



# A Torah of Sexual Ethics: Disappointment, Honesty, Growth

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## I. A Vision of Radical *Ratzon*: Consent and Mutuality in Intimacy

### A. Mutual *Ratzon* in Our Relationship with God

#### 1. VaYikra 19:5

When you sacrifice a well-being (*shelamim*) sacrifice to God, you shall sacrifice it for your favor (*ratzon*).

#### 2. Sifra Emor, #10

“For your *ratzon*” – we do not force the community [to bring the offering] against their will.

#### 3. Sifrei Bemidbar #143

*An offering of pleasing aroma before God.* It is pleasing before me, when I speak and **my will is done.**

... who offers a lot and one who offers a little are equivalent before God, as it says “a pleasing aroma” for the ox *and* the sheep *and* the bird - to teach that God has no need for eating or drinking but rather that [God] spoke and [God’s] will is done...

Why did I ask you to offer to me? In order **to do your will.**

And so it says: when you offer a gratitude offering for God you shall offer it for your will (Vayikra 22:29).

ויקרא כב:כט

וכי־תזבחו זֶבַח־תּוֹדָה לִיקְנוֹק לְרָצוֹנְכֶם  
תִּזְבְּחוּ:

ספרא אמור פרשה י

לרצונכם - אין כופים את הצבור על כורחו

ספרי במדבר קמג

אשה ריח ניחוח לה', נחת רוח לפני

שאמרתי ונעשה רצוני. ...

שאחד מרבה ואחד ממעיט לפני הקדוש

ברוך הוא [שכשם] שנא' ריח ניחוח בשור

כך נאמר בבן הצאן וכך נאמר בבן העוף

ללמדך שאין לפניו אכילה ושתיה אלא

שאמר ונעשה רצוני. ...

אלא מפני מה אמרתי לך זבח לי בשביל

לעשות רצונך וכן הוא אומר וכי תזבחו זבח

תודה לה' לרצונכם תזבחו (ויקרא כב כט)

#### 4. Audre Lorde, “Uses of the Erotic: The Erotic as Power” (1978)

For as we begin to recognize our deepest feelings, we begin to give up, of necessity, being satisfied with suffering and self-negation, and with the numbness which so often seems like their only alternative in our society... Our acts against oppression become integral with self, motivated and empowered from within.

## B. Centering Consent in Human Intimate Relationship

### 5. Bavli Kiddushin 2b

Mishnah: A woman is acquired in three ways and acquires herself in two ways. ...had the mishnah taught “[a man] acquires,” I would have thought even against her will. Rather it teaches “the woman is acquired” - with her consent yes, but without her consent no.	מתנ' האשה נקנית בשלש דרכים, וקונה את עצמה בשתי דרכים. ...אי תנא קונה, ה"א אפילו בע"כ, תנא האשה נקנית, דמדעתה אין, שלא מדעתה לא.
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## II. When Things Go Wrong

### A. Rape - and Misunderstanding Rape

<b>6. Yerushalmi Sotah 4:4</b> Like that woman who came to R. Yohanan. She said to him: I was raped. He said to her: Was it not pleasurable for you at the end? ...	ירושלמי סוטה ד:ד כהדא איתתא אתת לגביה ר' יוחנן אמרה ליה נאנסתי אמ' לה ולא ערב לך בסוף...
<b>7. Bavli Ketubbot 51b</b> Avuha de-Shmuel said: A woman who was raped is forbidden to her husband—we are concerned that perhaps it began as coercion but ended as volitional. ... For Avuha de-Shmuel, what is the case of rape where the Torah is permissive? In a case where there are witnesses that she screamed from beginning to end.	בבלי כתובות נא: אמ' אבוה דשמו' אשת איש שנאנסה אסורה לבעלה חיישינן שמא תחילתה באונס וסופה ברצון... ולאבוה דשמו' אונס דשרייה רחמ' היכי משכחת לה כגון דאיכא עדים דקא צווחא מתחי' ועד סוף

### B. Listening and Learning: Integrating Women's Voices into Law

#### 8. Martha Nussbaum, *Citadels of Pride*, 2021

How could society be different? Narcissism has to be undone early. Dante would say that eros must be turned outward toward other people by an education that focuses on their separateness and their real value, and on the value of their own feelings and choices. It would involve continual practice in listening and seeing... It would then involve...becoming capable of supporting another person's autonomous choice and imagining another person's subjectivity. (32)

### 9. Yerushalmi Sotah 4:4

Rav Yaakov b. Idi taught before R. Yohanan: *but if you have gone astray being under your husband, and if you were defiled* (Numbers 5:20) – this excludes those who were raped.

How do you derive that?

He said to him: Just as “*under thy husband*” is volitional, so too here [in the illicit sex act] it must be volitional.

“*And she was not seized*” – she is forbidden [to her husband].

Thus if she was seized she is permitted. ...

And you have a case of one who is not seized, for Israelites, and she is permitted. Which is this? This is [a case where] it began in coercion and ended in consent.

