**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

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**Dress III: More Details**

How do the laws of erva shift in interpersonal settings? How does this affect the laws of women's dress? What are the halachot concerning skirts and pants?

# Erva in Society

Previously, we looked at the laws of covering *erva* when a person is alone. Halacha also discusses the laws of *erva* in interpersonal settings.

According to basic Torah law, one may not pray or recite *Shema* or a *beracha* when facing exposed genitalia (or buttocks)*.*This law applies whether or not the exposure seems to have an effect.[[1]](#footnote-1) When one's own or another's *erva* is visible, the halacha is to turn away from it before reciting *Shema*, or at least to close one's eyes:[[2]](#footnote-2)

*Shulchan Aruch* OC 75:6

If there was *erva* in front of him and he turned his face away from it or closed his eyes…it is permissible to recite *Shema*, for the matter depends on seeing, and he does not see it.

The Talmud teaches that this halacha remains in place even if the *erva* is on the other side of a glass barrier, because it remains visible:

*Berachot* 25b

It is prohibited to recite Shema in the presence of *erva* [visible] through a glass. "He should not **see** in you a matter of nakedness," said God – and behold, it is visible.

Just as glass does not count as a cover for *erva*, translucent garments cannot constitute coverage for men or women.

*Mishna Berura* 75:25

Through a glass: This is of glass or a thin cloth through which light shows so that it [*erva*] is visible.

Form-fitting clothing may technically count as a cover for *erva*. We will see in our discussion of trousers, however, that it is considered immodest because it is revealing in its own way.

# Looking at Others

What guidelines does the Torah offer for how we look at other people, even when we aren’t praying, or reciting *Shema* or *berachot*?

1. **Men** The Talmud teaches that, outside of the conjugal relationship, men are not permitted to stare at any part of a woman's body. Rambam adds that this is an issue specifically when the man looks for the purpose of deriving pleasure.

*Berachot* 24a

Whoever looks [for pleasure] at a woman’s little finger is like one who looks at her genitalia.

*Mishneh Torah Issurei Bi'a* 21:2

One who looks even at a woman's little finger with intent to derive pleasure is like one who looks at her genitalia.

As we have seen, the hand is a part of the body that is normally uncovered. So this passage teaches that a man may not look at any part of a woman's body – not even (just) her finger – at any time with a view to objectifying it.

There are two prohibitions involved. One is "*lo taturu acharei levavchem ve-acharei eineichem*" (*Bemidbar* 15:39), that one should not stray after one’s heart and eyes. The second is *"ve-nishmarta mi-kol davar ra*" (*Devarim* 23:10), “guard yourself from every bad thing,” meaning a man should not act in a way that would so arouse him that it might lead to a seminal emission (even if involuntary).

**II. Women** Halachic authorities debate whether there is a parallel prohibition of women looking at men for pleasure. The scriptural opening for this discussion is a passage in which young women take their time guiding Shaul in finding the prophet Shemuel.[[3]](#footnote-3)

*Berachot* 48b

“When you come to the city, you'll find him before he goes up to the high place to eat, for the people will not eat until he comes, because he will bless the sacrifice, after that those who were called there will eat.” Why all of this [verbiage from the women]? Because women are talkative. Shemuel [the Amora] said: In order to look upon the beauty of Shaul.

Perhaps the young women simply spoke a lot because they liked to chatter, or perhaps, as Shemuel suggests, they enjoyed gazing at Shaul. The Talmud introduces this possibility without opprobrium. But *Midrash Yalkut Shimoni* cites another view:

*Yalkut Shimoni Shemuel* I:108

They were looking at Shaul's beauty and they couldn’t get enough of him, the words of Rabbi Yehuda. Rabbi Yosei said to him: If so, you have equated daughters of Israel to prostitutes. Is it not the case that just as a man may not feast his eyes on a woman who is not fitting for him [to marry], so too a woman may not feast her eyes on a man who is not hers? Rather, the time had not come yet [for Shaul to meet Shemuel].

According to the first opinion in this midrash, Rabbi Yehuda's, the young women indeed enjoyed taking in Shaul’s good looks, and this was harmless (Shemuel's view in the Talmud). According to the second opinion here, Rabbi Yosei's, this type of behavior would be highly inappropriate.

