

## Rabbi Aviva Richman

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Rabbi Jeff Fox offers a thorough analysis of core sources in the canon from Chazal through Aharonim that bear on the *halakhic* status of the prohibition of female-female sexual intimacy and marriage. This textual analysis is a service to any community invested in the work of ongoing development of *halakha* that is both accountable to the canon and accountable to the lived experience of those committed to living out *halakha*. Many committed to *halakha* assume that all queer relationships are an “abomination” and do not care to pay close attention to the details and complexity of what exists in the *halakhic* canon. In discourses where there has been some engagement with *halakhic* sources (e.g. *teshuvot* recorded in the Conservative movement), often male-male sexuality becomes the focus of analysis. I have not seen the material on female sexuality receive the kind of thorough treatment R. Fox offers in the form of a *teshuva*. What exists includes heavy reliance on the Rambam and Shulchan Aruch in a way that doesn't do full justice to the language found in most Rishonim and many Aharonim.

### Specific Contributions of R. Fox's Argument

First I'd like to summarize what I found to be the major contributions from R. Fox's analysis. My goal here is to pull out the most important pieces from his lengthy discussion, in part because the extensive textual analysis he presents out of transparent commitment to the “research” stage of addressing a *halakhic* question somewhat obscures the flow of a direct argument.

1) R. Fox argues for the delineation of two separate origins for the notion of prohibited female-female sexuality and traces their reception history in later *halakha*.

One comes away from the essay with clarity that the Sifra tradition where female-female relationships are considered severely problematic *ke-ma'aseh Eretz*

*Mitzrayim* -- “akin to the deeds of the land of Egypt” -- does not appear at all in the Bavli, nor do Rishonim draw on this tradition other than the Rambam. For the vast majority of Rishonim, female-female sexuality has no source in a *d'oraita* prohibition and is instead described by less severe terminology, primarily defined as *pritzut b'alma* -- “mere licentiousness.”

His intertextual work on the Sifra tradition also suggests that there is some slippage in early *Eretz Yisrael* lists about non-Jews' abominable sexual practices where female-female sexuality is sometimes displaced by bestiality. Though he does not follow this thought fully (it is mostly a brief reference in the notes<sup>1</sup>), it is an important example of how a text-critical lens could be helpful to call into question the solidity of the origins of female-female sexuality being considered a core sexual violation.

All of this serves as a critical counterbalance to contemporary rabbinic voices who have pointed to the Mishneh Torah and Shulchan Aruch and their entrenchment of female-female sexuality as a *d'oraita* violation of *ma'aseh Eretz Mitzrayim* (even as there is no *d'oraita* punishment) without probing the rest of the *halakhic* canon thoroughly.

2) R. Fox sharpens the definition of *mesolelet* and *pritzut*, showing that it should not be obvious that two single women entering into intimate relationship would fall into this *d'rabbanan* prohibition.

Once the relevant *halakhic* category for the Bavli and vast majority of Rishonim is *pritzut*, rather than an *issur d'oraita*, he aims to arrive at a focused definition of what exactly is forbidden. He sharpens the contours of the prohibition in two ways. First, in his thorough analysis of the ways various Rishonim have defined *mesolelet* as *pritzut*, he highlights important contextual aspects of their definitions. Most notably, an early Tosafist posits that the concern is about a woman transferring her husband's seed to another woman (Rivan, p.25-26). Beyond the technical concern of transferring seed, R. Fox stresses that this language indicates an act of marital betrayal (p.26 n24). In this vein, R. Yakov Ettlinger's commentary on the Gemara (Aruch la-Ner) serves as an important Acharon to trace an arc that limits the scope of *mesolelet* to a case where at least one of the women is married to a man (p.44-45). R. Fox stresses that, based on this reading, the Gemara simply never addresses the case of two single women.

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<sup>1</sup> He refers to the phrase *לזכר ולנהמה* rather than *לזכר ולנקבה* in three versions of Bereshit Rabbah; see p.11 n7.

