A Modesty Proposal: Rethinking Tseniut

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The Torah provides a framework for sexual morality. Its legal prescriptions specify forbidden relationships; its narratives describe behavior and dress that reflect attitudes relating to sexuality and modesty.

The Torah's view of sexual relationships might best be seen as fulfilling the overarching command that we be a holy people (vaYikra 19:2). Indeed, Rashi, in his commentary on this verse, identifies holiness with separation from forbidden sexual relationships.
However, the Torah does not enumerate rules relating to modesty in thought, dress, and speech. For example, it does not state how much of a person's body needs to be covered, and gives no measurements for sleeve lengths or skirt sizes. Nor does it present specific rules relating to "hirhurim"—erotic thoughts; nor to "mehitsot" separating men and women at public gatherings; nor to the general—non-sexual—interrelationships of men and women. Rather, these rules are inferred from the mandate to be holy—to separate ourselves from sin, including sin of a sexual nature.

The Philosophy of Tseniut

The Talmud and later rabbinic literature provide additional material relating to sexual conduct in general, and tseniut (modesty) in particular. An aim of tseniut is to diminish the possibility of improper sexual temptations that could lead to sinful behavior. The human sexual drive is quite powerful, and the tseniut laws are intended to keep that drive under control.

Tseniut, though, is not simply a system of prevention from sin. Rather, it encompasses a positive philosophy relating to the nature of human beings. While acknowledging the power of human sexuality, tseniut teaches that human beings are more than mere sexual beings.

In his famous book, I and Thou, the philosopher Martin Buber pointed out that ideal human relationships involve mutual knowledge and respect, where people treat themselves and others as valuable persons—not as things. Tseniut, in fact, seeks to foster the highest form of I-Thou relationship. By insisting on modest dress and behavior, the laws of tseniut promote a framework for human relationships that transcends the physical/sexual aspects.

Non-tseniut behavior signals a person's desire to be seen as an object of sexual attraction. People who dress in a sexually provocative way are interested in being noticed, in exciting the sexual interest of others. When people dress provocatively, what they are communicating is: notice me, I crave your attention, please don't ignore me. Underlying this non-vocalized plea is the feeling that one will not be noticed unless he/she is prepared to become an object of attention or unless he/she conforms to the prevailing fashions, even if those fashions violate one's sense of decency and propriety.1

It is normal and natural for people to want to appear pleasing to others. That is why they spend so much time and money on clothing and grooming. If one dresses nicely, neatly, and modestly, one may take pride and satisfaction in his/her appearance. If, though, one specifically dresses or behaves in a manner that is aimed at arousing sexual attention, then he/she has crossed into the non-tseniut mode. One has chosen to be an object a thing,rather than a Thou.

Why would people willingly dress or act in a manner as to make themselves into objects? The answer is that they want to be noticed, admired, longed for. They think that by presenting themselves as objects, they will more likely achieve these goals. They demand less of themselves and of others; no commitment or serious dialogue is invited or expected.

Human beings all have feelings of insecurity; we need to be needed, appreciated, and loved. Although these tendencies are often exacerbated in teenagers, they continue to exist throughout adult life. Exhibitionism is a short-cut to gaining the attention—and hopefully the affection—of others. Yet, underneath the veneer of showiness is a layer of essential insecurity, loneliness, and dissatisfaction with self. Exhibitionism may gain the attention of others, but it does not gain their respect and love.

Dr. Norman Lamm has written: “One who lacks the sense of inner dignity and worth will expose himself [or herself], as if to say, ‘Look at me. Am I not beautiful? Am I not smart? Do you not like me?’ The lack of inner dignity leads to exhibitionism, the opposite of modesty, whereas a sense of inner dignity will normally result in the practice of modesty.”2

Tseniut, then, should be understood as a framework for maintaining our human dignity. It teaches us to treat ourselves and others as valuable human beings, not as objects. Non-tseniut behavior and dress serve to diminish our full humanity, reducing us to the level of objects of sexuality. Tseniut is a manifestation of holiness. Exhibitionism is a manifestation of crudeness and feelings of insecurity.

