital relationship and prevents it from deteriorating into an "I-It" attitude; A Hedge of Roses, pp. 61-66.
11. For a fuller discussion, see Helmut Thielicke, The Ethics of Sex (N.Y. Harper & Row, 1964), pp. 22-25. Cf. the beautiful explanation of the conversation between Jacob and Rachel (Gen.30:1-2) by R. Isaac Arama, in his Akedat Yitzhak. Jacob's anger -- where sympathy is expected -- is directed at Rachel's implication that unless she can bear a child she is as good as dead. Jacob held that woman is both Havvah (E've), i.e., a mother (thus, a function-bearer) and ishah (woman), a personality in her own right with a dignity no less than that of ish (man). Rachel's lament bespoke her failure to appreciate that she was ishah as well as Havvah.
12. Lev.19:1.
13. Lev.R. 24:6 -- כל מקום שאתה מוצא ערור, אתה מוצא קרור
14. Sex and Morality, p.54.
15. Ibid., p. 44.
16. Ibid., p. 19.
17. Yoma 29a.
18. Kiddushin 41a.
19. Sex and Morality p. 20.
20. Ibid., p. 27; italics are mine.
21. Ibid., p. 20; italics are mine.

22. Traditional Jewish writers on sexual conduct were aware of changing customs and mores, and yet unabashedly reaffirmed "the fixity of moral rules." Cf., for instance, the opening paragraph of that classic little volume, "פוסקים נכונים" by R. Raphael Meldola (1754-1828), who was university-trained and au courant with the worldly thinking of his times.
23. Sex and Morality, p.29; italics are mine.
24. Ibid., p.30.
25. Ibid., p. 58.
26. Lev. 19:1.
27. Sex and Morality, p. 60.
28. Ibid.
29. Sanhedrin 75a; Maimonides, Hil.Yesodei ha-Torah 5:9
30. Sex and Morality, p. 55; italics are mine.
31. Ibid., p. 31.
32. Yoma, 20b.