Narrowing the interpretation of *mesolelet* does not only appear in the genre of commentary; it is also found in contemporary *psak*, particularly about artificial insemination. R. Yakov Hadas explicitly refers to an interpretation of *mesolelet* that limits it to where a woman is already married to a man (p.38 n34). Later R. Fox brings R. Moshe Feinstein's language in a case of artificial insemination, where he states that any concern of *pritzut* does not apply when there is no intention for *pritzut* or *ta-avah* (p.57). R. Fox suggests that these late Acharonim offer precedent for the claim that it is possible to mitigate the concern of *pritzut* in *mesolelet*, especially for the sake of raising children. To be sure, drawing on these interpretations that limit the *issur* of *mesolelet* in cases of artificial insemination requires a formalistic approach that focuses on a narrow view of the technical *issur* rather than considering substantive elements of the case under discussion. It is a leap to go from the context of artificial insemination -- where there is no intimate relationship between two women -- to the context of two women marrying. Nonetheless, these sources demonstrate that the act of female-female sexuality should not be considered *pritzut* in and of itself. Rather, *pritzut* refers to a context in which there is some other sexual violation -- marital betrayal by virtue of entering into sexual intimacy with another woman while already being married to a man -- and thus may have no relevance to intimate relationships entered into by two single women.

The second way in which R. Fox argues for a contextual reading of *pritzut* in *mesolelot* is through his argument that *pritzut* in general is a contextually defined category in *halakha*. He brings in other *halakhic* contexts where behaviors defined as *pritzut* become redefined in different historical moments. For example, women eating in the marketplace is considered a *pritzut* violation in the Talmud but no longer falls into that category in our own context. The fact that most *poskim* approach *mesolelet* as a form of *pritzut* (and not as a *d'oraita* prohibition) means that the act of female-female sexuality should not automatically be viewed as *pritzut* but must be considered within the contours of a specific cultural context.

This two-fold approach to narrow the definition and scope of *mesolelet* as a prohibition of *pritzut* lays the groundwork to argue that, in a context where two single women are entering into a framework of monogamous marriage, the expression of sexuality in that marriage would not accurately be defined as *pritzut*.

3) R. Fox argues that it is possible to limit all *halakhic* prohibition on female-female sexuality to specific cases where it is an expression of lack of control over expression

of sexual libido and disconnected from building a family, even for the Rambam and Shulchan Aruch.

Even for the Rambam and subsequently Shulchan Aruch, who do refer to the Sifra source on the *d'oraita* prohibition of *ke-maaseh Eretz Mitzrayim*, R. Fox demonstrates that this should not lead to automatically prohibiting all expressions of female-female sexuality. There is an interpretive pathway that views the marriages in the Sifra as problematic because they are an excessive expression of libido and avoidance of procreation, as articulated by the Prisha (p.40). According to the Prisha, the only way to arrive at a *d'oraita* concern with female-female marriage in the Sifra is to embed it within a clear *d'oraita* sexual taboo, which female-female sex is not. The prohibition becomes reframed as an expression of uncontrollable libido that could lead to severe sexual violation, such as two men marrying, but is not actually a severe violation in and of itself (p.42). In a similar vein, R. Moshe Feinstein uses the language of “excessive libido” (תאוה יתירה) to interpret *maaseh Eretz Mitzrayim* (p.54).

Steps 2 and 3 together provide the basis for a contextual reading of the prohibition on female-female sexuality, according to all Rishonim, including the Rambam. The scope of the prohibition is limited by one or more of the following: (1) women already married to men, (2) uncontrolled expression of sexual libido that indicates likelihood of more severe sexual violation, (3) intentional evasion of the *mitzvah* of procreation. This reinforces the point that there is a lacuna regarding the case of two single women entering into committed marriage to create a family together.

