

Modesty Inside and Out: A Contemporary Guide to Tzniut

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שולחן ערוך אורח חיים עד

"Anyone who sees something immodest and then fails to look away is condemned"
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Sh'eilah/שאלה:

In an era when clothing is a personal statement of identity, what does the religious imperative of modesty entail? What specific behaviors does modesty mandate in both thought and dress? Are different behaviors required for places where we pray or study sacred texts, as opposed to other public locations? Upon whom does the obligation for modesty fall?

Teshuvah/תשובה:

A Central Jewish Value

Tzniut (Hebrew root צ-נ-ע, tz-n-'a), often translated as modesty, is a central Jewish value. Rabbi Bradley Artson states "Modesty ... is close to the core of Jewish ethics."¹ Rabbi Norman Lamm writes that it is "one of the defining characteristics of the Jewish religious personality." He identifies three theological dimensions of *tzniut*: a yearning "for hiddenness as a prerequisite for holiness," a sense of *kavod*, personal dignity and Yes, self-respect, and "respect for the inviolability of the personal privacy of the individual."²

The classical source on modesty is often considered to be from Micah (6:8), where the prophet declares:

הַגִּיד לִי אֱדָם מֵהַטּוֹב וּמַה־ה' דֹרַשׁ מִמֶּךָ כִּי אִם־עֲשׂוֹת מִשְׁפָּט וְאַהֲבַת חֶסֶד וְהִצַּנְעַת לְכַת עִם־
אֱלֹקֶיךָ:

[God] has told you, O mortal, what is good; and what does the Eternal require of you: simply to do justice, to act with lovingkindness, and to walk modestly/humbly [*hatz'ne'a lekhet*] with your God?

¹ *The Woman Took the Child and Nursed It: A Teshuvah on Breast Feeding in Public*, CJLS (OH 75:1, 2005).

² "Tzniut: A Universal Concept," in *Haham Gaon Memorial Volume*, ed. Marc Angel (pp. 151-161). Shepher Hermon Press: Brooklyn, 1997, pp. 151, 152, 157.

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

In Hebrew, walking with *tzniut* suggests both modesty and humility, since both terms derived from the same Hebrew root (צ-נ-א, *tz-n-'a*). The root *tz-n-'a* is found only once more in the Bible: “wisdom is with those who are modest [*tz’nu’im*]” (Proverbs 11:2), understood by the commentary *Mezudat Tzion* as “those who conceal themselves out of their great humility.”

Many Sages see an inherent connection between humility, a dissipation of ego and taking up appropriate space, and modesty, a way of dressing and speaking that minimizes drawing attention, especially in a sexual sense. In context, the verse suggests walking with God humbly in action more than in dress. Later Sages use the verse as a proof text for modest dress³ in particular. Immodest dress often emphasizes the sexual aspect of human relations. By contrast, modest dress is more likely to foster self-expression and interaction in a much more broad fashion.

Contemporary Jewish writing on modesty often focuses on specific dress lengths in an effort to control particularly female attire. We view this as contradictory to the *halakhah*. For example, Rabbi Eliyahu Falk, representative of a great deal of Orthodox literature on the subject, writes:

All areas that must be covered... must be covered completely. Even a minor exposure is provocative and a serious shortcoming in *tzniut*. It is therefore forbidden for the neckline of the garment to extend even half a centimeter beyond the permitted level.⁴

However, Rabbi Yehudah Henkin critically commenting on Rabbi Falk, states:

This ideology prohibits a woman from standing out — and from being outstanding. She must not act in a play, paint a mural, play an instrument or otherwise demonstrate special skills in front of men, lest she attract attention and her movements excite them.⁵

We see that even within the Orthodox community, certain scholars point out the sexism and inherent contradictions of this approach.

The quantitative and restrictive approach was already criticized by Rabbi Lamm, a modern Orthodox scholar, who states that although:

The concept of *tzniut* is discussed in rather technical terms: how low or how high a hemline, the length of sleeves, the form of dress, the number of square millimeters of skin that may be exposed... it would be a pity to limit our understanding of *tzniut* to that which can be measured by a ruler.⁶

Recently, Rabbi Dov Linzer commented:

³ “if, regarding matters that are normally performed publicly, the Torah enjoins ‘to walk modestly,’ how much more so as regards matters that are usually performed in private” (BT *Sukkah* 49b). We will address this source fully later in the paper.

⁴ Pesach Eliyahu Falk, *Oz-veHadar Levushah* (Feldheim, 1998), p. 218. See also <http://jewishnews.timesofisrael.com/orthodox-women-told-not-to-wear-red-or-yellow-clothes/>

⁵ Yehuda Henkin, *Understanding Tzniut*, (Urim, 2008), p. 70.

⁶ Lamm, “*Tzneut*,” p. 151.

A true approach to *tzniut*, in addition to focusing on modesty in all ways for men and for women, and in addition to directing men to control their male gaze, would also reject the quantification of the concept of *tzniut* and the objectification of women's body parts towards this end. It would talk to men and women about a general approach of dressing and acting modestly, and to attend to communal norms of modest dress and behavior.⁷

Our Conservative colleague, Rabbi Danya Ruttenberg has also directed attention to a broader perspective about *tzniut*:

In this formulation, the internal, rather than external, aspects of *tzniut* are emphasized. Living in relationship to God and to the deep well of one's own spiritual power is at the forefront, and care and concern for others is understood as a major value. If we strive to live as whole, connected beings and to regard others as such, the length of a skirt, the cut of a top and the volume at which we speak with one another become secondary. How things look in this new modesty will vary with the players and contexts involved. Shaming, coercion and disregarding one another's needs is unacceptable. Treating one another with love and respect — never at the expense of our own selves — will be at the forefront. It is with this love that we serve God.⁸

Modesty is a meeting place between the private and the public, and between the personal and the communal. The conflicts between these domains fuel many of our contemporary challenges on modesty. A consistent communal attitude toward attire is necessary for establishing robust modesty rules, but in this era our views on sexuality and dress are constantly moving targets. Yet it is precisely at such a moment that we must articulate how modesty can be honored, because it is essential to revealing our inner holiness. Even if consensus is elusive, cultures do establish norms, and people who challenge them by revealing more than is typical undermine the practice of modesty.

We understand modesty to be a central Jewish value for several reasons:

1. We are to walk humbly before God. Modesty and humility argue for taking up the right amount of space. Overly revealing clothing distracts others and sexualizes interpersonal interactions. Our choice of attire ought to show respect for other people. As Rabbi Zev Farber notes, "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."⁹ To present oneself to others in an overtly sexual way over-emphasizes one aspect of our identity. Social

⁷ "Torah From Our Beit Midrash -Tzniut," <http://www.kolech.org.il/maamar/torah-from-our-beit-midrash-tzniut/?lang=en>, recovered 2 January 2015.

