

*We dedicate this book with love and longing
to our teacher and friend,*

*the late **David Hartman**.*

*David attested in his life to the power of critical
ethical commitment, with which he ushered
in new philosophical and educational visions.*

*This book, which was inspired by his spirit, continues
our dialogue with him and faces up to the challenge of
critical loyalty that he set to all of us.*

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Introduction

This book analyzes the new religious-Zionist discourse about the body and sexuality, and the term “new” refers to the period it covers—the first decade of the twenty-first century. Even a cursory glance reveals that this decade does indeed open up a new era, not only because of the new political questions it considers—withdrawal from the occupied territories, the religion and state relationship, and more—but also, and mainly, because it deals with many questions that had been excluded from the classic religious-Zionist discourse. We have chosen to grapple with the most distinct expression of this shift—the discourse about the body and sexuality.

Dealing with change has been a persistent feature in the history of religious-Zionism from its earliest days. As a modern movement, religious-Zionism participated in the developments affecting the modern Zionist world. But the pace of its relationship with these developments has at times been slow and contingent on its capacity, as a religious movement, to digest and internalize changes, and on the unique voice that emerges in the encounter between religion and modernity. Hence, a discourse that had long been commonplace in secular Jewish-Israeli society often enters religious-Zionist society at a later stage.

The classic ethos of Jewish thought and culture was shaped by the body-spirit antithesis rooted in the Greek and Christian traditions. This antithesis was the basis for a human ideal that enhances the spiritual component and restricts the physical one, which is perceived as a disturbance, an obstacle, or an ordeal one must endeavor to overcome. In the wake of modernity’s social and intellectual processes, this ethos gradually lost ground. Since the 1950s, the body-spirit or body-soul dichotomy has been increasingly eroded in Western culture, following a critique that targeted many redundant presuppositions embedded within it. This critique targets the assumption that sexuality is identified with matter and argues that to be human is to be a concrete entity having physicality and sexuality at its very core. This shift began in the 1950s and 1960s and has since intensified; in time, it became known as the “counterculture.” In its wake, a new un-

derstanding struck roots, claiming that the term “human” does not denote an abstract entity identified with a specific attribute, such as rationality, creativity, or some other abstract characteristic. Human beings are physical creatures, and the body is the fundamental anchor of their being.¹ Sexuality, therefore, rather than a contingent element in their existence, is what determines it.

In secular and liberal Israeli society, the change in the standing of the body and of sexuality and their transformation into the constitutive elements of an alternative identity have been a *fait accompli* for decades. As we will show in Chapter Five, the shift began at the dawn of Zionism, but the permanence and centrality of this phenomenon have recently gained momentum. The religious world in general and the religious-Zionist world in particular find this approach hard to accept, given the status of the hierarchic body-soul dichotomy at the heart of Jewish tradition.

Jewish religion focuses on the body and the norms binding on Jews apply primarily to the body. But this religious concern with the body attests only to its intensive use rather than to the nature of the relationship with it. The body-soul dichotomy remained a pervasive feature of Jewish discourse and an implicit fundamental distinction within religious consciousness. Since this dichotomy was never presented as a Jewish ideal, however, Jewish thought has been less affected by the need to grapple with the changes that have affected Western culture in recent decades, requiring it to address the body-soul split. A tension thus emerged between a normative practice that is distinctly physical and a conscious ideology that upholds the repression of physicality.

This built-in tension between practice and ideology erupted in religious-Zionism that, as part of the modern revolution represented by Zionism, rescued the body from the body-spirit dichotomy and from the preference granted to the spirit. In the consciousness of religious-Zionist revolutionaries, which was partly summed up in the slogan *Torah va-Avodah* [Torah and labor], restoring the body’s special standing was

¹ The change in the attitude toward the body and the soul in Western culture occurs in philosophy, sociology, and culture studies, parallel to actual changes in the society. Evidence can be found, *inter alia*, in the significant penetration of Eastern thought and practice into the very heart of Western culture in the United States, in Israel, and, to a somewhat lesser degree, in Europe.

a key element in the renewal of Judaism. For many decades now, military service, establishing new settlements, walking the breadth of the country and other physical activities celebrating the body have been viewed by religious-Zionists as integral elements of their involvement in the movement. But this restoration of the body gradually stirred a crisis for religious-Zionists, who bear this duality with them. Religious-Zionists have lived from the start with the conflict between this entrenched dichotomy on the one hand, and the Western culture, where they live their lives and where this hierarchy has long since lost its validity, on the other.