4) R. Fox draws upon androgynous marriage as precedent for how to *halakhically* weigh concerns about female-female sexuality in a context where there is also the *halakhic* importance for a person to be able to marry.

R. Fox's turn to androgynous marriage plays a critical role in his argument because *poskim* there state that, for the sake of being able to marry and build a family, the concerns of *mesolelet* and *maaseh Eretz Mitzrayim* fall away. This analysis allows for a recontextualization of the prohibitions on female-female sexuality for the sake of marriage that is rooted within already existing language in Acharonim instead of what feels like an imposition of present-day values onto classical sources. To be sure, applying these conclusions to the case of two women marrying, rather than androgynous marriage, goes against some of the explicit language in the sources on androgynous marriage where they draw a contrast between androgynous marriage and two women marrying (e.g. Magid Mishneh p.77).

Putting all of these pieces together, one can arrive at the conclusion that female-female sexuality in the context of a) two single women b) entering into committed monogamous marriage c) as part of building a family as a *bayit ne'eman b'Yisrael* d) potentially including raising children, does not fall into the *d'oraita* prohibition of *maaseh Eretz Mitzrayim*; does not fall into the definition of *pritzut*; and could even be construed as *kadosh* like heterosexual marriage.

### **Response: Critique**

To the extent that the goal of R. Fox's *teshuva* is to offer a formalistic reading of *halakhic* material wherein the discourse that stresses the *d'oraita* severity of female-female sexuality as *maaseh Eretz Mitzrayim* based on the Rambam and Shulchan Aruch becomes counterbalanced and even eclipsed by many other existing *halakhic* voices so as to create a less severe *issur*, it is a successful piece. Beyond weakening the severity of the prohibition, it also plants the seeds for a stance where female-female sexuality is re-understood contextually so as not to be forbidden at all so long as it is expressed in the form of monogamous committed marriage.

However, the formalistic argument is not entirely satisfying, and a more holistic approach is merely suggestive; the more substantive and constructive parts of the argument are buried and not fully spelled out. In his introduction, R. Fox states that his goal is to “unpack the relevant material...in as objective a manner” as he can, and he waits until the conclusion to offer his own approach (p.5). This leads to a lack of clarity as to what exactly he wants to “unpack” from this material beyond the technical severity of the *issur*. Much of the *teshuva* comes off as a neutral and removed analysis of an array of texts, without clarity as to the overall purpose of the reading. While R. Fox states that taking an “objective” stance is a critical stage of *halakhic* research, my sense was that the essay took this form for too much of the time. Only on p.44 does R. Fox explicitly use the language that one of the sources (R. Yakov Ettlinger, Aruch la-Ner) is “deeply insightful on a human level,” the first indication we see that something should drive evaluation of sources beyond objective analysis of the nature and status of an *issur*. As someone who offers *halakhic* guidance frequently, I have no doubt that R. Fox values being “deeply insightful on a human level,” but in this *teshuva*, he does not ground his own reading of sources within this framework. Instead, he explicitly foregrounds an attempt to be as “objective” as possible.

When he does articulate his own approach in the conclusion, it feels like an abrupt swerve towards the Aggadic and emotional, not closely connected to the careful

analysis of sources he offered throughout. To the extent that his own voice surfaces at a few points earlier in the piece offering a more holistic reading of the sources on a “deeply insightful...human level,” it was often terse, parenthetical, and not fully fleshed out. For example, after discussion of behaviors in the Talmud that used to be considered *pritzut* and are no longer treated as such, he suggests the same argument be applied to *mesolelot* and states, “Even though at a certain time and under certain parameters this behavior was unacceptable, that categorization can perhaps shift in a new reality” (p.66). Yet he does not say anything more about what aspects of a new reality would lead to such a shift.