⁸ "Towards a New Tzniut," <http://zeek.forward.com/articles/118306/> (July 25, 2014. Retrieved 2 January 2016). An earlier version of the essay is found in Ruttenberg, ed. *The Passionate Torah: Sex and Judaism* (NYU Press, 2009), pp. 203-211.

⁹ Rabbi Zev Farber, "Desexualising Public Space." <https://morethodoxy.org/2012/02/03/desexualizing-public-space/>. Also see Aryeh Klapper "Reflections on Tzniut and Beit Shemesh." <http://text.rcarabbis.org/reflections-on-tzniut-and-beit-shemesh-by-aryeh-klapper/>

pressure to dress in a particular way counterintuitively limits the individual's self-expression when they feel compelled to conform to social expectations.¹⁰

2. We are created in the image of God. From this theological base, flows the concept of personal dignity. Our inherent dignity means clothing is a means of self-expression. *Halakhah* allows for choosing clothing and styles of individual self-expression. We ought to dress modestly in part out of respect for ourselves. Modesty is misapplied when used to compel or oppress others; when done right, it liberates oneself from oversexualization.
3. *Kavod*, dignity or respect, ought to be embodied in our attire. Overly revealing clothing lacks both humility and modesty when its purpose is to draw attention. When we choose our attire we ought to show consideration for both other people and the situation.

Those values then focus us on four areas which we intend to address throughout the paper.

1. Humility, particularly in terms of drawing attention to oneself, taking up too much space.
2. The ways in which dress or noticing dress arouses sexual feelings.
3. What is appropriate in public contexts versus private contexts.
4. The related concepts of human dignity and self-expression, in particular how we can dress in ways that are appropriate but also unique.

There is a related issue of formality dress, especially on Shabbat, that we will not address in this paper.

In following this more expansive moral and theological direction, our intent is to honor modesty as a biblical and rabbinic value that balances appropriate attire, self-expression, and defense against objectification. The four concerns raised above form the area in which *tzniut* functions. Further, it is our assertion that this more holistic approach better reflects the view of the Talmud and the overwhelming majority of both *Rishonim* and *Aharonim* prior to the twentieth century.

We understand Talmudic and Rabbinic views on modesty to empower rather than control. This accords with what Dr. Charlotte Fonrobert notices in her study of menstrual purity, that “the imperative of modesty conflicts with the desire to control discursively and institutionally women’s bodies.”¹¹ Since the Talmud is often concerned with limiting the male erotic gaze, modesty can be empowering in that it seeks to discourage male objectification of women.

Although much of the Rabbinic material we will cite is targeted at men, it speaks about women¹² and is embedded in a heteronormative context. We, however, understand the

¹⁰ In a similar vein, it is considered *yohara*, boastful, to dress in a manner that makes a person appear more pious or religious than they actually are. Flashy clothes or expensive jewelry raise similar issues. See TB Berakhot 17b, TB Pesachim 54b.

¹¹ Fonrobert, Charlotte, *Menstrual Purity* (Stanford University Press, 2000), p. 150.

¹² See Yevamot 77a, Gittin 12a, Bava Metzi'a 87a, Megilla 13a-b, Shabbat 113b (and Rashi), Shabbat 53b, Niddah 12a, and Bava Qamma 82a.

principles involved to apply regardless of gender identity or sexual orientation. Thus, we intend to present modesty as a gender-inclusive practice.

Modesty is a large area. Our intent is to focus on modesty in dress and thought. We are leaving the subjects of modesty in speech, appropriate ritual attire, and formality of attire, to others. While some modesty practice focuses around what a person wears, it is equally important what a person thinks or gazes upon.¹³ We also plan to demonstrate that modesty also requires a communal conversation about creating sacred and learning spaces that encourage focused attention.

Intimacy and Dignity

Our veneration of modesty includes an appreciation of the intimate and the sexual. Sexuality holds potential holiness. Intimate relations - when conducted with sanctity - are privileged, permitted, and honored. *Iggeret HaKodesh*, a 13th-century treatise about spiritual consciousness at the time of sexual relations, considers sexual activity a gateway to the Divine and a way of drawing Divine blessing into the world.¹⁴ Similarly, for the *Zohar*, sexual intimacy is a way of reaching God.¹⁵ The holiness inherent in sexuality means that sexual expression requires practices and rules that invite connection and holiness, rather than dissipation and hurt. Rules on modesty are part of this broader practice. Although it is essential to maintain a realm for erotic self-expression, intimacy can be greater in a private committed connection. We believe *tzniut* facilitates connection with the sacred aspect of sexuality.

Modesty for the Rabbis as well as for us includes an honoring of human dignity. That value stems from the very beginning of the Bible. In Genesis Chapter 3, Adam and Eve's eat the fruit and become aware of their nakedness. This awakens a corresponding desire to cover themselves. God shows kindness to them by fashioning clothing.¹⁶ Adam and Eve feel more dignified when clothed and God gives them better clothes than what they were able to fashion.

The Talmud¹⁷ requires a person wearing *kila'yim*, a mix of wool and linen, to immediately disrobe - even in a public marketplace - because removing the ritually prohibited clothing takes precedence over honor and modesty. However, Rabbi Yaakov ben Asher (known as

¹³ Michel Foucault, Jacques Lacan and Emanuel Levinas each point to the gaze of the Other as having significant ethical implications. The male gaze became the subject of feminist philosophical discourse because it implied the power and attempted control of the male who looks/gazes on the female. See Tovah Hartman, "Modesty and the Religious Male Gaze," in *Feminism Encounters Traditional Judaism: Resistance and Accommodation* (Brandeis University Press, 2007) pp.45- 61. Regarding "visual eros," see also Rachel Neis regarding, *The Sense of Sight in Rabbinic Culture* (Cambridge, 2013), pp. 117-122. In Biblical theology, the verb *חזק* applies to humans who "gaze" at God and at each other.

¹⁴ *Iggeret HaKodesh* was written by other mystics in the same circles as Ramban.

¹⁵ Yosef Ahituv identifies three attitudes toward sexuality within the Jewish mystical tradition: (1) the spiritual and sexual are oppositional, (2) sexual desire is a simulation of religious passion, and (3) the sexual is transformed into the spiritual. "Modesty and Sexuality in Halakhic Literature," in *Jewish Women: A Comprehensive Historical Encyclopedia*.

<https://jwa.org/encyclopedia/article/modesty-and-sexuality-in-halakhic-literature>

¹⁶ TB Sotah 14a.