In line with the Talmud's perspective, Rav Ovadya Yosef rules that no prohibition applies to women looking at men:

*Yabia Omer* I OC 6

Indeed, in *Berachot* 48b, Shemuel said "in order to look at the beauty of Shaul" and he was not concerned about this difficulty [of women ogling men], therefore we are not concerned about women [ogling men], for they are not prone to physical effects …One can justify the practice to be lenient about this because the *Yalkut Shimoni* is not in accordance with the halacha, in light of what is explained in *Berachot*…The fundamental halacha is as I wrote to permit this [women looking freely at men].

Rav Ovadya assumes that women are not as physically affected by the sight of men as men are by the sight of a woman, and therefore may freely look at men. Other authorities, however, argue that a woman may not look at a man with deliberate intent to derive sexual pleasure from what she sees:

Responsa *Shevet Ha-levi* 5:197

One cannot deny that if they [women] really look [at men] for the purpose of sexual pleasure, women transgress like men. For “you shall not stray after your hearts and after your eyes” is a negative commandment that applies equally to everyone, for women are obligated in negative commandments like men. If so, there is no doubt that the holy Tanna Rabbi Yosei was correct that a woman too should not feast her eyes on a man who is not her [husband] But feasting her eyes is more than looking or just seeing, as the language indicates. But just to see or to look at men without feasting their eyes, i.e., without sexual thoughts, as they see them regularly from the women's section of the synagogue, certainly we did not find that our forefathers and rabbi were concerned about that.

Shevet Ha-levi agrees that Halacha treats men's looking at the opposite sex more stringently than women's. Still, he acknowledges that a woman might find the sight of a man's body arousing, and that Halacha puts constraints on that. Presumably, halachic parameters of this sort would apply to men or women looking at someone they find attractive, regardless of that person's gender, with intent to derive sexual pleasure.

# Extending Erva

Women are allowed to pray or recite *Shema* or *berachot* in the presence of other women who are not completely clothed, but whose Torah-level *erva* (i.e. genitalia and buttocks) is not exposed.[[4]](#footnote-4)

*Mishna Berura* 75:8

Even another woman may recite *Shema* and pray in her [a first woman's] presence when she [the first woman] is naked [as long as her genitalia are not visible].

However, based on the assumption that men have a greater tendency to become aroused by what they see of women than the reverse, the Talmud widens the restrictions on what a man is permitted to see of a woman during *keri'at Shema* beyond Torah-level *erva*:

*Berachot* 24a

Rabbi Yitzchak said: a *tefach* [handsbreadth] of a woman is *erva*. With respect to what? If you say for looking at her, behold Rav Sheshet said… Whoever looks [for pleasure] at a woman’s little finger is like one who looks at her genitalia. Rather, the *tefach* applies [specifically/even] to his wife, and for *keri'at Shema*.

R’ Yitzchak states that on a rabbinic level, a *tefach* of a woman is considered *erva*. Since ogling or staring is already prohibited by Rav Sheshet’s statement, regardless of the measurement of exposure, Rav Yitzchak must be referring to a more specific situation: a *tefach* of a man's wife being visible at the time of *Keri'at Shema*.

Two core questions emerge from this passage: Where is the *tefach* under discussion? And what is the meaning of the reference to a man's wife?

**I. Tefach** A *tefach* is a linear measurement, so in this passage it might mean that some bodily region with a height of 8-10.4 cm is exposed. Rav Moshe Feinstein, however, defines *tefach* in the context of *erva* as a bodily region with an area of a square *tefach*, roughly 64-108 square centimeters,[[5]](#footnote-5) and his view is widely accepted. On average, this is a bit larger than the area of the palm of the hand.

Rosh explains that the *tefach* under discussion is found on parts of the body that women typically cover, such as the torso.

*Tosafot Ha-Rosh Berachot* 24a

A *tefach* of a woman is nakedness [*erva*]. Meaning, that which is typically covered in a woman, if a *tefach* of it is uncovered, that is considered *erva*.

A man may not recite *Shema* in front of a *tefach* or more of exposed parts of a woman's body that are typically covered. They are considered to be *erva* for him.

**II. His Wife** There are two different ways to understand what the Talmud means by specifying a man's wife here. Some halachic authorities, including Shulchan Aruch, explain that a *tefach* is considered nakedness in the context of *Shema* **even** if the woman is a man's own wife. This view allows for a man to see up to a *tefach* exposed of any woman at any time, his wife included.