Towards the end of the essay, he makes brief mention of the fact that nowadays two women married to each other can in fact have children through artificial insemination (p.83), but this throwaway line is buried and the implications are not fully spelled out in the context of the sources he discussed earlier that related to the concern of sexual gratification outside of the possibility of having children. Similarly, he devotes half a sentence to state that “the concerns [of *mesolelot*] are made lower in a committed monogamous relationship that seeks to have children” (p.83) without discussing this fully in relation to all of the material he has discussed throughout the piece. In an even more buried fashion, he cites R. David Bigman in a footnote about artificial insemination for a single woman where R. Bigman says that “it never occurred to [Chazal]” that a single woman could become pregnant without a sexual encounter. R. Fox notes that the same language could be applied to the case of two women marrying, “It never could have occurred to Chazal or the Rambam or the Prisha that two *frum* women would want to live together and start their own family” (p.83 n63). Why does R. Fox leave this comment to one footnote? Isn’t this exactly where the creative application of source material needs to be done, drawing explicitly on precedents in our contemporary moment and discussing at length how the arguments there are or are not relevant to the case of two women getting married?

R. Fox clearly thinks that something has changed in how to approach sexuality and marriage in contemporary times but does not get into what he means. Is he referring to shifting understandings of sexuality within Modern Orthodox feminist Jewish communities? Is he referring to widespread acceptance of LGBTQ marriage in the United States of America, which, to be sure, is not a unanimous cultural reality? If he is referring to a wider American approach to sexuality, why wouldn’t that be considered external to Jewish culture as *maaseh Eretz Mitzrayim*? What are the Torah sources and values that he sees as driving a “new reality” that would affect the way our interpretation of *halakha* should approach two women marrying? He leaves all of this

up to the reader, and I find this to be the most important lack in the piece. One is left with a bit of the feeling עיקר חסר מן הספר -- that the main work that needs to be done is not here.

I wonder if part of the motivation for leaving these kinds of comments as parenthetical and buried has to do with his desire to differentiate his analysis from other existing modes of *halakhic* discussion on this topic and other topics related to gender and sexuality. The kind of historical argument to which he very vaguely alludes has been made – and at greater length – in some of the *responsa* of the Conservative movement, though without the rigorous and thorough analysis of Rishonim and Aharonim that R. Fox offers. One gets the sense that R. Fox wants to present a different form of discourse by staying within sources of the *halakhic* canon, but his assumptions about how these texts approached marriage and sexuality, and how this differs from his own approach, are then not stated explicitly. It is also important to be aware of responses to these kinds of historical arguments within the Conservative movement where this issue has been discussed at greater length. For example, [R. Joel Roth, in his 2006 essay](#), makes some reference to recent academic work about models of same-sex relationships in late antiquity, which he believes debunks the notion that Chazal couldn't imagine same-sex consensual partnerships. All of this is to say that R. Fox's lack of engagement with the history of sexuality leads to somewhat sloppy assumptions about earlier sources and how they approached sexuality.<sup>2</sup> To the extent that one wants to engage in a contextual reading of earlier sources, historical scholarship should not be ignored just because it has been deployed in non-Orthodox settings. *Aderaba* – it would be incredibly valuable to integrate these sources within the robust normative discussion of Rishonim and Aharonim that R. Fox offers.

Beyond the buried arguments and sloppiness about historical understandings of sexuality, a major concern I have about this *teshuva* is the overall framing. Once the question begins from assuming that there is a prohibition of female-female sexuality and then tries to ascertain the “objective” level of severity of that *issur*, there is already a losing battle for the subjectivity of someone who identifies as lesbian who wants to understand her place within *halakha*. The framing here assumes that female-female sexuality is a problem and then focuses on how much of a problem it is. I wonder how

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<sup>2</sup> Another example is his discussion of the Rivan and others that deal with female seed, where he does not fully explore how these Rishonim understood the nature of female secretions and their status in terms of *zera*. See Tirzah Meacham, *Nashim lav b'not hargashah ninhu* in *A Woman and her Judaism: A Contemporary Religious-Feminist Discourse* ed. Tova Cohen (Jerusalem: Rubin Mass, 2013), pp. 153-174.