The Technicalities of Tseniut

It is important for us to understand the underlying assumptions of the ancient and medieval halakhic sources. The early rabbinic opinions on the topic of tseniut emerged from a context where women—Jewish and non-Jewish—were deemed to be subservient to men. The operative principle was that the honor of a princess, i.e. a dignified woman, is for her to remain in private. Women were to stay home to the extent possible. When they appeared in public, they were to be dressed in such a way as not to attract the attention of men. Women generally were not given the same educational opportunities as men, nor were they encouraged or generally allowed to participate in public life or to have authority over men. Women’s role was to care for the household, have children, and maintain piety and modesty.

Classic rabbinic literature assumes that women are primarily a source of sexual temptation to men, and that women should therefore dress and conduct themselves so as not to arouse men’s passions. Discussions of the laws of tseniut often tend to focus on specific details of what constitutes modest and immodest dress and behavior. Rabbi Yehuda Henkin, in his book Understanding Tzniut, cites talmudic and later rabbinic sources dealing with such issues as what parts of a woman’s body constitute nakedness; how much of a woman’s body needs to be covered; the ervah (nakedness) of a woman’s leg, voice, and hair. He also discusses sociological conditions that may impact on the boundaries of modesty.3

The discussion in Berakhot 24a is reflective of the prevailing talmudic attitude:

Rabbi Yitzhak said: An [uncovered] tefah (hand’s breadth) in a woman is nakedness (ervah)….Did not Rabbi Shesheth say that anyone [i.e. any man] who gazes even at a woman’s little finger is as though he gazes at her private parts?...

Rabbi Hisda said a woman's leg (shok) is ervah… Shemuel said that a woman's voice is ervah…. Rabbi Shesheth said a woman's hair is ervah.4

This passage, and others of the same tenor, operate with the following tacit assumption. Because women's body, hair, and voice are so alluring to men, women are to cover themselves up to the extent possible, and are not to use their voices in a way that might arouse men. Halakhic literature contains various opinions as to how to apply the tseniut rulings—but by and large, the general assumptions outlined above are taken for granted.

Yet, let us delve a bit more carefully into these assumptions.

1. Women today are no longer relegated to the home, but are involved in all aspects of society. Women interact regularly, and in many contexts, with men; women often hold positions of responsibility, including having authority over men. Few today would agree with the notion that the honor of a woman is to remain in the privacy of her home. Few today would agree that women are or must be subservient to men.

2. If we are concerned lest men be erotically aroused by women's body, hair, and voice, shouldn't we also be concerned lest women be erotically aroused by men's body, hair, and voice? Although halakhic sources spell out in detail the various restrictions on the manner of women's dress and behavior, there is very little relating to men's dress and behavior. The assumption is that men are far more passionate and uncontrollable than women. Whether or not this assumption is correct, it is surely not correct to assume that women lack strong sexual feelings for men. They are subject to erotic arousal by men's manner of dress and behavior. Thus, all discussions of tseniut should deal with both sides of the equation, not just with women's mode of dress and behavior.

3. If the rules of tseniut are to protect men from falling into sexual sin, why are most of the restrictions placed on women? The rules could have been formulated in an entirely different way. Since men are so passionate and women are so arousing, then men should cover their eyes in the presence of women and should avoid public places where women might be seen. If men have the problem, why should women be forced to pay the price for men's weaknesses? Let the women conduct themselves as they wish, and let men guard themselves from falling prey to temptation!

The Philosophy of Tseniut and Its Technicalities

The philosophy of tseniut teaches self-respect, respect for others, and the importance of not treating oneself or others as objects. The goal of tseniut is to maintain human dignity, and to foster respectful and meaningful human relationships.

The technicalities of tseniut should aim at fulfilling the ideals of the philosophy of tseniut. In popular discussions of the subject, though, there often is a serious disconnect between philosophy and technicalities. Here are a few items that underscore the gap between the concept of tseniut and the technical halakhic rules that are supposed to foster tseniut.