¹⁷ TB Berakhot 61b.

the Tur, Spain: 1269-1343) raises the question of what should be done by a person who realizes someone else is unwittingly wearing a form of *kila'yim* in a public place:

One who discovers that his clothing is composed of a biblically prohibited mixture (*kila'yim*) should remove [that garment] even in the market. If this is of a rabbinically prohibited mixture, and the person is in the market, one does not have to remove [the garment]. Similarly, if one is in a place of study, there is no obligation to rush to exit. The Rambam wrote, 'One who discovers a biblically prohibited mixture on another person, even in the market, should tear [the garment] from him. [This is the case,] even if [the individual] is the teacher who instructed him in wisdom.' My father, the Rosh *z"l*, wrote that 'even though one who discovered a biblically prohibited mixture should remove [the garment], even in the market', this case applies only when the wearer discovers it himself and [to wear it would be] an intentional violation. But one who sees a forbidden mixture on a friend, and the wearer does not know [of the violation], the one who discovers the mixture] is not obligated to disclose this in the market and [may wait] until arriving home. Because of the dignity of human beings, he should be silent and not bring him out [of a state] of unintentional [violation].¹⁸

The Tur approvingly cites his father, Rabbi Asher ben Yehiel (known as Rosh, Germany/Spain: 1250-1327), that one should inform the unwitting individual after returning home, rather than disrupting dignity by stripping clothing in a public place. Being clothed expresses dignity; being forced to strip is humiliating.

The reading by father and son of the Talmud preserves both modesty and dignity. The two terms become related, meaning, modest dress ought to express our inherent dignity. This occurs both by choosing clothing that allows a more dignified self-presentation and by allowing people to have their own self-expression. When we wear clothing solely designed to draw attention, particularly sexualized attire, we diminish our own dignity by expressing ourselves in only one area of human interaction. Modesty endeavors to allow a more holistic view of a person. Such clothing draws excessive attention in one area.

Similarly, in BT Shabbat 113a Rabbi Yochanan refers to his clothing as "my honorers."¹⁹ That is, clothing provides dignity and projects a certain dignified image of a person. The choices we make about our clothing reflect how we will be seen by others. That same source also mandates special clothing for Shabbat. Our attire projects to ourselves and others feelings of self-expression and dignity.

¹⁸ *Tur Shulhan Arukh, Yoreh De'ah 303:*

המוצא כלאים בבגדו אם הם דאורייתא פושטו אפילו בשוק ואם הוא כלאים דרבנן והוא בשוק א"צ לפושטו וכן אם הוא בבית המדרש א"צ למהר בשבילו לצאת משם כתב הרמב"ם הרואה כלאים של תורה על חברו אפילו הוא בשוק קורעו מעליו אפילו הוא רבו שלמדו חכמה וא"א הרא"ש ז"ל כתב אע"פ שהמוצא כלאים דאורייתא פושטו אפילו אם הוא בשוק דוקא הלוּבוש מוצאו בעצמו שהוא מזיד אבל הרואה כלאים על חברו והלוּבוש אינו יודע א"צ לומר לו בשוק עד שיגיע לביתו דמשום כבוד הבריות ישתוק ואל יפרשנו משוגג.

¹⁹ וכי הא דרבי יוחנן קרי למאניה מכבודותי

Appropriate self-expression is a way of finding the Divine Image within. The Jerusalem Talmud says,

רבי חזקיה ר' כהן בשם רב עתיד אדם ליתן דין וחשבון על כל שראת עינו ולא אכל

Rabbi Hizkiyah and Rabbi Kohen said in the name of Rav: Each person will one day give an accounting for everything their eyes saw that was permitted to them and in which they did not partake.”²⁰

Since physical pleasures are meant to be enjoyed, especially on Shabbat,²¹ it is important to appreciate beauty and other physical pleasures. Our understanding of *tzniut* leaves room for such personal pleasure and self-expression alongside humility of dress and appropriateness to place of attire

Minimums of Modesty

The choice of clothing is one key area of modest practice. Halakhic literature offers several broad descriptions of appropriate dress, but nowhere in rabbinic literature prior to the 20th century can one find specific and complete dress codes as we find today. While the Talmud, *Rishonim*, and *Aharonim* describe and require certain ritual attire or distinctively Jewish dress, they do not describe any requirements more specific than that married women must cover their hair. Much of the literature focuses on situations and clothing that arouse sexual feelings, what is appropriate in public settings versus private settings, and the response of the viewer.

Although rabbinic sources describe many actions as exposing *ervah*,²² the minimum requirement of modesty is to cover genitalia and anus. This limit depends on two Torah passages, Deuteronomy 23:13-15 and Leviticus 18-20. The Torah prohibits the uncovering of nakedness, or *ervah*. Immediately after requiring people to move a distance from the camp with a shovel before defecating, the Torah says:

וְיָד תִּהְיֶה לְךָ מִחוּץ לַמַּחֲנֶה וַיֵּצֵאתָ שָׁמָּה חוּץ. וַיִּתֵּד תִּהְיֶה לְךָ עַל־אֲזָנֶיךָ וְהָיָה בְּשִׁבְתְּךָ חוּץ וְחִפְרָתָהּ בָּהּ וְשִׁבְתָּ וְכִסִּיתָ אֶת־צִאֲתֶיךָ. כִּי ה' אֱלֹהֶיךָ מֵתְהַלֵּךְ בְּקִרְבְּךָ מִחֲנֶה לְהִצִּילְךָ וְלָתֵת אֵיבֶיךָ לְפָנֶיךָ וְהָיָה מִחֲנֶיךָ קְדוֹשׁ וְלֹא־יֵרָאָה בְּךָ עֲרוֹת דָּבָר וְשָׁב מֵאֲחֵרֶיךָ.

You shall have a designated area outside the camp to which you shall go. With your utensils you shall have a trowel; when you relieve yourself outside, you shall dig a hole with it and then cover up your excrement. Because God travels along with your camp, to save you and to hand over your enemies to you, therefore your camp must be holy, so that he may not see anything indecent among you and turn away from you. (Deut. 23:13-15)

²⁰ TY Kiddushin 4:12.

²¹ TB Ta'anit 11a: If one who denies himself the enjoyment of wine is called a sinner, all the more so one who denies himself the enjoyment of other pleasures of life.

ומה זה שלא ציער עצמו אלא מן היין נקרא חוטא. המצער עצמו מכל דבר ודבר על אחת כמה וכמה

²² Because *ervah* means something exposed, it may be used to express the concept of something indecent (*ervat davar*, Deut. 23:15 and 24:2), undefended (*ervat ha'arets*, Genesis 42:9) or sexually prohibited.

The holiness code of Leviticus similarly prohibits לגלות ערוה, often translated as “to uncover nakedness” of someone.