the process of *halakhic* research and writing can itself place the questioner's subjectivity front and center, and contribute to their sense of being within the *halakhic* conversation rather than being discussed as a marginal case and a "problem." I would hope that anyone who asks a *halakhic* question about their sexuality could expect that the response not primarily be about solving a *halakhic* problem that ideally would not exist. Instead, their sincere *halakhic* question should become a locus for more deeply understanding the intersection between *halakha*, sexuality and marriage, both for the individual and for the *halakhic* community writ large. A response focused on objectively trying to determine "how forbidden" female-female sexuality is will not do that work. The framing must get much more deeply into the substantive issues animating the case in question.

Perhaps the most important (but also somewhat buried) conclusion R. Fox offers in this regard is that the Talmud, and the entire *halakhic* canon based on it, is not speaking to two single women and only addresses female-female sexuality when it is within the framework of marriage to a man. It speaks to men, not to women. Mostly it speaks to husbands who have concerns about their wives' sexuality.<sup>3</sup> In some ways, this lacuna is freeing: it eliminates the applicability of the *halakhic* prohibition in the case of two single women who want to get married. In other ways, it is devastating: the message to the lesbian woman is that *halakha* does not see her; it is not speaking to her reality. The only way to view her sexuality and marriage without the assumption that it is "problematic" is to conclude that it is entirely off the radar of *halakha*. This hardly leads to a sense of a religiously grounded approach towards sexuality, marriage and family for two women whose lives are otherwise fully anchored within *halakha*.

As opposed to an analysis that leads to a sense of being totally out of the canon, an approach to [same-sex sexuality based on left-handedness articulated by my colleague and teacher R. Ethan Tucker](#) leaves room for the heterosexually-focused *halakhic* discourse on sexuality to remain alive, albeit with the need for translation into one's own "orientation." Much of what Talmud and *halakha* have to say about practices rooted in right-handedness (e.g. laying *tefillin*) is still applicable to someone who is left-handed but requires an act of translation. So too, two women entering into marriage would inherit and be guided by Torah and *halakha's* approach to sexuality, including the substantive concerns behind *ma-aseh Eretz Mitzrayim* and *pritzut*, while translating these concerns into a different sexual orientation.

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<sup>3</sup> With the exception of Avuha d'Shmu'el (Shabbat 65a, p.15), a father concerned about his daughters' sexuality.

Or, as opposed to positing direct translation through the left-handed framework, one might articulate substantive arguments for why female-female sexuality does NOT share some of the concerns relevant to *halakha*'s concern with male sexual violation. The existence of a *halakhic* lacuna about two single women engaging in female-female sexuality may indicate that substantive concerns rooted in penile penetrative intercourse are entirely different. Being free from sexual prohibitions rooted in a male-centered discourse of *halakha* would then require articulating the substantive differences of female-female sexuality.

R. Fox does not really take either of these substantive paths. His framing suggests that drawing the lines of *issur* so that *halakha* simply doesn't include two single women marrying each other is a blessed lacuna. This formalist approach ultimately suggests that there is value in being "freed" from having to interface with *halakha*. It hardly feels like a robust approach to a life of engaging with and living out a religious vision rooted in *halakha*.

### **Response: Alternative Framing**

As an alternative framing, I would bring to the surface aspects of the *halakhic* texts quoted that could center the subjecthood of lesbian women seeking how Torah and *halakha* speak to their experience and choices around sexuality, marriage, and family.

To what extent do these sources take female sexuality seriously as a legitimate desire that should have an *halakhically* valid outlet for expression and simultaneously needs to be constrained and channeled through religious piety, just as is the case in heterosexuality? If we conclude that the *halakhic* interpretation with the most integrity does not define female-female sexuality in monogamous marriage as *pritzut* but rather as the proper outlet for sexuality for these individuals, then we must also be able to clearly define what *pritzut* is. Taking lesbian women seriously as *halakhic* actors involves both of these steps, not just the stance of "discovering a *kula* (leniency)" by showing that the prohibition of *mesolelet* doesn't apply to them. Being "freed" from a prohibition in a way that also robs them of a canon that speaks to their experience is not particularly religiously meaningful.