1. “Women’s hair is considered ervah, nakedness.” Normative halakha applies this statement only to married women. Single women need not cover their hair, since men are used to seeing them with uncovered hair and will not be aroused. Is this a valid argument? In olden times when girls were married off at an early age, this assumption may have held true. Seeing girls up to the age of early teens with uncovered hair may have been a normal feature of life, not generating untoward thoughts on the part of men. Yet, today most women do not get married while they are still children. If a woman in her 20s or 30s has her hair uncovered, what difference would it make to men whether she is single or married? Most men would not be able to tell whether such a woman is single or married. Yet, halakha allows the single woman to go bare-headed, while a married woman must cover her hair. If the purpose of head covering is to foster tseniut and to prevent men from looking at women’s “nakedness,” then there is no substantial reason today to differentiate between married and single women. Either all women of marriageable age should cover their hair, or none of them need cover their hair because men are accustomed to seeing women with uncovered hair.5 Indeed, Rabbi Yosef Mesas rules that married women need not cover their hair in our days, since the normal practice of women in our society is to go with hair uncovered.6 He wrote: “Since in our time all the women of the world have voided the previous practice and have returned to the simple practice of uncovering their hair, and there is nothing in this that constitutes brazenness or lack of modesty…therefore the prohibition of covering one’s hair has been lifted.”

2. “Women’s hair is considered ervah.” Yet various posekim allow women to cover their own natural hair with a wig. As long as they have fulfilled the technicality of covering their hair, they are not in violation of halakha. In some circles, it is expected that married women wear wigs; if they do not do so, they are considered to be religiously deficient. Does this make any sense? Women will

spend thousands of dollars to buy wigs that often look better than their own hair. They will wear these wigs, which can be quite attractive, and be considered to be within the laws of tseniut. However, if a woman “wears” her own hair, in a modest fashion, such a woman is deemed (by many) to be in violation of halakha. If a woman’s hair is indeed nakedness, how can it possibly be permitted for them to wear wigs—also made of hair? Would anyone suggest that a woman is permitted to wear a skin-colored dress that is printed with the design of her private body parts? Of course not. Such clothing is obviously anti-tseniut. Likewise, if a woman’s hair is nakedness, covering it with a wig is anti-tseniut.

3. “A woman’s voice is ervah.” This is generally applied to her singing voice, not to her usual speaking voice. But there are strong halakhic sources that permit men to hear women singing religious songs, or lullabies to their children, or other songs that have no erotic intent or content.7 When the prohibition of “kol ishah” is applied to all instances of women singing in the presence of men, this is a distortion of the intent of the halakha. The prohibition forbids licentiousness. Moreover, it should be applied not only to men hearing lewd songs sung by women, but also to women hearing lewd songs sung by men. The concept of “kol ish” is just as valid and just as important as “kol ishah.” If men sing in a manner that is sexually provocative to women, this constitutes a breach in tseniut and a breach in holiness.

4. “An uncovered tefah of a woman is nakedness.” Surely, it will be agreed that it is proper for women to cover the parts of their bodies that are particularly arousing to men. It should be equally agreed that men be required to cover parts of their bodies that are particularly arousing to women. But the real issue is not how long skirts and sleeves must be, nor how buttoned up a man’s shirt should be. Rather, the question is: What constitutes sexually provocative dress that is forbidden by the philosophy and rules of tseniut? A person might be covered from head to toe, and yet the clothing may be too tight, too clingy, too enticing. A person’s clothing might be entirely within the rules of tseniut, yet the person may use seductive gestures, facial expressions, or body movements. In many cases, an uncovered tefah of a woman (or a man) is not sexually arousing at all; rather it may be repulsive, an example of very bad taste. Likewise when people wear clothing that is too tight or too revealing. These are violations of tseniut, not because they are sexually arousing, but because they compromise one’s dignity—even if one does not want to realize this. They reflect a person’s conscious or subconscious desire to be seen as an object, rather than as a dignified person.

Confronting Reality

A number of tseniut rules in classic halakhic literature have come into conflict with changing societal realities. These rules have been modified or dropped by large groups of Torah-observant Jews. Here are a few examples.

1. …Our sages commanded that a man must not teach his daughter Torah, since the intelligence of the majority of women is not geared to be instructed; rather, they reduce the words of Torah to matters of foolishness according to the poverty of their understanding. Our sages said: One who teaches his daughter Torah is as though he taught her foolishness. To what does this refer? To the Oral Torah; but as concerns the Written Torah, he should not teach her; but if he did teach her it is not as though he taught her foolishness. (Rambam, Hilkhot Talmud Torah 1:13)

Despite Rambam's ruling, in many Orthodox schools today, girls/women do study Talmud. Indeed, Stern College for Women of Yeshiva University has an advanced program of Talmudic Studies for women, instituted with the blessing of Rabbi Joseph B. Soloveitchik. Programs for women who wish to pursue advanced study of Talmud and halakha have blossomed in the United States and Israel. Modern Orthodox institutions reject the assumption that women's intelligence is unfit to absorb the wisdom of Talmud. Moreover, even if Hareidi schools do not teach girls/women Talmud, they do teach the Written Torah—in spite of Rambam's ruling not to do so.