Others, including Rema, take the Talmud's mention of a *tefach* of a man's wife to mean that the leniency of a *tefach* **only** applies in the case of a man's wife. A man may not recite *Shema* in the presence of even **less** than a *tefach* exposed on another woman.

*Shulchan Aruch* OC 75:1

An exposed *tefach* of a woman, in a place that she usually covers, even if it is his wife, would be forbidden to recite *Kri’at Shema* before it. Rema: some say **specifically with his wife** but with regard to another woman even less than a *tefach* would be considered *erva*.

On Shulchan Aruch's reading, that the *tefach* measurement applies to all women, the Talmud's mention of a man's wife simply teaches that she, too, is included, even though her husband is intimately familiar with her. According to Rema, even less than a *tefach* on other women might pose a halachic issue.

It is inappropriate for a man to see parts of a woman’s body that are typically covered, whether or not he intends to derive pleasure from them or actually experiences attraction or arousal.

While this halacha applies directly to men, it applies indirectly to women. Exposing typically covered areas to the extent that it presents halachic difficulties for someone else is inconsiderate, at odds with the values of *ahavat Yisrael* and *tzeniut* as well as the practice of *dat Yehudit*.

Relating to men is not the exclusive or primary reason for women to dress with *tzeniut*. That being said, halachic discussions of women's dress take it as a matter of course that a woman who observes *mitzvot* would not and may not deliberately uncover a *tefach* or more of an area defined as *erva,* or typically-covered in the presence of most men.[[6]](#footnote-6)

Why should a woman's clothing be limited by how men might react to what they see? How does this affect different halachic expectations of women's and men's clothing?

We have discussed how clothing serves a range of personal and social functions. On a social level, Halacha has an interest in ensuring that men and women do not objectify each other based on their appearances. One side of this coin is limits on what we look at; the flip side is limits on what we display.

The halachic discussion tends to put the onus of not looking on the man and the onus of not displaying on the woman. We have seen, though, that there are limits on what women should look at and how, and there are also limits on what men should reveal.

This can be complicated ground to navigate, especially for women. While the primary obligation is for men and women to take responsibility for their own decisions and responses, being part of a community means that we consider the effects of our own decisions on others.

Rav Ovadya Yosef expresses a range of halachic objections to immodest clothing. One of his suggestions is that wearing revealing clothing is a potential violation of the Biblical prohibition of placing a stumbling block before the blind, lifnei iver, because revealing clothing could lead men to improper sexual thoughts.

*Yechaveh Da'at* III:67

The matter is clear that women who go in the street in immodest garments like these also transgress the prohibition of not placing a stumbling block before the blind, for they cause men to gaze at them and to have improper thoughts of transgression, which are more serious than [actual] transgression.

Note that, even according to Rav Yosef's view, lifnei iver is not the sole reason for a woman to dress with care, and lifnei iver might be limited to clothing styles that are genuinely provocative.

Promoting lifnei iver as a reason to dress with tzeniut can leave a woman feeling guilty, as if somehow her very presence is a “stumbling block” for men. When taken to an extreme, this attitude can have unintended consequences, such as censoring all pictures of women, even those modestly dressed, or dictating very stringent standards of dress for a woman to completely obscure the shape of her body.

Furthermore, if we focus overmuch on women's “covering up” for the sake of men, we risk implying that this is the primary reason to dress with tzeniut, when it is one among many.

At the same time, stricter constraints on what men are permitted to see, based on a halachic presumption that their reactions to visual stimuli tend to be stronger than women's, do account for at least some of the asymmetry between halachic guidelines for men's and women's clothing. Additionally, natural interest in male attention may sometimes contribute to women's struggles with the halachot of clothing.

Regardless, we should aspire to foster a healthy society, in which women and men take responsibility for presenting ourselves and seeing others appropriately and respectfully.

When we are conscious of tzeniut and work to promote positive and appropriate interactions, we create a community conducive to holiness.