A clear sign of this conflict is the changing status of the yeshiva within religious-Zionism. In the past, religious-Zionism had been characterized above all by the integration of Torah and life. Members of Bnei Akiva, the religious-Zionist youth movement, sang, "Sanctify your life with Torah and purify it with work." Work, not the Torah secluded from life, purifies the Zionist believer. In other words, it is not the realm sheltered from the body but the one where the body is active that serves for purification. Gradually, however, this ethos has changed, and the yeshiva removed from life has once more become the goal. Mediating agencies have emerged between these two poles, such as pre-military academies claiming to integrate the Torah with physical practices, mainly as preparation for the army. These fluctuations open up a problematic realm, where the body question resurfaces with new intensity.

This backdrop clarifies the slow reaction of religious-Zionism to the new cultural discourse on the body. Before this new discourse, religious-Zionism had endorsed a dialectical tension that had allowed it freedom of movement. But the intensification of the new discourse on physicality and sexuality in Israeli society, together with the growing significance of the body and of sexuality within religious-Zionist society, highlighted the need for addressing these questions. Two decades later, religious-Zionism has joined the fray. Joining the discourse, however, is not to be viewed as synonymous with an internalization of "outside" approaches. As will be shown, the distinguishing feature of the new religious-Zionist discourse is the growing number of obstructions it places in an attempt to drive a wedge between its own discourse and the one "outside." The cunning of history celebrates its triumph—religious-Zionism, which in its early days had sought to be part of the modern Zionist revolution, now withdraws

into a closed domain in the pattern of Haredi (Ultra-Orthodox)² society, which never affirmed the body.

Seeking to gain a deeper understanding of the new religious-Zionist discourse, we focus on key characteristics of religious-Zionism as a social-cultural phenomenon. The social phenomenon denoted by the term “religious-Zionism” emerges, on close scrutiny, as resting on a dual experience of continuity and transformation. Historically, this experience indicates that religious-Zionism perceived itself from the very beginning as a movement that continues Jewish tradition. A sense of participation in a restorative effort was indeed a constitutive experience for many religious-Zionists, who viewed this movement as a return to a primal, original Judaism. Many, however, were not oblivious to the movement’s revolutionary aspect, which introduced many new halakhot, adopted new views, and conveyed openness to the world.³

Openness to the outside world indicates that religious-Zionism is founded on membership in various communities—family, work, friendships, and others—that establish different networks of meaning. Membership in these communities reflects the increasing integration of religious-Zionists into Israeli society, its values, and interests. Religious-Zionists adopt values,

² Ultra-Orthodox Jews are also known, especially in Israel, as Haredim (plural of “Haredi” —“one who fears [God]”). There are various ways of defining the difference between Ultra-Orthodox society on the one hand, and Orthodox Judaism in the United States or religious-Zionism in Israel on the other. In Israel, the easiest distinction is between Ashkenazi Haredi Jews and religious-Zionists: Haredim do not serve in the army, they study in yeshivas a curriculum that is almost exclusively religious, and they vote for the political party of Ashkenazi Haredim—“Agudat Israel.” In the United States, the distinction between Ultra-Orthodox and Orthodox Jews is less apparent. The difference between Orthodox and Ultra-Orthodox Hasidic Jews is more easily discernible, since Hasidic Jews belong to communities grouped around a dominant rabbinic figure. The difference between Orthodox and Lithuanian Ultra-Orthodox Jews in the United States, however, is harder to pinpoint. One way is through the yeshivas linked to the Lithuanian Ultra-Orthodox worldview: students and alumni of these yeshivas, their spouses and families, will all be considered Lithuanian Ultra-Orthodox or, in the term in use in that community, “*yeshivish*.” Note that this concern with the “defining features” of Ultra-Orthodox Jewish society is confined to outsiders; members of these communities identify one another intuitively and effortlessly.