וְאִישׁ אֲשֶׁר־יִקַּח אֶת־אָחִיתוֹ בֵּת־אָבִיו אוֹ בֵּת־אִמּוֹ וְרָאָה אֶת־עֲרוֹתֶיהָ וְהִיא־תִרְאֶה אֶת־עֲרוֹתָיו חֶסֶד הוּא
וְנִכְרְתוּ לְעֵינֵי בְנֵי עַמָּם עֲרוֹת אָחִיתוֹ גְּלָה עוֹנֵוּ יִשָּׂא...
וְעֲרוֹת אָחִיתוֹ אִמָּה וְאָחִיתוֹ אָבִיךָ לֹא תִגְלֶה כִּי אֶת־שְׂאֵרוֹ הֵעִרָה עוֹנֵם יִשָּׂא:

If a man takes his sister and sees her *ervah*, and she sees his *ervah*, it is a disgrace....²³ He has uncovered his sister's *ervah*, he bears his guilt. ... You shall not uncover the *ervah* of your mother's sister or of your father's sister, for that is to expose one's own flesh; they bear their guilt.... (Leviticus 20:17-19)

Reading the two sources together suggests that *ervah* means specifically the genitals. The punishment in Leviticus is for one who exposes their reproductive organs. Similarly, the organs for urination and defecation must remain covered while in the camp. *Brown, Driver, Briggs* in their biblical lexicon define *ervah* as “*pudenda*,” meaning genitalia.²⁴

Importance of Context

Societal context and particular activity often requires additional levels of modesty. Yet those additional measures have varied over time and from place to place. Other than the organs mentioned above, the category of *ervah* has varying meanings in rabbinic sources. Depending on who is making the determination, it can encompass pubic hair, a woman's breasts, a married woman's uncovered hair, a man's thighs, shoulders, and even a woman's voice.²⁵ Such widely varying understandings lead us to the understanding that the category itself is situationally dependent. Two examples illustrate this point.

Nearly all of the rabbis saw Numbers 5:18, about the accused wayward woman (*sotah*), as the original source of the idea that uncovering a married woman's hair is a humiliation. But already in the Mishnah, (*M Ketubot* 7:6) hair covering is referred to as a *dat yehudit* as opposed to a *dat moshe*, meaning that it was understood as a custom based on particular communal standards, rather than an unchanging halakhic paradigm.²⁶ Hair in and of itself does not constitute *ervah*, because the hair of an unmarried woman need not be covered according to most opinions. Even more, the covering of hair for married women is a custom that has ebbed and flowed depending on societal norms throughout Jewish history, and an extremely compelling case can be made that uncovered hair in our society has no more sexual connotation than an uncovered fingers, or exposed lips.

M Bava Kammah 8:6 describes a situation in which someone removed a woman's head covering. As a result, he was fined 400 *zuz*. Subsequently, he witnessed her voluntarily removing her head covering. About this case the Mishnah says: “One who injures

²³Here, *hesed* is a euphemism for disgrace, the opposite of its usual meaning of grace or love.

²⁴ <http://biblehub.com/hebrew/6172.htm> (retrieved 13Jan2016). See also Fred Rosner, *Encyclopedia of Medicine in the Bible and the Talmud* (Jason Aronson, 2000), entry for “Genitalia, Female,” p.145.

²⁵ See TB Berakhot 24a, and Julius Preuss, *Biblical and Talmudic Medicine* (Jason Aronson, 1994), p.80.

²⁶See the extended essay, “Hair Covering & Jewish Law: Biblical and Objective (Dat Moshe) or Rabbinic and Subjective (Dat Yehudit)?”, Michael J. Broyde. *Tradition* 42.3 (2009), pp. 97-179.

http://traditionarchive.org/news/_pdfs/0095-0180.pdf

themselves, even though it is not permitted, is exempt (from a fine). Others who wound them are liable.”²⁷ That is, the man was fined as a result of embarrassing the woman, this demonstrates that the problem is the external violation of the woman’s dignity not her choices regarding head covering. Again, we see dress to be all about human dignity and self-expression. Her dignity was violated and that triggered a fine. When she chose to remove the covering herself, no damage to her dignity occurred.

Modesty is highly dependent on context and habituation. In Berakhot 24a, there is a large discussion of what may be seen while reciting the *Sh'ma* that begins to suggest some broad general principles. In that context, Rav Huna states that exposed buttocks are not *ervah*. Rav Hisda identifies other areas of the body as erotic. He says, “the thigh of a woman is *ervah*.”²⁸ As mentioned above, *ervah* generally refers to the genitals. By calling her thigh *ervah* Rav Hisda implies that it is indecent for a woman to show her thigh in any context.

Rabbi Yosef Karo further identifies the role of habituation:

טפח מגולה באשה, במקום שדרכה לכסותו, אפי' היא אשתו אסור לקרות ק"ש

כנגדה

An uncovered *tefah* (a handbreadth or about 4 inches) on a woman in a customarily covered location, even on his wife, makes it forbidden to recite the *Sh'ma* in her presence.

Rabbi Moses Isserles (Poland: mid 16th century) (OH 75:1) adds the following:

ערומה דטפח באשה ערוה, אפי' לאשה אחרת, רק שבעצמה יכולה לקרות אף על פי שהיא

The measure of a *tefah* on a woman is considered *ervah* [erotically inappropriate] even for another woman. On her own, she may recite the *Sh'ma* even if naked.

According to Rabbis Karo and Isserles, there is no specific body part that needs to be clothed. Rather, it is dependent on context and how people usually behave or dress.²⁹

As a result, cultural norms have halakhic significance for determining appropriate dress. In a context where it is normal to go swimming in a bathing suit, for example, such behavior is permissible. A man wearing a bathing suit in a business environment is problematic because it is so different to the typical office attire and so will draw the eye. Flapper dresses in the 1920s were initially quite shocking; as society became accustomed to the style, the dresses began to be seen as appropriate. Shorts or sleeveless tops for men or women may be inappropriate, depending on the context, because they raise similar issues of context and modesty. That is, a tank top might be appropriate at the beach but

²⁷ M Bava Kama 8:6

פרע ראש האשה בשוק. נותן ארבע מאות זוז. זה הכלל הכל לפי כבודו.... החובל בעצמו אף על פי שאינו רשאי פטור. אחרים שחבלו בו חייבין.

²⁸ שוק באשה ערוה B. Berakhot 24a

²⁹ Within much of the Orthodox and Ultra-Orthodox sources, the covering of thighs and shoulders is asserted as a biblical ordained halakhah. Please note, however, that Rabbi Avraham Karelitz (Hazon Ish) in the 1920s is the first person to suggest that thighs and shoulders must be covered to be modest outside of a prayer context.

not in shul, in part, because it surprises. The change in people's expectations affects their perception of modesty and appropriate attire. By the same token, a person has a responsibility to others and should choose clothing suitable to the context.

One might assume that as women's breasts in our culture are often hyper-sexualized they must certainly constitute *ervah*. But this assumption is mistaken. For example, because of the commonplace occurrence of breastfeeding, Rabbi Yosef Hayyim of Baghdad (known as Ben Ish Hai, 1835 – 1909) considered the exposed breasts of a nursing mother as any other normally exposed body part.