# The Shok

After extending the definition of *erva* beyond genitalia to typically-covered body parts, the Talmud singles out the *shok* (part of a woman's leg):

*Berachot* 24a

Rav Chisda said: A woman's *shok* is *erva*, as it is written "Reveal your *shok* and cross rivers" (*Yeshayahu* 47:2) and then is written "expose your *erva* and your shame will also be seen." (*Yeshayahu* 47:3)

The mention of *shok* may simply serve to make clear that the *shok* is considered *erva*, even though one might have thought otherwise.[[7]](#footnote-7) Alternatively, at least for married women,[[8]](#footnote-8) the *shok* may be treated more stringently than other typically-covered areas of the body, perhaps because of its proximity to actual *erva* (genitalia). This stringency may be to treat even less than a *tefach* of the *shok* as *erva*.[[9]](#footnote-9)

Bach OC 75

It seems that he specified *shok* because even less than a *tefach* [there] is also considered *erva*.

In any case, we need to define what the *shok* is. The mishna stipulates that the *shok* is the **lower leg**, between knee and ankle:

 Mishna *Oholot* 1:8

There are 248 limbs in a human being: thirty in the sole of the foot, six in each toe, ten in the ankle, two in the *shok* [lower leg], five in the knee, one in the thigh…

The Biblical verses quoted in the Talmud, however, likely refer to the **upper leg**,[[10]](#footnote-10) which when exposed would be more likely to expose actual *erva* (genitalia).

R’ Yosef Kara, *Yeshayahu* 47:2

Reveal your *shok* – the upper thigh Semag writes that the meaning of “*shok*” does vary between Biblical and rabbinic Hebrew:

*Tosafot Yeshanim Yoma* 71b

It is different from the language of Scripture, for the language of the sages is its own entity. So too we find regarding the *shok* [thigh] of the peace offering over which they dispute with Rabbi Yehuda in the end of the Mishna in *Chullin*, which is from the knee and up [because it is mentioned in the Bible], even though in every [other] place in the Talmud, “*shok*” means from the knee and down.

In that case, the ruling here could go either way. On the one hand, a Talmudic sage is speaking. On the other hand, he is basing himself on a Biblical prooftext. Halachic authorities debate which definition of *shok* applies to the *halachot* of dress.[[11]](#footnote-11)

# In Practice

Though we saw alternative explanations for Rav Chisda's statement that the *shok* is *erva*, Chazon Ish argues that it would have been unnecessary for Rav Chisda to tell us this if the *shok* is the thigh, because that is obviously typically-covered. Therefore, *shok* likely refers to the lower portion of the leg between the knee and the heel.

*Chazon Ish* OC 15:8

The *shok* seems to be the lower portion (of the leg) from the knee to the sole of the heel, but from the knee and upwards, they would not have had to teach…It is difficult to decide the matter. On this view, even the lower portion of the leg should be covered. Though Chazon Ish himself goes on to acknowledge that it is difficult to be sure which part of the leg is the *shok*, Rav Shlomo Zalman Auerbach follows the approach that *shok* is the lower leg, and adds that it must be covered at all times. At the same time, he recognizes the lenient view of *shok* as thigh as a viable halachic position.

*Minchat Shelomo* III:103:15

Regarding the matter of "*shok*" it is known that there are those who think it is only the thigh, but there are many dissenters, and therefore one must certainly be careful not to go out to the street without stockings. But one should not criticize those in a place where the masses are not meticulous to observe this. However, one should not take into account at all the custom of those women who are not careful even about what is clearly prohibited according to all opinions.

Mishna Berura, however, rules that the *shok* is the upper leg, including the knee:

*Mishna Berura* 75:1:2

But her face and hands, according to the custom to uncover them in that place, and similarly the portion of the leg until the *shok* [meaning, up to the place called “Knie” in German (”knee”)], in a place where it is their way to go barefoot, [a man] is permitted to recite *Shema* in front of it since he is accustomed to seeing them and does not come to have improper thoughts. And in a place where they are accustomed to cover [the lower leg] the measurement is a *tefach* **as with the rest of a woman’s body.** But her arms and thigh [*shok*], even if women are accustomed to go about with them exposed like the immodest, it is prohibited [to recite *Shema* when they are visible].

According to this view, the lower leg and the foot need only be covered where that is customary.

Note that Rav Shlomo Zalman and Mishna Berura agree that women must cover the upper leg no matter what is widely practiced around her.