³ Avi Sagi, *A Challenge: Returning to Tradition* (Jerusalem: Shalom Hartman Institute, 2003), 162-215 [Heb]; Ariel Picard, “A Critique of the Feminist-Orthodox Discourse,” in *To Be a Jewish Woman: Proceedings of the Fifth International Conference on “Woman and her Judaism”*—July 2007, ed. Tova Cohen (Jerusalem: Kolekh, 2009), 253-257 [Heb].

norms, ideals, and myths of the communities to which they belong. In sum, religious-Zionists epitomize a multicultural existence.⁴ They no longer live in a one-dimensional world, where religion is the only constitutive network of meaning and, crucially, this is by their deliberate choice, a choice that religious people in the modern world are not obligated to endorse. Many Haredi Jews, for example, translate the secular network of meaning into religious language. Unlike them, religious-Zionists intentionally set up their lives in light of an integration ethos, endorsing it as a constitutive element of religious-Zionist consciousness.

The prolonged contacts of many religious-Zionists with various networks of meaning shape a world-view—dispositions and orientations—entailing sociological and psychological implications. Even if instructed to assign less importance to the non-religious networks in their lives, religious-Zionists would not do so if only because they voluntarily spend most of their lives within them. Expecting individuals or societies who choose integration within a particular network of meaning to accept that this network is only negligibly significant is quite implausible. The assumption that people would volunteer to live in unremitting self-alienation, spending their lives in one context of meaning and practice but granting value to an entirely different one, seems indeed far-fetched.

The actual lives of many religious-Zionists are open-ended rather than compartmentalized and they shift values, expectations, and interpretations from one context to another. Religious-Zionist jurists and scientists, for

⁴ The concept of multiculturalism we use here is based on the analysis in Avi Sagi, *The Jewish Israeli Voyage: Culture and Identity* (Jerusalem: Shalom Hartman Institute, 2006), 187-188 [Heb], which draws a distinction between two types of multiculturalism: political and existential. In the political context, this concept describes a society where different communities with different cultures live in one political unit. In the existential context, this concept denotes the approach whereby people forge their identity through connections with different people and cultures. Their practices, ethos, and myths are taken from various cultural networks. See also Menachem Mautner, Avi Sagi, and Ronen Shamir, eds., *Multiculturalism in a Democratic and Jewish State* (Tel Aviv: Ramot, 1998) [Heb]. The claim that religious-Zionism epitomizes a multicultural existence means that this community consciously operates within different contexts of meaning, is aware of this variety, and shapes itself out of a critical attitude toward these networks. This characterization of religious-Zionism enables us to overcome the problem of the relationship between the social phenomenon called “modern Orthodoxy” and religious-Zionism. According to our characterization, at least in Israel, we are referring to the same social phenomenon, and the ideological differences between them are irrelevant to the current subject.

instance, will probably transfer values, practices, and interpretations from their professional to their religious world and vice-versa, just as people who adopt a liberal or feminist worldview are likely to transfer values from these spheres to their religious world and develop mediating structures between the different realms.⁵

The claim that religious-Zionists live in several networks of meaning does not imply that all of them are of equal value. If we assume a core identity that consolidates in the course of life, the status of these various networks is determined by their standing in this core identity. But living within several networks of meaning with varying sets of perception and evaluation creates a basic tension. Thus, as professionals, religious-Zionist jurists act within a rational and critical context that endorses clear logical relationships. In the religious network of meaning, however, they may be required to renounce their rationality and their critical faculties in the name of religious values such as obedience and religious humility. Therefore, a fundamental issue confronting religious-Zionists ever since the movement's inception is how to affirm their multicultural existence while preserving and protecting the religious domain and its role in their lives.

Sexuality and the body pose a new challenge to religious-Zionist multiculturalism. The rabbinic guards of the religious ideal, who view themselves as an edifying hegemony, face the storm head on in this new drama: the discourse on the body and sexuality now unfolding in religious-Zionist society is also the discourse about control over the body and sexuality. The storm is evident in the growing spread of the discourse itself, which is conducted wherever possible—online, in articles and books, and in various social forums—and surpasses almost every other topic. Discussions surrounding the disengagement from the Gaza Strip in August 2005 will serve as an apt illustration. Ostensibly a religious-political discourse, a central part of it swiftly turned into a discourse about *tsni'ut*,⁶ about the

⁵ Amin Maalouf, *In the Name of Identity: Violence and the Need to Belong*, trans. Barbara Bray (New York: Arcade, 2001), 9-43. Note also the socio-economic changes in religious-Zionist society and their effects on religious and Zionist views. On this question, see Nissim Leon, "Religion, Class, and Political Action in Religious-Zionism in Israel," *Democratic Culture* 12 (2011): 61-114.

