

- I. Introduction. The age of mass communication has brought the world as a whole, and the Jewish community in particular, both advantages and challenges. One of the more difficult problems that we face today as a result of the internet is that our ability to avoid viewing sexually explicit and inappropriate materials has been severely compromised. The Jew in the modern world finds himself living in an environment where material that would have been inaccessible just a generation ago is now only a click away. It is therefore critical that we review some of the more pertinent הלכות that relate to שמירת העינים in order to strengthen our determination to observe these laws and to fully appreciate their significance and relative severity.

The ספר החינוך מצוה שפז writes that our thoughts may be thought of as the parents of our actions. Just as a child cannot be conceived without a father playing a role, a prohibited action will always find its roots in a prohibited thought. When we refrain from seeing and thinking about prohibited items we tend to be more capable of avoiding the violation of prohibitions. Just as one is at a far greater risk of committing an act of violence when he is constantly exposed to violence, one is also at a far greater risk of committing an act of sexual immorality when constantly exposed to it.

- II. The two איסורים. While it may be said about all עבירות that one is more likely to sin when he has seen and thought about the sin, when dealing with עריות the very act of thinking about and viewing the inappropriate material is a prohibition in its own right.

- A. There are two separate פסוקים used by חז"ל to teach the prohibition of thinking about sexual immorality.

1. The גמרא (ברכות דף יב:) understands the פסוק "לא תתורו אחרי עיניכם" (במדבר טו:לט) to express the prohibition to think about עריות. As רש"י on the פסוק comments, one may trace the stages of the development of sin in the following way: "the eye sees, the heart desires, and the body commits the sin". Thus,

the prohibition of following your eyes refers to the desires that naturally follow inappropriate visual content and precede a physical violation of a prohibition.

2. The (כתובות דף מו.) גמרא relates the prohibition to think about (דברים כג:י) "ונשמרת מכל דבר רע" פסוק to the עריות requirement to guard ourselves from evil refers specifically to guarding ourselves from illicit thoughts which lead to a person becoming a בעל קרי at night. The (עבודה זרה דף כ) גמרא expands this prohibition to include gazing at women, watching animals mate and gazing at women's clothing (even when women aren't wearing them). Rabbi Chaim Ozer Grodzinski (אחיעזר חלק ג' סימן כד אות ה') suggests that the רמב"ם does not view this as a genuine דרשה דאורייתא (biblical intent of the verse), but a mere אסמכתא (rabbinic association of a law with a verse, not reflecting actual biblical intent). However, the simple understanding of the גמרא indicates that this is in fact a biblical requirement derived from this פסוק (see also תוספות עבודה זרה דף כ who clearly understand it in this way). The אחרונים debate how the גמרא derives from this פסוק that the subject is at all related to illicit thoughts and the resulting seminal emission.
  - a. Rabbi Yosef Engel (גליוני הש"ס לכתובות דף מו.) explains that the word "דבר" may be understood to refer to speech (see (זבחים דף לו. ותוספות שם), and is modified by the expansive term "כל". Therefore, the verse must refer to something that is even less concrete than actual speech - the sin of having illicit thoughts.
  - b. The משך חכמה (דברים כג:יא) writes that the word רע is itself a reference to an unnecessary seminal emission. When discussing the sin of ער ואונן, the two sons of יהודה who refused to impregnate תמר, instead choosing to have wasted seminal emissions, the תורה specifically labels their actions as "רע בעיני ה'" (בראשית לח:ז). Therefore the admonition to avoid "kol davar ra" must refer to avoidance of something that would lead to unnecessary seminal emissions.

B. Considering the similarity between the laws derived from both of the above פסוקים, we must address why it is necessary to have two separate פסוקים which ostensibly teach the same הלכה. Rabbi Moshe Feinstein (שו"ת אגרות משה אבן העזר חלק א' סימן סט) explains that "ונשמרת מכל דבר רע" is the prohibition to look at things that may cause a seminal emission at night, whereas "לא תתורו אחרי עיניכם" is the prohibition to think about a sin that one may actually commit. (Rabbi Yosef Shalom Elyashiv has a similar analysis to this issue in his הערות למסכת כתובות דף מו) Following this analysis, Rav Moshe suggests that women are only included in the prohibition expressed in the latter verse but not the prohibition expressed in the former because the concern that motivates the former prohibition obviously does not apply to them. Therefore, Rav Moshe concludes, a woman may watch animals mating or look at men's clothing, as these sights do not inspire thoughts of committing an actual sin.

