Moving Backward: A Look at Mehadrin Bus Lines

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There was no Rabbi more concerned with tseni'ut (modesty) than R. Moshe Feinstein. He was against men shaking a woman's hand even as a polite greeting (IM OH 1:113; EH 1:56). Even in circumstances when the law didn't strictly prohibit the mingling of men and women, he encouraged God-fearing people to avoid such situations.

There is, however, one place where R. Feinstein had no problem with men and women being together: the marketplace. In workplaces, on trains and buses-including the crowded New York subway system-R. Feinstein's stance is absolutely clear. There is no halakhic, or even spiritual problem, with men and women sitting next to each other in such situations: "Because, " wrote R. Feinstein, "unavoidable and unintentional physical contact is devoid of sexual connotations....And if a man knows that he will read into this contact sexual connotations...he should focus his mind on Torah. For it is idleness that causes a man to be prone to lascivious thoughts" (Even HaEzer 2:14).
All this was asked and answered decades ago.

If, then, there is clearly no halakhic problem, what is really behind the sudden rise of Hareidi demands that public buses in Israel be sex-segregated, women banished to the back door and the back seats? Furthermore, what is the motivation of the women, almost all of them Orthodox like myself, who have taken the unprecedented step of filing a legal complaint in Israel's Supreme Court

to stop Israel's Ministry of Transportation and the monopolistic public bus lines Egged and Dan from caving into Hareidi demands? Where are the battle lines being drawn, and what will be the meaning of victory or defeat in this newest arena of modern ultra-Orthodox re-fashioning of Jewish life to fit an image and a lifestyle that has no Jewish precedents?

The desire for sex-segregated buses is not new. Over a decade ago, Hareidi elements in B'nai Brak pressured then Minister of Transportation Yitzchak Levi to allow two public buses serving Hareidi neighborhoods within B'nai Brak to require separate seating. From this seemingly small and very limited accommodation to the sensibilities of extremist elements in a tiny, isolated homogenous religious sector in a small section of a small town, was born the idea that a public bus, serving the general public, can make demands relating to gender, invading their passengers' private space to decide what seat they can or cannot choose to sit in on a public bus; how they can dress, and what the driver can listen to on the radio.

Before that time, Hareidi passengers managed to ride public buses without undo difficulties. Honestly, many were the times when I voluntarily chose to find another place to sit rather than impose my presence on a Hareidi man. I did this out of a sincere desire not to affront what might be a delicate religious sensibility, despite the clear lack of any halakhic basis. Used to the idea of Jews who require a hekhsher on salt or detergent-without any halakhic basis-I did not want to step on anybody's list of no's. Why make someone uncomfortable if you don't have to? Where I drew the line was standing if no other seat was available. My feeling was that if one decides to adopt a humra (stringency), others need not suffer. If he had a problem sitting next to me, he was welcome to stand. I am sure many Hareidi men welcomed the opportunity to give their seats to elderly women, or to a woman carrying a child and a baby carriage. I remember that a Hareidi man actually did get up and offer me his seat when I was eight months pregnant, and the bus was in sardine-class mode.

When did this status quo suddenly become unacceptable? And more importantly, why? Is this really a battle over religious observance? Or is it a battle over something far less holy, and far more prosaic? "Separated buses are a wonderful opportunity to make some easy money in the Hareidi society; and this is what makes this issue so harsh," says Yonatan (not his real name), a Hareidi resident of Sanhedria in a recent article published in the Jerusalem Post. "From outside, in the secular world, it seems as if it is all about these things you may call fundamentalism. This is indeed how it started. But today, inside the Hareidi

society, it is mainly a matter of earning a living. People here ask, 'Why should we renounce such an opportunity for profit, especially in these days of economic turmoil, and leave the profit to Egged?'"

According to Israeli law, the Ministry of Transportation must approve all bus stops, routes, and fares. Getting approval involves paying expensive tariffs to the Ministry of Transportation. Unauthorized buses and taxis are known in local slang as chapperim. In 2001, Hareidim began to operate just such an unauthorized line between Jerusalem and B'nai Brak, claiming that communication between them and the bus companies had broken down, and that their demands--including not only separate seating but also what music could be played on the radio, and what the stores in the Central Bus station could advertise and sell-were not being met. In an article published on the Hareidi website Dei'ah Ve'Debur in 2001, author Betzalel Kahn wrote:

The Vaad Mehadrin, which acts in accordance with the dictates of gedolei Yisroel, faced two challenges-the
failure to come to a settlement with the various parties; and the bureaucratic obstacles placed before the route's implementation. As a result of the obstacles, the Vaad Mehadrin decided to utilize an independent, shomer Shabbos bus company to operate a new Jerusalem-B'nai Brak route, mainly as a means to pressure the bus cooperatives and the Ministry of Transportation to run the 402 line. The mehadrin line carried about 14,000 passengers during hol haMoed Succoth. This seems to have jarred the other factors into taking action. The one-way price was only NIS 10 (about $2.32) as opposed to Egged and Dan's inter-city fare of NIS 18.50 (about $4.29). The independent line's fare is 46 percent cheaper, without government subsidies and it still made a profit (emphasis added).