⁶ *Tsni'ut* is a Hebrew word used in religious circles to denote modesty, chastity, and a range of halakhot and practices dealing with attire and men-women relations. The term is used throughout the book without translation.

metaphysical ideal woman, and about the ethics of women's participation in the public struggle.⁷

In this book, we trace the course of the new discourse developing in religious-Zionist society on the body and sexuality from a phenomenological perspective. Our "datum" is the text before us, in all its various forms. The decision about "the text" is not a simple one. Many texts are potential candidates for analysis: philosophy, prose, poetry, cinema, Halakhah, online Halakhah. A different picture could emerge from an analysis of each one of them: the discourse about sexuality and the body in the prose and poetry of religious-Zionists is unlike that emerging from halakhic literature or from online Halakhah.

We have chosen to focus on halakhic and philosophical texts and on online Halakhah for two reasons.⁸ First, the centers of power and control are in these texts, whose authors are rabbis acting as opinion leaders. By contrast, artistic texts—prose, poetry, or cinema—do not express a hegemonic voice and, by their very nature, convey a unique, still peripheral voice. Second, artistic texts lack authoritative status in the new religious-Zionist discourse. In a deep sense, these are subversive texts, and our concern here is not the analysis of subversive, marginal voices, but rather that of the mainstream, authoritative, hegemonic one.

The six chapters of the book outline the conception of the body and sexuality in the religious-Zionist discourse, with the gist of the evidence presented in Chapters Two through Five. Chapter Two deals with the attitude of this discourse to autarchic male sexuality (masturbation) and examines the perception of sexuality in the modern era and the halakhist's status at a time when the Internet is at the center of the halakhic discourse. This chapter should have included the issue of male homosexuality, but since this matter has been widely researched whereas lesbianism has not, our research deals with these issues unequally. Chapter Three deals with

⁷ See ch. 4 below.

⁸ Occasionally, we also cite sources from previous periods, but only when the rabbis themselves recurrently refer to them. Similarly, articles written by rabbis active during this period are cited if they appear in their websites, even though they may have been published before. On the same grounds, we cite from texts that, rather than being strictly religious-Zionist sources, are on the border of religious-Zionism and New-Age Hasidism (particularly of newly observant Jews), but only when religious-Zionist rabbis refer to them.

female autarchic sexuality (lesbianism and masturbation)—sexuality that is not directed toward men and is not a means for men—focusing on the discourse about female sexuality created by male hegemons. The fascinating fact is that, throughout Jewish history, men have been the ones to issue halakhot on female sexuality. Due to the sources' silence on these matters, halakhists today confront a growing need for developing Halakhah for women. At the beginning of the twenty-first century, then, men are again the ones developing Halakhah on female sexuality and thus controlling it.

Chapter Four complements the previous one, focusing on the gap that the hegemonic religious-Zionist discourse creates between ideal and real womanhood and outlining the various fields raising the question of the body and sexuality. The outline does not necessarily represent accepted halakhic norms—the discourse itself creates Halakhah. The creation process reflects the body image, men-women relationships, and the status of women.

In order to highlight the novelty and the shift represented by the new religious-Zionist discourse, in Chapter Five we present the contrary options. In this chapter, we analyze the halakhic possibilities (some of which were actualized) that were dismissed or rejected in the new discourse. This move enables us to disclose when the contingent decision that rejected the option of another discourse was made, freezing the essentialist religious-Zionist discourse about men and women.

We do not consider these alternatives through the prism of a male bias argument (a consideration that is anyway irrelevant regarding Chapter Two, which deals only with males) because such criticism, rather than an analysis of the discourse as conducted by its participants, is a second-order analysis. Moreover, even if such criticism were justified, it does not answer the question asked in this book. We do not deal with the history or the genealogy of the discourse, but with the explication of its meanings.