Rav Moshe Feinstein's treatment of the question of *shok* is somewhat different. Like Mishna Berura, he accepts the lenient view allowing for revealing the lower leg as the basic halacha. Like Rav Shlomo Zalman, he recommends covering it with stockings. His reasoning is different, though, based solely on what he considers to be dignified and modest clothing. Since covering the lower leg isn't obligatory, he writes that even sheer stockings are acceptable:

*Iggerot Moshe, Even haEzer* IV 100:6

Is there reason to insist that girls wear stockings, without insisting that they shouldn’t be too sheer, so that skin should not be visible through them? As there are men who insist that their wives and daughters not go without stockings on their feet, but they do not insist that these stockings be the type though which it is impossible to see. You [*kevod Torato*] asked what difference there is, for if they consider even below the knee to be *erva*, this does not accomplish anything, for *erva* through a glass is forbidden. And if [they follow the opinion] of the Mishna Berura that it is not *erva*, then there is no need for stockings! The truth is that it is for greater *tzeniut*, since halachically until the knee is not *erva*.

In practice, in some communities, there might be grounds for allowing less than a *tefach* of the knee occasionally to show.[[12]](#footnote-12) However, given that even halachic authorities who rule leniently about the lower leg still treat the knee as part of the *shok*, and given the close proximity of the upper leg to Torah-level *erva*, a woman relying on their view should make every effort to cover the knee.

*Yabi'a Omer* VI YD 14

[Regarding] girls who wear short skirts or short dresses above the knee, one must make an effort to influence them in pleasant ways to wear modest skirts or dresses, in a manner that covers the knees even when they are sitting.

# Pants

One possible option for covering the *shok* is to wear pants (trousers). In the mid to late twentieth century, halachic discussions arose about whether women’s trousers violated the prohibition of *lo yihiyeh cheli gever al isha*, a man's article [of clothing] shall not be on a woman" (*Devarim* 22:5). Since most authorities agree that definitions of *keli gever* vary with place and time and take into account the non-Jewish community, and since women's trousers, or unisex trousers, have become ubiquitous, that claim would probably not apply in today’s world.[[13]](#footnote-13)

*Yabia Omer* 6:14

Since the matter of women wearing trousers has spread nowadays to many places, there is no issue of *keli gever*, since in any case it is not designated specifically for men. Even more so since there is a recognizable distinction between women’s and men's trousers.

Objections

A distinct halachic objection to wearing trousers relates to a comment by Rashi, on a Talmudic discussion of the Torah’s use of euphemisms in describing the impurity conveyed to a surface on which a *zav* or *zava* sits:[[14]](#footnote-14)

*Pesachim* 3a

It was taught [in a *baraita*] in the *beit midrash* of Rabbi Yishmael: a person should always speak in clean language, for regarding the *zav* [man with unusual genital emissions] He calls [the surface he rides on] a riding seat and regarding a woman [*zava*] He calls it a seat.

Rashi ad loc

Because it is improper to mention riding and spreading of legs regarding a woman.

The Torah itself goes out of its way to avoid hinting at the split between a woman’s legs, referencing her “sitting” but not specifying “riding” as it does regarding a man.

One might argue that physically showing or emphasizing the split between a woman's legs, as trousers can, must be even more problematic than discussing it would have been. On the other hand, clothing with a division between the legs might be less suggestive than discussing a woman spreading her legs (or her actually spreading them, even in a skirt).[[15]](#footnote-15)

Rav Eliezer Waldenberg objects to clothing that makes such an action more clearly pronounced, and also to tight clothing that emphasizes distinct limbs.[[16]](#footnote-16)

*Tzitz Eliezer* 11:62

…Really [it is a case of] “jingling with their legs” [to attract attention, cf. *Yeshayahu* 3:16] with a noticeable split of the legs [*pisuk raglayim*] and with the emphasis of the figure of their bodily structure, God forbid…For wearing trousers like these is in and of itself '*ervat davar*,' a matter of *erva*.

Rav Ovadya Hedaya adds that a split in the legs up to the crotch is particularly immodest.

*Yaskil Avdi* 5 YD 20:6

It [trousers] is not clothing of the modest, since the legs are split one from the other up to the crotch…

Whatever the core objection, trousers worn under a skirt or tunic, or those with a very low crotch (like aladdin pants), would seem to resolve the issue.

