



What Does Judaism Have to Say about Gender Interaction?

I. What is Modesty?

<p>Micah 6:8 It hath been told thee, O man, what is good, and what the LORD doth require of thee: only to do justly, and to love mercy, and to walk humbly with thy God.</p>
<p>Rashi Micah 6:8 And walk humbly. Not in the manner of God is the manner of man. A person embarrasses his friend and comes to make up with him and he says to him, I will not make up with you until you bring so and so and so and so whom you humiliated me in front of but God is not like that and all that He desires is that one return to Him within himself.</p>
<p>Radak 6:8 Walk humbly with the Lord – this is the uniqueness of the Blessed God and His love with all of His heart and His soul and He said walk humbly because this matter is dedicated to the heart and it is the matter of modesty.</p>
<p>Sukkah 49b ‘To do justly’ means [to act in accordance with] justice; ‘to love mercy’ refers to acts of loving kindness³¹ ‘and to walk humbly with your God’ refers to attending to funerals and dowering a bride for her wedding. Now can we not make a deduction a fortiori: If in matters which are normally performed publicly the Torah enjoins ‘to walk humbly’, how much more so in matters that are normally done privately?</p>

<p>Deuteronomy 23:15 For the LORD thy God walketh in the midst of thy camp, to deliver thee, and to give up thine enemies before thee; therefore shall thy camp be holy; that He see <u>no unseemly thing</u> in thee, and turn away from thee</p>	<p>דברים כג: טו כי יהוה אלהיך מתהלך בקרב מחנהך, להצילך ולתת איבויך לפניך, והיה מחנהך קדוש: ולא יראה בך ערות דבר, וישב מאחריך.</p>
---	--

Excerpted from Rabbi Marc Angel: Rethinking 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....

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....

II. The Ervah/Nakedness Series

Babylonian Talmud Berachot 24a	תלמוד בבלי מסכת ברכות דף כד עמוד א
<p>R. Isaac said: A handbreadth [exposed] in a [married] woman constitutes ervah. In which way? Shall I say, if one gazes at it?</p> <p>But has not R. Shesheth [already] said: Why did Scripture enumerate the ornaments worn outside the clothes with those worn inside? To tell you that if one gazes at the little finger of a woman, it is as if he gazed at her secret place! No, It means, in one's own wife, and when he recites the <i>Shema</i>'.</p> <p>Rabbi Yitzhak said: a handbreadth in a woman is <i>ervah</i> [=nakedness, unchastity, impropriety].</p> <p>Rav Hisda said: a thigh in a woman is <i>ervah</i>, as it is written (Isaiah 47:2) "Bare your thigh, wade through the rivers" and it is written (<i>ibid.</i>, v. 3) "your <i>ervah</i> shall be uncovered and your shame shall be exposed".</p> <p>Samuel said: <i>kol b'ishah ervah</i>, a woman's voice is <i>ervah</i>, as it is written (Song of Songs 2:14) "for your voice is sweet and your appearance is comely".</p> <p>Rav Sheshet said: Hair in a woman is <i>ervah</i>, as it is written (<i>ibid.</i> 4:1) "your hair is like a flock of goats".</p>	<p>אמר רבי יצחק: טפח באשה ערוה. למאי? אילימא לאסתכולי –</p> <p>והא אמר רב ששת: למה מנה הכתוב תכשיטין שבחוץ עם תכשיטין שבפנים - לומר לך: כל המסתכל באצבע קטנה של אשה כאילו מסתכל במקום התורף! אלא: באשתו, ולקריאת שמע.</p> <p>אמר רב חסדא: שוק באשה ערוה, שנאמר +ישעיהו מ"ז+ גלי שוק עברי נהרות, וכתוב +ישעיהו מ"ז+ תגל ערותך וגם תראה חרפתך.</p> <p>אמר שמואל: קול באשה ערוה, שנאמר +שיר השירים ב'+ כי קולך ערב ומראך נאוה.</p> <p>אמר רב ששת: שער באשה ערוה, שנאמר +שיר השירים ד'+ שערך בעדר העזים.</p>