It does a disservice to *halakha* and to religious people's experience to approach the material and analysis R. Fox brings to the table merely as the discovery of a *kula* (leniency) that establishes freedom from an *halakhic* stricture such that *halakha* has no more to say about female-female sexuality. The content surfaced through his analysis

brings to our attention many fundamental aspects about the nature of sexuality and partnership that can be a source of learning for all Jews. When is sexual behavior *pritzut* and when is it *tzniut*? What kinds of sexual relationships are a *toevah* and why? What *halakhic* sources speak to the importance for everyone to have the option to pursue meaningful sexual intimacy and raise children in the context of a partnership that is conducive to happiness?

As an example of centering the importance of a woman's sexual fulfillment, the teshuvah of R. Chaim Dovid Yosef Weiss (p.59-60) is really the first source R. Fox brings where a woman poses a *halakhic* question about her experience of sexuality, as her husband is sexually neglecting her and the mitzvah of *onah*. R. Fox focuses on the technical way in which R. Weiss treats the status of the prohibition of *mesolelet* but says very little about the significance of the fact that this source centers female subjectivity in the *halakhic* canon. As one bullet point on a list, R. Fox notes that R. Weiss "understands the need for sexual fulfillment to be significant within the *halakhic* process," but R. Fox does not linger on this point more fully. For a lesbian woman wondering about *halakhic* contours for expressing sexuality, this is a significant moment. Instead of a religious pathway coming from being absent in the text (the Gemara never imagined two women getting married), the religious pathway comes from being seen in the text (R. Weiss acknowledges the *halakhic* importance of sexual satisfaction for women and that this might be fulfilled with another woman).

Along these lines, I would center a more holistic *halakhic* approach by asking the following questions that center a lesbian woman's experience and perspective: What sources in *halakha* address the importance that women be able to enter into marriage that is conducive to happiness and to creating the context for a positive relationship to Torah, *mitzvot*, and Hashem? Can we reinterpret and move beyond language that is centered around the male imperative to marry and have children so as to clarify how these imperatives apply to women? What language do we find about the importance for individuals to have/raise Jewish children in a context that will be embedded in love and care rather than deceit and frustration (which can arise if someone not attracted to a man thinks their only option is heterosexual marriage)?

These questions could frame an approach to many of the sources R. Fox brings that is more holistic than the narrow question of the status of the *issur* of *mesolelet*. But these questions may also require drawing upon sources with a less narrow lens, expanding the scope of research beyond sources that deal directly with the prohibition of *mesolelet*.

As one example of a first-person attempt where someone who identifies as lesbian and *halakhically* observant shares her quest through a number of *halakhic* sources (including many that R. Fox brings) it is worthwhile to consider [the essay by Ziva Ofek on the website of Bat Kol](#), an Israeli organization for lesbian women who are also *halakhically* observant. Ofek spends a significant part of her discussion on the importance of partnership, including sources that explicitly address the importance of partnership for a woman and not just for a man (as is presumed in most *halakhic* discourse and codified in the Shulchan Aruch Even ha-Ezer 1:1).

R. Fox brings some sources that relate to this more expansive lens, for example drawing on the discussion of artificial insemination for a single woman, but does not fully bring this to bear on larger questions about the *halakhic* importance that all women have an outlet to have children. Some of the sources related to artificial insemination intersect with questions relevant to same-sex marriage for women, as both relate to the issue of *halakhic* pathways to have children for someone for whom heterosexual marriage is not an option. What is the *halakhic* value of a woman having children: is it a mitzvah or is it entirely *reshut* (optional)? What language do *halakhic* sources offer about the importance of partnership for raising children or the importance of the emotional wellbeing of a parent? *Halakhic* discussion about single women having children might be aligned with, but might be in tension with, the *halakhic* framing of two women marrying to raise a family. By leaning into the substantive issues underlying these various questions, we should learn more about the nature of *halakha* and bodily autonomy, and the multiplicity of *halakhic* pathways to create family.

