

Maimonides's Rationalization of the Incest Taboo, Its Reception in Thirteenth-Century Kabbalah, and Their Affinity to Aquinas*

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■ Abstract

This article discusses Maimonides's rationale for the incest taboo and traces its reception in Christian and kabbalistic traditions in the thirteenth century. Tracing the reception of Maimonides's view enables recognition of the resemblance between Maimonides and Aquinas, the ambivalent stance toward Maimonides's explanation expressed by Nahmanides, and the incorporation of Maimonides's reasoning in one of the most systematic and enigmatic works of kabbalistic rationalization of the commandments, the Castilian Kabbalist Joseph of Hamadan's *The Book of the Rationales of the Negative Commandments*. R. Joseph's acceptance of Maimonidean principles and his integration of them in the theurgic Kabbalah reveal a conflict in the heart of its system and teach us about an important aspect of the theory of sexuality in Kabbalah. The inquiry offered here examines the inter-relations between divergent medieval religious trends in constructing the role of sexuality. Instead of the common presentation of Kabbalah as diverging from the ascetic positions

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of Jewish philosophy and Christianity, this analysis will elucidate Kabbalah's continuity with them.

■ Keywords

incest, taboo, Kabbalah, Maimonides, Thomas Aquinas, sexuality, rationales of the commandments, asceticism

■ Introduction

The taboo against incest is not only a prerequisite for culture, and, in a sense, "culture" itself,¹ it is also a gateway to religion.² Through a study of rationales for the existence of incest prohibitions, which have been established across the generations, it becomes clear that incest rules represent the sanctity of law and the marking of the boundaries between the divine and the mundane, holiness and impurity, and the elevated and the degraded. Therefore, an analysis of the justifications for this most basic taboo can reveal the deep structures of theological systems and the building blocks of the legal system that the taboo represents. More

¹ Claude Lévi-Strauss, *The Elementary Structures of Kinship* (ed. Rodney Needham; trans. James Harle Bell and John Richard von Strumer; Boston: Beacon, 1967) 12. For an analysis of the role of kinship and the incest taboo in culture through a philosophical discussion of Hegel, Lévi-Strauss, and others, see Judith Butler, *Antigone's Claim: Kinship between Life and Death* (New York: Columbia University Press, 2000) 1–25. See, more recently, the discussion of the importance of the separation, on the one hand, and the dialogue, on the other, between the study of "incest" in culture and research concerning "inbreeding avoidance" among animals: Alan H. Bittles, "Genetic Aspects of Inbreeding and Incest," in *Inbreeding, Incest, and the Incest Taboo: The State of Knowledge at the Turn of the Century* (ed. Arthur P. Wolf and William H. Durham; Stanford: Stanford University Press, 2005) 38–60. His essay is part of an entire volume dealing with the criticism of the incest theories advanced by Frazier, Lévi-Strauss, and Freud, showing a preference for the theories of Westermarck. See Wolf's introduction to *Inbreeding, Incest, and the Incest Taboo*, 1–23. See also, for example, the emphasis on cultural relativity, which tries to exclude biological claims from the discussion, in Dorothy Willner, "Definition and Violation: Incest and the Incest Taboos," *Man*, n.s., 18 (1983) 134–59. See also another survey of the dominant positions vis-à-vis the incest taboo in anthropological, feminist, cultural, and psychological discourse, in Anna Meigs and Kathleen Barlow, "Beyond the Taboo: Imagining Incest," *American Anthropologist* 104 (2002) 38–49. Julia Kristeva, through reconstructing the term taboo as abjection, sees it as a safeguard of meaning and defined it as "The primers of my culture": see *Powers of Horror: An Essay on Abjection* (trans. Leon S. Roudiez; New York: Columbia University Press, 1982) 2.

² I follow Durkheim's unique approach to the incest taboo and laws of exogamy; he saw them as rooted in and derived from religious systems, not as purely biological or psychological. Indeed, in contrast to his predecessors, such as Morgan and others, who explained that the reason for the incest taboo is connected to the preservation of the human race and the prevention of congenital defects, he claimed that the basis and explanation of the taboo lies in the religious plane. See Émile Durkheim, *Incest: The Nature and Origin of the Taboo* (trans. Edward Sagarin; New York: L. Stuart, 1963) part 3, 54–67. For the uniqueness of Durkheim and his contribution to the understanding of taboo as a religious system, see the postscript by Albert Ellis, "The Origins and the Development of the Incest Taboo," in *ibid.*, 132–34. For a different analysis of the taboos related to reproduction as rooted in the religious sphere, see George Bataille, *Death and Sensuality: A Study of Eroticism and the Taboo* (New York: Walker, 1962) 49–54.

generally, considering taboos as a separate category requiring independent analysis provides a methodological starting point for this article. Although the study of religious ritual raises awareness of the gap between medieval philosophy, Christian theology, and Jewish Kabbalah, an analysis of taboo—constructed as negative prohibitions—reveals common characteristics in these religious systems that are veiled when analysis focuses on the positive commandments alone. Additionally, notwithstanding the many studies of sexuality in the Middle Ages,³ there are only a few that offer comparative textual readings of Jewish and Christian texts and that trace the philological connections between these different compositions. This inquiry provides a means for an examination of the interrelations between divergent medieval religious trends in the ways they constructed the role of sexuality.

Jewish writers and Christian theologians both recognized and struggled with the gap between the narratives about the amorous relationships of the biblical patriarchs and the laws of kinship and incest taboos in Leviticus and subsequent religious law.⁴ Augustine dealt with this question and offered a rationale for the incest taboo, which had a decisive influence on later Christian theologians. He assumed that the repulsion about incest developed over generations and should be seen as a blessed cultural-religious development, but not as natural. For Augustine, the central reason for an incest taboo was to encourage exogamy and expand friendly relations in human society, in addition to bringing about the natural feeling of shame that developed through legal traditions.⁵ In contrast with Augustine, who justified the incest taboo on social grounds as a way to strengthen friendship through exogamy

³ On the relation to sexuality within marriage in Europe during the 13th and 14th centuries, see James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987) 447–53. On the different stances with regard to the basis of the original sin in sexuality and the negation of the sexual urge in this period, see *ibid.*, 420–30. For a discussion of the Christian context, in which sexual sins were a central concern of 13th cent. confessional literature, see Pierre J. Payer, *Sex and the New Medieval Literature of Confession* (Toronto: Pontifical Institute of Mediaeval Studies, 2009) 3–4, 197–99. On the interest in proper sexuality, particularly regarding the purity of married life in the Iberian Peninsula, and even in Muslim society, which scholars tend to perceive as more permissive, see Manuela Marin, “Marriage and Sexuality in Al-Andalus,” in *Marriage and Sexuality in Medieval and Early Modern Iberia* (ed. Eukena Lanz; Florence: Taylor & Francis, 2016) 3–20. For a short survey of the earlier roots of the rejection of sexuality in Christianity and the claim that this is rooted in Hellenistic attitudes rather than Jewish culture, see Vern L. Bullough and Bonnie Bullough, *Sin, Sickness, and Sanity: A History of Sexual Attitudes* (New York: Garland, 1977).

⁴ For a theoretical discussion of the meaning of law and the tensions between *nomos* and narrative, which are expressed in relation to the law of primogenitor in the Bible, see Robert Cover, “Nomos and Narrative,” in *Narrative, Violence and the Law: The Essays of Robert Cover* (ed. Martha Minow, Michael Ryan, and Austin Sarat; Ann Arbor: University of Michigan Press, 1993) 95–172, at 115–20. For an up-to-date discussion of the complementary nature of the biblical narratives and the laws of Leviticus, see Johanna Stiebert, *First-Degree Incest and the Hebrew Bible: Sex in the Family* (London: Bloomsbury T&T Clark, 2016).

⁵ Augustine, *De civitate Dei libri* (ed. B. Dombart and A. Kalb; 2 vols; 4th ed.; Leipzig: Teubner, 1928–1929) XV, XVI.

rules, Maimonides added a religious meaning to this taboo, which I will discuss below.

Augustine's approach decisively influenced canon law in the late Middle Ages. Gratian was already quoting and discussing it in his codification in the twelfth century.⁶ Levi ben Avraham, who flourished in Provence in the thirteenth century, discusses a Jewish parallel to the theory of friendship, whose formulation is very close to Augustine's reasoning. He stated: "There is another possible rationale of the laws against incest, which is that the human species can only be perfected through political groupings and the group is completed through love."⁷ Just as the influence of Augustine—as opposed to Maimonides—on Levi ben Avraham has escaped the attention of scholars, so also have scholars overlooked clear traces of Maimonides's justification of the incest laws in Aquinas's remarks on incest.

In this article, I will trace Maimonides's position on incest prohibitions as a repression of the sexual impulse. I will demonstrate how his position was accepted by various traditions in the thirteenth century, including Christian theology, Jewish philosophy, classic Jewish literature, and even Kabbalah. I will start by presenting Maimonides's two rationales for incest: the first, on the disgrace of sexuality; and the second, that incest is understood as contradicting the shame required toward parents. Then, I will delineate the resemblance of Aquinas's reasoning to Maimonides's rationales and the way Maimonides's arguments fit into Aquinas's theological framework. After presenting these affinities, I will continue by tracing the reception of Maimonides's rationales for incest in the Spanish Kabbalah. I will argue that although it is not obvious that kabbalists would appropriate Maimonides's rationales for the commandments—since the Maimonidean approach to sexuality as disgusting and degraded presumably stands in tension with the concept of the holiness of corporeal union that has been emphasized in most of Kabbalah scholarship—they did indeed do so.