י"א כיון דהאשה דרכה לגלות דדיה בזמן היניקה הרי הדדים נחשבים אותו זמן כמו כפות

הידיים והפנים:

There are those who say that since it is her practice to uncover her breasts while nursing, a woman's breasts in at the time of nursing are just as though they were the palms of her hand or her face.³⁰

For the Ben Ish Hai, a nursing woman's breasts are without sexual connotation. In his *teshuvah* on breastfeeding in synagogues, Rabbi Bradley Artson rules similarly: public breastfeeding, even in a synagogue setting, need not excite sexual interest and therefore is permitted.³¹

The Expansion of Modesty

Rabbinic literature expands the minimal Torah-based modesty rules into broader expectations of dress. They have general concerns about clothing that will arouse sexual feeling and the appropriate context of such clothing. However, even here, the specific rules tend to be vague and context specific.

For example, Rav Anan, commenting on the Song of Songs through the Rabbinic lens that the book reflects the relationship between God and Israel, says the following:

תנא דבי רב ענן: מאי דכתיב חמוקי ירכיך למה נמשלו דברי תורה כירך - לומר לך: מה ירך

בסתר - אף דברי תורה בסתר... והלא דברים קל וחומר: ומה דברים שדרכן לעשותן

בפרהסיא - אמרה תורה הצנע לכת, דברים שדרכן לעשותן בצנעא - על אחת כמה וכמה.

R. Anan taught: "The roundings of your thigh...(Song of Songs 7:2)" Why are the words of the Torah compared to the thigh? To teach that just as the thigh is hidden, so are the words of the Torah... If matters typically done openly ought to be done humbly, all the more so should things usually done privately!³²

Rav Anan's teaching references Micah 6:3 who places *tzniut* (modesty), alongside justice (*mishpat*) and love (*hesed*) as actions of individuals. Since these values must function in community, the larger social context becomes significant for modesty, just as it does for justice and kindness.

³⁰ Ben Ish Hai (Bo, number 10).

³¹ See note 1.

³² BT. Sukkah 49b

Rav Anan's expansion of the biblical idea of *tzniut* suggests his sense that minimum dress in third century Babylonia specifically included covering the thigh. He offers no source, but simply asserts this dictum. While the verse from Micah was applied to the thighs of women, it may equally describe modesty for all genders as do the rest of Rav Anan's dictates. Principles such as justice and helping those in need apply regardless of gender. Rav Anan's teaching directs a personal practice of behaving modestly - of covering what ought to remain private - but does not indicate how much to cover or what counts as the thigh. Further, just as behaving justly and helping those in needs varies and depends on circumstance, so does modesty.

Privacy is an aspect of modesty that extends beyond the notion of *ervah*. Certain areas ought to be private. Comments, clothing or context that arouses intense sexual feeling in public ought to be avoided. For example, people are forbidden from commenting on the activities of a bride and groom after their wedding out of respect for their privacy.³³ In their responsum on computer privacy, Rabbis Elliot Dorff and Elie Spitz point out that "the Rabbis insisted we take steps to shield both parties from their temptation to intrude."³⁴ Both receivers and senders of information/speech may be tempted to expose private information; *halakhah* works to keep such temptation to a minimum. While they are discussing issues of virtual privacy, the principle applies all the more so in the real world. This situation requires both those with something they want to keep private and the person tempted to invade that privacy to consider their behavior. *Tzniut* similarly requires rules for all parties in a social interaction. There are areas of our bodies that we ought to cover for a more private and less public setting.

There is nothing in the Talmud, *Rishonim*, or pre-1800 *Aharonim* that dictates a specific dress code. The dictates, like that of the warning cited above of Rav Anan on the *Song of Songs*, are more general precepts of modest behavior rather than specific dress. This is because *tzniut* is a meeting point between self-expression, particular communal standards, and appropriate sexuality. The rules as they are originally formulated allow for this variation of time and place.

Modesty in thought

Tzniut is also about self-control. This means that our responsibility is to moderate our own behavior and to be thoughtful about what we gaze at. This is intended by the Torah which teaches, "you shall not follow the desires of your heart and eyes" (Numbers 15:39).

An exaggerated statement by Rav Sheshet in TB Berakhot 24a suggests how much the erotic is a subjective category. He says:

כל המסתכל באצבע קטנה של אשה כאילו מסתכל במקום התורף

Anyone who gazes even at a women's little finger is as if he gazes at her private parts.

³³ M Haggigah 2:1

³⁴ *Computer Privacy and the Modern Workplace*, CJLS (HM 331:1:2001).

The context of Rav Sheshet's teaching is a situation where a husband is about to recite the bedtime *Sh'ma* in the presence of his wife. Rav Sheshet notes that any physical attribute can be eroticized. No one habitually covers their little finger. But Rav Sheshet does not blame the woman or tell her to wear gloves, instead his criticism is directed at the one who objectifies her.

The prohibition of looking at even a little finger shows great sophistication in its understanding of human sexuality. Individual preferences and communal standards can, and do, eroticize almost anything. These standards may vary from place to place and community to community.

The intent of the gaze matters a great deal. A person ought to be sufficiently self-aware to avoid looking at something for the purpose of titillation. Rav Sheshet's comment instructs us to realize that each person needs to do a personal inner calculation to stay far from the objectification of others and sex. A person may not look even on a little finger if their gaze is intended to sexualize. When we do so, we objectify that person. Such a gaze becomes forbidden because of the intention of the one who looks.

The dictum of Rav Sheshet is cited as a halakhic precedent in the *Shulhan Arukh*, even though it is the most extreme of the examples given in the Talmud. In this section, Rabbi Yosef Karo (Spain and Israel, 1488 -1575) addresses all relations between men and women:

צריך אדם להתרחק מהנשים מאד מאד. ואסור לקרוץ בידיו או ברגליו ולרמוז בעיניו לאחד מהערויות. ואסור לשחוק עמה, להקל ראשו כנגדה ב 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 להלך אחריה, אלא רץ ומסלקה לצדדין או לאחוריו. ולא יעבור בפתח אשה זונה, אפילו ברחוק ארבע אמות. והמסתכל אפילו באצבע קטנה של אשה ונתכוין ליהנות ממנה, כאלו נסתכל בבית התורה (פי' ערוה) שלה. ואסור לשמוע קול ערוה או לראות שיערה. והמתכוין לאחד מאלו הדברים, מכין אותו מכת מרדות. ואלו הדברים אסורים גם בחייבי לאוין

A man ought to distance himself greatly from women. He ought not gesture with his hands or legs, or hint with his eyes to someone of the forbidden relationships. It is forbidden to joke with her to make her frivolous, or to gaze upon her beauty. It is forbidden even to smell her perfume. One may not gaze upon women doing the laundry or in bright clothes. He may not even look at the bright clothes when she isn't wearing them lest they lead to thoughts of her later. If a man encounters a woman in the marketplace, he may not follow her but rather ought to run elsewhere. A man may not pass by the doorway of a prostitute even to a distance of four *amot*. One who looks upon even the little finger of a woman and intends to draw enjoyment from it, is as if he looks at her private parts. He may not hear the voice of licentiousness, nor look upon her hair. A person who intends one of these matters is given the beatings of rebellion and these matters are also forbidden as negative commandments.³⁵

³⁵ *Shulhan Arukh, Even HaEzer 21:1*

Rabbi Karo broadens the biblical prohibition against forbidden relationships to any social interactions between men and women. The first rule forbids flirtatious or suggestive behavior. A person ought to look away from colored clothing because it may awaken sexual thoughts. The concern of passing by the door of a prostitute is more about thought than action. Passing by the door of a prostitute intentionally only comes from immodest intention and is therefore forbidden.