Maimonides in Laws of Sexual Prohibition 21:1-2	רמב"ם הלכות איסורי ביאה פרק כא
<p>... And it is forbidden for a person to signal with his hands or feet or to wink with his eyes at one of the <i>arayot</i>, or to laugh with her or act frivolously, and even to smell the perfume that is upon her or to look at her beauty - is forbidden. And we strike one who intends to</p>	<p>הלכה ב</p> <p>... ואסור לאדם לקרוץ בידיו וברגליו או לרמוז בעיניו לאחת מן העריות או לשחוק עמה או להקל ראש ואפילו להריח בשמים שעליה או להביט ביפיה אסור, ומכין למתכוין לדבר זה מכת מרדות, והמסתכל אפילו באצבע קטנה של אשה</p>



<p>do these things with [rabbinic] lashes of rebellion. And one who looks even at the little finger of a woman and intends to derive benefit, is as if he gazes at her private parts. And even to hear the voice of an erva or to see her hair is forbidden"</p>	<p>ונתכוון להנות כמי שנסתכל במקום התורף ואפילו לשמוע קול הערוה או לראות שיערה אסור.</p>
---	---

Ritva Kiddushin 82a

All is dependent on wisdom and the sake of heaven: This is the normative rule of Jewish law, that all is dependent on what a person sees in himself. If he needs to distance himself more, he must do so, even such that he not gaze upon women's undergarments when they are being washed. So too, if he sees in himself that his desires are subdued and under control and do not give rise to any impure thoughts, he may look at and speak to a woman with whom he is prohibited to engage in a sexual relationship and ask a married woman how she is doing. This explains the conduct of Rav Yohanan who looked at the women as they were immersing, without any erotic intent

<p>Shulchan Aruch Ishut 21:1</p> <p>A person must stay very far from women. He is forbidden to signal with his hands or his feet, or to hint with his eyes, to one of the arayos. He is forbidden to be playful with her, to be frivolous in front of her, or to look upon her beauty. Even to smell the perfume upon her is forbidden. He is forbidden to gaze at women doing laundry. He is forbidden to gaze at the colorful garments of a woman whom he recognizes, even if she is not wearing them, lest he come to have [forbidden] thoughts about her. If one encounters a woman in the marketplace, he is forbidden to walk behind her, but rather [must] run so that she is beside or behind him. One may not pass by the door of a promiscuous woman [or: a prostitute], even four cubits [around 6–8 ft or 2–2.5 m] distant. If one gazes even at the little finger of a woman with the intent to have pleasure from it, it is as though he gazed at her shameful place. It is forbidden to listen to the voice of an erva or to look at her hair. If one intentionally does one of these things, we give him lashes of rebellion. These things are also forbidden in the case of ordinary Biblical prohibitions.</p>	<p>שולחן ערוך אבן העזר הלכות אישות סימן כא</p> <p>סעיף א</p> <p>א] צריך אדם להתרחק מהנשים א מאד מאד. ב] ואסור לקרוץ בידיו או ברגליו ולרמוז בעיניו לאחד מהעריות. ג] ואסור לשחוק עמה, להקל ראשו כנגדה ב ד] או להביט ביופיה. ואפילו להריח בבשמים שעליה אסור. ואסור להסתכל בנשים שעומדות על הכביסה. ואסור להסתכל בבגדי צבעונים של אשה שהוא מכירה, אפי' אינם עליה, שמא יבא להרהר בה. פגע אשה בשוק, אסור [א] להלך אחריה, ה] אלא רץ ו] ומסלקה לצדדין ז] או לאחרי. ג (א) ולא יעבור בפתח אשה זונה, אפילו ברחוק ארבע אמות. והמסתכל אפילו באצבע קטנה של אשה ח] ונתכוין ליהנות ממנה, כאלו נסתכל בבית התורף (פי' ערוה) שלה. ואסור לשמוע ד קול ערוה או לראות שיערה. ט] והמתכוין לאחד מאלו הדברים, מכין אותו מכת מרדות. י] ואלו הדברים אסורים גם בחייבי לאוין.</p>
---	--

III. Do Women Wearing Pants Violate Any Laws?

Cross Dressing???

Deuteronomy 22:5	דברים כב:ה
------------------	------------



A woman must not put on man's apparel nor shall a man wear women's clothing for whoever does these things is abhorrent to God.