I will first analyze the reception of these rationales in Nahmanides's *Commentary to the Torah* and then their elaboration in the work of R. Joseph of Hamadan, one of the "radical" proponents of Castilian Kabbalah who flourished at the end of the thirteenth century. This kabbalist described the divinity in a way that fundamentally diverged from Maimonides's doctrine of negative divine attributes: R. Joseph described the world of the *sefirot* anthropomorphically, with images of eating, drinking, procreation, urination and defecation, and with descriptions

⁶ *Decretum magistri gratiani: Corpus iuris canonici* (ed. Emil Friedberg; vol. 1 of *Corpus iuris canonici*; Leipzig: Bernhard Tauchnitz, 1879) 1: Pars Secunda, C. 35 q. 1. For a survey of the medieval reception of Augustine's concept of incest, see Elizabeth Archibald, *Incest and the Medieval Imagination* (Oxford: Oxford University Press, 2001) 24–26.

⁷ Levi ben Avraham, *Livyat Hen: The Quality of Prophecy and the Secrets of the Torah* (ed. Howard T. Kreisel; Be'er Sheva: Ben Gurion University in the Negev, 2007) 407 (Hebrew). See also Ms. Parma de Rossi 2904, 99a. This quote is discussed without mention of its Christian context in Moshe Idel, "The Kabbalistic Interpretation of the Secret of 'Arayyot in Early Kabbalah,'" *Kabbalah: Journal for the Study of Jewish Mystical Texts* 12 (2004) 89–199, at 99 (Hebrew).

of pubic hairs.⁸ As we will see, as opposed to the reception of Maimonides's rationales in Aquinas's theology, where they fit his religious ideal, the acceptance of Maimonidean principles and their integration in the theurgic Kabbalah teaches us about an important aspect of the theory of sexuality in Kabbalah, which roots it in its historical context.⁹

The reception of Maimonides's rationales for the commandments in thirteenth-century Jewish and Christian thought sheds new light on the question of the similarities between these traditions.

■ Disgrace: Diminishing Sexuality as the First Rationale for the Incest Taboo

Maimonides argued that the prohibition against incest was a way of diminishing the natural sexual desires, and he gave an educational-psychological explanation for the commandment as limiting the possibility of sexual relations with female relatives. The declaration of the degradation of intercourse fits with philosophical formulations whose origins are in Hellenistic antiquity, and which also developed in Christianity.¹⁰ Together with Maimonides's famous statement, following Aristotle, about the pleasures of eating, drinking, and sexual intercourse, which, since they are all connected to the sense of touch, are "a disgrace to us,"¹¹ we can compare the

⁸ Yehuda Liebes compared the Zohar and R. Joseph, describing R. Joseph's Kabbalah as more graphic and extreme than the *Idrot* literature, which emphasizes the divine faces; see Yehuda Liebes, "How the Zohar was Written," in *Studies in the Zohar* (trans. Arnold Schwartz, Stephanie Nakache, and Penina Peli; Albany: SUNY Press, 1993) 85–138, at 103–10. Moshe Idel also emphasized that R. Joseph's Kabbalah is particularly anthropomorphic and demonstrated that his isomorphic and iconic conception of the Torah points formally to the limbs of God as the supernal anthropoid. See Moshe Idel, *Absorbing Perfections: Kabbalah and Interpretation* (New Haven: Yale University Press, 2002) 70–74; idem, *Enchanted Chains: Techniques and Rituals in Jewish Mysticism* (Los Angeles: Cherub Press, 2005) 132–41. For a description of the letters of the Torah as the limbs of the Divine Chariot, see Joseph de Hamadan, *Fragment d'un commentaire sur la Genèse* (ed. and trans. Charles Mopsik; Lagrasse: Verdier, 1998) 22–23.

⁹ The tensions that will be presented here accord with the nuanced reading of the friction between asceticism and the divine union offered by Elliot Wolfson. See, for example, Elliot R. Wolfson, "Ascetism, Mysticism, and Messianism: A Reappraisal of Schechter's Portrait of Sixteenth-Century Safed," *JQR* 106 (2016) 165–77; idem, *Language, Eros, Being: Kabbalistic Hermeneutics and Poetic Imagination* (New York: Fordham University Press, 2005) 296–332.

¹⁰ For the subordination of marriage to procreation in rabbinic texts and their Greco-Roman context, see Jeremy Cohen, *Be Fertile and Increase, Fill the Earth and Master It: The Ancient and Medieval Career of a Biblical Text* (Ithaca: Cornell University Press, 1989) 139–40. There, he also quotes Philo's justification of marriage, which negates pleasure and subordinates it to procreation. Cohen limits these attitudes and emphasizes that in halakah, as in Kabbalah, marriage has an additional value besides bringing forth offspring. For his discussion of the value of marriage and procreation in Kabbalah, see *ibid.*, 196–220.

¹¹ Moses Maimonides, *The Guide of the Perplexed* (trans. Shlomo Pines; 2 vols.; Chicago: University of Chicago Press, 1963) 2.36, 371 and 3.49, 608. All translations are from this edition. For a discussion of this statement, see Josef Stern, *The Matter and Form of Maimonides' Guide* (Cambridge: Harvard University Press, 2013) 334. For a full analysis of the problem of physical matter and its limitation on the intellect, see *ibid.*, 97–131.

neo-Pythagorean statement, “The sexual organs were not given to man for pleasure but for the preservation of the human race.”¹² Sexuality is a means of procreation, and nothing else. Accordingly, the incest prohibitions were considered ethical-behavioral tools that were meant to limit the repulsive sexual urges,¹³ according to the approach that holds that the body has no inherent value except when it is seeking another appropriate end, such as procreation or the preservation of psychological or physical health.¹⁴ In order to analyze the influence of Maimonides, here I quote

¹² Quoted in the name of Ocellus Lucanus, *Of the Nature of the Universe*, in *Sin and Fear: The Emergence of a Western Guilt Culture, 13th–19th Centuries* (ed. Jean Deluneau; trans. Eric Nicholson; New York: St. Martin’s Press, 1990) 215. Compare with the older translation in Ocellus Lucanus, *On the Nature of the Universe* (trans. Thomas Taylor; London: 1831) ch. 4, 22.

¹³ For sources concerning the ambivalence toward sexuality in the Talmud, see Yishai Kiel, *Sexuality in the Babylonian Talmud: Christian and Sasanian Contexts in Late Antiquity* (New York: Cambridge University Press, 2016) 31–74. He presents an alternative to Daniel Boyarin’s presentation of the rabbinic position as a positive stance toward sexuality and the body. For Boyarin’s position, which distinguishes between the earlier Palestinian talmudic discourse that saw sexuality as a “troubling” necessity of existence and the positive Babylonian attitude to sexuality, see *Carnal Israel* (Berkeley: University of California Press, 1993) 47–57; and for his discussion of the two positions with regard to the “evil impulse” and the positivity of desire in rabbinic literature, see *ibid.*, 64–67. The disgust at excessive sexual desire and the violence of pleasure brought Plato, in *Resp.* 403b–c, to limit the ideal love relationships between lover and beloved to the closeness between father and son; see J. Adam, *The Republic of Plato* (2 vols.; Cambridge: Cambridge University Press, 1902) 1:169–70. Aristotle understood his words as granting legitimacy to erotic love between father and son and others, and commented on Socrates’s “strange” attitude to physical relations; he rejected them only on the basis of the “violence” of the pleasure, yet did not see a danger in relationships between father and son and between other relatives. See Aristotle, *Pol.* 2.4, in *The Complete Works of Aristotle: The Revised Oxford Translation* (ed. Jonathan Barnes; 2 vols; Princeton: Princeton University Press, 1984) 2:2003. For a short discussion of the tension between them as regards incest, see Juha Sihvola, “Aristotle on Sex and Love,” in *The Sleep of Reason: Erotic Experience and Sexual Ethics in Ancient Greece and Rome* (ed. Martha C. Nussbaum and Juha Sihvola; Chicago: University of Chicago Press, 2002) 200–221, at 215–16.