For Rabbi Karo, who is largely concerned with prohibiting any interaction between men and women, the concerns are much more in the arena of sight and thought than in mandated dress. Nowhere does Karo delineate how much a woman's shoulder or thigh ought to be covered, nor does he forbid colored or attractive clothing from being worn. He seems more concerned that we should know our own intention and not engage in behavior that objectifies others.

The Maharshal, Rabbi Shlomo Luria (Poland/Lithuania, 1510- 1573), makes a similar this point in a comment on TB Kiddushin when he says:

הכל לפי מה שענינו רואות, וגם שמושל ביצרו, ויכול להתגבר עליו, מותר לו לדבר ולהסתכל
בערוה, ולשאול בשלומה. ועל זה סומכין כל העולם, שמשתמשים ומדברים ומסתכלים
בנשים.

Everything depends on what a person sees and if he controls his impulses and can overcome them he is permitted to speak to and look at an *ervah* [a woman who is (here meaning a woman forbidden to him)] and inquire about her welfare. The whole world relies on this, for we engage [in commerce], speak and look in using the services of women.³⁶

Rabbi Luria addresses himself to men but the concern applies regardless of gender. According to both Rabbis Karo and Luria, the real concerns are habituation and intent. A significant element of *tzniut* is the way a person reacts to a possible provocation.

Furthermore, Rabbi Luria realizes that modesty, by definition, must have limits. In his community, interaction between people of all genders is common, integral for business and social reasons. Today we would add friendship and collegiality. Therefore, all parties in any given interaction carry some of the responsibility for finding the balance between *tzniut* and self-expression. One person's self-expression may create challenges for another person; in such a case the challenged individual has a responsibility to deal internally with the thoughts and temptation that may arise. We see *tzniut* linked to justice here, just as the prophet Micah stated. Justice mandates that people have room to explore their own areas of self-expression. That self-expression ought to include choices of behavior and attire reflecting modesty and based on context. By the same token, the onlooker should respond with modesty by looking away when the self-expression of another person, regardless of intent, awakens inappropriate sexual thoughts.

³⁶ Yam Shel Shlomo, Kiddushin 4:25

Rabbi Yehiel Michal Epstein (Lithuania, 1829-1905) was appalled by the spreading practice of married women going out without head coverings. However, even though the Talmud mandates head coverings for married women, he decided that changing societal standards meant that there was no longer an erotic element in uncovered hair.

עכ"פ לדינא נראה שמותר לנו להתפלל ולברך נגד ראשיהן המגולות כיון שעתה רובן
הולכות כך והוה כמקומות המגולים בגופה וכמ"ש המרדכי בשם ראבי"ה בספ"ג וז"ל כל
הדברים שהזכרנו לערוה דוקא בדבר שאין רגילות להגלות אבל בתולה הרגילה בגילוי שיער
[לא חיישינן דליכא הרהור עכ"ל וכיון שאצלינו גם הנשואות כן ממילא דליכא הרהור

It seems that, by law, we are permitted to pray and recite blessings facing their [women's] uncovered heads, because nowadays most of them go about in this way and it has become like the normally uncovered part of her body - as the Mordecai wrote (at the conclusion of chapter three) in the name of Ra'avayah, "All these things mentioned above as *ervah* are only things that are not usually uncovered, but we are not concerned about an unmarried woman who normally goes about bareheaded, for there is no erotic arousal." Since with us even married women do so, it follows that there is no erotic arousal.³⁷

Rabbi Epstein, writing in late 1903, thought that because people were habituated to exposed hair, a person may even pray in the presence of a married women with uncovered hair because it will no longer excite "*hirhurim*," erotic thoughts and passions. Even in a matter of well-established halakhic precedent, the sanctions against viewing immodest hair covering are lifted since they no longer surprise the viewer.

It is especially notable that Rabbi Epstein addresses the person praying rather than the women with uncovered hair. There is no polemic here about the need to compel women to cover their hair. Instead, he wrestles with what an observant person does when confronted with this situation.

Societal and cultural expectations of behavior play a significant role in our response to what we see. In a cloistered community, even the exposure of an ankle may be erotic. In a contemporary cosmopolitan community, we may become inured to the exposure of skin. But the Torah-driven mandate for *tzniut* requires us to train our thoughts. Thoughts of attraction or eroticism may arise naturally in certain contexts. In some settings, such as intimate moments between spouses, such thoughts are entirely appropriate. . We also believe that eroticism can be appropriate in many artistic and theatrical realms.³⁸ The practice of *tzniut* is to find a balance between sexuality, eroticism, and arousal so that they are given space without crowding out other areas of human expression. In particular,

³⁷ *Arukh Hashulhan Orach Hayyim* 75:7. See comments of Rabbi Eliezer ben Rabbi Joel Ha-Levi (Ra'avayah) on TB Berakhot 76.

³⁸ Rabbi Joseph Dov Soloveitchik is reported to have encouraged attendance at opera, which he regarded as "advanced culture." Mordechai Breuer, *Modernity Within Tradition* (Columbia, 1992), p. 150, observes that in 19th century Germany, Orthodox Jews attended opera and cabaret performances where women would sing. Romantic ballads and songs were common in the Judeo-Spanish communities of Turkey, the Balkans and Greece. See Michael Makovi, "A New Hearing for Kol Ishah," who states that his "approach could be applied to other areas of *tzniut*." <https://www.jewishideas.org/article/new-hearing-kol-ishah>

sexual thoughts that objectify or denigrate must be avoided.³⁹ By contrast, thoughts which place sexuality and the erotic into the broader quality of the human endeavor have value and may even be holy. This is necessarily subjective, and yet the Talmudic and other sources urge us to find the balance in part by training ourselves to engender the ability to orient our gaze and thoughts elsewhere.