Not only women need be careful about the modesty of trousers. In a responsum that compares the pants of the *kohanim* to men’s trousers of our day, Rav Yitzchak Ratzabi cautions men, too, against wearing immodest trousers:[[17]](#footnote-17)

Responsa *Olat Yitzchak* I EH 148

For our trousers [of men today]…are not really narrow that they cling to the flesh like the custom of the immodest, for those are certainly prohibited…

Permissive Views

Some halachic decisors, reportedly including Rav Yosef Eliyahu Henkin (a leading halachic authority in twentieth-century America), maintain that a woman is permitted to wear loose trousers without additional coverage. Rav Yehuda Henkin records his grandfather’s opinion:[[18]](#footnote-18)

*Benei Banim* I Article 1:38

I asked him [Rav Yosef Eliyahu Henkin] if it is permissible for a woman to wear trousers. He responded to me that if the trousers are loose and do not cling to the body, he does not see any prohibition in that. On the contrary, it can have [a quality of] *tzeniut.* But if they are tight and cling to the body one should not wear them.

The key issue for Rav Yosef Eliyahu Henkin is more *tzeniut* per se than trousers versus skirts. He provides halachic support for a woman who wishes to wear loose, wide-legged trousers, like palazzos or baggy pants, without any tunic or skirt over them.

At the same time, there may be broader considerations. Rav Nahum Rabinovitch also writes that halacha allows for women to wear modest women's trousers, but he emphasizes that a woman should not do so in contravention of community norms.[[19]](#footnote-19)

*Si'ach Nachum* 109

Therefore, women’s trousers that are modest, if the matter is accepted in the community in which you live, are permissible. Regarding a tunic over trousers, if it covers most of the thigh (the area between the pelvis and the knee), then the legs are covered, and the upper part of the leg is also covered as with a skirt, and this is modest dress…However, if you go to a place where this is not accepted, as when you travel to visit a community where women do not go about thus, it is fitting to respect the manner of dress in that place…In matters of clothing, there are matters that are *halachot*, and there are matters that are customs that are set by social mores of that time and place…In all matters of *tzeniut* of clothing a person should not have his path depend only on the technicalities of the law, but rather it is fitting to respect local customs of the society of those who observe Torah and *mitzvot* with which one wishes to affiliate.

Rav Rabinovitch acknowledges that, in some circles, wearing trousers underneath another layer reaching most of the way to the knee has become widely accepted as normative Jewish women's modest attire in public. In other circles, only skirts or dresses are considered appropriate.

Other Arguments

Rav Elyakim Ellinson calls the skirt or dress the contemporary Jewish woman's version of a *kippa*:

Rav Elyakim Ellinson, *The Modest Way*, English ed., 263, fn. 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 more permissive circles. To a certain extent, in the last few decades the skirt has become a sort of 'yarmulka' for the scrupulously observant who strives to follow our sages' ethical guidelines.

Rav Ellinson allows for wearing trousers for specific purposes, but prefers skirts as a badge of identification whenever possible. His words may not apply as broadly today as they did when he wrote them in the early 1980s. Still, a decision to wear skirts carries social and communal meaning beyond the letter of the law.

In effect, Rav Ellinson argues that wearing a skirt or dress should be treated as *dat Yehudit*. He views the skirt as a mode of dress that identifies a woman as careful in her observance of Torah and *mitzvot*, and can remind her of her identification with her religious community.

Writing more recently, Rav J. David Bleich adds another argument to the mix, that people who are serious about their Torah study and their mitzva observance must take care to always ensure that their clothing brings honor to the Torah itself.

Rabbi J.D. Bleich, Contemporary Halachic Problems VII, p. 147

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.

If a "significant segment" of the community will perceive trousers as improper attire, that is a genuine concern.

Aren't trousers sometimes more modest than skirts?

They can be.

In cases in which a woman will need to move in a way that will inevitably be more revealing with a skirt, she should wear trousers under a skirt or tunic, or loose modest trousers, for as long as necessary. (It goes without saying that modest trousers should be worn when they are required for reasons of safety.)

Given a choice is between a short skirt or trousers, Rav Ovadya Yosef rules that trousers are preferable:

*Yabi'a Omer* 6 YD 14

In any case, I agree that ideally one should not permit girls to wear these trousers, for they are haughty clothes…Kosher daughters of Israel should not go about in them at all. Especially in trousers that are really tight…But still, if the girls will not listen to the voices of parents and teachers to avoid wearing very short skirts, and they go in the marketplace with their thighs exposed, which is exceedingly immodest, one should choose the less bad option and instruct them as a temporary ruling to wear trousers.