It would seem that even in Rav Moshe's view a woman may not watch sexually explicit material because it is likely to inspire her to sin in some manner, even if there is little chance that she will have any contact with any of the actors. Perhaps one may distinguish between a woman who has a permissible outlet for sexual desires (i.e. a married woman who is not a *niddah*) and a woman who has no permissible outlet. A precedence for such a distinction may be found in the *Gemara (Ketubos 65a)* which discourages women from drinking wine because she is likely to be more promiscuous while intoxicated. Yet, the *gemara* qualifies that if she is in the presence of her husband she may drink wine because she will have an outlet for any desires that may overcome her in a state of intoxication.

In fact, the Talmudic and medieval sources point to a slightly watered down, but definitely existent, prohibition for women to gaze at or think about men. The *Rambam (Issurei Biah 21:19,23)* records the prohibition of immoral thoughts without distinguishing between men and women. Similarly Ramabam (ibid. 25) writes that one should marry both his sons and daughters off when they are young so they should not come to immoral thoughts. On the other hand, the *gemara (Berachos 20a)* says that R' Yochanan, who was an

extraordinarily good looking man, would sit at the entrance to the *mikvah* so that women would be able to gaze at him after going to the *mikvah* (thereby positively affecting their children who would be conceived that night). Furthermore, the gemara (*Berachos 48b*) says that women who would speak to Shaul would try to say more words than necessary to communicate their point in order to spend the time gazing at his good looks. The clear implication is that women may look at good looking men, but to some extent may not have immoral thoughts about them. Rav Moshe's analysis seems to address this dichotomy by including them in one, but not both, of the Torah prohibitions relating to this matter.

Based on the above analysis, Rav Moshe rules that it is prohibited for a man to think about his own wife if there is a legitimate concern that such thoughts would lead to a seminal emission at night.

Whether women may look at inappropriately dressed men in a non-sexual context (e.g. sitting by a pool where men are swimming) is subject to some debate. (In fact the *Aruch Hashulchan Orach Chaim 75:5* raises doubt whether a woman may recite *kerias shema* near a *tefach* of exposed flesh on a man). On the one hand, it may be argued that they are not inspired to sin by seeing men like this. Indeed, the Satmar Rebbe (Rabbi Yoel Teitelbaum) is cited in *Sefer Taharas Yom Tov* to say that a perusal of many Talmudic passages reveals that a woman may look at men. On the other hand Rabbi Moshe Stern (*Teshuvos Be'er Moshe IV:147:23*) argues that this leniency would only apply to a woman looking at a fully dressed man. Looking at a man who is wearing a bathing suit or the like would certainly be prohibited.

- III. Severity and Difficulty of the איסור. The גמרא (חולין דף לז:) records how proud יהזקאל was that he did not have inappropriate thoughts that would lead to טומאה at night. (שם ד"ה שלא תוספות) יהזקאל wonders how this reflects the greatness of הרהרתי. One normally only takes pride in that which he does that is beyond what is required by the הלכה. The prohibition of thinking about inappropriate things is a clearly documented הלכה! תוספות explain that although it is a clear הלכה it is highly unusual for

somebody to have the strength of character to actually fulfill this הלכה. The גמרא (בבא בתרא דף קסד:) lists illicit thoughts amongst the three challenges that most men succumb to each and every day. As the גמרא (גדרים דף כ.) says, anybody who looks at women is "certain to come to sin."