Changing Social Reality

Since modesty in dress is so connected to time and place, social realities influence what is allowed or forbidden. For example, the Talmud prohibits a man from walking behind a woman, lest he become sexually attracted.⁴⁰ However, Rabbi Joseph Ben Moses Joselein (Germany, 1423–1490) recounts that his teacher, Rabbi Israel Isserlein (Austria, 1390 – 1460) allowed men and women to be closer to one another, again identifying social realities as determinative of modesty practice. He says:

ואמר שמונתר לילך אחר אשת חבר או אחר אמו, משום דבזמן הזה אין אנו מוזהרין כ"כ מלילך אחרי אשה.

He said that it is permitted to walk behind the wife of a *haver* (a Mishnaic term referring to members of the early Rabbinic group) or behind his mother because nowadays we are not cautioned about walking behind a woman.⁴¹

Rabbi Isserlin, known for his work the *Terumat Hadeshen*, feels empowered to overturn a Talmudic practice without any citation because daily life had changed “nowadays.”

Rabbi Mordecai Yoffe (Bohemia and Poland, 1530 –1612), discussing mixed gender at a wedding feast, sets aside a prohibition regarding the recitation of certain blessings and reaffirms the role of social habituation in determining modesty practice. He says:

ואין נזהרין עכשיו בזה משום דעכשיו מורגלות הנשים הרבה בין אנשים ואין כאן הרהורי עברה כל כך שדמין עלן בקאקי חיוורא מפני רוב הרגלן ביננו וכיון דדשו דשו

We do not care about [avoiding] mixed seating because today women are very common among men, and there are relatively few sinful thoughts because they seem to us like “white geese” due to the frequency of their being among us.⁴²

Now that people of all genders are used to coming into contact with one another, the modesty concern is minimized. Rabbis Joselein and Yoffe do not conceive of modesty as a fixed practice determined by Talmudic precedent. They understand modesty as

³⁹ For example: Rav Sheshet’s dictum provides a halakhic guide to online behavior. When it encourages the objectification of any person, we ought to refrain. When it contextualizes sex and erotica as a sacred aspect of human expression, it can be appropriate to read or view.

⁴⁰ TB Eruvin 18b.

⁴¹ *Leket Yosher, Yoreh Deah* 37

⁴² Mordecai Yoffe, *Levush Hatekhelet, Minhagim* 36. (Prague, 1701, p.449). “White geese” refers to TB Berakhot 20a where Rabbi Gidel sat next to a *mikveh* exit. He justified his behavior by saying the women were like white geese to him, an expression meaning old men, indicating that he had no immodest thoughts. On this, see הרב יהודה הרצל הנקין מ”שיבת אנשים ונשים ביחד בחתונות, הרב יהודה הרצל הנקין

<http://www.daat.ac.il/he-il/mishpacha/nisuin/henkin-yeshivat.htm>

dependent on social context. For them, it appears that the practices described by the Talmud are socially determined examples that may be obviated by a new reality.

Prayer and Learning Spaces

Prayer and learning spaces require a different approach than other public contexts because we have the additional concern of maintaining a sense of the sacred. Mishnah Berakhot 5:1 says, “A person stands (for the *Amidah*) only in a state of mindfulness.”⁴³ Certain prayer moments including the recitation of the *Sh'ma* and the *Amidah* require a focused attentiveness. This makes the concerns of modesty and the arousing of sexual feelings greater. Further, such spaces are “owned” by intentional communities capable of discussing and articulating shared modesty practices. That is, we make a communal choice in learning and prayer spaces on where we intend our focus to reside. We want a focus on God, Torah or other areas of learning and prayer. Attire and appearance can become distractions that can weaken our ability to focus. For this reason, we have a common communal interest in designating appropriate attire for sacred space.

The Talmudic discussion on Berakhot 24a states that seeing even a *tefah* (handbreadth) of skin is forbidden while a person recites the *Sh'ma*. The context appears to be the *Sh'ma* recited at bedtime. In the eyes of the rabbis, the man reciting the *Sh'ma* before sleep is in bed with his wife and needs to be extra cautious since the nature of the space changes from one of shared intimacy to a place of prayer. Thus, the person reciting needs to be extra aware of that shift and focus on the *Sh'ma*.

While some of the issues are unique to the setting, the discussion in Berakhot suggests a larger concern about dress in prayer contexts. Further, the reference to “*dvar ervah*” in Deuteronomy 23 leads the Talmud to link modesty in toilet behavior to modesty in prayer. While *dvar ervah* in context means exposure of genitalia, the word *dvar* by itself means speech. The Talmud uses that word to link the speech-acts of prayer to avoidance of *ervah*. This Talmudic concern reinforces our practical experience about the importance of creating communal norms for praying and learning spaces.

Further, such a setting is by definition a space that we own. While we may ask people in our homes to refrain from smoking, or to wear a *kippah* when they say a blessing, we make no such request in someone else’s home. We have a greater moral need to define our own spaces in ways that reflect our values. Such values ought to include *tzniut*.

For a variety of reasons, we must exercise particular care when articulating our concerns for sacred space for learning or prayer. First, we want people to feel welcomed into our venues for community prayer and study. When our values differ greatly from the wider culture, the risk of unintended offense rises greatly. How we communicate a *tzniut* policy to visitors, guests, and occasional attendees is fraught with difficulty. Further, in our own zeal to create a space conducive to prayer or learning that reflects our values, we must be careful to avoid singling out or embarrassing people who either understand *tzniut* differently or were unaware of our particular policies and practices.

⁴³ אין עומדין להתפלל אלא מתוך כבוד ראש

We suggest that a *tzniut* policy for a school or synagogue begin by asking questions leading to a clarification of community values. What are the items of clothing that, if brought into our prayer or learning context, will invite distraction? That is, given that *tzniut* is primarily an issue of thought, how do we create a community that helps support this inner issue? We want to encourage communities to avoid the seemingly inevitable and unhelpful fight over garment length and skin exposure. Rather, the question for everyone becomes “Why do we wear something?” How do we create a shared sense of what the right time and place for such clothing might be?

Second, the policy itself ought to state some of the values of concern. For example, the belief that prayer and learning require a focus and a sense of safe space. Additionally, the contemporary trend of oversexualizing our bodies and selves is radically different from traditional Jewish values. Our communities, especially in times of prayer, place emphasis on that which is inside a person. As a result, choosing attire with care is one way of focusing our attention on the inner self that truly matters.

Third, some specifics will be necessary. For example, since *tzniut* means dressing in ways that are presentable without being suggestive, clothing that draws attention to the person in an overtly sexual way violates this value. Tight clothing, visible underwear, low cut outfits, unbuttoned shirts beyond the first button, often endeavor to draw the eye. We prefer in our communities to focus on inner qualities and so we invite our members and participants to refrain from such items.

There is a difference between school and synagogue policy. A synagogue ought to focus on general ideas and suggestions alongside reminders to community members to be welcoming. If family or friends are visiting for a *simḥah*, and dress in ways that violate the normative community practice, the community needs to call on its own inner practice and discipline to refrain from gazing at and judging the guest who has come to pray and celebrate.