Considerations of modesty are not always identical to those of “Jewish dress.” Women sometimes choose to wear skirts to demonstrate religious Jewish affiliation. In some contexts, even short skirts might convey a certain commitment to affiliating with a given community, though they don't comply with Halacha.

Beyond the Hemline

*Tzeniut* is certainly more than a “list of rules,” but it also includes real halachic standards and measures. Learning about *tzeniut* doesn't have to be from books, and traditionally, like other aspects of *dat Yehudit*, it wasn't. Education through modeling can be the most effective form of education. The sources we've seen are perhaps best used as guidelines for understanding those halachic parameters, and for making wise choices about which role models we should emulate.

Blogger Chaya Houpt shares some thoughts about what it means for her to model *tzeniut* in dress for her children:

Chaya Houpt, "Teaching Tznius," *All Victories* (blog)

I want my daughters and my son to grow into people who intrinsically understand modesty and want to embody it. That’s not going to happen by me pulling rank and making [my daughter] change her clothes. It’s only going to happen, with God’s help, if my husband and I continually model tzniut, modesty, and encourage it in our children…. What counts is how she feels about herself and her own worth, and how she learns gradually to manifest self-respect in the way she dresses….And so I tread lightly, careful not to misrepresent the Torah as shaming or oppressive.

Is it possible to dress completely modestly without following the precise details of Halacha?

One can be a modest person without following all the details of Halacha. Conversely, one can follow the details of Halacha without really being modest. Clothing trends popular even in observant communities often include styles that are provocative, even as most of the body is covered.

On the whole, halachic guidelines for dress do promote dressing with dignity. These laws are binding, and we have seen additional reasons for them besides modesty.

As with any mitzva, we should strive to fulfill both the letter and spirit of the law.

# Further Reading

Ellinson, Rabbi Elyakim Getsel. *Woman and the Mitzvot: Guide to the Rabbinic Sources Vol. 2, The Modest Way*, trans. Raphael Blumberg. Jerusalem: World Zionist Organization Department for Torah Education and Culture in the Diaspora, 1992.

Haber, Rav Shemuel. *Et Tzenu’im Chochma*, Vol. 1. Karnei Shomron, 2007.

Henkin, Rav Yehuda. *Understanding Tzniut*. Jerusalem: Urim Publications, 2008.

1. Many authorities add Torah study to this list. See, for example, *Yere'im* 395. [↑](#footnote-ref-1)
2. *Mishna Berura* 75:1

…It is prohibited even if he closes his eyes, until he turns his face away…There are those who permit it [reciting Shema in front of *erva* with eyes closed] so long as he is careful not to see it at all. When it is impossible any other way, it seems that one can rely on this. [↑](#footnote-ref-2)
3. *Shemuel* I 9:11-13

They were going up the ascent to the city and they found young women going out to draw water and they said to them, is the seer around here? And they answered them and they said, “He is, here before you, quickly now, for today he has come to the city for today there is a sacrifice of the people at the high place. When you come to the city, you'll find him before he goes up to the high place to eat, for the people will not eat until he comes, because he will bless the sacrifice, after that those who were called there will eat, and now go up, for him – like today, you will find him.” [↑](#footnote-ref-3)
4. As we will see below, the Talmud discusses restrictions on reciting *Shema* in the presence of a woman who is not fully dressed. Rashba specifies that these restrictions do not apply to other women. (Rosh *Berachot* 3:37, cited by Rema 75:1, disagrees on this point.)

Rashba Berachot 24a s.v. Amar Rav Chisda

Specifically for others and for men, because of improper thoughts [the exposed area is considered *erva*], but for herself it is not [considered *erva*], for we learn in a Mishna, “A woman may sit and separate her *challa* naked.” [↑](#footnote-ref-4)
5. Rav Moshe makes this point in the context of discussing head-covering, writing that a woman can expose an area of two fingerbreadths (half a *tefach*) by two *tefachim*:

Responsa *Iggerot Moshe* EH I:58

…Therefore, since in the law of typically-covered areas there is a distinction between a *tefach* and less…this distinction also applies to hair…Therefore one should not prohibit if she wants to reveal [hair]…but only two [*etzba’ot*] fingerbreadths in height, since the face is about two *tefachim* wide so that altogether it will be less than a [square] *tefach*. More than that is prohibited.