The halakhic discourse appears in various forms of argumentation. Our critique of the discourse is meant to decode the starting point and the conclusions of this argumentation. We seek to understand the discourse, not to deny its right to be heard. The assumption of male bias in halakhic discourse is not an internal consideration. The partners to the discourse can always claim that halakhic considerations are neither male nor female, but convey Halakhah “itself.” One cannot grapple with such a discourse by reducing it to gender power relationships but by pointing out alternatives

within it. True, alternatives are often suggested by those who had been excluded from the discourse—women. In order to ensure that these options have standing within the halakhic discourse, however, we must point to the mediation mechanisms allowing these voices to enter and showing that they are a legitimate part of the discourse rather than an attempt to undermine it. In Chapter Five, we deal with this phenomenon and point to mediation possibilities awaiting realization.

Chapter Six offers concluding reflections and presents the main forces that frame the new religious-Zionist discourse. The first force directs the discourse about sexuality toward the imagined, gradually diverting it away from real life toward an essentialist domain. The opposite force represents a curbing, braking impulse that seeks to return the discourse to the real. The voice of the young generation is particularly important in this context, conveying the demand for sexuality's legitimacy. We claim that Halakhah—a normative, non-theoretical system—is part of the force curbing and braking the slant toward the imagined.

The appendix, written by Avi Sagi alone, attempts to offer a theory able to explain the tilt in an imagined, essentialist direction despite the curbing, braking power of Halakhah. Sagi claims that the fluctuating attitudes toward sexuality reflect recognition of the body as the setting of the struggle over the messianic realization of Jewish redemption. The insistence on the body's "purity" is thus a battle for the shaping of messianic reality.

The analysis of the sexuality discourse traces a path to the boiling lava spurring it—a messianic passion driving the progression toward the imagined and the essentialist. This passion, however, cannot defeat the opposite force that, in a strong desire for autonomy and self-realization, seeks the legitimacy of the body.

THE NEW RELIGIOUS-ZIONIST HALAKHAH: A CONCEPTUAL OUTLINE

Religious-Zionists are members of different communities, which create various networks of meaning often in conflict due to their incompatible values. In this book, we focus on the halakhic dilemmas of the religious-Zionist public, rather than on the religious-Zionist thinkers' theoretical accounts of these conflicts, and, through them, we mean to shed light on the relationship between these different networks.

The attitude of halakhic literature to these conflicts is a litmus test of the various communities' standing in the religious-Zionist world. Situations of conflict enable us to explicate these communities' hierarchical order and the measure of commitment to each one. Given that Halakhah is the believers' normative organizing system, we could expect religious-Zionist Halakhah to reflect the complexity of living in a multicultural world by offering new ways of coping with value clashes between the different communities of membership.

To examine this issue, we focused on test cases that bring the values of the different communities into direct confrontation, specifically the attitudes to various manifestations of sexuality, concentrating on the attitudes to autarchic sexuality (masturbation), homosexuality (lesbianism), and areas in the men-women relationship where modern life clashes with traditional values. These are seemingly "small" questions, touching on the lives of individuals rather than national concerns. Precisely for this reason, however, they highlight areas of conflict between the individuals' various communities of membership.

We begin with an explication of the concept of "Halakhah" in this discourse, relying on a phenomenological method. Halakhah is a generic name for a normative system, and a statement is halakhic only if it ends with a deontological instruction—forbidden, mandatory, or permitted. The status of a halakhic ruling is affected by its deontological formulation

and by the standing of the person issuing it, but justifying the validity of halakhic determinations will not concern us here. When considering halakhic rulings, we discuss them from a phenomenological perspective and analyze their discourse.

We claim that in the first decade of the twenty-first century, when this discourse occurs mainly online, many religious-Zionist rabbis are transforming halakhic discourse.¹ This discourse, which has become public and no longer takes place between a questioner and a respondent, blurs the distinction between the public and private spheres when the private becomes an instance of a general principle. Every private responsum that is published becomes a directive for all who read it.² The private halakhic discourse turns into a theatrical discourse, where questioner and respondent play before a large audience that is sometimes hard to identify and characterize. Questioners in this discourse turn from concrete individuals into transparent figures, a prism that serves to magnify the ideal self they are meant to realize. They are “only” actors representing something else. Even if they have posed their questions privately, the responding rabbi, in his role as director of the event, relocates them on stage. By the very act of addressing the respondent in a public forum, as well as by acknowledging the rules of the game—and mainly their own anonymity—questioners