¹⁴ On this Maimonidean position, which was antithetical to the Zoharic positions, see Joel Hecker, *Mystical Bodies, Mystical Meals: Eating and Embodiment in Medieval Kabbalah* (Raphael Patai Series in Jewish Folklore and Anthropology; Detroit: Wayne State University Press, 2005) 52–56. Although Hecker emphasized the monistic position vis-à-vis the body and soul in the Zohar, he also stressed the ambivalence about them in the Zohar and the writings of Moses De León; see *ibid.*, 80–81. For a survey of the different attitudes toward the body in the introduction, see *ibid.*, 8–10. In his composition *On Sexual Intercourse*, Maimonides provided methods to stimulate sexual desire and male potency for those readers interested in increasing intercourse, without referencing his philosophical attitudes to the topic, perhaps because he had been invited to do so by a Muslim vizier. For an introduction, explanation, and treatment of the Muslim and Galenian sources of Maimonides’s medical doctrines as contained in this treatise, and an English translation, see Moses Maimonides, *Maimonides “On Sexual Intercourse”: Fi ‘L-Jima* (trans. and ed. Morris Gorlin; Brooklyn: Rambash, 1961). See also the short text attributed to Maimonides that deals with healthy sexual conduct: Mordechai L. Wilensky, “Health Conduct in Intercourse Taken from Rabbi Moshe Maimon,” *PAAJR* 56 (1990) 101–10. There, the conduct is more temperate and addresses the tension with the philosophical statement that “anyone who is overly involved in intercourse, his days are short and his years are few” (*ibid.*, 109). See also Maimonides’s statement, “Even though there is great benefit to intercourse, for it cleans the whole body and reduces its humidity and gladdens the spirit, and distracts from the worry in a man’s heart, this is only if one does not overly [indulge in]

at length from the rationale for the incest prohibitions that appears in his *Guide of the Perplexed* 3.49:

As for the prohibitions against *illicit unions*, all of them are directed to making sexual intercourse (*nkkah*)¹⁵ rarer and to instilling disgust for it so that it should be sought only very seldom. The reason for the prohibition against *homosexuality* and against intercourse with *beasts* is very clear. For if the thing that is natural should be abhorred except for necessity, all the more should deviations from the natural way and the quest for pleasure alone be eschewed. All *illicit unions* with females have one thing in common: namely, that in the majority of cases these females are constantly in the company of the male in his house and that they are easy of access for him and can be easily controlled by him—there being no difficulty in making them come into his presence; and no judge could blame the male for their being with him. Consequently if the status of the women with whom *union* is *illicit* were that of any *unmarried woman*, I mean to say that if it were possible to marry them and that the prohibition with regard to them were only due to their not being the man's wives, most people would have constantly succumbed and fornicated with them. However, as it is absolutely forbidden to have intercourse with them, the strongest deterrents making us (*rd'ana*) avoid this—I mean by this a sentence of *death by order of a court of law* and the threat of *being cut off*—so that there is no way to have intercourse with these women, men are safe from seeking to approach them and their thoughts are turned away from them. It is very clear that relations are easy with all women included in the prohibitions concerning *illicit unions*. For it is very general that if a man has a wife, her mother, her grandmother, her daughter, her granddaughter, and her sister will be in his house most of the time, so that the husband will constantly meet them whenever he enters, goes out, and is engaged upon his business. A wife also is often in contact with her husband's brother, his father, and his son. It is likewise manifest that in most cases a man is often in the company of his sisters, maternal and paternal aunts, and the wife of his paternal uncle, and is brought up together with them. Now these are the women with whom *union* is *illicit* because of their being *relatives*. Consider this, this being one of the reasons why intercourse with *relatives* is prohibited.¹⁶

Maimonides's assumption that there is a natural erotic relationship between relatives led him to explain the prohibition against incest as a prohibition that was intended to limit sexuality. This also shaped his concept of the incest prohibitions as revealed

it" (ibid.). This statement implies that intercourse is medically beneficial, which is consistent with Maimonides's utilitarian approach, albeit without reference to the purpose of the perfect man, as in the *Guide* 3.33, 532–34. In neither of the introductions to these treatises did I find a discussion of the difference between Maimonides's approach to intercourse in the *Guide* and in his medical writings. This issue is beyond the scope of the present paper but presumably the difference stems from the divergent audiences—the medical writings were intended for the masses, including the Muslim community, while the *Guide* was intended for individuals.

¹⁵ The Judeo-Arabic follows Moses Maimonides, *Dalālat al-Hā'irīn* (ed. Salomon Munk; Paris: n.p., 1856–1866) 445.

¹⁶ Maimonides, *Guide*, 3.49, 606.

laws and not as “rational law.”¹⁷ Furthermore, his rationale for this law was that it reduced sexual desire to the minimum possible, since corporal pleasure is “bestial” and conflicted with his notion of “humanity” as rational.¹⁸

In addition to this explicit rationale, there is another place in the *Guide* where Maimonides posited the minimization of the sexual urge as one of fourteen principles underlying the rationales for the commandments in the Torah. Thus, in *Guide* 3.35, where he considers these fourteen principles, the final principle explains the rationale for the sexual and incest prohibitions: “The fourteenth class comprises the *commandments* concerned with the prohibition of certain sexual unions. . . . The purpose of this too is to bring about a decrease of sexual intercourse and to diminish the desire for mating as far as possible, so that it should not be taken as an end, as is done by the ignorant.”¹⁹ Maimonides’s assumption that lusting after relatives was natural had a philosophical source and accords with Augustine’s approach,²⁰ but Maimonides’s formulation is original.²¹ His rationale is similar to that of Abraham Ibn Ezra, as stated in the

¹⁷ The concept of incest also appears as a category of revealed—and not rationally derived—law in Maimonides, *Eight Chapters*, ch. 6, in *Ethical Writings of Maimonides* (ed. Raymond L. Weiss and Charles E. Butterworth; New York: Dover, 1975) 78–80. For this assumption by Maimonides, opposed to the rabbinic view of incest as “rational law,” and which may be part of the context of Freud’s perception of incest as “natural,” which he claimed opposes the rabbinic view of the incest prohibitions as rational rules reflecting natural law, see David Bakan, “Freud, Maimonides, and Incest,” in *Religion and Psychoanalysis: Reading in Contemporary Theory* (ed. Janet Liebman Jacobs and Donald Capps; Boulder, CO: Westview Press, 1997) 23–27, at 25–27. For more on the similarity between the positions of Freud and Maimonides, see Jerome Eckstein, “The Incest Taboo: Maimonides, Freud and Reik,” *Psychoanalysis* 5 (1957) 3–15. However, a more complex understanding of the rabbinic position regarding incest as a natural law rather than particular and culturally dependent is proposed by Kiel, who suggested that the Zoroastrian context of the Babylonian Talmud led to the development of an attitude of tolerance toward incest among gentiles, as opposed to the Greco-Roman context of the Palestinian Talmud, which led to the inclusion of the incest prohibitions of Leviticus in the seven Noahide laws in an inclusive manner; see Yishai Kiel, “Noahide Law and the Inclusiveness of Sexual Ethics: Between Roman Palestine and Sasanian Babylonia,” *JLA* 21 (2015) 59–109 (reprinted in Kiel, *Sexuality*, 182–211).

¹⁸ See Maimonides, *Guide* 2.36, 371; 3.8, 432. For a discussion of Maimonides’s ascetic approach to pleasure, see Moshe Sokol, “Attitudes toward Pleasure in Jewish Thought: A Typological Proposal,” in Moshe Sokol, *Judaism Examined: Essays in Jewish Philosophy and Ethics* (New York: Touro College Press, 2013) 87–88. For Maimonides’s different attitude toward pleasure in *Mishneh Torah* and the criticism it evoked in the *Holy Letter*, see *ibid.*, 96–100.

¹⁹ Maimonides, *Guide* 3.35, 537–538. For a discussion of the commandment of circumcision as intended to decrease the sexual urge (which contradicts the Maimonidean religious ideal of intellectual perfection), and which is similar to the incest taboo and different from other commandments that received two—and not just one—rationales, see Josef Stern, *Problems and Parables of Law: Maimonides and Nahmanides on Reasons for the Commandments (Ta’amei Ha-Mitzvot)* (Albany: SUNY Press, 1998) 87–107.

²⁰ Aristotle, *Pol.* 2.4, 2003.

²¹ At the same time, R. Joseph Bekhor Shor suggested a similar rationale in his commentary on Lev 18:6: “That if a man was permitted [to have relations] with his female relatives, since they are found together, they would multiply licentiousness,” but it is unclear whether either knew of the other’s commentary. On the possibility of a connection between them regarding the rationales

latter's commentary on Lev 18:6, the verse that prohibits relations with relatives, as Nahmanides already noted in his commentary on this verse.²² Ibn Ezra writes:

Since the heart and impulse of a man is like animals, it is not plausible to forbid all the females, and behold [God] forbade all those [women] who are found with him at all times. And in the Torah portion of *Ki Teitze Mahaneh* I will reveal a closed and sealed secret to you, and behold all who are redeemed will distance the received name from there, therefore it mentioned that "I am God."²³

To this rationale for the incest prohibitions, which has a circumstantial basis, Maimonides added another: the shame that accompanies the proximity of a "root" and its "branch." It is possible that Maimonides felt the need to give an additional explanation, because of the weakness of the circumstantial explanation, which Nahmanides later pointed out, as I discuss below.

■ Shame: The "Branch" and the "Root" Rationale

The second rationale Maimonides offers for the incest prohibition is that it is forbidden to bring a "root" and its "branch" together; this served as the basis for the development of kabbalistic discourses already in the early Kabbalah, which used the terms "root" and "branch" as signifiers of ontological aspects of the supernal metaphysical system. I will discuss the original idea in Maimonides and then examine its reception in later works:

The second reason derives, in my opinion, from the wish to respect the sentiment of shame (*alhiya*).²⁴ For it would be a most shameless thing if this act could take place between the root (*alazal*)²⁵ and the branch (*alfar 'a*);²⁶ I refer to sexual intercourse with the mother or the daughter. On the ground of the root and the branch, sexual intercourse of one of the two with the other has been forbidden.²⁷

The prohibition against drawing close the root and the branch is meant to establish appropriate intergenerational relationships, where the child is the branch and the root is the parent, i.e., between a father and daughter or a mother and

for the commandments, see Martin Lockshin, "Was Joseph Bekhor Shor a 'Peshat' Exegete?," in *Iggud: Selected Essays in Jewish Studies*, vol. 1, *The Bible and Its World, Rabbinic Literature and Jewish Law, and Jewish Thought* (2005) 161–72, at 171–72 (Hebrew).