As an example of how to approach these sources for a more substantive and less technical treatment of the prohibition of *mesolelet*, one could build upon R. Fox's analysis of the root ללו so as to more clearly develop the nature of sexual activity that is considered *halakhically* problematic. R. Fox brings a plethora of definitions and explanations of the term, but he does not fully explore what is at stake in various definitions. This leaves the reader with a sense of uncertainty as to what is gained from all the definitions. As a reader, I would even say that, without that clarity of purpose and framing, there is a danger for this kind of collection of sources to feel a bit voyeuristic or even like an act of *pritzut* in and of itself. Without a clear sense of purpose as to what we are looking for that has important *halakhic* significance, it feels like a violation of privacy to be so closely engaging with and picturing the mechanics of female-female sex acts. The discomfort is amplified by virtue of the fact that this is a discussion by a man based on texts authored by male *poskim* from across the centuries about women's sexual behaviors. One is left to wonder if part of the

existence of this material defining female-female sexuality over the centuries has served as a site for male fantasy. I do not at all suggest that this is an intended purpose, but it can be an effect of the style of listing so many definitions without a clear goal of what is to be gained from these definitions.

I would suggest that this array of definitions of *mesolelet* could more effectively be aimed at trying to understand what exactly may be considered *halakhically* problematic about this behavior, particularly along the lines of objectification. R. Fox brings Midrash Sechel Tov, which explains *mesolelet* as “rubbing up against a wall,” (p.23) and he notes an intertext in Mishnah Bava Kamma 4:6 that deals with an ox rubbing up against a wall (p.23 n20). Yet, he does not make any reference to the way in which this intertext very explicitly introduces objectification, which may point to a valence of *mesolelet* that is about using another person as an object for one’s own sexual gratification. In light of this objectifying intertext, one might interpret the accusation of how Pharaoh treats Israel (עורך מסתולל בעמי) as essentially “playing” with Israel – or, to be more graphic, Pharaoh using Israel as an object for a kind of political “masturbation,” using Israel as an object for his own gratification. Once we see this valence in the meaning of *mesolelet*, it makes sense to differentiate the woman who is a *mesolelet* using her young male child as another example of objectification, that is, using someone else across a power divide for one’s own gratification. Even if this technically may not disqualify her vis-a-vis the *kehuna*, it should certainly still be considered *halakhically* problematic as *pritzut*. One problematic aspect of *pritzut* might then be understood as using someone else as an object for sexual gratification, especially across power differentials. In this vein, we could sharpen the problem of women who are already married to men and are *mesolelot* with each other as not only an act of marital betrayal against their husbands and/or “excessive” libido but also as a problem of objectifying someone else for sexual gratification outside of a clear context of a committed relationship. This meaning of *pritzut* could help sharpen our understanding of a dimension that can be problematic in any sexual encounter, not limited to the case of two women and *mesolelot*.

## CONCLUSION

In some ways, the most important work R. Fox does in this essay is to overcome a first hurdle for more holistic *halakhic* engagement about two women marrying by limiting concerns about the *issur* of *mesolelot*. He points us in the direction of needing to clarify the substantive issues that may stand behind the many sources that have defined certain expressions of female-female sexuality as *pritzut*. Yet, ultimately, I would

suggest that the stance isn't about looking at something "problematic" *halakhically* and trying to figure out how to minimize the "problem." A "minimize the problem" stance assumes that it would be much better not to have to address the problem at all. But it is hardly dignifying for someone to have to view their sexual expression, partnership, and family as *bedieved* -- essentially a problem, no matter how big or small.

