The teshuvah was approved by a vote of 14 in favor, 3 opposed and 4 abstentions.
VOTING IN FAVOR: Rabbis Myron Fenster, Baruch Frydman-Kohl, Philip Scheim, Mayer Rabinowitz, Daniel Nevins, Joel Roth, Pamela Barmash, Gordon Tucker, Avram Reisner, Susan Grossman, Jerome Epstein, Joseph Prouser, Aaron Mackler, and Robert Fine.
VOTING AGAINST: Rabbis Loel Weiss, Israel Francus, and Paul Plotkin.
ABSTAINING: Rabbis Kassel Abelson, Leonard Levy, Myron Geller, and Vernon Kurtz.

The Woman Took the Child and Nursed It:
A Teshuvah on Breast Feeding in Public

Rabbi Bradley Shavit Artson

שאלה: Is it permissible to breast-feed in public, particularly in the בית מדרש and in the בית כנסת? And if so, what are the appropriate considerations and limitations to its practice?

תשובה: The issue of appropriate parameters for public breast-feeding (הניק בפרהסיא) involves several questions requiring new articulation in our own age:

• The first of these is modesty (צניעות). Modesty is indeed a virtue, and is close to the core of Jewish social ethics. As the Rambam reminds us of this Jewish ideal: "צניעות גדולה נוהגים תלמידי חכמים בעצמן, לא יתבזו ולא יתגלו ראשן ולא גופן, the Sages were accustomed to acting with great modesty, they did not shame themselves nor bare their head or their bodies." Yet what constitutes appropriate modesty is, in part, a matter of social consensus. Given that no less an authority than the Shulhan Arukh recognizes that there is no timeless definition of modesty, that its specifics falls into the category of custom, how we implement this value invariably raises questions of how we might best implement Jewish values in our own age. We are really exploring what constitutes appropriate relations between men and women, given that women now serve as doctors, prosecutors, rabbis, and entrepreneurs. What may have heightened the dignity of women in a patriarchal age may no longer do so in our own. For the sake of preserving the goal of modesty, we may need to alter its previous modes of implementation.

• Changing ways in which men and women relate are not the only transformations of our age. We live in a time in which many are asserting the public value of child rearing, both for men and for women, insisting that public institutions now accommodate parents who struggle to work while raising their children. As a society, we all have a stake in supporting good parenting. How those values conflict with earlier standards of dress and decorum must also concern us in considering the halakhic status of public breast-feeding.

• Finally, ours is an age in which the public role of women has advanced beyond mere tokenism. Ways in which the first generations of working women were forced to make themselves invisible as women are no longer tolerable. Indeed, many women and men now reject the notion of inviting women to join men in institutions and traditions which have been shaped exclusively by men and men's concerns. To truly invite women to participate is to invite them to reshape male institutions now to articulate a woman's voice as well.

As a result of these concerns —the role of custom in defining modesty, the public's responsibility for encouraging good parenting, and the need to make room for the presence of women as women in public life — a simple listing of traditional sources, without attention to original context and contemporary application, would be

inadequate to fashioning a proper halakhic response. Our search, therefore, will consider not only the texts, but their worldview and our own.

Modesty (צניעות) as a Virtue

The religion of Israel is one of ברית, a covenant that articulates the love between God and the Jewish people, and expresses that love through מצות, commandments that make our lives holy. Fully cognizant of the power of human drives, these mitzvot seek to elevate our lives, by allowing us to choose to make God's imperatives our own, to restrict the expression of our desires to the realm of קדושה, holiness. In that context, stress on modesty is not to be seen as punitive or ascetic, but as a path for celebrating and honoring the beauty of the body and its pleasures in a way that accentuates human dignity (צלם אלהים) and advances the sovereignty of God (תיקון עולם במלכות שדי).

Contemporary society suffers from a pervasive sexualization (for example, in advertisements, popular music, and the media) with tragic consequences for how girls and women are seen as objects (and, frankly, how male bodies are perceived too). Deleterious consequences range from internalizing abuse of one's own body (obesity, low self esteem, drug abuse, addiction and eating disorders), and a neo-pagan expression of sexuality as conquest, to the imposition of power, and lust divorced from love. In such a world, the virtue of modesty is certainly needed.

In Eden, Adam and Eve are portrayed as naked but not ashamed. However, once they taste of the fruit of the tree of the knowledge of good and evil, they become aware of their own nakedness, and perceive it as a source of shame. In explaining why he hid from God, Adam says אֶת-קֹלְךָ שָׁמַעְתִּי בַגָּן וָאִירָא כִּי-עֵירֹם אָנֹכִי וָאֶחָבֵא "I heard your voice in the garden, and I was afraid because I was naked, so I hid." Throughout much of Jewish sacred literature, nakedness is seen as shameful and immodest (both for male and female bodies). Slaves and prisoners of war were humiliated by having limbs uncovered. This view continues into the Talmud as well, as recorded in the opinion given by one rabbi to another,אל תעמוד בפני הנר ערום , don't stand in front of a candle naked." Rabbi Judah the Hasid affirmed that "even when there are no people about, a man shall not stand naked, nor shall he appear naked (i.e., shirtless) in the presence of people, as do the (presumably non-Jewish) laborers who wear only trousers." For the sake of modesty, the Talmud declares that

כדתניא: עם הכל אדם רוחץ, חוץ מאביו וחמיו. ובעל אמו, ובעל אחותו. ורבי יהודה מתיר באביו מפני כבוד אביו. והוא הדין לבעל אמו. ... תלמיד לא ירחץ עם רבו, ואם רבו צריך לו - מותר.

A man may bathe with all, except with his father, his father-in-law, his mother's husband and his sister's husband. But Rabbi Judah permits [a man to bathe] with his father, on account of his father's honor, and the same applies to his mother's husband … It was taught: A disciple must not bathe with his teacher, but if his teacher needs him, it is permitted.

To this day, pious Jews dress with a keen sense of modesty. The beauty of the body is to be celebrated, and one is certainly permitted to wear clothing that is attractive and stylish. But Jewish sensibility precludes clothing that reduces its wearer to a sex object

or leaves the person only half dressed.

Modesty and Women's Bodies

Because assessments of modesty are closely connected to erotic sensibility, many Jewish sources move from a general consideration of human modesty to a specific focus on sexual titillation. It is precisely in this area that the discussion becomes complex and problematic, assuming as it does a heterosexual male perspective on sexuality, one in which the woman's body is both other and desired. As we discuss these sources, we need to make conscious and deliberate what is assumed and unstated in the sources: that it is men thinking about women, that it is heterosexual men who are excited by the bodies of women. Professor Judith Romney Wagner offers an insightful framework for thinking about ancient applications of modesty to women:

> If a woman's reproductive function confined her to the domestic scene, it was her sexuality per se that kept her out of the public domain. … These fears conspire to produce the result we actually find: Man is a public creature, woman a private one. This withholding of women's rights in the public domain in response to the sexual threat posed to men at large neatly matches the sages' suspension of a woman's private rights in situations sexually threatening to individual men — a parallel surely not lost on the symmetry-conscious men who made these rules. In the end women play no part in the rituals of synagogue or study house, the most prestigious communal activities in mishnaic culture. Denied access to the life of mind and spirit, a woman's physicality becomes even more pronounced, and her confinement to hearth and home a self-perpetuating social fact.

Whatever the status of women in antiquity, we are engaged explicitly in providing access to the life of mind and spirit, in which confinement is ended, in which women are now physically present at public gatherings, and physicality (for women and men) normalized. Women and men may now be public creatures; men and women may choose to remain private. Consequently, we must explicitly participate in liberating women from being the object of male thought and attraction, now recognizing women as actors (not simply as objects of action) and as people (not simply as objects of lust, to be protected, concealed, or preserved in accordance with some male's reaction, nor are men portrayed as sexually obsessed and unrestrained). Our use of rabbinic sources becomes an act of translation, from one context into another, and of creative transformation, in which essence is distilled from application, and then — out of loyalty to that sacred essence — applied in new contexts today.

In consideration for modesty during an execution, the Mishnah records the following dispute:

> היה רחוק מבית הסקילה ארבע אמות - מפשיטין אותו את בגדיו. האיש מכסין אותו מלפניו, והאשה מלפניה ומאחריה, דברי רבי יהודה, וחכמים אומרים: האיש נסקל ערום, ואין האשה נסקלת ערומה.

When he [the condemned] is about four cubits distant from the place of stoning, he is stripped of his garments. A man is covered in front and a woman both in front and behind: this is Rabbi Judah's view. But the sages say: a man is to be stoned naked but a woman is not to be stoned naked.

Gender changes what is considered an appropriate standard pertaining to the naked body. In a male-oriented world, a man's genitalia is private, but his rear is not. A

woman's body, front and rear, however, must be concealed. Why? One answer is found in a rabbinic passage describing the way a Sotah (a woman found guilty of adultery) is to executed while clothed:

התם היינו טעמא שמא תצא מבית דין זכאה, ויתגרו בה פירחי כהונה. הכא - הא מקטלא. וכי תימא אתי לאיתגרויי באחרנייתא - אמר רבה: גמירי, אין יצר הרע שולט אלא במי שעיניו רואות.

…this was the reason: lest she should come forth from the Bet din innocent and the young priests conceive a passion for her; but here, she is about to be executed! And should you object: But through her their passions might be inflamed for others, Rabbah said: We have it on tradition that evil inclination moves a man only towards what his eyes see.

Standards for how much of which body are to be covered has everything to do with what will arouse the young, male priests. These standards do not pertain to maintaining either modesty or human dignity, but to preventing an eruption of male lust. For similar reasons, the Talmud permits a female nurse to tend to a male patient with intestinal disorders, even when that means she will see his genitalia, whereas a male nurse is not permitted to tend to a similar female patient. A woman may bind a shroud for a deceased male; a man may not do so for a female. A wife who uncovers her leg, or speaks, or shows her hair, can be a stimulant to any man (with the clear implication that his restraint requires her silence and sequestering):

אמר רב חסדא: שוק באשה ערוה, שנאמר (ישעיהו מ"ז) גלי שוק עברי נהרות, וכתיב (ישעיהו מ"ז) תגל ערותך וגם תראה חרפתך. אמר שמואל: קול באשה ערוה, שנאמר (שיר השירים ב') כי קולך ערב ומראך נאוה. אמר רב ששת: שער באשה ערוה, שנאמר (שיר השירים ד') שערך כעדר העזים.

Rabbi Hisda said: A woman's leg is a sexual incitement, as it says: Uncover the leg, pass through the rivers (Is 47) and it says afterwards, Thy nakedness shall be uncovered, yea, thy shame shall be seen. Samuel said: A woman's voice is a sexual incitement, as it says, For sweet is thy voice and thy countenance is comely (Song of Songs 2). Rav Sheshet said: A woman's hair is a sexual incitement, as it says, Thy hair is as a flock of goats (Song of Songs 4).

In the Talmudic period, a man might choose to wear headgear or not, but for a woman, the consideration of modesty and male arousal made the issue obligatory. Notice in the following passage how an inadequately-covered head can be compensated for if her work covers her head, that we move to a concern about providing her husband with company, and from there to exposing her arms in public (while weaving!):

ואיזוהי דת יהודית? יוצאה וראשה פרוע. ראשה פרוע דאורייתא היא! דכתיב: (במדבר ה') ופרע את ראש האשה, ותנא דבי רבי ישמעאל: אזהרה לבנות ישראל שלא יצאו בפרוע ראש! דאורייתא קלתה שפיר דמי, דת יהודית - אפילו קלתה נמי אסור. אמר רבי אסי אמר ר' יוחנן, קלתה אין בה משום פרוע ראש. הוי בה רבי זירא, היכא? אילימא בשוק, דת יהודית היא! ואלא בחצר, אם כן, לא הנחת בת לאברהם אבינו שיושבת תחת בעלה! אמר אביי, ואיתימא רב כהנא: מחצר לחצר ודרך מבוי. וטווה בשוק. אמר רב יהודה אמר שמואל: במראה זרועותיה לבני אדם. רב חסדא אמר אבימי: בטווה ורד כנגד פניה. ומדברת עם כל אדם.

What [is deemed to be a wife's transgression against] Jewish practice? Going out with uncovered head. [Is not the prohibition against going out with] an uncovered head Pentateuchal? For it is written, he shall uncover the woman's head (Num. 5:18), and this, it was taught at the school of Rabbi Ishmael, was a warning to the daughters of Israel that they should not go out with uncovered head? — Pentateuchally it is quite

satisfactory [if her head is covered by] her work-basket; according to traditional Jewish practice, however, she is forbidden [to go out uncovered] even with her basket [on her head]. Rabbi Assi stated in the name of Rabbi Yohanan: With a basket [on her head a woman] is not guilty of [going about with] an uncovered head. In considering this statement, Rabbi Zera pointed out this difficulty: Where [is the woman assumed to be]? If it be suggested, 'In the street', [it may be objected that this is already forbidden by] Jewish practice; but [if she is] in a court-yard [the objection may be made that] if that were so you will not leave our father Abraham a [single] daughter who could remain with her husband! — Abbaye, or it might be said, Rav Kahana, replied: [The statement refers to one who walks] from one courtyard into another by way of an alley,spinning in the street. Rav Judah stated in the name of Samuel: [The prohibition applies only] where she exposed her arms to the public. Rav Hisda stated in the name of Abimi: [This applies only] where she spins rose [colored materials, and holds them up] to her face. Conversing with every man.

The midrashic example of Kimhit delivers a similar message: this ancient mother was rewarded by her piety and modesty with seven sons who became high priests! "אמרו לה חכמים: מה עשית שזכית לכך? - אמרה להם: מימי לא ראו קורות ביתי קלעי שערי.The Sages said to her: What have you done to merit such [glory]? She said: Throughout the days of my life, the beams of my house have not seen the plaits of my hair." The pious Jewish woman (as conceived by the pious Jewish male) is one for whom modesty is second nature. As the Rambam informs us: "ואיזו היא דת יהודית, הוא מנהג הצניעות שנהגו בנות ישראל", and what is the way of the Jew[ess]? it is the custom of modesty with which the daughter of Israel is accustomed."

Baring Breasts in Public

Many of these texts establish a pervasive background in which modesty is esteemed as a virtue for both men and women. צניעות enhances human dignity, refocusing emphasis away from externals and returning it to essence, from carnality to personality. In our day, with the pervasive public display of undress and virtual nudity, it is particularly important to affirm the need to strengthen and articulate our continuing commitment to the traditional value ofצניעות . At the same time, the way these texts percolate for a woman's body acquires quite a different nuance from the way they do for a man's. Generally the desires of men require the women's seclusion and concealment. What is needed is a clear premise that problems raised by male arousal are best addressed by changing how men behave, by how they relate to women, or by shifting the consequences of male behavior back to the men.

Thus far, however, none of our texts have specifically dealt with a woman baring her breasts, let alone with breast-feeding in public. A few representative texts will readily establish that bare breasts are treated in much the same way that other exposed body parts are as well: there are different standards for revealing a woman's body than for a man's, often based on how men will or might respond.

In mourning rituals for example, the normal requirement of all mourners to rip their clothing (which might bare the breast) is modified for women:

על כל המתים כולם הוא קורע אלא את העליון. על אביו ועל אמו אע"פ שיש עליו מאה קורען. האשה אינה קורעת אלא את העליון. רבי יהודה אומר: האשה קורעת את הפנימי והופכתו לאחוריה ומוזרת וקורעת את השאר.

For the dead in general, one rends only the uppermost [garment], but for the father and mother, he must rend [all], even though he be wearing a hundred. A woman only rends her uppermost [garment]. Rabbi Judah says, A woman rends her undergarments, turns it front to back, and then rends the remaining garments.

The anonymous opinion permits the woman to remain covered at all times, considered a more important concern than ripping all her garments to honor the memory of her parents. Rabbi Judah finds a way to accommodate both priorities — she rips all her garments, but reverses her undergarment so she can keep her chest and breasts concealed.

In the ritual of the Sotah, the woman accused of adultery, rabbinic tradition added to her humiliation by providing that first she was stripped of her jewelry,

ואחר כך מביא חבל מצרי וקושרו למעלה מדדיה. וכל הרוצה לראות בא לראות

…and after that [the priest] takes a common rope and binds it over her breasts. Whoever wishes to look upon her comes to look.

As the Gemara goes on to explain, the motivation here is one of shielding potential shame, both for the suspected woman, and for all women. Indeed, the rabbis, concerned that men may come to look at her disgrace, modify the harsh stance. Rabbi Judah argues that exposure of her chest should be omitted, and Rabbi Yohanan ben Baroka calls for maintaining a screen in front of her when her chest was bared.

The frustration of utilizing these sources lies in their context: this is an occasion of shame and disrepute, in which a woman is stripped to humiliate her against her will. A woman mourning for her parents comes a bit closer to our purpose, in that she wants to do something that would otherwise be a mitzvah, but the modesty poses a conflict to an otherwise legitimate desire. But here too we are not speaking about the positive act of raising a child, and the necessity of feeding that child. It is essential, therefore, to distinguish discussions of nudity and the brazen display of the body on the one hand, from considerations of breast feeding on the other. The two are quite distinct in motive, consequence, and social value. To my knowledge, there is only one source that directly speaks to that scenario:

כתנאי: אכלה בשוק, גירגרה בשוק, הניקה בשוק - בכולן ר"מ אומר: תצא, ר"ע אומר: משישאו ויתנו בה מוזרות בלבנה. אמר לו רבי יוחנן בן נורי: א"כ, לא הנחת בת לאברהם אבינו שיושבת תחת בעלה, והתורה אמרה: (דברים כ"ד) כי מצא בה ערות דבר, ולהלן הוא אומר: (דברים יט) על פי שנים עדים או על פי שלשה עדים יקום דבר, מה להלן דבר ברור, אף כאן דבר ברור.

If she ate in the street, if she quaffed in the street, if she suckled in the street, in every case Rabbi Meir says that she must leave her husband. Rabbi Akiba says she must do so as soon as gossips who spin in the moon begin to talk about her. Rabbi Yohanan ben Nuri thereupon said to him: If you go so far, you will not leave our father Abraham a single daughter who can stay with her husband, whereas the Torah says, If he find in her some unseemly thing (Dt 14:1), and it further says, At the mouth of two witnesses or at the mouth of three witnesses shall a thing be established (Dt 19:15); and just as there

the thing must be clearly ascertained, so here it must be clearly ascertained.
In this case, we have a dispute among Tannaim, in which Rabbi Meir says that a woman who suckles in public (הניקה בשוק) may (or must) be divorced on that grounds, and Rabbi Akiva intervenes to make the requirement more stringent in defense of the accused woman: the husband has grounds for divorce only when public opinion deems the wife's behavior scandalous. Rabbi Yohanan ben Nuri, speaking out to protect the women, objects even to Rabbi Akiva's standard, saying that the woman must be able to remarry, and that there must be firm, objective considerations to merit divorce.
These sources leave us with little direct precedent. When it was possible to avoid baring the breast, it seems to be the preferred approach of the rabbis. Forced stripping was a sign of humiliation. And, finally, the rabbis dispute whether or not such an act as public breast-feeding is a sufficient cause for divorce (ultimately deciding that it is not).

Nudity, Prayer & Study
There is one last area of concern, different from the areas we have already explored. Separate from concerns of gender relations and of modesty is the issue of nudity (partial or total) in the בית כנסת (synagogue) and the ·בית מדרש (religious classroom, house of study). Here, Jewish tradition and custom raises additional concerns about the dignity and holiness of Torah, and of the need to approach prayer with fullness of heart and concentration. How one rules on public breast-feeding doesn't necessarily permit or prohibit breast-feeding in synagogue or in sacred study. It is reasonable that sacred space (the בית מדרש and the בית כנסת) inspire a higher standard of deportment and respect. Thus, insisting on proper attire, limiting secular chatting and jocularity, and restricting snacking are all appropriate ways to enforce the honor due to Torah (both in places of study and in places of worship).
Tradition has taken special care to "protect" male concentration by restricting even generally permissible female nudity when in the context of reciting the Sh'ma:

כל המסתכל באצבע קטנה של אשה כאילו מסתכל במקום התורף! אלא: באשתו, ולקריאת שמע.

If one gazes at the little finger of a woman, it is as if he gazed at her secret place! — No, It means, in one's own wife, and when he recites the Sh'ma.
This additional stringency for the recitation of the Sh'ma has been sustained by many later legal sources as well. There is, however, a recent ruling allowing public breast-feeding during religious learning or prayer, offered by the halakhic authority Ben Ish Hai. In speaking about men publicly reciting the Shema in the presence of nursing women (presumably behind a Mehitza), he notes:

מותר לעסוק בדברי תורה וכו' בשעת היניקה, כי בשעת היניקה דדיה הם כמו ידיה או פניה. ויש לסמוך על זה בשעת הדחק. אבל אסור לקרוא ק"ש כנגד דדי האשה כשלא מניקה.

It is permissible to be occupied with words of Torah, etc., at the time of nursing, for at the time of nursing, her breasts are like her hands or her face. And one can rely on this in a time of need. However, it is prohibited to recite the Sh'ma in the presence of her breasts when not nursing.

Of particular interest is the way that Ben Ish Hai attends to context as halakhically

significant. A woman's breast, in the act of breast-feeding an infant, is no different than a person's hands writing, or one's face expressing a gesture. The reason for exposing the breast, and the context for doing so, transform into explicit halakhic data for Ben Ish Hai, as they must be for us as well. Even during the recitation of kriyat Sh'ma, public breast-feeding is permitted. Ben Ish Hai's advance is a good one, but for us, it is just a beginning.

צניעות and gender

We have surveyed the relevant texts around the virtue of modesty and a women's disrobing in public. Most of them pertain to contexts far removed from public breast-feeding. Often the partial nudity is intended to humiliate the woman, often it is compulsory. On several occasions, the modification of a general rule is due to the erotic effect her presence will cause to nearby men. In the one text that did deal explicitly with public breast-feeding, the real issue at hand is what constitutes sufficient grounds for a husband to divorce his wife. In a culture in which women were expected to remain in the private realm of the home, Rabbi Meir considered her breast-feeding in public adequate cause. But he was opposed by other Tannaim, who returned the issue to one of male privilege and need (in this case, company and an adequate supply of wives). Finally, we examined the issue of male concentration and female uncovering when the man was to recite kriyat Sh'ma. For the sake of preserving his kavvanah so he could fulfill his obligation, she was to keep under wraps.

None of these texts fully speaks directly to our situation. Before moving to consider our own context, it is worth taking some time to extract core values from social contexts, to ask ourselves what abiding priorities were these texts meant to sustain and protect, and to then ask ourselves how we might best protect those same values in our own time.

It looks to me that these texts of modesty are meant to keep sexuality under wraps, to retain a nexus between privacy, intimacy, love, and sexual expression. That nexus is under assault now, as in the past, and it requires our defense even today. In a world of universal patriarchy, many of the laws of the Torah and the rabbis had the intention (and consequence) of elevating a woman's status, asserting her humanity, and protecting her social standing and dignity. We, their heirs, face the dual task of admitting where their world and ours diverge, and at the same time, of separating their goals from their rulings. In an ancient rabbinic context, the implications of those rulings are quite different than they are today. We are bound, as the descendants of the rabbis, to continue their incremental task, moving Jewish rulings along so they continue to express fidelity to the ancient, timeless truths. As Rabbi Judith Hauptman notes,

How do we, today, respond to the fact that the rabbis of the Talmud treated women in a less than equal manner, since we find such discrimination distressingly unethical? Can we accept their legislation if we reject their social agenda? In my opinion, yes. … It is true that they [the rabbis] did not achieve or even seek equality for women. But, since they were moving consistently to give women more "rights," I suggest that we not judge them too harshly. The changes were made and, in particular, the direction in which they were headed, makes them fitting precursors for us.…They laid the

groundwork and pointed the way.

In the case of our texts, the rabbis worked to protect a woman's dignity and her ability to function in society, within the context of a patriarchy that was not of their own making. In our time, fidelity to that goal means ruling also to protect a woman's dignity and her ability to function in society, even if that means overturning the very rulings that our predecessors established to advance the same cause.

In short, our agenda is to retain general rabbinic concerns of modesty, but stripped of the patriarchal and sexist context that shaped the expression of those concerns in antiquity. We need to find a rabbinic way to evaluate female nudity without using a male filter, without seeing her through patriarchy's eyes. There is an authentic way to conduct this revisioning in a way that furthers the biblicałrabbinic enterprise without perpetuating the world's pervasive sexism from which Judaism emerged. Rabbinic percolations on male nudity are "clean:" they see the male body from a male perspective, as something normal and unthreatening. As we work to apply halakhah in a context in which women's bodies are also appreciated as normal and unthreatening, our best sources for precedent will be the way rabbis generated halakhah for male modesty. In our particular case, we are concerned with balancing concern for צניעות with the need to perform a meritorious and sacred responsibility (in this case, feeding and nurturing a child). When we look at this larger framework, there are indeed sources directly relevant to us: balancing concern for צניעות with the need to perform a mitzvah (in that case, a naked man who needs to recite the Sh'ma.)

The Mishnah and Talmud contain extensive discussion of what a man is to do if he is unclothed and in water when it is time to recite the Sh'ma. Here we can see rabbinic views of the proper parameters of modesty while allowing the individual to perform a mitzvah. The Mishnah proclaims:

> היה עומד בתפלה ונזכר שהוא בעל קרי - לא יפסיק, אלא יקצר. ירד לטבול, אם יכול לעלות ולהתכסות ולקרות עד שלא תהא הנץ החמה - יעלה ויתכסה ויקרא, ואם לאו - יתכסה במים ויקרא ולא יתכסה לא במים הרעים ולא במי המשרה, עד שיטיל לתוכן מים.

If a man was standing saying the Tefillah and he remembers that he is a ba'al keri, he should not break off but he should shorten [the benedictions]. If he went down to immerse himself, if he is able to come up and cover himself and recite the Sh'ma before the rising of the sun, he should go up and cover himself and recite, but if not he should cover himself with the water and recite. He should, however, not cover himself either with foul water or with water in which something has been steeped until he pours fresh water into it.

Note that the man has the possibility to simply cover his nakedness — either outside of the water or by using the water as a cover — in order to be allowed to recite the Sh'ma on time. The Talmud continues the discussion in precisely the same vein:

> תנו רבנן: מים צלולין - ישב בהן עד צוארו וקורא ויש אומרים: עוכרן ברגלו, ותנא קמא - והרי לבו רואה את הערוה! - קסבר: לבו רואה את הערוה - מותר. והרי עקבו רואה את הערוה! - קסבר: עקבו רואה את הערוה - מותר. אתמר: עקבו רואה את הערוה - מותר. נוגע, אביי אמר: אסור, ורבא אמר: מותר. רב זביד מתני לה להא שמעתא הכי. רב חיננא בריה דרב איקא מתני לה הכי: נוגע - דברי הכל אסור רואה, אביי אמר: אסור, רבא אמר: מותר, לא נתנה תורה למלאכי השרת. והלכתא: נוגע - אסור, רואה - מותר.

Our Rabbis taught: If the water is clear, he may sit in it up to his neck and say the Sh'ma; some say, he should stir it up with his foot. On the ruling of the first Tanna, his heart sees his nakedness? — He held that if his heart sees the sexual organ it is permitted. But his heel sees his nakedness? — He held that if his heel sees his nakedness it is permitted. It has been stated: If his heel sees his nakedness it is permitted [to read the Sh'ma']; if it touches, Abbaye says it is forbidden and Raba says it is permitted. This is the way in which Rabbi Zevid taught this passage. Rabbi Hinnena the son of Rabbi Ika thus: If it touches, all agree that it is forbidden. If it sees, Abbaye says it is forbidden and Raba says it is permitted; the Torah was not given to the ministering angels. The law is that if it touches it is forbidden, but if it sees it is permitted.

In this striking sugya, even clear water counts as a cover for the purposes of reciting kriyat Sh'ma. While there is a dispute among the Tannaim about whether or not the water needs to be stirred, there is consensus that even if his genitalia are visible under water, he is still sufficiently covered to recite the Sh'ma. The conclusion is a lovely philosophical aphorism: we are not angels, so there has to be some reasonable compromise to accommodate people's corporeality.

The Mishnah contains a similar discussion in another context as well: "האשה יושבת וקוצה חלתה ערומה. מפני שהיא יכולה לכסות עצמה. אבל לא האיש a woman may sit and separate her hallah [while she is] naked, since she can cover herself but a man (may) not." This case is particularly intriguing because a woman (although in private) is allowed to utter holy words of ברכהnaked. The concern is not modesty, as she is alone. But the concern of being appropriately covered for saying a prayer is satisfied simply by her sitting down. What she must cover is her genitalia, even her bare breasts do not preclude saying a prayer.

Conclusion

Given that our age is one in which modesty remains an imperative, that ours is a time in which women work as equals in all fields of human endeavor, that ours is a time in which the powers of law, society, and religion must come to the aid of working parents who seek to pursue productive lives while fulfilling the mitzvah of Ù¯»†»¯·», it seems clear to me that the halakhic mandate today is to permit public breast-feeding, including in a Beit Midrash or worship service, provided that it is done in a modest and discreet fashion. This requirement would be met, for example, by using a cloth or towel to cover breast and baby, by the maternity shirts specially made for this purpose, or by sitting toward the rear of the room. For those women who prefer to nurse in private, appropriate facilities (such as a room adjoining the sanctuary) should be offered whenever possible. Given the diversity of communal norms and standards, each community should translate this general principle in a manner appropriate to its membership and style.

It is highly unlikely that a man will be erotically charged by the sight of a woman discretely breast feeding, and those men who are should seek ways to restrain themselves or to avert their gaze. "תנו רבנן: המרצה מעות לאשה מידו לידה כדי להסתכל בה - אפילו יש בידו תורה ומעשים טובים כמשה רבינו - לא ינקה מדינה של גיהנם, שנאמר (משלי י"א) יד ליד לא ינקה רע - לא ינקה מדינה של גיהנם" Our Rabbis taught: If a man counts out money from his hand into the

hand of a woman so as to have the opportunity of gazing at her, even if he can vie in Torah and good deeds with Moses our teacher, he shall not escape the punishment of Gehinnom." The responsibility for restraining inappropriate male sexuality lies with men.

And the responsibility for rearing up a new generation lies with us all: parents, community, and the Jewish people as a whole. It is incumbent on us to make it easier for parents to participate in communal life, and we are obligated to take aggressive steps to integrate women into public life without having to leave their distinctiveness behind. For mothers to be able to participate in public life will require that some of them will need to breast-feed in public. There is nothing in the tradition to disbar them, and a good deal in the tradition to permit them.

One can make a strong halakhic argument for permitting discreet breast-feeding during prayer as well. Some will express concern about safeguarding a sense of heightened holiness attached to prayer, and a sense that some parts are still generally concealed, both by men and by women. Custom is a powerful force in the unfolding of halakhah, and general Jewish expectations of clothing during prayer deserve a healthy respect. Maintaining a sense of the synagogue and of prayer as a "sacred space" is a worthy consideration, one worth supporting in our time too. But what makes for "sacred space," and which activities are permitted (or encouraged) there are in a state of transition. In our day, we recognize that precluding children from the sanctuary has a deleterious effect on their later Jewish observance, as well as on the possibility of their parent's (or parents') participation in Jewish worship now. Balancing values — involvement vs. distraction — is the work of any halakhic ruling. In this case, we must also consider the mother's need to pray, learn, and connect in community, often met only by her time in a synagogue, and the value of regular synagogue attendance from the earliest age. The issue here, it seems to me, is one of distraction. As with all human activities in a synagogue, the breast feeding should be done quietly, modestly, and discreetly. Based strictly on our read of halakhah, it is permissible to breast feed in shul. Based on our Jewish values, it is a positive value to make nursing mothers welcome in our services.

Where does this leave us? There are no explicit texts dealing with a mother breast feeding in public, other than the one that focuses on grounds for divorce. Even in that case, only one Tanna issues what looks like a clear prohibition, and Talmudic consensus seems to permit that behavior in that sugya, despite the lone Tanna's attempt to prohibit. In texts dealing with the male body in public, and the female body in private, there is a clear mandate to permit the partial exposure of the body, provided that some attempt at covering is maintained.

• From antiquity, the virtue of צניעות is to concretize the sense that human beings are made in God's image, and thus each person has a right to dignity and to respect. Modesty is a virtue because it regulates relations between men and women away from exploitation and sheer lust, to an appreciation of the personhood of other human beings. Those values continue to deserve (and require) reinforcement.

• In antiquity and in modernity, married Jews having children is a great mitzvah, one which the entire community bears a religious obligation to facilitate and to support.

• The march of Jewish law has been one toward greater rights for women, and an expanding franchise in which women enjoy greater legal protection and consideration with each passing age. In our own time, that traditional process has resulted in women occupying many professions previously barred to them, including the rabbinate. More recently, that same unfolding has led to serious consideration of how women as women will reshape the very institutions in which they can now hold power, and how they can participate without obscuring their distinctive voices or perspectives. As women assume their rightful place as public people, Jewish law must support their new roles without forcing them to abandon other religiously-laudatory roles (i.e. that of mother).

The Ruling/ פסק דין:

Reading the sources in the light of these considerations, I understand halakhah to permit public breast-feeding, including in a Beit Midrash or synagogue sanctuary during a worship service, so long as it is done in a modest, subtle, and dignified fashion. (This requirement would be met, for example, by using a cloth or towel to cover breast and baby, by the maternity shirts specially made for this purpose, or by nursing in the rear of the room.) It is also preferable that Jewish institutions provide places where mothers who prefer to nurse in private may do so.

Many synagogue arks are emblazoned with the words דע לפני מי אתה עומד , know before Whom you stand. In Torah study and in prayer, we are in the presence of the One whose salvation is intimated through human nursing:

"לְמַעַן תִּינְקוּ וּשְׂבַעְתֶּם מִשֹּׁד תַּנְחֻמֶיהָ לְמַעַן תָּמְצוּ וְהִתְעַנַּגְתֶּם מִזִּיז כְּבוֹדָהּ"

That you may suck, and be satisfied with the breasts of her consolations; that you may drink deeply, and be delighted with the abundance of her glory."

Jewish institutions, in particular, have an obligation to welcome, facilitate, and support nursing mothers and their babies.

The teshuvah was approved by a vote of 14 in favor, 3 opposed and 4 abstentions.

VOTING IN FAVOR: Rabbis Myron Fenster, Baruch Frydman-Kohl, Philip Scheim, Mayer Rabinowitz, Daniel Nevins, Joel Roth, Pamela Barmash, Gordon Tucker, Avram Reisner, Susan Grossman, Jerome Epstein, Joseph Prouser, Aaron Mackler, and Robert Fine.

VOTING AGAINST: Rabbis Loel Weiss, Israel Francus, and Paul Plotkin.

ABSTAINING: Rabbis Kassel Abelson, Leonard Levy, Myron Geller, and Vernon Kurtz.