One cannot help wondering if this would have been true if tariffs had been paid. The article continues:
Rabbi Micha Rothschild, one of the Vaad Mehadrin heads, said in an earlier interview, "Instead of the heads of the Transport Ministry meeting the minimal request of gedolei Yisroel, who demanded throughout the years to operate mehadrin lines for the Hareidi public, the Ministry of Transportation continued with its scheming against the new mehadrin line. Transport Ministry inspectors-with police assistance-followed the buses, stopped the drivers, fined them thousands of shekels, and even wanted to suspend the company's operating license. Such a situation is intolerable. The Hareidi public, which (almost) entirely utilizes public transportation, deserves a route run according to its values.
In recent weeks, Hareidim in Jerusalem began running their own mehadrin bus

routes to the Kotel-again, illegally, without applying for a license or paying tariffs. This, they said, was in response to the Supreme Court's interim decision on our petition to prevent the bus companies from designating any more routes as mehadrin until our case was decided. Before we filed, new mehadrin lines were sprouting at the rate of ten a month all over the country, and not between Hareidi communities, but cities. This line, which did not apply for a license, and did not pay fees to the Ministry of Transportation, and had thus made no attempt to become legal, was shut down. The result was a carefully orchestrated "riot" by the Hareidi "public" who stoned Egged buses, causing the bus company to finally stop cooperating, taking umbrage, and refusing to provide any buses at all to Meah Shearim that day.

I must say I was delighted to see Egged finally show a little backbone. Unfortunately, Egged seemed far more outraged to see its profit margins attacked than its female passengers. I say this from personal experience.

My own involvement with this issue began several years ago when I inadvertently got on a completely empty bus that followed the most direct route to my then neighborhood Ramot, in Northern Jerusalem. Let me emphasize that my neighborhood was mixed: Orthodox, non-Orthodox, and Hareidi. At that time I had no idea such buses existed. I got on one not because I wanted to start a feminist protest, but simply to get home as quickly as possible from the center of town. Choosing a single seat near the front of the bus, which was clearly visible to the silent driver who issued no demands and no warnings about what I had just unwittingly stepped into, I sat down and opened up a newly purchased magazine. Soon a young Hareidi man sat down in front of me. He turned around and delicately informed me that I wasn't allowed to sit where I had chosen to sit. I closed my magazine and looked at him. He was about my son's age. "Listen," I said. "I'm not sitting next to anyone. No one has to look at me if they choose not to. This is a public bus, and I'll sit wherever I choose." He didn't argue. Actually, he seemed uncomfortable, and simply turned around. Little did I know that this young man was actually trying to help me.

Returning to my article, I didn't notice that the bus was filling up in a peculiar, gender-segregated manner until a huge, sweating bear of a man in a black suit and hat leaned over me threateningly and shouted: "Move to the back of the bus! Who do you think you are? There are laws in this country!"

I stared at him, then looked around the bus. I was the only woman sitting in the front. My sisters were all in the back. Not a single one of them lifted her head or her voice. It was a moment of truth for me. I guess I could have gotten up and moved to the back. If only the gentleman in black wasn't hanging over me barking orders, perhaps I would have. But to be addressed in public in such a humiliating and aggressive manner by a stranger who felt that he had the right to

order about with such barbaric lack of manners someone old enough to be his mother ('s younger sister) made me realize that I could not, without ruinous consequences for my dignity and self-respect, accommodate him. It really did make me feel like Rosa Parks. And so I said, quietly, but in hearing distance of all: "When you bring me a Shulhan Arukh and show me where it is written that I can't sit here, I'll move. Until then," I suggested a few places where he might go in the interim.

The reaction was explosive. He leaned in close and started to call me names that I shall not repeat. There is no question in my mind, that only the prohibitions of negiah (non-permitted contact with someone of the opposite gender) prevented him from picking me up bodily and heaving me out of my seat.