²² Concerning the possibility that Ibn Ezra influenced Maimonides on this issue, see Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh Torah)* (New Haven: Yale University Press, 1980) 252 n. 33.

²³ Abraham Ibn Ezra, *Commentary on the Torah* (ed. Asher Weiser; 3 vols.; Jerusalem: Mossad ha-Rav Kook, 1977) 3:54–55, Lev 18:6 (Hebrew).

²⁴ *Dalalat al-Hā'irīn*, 445.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Maimonides, *Guide*, 3.49, 607.

her son.²⁸ This sort of connection is “most shameless” because it destabilizes the appropriate relations between different statuses. The organic metaphor Maimonides used suggests a more natural aversion expected toward parents, and, at first glance, this might seem inconsistent with the first rationale, which highlights the natural attraction and stresses the ethical source of the taboo. Nevertheless, although Maimonides employed the organic idiom, he explained the avoidance ethically and not naturally; the disorder it creates is in the ethical realm, not the biological. Morally, it is shameful for people related by such natural blood relations to copulate, even if they are naturally attracted to each other. This does not indicate that their shame is natural, but rather, that it is required for the proper social order.

Having outlined the two rationales that Maimonides used to explain the incest taboo, and which he tied to the ethical realm, I now move to an analysis of his influence, as received in thirteenth-century literature that considered incest, and the implications of Maimonidean traces on the theological function of sexuality in these writings.

■ Aquinas’s Resemblance to Maimonides’s Rationales

Even though Aquinas explicitly agreed with Augustine and Gratian on the context of incest, and though he did not mention Maimonides, in light of other Maimonidean influences on him and similarities in content and language, it is reasonable to infer that the rationales offered in the *Guide* are echoed in Aquinas’s discussion on the matter.²⁹ Even if this resemblance could be explained as deriving from a different

²⁸ For a discussion of the role of kinship and family friendship as an essential principle in Maimonides’s rationalization of commandments related to sexual restriction, see Don Seeman, “Maimonides and Friendship,” *Jewish Studies Internet Journal at Bar-Ilan University* 13 (2015) 1–36, at 18–21.

²⁹ Avital Wohlman, “From Faith to Faith through Reason: Maimonides and Aquinas,” *Iyyun: The Jerusalem Philosophy Quarterly* 35 (1986) 212–39, at 214 (Hebrew), claimed that “Thomas read the ‘*Guide*’ in depth.” She even cited several places in which Aquinas cites Maimonides’s words verbatim; see *ibid.*, 6. Harvey showed that Aquinas often agrees with Maimonides in his Bible commentary, yet also differs from him: see Warren Zev Harvey, “Maimonides and Aquinas on Interpreting the Bible,” *PAAJR* 55 (1988) 59–99. There, he noted that Aquinas used the anonymous Latin translation *Dux Neutorum seu Dubiorum* (Paris, 1520), which was based on Judah al-Harizi’s Hebrew translation of the *Guide*; see Harvey, “Maimonides and Aquinas,” 59 n. 1. For a description of the genesis of this text from the 13th cent. text until the printed edition in the 16th cent., see Mercedes Rubio, *Aquinas and Maimonides on the Possibility of the Knowledge of God: An Examination of the Quaestio de Attributis* (Dordrecht: Springer, 2006) 266–78. There, she noted that although the original text was based on al-Harizi’s translation, it was then corrected in different manuscripts according to ibn Tibbon’s translation and the Arabic. Thus, the final version of the printed text does not reflect the whole range of variants and the exact text consulted by Aquinas. See also the additional sources relating to Aquinas’s reliance on Maimonides in Harvey, “Maimonides and Aquinas,” 60 n. 3. Harvey provided another example in his *Physics and Metaphysics in Hasdai Crescas* (Leiden: Brill, 1998) 76. For introductory remarks about Aquinas’s interest in Maimonides as part of a wide-ranging study and a complex discussion of Maimonides’s influence on the formation of the negative theology of Aquinas, and for a survey of the studies that treat the relationship between them, see Rubio, *Aquinas and Maimonides*, 3–13.

source, their affinity remains, notwithstanding. Their common attitude toward rationales against incest and the decisive influence Maimonides had on Spanish-Jewish kabbalistic traditions emphasizes the shared ground within these separate traditions, which in many studies have been depicted as opponents. Previous studies have noted the influence of Augustine on Aquinas regarding the incest taboo. I will now demonstrate how Aquinas's reasoning is similar to the arguments Maimonides made.

Aquinas put forward the argument concerning shame as the first rationale for there to be incest prohibitions: "First, because man naturally owes a certain respect to his other blood relations, who are descended in near degree (*de propinquo originem*) from the same parents."³⁰ This argument is very close to Maimonides's rationale about the root and the branch, for "de propinquo originem" (translated less literally as "in near degree") appears to be a translation of "emerged from the same root," both in terms of terminology (*originem* parallels the term *alazal*, which means root, source, origin) and derivation from the proximity between root and branch—that is, between the relationship of the son to his parents and the relationship between those who stem from the same root.

After he presented this rationale, Aquinas offered as proof the words of Valerius Maximus (first century CE) that, in antiquity, it was traditional for a son *not* to bathe with his father, so that they should not see each other naked (not "reveal their nakedness"). Subsequently, Aquinas proceeded to detail explicitly the rationale of shame, which is caused when a man acts incestuously toward his parents, whom he ought to honor: "it is evident that in venereal acts there is a certain shamefulfulness (*turpitude*) inconsistent with respect, wherefore men are ashamed of them (*verecundantur*)."³¹ The terms *turpitude* and *verecundantur* both refer to the shame and disgrace that are in opposition to the honor due to parents—equivalent to the term *alhiya* that Maimonides used and which was given in Latin translation in *Dux neutrorum* as "verecundia magna & improprium."³² Decrying this honor is termed "honorificentiae contraria," and Maimonides saw this as '*atimah jeda* (brazenness, extreme pride).

Aquinas' second rationale could also be an appropriation from Maimonides:

³⁰ Thomas Aquinas, *The Summa Theologica*, Second Part of the Second Part (trans. Fathers of the English Dominican Province; London: Benzinger Brothers, 1921) Q. CLIV, A. 9, 153; *Summa Theologiae*, Secunda Secundae (vol. 10 of *Sancti Thomae Aquinatis Opera omnia*; Rome: Typographie Polyglotta, 1899) Q. CLIV, A. 9, 238: "Primo quidem, quia naturaliter homo debet quandam honorificentiam parentibus, et per consequens aliis consanguineis, qui ex eisdem parentibus de propinquo originem trahunt."

³¹ *Ibid.*: "in actibus venereis maxime consistit quaedam turpitude honorificentiae contraria unde de his homines verecundantur."

³² Rabbi Mossei Aegyptii, *Dux seu Director Dubitantium aut Perplexorum* (Paris, 1520) Lib. III, L, ff. CVII. Al-Harizi translated the two terms as *bošet gedolah ve'azut* in the *Guide* 3.49, translated into Hebrew by Yehuda al-Harizi (Tel Aviv: Ha-Menorah, 1984) 260.

The second reason is because blood relations must needs live in close touch with one another. Wherefore if they were not debarred (*non arcerentur*) from venereal union, opportunities of venereal intercourse (*commixtionis*) would be very frequent and thus men's minds would be enervated by lust.³³

Aquinas's use of the term *arcerentur* is similar to Maimonides's use of *rd'ana*—both mean prevention or distancing³⁴—and through it Aquinas emphasizes the frequent presence of female relatives with whom a man would often transgress sexually (*zanat* in Judeo-arabic, *zenut* in Hebrew, was translated as *incestum* in *Dux neutrorum* and as *commixtione venerea* in Aquinas),³⁵ if the women were not forbidden to him. For both Maimonides and Aquinas, in accordance with the Aristotelian tradition, the goal is to minimize sexual desire, which damages a person's intellectual soul that enables perfection.³⁶

From this inquiry it becomes clear that both of Maimonides's rationales—the one having to do with shame and the one on the fact that the incest prohibitions in Leviticus are meant to limit common temptations stemming from the frequent presence of a man's female relatives—have parallels in Aquinas, but without the former being named. This second one is to ensure that sexual desire does not distract a man's mind and weaken his intellectual soul (*anima*). This reasoning connects the incest prohibitions to the religious ideal of the unity of the intellectual soul with God, establishes an ideal that is appropriate to Aquinas's position on sexuality, and serves the theological-religious purpose of humanity. In this, Aquinas followed the main ascetic Christian attitudes, already expressed in the New Testament and developed by Augustine and others, of a complex dualism of body and soul. Although scholars like Caroline Walker Bynum have advanced our understanding of medieval Western Christianity as not simply dualistic in a gnostic sense, its suspicion of the flesh and lust cannot be ignored.³⁷

For Aquinas, who gives a full treatment of sexual diversions, sexuality was problematic because of the danger of forbidden pleasures, lustful thoughts, and intemperate bodily practices. According to him, the end of intercourse is procreation, forbidden pleasure is a mortal sin, and sexual lust is a capital sin.³⁸ The disorder

³³ *Ibid.*, 153-5: "Secunda ratio est quia personas sanguine coniunctas necesse est ad invicem simul conversari. Unde si homines non arcerentur a commixtione venerea, nimia opportunitas daretur hominibus venereae commixtionis, et sic animi hominum nimis emollescerent per luxuriam."