¹ Several articles have appeared in recent years on the relationship between cyberspace and halakhic literature. See Azriel Weinstein, “*Mara de-Atra* [The Local Authority],” *De’ot* 16 (2003) [Heb]; Gabriel Ravena, “The Internet’s Entry into Religious and Haredi Society,” *Tsohar* 27 (2007) [Heb]; Nathan Nachtstern, “Judaism 2.0: The Internet’s Influence on Religious Society at the Beginning of the Twenty-First Century,” in *Media and Judaism: An Anthology*, ed. Moti Saft and Tsurie Rashi (Petah Tikvah: Keter ha-Zahav, 2010), 195–208 [Heb]; Tsahi HersHKowitz, “Fear of Your Rabbi as Fear of Heaven: A Halakhic Study of the Rabbi’s Status in an Era of Advanced Media,” in Saft and Rashi, *Media and Judaism*, 209–224; Moshe Lichtenstein and Amnon Bazak, “Symposium: ‘He Has Spread a Net for My Feet’: Worshipping God in the Internet Era,” *Alon Shvut* 24 (2011): 105–114 [Heb]; Aharon Lichtenstein, Ezra Bik, and Hayyim Navon, “Symposium: The Role of the Rabbi in the Google Era,” *Alon Shvut* 24 (2011): 115–126 [Heb]. These studies show that Orthodox men have difficulty talking to their rabbis (yeshiva heads or community rabbis) about intimate matters. The inability to speak about their feelings intensifies the sense of sin and secrecy. These studies emphasize the innovation of online responsa, which allow questioners not to expose themselves personally. See Yaakov Frances, “A Qualitative Study of Sexual-Religious Conflict in Single Orthodox Jewish Men” (PhD diss., City University of New York, 2008).

² cf. Avinoam Rosenak, *Halakhah as an Agent of Change: Critical Studies in Philosophy of Halakhah* (Jerusalem: Magnes Press, 2009), 148–161 [Heb].

seem to convey a readiness to have the actor's role replace their personal subjectivity.

The responding rabbi also has a dual role as both actor and director. We have already noted his role as actor. As a director, he controls the extent of his statements' distribution: he can decide to put the question on the website, or he can play it down and turn it into a private conversation with the questioner.³ Questioner and respondent are thus partners in a game where both are actors and directors—the respondent bears the message and the questioner is the ideal addressee or, more precisely, the every-Jew who merits its reception.

Most of this discourse, as noted, takes place on Internet sites.⁴ At times, these sites are the source for extensive textual creativity that follows in their wake.⁵ Cyberspace, then, is not only a realm for the creation of norms but also fulfills a clear epistemic role: through it, rabbis are exposed to all the dimensions of the phenomenon to which they are reacting normatively. Methodologically, this fact poses a special challenge to researchers, who are not always able to identify which components of this discourse are dictated by its Internet context and which by changes in the religious-Zionist halakhic discourse. For example, most responsa are brief and concise. The researcher must decide whether this style is part of the online writing genre or represents a different answer to the question of how contemporary halakhic responsa should be written.

We will not be able to isolate the constitutive variable or variables in this phenomenon, a matter that requires research and a perspective exceeding the scope of the current study. Nevertheless, we hold that the halakhic discourse has indeed changed. The availability of a new medium such as the Internet does not necessarily lead to a different type of discourse. Only someone who, in Marxist fashion, assumes a rigid causality between a given reality (including in the media) and a cultural reaction will claim

³ Note that, if questioners wish, they can receive a personal answer that will not be published.

⁴ The responsa appear mainly on the websites "*Kippah*" (www.kipa.co.il), "*Moreshet*" (www.moreshet.co.il), and "*Yeshiva*" (www.yeshiva.org.il).