This is not paranoia.

Miriam Shear, a Canadian grandmother who took the number 2 bus to the kotel to pray every day (a bus not designated mehadrin by the way) who took a front seat and refused to move, was spat upon, had her head covering torn off, and was thrown to the ground and beaten by men in ultra-Orthodox clothing who apparently had fewer scruples about negiah.

Horror stories abound: A pregnant woman got on the 318 midnight bus from B'nai Brak to Rehovot. She sat in the front because of motion sickness, explaining this to the other passengers. One Hareidi man stopped the bus by standing with one foot outside and one on the step up so the driver couldn't close the door. The woman finally fled into the street in the middle of the night. The other passengers went looking for her and found her under a tree, humiliated, hurt, and refusing to re-board. She called her husband to come and get her. A young woman on the midnight bus from Safed to Afula boarded wearing pants, and had to fight with the driver and other passengers who insisted that she be thrown off the bus in the middle of the road. A grandmother helping her son and grandchildren to board a bus in Beit Shemesh through the front door was attacked and cursed. I could go on.

Faced with these horror stories, rabbinical response has been slow and mixed. There are of course, the people who got all this moving. Shlomo Rozenstein, a Vizhnitz Hassid and a city council member, has been at this for over eight years. "This is really about positive discrimination, in women's favor," he said recently to Katya Allen of BBC News. "Our religion says there should be no public contact between men and women, and this modesty barrier must not be broken." I'm sure R. Moshe Feinstein would have been surprised to hear this.

Modern Orthodox rabbis have not been in the forefront of this battle, but neither have they been silent. Rabbi Ratzon Arussi, chairman of the chief rabbinate's council on marital affairs and rabbi of Kiryat Ono, said that: "Halakhically speaking, it is preferable for a man to sit next to his wife than to have other

women pushing past him to get to the back of the bus. Being with his wife keeps the husband's attention focused. Seating men up front causes additional problems. For instance, pregnant women or women with heavy bags are forced to walk all the way to the back of the bus. It is obvious that the men who initiated the mehadrin line did not think about women or about the halakhic problems created."

Indeed. A woman recently wrote to Rav Yuval Cherlow for a halakhic ruling, saying that she is forced to use the mehadrin lines to get to work, but that she finds it degrading to be told where to sit, and she is also prone to motion sickness at the back of the bus. Should she respect the religious extremism of others and go to the back to her own discomfort? Can she sit in a vacant front seat if there are not seats in the back? And what about elderly and pregnant women? His reply: "there is great importance in keeping the public forum a place that is tsanua, not having immodest advertising signs up, for example." But, Rav Cherlow also writes, "I am against the mehadrin buses. These buses are mehadrin in shaming other people, in dealing with tseni'ut in an immodest fashion." Rav Cherlow goes on to advise the questioner that if she is not doing it to stir up trouble, but for a purpose, such as health, or when there are no seats available elsewhere, "then you can sit wherever you want. And those who change things, they have the lower hand."

Can we not, all of us who care about real tseni'ut, agree that any benefits from a policy of sex segregation on public buses are far outweighed by the hardships and sins that such a policy causes? And can we not agree that the real result of this battle so far has been the transformation of neutral public spaces into sexually charged battlegrounds characterized by the verbal and even physical abuse of women who fail to fall into line with the new rules?

If we complain that the Reform Movement plays fast and loose with Jewish law, what is one to say about those in the Hareidi world who insist on twisting the halakha into the particular shape needed to accommodate their desire for both profit and a very particular and minority view of what constitutes purity in the public sector?

As for me, and the women who filed the petitions against these buses, I will repeat what I told the Jewish Chronicle in February 2007: "The insidious degradation of the faith I was born into, love, and have practiced faithfully all my life by fanatics who pervert its meaning in order to bully women in the name of God is something I cannot, and will not, abide. First and foremost because it is a desecration of God's name; and second, because it is limitless."

Modesty patrol hooligans already roam our Jerusalem streets. Paint and bleach have already been thrown at women by Hareidi "fashion critics"; immodest clothing has been snatched from Meah Shearim homes in house to house

searches, and posters screaming "Dress modestly-or else" adorn many public streets. Now there are women being sent to the back of the bus, one more way for Judaism to go backward, turning our future into a past that never was.

I believe the time has come for rabbinical voices to be raised in protest against the treatment of women on these buses. As a Hareidi woman told me recently: "We hate these buses, but we can't say so openly because we don't want to be accused of being immodest. Someone has to speak for us."