

Crimes versus Sins
Parashat Tsav
March 22, 2008
Rabbi Carl M. Perkins
Temple Aliyah, Needham

Alan Dershowitz recently wrote an article in the Forward newspaper in which he decried the prudishness of American society. He has a point. As is the case throughout the world, we have seen evidence that politicians of every possible political persuasion are capable of “crossing the line,” of getting involved in what we call “sex scandals.” Maybe we should focus our attention on truly predatory criminal behavior, rather than sexual indiscretions.

The recent events in New York State are a case in point. Former Governor Elliot Spitzer was forced to resign after admitting that he paid thousands of dollars to meet call girls in Washington, D.C., hotels and perhaps elsewhere. His successor, David Patterson, held a news conference the day after he was inaugurated at which he and his wife admitted extra-marital affairs. And we’ve recently heard more about the sex life of a former governor of New Jersey, which is just across the river from New York.

Some may conclude simply from the volume of scandals that there’s nothing we can or should do about this, and we should simply focus our attention on other things. Well, when it comes to employing the criminal law to prosecute criminal behavior, Dershowitz may have a point. Perhaps we shouldn’t even be prosecuting the Mann Act, which prohibits crossing state lines to engage in prostitution. (I happen not to be so sure about that, nor about the characterization of prostitution as a “victimless crime,” but let’s leave that aside.) Should we be prosecuting laws prohibiting adultery (which, as the Times recently reminded the Governor of New York, are still on the books)? Should we be prosecuting infidelity? Dershowitz, and many others, think not.

Moreover, when it comes to deciding who to vote for, maybe this perspective makes sense. Maybe we should realize that a candidate’s sexual self control is not



necessarily a touchstone of his or her leadership capability. Maybe we should be, if not more accepting or understanding, more realistic, more cosmopolitan.

But that's not the extent of the way in which we are affected by these stories. Not at all. These very public stories about very public figures pervade our lives. As we read these stories about the real people running our governments, we become tainted. It's getting to be, as someone recently put it, that "reading the newspaper these days seems to require taking a shower afterward." (New York Times, March 20, 2008, p. C13: "Governors Gone Wild, and The Rest of Us Left Wondering What to Think").

I think that there is a serious problem here, a problem that has been apparent ever since the days of Monica Lewinsky, ever since what used to be kept secret has become so much more public, and that is that as more and more politicians are found to have been unfaithful, as more and more politicians shrug their shoulders and 'fess up and ask to be forgiven, there comes a sense that, indeed, they've done nothing wrong.

And that's where it's necessary to say, "Yes, they have." Yes, indeed, even though the conduct may not be criminal, even though it may now be common for politicians, and maybe therefore Americans in general, to "stray," it's actually wrong to do so.

Now, that's not to say that I'm encouraging any of us to be judgmental, to conclude that these disgraced politicians are the most evil people in the world. Not at all. All of us are subject to temptation, and any of us may succumb to it. Yes, we should say to ourselves when we hear of yet another scandal, "There, but for the grace of God go I."

But sexual infidelity is not just stupid, not just impulsive, not just thoughtless, but also wrong. And we need to say that.

Alan Dershowitz, in the same article in which he decried American prudishness, put his finger on the right word that we should be using. We must, he said, begin to distinguish between crime and sin. Sin is not a comfortable word for any of us, and we know how it can be manipulated. But maybe it's not a bad word to use.

Did Mr. Spitzer's actions constitute crimes? Dershowitz strongly questions that. In fact, he wonders whether federal prosecutors crossed a few lines in their zealous pursuit of Spitzer. But do they constitute sins? I hope it's clear to everyone that the answer is, Yes.

And if we're not going to say so here in shul, where will we?

Conducting an extra-marital relationship, whether or not technically adulterous (in the Bible, adultery is understood to be having sexual relations with someone who is married to someone else), is wrong, according to Jewish law and tradition. It wasn't, of course, always this way. Many Biblical figures had more than one wife, and in the Bible, although a man who committed adultery (i.e., had sexual relations with another man's wife) was guilty of a capital offense, fornication (sexual relations with an unmarried female) was not condemned at all.

This changed in the Talmudic period, when the more conventional standards that we identify today as Jewish values became normative. Now, just in case anyone is wondering, it is indeed a sin for a man who is married to have sexual relations with anyone other than his wife. The same holds true for a married woman. And we don't consider this simply a sin against the spouse; it is a sin against God. It is demeaning and degrading to the image of God within us to behave this way.

Now, why am I speaking about this today, on "Heh Class Shabbat"? It seems silly, if not misguided. That's hardly the case. Several years ago, I was shocked to learn—though I shouldn't have been—of the extent of sexual behavior that our middle school kids are engaging in. It's Shabbat; otherwise, I would recite the statistics. The fact is that we live in a hyper-sexualized culture, one that values, and privileges sexuality. Boys get that message, and girls get it even stronger. After all, it's something, isn't it, to get paid \$4,000 an hour? It's hard to watch any show on TV, from the situation comedies to reality shows to movies on Comedy Central, that don't educate our youngsters to believe in the normalcy of promiscuity. It's a joke, it's fun. Sex is anything but something to be prized, cherished, valued for its potential to bring holiness into our lives.

It is true that sexual mores have changed in our society. Some of these are progressive. We no longer condemn someone who is constitutionally a homosexual from living out his sexual identity. In fact, we encourage it. And some of the

repressive, Victorian perspectives on sex have been bleached out of American consciousness.

But that just begs the question: “O.K.,” one of our kids might say to us, “You’re telling me what’s no longer not OK. But what is still not OK? And why? And why is what is OK, OK?”

That puts a big burden on parents. It’s not easy to talk about the birds and the bees. But that’s exactly what we have to do. We have to let kids know when and how it is proper to express ourselves sexually, and when and how it isn’t. We have to teach them that, just as in other areas of their lives, infidelity is infidelity. We have to teach them that marriage requires loyalty and commitment that shouldn’t depend on an absence of attraction to anyone else.

Where are they going to learn this? Not from the TV set. Certainly not from the computer, where they’re more likely to see a pornographic video than get a lesson in sex ethics.

This is something that our kids have to learn from us. We have to teach kids not just about “safe sex” but proper sex. Not just how to avoid pregnancy but how to avoid being used or using someone else. Our shul can and should play a role, whether through our school or through our youth groups, but the most significant models in our children’s lives are us.

The first step, it seems to me, is to be clear. When we discuss these stories—as I’m sure we have and I’m sure we will continue to discuss them—let’s make it clear that whether or not any of the principals who’ve recently achieved notoriety committed crimes, we do believe that what they did was wrong. Not just stupid, not just reckless, but wrong. We want our kids to learn that they should not only protect themselves from getting caught, but that they should protect themselves from getting caught up in this kind of behavior in the first place.