**Like that woman who came to R. Yohanan**

**She said to him: I was raped.**

**He said to her: Was it not pleasurable for you at the end?**

**She said to him: If a person dipped his finger in honey and put it in (another’s) mouth on Yom Kippur, would it not be bad for him but in the end would it not be sweet for him?**

**And he accepted it.**

### 10. Bavli Ketubbot 51b

Avuha de-Shmuel said: A woman who was raped is forbidden to her husband—we are concerned that perhaps it began as coercion but ended as volitional. ...

**This differs from Rava, as Rava said:**

**Any case that began as coercion and ended as volitional, even if she says: “Let him be!” that if he had not attacked her she would have hired him, she is still permitted.**

**For what reason? Passion has enveloped her.**

It is taught in accord with Rava:

...And there is another case that is permitted even though she was not coerced. Which is that? A case where it began as coercion but ended as consensual...

תני ר' יעקב בר אידי קומי ר' יוחנן ואת כי שטית תחת אישך וכי נטמאת פרט לאונסין מה את שמע מינה אמ' ליה מה תחת אישך לרצון אף כאן לרצון

"והיא לא נתפשה." אסורה. הא נתפשה מותרת ... ויש לך שאינה תפוסה ביש' והיא מותרת ואי זו זו זו שתחילתה באונס וסופה ברצון. כהדא איתתא אתת לגביה ר' יוחנן אמרה ליה נאנסתי אמ' לה ולא ערב לך בסוף אמרה ליה ואם יטבול אדם אצבעו בדבש ויתנגה לתוך פיו ביום הכפורים שמא אינו רע לו ובסוף אינו ערב לו וקיבלה

**בבלי כתובות נא:**

אמ' אבוה דשמו' אשת איש שנאנסה אסורה לבעלה חיישינן שמא תחילתה באונס וסופה ברצון ...

ופליגא דרבא דא' רבא כל שתחילתו באונס ובסוף היא אומרת הניחו לי שאילמלא הוא ניוזקק לה היא שוכרתו מותרת מאי טעמא יצר אלבשה

תניא כוותיה דרבא ... ויש לך אחרת שאע"פ שלא נתפשה מותרת. ואיזו זו זו שתחילתה באונס וסופה ברצון

### III. A Bumpy Path: Anger, Listening, Learning and Blessing

#### 11. Nussbaum, *Citadels of Pride*

Let's now think about anger...It expresses a demand: this is wrong, and it should not happen again. It alludes to the past, but it faces forward and proposes to fix the world going into the future. This is the type of anger that I have called *Transition-Anger*. (52-54)

Many feminist believe that retributive anger is a powerful aid to the feminist struggle, even if...they also believe that it distorts the personality. I've argued, however, that there is no tragic tension here, since the retributive type of anger, the type aimed at inflicting retrospective pain, is no help in the feminist struggle. ...

*Agape* [love]... involves seeing in all people a core of dignity and worth, and, further, a potential for change and growth, however obscured and blighted by the history of that person's deeds...At this time of justified denunciation and unremitting vigilance, feminists, I believe, should also, and above all, be people of love. Just as women demand that their voices be heard, so we must also resolve to hear one another in all our differences...creating a dialogical culture that is also a culture of empathetic imagination. To listen and to hear, in a climate of respect for human potentiality. And because that potentiality is sometimes impossible to see, we should also be people of practical faith, and of a trust that is to some extent as yet unjustified and unjustifiable. (228-229)

#### 12. Bavli Brachot 20b

<p><b><i>Eli said to her, 'How long will you be drunk...'</i></b>  <b>R. Elazar said:</b> From here we learn that one who observes something inappropriate in his friend must rebuke him.</p> <p><i>Hannah responded and said no my master – Ulla or R. Yose bR. Hanina said: She said to him... "You are not a master and God's presence and spirit is not with you for you judged me as guilty and not favorably. Didn't you know that I am a distressed woman?"</i></p> <p><b><i>Neither wine nor alcohol have I drunk –</i></b>  <b>R. Elazar said:</b> From here- one who was mistakenly accused must make this known...</p> <p><b><i>Eli responded and said, "Go in peace" –</i></b>  <b>R. Elazar said:</b> From here - one who mistakenly accuses someone must make amends and furthermore must bless her as it says <i>May the God of Israel grant your request.</i></p>	<p>ויאמר אליה עלי עד מתי תשתכרין וגו' – אמר רבי אלעזר: מכאן, לרואה בחברו דבר שאינו הגון צריך להוכיחו,</p> <p>ותען חנה ותאמר לא אדני –  אמר עולא ואיתימא רבי יוסי ברבי חנינא, אמרה ליה: ... לא אדון אתה, לאו איכא שכינה ורוח הקודש גבך, שדנתני לכף חובה ולא דנתני לכף זכות, מי לא ידעת דאשה קשת רוח אנכי?</p> <p>ויין ושכר לא שתיתי – אמר רבי אלעזר: מכאן, לנחשד בדבר שאין בו שצריך להודיעו...</p> <p>ויען עלי ויאמר לכי לשלום –  אמר רבי אלעזר: מכאן, לחושד את חברו בדבר שאין בו שצריך לפייסו; ולא עוד, אלא שצריך לברכו, שנאמר: ואלקי ישראל יתן את שלתך</p>
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