³⁴ The Arabic verb *rd'ana* means to dissuade, to prevent, to restrain, similar to *arceor*, which also means to distance, to prevent, and to separate.

³⁵ I.e., "plures hominum semper perpetrarent incestum."

³⁶ For David Biale's suggestion that Aquinas was more positive about sexuality than Maimonides in accepting a moderate form of desire, see *Eros and the Jews: From Biblical Israel to Contemporary America* (Berkeley: University of California Press, 1997) 97.

³⁷ Caroline Walker Bynum, *The Resurrection of the Body in Western Christianity, 200–1336* (New York: Columbia University Press, 1995) 11. For her analysis of Aquinas's positive attitude toward the body as a product of the soul, the soul's form, and the necessity for its perfection, see *ibid.*, 242–43, 256–57.

³⁸ Thomas Aquinas, *Quaestiones disputatae De Malo* (vol. 23 of *Sancti Thomae Aquinatis Opera*

of sexual desire, Aquinas claimed, is rooted in its rivalry with the love for God and the spiritual pleasures. For him, lust is “despair of the next world, since the more one desires pleasures of the flesh, the more one despises spiritual pleasure.”³⁹ Carnal pleasure means neglecting the future world, the spiritual end and ultimate pleasure of the soul. Thus, pleasure should be regulated by reason and divine law: “pleasure . . . should be measured and regulated by the rule of reason and God’s law.”⁴⁰ If we consider this theological framework and its view of pleasure, sin, reason, and divine law, Aquinas’s affinity to Maimonides is less surprising, the interreligious gap notwithstanding, as opposed to the challenge Maimonides created around the formation of approaches to sexuality for the kabbalists of the thirteenth century.

Having traced the resemblance between Aquinas and Maimonides by explaining the purpose in Aquinas of the prohibitions on incest as being to reduce sexual urges, I will next examine the kabbalists’ attempts to grapple with this rationale. This will reveal the degree of continuity among these thirteenth-century thinkers in their approaches to sexuality across religious, geographic, and theological divides.

■ The Reception in Kabbalah of the Rationale of the “Branch” and “Root”

I will now look at the reception of the idea of shame and the appropriate honor that is the mother’s due, which was widely incorporated into Jewish thought—for example, in *Sefer ha-Hinukh*, which presents this interpretation as the simple-literal meaning of the verse—as well as in kabbalistic literature.

This rationale for the laws against incest—the prohibition against bringing the branch and its root together—was widely accepted in kabbalistic literature, but, as Moshe Idel has analyzed in detail, it was taken to a new level, that of cosmic relationships. The kabbalists did not leave this prohibition on the interpersonal plane but transformed it to a regulation concerning the interactions between God and humanity. The terms “root” and “branch” in the context of the theosophic-theurgic secret of incest were first used by R. Ezra of Gerona in his commentary on the Talmudic Aggadah, attributed to R. Isaac the Blind.⁴¹ Since then, kabbalists

omnia; Rome: Commissio Leonina, 1982) Q. XV, a. 4, 277–278.

³⁹ Thomas Aquinas, *On Evil* (trans. Richard Regan; ed. Brian Davies; New York: Oxford University Press, 2003), 432; *De Malo*, 278, ll. 79–81: “desperatio futuri seculi, quia dum nimis affectat carnales delectationes magis despicit spirituales.”

⁴⁰ Aquinas, *On Evil*, Q. I, a. 3, 71. *De Malo* ll. 264–265: “delectatio . . . est mesurandum et regulandum secundum regulam rationis et legis diuine.” For a discussion of this, see Carl N. Still and Darren E. Dahl, “Evil and Moral Failure in *De Malo*,” in *Aquinas’s Disputed Questions on Evil: A Critical Guide* (ed. M. V. Dougherty; Cambridge: Cambridge University Press, 2016) 146–63, at 152–53.

⁴¹ Idel, “The Kabbalistic Interpretation,” 100–138. Idel analyzed extensively how this idea was received in the early Kabbalah in a range of sources, including a fragment found in a manuscript that was copied in *Šošan sodot* of R. Moses of Kiev, in *The Discourse on the Intellect*, in the Zoharic literature, in Menahem Recanati’s *Commentary on the Torah*, in R. Joseph Angelet’s *Kupat Roklin*,

related this rationale to a new construal of the prohibition of “returning the root to the branch”: it became a guideline for the appropriate relationship between the upper and lower worlds and for the maintenance of hierarchical relationships between the world of unity and the world of separation.⁴² In one of the clearest and most expansive elaborations of the Maimonidean concepts of branch and root, the kabbalist R. Joseph of Hamadan defined the prohibition against incest as flowing from the blurring of the appropriate relations between the root and the branch.

For R. Joseph, as for the kabbalistic tradition that preceded him, the incest prohibitions were intended first and foremost to guard the distinction between the higher and lower realms, but he added a new element that was not present among his predecessors: He perceived the incest taboo as symbolizing the hierarchical difference between God, who can freely use his “scepter,” that is, his “sexual freedom,” to bestow influx and to partner with each *sefirah*, and man, who is forbidden from influencing the proximate “branch”:

Each family in Israel is one branch of all of Israel and is a tree in the Garden of Eden for they are all holy and God is amongst them. Therefore, they are called “close” [alt. “relatives”] for they are all close together in one tree. Whoever is closer, like a son and a daughter, is a branch close to its fellow, for it is emanated from it and sprouted from that same branch itself, and it bestows influx in it like the roots do to the branches. Therefore, regarding Heaven it is common to bestow influx on that branch which is close to it, for this is the scepter of the King of glory.⁴³

The prohibition against shame is first and foremost “regarding Heaven”; namely, it is related to the relations between humanity and God, and, accordingly, the incest prohibitions are intended to preserve the hierarchical relationships between the supernal King and his human subjects—relationships symbolized by “the scepter of the King” and by the organic relations between a root and its branch.

R. Joseph Hamadan summarized this hierarchy: “(in the world) above a (sexual union with a) sister is common, while (in the world) below it is called incest.”⁴⁴

in R. Bahye ben Asher’s *Commentary on the Torah*, and others, but without referring to the Castilian appropriations of R. Joseph of Hamadan.

⁴² The term *šoreš* is related to the term *‘iqqar* (both meaning “root”) in the Kabbalah of R. Isaac the Blind. Besides Idel’s analysis here, see also the note of Haviva Pedaya, “‘Flaw’ and ‘Correction’ in the Concept of the Godhead in the Teachings of Rabbi Isaac the Blind,” *Jerusalem Studies in Jewish Thought: Proceedings of the Second International Conference on the History of Jewish Mysticism; The Beginnings of Jewish Mysticism in Medieval Europe* 3–4 (1987) 157–220, at 173 n. 53 (Hebrew).

⁴³ Rabbi Joseph of Hamadan, *The Book of the Rationales of the Negative Commandments*, in Leore Sachs-Shmueli, “*The Rationale of the Negative Commandments* by R. Joseph Hamadan: A Critical Edition and Study of Taboo in the Time of the Composition of the Zohar: Volume 2” (PhD diss., Bar Ilan University, 2018) 116 (Commandment 33) (Hebrew). All further citations of this work will be based on this edition, and will be referred shortly: R. Joseph of Hamadan, *The Book of the Rationales of the Negative*.

⁴⁴ *Ibid.*, Commandment 32. For an analysis of the role of the image of the “King’s scepter” in R. Joseph of Hamadan’s rationale of the incest taboos, see Charles Mopsik, *Les grands textes de*

This exact terminology, acknowledging the difference between the supernal world above and the human world below, was adopted by the author of *Tiqqunei Zohar*. In his exegesis of the incest taboos, after illustrating forbidden relations through the adaptation of botanical imagery, [the author] asserted: “(In the world) above there is no incest (‘*ervah*), or rupture, or separation, or breach. (In the world) above . . . there is (sexual) union of brother and sister, son and daughter, mother and son.”⁴⁵ These similar articulations suggest Hamadan influenced this later author’s view of incest as permitted above but prohibited below.⁴⁶ They both conceived the prohibition of incest as signifying the degraded state of humanity. They both formulated the ruling of difference between above and below as conflicting with the principle of *imitatio dei*; that is, incest is an exception to the general instruction to imitate the deity.⁴⁷

■ Reducing Sexual Desire in Kabbalistic Literature

Unlike the wide reception of the prohibition of “drawing close the root and the branch,” the first reason, concerning the diminution of the sexual urge, at first aroused exoteric opposition. Nahmanides pointed to the weakness of the claim that the purpose of the Torah was to weaken the sexual urge, for if this were so, the Torah would have forbidden polygamous marriages and not necessarily marriages to female family members:

None of you shall approach to any that is near of kin to him, to uncover their nakedness. The reason for the prohibition of sexual relationships with one’s near of kin is not expressly written [in the Torah]. The Rabbi [Moshe ben Maimon] wrote in the *Guide of the Perplexed* that [this law seeks to inculcate the lessons that] we should limit sexual intercourse, hold it in contempt, and perform it rarely. . . . But this is a very weak reason, that Scripture should make a person liable to the punishment of excision in the case of these forbidden relations, just because they are sometimes found together with him, and at the same time permit a man to marry many women, even in the hundreds

la Cabala: Les rites qui font Dieu (Lagrasse: Verdier, 1993) 232.