ולא יהיה כלי גבר על אשה ולא ילבש גבר שמלת אשה כי תועבת ה' אלהך כל עשה אלה

Sifre Devarim Piska 226:

No male article shall be on a woman. Could this be teaching that a woman should not wear white garments nor a man colored ones? Rather the verse concludes "whoever performs these commits an abominable act before the Lord your God." Only practices leading to an abominable act are forbidden. As a rule a woman should not put on male garb and circulate among men, nor should a man adorn himself in a feminine way and circulate among women.

R. Eliezer Ben Yaakov says: Whence do we know that a woman should not bear arms and go off to war? It says No male article shall be on a woman. A man shall not adorn himself in women's ornaments, as it says: and a man shall not wear women's clothing....

Rambam Sefer Hamitzvot, Lo Taaseh 40:

No male article shall be on a woman and a man shall not wear a woman's garment (Deut 22:5)

One should be aware that this act, i.e. women adorning themselves in male finery or men in women's finery is sometimes performed to arouse the senses to debauchery as is well known and is also performed for various types of idolatry as is explained in works devoted to this subject. Some amulets are sold with the proviso that the purchaser when wearing them wear clothing of the opposite sex such as gold and pearls in the case of men and armour and weaponry in the case of women

Sefer ha-Hinukh, Mitzvah 542

Roots of the mitzvah – to remove promiscuous behaviour from our holy nation....without a doubt, if men and women wear the same clothing, they will always be mingling together, and the earth will be filled with perversion. Our sages also explained that this mitzvah serves to remove all trace of idolatry for such was the way of idolaters. I found these two reasons in the works of Ramban after writing them myself.

Tur Yoreh Deah 182

A woman should not wear clothing which by local custom is deemed to be exclusively male.

Bayyit Hadash on Tur Yoreah Deah 182: (17th century Poland)

The law is lenient in two respects. First of all, no prohibition applies, even against wearing something that makes one more attractive unless one does so to resemble the opposite sex. Clothing worn as protection against the summer sun or winter rain present no problem.

Second of all, even if a man intends to resemble a woman, no prohibition applies unless in doing so he thereby beautifies himself. As the Sifri states "...a man should not adorn himself with female adornments."

Therefore, male garments worn by women when they go to market and sit in shops violate no prohibition. They are made only as clothing to cover the body, not for beautification or adornment. Moreover, women wear them only as a protection from exposure to the elements not to resemble men.

What Happens When Pants for Women Become Reality?

Minhat Yitzhak Part II 108 (Rabbi Yitzhak Yaakov Weiss, 1902-1989, Israel)

Is there any prohibition against women wearing women's slacks which are like trousers but are never worn by men and are distinguishable by such factors as colour?

Answer: This question does not require elaborate investigation, for an outright prohibition is involved. Besides, ostentatious clothing such as this is produced, *a priori*, for sin and is associated with promiscuity. Even if they are not classed as "male articles" wearing them still constitutes an "abominable act". The truth is that they are real, male articles and even if they are a bit different, they are still labelled trousers....From what age does the prohibition apply? Surely once a girl reaches educable age, she must be taught about this like any other mitzvah. Even before then however, we are forbidden to supply her with forbidden fruits especially as regards an act which due to its sexually corruptive nature, may lead the public to sin as well....



Is she allowed to wear trousers to go skiing, when skiing without them is difficult and when if she falls they actually provide an advantage? This seems to depend on a debate among the rabbinic authorities regarding whether a woman is allowed to wear male garb as protection against the elements. On close scrutiny however, it appears that even to wear such garments is forbidden according to all opinions....Better she should stay home and not dress this way...especially as a Torah prohibition is involved.

Tzitz Eliezer Vol. XI, 62

Our greatest legal authorities have raised their voices against those who by seeing a pretext for leniency regarding women's trousers have made themselves "scoundrels with Torah approval". They have ruled that the Torah simply forbids such trousers with these words "A woman shall not wear male articles" (Deut. 22:5) Clearly, none of the halakhic differentiations presented by the rabbis apply to shameful garments such as these. By their very nature, their abominable arrogance is evident for all to see, as are the lustful thoughts of those who wear them. By exposing the shape of the leg and by accentuating the figure, they are the living fulfilment of "They make a tinkling with their feet" (Isaiah 3:16) It goes without saying that they are forbidden in terms of Kli Gever. Such trousers lay a wicked trap to ensnare young Jewish males in the net of promiscuity. They are almost certainly to be considered accoutrements of fornication. Hidden in their very shape and form is a poisonous incitement to sexually forbidden acts.