2. It is unseemly for a woman constantly to be going abroad and in the streets, and the husband should prevent his wife from this. He should not let her leave [home] except once or twice per month, according to the need. There is no beauty for a woman except in dwelling in the corner of her home, for so it is written, "All the glory of the king's daughter is within (Psalm 45:14)" (Rambam, Hilkhot Ishut 13:11).

Very few, if any, Orthodox communities today follow this halakha of the Rambam. Very few, if any, accept the notion that a woman should live most of her life in the confines of her own home.

3. An unmarried man may not teach children because of the mothers who bring their children [and we fear possible immoral thoughts or conduct between teacher and the children's mothers]… A woman may not teach children because of the fathers who bring their children [and we fear possible immoral thoughts or conduct between teacher and the children's fathers]. (Shulhan Arukh, Yoreh Deah, 245:20–21).

Few, if any, Orthodox schools follow this halakha. It is quite common for single men to teach in Day Schools and yeshivot. It is also quite prevalent for women to teach in Day Schools and yeshivot. Indeed, Hareidi girls' schools tend to encourage students to become teachers.

4. A man must distance himself from women very very much…It is forbidden to look at her beauty and even to smell perfume that is on her…It is forbidden to look at colorful clothes of a woman with whom he is acquainted, even when she isn't wearing [these clothes], lest this lead him to think about her. If a man comes across a woman in the marketplace, it is forbidden for him to walk behind her; rather he should run so as to divert her to his side or behind him… One who looks even at a woman's little finger with the intention of deriving pleasure from this, it is as though he looked at her private parts. It is forbidden to hear an ervah voice or look at her hair. One who intends to do any one of these things is subject to lashes [makatmardut].… (Shulhan Arukh, Even haEzer 21:4).

In discussing the ruling that a man must run from a woman if he meets her in the market place, Rabbi Haim David Halevy asserted that this law refers to former times when women generally stayed home and were not often found walking in public. But in our day, many women walk in the public thoroughfares and marketplaces. If a man ran away every time he found a woman in front of him, people would think he was a fool. In his seeming piety, he would actually subject religion to ridicule in the eyes of the public. Rabbi Halevy concluded that a man who found himself walking behind a woman should simply try to keep his eyes from looking at her.8

The above examples demonstrate that there is a disconnect between various technical halakhot relating to tseniut, and the reality of the societal conditions in which we live. As a result, these halakhot—and others like them—have been generally modified or discarded among Torah-observant Jews. Sometimes apologetic explanations have been given and sometimes not.

Tseniut Today

We need to return to the underlying philosophy of tseniut: the expectation that we be holy, that we live dignified lives, that we not present ourselves as sexual objects. How these aims are actually fulfilled very much depends on the societal conditions in which we live. In ancient and medieval times, when women lived highly restricted lives, the rules of tseniut were applied accordingly. In our times, when women function openly and freely in society, the rules of tseniut also must be applied with this reality in mind.

The following are some proposed applications of the rules of tseniut in our modern societies:

1. Neither men nor women should dress, speak, or act in a licentious manner that will arouse the sexual attention of others. It is a violation of tseniut to wear skimpy, overly tight, or other clothing that is designed to highlight one's sexuality.

2. It is proper for men and women to dress nicely, neatly, and modestly. It is fine to dress fashionably, as long as those fashions do not violate the philosophy of tseniut.

3. In our society, it is normal for upstanding and proper women to wear pants/pants suits; short sleeved dresses/blouses; clothes with colorful designs. Wearing these things is not a violation of tseniut, as long as these items are not fashioned in such a way as to highlight one's sexuality.

4. Married women need not cover their hair, as long as their hair is maintained in a modest style. The wearing of wigs does not constitute a proper hair-covering for those married women who wish to cover their hair. Rather, such women should wear hats or other head coverings that actually cover their hair.

5. Men and women may sing in the presence of those of the other gender, as long as the songs are of a religious nature, or of a general cultural nature (e.g. opera, folk songs, lullabies). People should neither sing nor listen to songs that have vulgar language or erotic content that will lead to improper thoughts or behavior.

