

Desexualizing Public Space

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Introduction

The story is told (b. *Taanit* 24a) that Rabbi Yossi son of Rabbi Avin left his teacher, R. Yossi of Yoqrat, in order to study with Rav Ashi. As leaving one teacher for another was an unusual thing to do, Rav Ashi asked him why he did so. Rabbi Yossi son of Rabbi Avin responded: “A man who has no compassion even for his own son and daughter – how could he have any for me?” The Talmud explains:

[Rabbi Yossi of Yoqrat] had a beautiful daughter. One day, he saw a certain man making a hole in a palm-leaf fence and peeping at her. He said to him: “What are you doing?” He responded: “Master, if I have not merited marrying her, will I not at least merit looking at her?” [Rabbi Yossi of Yoqrat] said to her: “My daughter, you are disturbing [God’s] creations, return to your dust, and let men not stumble on your account.”

The story of Rabbi Yossi of Yoqrat and his daughter is particularly chilling. A normal father would have been angry at the man for peeping at his daughter; instead Rabbi Yossi of Yoqrat blames the innocent girl for being attractive. Although the Talmud uses the story of Rabbi Yossi of Yoqrat as an example of cruel and unjust behavior, more than a millennium later this type of thinking has returned to the surface.

¹ Morethodoxy shut down, so I am posting my previously published articles as PDFs here. They have not been revised.

Rabbi Dov Linzer and Male Responsibility

It would be redundant for me to excoriate the behavior of the Sikrikim in Beit Shemesh, as many others have already condemned them for spitting on little girls and roughing up opponents. One of the best of such rebukes was by my own teacher, Rabbi Dov Linzer, in a *New York Times* op-ed, Lechery, Immodesty and the Talmud. However, Rabbi Linzer's response diverges from many other condemnations of the Sikrikim with a radically different focus for Jewish laws regarding *tzniut* (modesty).

The basic idea behind *tzniut* – and I use the term to refer to modesty in the sexual arena rather than humility – is to *desexualize* public space and interactions between men and women. Rabbi Linzer argues that according to his reading of Jewish law, the Talmud “places the responsibility for controlling men’s licentious thoughts about women squarely on the men.”

Professor Shaul Magid’s Critique

Although the article was well-received by many, a number of critiques have been launched and I would like to focus on Professor Shaul Magid’s critique in Religion Dispatches. Although he applauds Rabbi Linzer’s “anti-misogynist” attitude, Professor Magid suggests that Rabbi Linzer’s position “is actually in conflict with key authoritative texts of the traditions,” and supports this claim with a number of examples.²

² Unfortunately, some of Professor Magid’s illustrations are not fully accurate. For example, he states that “Jewish law permits a *mehitza* that would enable the women to see the men—just not the other way around. The reason: to prevent the men from being distracted by women during prayer.” This is a tenuous claim. The requirement for *mehitza* that in synagogues is never mentioned in the Talmud or early sources, and when it does finally receive mention in 20th century rabbinic literature, its purpose is hotly contested. Professor Magid’s description of the rule and purpose of *mehitza* reflects only one view, and not even the most prominent one. For an interesting analysis of

Magid challenges Linzer: “To instantiate your reading of the Talmud would require you to act decisively to abolish all the legal mandates that objectify women’s bodies and put the onus on the men to take full control of their libido and desire.” In my opinion, Professor Magid pushes his case too far.

A Reframing of the Conversation

Rabbi Linzer’s op-ed paints with a broad brush and was surely not meant as a full articulation of Jewish law. To clarify matters somewhat, I would like to offer my own reframing of Rabbi Linzer’s position.³ Jewish law wishes interactions between men and women in the public sphere (i.e. non-marital interactions) to be desexualized. If men feel aroused as a part of their *normal interactions* with women it is the responsibility of the men to control this. The Talmud is aware that it is difficult to predict what may stimulate a man’s sexual thoughts. This fact motivates statements like that of Rav Sheshet (b. *Berakhot* 24a), for example, that staring at a woman’s little finger can be like staring at her fully unclothed. As Rabbi Linzer aptly points out, this is not a requirement for women to wear gloves, but a requirement for men to note when their minds are wandering in the wrong direction and fix it.

However, the above paradigm applies to ordinary interactions, i.e. interactions that are not meant to be sexual. I do not think that Rabbi Linzer’s claim that women are not responsible for men’s lewd thoughts applies to situations where women may actually be sexualizing the atmosphere on their own. Men also have a right to ask for desexualized public space. Even secular law is aware of this fact, which is why there are statutes against public indecency. The question becomes: What kind of

the institution of *mehitza* and its place in modern day Orthodox rhetoric, see Rabbi Alan J. Yuter, “Mehizah, Midrash and Modernity; a Study in Religious Rhetoric,” *Judaism* 28.1 (1979): 147-159.

³ To see Rabbi Linzer’s own articulation of his position in different words, see his [blog post](#) on *tzniut*. See also R. Aryeh Klapper’s excellent article on *tzniut* in [Text and Texture](#) for a distinct but related take.

behavior sexualizes the atmosphere? It is with regard to this question that, I feel, Professor Magid and Rabbi Linzer are speaking at cross purposes.

Tzniut as Sociologically Determined

By its very nature, what sexualizes a given environment is sociologically determined. Although there is no discussion in the Talmud about “laws of *tzniut*,” the Talmud does list certain behaviors as “provocative” in the context of divorce and fault.⁴ A terrific example is found in the Tosefta (t. *Ketubot* 7:6).

If [a woman’s husband] makes a vow that she must allow any man to taste her cooking, or that she must fill up and then pour out garbage, or that she should tell random men intimate details about her life with him – she may leave and [her husband] must make the *ketubah* payment, since he has not behaved with her in accordance with the law of Moses and Israel (*dat Moshe ve-Yisrael*).

Similarly if [a man’s wife] goes out with her hair exposed, she goes out with her clothing in tatters, she behaves arrogantly with her slaves, maidservants or the neighborhood women, she goes out to weave in the public marketplace, she washes or is washed in the bathhouse in the company of random men – [if he decides to divorce her] she leaves without her *ketubah* payment, since she has not behaved with him in accordance with the law of Moses and Israel (*dat Moshe ve-Yisrael*).

The text deals with one type of fault that violates a marriage: humiliating one’s partner through his or her behavior. The list of a wife’s inappropriate behavior is clearly not meant to be exhaustive or objectively determined. I believe this applies to other iterations of this list as well.⁵ In Talmudic times, a woman going out with

⁴ There is also a discussion in the context of reciting the Shema (b. *Berakhot* 24a).

⁵ Like list in b. *Berakhot* 24a of what is considered indecent (*ervah*); Professor Magid is certainly correct that most if not all Talmudic passages have more than one possible interpretation. There are

her hair exposed or tattered clothing would have been sexualizing the environment around her with her public display, which is why a husband can call such behavior “fault.”

Halakha may be timeless but society changes; what may have been considered sexualizing behavior in one society may be considered harmless in a different society. Thus, a modest woman living in Saudi Arabia may not feel comfortable wearing a polo shirt in public, whereas a modest woman living in a Western society would. Furthermore, if a man from this same Western society were to complain that he finds women in polo-shirts erotic, we would have every right to tell him that this is his problem; it is he who is sexualizing the environment.

Context Specific Modesty

In fact, modesty can be context specific within the same society. A woman who wears an ordinary bathing suit to the beach is not sexualizing her environment; this is how women on the beach dress. However, if this same woman were to wear the same bathing suit to the office or the supermarket she would absolutely be sexualizing the environment. What constitutes innocuous behavior versus erotic behavior is extremely context specific and the question is where to place the bar.

Speaking for myself, it seems to me that telling modern religious girls and women that they may not wear regular T-shirts or regular-fit shorts because their knees and elbows sexualize the environment is misguided.⁶ In fact, I believe making such rules accomplishes the opposite; the rule actually sexualizes the woman more. By

those who believe that these lists are *not* societally determined but timeless. A technical discussion of these and related sources taking into account all the various traditional interpretations must be saved for a different venue.

⁶ To clarify, I am not discussing whether religious schools should have dress codes and if so what they should be. Furthermore, I will refrain from discussing hair covering for married women in this piece, as the subject is complicated. See Rabbi Michael J. Broyde’s most recent iteration of his position on hair-covering in [Hirhurim](#) for one perspective on this.

telling young teenage girls that they are being provocative even when they aren't trying to be, we may unwittingly make them feel sexualized even during their normal interactions with men – exactly the opposite of what halakha is trying to accomplish.

A Conflict in Values

The challenge for modern religious men and women is that we live in a culture where a “modest amount” of sexualizing of the environment is not considered problematic. Although most of us live in societies where public nudity or sexual expression is prohibited, Western society does condone a certain amount of conscious public sexual display, especially in dress.

Consequently, not all clothing worn in our society is, in fact, appropriate for religious women. Plunging necklines, skin-tight outfits or dresses with thigh-high slits are *designed* to sexualize the environment to some degree. This may be considered appropriate in secular society but not for modest Jewish women. Although it goes unmentioned in his op-ed, I trust Rabbi Linzer would agree with this point, which is why I believe Professor Magid's challenge goes too far. Of course halakha still has what to say about women's, as well as men's, public comportment.

The Need for Tolerance

Undoubtedly, we live in complex societies wherein people of different religious beliefs and values must get along. Even if halakha forbids certain types of dress, the religious man has no right to attempt to force this “dress code” on anyone else, and certainly not to use violence and other scare tactics. Just as the Talmud rejected R. Yossi of Yoqrat's warped perception, we reject our own modern manifestations of it. This is self-evident and axiomatic. It has been agreed upon by the vast majority of religious Jews who have commented on the recent abhorrent behavior in Beit Shemesh, and need not be belabored here.

Conclusion

The important contribution of Rabbi Linzer's piece – and my own – is to encourage our community to consider how the burden of desexualizing the environment has fallen completely upon the shoulders of women over the years. This burden has contributed to the disempowerment of women in the religious Jewish world and, ironically, has sexualized them even more. When women are held liable for every male sexual fantasy, they inevitably become nothing more than sex objects. This is the ultimate violation of *tzniut* and is not the fault of Talmudic law, but of the skewed perception of it in our times.