⁵ See, for example, Yuval Cherlow, *Internet Responsa on Tzni'ut, Conjugal, and Family Relations* (Petah Tikvah: Petah Tikvah Military Yeshiva, 2003) [Heb]. See also Yuval Cherlow, *Internet Responsa on Matters of Faith, Halakhah, and New Questions* (Petah Tikvah: Petah Tikvah Military Yeshiva, 2002) [Heb].

that the Internet discourse per se is behind the change. But anyone holding, as we do, that cultural reactions entail a dimension of invention and creativity together with a reflection of a previous cultural ethos will argue that a new medium creates, at most, an *opportunity* to react. The reaction will be a function of various factors in the culture and cannot be based solely on the new medium.⁶

Has the Internet discourse resulted in a more stringent or a more lenient Halakhah? Some assume that open public discourse actually “forces” halakhists to be more stringent, contrary to the personal dialogue, which allows for leniency because it is private and not binding. Others will claim that the online medium merely allows the various existing trends to resonate more widely in the public sphere. Stringency, just like leniency, exists with or without the Internet.

Rabbi Yuval Cherlow, a key figure in the new discourse, acknowledges that online Halakhah is more stringent and criticizes this trend:

We must remember that an absolute majority of the public does not turn to rabbis and actually learns from their public rulings. Hence, it is exposed to rulings far more stringent than those in Halakhah, leading to a serious mishap regarding both options: either the public is forced to observe a much more stringent Halakhah than the truth, or it altogether abandons the way of Halakhah because of its strictness. My view, therefore, is precisely the opposite: we must rule in the true spirit of Halakhah, and narrow the gap between public and private rulings as far as possible. This matter is also important for the rabbi’s ethics, to preclude a persistent feeling that the rabbi can be stringent or lenient at will.⁷

The Internet discourse may have enabled respondents to become more deeply acquainted with the cultural-social reality of the questioners and their sexual world. Exposure to the Internet discourse may even have coerced religious-Zionist rabbis to acknowledge a reality they had tried

⁶ Stephen D. O’Leary, “Cyberspace as Sacred Space: Communicating Religion on Computer Networks,” *Journal of the Academy of Religion* 64 (1996): 781–808.

⁷ R. Yuval Cherlow, “Moreshet” website, 21 Tevet 5769 (17 January 2009), <http://www.moreshet.co.il/web/shut/shut2.asp?id=111096>. See also idem, “Marriage Guidance Literature in Light of Developments in the Internet,” “*Petah Tikvah Yeshiva*” website, 30 Nissan 5767 (18 April 2007), <http://www.ypt.co.il/show.asp?id=19711>.

to suppress.⁸ This picture does not necessarily lead to the formulation of a specific halakhic stance or to a specific halakhic dialogue. The respondents' reactions draw on their cultural horizons and reflect a dynamic wherein communication media certainly act as a stimulus but do not necessarily determine the type of response. If rabbis do indeed provide on the Internet a halakhic responsum meant to serve the questioner—as well as the reader—as a halakhic instruction, we cannot but view this as a halakhic text amenable to analysis and criticism even if other elements are also involved in the shaping of the literary product.

The virtual discourse enables rabbis of lesser status in the religious-Zionist community to accumulate symbolic capital and acquire authority as respondents. No wonder, then, that these rabbis have played a key role in the collapse of the halakhic discourse's borders and its transformation into a public discourse, as is evident in several other features of it. Contrary to the classic halakhic writing that Haredi rabbis or authoritative rabbinic figures in the religious-Zionist community have rigorously adhered to until today, the new halakhic discourse on sexuality and the body has become available to everyone through the Internet. This availability makes the questioner and the respondent members of one community or—as we argued above—actors in a “theater,” whose spectators are the members of the virtual community. The “spectators,” however, are active partners in the game through their reaction to the original discourse, through participation in specific responsa on various sites, and so forth.⁹ This partnership, then, breaches the hierarchical foundation that characterizes the reading of responsa literature because, in this new version, the readers join the respondents' community.¹⁰

A typical respondent used to belong to at least one of the following communities: *the community of halakhists*—the community of Jewish sages that, throughout history, has provided the compelling texts; *the ideal Jewish community*—an imagined community that embodies all the

⁸ Ibid.

⁹ For example, R. Shmuel Eliyahu's responsa appear also on other websites that are devoted to complex halakhic issues.

¹⁰ See Eran Kimhi, *The Internet: What Is New in the Emergence of Novelty?* (Tel Aviv: Resling, 2010), 53–55 [Heb].

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