- A. Expression of severity by Chazal. The גמרא (ברכות דף סא.) ועירובין דף יח: states that one who passes behind a woman in the river has no portion in the world to come. Furthermore, the גמרא emphasizes, even if the person has done good deeds on the level of משה רבינו if one takes a few moments to gaze at a woman's beauty, he will not be spared from גהינם סא. ועירובין יח: "כל העובר אחורי אשה בנהר אין לו חלק לעולם הבא וכו' אפילו יש בידו תורה ומעשים טובים כמשה רבינו לא ינקה מדינה של גהינם. The requirement to maintain an environment of צניעות has ramifications in monetary law as well. The גמרא (בבא בתרא דף נז:) states that even if the local custom is that women wash clothing by the river, one partner in a private yard may force the other to allow for a washing facility so that the women will not be forced to go to the river. (This is codified in שולחן ערוך חושן משפט סימן קסא סעיף ה' (וש"ך ונתיבות שם).
- B. Many sources indicate that even if one believes that looking at certain objectionable material will not cause him to think about sinning, he must still refrain from looking. The ספר החינוך (מצוה קפה) warns that many people have assumed that they were safe to look at otherwise immodest material because they were confident that they have been desensitized sufficiently that they would not have any forbidden thoughts. The ספר החינוך writes that one should never trust himself in this area, and that experience tells us that people who assumed themselves immune have indeed stumbled. The גמרא (עבודה זרה) prohibits looking at even an unattractive married woman or an attractive unmarried woman (though the גמרא does seem to permit looking at an ugly single woman).
- C. One of the primary reasons that people generally do not fully appreciate the magnitude of the prohibition of looking at inappropriate material is that people assume that "just looking" is not a significant act that makes any impact. In fact the רמב"ם (הלכות תשובה פרק ד' הלכה ד) writes that one who commits

this sin is likely never to do proper תשובה because he does not think he has done anything wrong, though in reality he has committed a "great sin."

1. The גמרא (יומא דף כט.) states that in a certain sense, the thoughts of desires for women are actually worse than actions taken on those desires. The תוספות רי"ד explains that the level of desire is far more intense when a person thinks about the sin in the abstract than when a person is actually involved in the committal of the sin. The שפת אמת, however, explains that the long term negative effects of the sins of thought are more debilitating than the effects of the actual sin. When one commits a sin, he need only refrain from that activity in the future. Sinful thoughts, though, are much more difficult to refrain from because thoughts can easily creep into a person's mind. The אבן העזר (כא:ג) goes so far as to suggest that the enjoyment one gets from gazing at women is greater than the pleasure derived from actual physical activity.
  2. On a purely halachic level, the בית יוסף (אבן העזר סימן כא ד"ה) points out that gazing inappropriately at an unmarried woman is worse than touching her. Whereas touching her is likely only an איסור דרבנן, gazing at her is an איסור דאורייתא (although בית יוסף quotes the אורחות חיים to say that gazing at an unmarried woman is only an איסור דרבנן based on a פסוק in איוב, the subsequent thoughts are an איסור דאורייתא).
- D. In addition to the specific prohibition of thinking inappropriate thoughts and gazing inappropriately at women, the גמרא emphasizes that ideally one should avoid even permissible gazing. The גמרא (בבא בתרא דף טז) highlights the distinction between אברהם אבינו and איוב in that אברהם אבינו wouldn't even gaze at his own wife unnecessarily, whereas איוב speaks of the challenge of gazing at young maidens unnecessarily. Obviously, there are limits to what is considered an acceptable stringency in this area. For instance, the גמרא (כתובות) states that a man who insists on having marital relations while



clothed is required to divorce his wife and pay her כתובה in full (an indication that he is ruining the marriage).