Once R. Fox has engaged in *halakhic* "damage control," correcting for what he sees as misconceptions of the force and nature of the *issur* of *mesolelet* that have led to much harm and frustration, it may be more possible to open the floodgates of a rich exploration of how female-female sexuality contributes to our larger understanding of sexuality and partnership in *halakha*. That next stage would lead with the following questions:

To what extent do the people asking questions about female-female sexuality based in their own lives feel seen by *halakhic* analyses? Is there language in the sources – and/or in the discussion of the sources – that feels like it understands their experiences, feelings, and real questions? Do they themselves feel they can step into this conversation, cast their own gaze onto the *halakhic* sources, and find deeper meaning in Torah and in their lives based on this encounter? Are they part of an approach to *halakha* that is accountable to defining what ARE considered substantive contours of sexual violation – *maaseh Eretz Mitzrayim* and *pritzut* – even as their own marriage may not fall within those understandings?

Finally, one critical question in imagining two single women entering into *halakhic* marriage is the following: Is it possible to go from a stance of "problem" and *pritzut* to something that is actually a blessing? In this vein, there is a powerful midrash about Sarah Immenu nursing in public so as to make known the divine miracle of giving birth to Yitzhak in her old age. The midrash explains that she was hesitant to violate a *pritzut* norm (indeed, nursing in public is one example R. Fox mentions that has been defined as *pritzut* in earlier sources, Gittin 89a, p.65). The midrash has Avraham reassure her that this is not the time to be "modest." Doing an action that she thinks of as *pritzut* is actually the way to sanctify God's name in this moment:

...והיה אבינו אברהם או' לשרה, שרה אין זו שעה של הצניע, קדשי שמו של הקדוש ברוך הוא  
ושבי בשוק והניקי בניהם... (פסיקתא דרב כהנא (מנדלבוים) פסקא כב - שוש אשיש)

...Avraham Avinu said to Sarah: Sarah this is not the time for modesty! Sanctify the Holy Blessed One's name and sit in the marketplace and nurse their children!..(Pesikta de-Rav Kahana Piska 22 Sos A-sis)

The Aggadic genre of this story may not be immediately applicable to *halakhic psak*, and the case of nursing in public is arguably very different from female-female sexuality – even though both are technically defined as *pritzut*. Nonetheless, this midrash speaks to the tentativeness that can arise around a behavior one has been taught to think is *pritzut* and how failure to understand the reality of the moment might mean that one misses out on *kiddush Hashem*. When I see a reality of *frum* women living in partnership and building homes and families dedicated to Torah and *mitzvot*, these words of Avraham resonate strongly: now is not the time to “be modest” and assume that the most pious pathway is to suppress a behavior that people have construed as *pritzut*. If we can see clearly and are not stuck in misconceptions about the nature of *pritzut*, we are poised to create the possibility for a *kiddush Hashem*. A *posek* -- like Avraham Avinu -- can be in the position of encouraging someone to see past their fears and anxieties so as to live out a life that is a *kiddush Hashem*.

There is a delicate dance between the role of a *posek* as ally who helps establish trust in the *halakhic* system and the role of a person who has a particular identity getting to be in the driver's seat as the full subject who sifts through *halakha* seeing what they find resonant for themselves. Sometimes people with a marginal identity need someone else who feels more comfortable and with expertise inside *halakhic* material to get into the trenches and do the interpretive work so that they can trust that it is possible to engage *halakha* at all. But there are also limits to what an external view can bring to the table. Some of the most creative work about female-female sexuality in *halakha* will likely emerge as women who are attracted to women do their own meaning-making and trace the pathways that feel most accountable to *halakha* and to their lives. For this work to continue to unfold, R. Fox in his life's work offers an invaluable contribution as someone who teaches *halakha* to women towards *semikha*. In ongoing *havruta*, may their *beit midrash* continue to be fertile ground for ripening *chiddushim* related to gender and sexuality in addition to many other areas of *halakha*.