Yaskil Avdi Yoreh Deah Vol. 5 (Rav Ovadia

Hodaya 1889-1969: Head of the Beit Din Hagadol in Jerusalem)

Kli Gever is not violated unless a man or woman wear trousers distinctly suited to the opposite sex. For a different reason however they should be forbidden to women. Trousers are a wild, promiscuous and immodest garment for women since legs are separated from each other to the very top. One who sees a woman wearing trousers may be led to sinful thought or even to fornication. Unfortunately, there is no longer any separation between young men and women. All mingle together at work and school....for this reason trousers should be forbidden to women. Every man who truly fears the word of God must keep his daughters from going out in such garb, lest it lead to real sexual offence.

Getsel Ellinson, A Modest Way, footnote 129

Another factor that must be taken into account, however, is the existence of a community of modest Jewish girls with their own standard. The fact that they are careful to wear only skirts affords significant weight to this stricture. By wearing a skirt, a Jewish girl identifies with this group and separates herself from other permissive circles. To a certain extent, in the last few decades the skirt has become a sort of "yarmelka" for the scrupulously observant girl who strives to follow our sages' ethical guidelines as reflected in their halakhic rulings. By her refusal to wear trousers, she demonstrably declares that she is unwilling to resign herself to the dictates of modern style and that she takes exception to the immorality so rampant these days in society at large. For the modest young woman who comes into contact with that society in the context of her daily work or study, this last factor has special import. Such girls need a constant reminder that they do not identify with the values and lifestyle of their surroundings. My daughter once scored this point saying "Even if it could be proven beyond the shadow of a doubt that there is nothing wrong with wearing trousers, I would still continue to avoid them"

Rabbi J. David Bleich, Contemporary Halakhic Problems, VII, p. 144-7.

A number of years ago, the question of the propriety of slacks was presented to a number of prominent scholars by Rabbi Yom Tov Lippa Deutsch and their answers appear in Rabbi Deutsch's *Taharat Yom tov*, IX, 55 and 77-87... All of the Rabbis whose views on this matter are published in *Taharat Yom Tov* replied in the negative...

While there is little doubt that in many instances the type of slacks currently in vogue do not conform with halakhic norms of modest dress, it is difficult to agree that this must necessarily always be the case. For example, an ensemble including slacks designed to be worn under a long modestly cut tunic does not appear to be inherently immodest.



...The governing concern is that those viewed as exemplars of Torah study, whether male or female, comport themselves in a way which enhances rather than detracts from the honor and esteem in which Torah is held. Hence, it would seem that as long as slacks are viewed as improper attire by significant segments of the Jewish community, the wearing of such garb by those charged with bearing the banner of Torah should not be sanctioned.

Women and Hair Covering

B. Talmud Ketubot 72a

Mishna: The following are to be divorced without receiving their *ketubah*: a wife who violates *dat moshe* or *dat yehudit*. What is [regarded as a violation of] *dat moshe*? Feeding [her husband] untithed food, having intercourse with him during the period of her menstruation, not setting apart the dough offering, or making vows and not fulfilling them.
What is [considered to be a violation of] *dat yehudit*? Going out with her head uncovered, spinning in the marketplace, or conversing with every man. Abba Shaul says: One who curses his parents in front of him. Rabbi Tarfon says: The woman with a loud voice as well and what is a loud voiced woman? When she speaks in her house, her neighbours hear her.

תלמוד בבלי מסכת כתובות דף עב עמוד א

מתני'. ואלו יוצאות שלא בכתובה: העוברת על דת משה ויהודית. ואיזו היא דת משה? מאכילתו שאינו מעושר, ומשמשתו נדה, ולא קוצה לה חלה, ונודרת ואינה מקיימת.
ואיזוהי דת יהודית? יוצאה וראשה פרוע, וטווה בשוק, ומדברת עם כל אדם. אבא שאול אומר: אף המקללת יולדיו בפניו. רבי טרפון אומר: אף הקולנית. ואיזוהי קולנית? לכשהיא מדברת בתוך ביתה ושכיניה שומעין קולה.

Numbers 5:18

After he has made the woman stand before the Lord, the priest shall bare the woman's head and place upon her hands the meal offering of remembrance.