⁴⁵ *Tiqqunei Zohar*, tiqqun 56, fol. 90b. Compare my literal translation to the translation of this passage in Isaiah Tishby, *The Wisdom of the Zohar: An Anthology of Texts* (trans. David Goldstein; 3 vols.; Oxford: Oxford University Press for the Littman Library, 1989) 3:1201. For a discussion of this principle, see Ruth Kara-Ivanov Kaniel, “Between Kabbalah, Gender, and Law: Sexual Ethics in the Zohar,” *AJSR* 39 (2015) xiv–li, at xix (Hebrew).

⁴⁶ Although there is evidence that the author of *Tiqqunei Zohar* was influenced by R. Joseph of Hamadan, a clear conclusion concerning the literary relationship between them is still pending. Yehuda Liebes proposed that Hamadan is the source of *Tiqqunei Zohar*’s concept of reincarnation of a human soul in a dog; see Yehuda Liebes, “Sections of the Zohar Lexicon” (PhD diss., Hebrew University of Jerusalem, 1976) 295 (Hebrew). Moshe Idel discussed the possibility that the author of *Tiqqunei Zohar* was influenced by R. Joseph of Hamadan’s writings; see Moshe Idel, introduction to *The Hebrew Writings of the Author of “Tiqqunei Zohar” and “Ra’aya Mehemna”* (ed. Efraim Gottlieb; Jerusalem: Israel Academy of Sciences and Humanities, 2003) xxix–xxxvii (Hebrew).

⁴⁷ For an analysis of the term “King’s scepter” in R. Joseph of Hamadan’s work and its conflict with the principle of *imitatio Dei*, see Iris Felix, “Theurgy, Magic, and Mysticism in the Kabbalah of R. Joseph of Shushan” (PhD diss., Hebrew University of Jerusalem, 2005) 145–71 (Hebrew).

and thousands! And what harm would there be if a man would marry only his daughter, just as was permitted to the Noachides, or marry two sisters as did our patriarch Jacob? A person could not do better than to give his daughter in marriage to his elder son, and they would inherit his possessions and multiply and increase in his house. . . . Know that sexual intercourse is held distant and in contempt in the Torah unless it is for the preservation of the human species, and therefore where there can be no offspring [such as in pederasty or carnal intercourse with beasts], it is forbidden. . . .⁴⁸

However, the correctness of Nahmanides's claim about the problems with the rationale of reducing the libido notwithstanding, the two parts of his own commentary are themselves inconsistent. While in the first part Nahmanides rejects Maimonides's rationale, which is based on minimizing sexual desire, and hints that the transmigration of souls is the basis for the prohibition—a matter that Moshe Idel discusses thoroughly⁴⁹—in the second part, he opens by declaring: “Know that sexual intercourse is held distant and in contempt in the Torah unless it is for the preservation of the human species.” The minimization of the sexual urge is also brought forward as a way to realize the ideal of holiness,⁵⁰ which is consistent with other statements Nahmanides makes in his commentary on the Torah.⁵¹ Although this statement supports Maimonides's rationale and contradicts Nahmanides's

⁴⁸ Nahmanides, *Commentary on the Torah*, Lev 18:6. Translation adapted from Moses Nahmanides, *Commentary on the Torah* (trans. Charles Ber Chavel; 5 vols.; New York: Shilo, 1971) 3:246–48.

⁴⁹ On this claim that a tradition concerning the secret of incest and its link to transmigration is lacking, see Moshe Idel, “We Have No Kabbalistic Tradition on This,” in *Rabbi Moses Nahmanides (Ramban): Explorations in His Religious and Literary Virtuosity* (ed. Isadore Twersky; Cambridge: Harvard University, Center for Jewish Studies, 1983) 51–74. On transmigration in the tradition of Nahmanides, see Moshe Idel, “Commentaries on the Secret of ‘Ibbur in 13th-Century Kabbalah and Their Significance for the Understanding of the Kabbalah at Its Inception and Its Development,” *Daat: A Journal of Jewish Philosophy & Kabbalah* 72 (2012) 5–44, at 32–49 (Hebrew).

⁵⁰ Nahmanides, *Commentary on the Torah*, 2:115, Lev 19:2: “And He commanded in a general way that we abstain from excess and minimize intercourse.” For a different understanding of this matter, see James A. Diamond, “Nahmanides and Rashi on the One Flesh of Conjugal Union: Lovemaking vs. Duty,” *HTR* 102 (2009) 193–224, at 211. For a recent study discussing this same passage and stressing Nahmanides's ascetic views complementing my argument, see Oded Yisraeli, “‘Taking Precedence over the Torah’: Vows and Oaths, Abstinence and Celibacy in Nahmanides's Oeuvre,” *Journal of Jewish Thought and Philosophy* 28 (2020) 121–50, at 133–34.

⁵¹ Adam and Eve had sexual intercourse before the sin. However, this was not “lustful intercourse” but only for procreation, according to Nahmanides, *Commentary on the Torah*, Gen 2:9. There, he also includes the opinion of the commentators that the fruit of the Tree of Knowledge generated sexual desire. He also explained, following the *Guide*, that the reason the punishments for incest are so harsh “is because incest is exceedingly disgusting to the Torah . . . and those things which are prone to failure require a great punishment to forbid them and this is also true” (Nahmanides, *Commentary on the Torah*, Lev 18:29). Nahmanides also explained, in his commentary to Lev 19:2, concerning the verse “You shall be holy . . .,” that the requirement for abstention includes minimizing sexual intercourse along with the satisfaction of other desires, such as those for meat and wine. Likewise, Bahye ben Asher followed Nahmanides and explained the purpose of the commandments as the minimization of desires; see Bahye ben Asher, *Commentary on the Torah* (ed. Chaim Dov Shavel; 3 vols.; Jerusalem: Mossad ha-Rav Kook, 1970) 2: 465–66, Lev 11:44 (Hebrew).

earlier claim, Nahmanides later considers the incest prohibitions as decrees whose rationale is esoteric and known only to sages, which is congruent with the first part of his commentary. In fact, the esotericism of the rationale for the incest taboo and the abstention from giving normative rationales for the commandments⁵² is the fundamental reason that Nahmanides gives for his rejection of Maimonides's rationale, even though he basically agrees with the value of diminishing sexual desire.

Nahmanides's esoteric orientation stands in contrast to Joseph of Hamadan's exoteric attitude, reflected in his composition on the rationales of the commandments. In his writings, Hamadan intended to explain, systematically and clearly, the esoteric meaning of the commandments in a way that combined several levels of interpretation. In this exoteric orientation, R. Joseph was part of a literary trend, which included non-kabbalistic literature on the rationale of the commandments, such as *Sefer ha-Hinukh*, as well as the Castilian kabbalistic traditions, which undermined the authority of Nahmanides concerning the esotericism of the rationales for the commandments.

In his commentary on the prohibition of maternal incest, after discussing the severity of the prohibition in rabbinic literature, R. Joseph explains the rationale for the commandment in light of Nahmanides's adaptation in his Torah commentary of Maimonides's doctrine,⁵³ that "sexual intercourse is held distant and in contempt in the Torah unless it is for the preservation of the human species."⁵⁴ The educational explanation R. Joseph makes ties the purpose of the commandment to the acquisition of proper habits, according to an educational-behavioral approach:

For when a man comes into the world, he is habitually with his female relatives like his mother and sisters. Afterwards he is habitually with his mother-in-law and his daughter-in-law. Therefore, the Torah instructed about incest and said "the nakedness of your father and the nakedness of your

⁵² On R. Solomon Ibn Aderet's interpretation of Nahmanides's statement that the rationales of the commandments are the esoteric "work of the chariot," see Elliot R. Wolfson, "By Way of Truth: Aspects of Nahmanides' Kabbalistic Hermeneutic," *AJSR* 14 (1989) 103–78, at 119 n. 47. Idel ties the different kabbalistic tendencies toward oral transmission versus innovative writing to two types of elites; see Moshe Idel, "Kabbalah and Elites in Thirteenth-Century Spain," *Mediterranean Historical Review* 9 (1994) 5–19, at 10–14. On esotericism and the rationales for the commandments in the Kabbalah of Nahmanides, see also Moshe Halbertal, *By Way of Truth: Nahmanides and the Creation of Tradition* (Jerusalem: Shalom Hartman Institute, 2006) 249–96 (Hebrew).

⁵³ Nahmanides, *Commentary on the Torah*, Lev 18:6.