6. If a person dresses, speaks, and acts in a proper, dignified manner, it is not his/her responsibility if others are sexually aroused by him/her. That is their problem. It is their responsibility to control their thoughts and emotions, and/or to remove themselves from situations that they find to be sexually provocative.

7. Normal interactions between men and women are a feature of our societies. Women may serve in positions of authority over men, just as men may serve in positions of authority over women.9 The key point is this: holiness and tseniut should characterize all contexts where men and women mingle and work together. Co-ed youth groups and schools are permitted, but must be maintained with high standards of tseniut.10

Conclusion

Rabbi Avraham Shammah, who teaches at the Herzog Teachers' College in Israel, stated: "Women and men should behave in a manner that reflects great respect for one another; they should not consider one another in a crude manner such as sexual objects; they should not dress provocatively, nor should their body language be provocative.…"11 This is a fine formulation of the guidelines of tseniut.

It makes little sense to pretend that our living conditions today are identical to those of antiquity and the middle ages. Women's roles in society have changed radically. The interrelationships of men and women today are far more common and far more frequent than in former times. Fashions have changed dramatically. Definitions of brazenness and immodesty are far different today than they were in olden days. Recognizing these changes is essential to formulating a proper application of tseniut rules.

It must also be recognized, though, that modern-day fashions often reflect very non-tseniut standards. Clothing that is designed to be sexually provocative—low cut in front or back, dresses or skirts above knee-length, clothing that is too tight, men's pants that are worn below the belt line, and so forth—are clearly in violation of the philosophy and rules of tseniut.

Our goal as thinking halakhic Jews is to be clear on our responsibility to be holy, and to treat ourselves and others as fellow human beings—not as sexual objects. When we live as tseniut human beings, we enhance our own dignity and the dignity we show to others. This is not an inconsiderable accomplishment.

Notes

1. See my book, Losing the Rat Race, Winning at Life, Urim Publications, Jerusalem, 2005, especially chapter 4.
2. Norman Lamm, "Tseniut: A Universal Concept," in Haham Gaon Memorial Volume, ed. M.D. Angel, Sephardic House and Sepher Hermon Press, New York, 1997, p. 155.
3. Yehuda Henkin, Understanding Tzniut, Urim Publications, Jerusalem, 2008.
4. I am not going into the discussion about improperly seeing or hearing women during one's recitation of the Shema, nor distinctions between seeing or hearing one's wife or other women.
5. See Rabbi Henkin's discussion of hair-covering for women, pp. 29f; and article by Michael Broyde, "Hair Covering and Jewish Law," Tradition, Fall 2009, 42:3, pp.97-179. It is understood that married women must adhere to a higher standard of tseniut than single women, since married women are subject to the laws of adultery for illicit relations. Nonetheless, both married and unmarried women are

bound by the rules of tseniut and obviously are not allowed to comport themselves in a way that will entice improper thoughts or deeds on the part of men who see them.

6. Rabbi Yosef Mesas, Mayyim Hayyim, vol. 2, no. 110.

7. For a discussion of sources relating to kol isha, see Saul Berman, “Kol Isha,” in Rabbi Joseph H. Lookstein Memorial Volume, ed. Leo Landman, Ktav Publishing House, New York, 1980, pp. 45–66; and the responsum of Rabbi David Bigman, “A New Analysis of Kol B’Isha Erva,” in the Responsa section of jewishideas.org. Michael Makovi collected many sources on the topic in his article “A New Hearing for Kol Ishah,” in the Articles section of jewishideas.org

8. H. D. Halevy, Mayyim Hayyim 2:45.

9. See Benzion Uziel, Piskei Uziel, Jerusalem, Mossad HaRav Kook, 5737, no. 44, where Rabbi Uziel argues that women may vote in elections, and may be elected to public office where they have authority over men.

10. See the excellent pamphlet by Rabbi Yuval Cherlow and Ron Hori, Hevra Sheleimah: Hevrah Tsenuah Me’orevet leKhathila,” published by Neemanei Torah vaAvodah and HaKibbutz HaDati, Tel Aviv, 2011.

Rabbi Shammah’s paper was originally published in Hebrew and can be found at http://www.kolech.org.il/show.asp?id=25484. It was published in English in the bulletin of JOFA.