

The Voice of a Woman is Nakedness...

Source sheet to accompany podcast

<p>1. Berachos 24a</p> <p>Rav Yitzchak said: A tefach of a woman is nakedness ('ervah).</p> <p>For what? If you say for looking at it, Rav Sheshes said: Why did the Torah count outer ornaments with inner ornaments? To tell you that anyone who looks at the small finger of a woman is as if he looked at the obscene place. Rather, [Rav Yitzchak is talking about] one's wife and saying the kria shema.</p> <p>Rav Chisda said: The thigh of a woman is nakedness as it says (Isaiah 47:2) "expose a thigh to cross a river" and it says (ibid. 3) "your nakedness will be exposed and your embarrassment will be seen."</p> <p>Shmuel said: The voice of a woman is nakedness as it says (Song of Songs 2:14) "for your voice is sweet and your countenance comely."</p> <p>Rav Sheshes said: The hair of a woman is nakedness as it says (ibid. 4:1) "you hair is like a flock of goats."</p>	<p>אמר ר' יצחק טפח באשה ערוה למאי אילימא לאסתכולי בה והא אמר רב ששת למה מנה הכתוב תכשיטין שבחוץ עם תכשיטין שבפנים לומר לך כל המסתכל באצבע קטנה של אשה כאילו מסתכל במקום התורף</p> <p>אלא באשתו ולקריאת שמע</p> <p>אמר רב חסדא שוק באשה ערוה שנאמר גלי שוק עברי נהרות וכתוב תגל ערותך וגם תראה חרפתך אמר שמואל קול באשה ערוה שנאמר כי קולך ערב ומראך נאווה אמר רב ששת שער באשה ערוה שנאמר שערך כעדר העזים:</p>
<p>Jerusalem Talmud Halla 2:1</p> <p>Shemuel said, "a woman's voice is erva". What is the reason? <i>It shall be that from the voice of her whoring, the land will be polluted.</i> Jeremiah 3:9</p>	
<p>...And he who looks at even the little finger of a woman to take pleasure in it is like one who looks at her private parts, and even to hear a voice of an erva or to see her hair is forbidden.</p>	<p>רמב"ם הלכות איסורי ביאה פרק כא הלכה ב</p> <p>העושה דבר מחוקות אלו הרי הוא חשוד על העריות, ואסור לאדם לקרוץ בידיו וברגליו או לרמוז בעיניו לאחת מן העריות או לשחוק עמה או להקל ראש ואפילו להריח בשמים שעליה או להביט ביפיה אסור, ומכין למתכוין לדבר זה מכת מרדות, והמסתכל אפילו באצבע קטנה של אשה ונתכוון להנות כמי שנסתכל במקום התורף ואפילו לשמוע קול הערוה או לראות שער אסור.</p>
<p>2. Kiddushin 70a</p> <p>Rav Nachman: Let my daughter serve us drinks.</p>	<p>תלמוד בבלי מסכת קידושין דף ע עמוד א</p> <p>אמר ליה: תיתי דונג תשקין, אמר ליה, הכי אמר שמואל: אין</p>