במדבר פרק ה פסוק יח

וְהַעֲמִיד הַכֹּהֵן אֶת הָאִשָּׁה לִפְנֵי יְקֹוֹק וּפָרַע אֶת רֹאשׁ הָאִשָּׁה וְנָתַן עַל כַּפֶּיהָ אֶת מִנְחַת הַזָּכָרוֹן מִנְחַת קִנְיָתָהּ הוּא וּבְיַד הַכֹּהֵן יִהְיוּ מִי הַמָּאֲרָרִים:

Middle Assyrian Law (1100 BCE)

§ 40. A wife-of-a-man, or [widows], or [Assyrian] women who go out into the main thoroughfare [shall not have] their heads [bare].
Daughters of a man [... with] either a ...-cloth or garments or [...] shall be veiled, [...] their heads [... (gap) ...] When they go about [...] in the main thoroughfare during the daytime, they shall veil themselves.
A concubine who goes about in the main thoroughfare with her mistress is to be veiled.
A qadištu-priestess whom a husband has taken (in marriage) is to be veiled in the main thoroughfare, but one whom a husband has not taken (in marriage) is to have her head bare in the main thoroughfare, she shall not veil herself.

Maimonides Mishneh Torah, Issurei Biah (Laws of Sexual Prohibitions) 21:17 The daughters of Israel shall not walk in the market place with bared heads, both single and married women as one....

רמב"ם איסורי ביאה כא: י"ז
לא יהלכו בנות ישראל פרועי ראש בשוק. אחת פנויה ואחת אשת איש:

Zohar Parashat Naso, p. 125b–126a

77) R. Hizkiyah stated: A stupor shall befall the man who allows his wife to let her hair be seen protruding forth. This is one of the modest practices of the home. A woman who exposes some of her hair for self-adornment causes poverty for her household, causes her children to be unimportant in their generation, and causes a foreign spirit to



dwelt in her house. What causes all this? The hair of her head that could be seen protruding forth. If this is true within the home, how much more so in the marketplace. And how much more so [could it lead to] even further brazenness. Thus the verse, “Your wife shall be as a fruitful vine in the innermost parts of your house” (Psalms 128:3). 78) R. Yehudah stated: The hair of the head of a woman being exposed causes “other hair” [i.e., the powers of impurity] to be revealed and harm her. Thus, a woman is required to ensure that even the beams of her house not see a single hair of her head, and all the more so outdoors.

Aruch Hashulchan (Rav Yehiel Mikhal Epstein) Hilkhos Kriat Shema, 75:7

Let us denounce the practice, which, for many years due to our many sins has become widespread, in which the daughters of Israel have broken the fences and go about with their hair uncovered. Our great consternation about this does not help and this plague has spread, that the married women walk about as the virgins with their hair uncovered. Woe unto us that this has happened in our days. However, as far as the law is concerned, it seems that it would be permissible to pray and recite blessings in front of their uncovered heads. Since now the majority do this, their hair has the status of parts of the body which are normally uncovered and as was written in the Mordechai in the name of Raaviah “all of the things mentioned as ervah are specifically things that are not accustomed to be uncovered but a virgin who is accustomed to uncovering hair, there is no concern for sexual thoughts. Until here. And since by us, the married women behave in the same way, there is no concern for sexual thoughts. [Rif and Rambam eliminated completely the law of hair and voice and Shema for they felt it was not said about Shema]

Sefer Hukei ha-Nashim (by the Ben Ish Hai, 19th century Baghdad), p 55 (taken from Michael Broyde’s article: HAIR COVERING AND JEWISH LAW: BIBLICAL AND OBJECTIVE (DAT MOSHE) OR RABBINIC AND SUBJECTIVE (DAT YEHUDIT

The women here [in Baghdad] have seen women of Europe whose practice is not to cover their hair in front of strangers, and who nonetheless dress modestly and do not reveal their bodies, only their faces and their necks, the palms of their hands and their heads. *Indeed their hair is also uncovered, though according to us such is forbidden. They, however, have a justification, because they say this practice was not accepted among all the women in Europe: both Jewish and non-Jewish women uncover their hair, just like they uncover their hands and their faces, and looking at them does not generate immodest thoughts among the men.*

Mishna Berura 75: 10

Hair that is accustomed to be covered – even if it is the practice only to cover in the market and not in the house or courtyard, in any event, it is ervah according to all opinions, even in the house and it is prohibited to read opposite if even a little is uncovered.