Schools, by contrast, have a need for greater specificity in their policy, because they are dealing with the education of children and teens and have a responsibility to teach the values of *tzniut*. Students are still forming their own values and identity. Schools therefore have a greater responsibility to articulate a specific dress code. Further, schools have a stable community which can be informed and taught shared values in a way that may not be appropriate for synagogues.

As such, schools can engage in *tokheḥah* in ways that would not be acceptable in other places. When a school’s policy goes beyond the realm of suggestion, its standards need to be completely clear. We do not want to put teachers and administrators in a position where they are making *tzniut* judgement calls based on their personal feelings. This has the potential to create an environment in which students feel they are being constantly gazed upon and assessed. A dress code violation should be clear and not subject to interpretation. Students should feel comfortable knowing that if there is a concern, they will be approached by a teacher or administrator of the same gender. In this case, *tzniut* is as much about following rules as it is about the specifics of the rules themselves, both for students and those caring for them.

The classical concerns over *ervah* suggest that underwear should be invisible. While not itself *ervah*, seeing underwear does draw the gaze. Covering over the majority of the thigh and shoulders honors the precedent of Rashi and others. A *tzniut* policy also ought to include education about the policy and the values behind it. In our synagogues and schools, *tzniut* policies ought to include advice for how to build healthy relationships across genders in open non sexualized ways.

A Last Thought

The Hasidic teacher Rabbi Yehuda Aryeh Leib Alter (Poland, 1847-1905) addresses modesty issues in his commentary to *Parashat Kedoshim*.⁴⁴ For him, creating the barrier against sexual immodesty is the first step towards allowing an awareness of *kedushah* to enter a person. When we recite “God who makes us holy and commands us regarding a *mitzvah*” we are creating an awareness of the sacred in our lives. That awareness can flourish only amid intentionality. In turn, intentionality requires an inner process of turning away from an emphasis on overt sexual expression and physical desires that are immodestly timed and expressed, so that we might “walk modestly” toward and with God. *Tzniut* is one key tool in this process.

Psak:

Tzniut functions in two key areas: dress and thought. When dressing, a person ought to choose clothing that expresses humility and modesty and that is not overtly sexual. In our egalitarian and open society, much personal behavior and display of parts of the body that were considered by earlier generations of rabbis to constitute erotic stimulation are no longer applicable to us and should no longer be viewed as problematic.

Second, *tzniut* is a mental state. It includes an inner process that involves asserting control over the gaze of our eyes and the thoughts of our minds, speech and behavior. People ought to train themselves to avoid objectification of people and moderate their thoughts. This applies also to what was reads or views. This is a highly personal and subjective balance but a necessary one.

Learning and prayer spaces have a higher level of expectations. As a result, synagogues, schools, and Jewish camps ought to determine standards of dress that are respectful and recognize the sanctity of such spaces. Dress codes ought to go beyond the covering of explicitly erotic zones (*ervah*) to include the covering of underwear, refraining from tight or excessively revealing attire, and shirts that are significantly unbuttoned. This applies to people of all genders.

Schools and youth groups, which have a defined community, ought also to mandate covering backs and stomachs and ought to define specific t-shirt and skirt lengths to save students, teachers, and administrators from embarrassment.

Professional ethics mandate great concern to include transparency, proactive steps to avoid abusive power dynamics, and written policies that cover sexual abuse.

⁴⁴ *Sefat Emet, Kedoshim* - 5635

Those who choose to dress modestly deserve praise. Yet *tzniut* is misused when the onlookers' gaze and gossip is devoted to what others are wearing. Better to focus on our own dress and thoughts.

Appendix

Appendix A: Sample Modesty Policy for a Synagogue

Our congregation believes in the inner value of each person. As a result, we encourage our members to dress for synagogue in ways that enable and encourage a focus on spiritual values while honoring each person's uniqueness and self-expression.

We ask participants in prayer to dress modestly and respectfully. In particular, we note that for men or women tight or suggestive clothing, items that are low cut, or significantly unbuttoned shirts or blouses, tend to distract from prayer. The Mishnah asks us to enter prayer with great mindfulness; we as a community must work together to help enable a setting that encourages such focus. As a result, we ask people to refrain from wearing such clothing and instead to wear presentable attractive attire that places the focus on prayer where it belongs.

We also believe strongly in being a welcoming community. As a result, we intend to welcome anyone as they are, without undue emphasis on their attire. We hope visitors to our shul will be impressed and inspired by who we are, including our desire to promote modesty. As a result, everyone will be invited to stay, and we will have materials available explaining our views on modesty.

Appendix B: Sample Modesty Policy for a School

We at <name of school> believe in the value of modesty both as a means to promote learning and as an educational goal in itself. At a time when children younger and younger are encouraged by marketers and the wider culture to present themselves in sexual ways, we at <school> endeavor to teach that what is in our hearts and minds matters much more than the appearance of our bodies.

As a result, we expect students of all genders to dress in modest and respectful fashion. In particular, no visible underwear is permissible in school. Shorts and skirts should reach to at minimum two inches above the knee or longer. Short sleeves should measure no less than four inches at the shoulder. Stomachs and backs should be covered. Tank tops are not permitted.

Teachers will use their discretion as needed to determine if attire is appropriately respectful and modest. If it is not, parents will be asked to provide more appropriate attire the next day. Teachers will approach students of the same gender regarding violations. Repeated offenses will result in parents being asked to take their child home to return only in appropriate attire.

Appendix C: Sample Modesty Policy for a Camp Ramah

We at Camp Ramah believe in the value of modesty as a means of encouraging pre-teens, teens, and twenty year olds to find a variety of ways to express themselves and discover their own value as creations of God. Ramah expects of its campers, counselors, and staff,

attire that reminds us that our real value comes from who we are as people rather than how we appear to others.

As a result, we expect campers to dress in modest and respectful fashion. In particular, no visible underwear, is permissible. Clothing should be of reasonable cut and length and appropriate to the context. Bikinis and tight cut bathing suits (worn by either gender) will not be permitted at the pool or lake areas.

Attire for prayer and Shabbat will be more modest and formal to recognize the additional sanctity of the occasion.

Appendix D: Sample Modesty Policy for USY Summer Program

USY on Wheels/Israel Pilgrimage is a chance for teens to create a summer community as they get to know one another and the beauty of this country. As a result, we ask USYers to be models of modest appropriate dress as we travel.

We expect students to dress in modest and respectful fashion appropriate to the context. In particular, no visible underwear is permissible. Clothing should be of reasonable cut and length and appropriate to the context. Bikinis and tight cut bathing suits (worn by either gender) will not be permitted at the pool or lake areas.

Attire for Shabbat will be more modest and formal to recognize the additional sanctity of the occasion.