⁵⁴ This statement repeats in R. Joseph of Hamadan, *The Book of the Rationales*, 144 (Commandment 37): "Know that the matter of a man's aunt is that she is a close relative, and a man is habitually with her, and the matter of intercourse is disgusting before God, and not permitted except for the preservation of the human race, and since the matter of relatedness in the matter of all the incest [prohibitions] which I mentioned is that a man is habitually near them, and this is a disgusting and despicable thing before God." And *ibid.*, Commandment 47, in the prohibition against prostitution: "For sexual intercourse is disgusting before God except for the preservation of the human race." The phrase "for the preservation of the human race," without the beginning of the phrase, is repeated independently and seems to serve as a repetitive principle in his composition.

mother you shall not reveal” (Leviticus 18:7), which is the beginning of this habit.⁵⁵

This explanation assumes that since a person’s habits are acquired in his youth (“the beginning of this habit”), he should be accustomed to overcoming his sexual urge. Habit is a central key to a person’s behavior. Similarly, in another context, R. Joseph determines that the reason for the prohibition “is so that a man not become accustomed to sins because everything follows habit.”⁵⁶ Sexual desire is understood as contemptible because of its physicality and materiality, and the severity of the incest taboo is based on the rabbinic statements that exclude the prohibition of incest from the guiding rule of the commandments, “live by them and do not die by them”; therefore, a man is required to give his life rather than transgress this commandment.

■ Tensions

From a conceptual point of view, the rationale of minimizing the sexual urge seems to stand in conflict with the theurgic weight that is lent to sexual relations in the theosophic-theurgic Kabbalah, which led scholars to emphasize the “positive” attitude toward sexuality and eros in this trend.⁵⁷ Specifically, R. Joseph’s statements about the obligation of procreation as the preservation of the divine chain, as stated in his *Book of the Rationales of the Commandments*, served as the basis for one part of Charles Mopsik’s general claim that the Jewish tradition—as opposed to the Pauline aberration that was also supported by the gnostics—from antiquity through the rabbinic period and until medieval Kabbalah, had a positive appraisal of the body and sexual relations and saw sexuality as a peak of the realization of the religious ideal.⁵⁸ This is also what seems to emerge from R. Joseph’s rationales for the positive commandment “to fulfill the commandment of procreation and to

⁵⁵ R. Joseph of Hamadan, *The Book of the Rationales*, 105 (Commandment 30). The terms “habitually with,” or “habit” are presented as the simple/literal meaning of several other incest prohibitions. See *ibid.*, Commandments 31, 32, 33, 35, 37, 40, 46.

⁵⁶ *Ibid.*, Commandment 58. These types of rationales are also found, for example, in the prohibition on bribery, Commandment 83: “In order to remove from us the bad habit”; and, likewise, in the prohibition against usury, Commandment 573: “So that one not be habituated to it constantly.”

⁵⁷ Karen Guberman, “The Language of Love in Spanish Kabbalah: An Examination of the ‘*Iggeret Ha-Kodesh*,” in *Approaches to Judaism in Medieval Times* (ed. David R. Blumenthal; Chico, CA: Scholars Press, 1982) 53–105. Yehuda Liebes emphasizes the holiness, religious, mystical, and cosmic importance that the Zohar attributes to sexuality and the unrestrained and unprecedented positive attitude toward the sexual union between male and female; see his article, “Zohar and Eros,” *Apayyim* 9 (1994) 67–115, at 78–80, 99–103 (Hebrew). Daniel Abrams analyzed the positive aspect of the love of the earthly woman and its relation to the supernal woman, i.e., the *Shekhina*, in, *The Female Body of God in Kabbalistic Literature* (Jerusalem: Magnes, 2004) 163–78 (Hebrew). Idel also described the “theosophic-theurgic model” in this way; see Moshe Idel, *Kabbalah and Eros* (New Haven: Yale University Press, 2005) 214–17.

⁵⁸ Charles Mopsik, *Sex of the Soul: The Vicissitudes of Sexual Difference in Kabbalah* (ed. Daniel Abrams; Los Angeles: Cherub Press, 2005) 53–68; for a specific discussion of R. Joseph’s discourse on procreation see p. 66.

marry a woman,” where there is no mention of any reservations about intercourse, quite the opposite. R. Joseph emphasizes that “one who has a wife indicates wholeness corresponding to the groom who is the King, the God of hosts, and corresponding to the bride,”⁵⁹ as opposed to one who does not have a wife that “indicates deficiency.”⁶⁰ Indeed, when we consider only those discourses and compositions that deal positively with the union with woman, without comparing them to the taboo prohibitions related to impure sexuality, we do perceive a picture of Kabbalah as celebrating sexuality and union.

I suggest that the combination of the principles of holiness of sexual union with the repeated statement in R. Joseph of Hamadan’s *Rationales of the Negative Commandments* that “intercourse is degraded,” testifies to an ambivalent attitude toward sexuality, even at the heart of the theosophic-theurgic Kabbalah, and not only at the margins of the ecstatic Kabbalah.⁶¹ This accords with the ambivalence toward sexuality and the ascetic dimensions found in Zoharic literature, which Elliot Wolfson stressed.⁶² The adoption of this principle teaches us about reservations about sexual behavior and its value when it is engaged in for its own sake and not for the sake of heaven, even though it might be expected that a kabbalist who uses graphic and “extreme” expressions when describing divine sexuality would see human sexuality in a more positive light.

Therefore, the fact that R. Joseph adopted the Maimonidean principle, even though in his compositions he emphasized the holiness and theurgic power of sexuality, requires a nuanced estimation of the role of desire in this type of framework. The acceptance of Maimonides’s rejection of intercourse should be considered in light of the polemic that appears at the beginning of the *Holy Letter*, a text that is conceptually close to him.⁶³ The author of the *Holy Letter* described

⁵⁹ R. Joseph of Hamadan, *The Book of the Rationales*, Commandment 84, 287. On the obligation to procreate as the preservation of the divine form and the chain that flows from the union of male and female, and the inclusion of the female in the male, see Elliot R. Wolfson, *Circle in the Square: Studies in the Use of Gender in Kabbalistic Symbolism* (Albany: SUNY Press, 1995) 92–98. For a short discussion of the value of procreation in R. Joseph’s thought according to his discussions in *The Book of the Rationales of the Positive Commandments*, see Menachem Meier, “Joseph of Hamadan: A Critical Edition of Sefer Ta’amey Ha-Mizwoth (‘Book of Reasons of the Commandments’) Attributed to Isaac ibn Farhi; Section I—Positive Commandments” (PhD diss., Brandeis University, 1974). For background from the Zohar and his relation to de León, see Cohen, *Be Fertile*, 216–17.

⁶⁰ R. Joseph of Hamadan, *The Book of the Rationales*, 288.

⁶¹ Idel highlights Abulafia’s attitude as the antithesis of that found in theurgic Kabbalah; see *Kabbalah and Eros*, 218–19.

⁶² Elliot R. Wolfson, “Asceticism, Mysticism, and Messianism,” 165–77; idem, “Eunuchs Who Keep the Sabbath: Becoming Male and the Ascetic Ideal in Thirteenth-Century Jewish Mysticism,” in *Becoming Male in the Middle Ages* (ed. Jeffrey Jerome Cohen and Bonnie Wheeler; New York: Garland, 1997) 151–85 (reprinted in idem, *Language, Eros, Being*, 296–33); David Biale, *Eros and the Jews*, 109–13.

⁶³ The text was mistakenly attributed to Nahmanides: see “Iggeret ha-Qodesh,” in *Kitvey Rabenu Mosheh ben Nahman* (2 vols; Jerusalem: Mossad haRav Kook, 1964) 2:323. For a discussion of its authorship, see Gershom Scholem, “Ha’im hibber ha-Ramban ’et Sefer Iggeret ha-Kodesh,” *Kiryat Sefer* 21 (1944–1945) 179–86. English translations are drawn from *The Holy Letter: A Study*

the statements of Maimonides—based on Aristotle—as “imperceptible heresy,” because they imply that God’s creation is disgusting and impaired; and perhaps he also hints, thereby, that, aside from the Greek source for Maimonides’s words, they reflect a Christian position that denigrates sexuality. In addition to the claim the author of the *Holy Letter* makes on the exoteric level, he points out that, according to “the esoteric tradition,” not only is intercourse not degraded, but it “can be a means of spiritual elevation when it is properly practiced.”⁶⁴ Yet, even according to him, it is not desire in itself that is holy. Rather, the sanctity derives from its resemblance to the divine couple, and the purity of the coupling is dependent on the proper intention (*kavana*), the sake of heaven; otherwise, it is considered profane.⁶⁵

Rabbi Joseph of Hamadan framed the negative commandment of “not being covetous” as the paradigm of all prohibitions, since it signifies the “desirous soul”⁶⁶ as the evil impulse, which threatens to control the human body.⁶⁷ He frequently used

in *Jewish Sexual Morality* (trans. Seymour J. Cohen; Northvale, NJ: Jason Aronson, 1993). For a discussion of the notion of sexuality in Kabbalah through an introduction to this work, see Charles Mopsik, *Lettre sur la sainteté: Le secret de la relation entre l’homme et la femme dans la cabale* (Lagrasse: Verdier, 1993) 7–23. For the symbolic significance as sanctifying sexual intercourse in this work, see idem, “Union and Unity in the Kabbalah,” trans. Santhar Visuvalingam, in *Between Jerusalem and Benares: Comparative Studies in Judaism and Hinduism* (ed. Hananya Goodman; Albany: SUNY Press, 1994) 233–34.