- IV. Movies, Television, and Computer. Rabbi Ovadya Yosef (שו"ת) was asked whether one may recite ברכות or קריאת שמע in front of a television that has a picture of an inappropriately dressed woman. Rabbi Yosef distinguishes between two separate הלכות that relate to ערוה. The גמרא states that one may not recite a ברכה in the presence of ערוה (even that of his wife). This is true of reciting a blessing in the presence of actual ערוה and is unrelated to the prohibition of thinking inappropriate thoughts. The prohibition to gaze at women or think inappropriate thoughts applies even to parts of a woman's body that are not defined as ערוה (e.g. her pinky finger if a man is affected by it). Therefore, Rabbi Yosef concludes, the presence of a picture of a scantily clad woman cannot be defined as actual ערוה. However, it is certainly prohibited to look at or recite a blessing while looking at it on account of the fact that such looking will promote illicit thoughts. Rabbi Yosef marshals a fascinating proof to the concept of a mere image invoking inappropriate thoughts (though this concept is intuitive and may be proven by the existence of various multi billion dollar industries). The גמרא (נדורים דף ט:) states that there was once a man who chose to become a נזיר because he had noticed his beautiful hair in his reflection in the water and was overcome with a sense of false pride. Clearly, the sight of a mere reflection (or picture on a screen) is enough to make a lasting impression. (See also שו"ת באר משה חלק ד' סימן קמ"ז ס"ק כב who also uses this גמרא to make a similar point about television.)
- V. Day to Day Activities.

- A. Walking in the street. The גמרא (בבא בתרא דף נז:) cites a פסוק (ישעיהו) that praises one who closes his eyes to avoid seeing women while they are washing clothing at the river (where they would frequently roll up their sleeves and reveal parts of their arms that are normally covered). The גמרא inquires what the particulars of the case are: If there is another way for the man to walk, he would be considered a רשע for walking near the area where the women wash, even if he closes his eyes

the entire time (because he should not tempt himself). If he has no other way to walk to his desired destination, how can he be held accountable if he sees something inappropriate along the way? Wouldn't this be considered a situation beyond his control for which the Torah exempts us from liability?

Rabbi Moshe Feinstein (שו"ת אגרו"מ אבן העזר חלק א' סימן נו) asks a fundamental question on this גמרא: How can we label the person who has no other road to take to his destination as an אנוס? If he can't avoid seeing inappropriately attired women, shouldn't he simply not go to wherever it is that he was planning on going? Rav Moshe explains that since the prohibition is only due to the concern that he may have inappropriate thoughts, the man may trust himself to avoid such thoughts so long as he has some reason to be on that road (e.g. it is on his way to work). The only situation that it would be problematic to walk on such streets would be where there is another road that can be taken (which would avoid the underdressed women) or the man has no real destination but is simply taking a leisurely stroll. Rav Moshe adds that it would be impossible to prohibit one from going to work when he would have to pass by women who are inappropriately dressed because it is a גזרה that the community could not possibly handle due to the proliferation of פריצות in the streets of every major city. However, Rav Moshe is only willing to be lenient for one who is reasonably certain that he will not have inappropriate thoughts as a result of what he sees on his walk.

1. What if the alternate route is longer? The גמרא does not clarify what would constitute a viable alternate route. For instance, if getting to work would take twice as long by choosing an alternate route, would one be obligated to do so? (עבודה זרה דף מח:): תוספות notes that although one may not pass under the branch of an עבודה זרה tree when there is another possible route to take, if the alternate route is longer one may pass under the עבודה זרה tree. Rabbi Binyamin Zilber (שו"ת אז נדברו חלק ז' סימן עה) suggests that whether a similar leniency would apply to an alternate route to avoid improperly dressed women



would depend on why the גמרא labels the person who chooses that route a "רשע". If he is labeled such because his behavior demonstrates a cavalier attitude toward sin, one may argue that if the only alternative is a longer road, he may take the shorter road. After all, his behavior can better be explained by the inconvenience of the longer route than by a casual attitude toward sin. If, however, he is labeled a "רשע" because even when closing his eyes he is in violation of "ונשמרת" as he walks in harms way, it is possible that he would be obligated to take the longer road. However, practically speaking, Rabbi Zilber points out that most alternate routes nowadays also have their share of פריצות and therefore recommends that people walk where they need to go while carefully averting their gaze from inappropriately dressed women. He notes that when people try to be overly stringent on issues such as these, improper leniencies are sometimes the result (e.g. people had concerns about the separate beach in Tel Aviv so instead traveled to a beach near Netanya, which put them in a position to encounter countless שמירת העינים problems along the road to Netanya).