<p>Rav Yehudah: Shmuel taught, one may not use a woman among men, even a minor.</p> <p>Rav Nahman said; But she is a child!</p> <p>R. Yehuda replied: Shmuel said explicitly: one may not make use of a woman at all, whether adult or child.</p> <p>Rav Nachman: Would you like to send regards to my wife Yalta?</p> <p>Rav Yehudah: Shmuel said: A woman's voice is ervah!</p> <p>Rav Nachman: You can send regards through an emissary!</p> <p>Rav Yehudah: Shmuel said that we do not ask about the welfare of a married woman.</p> <p>R. Nahman said: Not even via her husband?</p> <p>Rav Yehuda said: This is what Shmuel said: One may not ask about the welfare of a married woman at all.</p> <p>His wife (Yalta) sent word: Conclude your business with him, so that he doesn't equate you with an Am Haaretz (boor).</p>	<p>משתמשים באשה. קטנה היא! בפירוש אמר שמואל: אין משתמשים באשה כלל, בין גדולה בין קטנה. נשדר ליה מר שלמא לילתא, א"ל, הכי אמר שמואל: קול באשה ערוה. אפשר ע"י שליח! א"ל, הכי אמר שמואל:</p> <p>אין שואלין בשלום אשה. על ידי בעלה! אמר ליה, הכי אמר שמואל: אין שואלין בשלום אשה כלל. שלחה ליה דביתהו: שרי ליה תגריה, דלא נישויך כשאר עם הארץ</p>
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<p>Kiddushin 81a</p> <p>The Gemara relates: Rav Aḥa bar Abba arrived at the house of Rav Ḥisda, his son-in-law. He took his daughter's daughter and placed her on his lap. Rav Ḥisda said to him: Doesn't the Master think that she might already be betrothed? Rav Aḥa said to him: If that is true, you have transgressed the ruling of Rav, as Rav Yehuda says that Rav says, and some say it was said by Rabbi Elazar: It is prohibited for a man to betroth his daughter when she is a minor, until she</p>	<p>קדושין פא.</p> <p>רב אחא בר אבא איקלע לבי רב חסדא חתניה שקליה לבת ברתיה אותבוה בכנפיה אמר ליה לא סבר לה מר דמקדשא אמר ליה עברת לך אדרב דאמר רב יהודה אמר רב ואיתימא רבי אלעזר אסור לאדם שיקדש את בתו כשהיא קטנה עד שתגדיל ותאמר בפלוני אני רוצה מר נמי עבר ליה אדשמואל דאמר שמואל אין משתמשים באשה אמר ליה אנא כאידך דשמואל סבירא לי דאמר שמואל הכל לשם שמים:</p>
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grows up and says: I want to marry so-and-so, as otherwise she might reject the designated husband and ultimately sin by committing adultery. Rav Hisda replied: The Master has likewise transgressed the words of Shmuel. As Shmuel says: One may not make use of a woman, so how can you hold her on your lap? He said to him: I hold in accordance with another statement of Shmuel, as Shmuel says: All such actions are permitted for the sake of Heaven. In other words, if one is acting out of familial affection, without any element of licentiousness, they are permitted.	
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<p>Mishna Sotah 9:11</p> <p>When the <i>Sanhedrin</i> [highest court, charged with deciding cases and appeals that had national significance. It was comprised of 71 scholars who had received the full traditional rabbinical ordination, and its decisions fixed Jewish practice for subsequent generations.] ceased, song ceased from the places of feasting, as it is said, “They drink their wine without song” (Isaiah 24:9)</p> <p>Talmud 48a</p> <p>Rav Huna said: the song of sailors and farmers is permitted, [and the song] of the weavers [which, according to Rashi, is only for laughter] is forbidden... Rav Yosef said: men singing with women answering [constitutes] immodesty; women singing with men answering is like [setting] fire to sawdust. What is the practical distinction [between the two]? The abolishment of the [latter] should precede the [former]. Rav Yohanan said: Anyone who drinks accompanied by four musical instruments – brings upon the world five punishments, as it is written (Isaiah 5:11): ‘Woe to those who rise early in the</p>	<p>משנה סנהדרין ט:יא משבטלה סנהדרין, בטלה השיר מבית המשתאות, שנאמר (ישעיה כד) בשיר לא ישתו יין וגו':</p> <p>סוטה מח.</p> <p>אמר רב הונא זמרא דנגדי ודבקרי שרי דגרדאי אסיר רב הונא בטיל זמרא קם מאה אוזי בזזא ומאה סאה חיטי בזזא ולא איבעי אתא רב חסדא זלזיל ביה איבעאי אוזא בזזא ולא משתכח</p> <p>אמר רב יוסף זמרי גברי ועני נשי פריצותא זמרי נשי ועני גברי כאש בנעורת למאי נפקא מינה לבטולי הא מקמי הא</p> <p>אמר ר' יוחנן כל השוטה בארבעה מיני זמר מביא חמש פורעניות לעולם שנאמר ישעיהו ה, יא (הוי משכימי בבקר שכר ירדפו מאחרי בנשף יין ידליקם</p>
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morning, pursuers of strong drinks, who stay up late into the night; wine will inflame them, and it will be that the fiddle and the harp, the drum and the pipe, and wine at their parties, and they will not behold the actions of God'...	והיה כנור ונבל תוף וחליל ויין משתיהם ואת פועל ה' לא יביטו
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<p>Gittin 7a They sent the following question to Mar Ukva: From where do we derive that song is forbidden in the present, following the destruction of the Temple? He scored parchment and wrote to them: "Rejoice not, O Israel, to exultation, like the peoples" (Hosea 9:1). The Gemara asks: And let him send them a response from here: "They do not drink wine with a song; strong drink is bitter to them who drink it" (Isaiah 24:9), indicating that song is no longer allowed. The Gemara answers: If he had answered by citing that verse, I would say that this matter applies only to instrumental music, in accordance with the previous verse: "The mirth of tabrets ceases, the noise of them who rejoice ends, the joy of the harp ceases" (Isaiah 24:8); however, vocal song is permitted. Therefore, Mar Ukva teaches us that all types of song are forbidden.</p>	<p>גיטין ז. שלחו ליה למר עוקבא זמרא מנא לן דאסיר שרטט וכתב להו (הושע ט, א) אל תשמח ישראל אל גיל בעמים ולישלח להו מהכא (ישעיהו כד, ט) בשיר לא ישתו יין ימר שכר לשותיו אי מההוא ה"א ה"מ זמרא דמנא אבל דפומא שרי קמ"ל</p>
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רשב"א, ברכות (שם)	
<p>אמר רב חסדא : שוק באשה ערוה, ודוקא לאחרים ולאנשים ומשום הרהור אבל לעצמה לא, דהא קתני : האשה יושבת וקוצה לה חלתה ערומה. והא דאמר רב יצחק טפח באשה ערוה, ואוקימנא באשתו ובקריאת שמע. פירש הראב"ד ז"ל דאפשר דוקא ממקום צנוע שבה ועלה קאתי רב חסדא למימר דשוק באשה מקום צנוע וערוה הוא... אבל פניה ידיה ורגליה וקול דבורה שאינו זמר ושערה מחוץ לצמתה שאינו מתכסה אין חוששין להם מפני שהוא רגיל בהן ולא טריד, ובאשה אחרת אסור להסתכל בשום מקום ואפילו באצבע קטנה ובשערה ואסור לשמוע אפילו קול דבורה כדאמרין בקדושין... ואלא מיהו נראה דדוקא קול של שאלת שלום או בהשבת שלום כי התם דאיכא קרוב הדעת, והרב אלפסי ז"ל שלא הזכיר מכל זה כלום כתב הראב"ד ז"ל דאפשר דמשום דאמרין לעיל עגבות אין בהן משום ערוה סבור הרב ז"ל דכל שכן טפח ושוק ושערה וקול, וכתב הוא ז"ל דלא מן השם הוא זה אלא הכא משום דמטריד וברואה, ועגבות הא פרישנא דוקא דנפשיה ובאשתו בשאינו רואה ואף על פי שנוגע, דכל שאינו רואה משום נגיעה לבד לא מטריד הואיל וגס בה.</p>	