⁶⁴ *The Holy Letter*, 80. R. Joseph himself expressed this in an even more explicit manner than the *Holy Letter*, stating that pure intercourse between man and women hints at the heavenly union; see *The Book of the Rationales*, 351 (Commandment 104).

⁶⁵ For an analysis of the place of desire in this work and its controversy with Maimonides, see Monford Harris, “Marriage as Metaphysics: A Study of ‘*Iggeret ha-Kodesh*,’” *Hebrew Union College Annual* 33 (1962) 197–220, at 200–202. For the dichotomy between physical pleasure and spiritual eros revealing the ascetic dimension of this work, see Wolfson, *Language, Eros, Being*, 314–15. For a discussion of the centrality of intention and thought as subordinating body and desire, spiritualizing sex by rejecting lust, and revealing the ambivalence and dialectical approach toward sexuality, see Biale, *Eros and the Jews*, 102–9.

⁶⁶ The identification between the desirous soul and the evil impulse is found in Commandments 15 and 50. On the “desirous soul” that chases the evil impulse, see *Zohar* 1.109b, 110b (*Midrash ha-ne’elam*). One could compare the fourth part of the soul, the “arousing soul,” according to Maimonides’s definition in his *Eight Chapters*, ch. 1. Yet while here the soul has a negative connotation, the role of the “arousing soul” is neutral in Maimonides’s psychology. By contrast, there is a similar use of the term “desirous soul” in *Sefer ha-hinukh*, where the fulfillment of the commandments strengthens the “intellectual soul” and tames the “desirous soul”; see, for example, *Sefer ha-hinukh* (Jerusalem: Orayta, 1984) Commandments 102, 120, 529.

⁶⁷ R. Joseph of Hamadan, *The Book of the Rationales*, 34 (Commandment 10, “not to covet”). Other commandments also emphasize the degradation of desire and mark it as the source of all evil. For example, in Commandment 22, f. 124b, one of the rationales for the prohibition on the consumption of forbidden foods is that they strengthen the evil impulse, while permitted foods weaken the desire of the evil impulse. This reason for the prohibition of eating meat and milk together is also brought by de León in the name of “some who say” and as the simple meaning of the prohibition in the *Book of the Pomegranate: Moses de Leon’s “Sefer Ha-Rimmon”* (ed. Elliot R. Wolfson; BJS 144; Atlanta: Scholars Press, 1988) 314–15. The position that specific foods, such as aphrodisiac foods, strengthen sexual desire is an ancient one, and is discussed at length in Maimonides’s composition on sexual intercourse, albeit without rationalizing the forbidden foods for this reason; see almost every chapter of Maimonides, *On Sexual Intercourse*. On aphrodisiac

a version of rabbinic homilies, such as the one found in the *Babylonian Talmud*, *Ned.* 32b about the body as a microcosm and locus of battle with the evil impulse as the elderly king or the fly, and thus expresses the position that desire is a central threat for proper observance of the commandments.⁶⁸ Furthermore, in various commandments that deal with incest prohibitions, he repeated the statements about “intercourse being a disgusting thing, if not for the preservation of the race.”⁶⁹ That is, sexual union is valuable only with the proper intention, without which it is “disgusting.” The statement about sexual intercourse as disgusting allows us to clarify that in this religious ethic, which placed correct sexuality at its center, and which is signified in the divine phallus, the Sefirah of *Yesod* (foundation), sexual deviation was considered the central sin, “harming the covenant,” forsaking *Yesod*.⁷⁰

Here, we should distinguish between actions that are driven by material pleasure and the negation of pleasure, which is understood to be an integral part of the sexual act, especially as relates to the man’s halakic obligation to give his wife pleasure.⁷¹ Furthermore, attention should be paid to the fact that the man’s need to fulfill his female partner’s desire does not affirm his own desire but testifies to an act of love of the other, which is recognized as legitimate and even obligatory for the sex life of a married couple (conjugal debt). This is in contrast with the concept of desire itself as a sin, articulated already at the beginning of Christianity in Augustine, and as was pointed out above in Aquinas’s valuation of corporeal pleasures as replacing and repressing spiritual ones.⁷² The variety of statements helps us recognize that, even in compositions that see the union of man and woman as a holy act, there is not necessarily any affirmation of desire, lust, or sexuality in and of itself.

foods in the Middle Ages, including reference to the prescriptions of Maimonides, see Medeleine P. Cosman, “A Feast for Aesculapius: Historical Diets for Asthma and Sexual Pleasure,” *Annual Review of Nutrition* 3 (1983) 1–34. For a reading of R. Joseph of Hamadan’s rationale for the prohibition of eating meat and milk together in its Christian context, see Jonatan M. Benarroch, “‘Christum qui est Hædus Iudæis, Agnus Nobis’: A Medieval Kabbalistic Response to the Patristic Exegesis on Exod. 23:19,” *JR* 99 (2019) 263–87, at 274–77.

⁶⁸ See R. Joseph of Hamadan, *The Book of the Rationales*, Commandments 5, 10, 13, 49, 55, 64, 69, 76, 112.

⁶⁹ *Ibid.*, Commandments 30, 37, 46.

⁷⁰ This tendency is also consistent with the conception of “damaging the covenant,” i.e., masturbation, as the central sin in Kabbalah. On this topic, see Shilo Pachter, “*Shmirat ha-Berit*: The History of the Prohibition of Wasting Seed” (PhD diss., Hebrew University of Jerusalem, 2006); *idem*, “‘A Sin without Repentance’: On a Disagreement between Moshe de León and the Zohar,” in *And This Is for Yehuda: Studies Presented to our Friend, Professor Yehuda Liebes, on the Occasion of his Sixty-Fifth Birthday* (ed. Maren R. Niehoff et al.; Jerusalem: Bialik Institute, 2012) 144–63 (Hebrew).

⁷¹ Notes on a man’s obligation to fulfill his wife’s desires can be found in Abrams, *The Female Body*, 170. On the fact that there is nothing unacceptable with regard to a woman’s desire, see Idel, *Kabbalah and Eros*, 71. See Augustine, *Treatises on Marriage and Other Subjects* (trans. Charles T. Wilcox; ed. Roy J. Deferrari; Washington, DC: Catholic University of America Press, 1955) 17–19.

⁷² For a discussion of this aspect of a good marriage in Augustine, besides his negative stance toward sexual desire and its reception in the Middle Ages, see Philip L. Reynolds, *How Marriage Became One of the Sacraments* (Cambridge: Cambridge University Press, 2016) 109–20.

Comparing these kabbalistic treatments of passion and desire to Aquinas's framework of sin and lust highlights the resemblances between them; in both traditions, corporeal desire is an enemy of the soul. This does not contradict the fact that associating a divine quality and positive theurgy to correct sexuality reflects a separate Jewish tendency.⁷³ In fact, the minimization of the desire for intercourse does not contradict the ideal of union as the imitation of the *hieros gamos*, but rather sharpens the fact that, even in a kabbalistic framework, subordinating desire to an external and supernal goal is required for the sanctification of the sexual act. Only divine law, the proper intention, and the end of procreation legitimize sexuality.

■ Conclusions

Tracing Maimonides's imprint on the different works sheds light on the existence of a closer affinity between kabbalistic appraisal of sexuality and the philosophical trends of Judaism and Christianity in the thirteenth century than had hitherto been recognized in the academic literature on sexuality in Kabbalah. The textual evidence discussed here suggests the importance of reconsidering the scholarly tendency to overestimate the positive stance toward sexuality in Kabbalah. Instead of the dominant presentation of Kabbalah being seen as a break away from Jewish philosophy's and Christian ascetic positions, this analysis elucidates their common attitudes. Thus, in analyzing the complex relationships between religions and cultures, one should be wary of antithetical and oppositional theological positions. Considering their shared contexts accentuates that it is far more accurate to portray a more ambivalent and complex relationship between these religious systems. In this specific case, analyzing the systems of justification for sexual taboos in the late thirteenth century in Jewish and Christian textual traditions throws into stark relief the processes of assimilation, similarity, and identification that were intertwined with attitudes of reservation and rejection.

⁷³ For the emphasis on the difference in attitudes toward sexuality in Kabbalah and Christianity, see Moshe Idel, "Sexual Metaphors and Praxis in the Kabbalah," in *The Jewish Family: Metaphor and Memory* (ed. David Kraemer; New York: Oxford University Press, 1989) 197–224, at 199; Yehuda Liebes, "Ha-'omnam betulah hi' ha-shekinah," *Pa'amim* 102–103 (2005) 303–313; Bernard McGinn, "The Language of Love in Christian and Jewish Mysticism," in *Mysticism and Language* (ed. Steven T. Katz; New York: Oxford University Press, 1992) 202–35, at 217–27. For an analysis of the status of marriage in Kabbalah within a historical framework, see Judith Baskin, "Medieval Jewish Models of Marriage," in *The Medieval Marriage Scene: Prudence, Passion, Policy* (ed. Sherry Roush and Cristelle L. Baskins; Tempe: Arizona Center for Medieval and Renaissance Studies, 2005) 1–22, at 14–16. On the similarities and not just the differences between Jews and Christians in Medieval Europe with regard to the understanding of marriage and the birth of offspring, see Elisheva Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe* (Princeton: Princeton University Press, 2007) 24–28.