And know, even if the way of a woman and her friends is to go in the market with an uncovered head in the matter of the promiscuous women, and as with the manner of uncovering the thigh, which is prohibited according to all, since



the hair must be covered by law [and there is a Torah prohibition for it is written “and he bared the head of the woman” which means her head was covered] and also, all daughters of Israel who hold by Dat Moshe are careful with this from the days of our forefathers forever after, it is the category of ervah and it is prohibited to read opposite it and it only comes to exclude virgins for whom it is permitted to go with an uncovered head or hair that falls out of the veil, for this is dependent on local custom, for if the daughters of Israel do not allow any hair to be revealed, even the smallest amount, then it is in the category of ervah and it is prohibited to read opposite it and do not say it is permitted and because it is familiar, there are no sexual thoughts.

Virgins – betrothed virgins may not go out with uncovered heads and this is the law for virgins who were are no longer virgins who must cover their heads and in any event, if she was promiscuous and does not want to go out with a scarf on her head in the manner of women, she cannot be coerced.

The Voice of a Woman is Nakedness...

<p>1. Berachos 24a</p> <p>Shmuel said: The voice of a woman is nakedness as it says (Song of Songs 2:14) "for your voice is sweet and your countenance comely."</p>	<p style="text-align: right;">ברכות כד.</p> <p style="text-align: center;">אמר שמואל קול באשה ערוה שנאמר כי קולך ערב ומראך נאוה אמר רב ששת שער באשה ערוה שנאמר שערך כעדר העצים:</p>
<p>Jerusalem Talmud Halla 2:1</p> <p>Shemuel said, “a woman’s voice is erva”. What is the reason? <i>It shall be that from the voice of her whoring, the land will be polluted.</i> Jeremiah 3:9</p>	
<p>Kiddushin 70a</p> <p>Rav Nahman said to him: Let my daughter Donag come and pour us drinks. Rav Yehuda said to him: This is what Shmuel says: One may not make use of a woman for a service such as this. Rav Nahman replied: She is a minor. Rav Yehuda retorted: Shmuel explicitly says: One may not make use of a woman at all, whether she is an adult or a minor. Later on, Rav Nahman suggested: Let the Master send greetings of peace to my wife Yalta. Rav Yehuda said to him: This is what Shmuel says: A woman’s voice is considered nakedness, and one may not speak with her. Rav Nahman responded: It is possible to send your regards with a messenger. Rav Yehuda said to him: This is what Shmuel says: One may not send greetings to a woman even with a messenger. Rav Nahman countered by suggesting that he send his greetings with her husband. Rav Yehuda said to him: This is what Shmuel says: One may not send greetings to a woman at all. Yalta, sent a message to Rav Yehuda: Release him and conclude your business with him, so that he not equate you with another ignoramus.</p>	

Mishna Sotah 9:11

When the *Sanhedrin* [highest court, charged with deciding cases and appeals that had national significance. It was comprised of 71 scholars who had received the full traditional rabbinical ordination, and its decisions fixed Jewish practice for subsequent generations.] ceased, **song ceased** from the places of feasting, as it is said, “They drink their wine without song” (Isaiah 24:9)

Talmud 48a

Rav Huna said: the song of sailors and farmers is permitted, [and the song] of the weavers [which, according to Rashi, is only for laughter] is forbidden... Rav Yosef said: men singing with women answering [constitutes] immodesty; women singing with men answering is like [setting] fire to sawdust. What is the practical distinction [between the two]? The abolishment of the [latter] should precede the [former]. Rav Yohanan said: Anyone who drinks accompanied by four musical instruments – brings upon the world five punishments, as it is written (Isaiah 5:11): 'Woe to those who rise early in the morning, pursuers of strong drinks, who stay up late into the night; wine will inflame them, and it will be that the fiddle and the harp, the drum and the pipe, and wine at their parties, and they will not behold the actions of God'...

Raaviah Berachot 24A:

"And I say that the reason [for the prohibition] is that, even though the voice is not perceived by the eye, it nevertheless causes sexual thoughts. And all of the things [mentioned above relating] to erva specifically apply to what is not normally revealed, but [regarding] a maiden who normally reveals her hair – we are not concerned, since it lacks [the causing of] sexual thoughts, and so too regarding her voice [to one who is accustomed to it].