- B. Taking a Crowded Subway. In addition to the potential problems of seeing inappropriately dressed women, the problem of physically touching women in a crowded subway car is a fairly common one. Rabbi Moshe Feinstein (שו"ת אגרות) was asked whether one should avoid taking a rush hour subway on account of this concern. Rav Moshe responded that when there is no intention to derive any pleasure or show any affection to the woman, there is no prohibition to bump into or sit next to the woman. Rav Moshe notes that there may be reason to be more strict about sitting next to one's own wife while she is a נדה, but is inclined to believe that under these circumstances one may even bump into or sit next to his wife while she is a נדה. Nevertheless, Rav Moshe cautions that if one knows that being in this situation will arouse him or cause inappropriate thoughts, he has to be very careful to think about other things. Thinking about דברי תורה is a particularly effective tool in avoiding inappropriate thoughts under these conditions. Rav Moshe concludes by

saying that while he can't quite imagine a man becoming physically aroused from bumping into a woman on a crowded subway, if this is a concern the person must avoid these trains.

- C. Walking Behind a Woman. The Gemara (Berachos 61a) states that if one encounters a woman in the street, he may not walk behind her. Instead he should run to get in front of her. The reason for this prohibition is that he may be enticed to gaze at her while walking behind her. The Gemara (Kiddushin 81a) records an incident when Rav and Rav Yehuda were walking together when a woman walked in front of them. Rav immediately told Rav Yehuda that they should speed up to avoid going to gehinnom. Rashi explains that he wanted to get in front of her. Though, in context, this story deals with the problem of yichud with a woman on the road, the Beis Yosef cites it as one of the sourced prohibiting walking behind a woman.

Considering how clear the sources to prohibit a man from walking behind a woman are, it is somewhat surprising that the Leket Yosher (authored by the Terumas Hadeshen) writes that "one may certainly walk behind the wife of a torah scholar or his mother because nowadays we are not too careful about walking behind women". Rabbi Shlomo Zalman Auerbach (Responsa Minchas Shlomo I:91:23) explains that the halacha not to walk behind a woman speaks to a society where it is rare to find a woman walking in the street. Indeed, the precise language employed by the gemara and Shulchan Aruch (Even Haezer 21:1) is that if one "encounters" a woman ("paga"), implying that it would not be the norm. The logic for the halacha is that when one is next to or in front of the woman he will be embarrassed to gaze at her because she will notice his gaze. When he is behind her, though, he will not be embarrassed to gaze at her because she won't even realize what he is doing. Considering the amount of women in the streets today, Rabbi Auerbach argues, this halacha is totally inapplicable. After all, if one were to avoid walking behind one woman he would most likely find himself behind another woman. Additionally, the level of peritzus that is rampant in our societies is such that people are generally

not even embarrassed to gaze at a woman when standing in front of her. Rabbi Auerbach concludes that in the times of the Terumas Hadeshen the tide may have already been turning to a more promiscuous society, and certainly in our generation there is not reason at all to prohibit walking behind a woman in the street.

D. Mixed Swimming. While the prohibition of seeing women in bathing suits is abundantly obvious, Rav Moshe argues that one who has to go to the beach for medical reasons, is reasonably sure he will not have improper thoughts and cannot find a time that women are not present, may do what is necessary for his therapy. His logic is that whenever there is no alternative and a person believes he can withstand temptation, the *gemara* permits taking the road with temptation. Under any other circumstances, though, it would be clearly forbidden to go to a mixed beach or pool. In fact, Rabbi Moshe Stern (שו"ת באר משה ד:קמז:כג) notes that if *הז"ל* refer to a man who puts himself in a position to see women whose arms are exposed a "רשע", one can only imagine what they would have called a man who knowingly goes to see women wearing bathing suits (Rabbi Stern does offer a few suggestion, though...)