Rav Yehuda Henkin discusses another possible definition, “an uncovered area of which both length and width are at least a *tefach*.” Some lenient opinions may rely on this definition. (See Rav Yehuda Henkin, *Understanding Tzniut* (Jerusalem:Urim, 2008), 15-17, 24.) [↑](#footnote-ref-5)
6. See, for example, Rashba (next note), who seems to equate a place defined as *erva* with a place that is *tzanua*, or concealed. [↑](#footnote-ref-6)
7. Perhaps because women may have occasionally uncovered it in some contexts or perhaps because a man's *shok* is not considered *erva* for others.

*Shita Mekubetzet Berachot* 24a

A woman’s *shok* is *erva*- This teaches us that even though it is sometimes exposed, its halachic status is like a typically-covered place, which leads to *erva*.

Rashba *Berachot* 24a

Rav Chisda comes to say that the *shok* of a woman is a *tzanua* place and *erva* even for her husband, even though it is not a *tzanua* place for a man. [↑](#footnote-ref-7)
8. Rashi *Berachot* 24a

*Shok*- of a married woman [↑](#footnote-ref-8)
9. See also Mishna Berura:

Mishna Berura 75:7

If the *shok* is revealed, there are those who say that even with his wife and less than a *tefach* it is prohibited to recite [*Shema*] in front of it because it is a place more conducive than other limbs to improper thoughts. [↑](#footnote-ref-9)
10. Radak *Yeshayahu* 47:2

And the woman, even if she covers her legs, will reveal them when she walks on the way, and if she crosses a river will reveal even the *shok*.

*Metzudat Tzion Yeshayahu* 47:2

*Shok* – thus is called the high part of the leg above [↑](#footnote-ref-10)
11. *Et Tzenu'im Chochma* I, p. 24. [↑](#footnote-ref-11)
12. Rav Elyakim Ellinson, *Woman and the Mitzvot, Vol. 2, The Modest Way*, trans. Raphael Blumberg. (Jerusalem: World Zionist Organization, 1992),. 209, fn. 105

Iggerot Moshe EH 58 implies that as long as a woman comes within a tefach of the minimum coverage, she need not worry.…Accordingly, a skirt almost reaching the knee should be better than trousers, yet further investigation is required. [↑](#footnote-ref-12)
13. We plan to discuss *keli gever* in detail in a future piece. For an alternative view, see here:

*Minchat Yitzchak* II: 108

Really they [women's trousers] are fully *keli gever*, for they are still called “trousers,” even though they are a little different… [↑](#footnote-ref-13)
14. *Vayikra* 15:9, 22.

Any riding seat the *zav* rides on becomes impure…Whoever touches any vessel that she [the *zava*] sits on should wash his clothes and immerse in water, and he will be impure until the evening. [↑](#footnote-ref-14)
15. See, for example, Rav Yehuda Henkin (available here: <http://hebrewbooks.org/pdfpager.aspx?req=20023&st=&pgnum=141>)

 *Benei Banim* 4:28:6

If a woman does not spread her legs wide, but walks as usual, this is not spreading the legs [*pisuk raglayim*], even if she wears trousers. And if she spreads her legs wide, this is *pisuk raglayim* and immodest even if she is wearing a long dress. [↑](#footnote-ref-15)
16. Available here: <http://hebrewbooks.org/pdfpager.aspx?req=963&st=&pgnum=106> [↑](#footnote-ref-16)
17. The primary issue raised in this responsum, and halachic literature in general, regarding tight pants for men is that they may lead to seminal emissions. Available here: <http://hebrewbooks.org/pdfpager.aspx?req=21714&st=%d7%a6%d7%95%d7%a8%d7%aa+%d7%94%d7%92%d7%95%d7%a3&pgnum=372> [↑](#footnote-ref-17)
18. Available here: <http://hebrewbooks.org/pdfpager.aspx?req=21434&st=&pgnum=212> [↑](#footnote-ref-18)
19. Available here: <http://www.ybm.org.il/lesson?lesson=5633&format=H> [↑](#footnote-ref-19)