The Ritva, Rav Yom Tov ben Avraham Alshvi'li (1250-1320), end of Kiddushin

"and so is the law that everything is according to what a person knows about himself, if it is appropriate for him to maintain a distance (from women) because of his sexual urges, he should do so, and even to look at women's colorful clothing is forbidden...while if he knows that his sexual urges submit to him and are under his control...he is permitted to look and to speak with a woman who is forbidden to him and to ask the well being of another man's wife and that was the situation with Rabbi Yochanan who sat near the gates of the mikva and was not concerned about his evil inclination and with Rabbi Ami in front of whom the king's maidservants went out to sing and with several of the sages who conversed with those ladies and with Rav Ada bar Ahava of whom it is said in Ketubot that he lifted a bride on his shoulders and danced with her and did not concern himself with unseemly thoughts...

Aish Hatorah site: http://www.aish.com/atr/Kol_lsha.html

You could argue that on one level, we've lost a sensitivity to the sensuality of a woman's voice. But I think any honest man would admit that on another level, it's still very much there.

For this reason, a woman over the age of 12 is not permitted to sing in front of men who are not her close relatives. Men should not listen to women singing, because it can lead to impure thoughts. (Mishnah Berurah 75:17) The source is from the Talmud (Brachot 24a): "A woman's voice can be erotic, as it is written, 'For sweet is thy voice and thy countenance is comely.'" (Song of Songs 2:14)

In Greek mythology, the Sirens were female seductresses who lured sailors with their enchanting voices. Now that we are "enlightened" is there no need for these safeguards? I wish that were true. But we see the media influence has created an atmosphere where sexualization and objectification of women is stronger than ever before.



Women, on the other hand, who are stronger than men in this area, are not prohibited from hearing men sing. But, you ask: Why should women suffer restrictions simply because men can't control themselves? The answer is that we are all in this together. We all have to do our share and help each other out. Believe me, it is ultimately to women's advantage to keep things from getting out of control. It serves both men and women to avoid things that lead to promiscuity.

Rav Moshe Lichtenstein, Head of the Har Etzion Yeshiva in Gush Etzion

"What is stated about human existence in general is also true regarding the relationship between man and woman. On the one hand, a biological relationship exists between male and female as creatures of nature, including instinctive physical intimacy, sexual desire, and the drive to conquer and suppress, to engender and procreate. With that, a spiritual and emotional relationship exists between man and woman, one that is unique to the human race. Deep love, the sharing of fate and destiny, mutual responsibility, and joint dreams characterize the relations between a couple and coronate the union with the crown of sanctity.

Halakhah regulates the relationship between man and woman, and it strives to transform it from a natural-biological relationship into one of love and human intimacy. This goal is achieved by channeling physical relations into the framework of marriage and by limiting contact between the sexes not in the context of marriage. One of these limitations is the prohibition of hearing a woman's voice.

The halakhic significance of this is that the extension of the prohibition of kol isha, on the basis of concern for sexual thoughts, to a context where it is not justified to do so, is not just unhelpful – it is harmful. It brings about an emphasis on natural existence, and paints the human condition as one of sexual existence alone.

In this sense, out of place stringency in the laws of kol isha, based on far reaching concern for sexual thoughts, is not an ordinary halakhic stringency and enhancement but rather a leniency and disparagement regarding the nature of man. Therefore, we should rule stringently only where necessary and we should not favor a policy of stringent pesak.

Conclusion of Rav Moshe Lichtenstein

Under circumstances in which the song does not arouse sexual desire, does not emphasize femininity in a sensual manner, and the listener estimates that he will not come to have sexual thoughts – we should not forbid listening to a woman's voice, whether in speech or in song. This conclusion not only relies upon the explicit stance of the greatest of the Rishonim – Rambam, Rashba and Ra'aviah; it appears in the literature of the Aharonim as a recognized opinion, and it has been applied in our generation by an eminent posek. This opinion takes into account the present societal reality together with its needs and constraints, while at the same time rules stringently regarding the obligation to preserve man's dignity and embolden his image as a spiritual creature who is not controlled by biological drives alone.