In a different responsum (שו"ת אגרות משה אבן העזר חלק ד' סימן סב אות א) Rav Moshe was asked about women going swimming at an all women's pool where a non-Jewish man serves as a lifeguard. Rav Moshe points out that there are two particular concerns to deal with:

1. First, it would seem that swimming in such an environment would be a violation of a woman's requirement to dress in a modest fashion. Rav Moshe does not believe that this is a problem in this case because a woman is not required to dress modestly in any place dedicated for the exclusive use of women. Although, there will be one non-Jewish man present, the place is still defined as a "women's" pool and would therefore have the same הלכה as one's home.

Rav Moshe implies, but does not explicitly state, two additional very critical points:

a. A woman's requirement to dress modestly in front of man so that they not be aroused only seems to apply to a Jewish man, but not to a gentile. If the lifeguard were a Jew it would be clearly prohibited for her to swim in front of him. If there were a problem of causing the gentile to see her in a bathing suit, it would be obvious that swimming there would be prohibited.

b. Even if no Jewish man is there to see, a woman is not permitted to walk outside of her house dressed improperly. For instance, a woman vacationing in a remote location where she thinks that only non-Jews will see her cannot walk outside of her house dressed inappropriately even though only gentiles will see her. The very fact that the place by its nature is a public place would preclude a woman from going there with immodest dress. (It is not completely clear whether this is a general requirement of modesty or relates to a specific prohibition. A reading of the גמרא and מסכת כתובות דף עב ח' ראשונים relating to where a woman may keep her hair uncovered strongly implies that in places where people do not see a woman she has no technical obligation to cover her hair. Presumably, then, Rav Moshe is either referring to a broader requirement of צניעות such as "והצנע לכת" or is concerned that a Jewish man may be show up in a public place.)

2. The second concern is that the lifeguard may entice one or more of the women to enter an inappropriate relationship. Although, the prohibition of יחוד generally does not apply when there are many people around, the גמרא says that when people are known to be פרוצים we must still

be concerned for יהוד. Rav Moshe explains that in this context there is little need for concern because the lifeguard may lose his job if he were to ignore his responsibilities in order to engage in inappropriate behavior with one of the women. Certainly, he can get into serious trouble if another woman drowns while he is busy socializing.

- E. Seeing versus looking. It is important to note that although it is prohibited to gaze at any part of a woman's body (or even her clothing), the בית יוסף (סימן עה ד"ה טפה וסימן רכט ד"ה ואסור) points out that there is a distinction between seeing and gazing. It is prohibited to gaze at a woman, but seeing a woman (more specifically, parts of her body that do not have to be covered) is permissible. One may see a woman, but should avoid extended looking in the face when talking to them lest he come to gaze or derive pleasure from looking (שו"ת אגרות משה או"ח שו"ת אגרות משה או"ח (סימן א' חלק א' סימן ח' אות ג' (The ח"א סימן מ') makes a similar distinction in allowing a מחיצה where men can see the women, presuming they can be relied upon not to gaze at the women during the davening). Many פוסקים point to this distinction in explaining how one can recite the blessing of שחלק מכבודו לבשר ודם upon seeing the queen of England, even though it is prohibited to "gaze" at a woman. Whereas Rabbi Shlomo Zalman Braun (*She'arim Metzuyanim B'halacha* 1:60:7) rules that one cannot recite the blessing over a queen because a man may never gaze at a woman, Rabbis Moshe and Betzalel Stern (*Responsa Be'er Moshe* 2:9:4 and *B'tzel Hachachma* 2:19) argue that a man is only prohibited to gaze at a woman, not to see a woman (see also "The Beracha Recited Upon Seeing Royalty" by this author at [www.bknw.org](http://www.bknw.org) torah library). The distinction between looking and gazing is one that פוסקים apply to other areas of הלכה as well. For instance, one may not "gaze" at a rainbow, but one is required to recite a ברכה upon "seeing" a rainbow.
- VI. Conclusion. We have summarized some of the most pertinent issues relating to the prohibition of viewing and thinking about inappropriate material. Unfortunately, the temptations present themselves frequently and are often difficult to

overcome. It is the hope of this author that the merit of our studying these critical *halachos*, inspires us to greater care in observing them.