Raaviah Berachot 24A:

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

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

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

ריטב"א, סוף מסכת קידושין

וכן הלכתא דהכל כפי מה שאדם מכיר בעצמו, אם ראוי לו לעשות הרחקה ליצרו – עושה, ואפילו להסתכל בבגדי צבעונין של אשה אסור כדאיתא במסכת עבודה זרה, ואם מכיר בעצמו שיצרו נכנע וכפוף לו ואין מעלה טינא כלל - מותר לו להסתכל ולדבר עם הערוה ולשאול בשלום אשת איש, והיינו ההיא דרבי יוחנן דיתיב אשערי טבילה ולא חייש איצר הרע, ורבי אמי דנפקי ליה אמהתא דבי קיסר, וכמה מרבנן דמשתעי בהדי הנהו מטרונייתא, ורב אדא בר אהבה שאמרו בכתובות דנקיט כלה אכתפיה ורקיד בה ולא חייש להרהורא מטעמא דאמרן; **אלא שאין ראוי להקל בזה אלא לחסיד גדול שמכיר ביצרו**, ולא כל תלמידי חכמים בוטחין ביצריהן כדחזינן בשמעתין בכל הני עובדין דמיייתין, ואשרי מי שגובר על יצרו ועמלו ואומנתו בתורה, שדברי תורה עומדים לו לאדם בילדותו ונותנין לו אחרית ותקוה לעת זקנתו, שנאמר: 'עוד ינובון בשיבה דשנים ורעננים יהיו'.

Maimonides Hilchot Issurei Biah: 21:1-2

Anyone cohabiting with one of the arayot by way of the limbs, or if he hugs and kisses in a lustful manner and benefits from the proximity of skin – he is subject to lashes from the Torah, as it states (Leviticus 18:30): 'to avoid acting in the abominable customs' and so forth. And it states (ibid., v. 6): 'do not come close to uncover [their] nakedness' – namely, do not come close to the

רמבם, הלכות אסורי ביאה, הלכות א-ב

כל הבא על ערוה מן העריות דרך איברים או שחבק ונשק דרך תאנה ונהנה בקרוב בשר הרי זה לוקה מן התורה. **שנאמר (ויקרא יח ל') (לבלתי עשות מחקות התועבת' וגו'. ונאמר (ויקרא יח ו') (לא תקרבו לגלות ערוה. כלומר לא תקרבו לדברים המביאין לידי גילוי ערוה:**
העושה דבר מחקות אלו הרי הוא חשוד על העריות ואסור לאדם לקרץ בידי וברגליו או לרמז בעיניו לאחת

<p>things that lead to the uncovering of nakedness...</p> <p>And it is forbidden for a person to signal with his hands or feet or to wink with his eyes at one of the arayot, or to laugh with her or act frivolously, and even to smell the perfume that is upon her or to look at her beauty - is forbidden. And we strike one who intends to do these things with [rabbinic] lashes of rebellion. And one who looks even at the little finger of a woman and intends to derive benefit, is as if he gazes at her private parts. And even to hear the voice of an erva or to see her hair is forbidden.”</p>	<p>מן העריות או לשחק עמה או להקל ראש. ואפילו להריח בשמים שעליה או להביט בפייה אסור. ומכין למתכנן לדבר זה מכת מרדות. והמסתכל אפילו באצבע קטנה של אשה ונתכנן להנות כמי שנסתכל במקום התרף. ואפילו לשמע קול הערוה או לראות שערה אסור:</p> <p>הלכה כא</p> <p>וכן אסור לאדם להסתכל בנשים בשעה שהן עומדות על הכביסה. אפילו להסתכל בבגדי צמר של אשה שהוא מכירה אסור. שלא יבוא לידי הרהור:</p>
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<p>Shulchan Aruch Ishut 21:1</p> <p>A person must stay very far from women. He is forbidden to signal with his hands or his feet, or to hint with his eyes, to one of the arayot. He is forbidden to be playful with her, to be frivolous in front of her, or to look upon her beauty. Even to smell the perfume upon her is forbidden. He is forbidden to gaze at women doing laundry. He is forbidden to gaze at the colorful garments of a woman whom he recognizes, even if she is not wearing them, lest he come to have [forbidden] thoughts about her. If one encounters a woman in the marketplace, he is forbidden to walk behind her, but rather [must] run so that she is beside or behind him. One may not pass by the door of a promiscuous woman [or: a prostitute], even four cubits [around 6–8 ft or 2–2.5 m] distant. If one gazes even at the little finger of a woman with the intent to have pleasure from it, it is as though he gazed at her shameful place. It is forbidden to listen to the voice of an erva or to look at her hair. If one intentionally does one of these things, we give him lashes of rebellion. These things are also forbidden in the case of ordinary Biblical prohibitions.</p>	<p>שולחן ערוך אבן העזר הלכות אישות סימן כא</p> <p>סעיף א</p> <p>א צריך אדם להתרחק מהנשים א מאד מאד. ב ואסור לקרוץ בידיו או ברגליו ולרמוז בעיניו לאחד מהעריות. ג ואסור לשחק עמה, להקל ראשו כנגדה ב ד או להביט ביופיה. ואפילו להריח בבשמים שעליה אסור. ואסור להסתכל בנשים שעומדות על הכביסה. ואסור להסתכל בבגדי צבעונים של אשה שהוא מכירה, אפי' אינם עליה, שמא יבא להרהר בה. פגע אשה בשוק, אסור א להלך אחריה, ה אלא רץ ו ומסלקה לצדדין ז או לאחריה. ג (א) ולא יעבור בפתח אשה זונה, אפילו ברחוק ארבע אמות. והמסתכל אפילו באצבע קטנה של אשה ח ונתכוין ליהנות ממנה, כאלו נסתכל בבית התורף (פי' ערוה) שלה. ואסור לשמוע ד קול ערוה או לראות שערה. ט והמתכוין לאחד מאלו הדברים, מכין אותו מכת מרדות. י ואלו הדברים אסורים גם בחייבי לאוין.</p>
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בית שמואל סימן כא

ד קול ערוה - אבל קול פנויה או קול אשתו מותר אלא בעת תפלה אסור כמ"ש בא"ח ועיין בפרישה מ"ש בשם מהרש"ל ודוק' קול ערוה אסור אבל קול דיבור שלה מותר וא"ל מש"ס קידושין דף ע' דאיתא שם קול ערוה אפילו בשאלת שלום אסור תירץ: הרשב"א קול דיבור מה שהוא משיב על שאלת שלומה גרע טפי ב"ה

שולחן ערוך אורח חיים הלכות קריאת שמע סימן עה

סעיף ג

(טז) יש לזהר משמיעת קול (יז) וזמר אשה בשעת קריאת שמע. הגה: ואפי' באשתו, אבל קול (יח) הרגיל בו אינו ערוה (ב"י בשם אהל מועד והגהות מיימוני)

מגן אברהם סימן עה

ו (פמ"ג) (מחה"ש) זמר אשה - אפי' פנויה (ב"ש) וע' בא"ע סימן כ"א דקול זמר א"א לעולם אסור לשמוע אבל קול דיבור שרי (ל"ח):

משה ברורה סימן עה

(יז) זמר אשה - אפילו פנויה [כב] אבל שלא בשעת ק"ש שרי [כג] אך שלא יכוין להנות מזה כדי שלא יבוא לידי הרהור וזמר אשת איש וכן כל העריות לעולם אסור לשמוע [כד] וכן פנויה שהיא נדה מכלל עריות היא [כה] ובתולדות דידן כולם בחזקת נדות הן משיגיע להן זמן וסת.

וקול זמר פנויה נכרית היא ג"כ בכלל ערוה [כו] ואסור לשמוע בין כהן ובין ישראל. ומ"מ [כז] אם הוא בדרך בין העכו"ם או בעיר והוא אנוס שא"א לו למחות כיון דלא מצינו דמקרי ערוה מדאוריית' מותר לקרות ולברך דאל"כ כיון שאנו שרויין בין העכו"ם נתבטל מתורה ותפלה וע"ז נאמר עת לעשות לד' הפרו תורתך [כח] אך יתאמץ לבו לכוין להקדושה שהוא עוסק ולא ייתן לבו לקול הזמר

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

For this reason, a woman over the age of 12 is not permitted to sing in front of men who are not her close relatives. Men should not listen to women singing, because it can lead to impure thoughts. (Mishnah Berurah 75:17) The source is from the Talmud (Brachot 24a): "A woman's

voice can be erotic, as it is written, 'For sweet is thy voice and thy countenance is comely.'
(Song of Songs 2:14)

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

Women, on the other hand, who are stronger than men in this area, are not prohibited from hearing men sing.

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

Rav Moshe Lichtenstein

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

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

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

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

Conclusion of Rav Moshe

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

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

Excerpted from a Responsa of Rabbi David Bigman, head of the Maale Gilboa Hesder Yeshiva:

A) Everything here refers only to a lone voice and not to song in a group, as "two voices are not heard."

This distinction is widely accepted among different groups within the community, and it is therefore the custom to permit women's singing in a choir. This dispensation is extremely strained, alien to the character of the subject, and transferred from an altogether different context – hearing the sound of a shofar on Rosh Hashanah.[22] Rabbi Yehiel Weinberg has already raised a serious difficulty on this avenue: "With regard to what is written that two voices are not heard, is it not explicit in the Talmud that because it is pleasant to listen to, one would pay more attention? And nothing is more pleasant to listen to than what our sages attested to, that the voice of a woman is erva, from the verse "For your voice is sweet and your face is comely," see Berakhot 24." [23]

B) The prohibition applies only to listening in a manner similar to looking at a woman for sexual pleasure.

This distinction can be taken from a simple reading of all the material related to the subject, from the language of the Rishonim and the ruling of the Beit Yosef about them, although it is not stated specifically. According to this approach, my teacher, Rabbi Aaron Soloveitchik, ruled that there was no problem in public song when we, his young male students, were participating in the singing. Rabbi Aaron did not permit listening to women by themselves, even in a group, but at the heart of his position was

the equation to the prohibition of looking, and the distinction between staring for sexual pleasure and general, innocent sight – and the difference is clear.

C) There is no prohibition whatsoever of innocent singing; rather, only forbidden is singing intended for sexual stimulation, or flirtatious singing.

Although this distinction is not explicit in the early rabbinic sources, it closely fits the character of the prohibition as described in different contexts in the Talmud and the Rishonim, and it is supported by the language of the Rambam, the Tur, and the Shulhan Arukh: "it is forbidden to hear a voice of erva" as opposed to language forbidding song generally.[24] (Even according to the most correct reading of the text of the Rambam – "to hear the voice of a forbidden woman or to see her hair," the word erva referring to the woman herself – the distinction is still supported by the context and the Rambam's general sense.)

The two latter distinctions are necessary, for they solve a difficulty in the language of the Beit Yosef: "And with regard to the halakha, it seems that we side with the Rambam, but it is, in any event, good to be cautious before the fact not to see hair and hear the voice of a woman singing during the recitation of Shema." [25]

This language is strange. If a general prohibition already exists on hearing a woman singing, the soft language "but it is in any event good to be cautious before the fact" with regard to the recitation of the Shema is inappropriate. However, if we interpret this position in accordance with the Tur (Even HaEzer, Siman 21) that this is with regard to problematic listening and problematic singing, we can understand the language of Rav Karo that during the recitation of the Shema one should "be cautious before the fact not to...hear the voice of a woman singing." It is appropriate to be careful during the recitation of Shema not to hear any singing of a woman, even that which is not problematic from the perspective of modesty.

These two latter distinctions are brought in the Sedei Hemed in the name of the Divrei Hefetz,[26] and were criticized by Rabbi A. D. Horowitz in a letter to Rabbi Yehiel Weinberg:

And as for what the Sedei Hemed said in the name of the Divrei Hefetz – firstly, the Sedei Hemed writes that is correct to act stringently, despite his opinion, and besides this, did not the Sedei Hemed write explicitly: "only one who does not intend to gain pleasure from her voice?" In that case, who can be responsible for monitoring such a thing? And also, what he writes in a letter that in religious singing the young men do not intend to benefit from the voice of the young women – it is a painful joke to say this, and it is easy for his venerable learnedness to say this in his old age (may he live

long) (see the Tosafot on Masekhet Sota 19a, s.v. "Vekhohen," referencing the Talmud Yerushalmi, about an old priest). Does it not say in the Talmud, Masekhet Niddah, 13a, to the effect that in fear and trembling there is no suspicion of sinful fantasy – and even there the Beit Yosef wrote in Orah Haim, Siman 3, that the poskim left this out, as they could not be sure, and all depends on one's personal character..."[27]

We should pay attention to the fact that although Rabbi Horowitz's criticism of our latter distinctions (that the only prohibition is that of listening for pleasure, and that we need not worry about religious singing) is quite strong, there is still no claim of a formal prohibition on all song, rather a concern that these distinctions would be difficult to implement in reality: There is no possibility, according to this approach, that we will avoid all "exceptions", and that we will ensure that everyone will be listening innocently, and we must assume that there will always be some of the listening to women that will be problematic.

It seems to me that specifically these distinctions are the most appropriate to our circumstances, and that it is relatively easy to implement them. I have been asked for practical advice many times by students who have long been used to hearing female singers, and only discovered the halakhic problems with this after they had acquired a broader Torah knowledge. I always ask them how they react to the women's singing, and without exception they claim that the song does not arouse them unless it is intended to. Songs with this intention are characterized by their lyrics, melody, musical style, dress and body language. In communities that have the practice of permitting women's singing in serious ceremonies (even if this practice developed unintentionally) even those who wish to change the practice do not claim that the music arouses them, rather they think that there is a formal prohibition on all female singing. We are therefore witnesses to the fact that there is problematic singing, and there is singing that is entirely non-problematic.

It is likely that the stringent approach of Rabbi A. D. Horowitz can be explained by the Raavya, who considers the matter dependent on acclimation, and if so, even if groups within a certain community can be justifiably lenient, this possibility is not open to every community:

It is ruled in Halakhot Gedolot that all that we say here, that a handbreadth of a woman is erva, even if she is his wife, and with regard to another woman, even something smaller than a handbreadth, and likewise the shin of a woman is erva, and likewise the hair of a woman is erva [and likewise the voice of a woman is erva] – for all of these things it is forbidden to recite the Shema in their presence, and so explains Rabbenu Hananel. And I say that the reason for this is that even though the voice is not visible

to the eye, there is nevertheless cause sexual fantasies. And all of the things [that we have related above] as *erva* only refer to things that are not customarily exposed. But we do not worry about an unmarried woman who regularly leaves her hair uncovered, because this does not cause fantasies, and so too with her voice [that he is used to].[28]

In light of the fundamental disagreement among the Rishonim and the interpretations offered of the ruling of the Shulhan Aruch, we can summarize:

- It is permitted to be lenient with regard to listening to the voice of a woman singing when there is a clear sense that the listening is innocent and the singing is innocent.

Such an assessment is dependent on five conditions:

1. Context and appropriate atmosphere
2. The lyrics of the song
3. The musical style
4. Dress
5. Body language

According to this approach, there is no problem with those among our daughters who are modest and upstanding to develop a career in singing, even within the general culture, as long as they do not make concessions of the refined foundations of Torah culture, and do not cooperate with the vulgar, commercialized aspects of the culture surrounding us. In an approach that is not accepted as *halakha*, the *Sefer Hasidim* held that there is a parallel prohibition on women to listen to the voices of men.[29] Even though this is not practiced *halakha*, it is ideal to pay attention to the five conditions I have outlined even in the case of a man singing in the presence of women.

- The dispensation for two or more voices is far-fetched and should not be relied upon alone.

In practice, when we rely upon this dispensation alone, there are many pitfalls. It seems that we have found a simple, easy answer, and we need not worry about the lyrics, or the melody, or the musical style, or the dress or body language, and in reality this sometimes creates a culture unbefitting the spirit of the Torah.

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