In terms of day-to-day life, this means that we may permit women's singing of Shabbat zemirot, participation in official ceremonies of a serious and formal nature, listening to random radio commercials, and the like. It is both possible and appropriate within the framework of Halakhah to permit these scenarios, and one who does so rules faithfully and legitimately.

Does Gender Really Matter? A Quick Look at Transgender:

Genesis Rabbah Parshat 8

R. Yermiyahu ben Elazar said: When the Holy One blessed be He created Adam, He created him a hermaphrodite for it is said....R. Samuel b. Nahman said: When the Lord created Adam He created him double faced then He split him and

בראשית רבה (וילנא) פרשת בראשית פרשה ח

אמר רבי ירמיה בן אלעזר בשעה שברא הקדוש ברוך הוא את אדם הראשון אנדרוגינוס בראו הדא הוא דכתיב זכר ונקבה בראם, א"ר שמואל בר נחמן בשעה שברא הקדוש ברוך הוא את אדם הראשון דיו פרצופים בראו, ונסרו ועשאו גביים גב לכאן וגב לכאן,



made him of two backs one back on this side and one back on the other side....	איתבון ליה והכתיב ויקח אחת מצלעותיו אמר להון מתרין סטרוהי, היך מה דאת אמר (שמות כו) ולצלע המשכן דמתרגמינן ולסטר משכנא וגו',
--	---

Bikkurim Chapter 4

An androgynous in some ways is [treated] like men and in other ways like women. In other ways is [treated] like both men and women and yet, in others, neither, like men, nor like women.	משנה א אנדרוגינוס יש בו דרכים שוה לאנשים ויש בו דרכים שוה לנשים ויש בו דרכים שוה לאנשים ונשים ויש בו דרכים אינו שוה לא לאנשים ולא לנשים :
(2) How are they like men? He defiles with [a] white [issue] and dresses like a man. He marries [a wife] but is not taken as a wife, like a man. And he may not be alone in the company of women, like a man. And he is obligated in all the mitzvot as a man.	משנה ב כיצד שוה לאנשים? מטמא בלובן כאנשים ומתעטף כאנשים ונושא אבל לא נישא כאנשים וחייב בכל מצות האמורות בתורה כאנשים :
(3) How is he like women? He defiles with [a] red [issue of blood] like a woman, and he may not be alone in the company of men, like a woman.	משנה ג כיצד שוה לנשים? מטמא באדם כנשים ואינו מתייחד עם האנשים כנשים ואינו זוקק ליבום כנשים ואינו לחולק עם הבנים כנשים
(4) How is he like both men and women? One is liable for hitting, or cursing him, as with either men or women. And one who kills him accidentally must go into exile, and if intentionally, he is executed, as with either men or women. and [if] he [is the sole heir, he] inherits any inheritance, like any [other] man, or, woman.	משנה ד כיצד שוה לאנשים ולנשים? חייבים על מכתו ועל קללתו כאנשים וכנשים וההורג שוגג גולה ומזיד נהרג כאנשים ונשים ואמו מביאה עליו קרבן כאנשים וכנשים ונוחל לכל הנחלות כאנשים וכנשים
5) How is he neither like man, nor like women? And he is not sold as a Hebrew servant neither as a man, nor as a woman, and he does not have a valuation, neither as a man, nor as a woman. If one says: May I be a Nazir, if this [pointing at a hermaphrodite] be neither man, nor woman, he becomes a nazir. Rabbi Yose says: The androgyn is a category of its own and the Sages could not ascertain if he is man, or woman, whereas, a tumtum is either, a definite male, or definite female [though, we can't tell which since the organs are not visible]	משנה ה כיצד אינו שוה לא לאנשים ולא לנשים? אין שורפין תרומה על טמאת זיבתו, ואין חיבין עליו על ביאת מקדש, לא כאנשים ולא כנשים, ולא נמכר כעבד עברי לא כאנשים ולא כנשים ואינו נערך לא כאנשים ולא כנשים ואם אמר הריני נזיר שזה לא איש ולא אשה - נזיר רבי יוסי אומר אנדרוגינוס בריה בפני עצמה הוא ולא יכלו חכמים להכריע עליו אם הוא איש או אשה אבל טומטום אינו כן פעמים שהוא איש פעמים שהוא אשה: