

## The Rush Hour Crush Commuting by Public Transportation

*The Long Island Railroad (LIRR) in New York serves some 81 million passengers yearly, among them many Orthodox Jews commuting to and from work. Commuting has its own challenges, with exposure to immodesty and unavoidable contact with the opposite gender during rush hour high on the list. On the positive side, for over twenty years, the LIRR's 7:51 a.m. train from Far Rockaway to Manhattan has been home to a Daf Yomi shiur held in the last car of the train. This shiur inspired an additional class on the 8:15 a.m. train. The group has so far made three siyumim on the entire Shas, celebrated on board by 200 participants, with old conductors as special guests. Apparently, commuting need not be all that bad...*

The daily commute is part of life for countless individuals in the workforce. Off-hours on the buses and trains may be relatively quiet, but when rush hour hits, the buses and trains are packed, wall to wall. Large numbers of commuters are jammed together in a small space, so that touching, bumping and even pushing other passengers is inevitable. Obviously, some of these passengers are going to be members of the opposite gender. How do we reconcile subway rush hour with the Torah's prohibition against *negiah* (physical contact with members of the opposite gender)? To what lengths must we go to avoid the rush hour crush on the train?

### Public Transportation: Lenient Halachic Opinions

In the previous chapter, we discussed the question of shaking hands with members of the opposite gender. The issues involved in commuting during rush hour would appear to be similar – some physical contact is likely, and even inevitable. However, a number of *poskim* who ruled strictly concerning shaking hands do permit traveling by public transportation, despite the problem of potential physical contact.

*Poskim* who rule leniently on the question of using public transportation base their *pesak* on at least one of four main rationales.

#### ***Igros Moshe: Rush Hour is not Derech Chibbah***

Among others, Rav Moshe Feinstein and Rav Menashe Klein, two recent major halachic authorities who ruled strictly concerning shaking hands, were lenient on the question of traveling on crowded public transportation. The lenient *pesak* is based on their view that any physical contact in this setting is not *derech chibbah* (affectionate or passionate).

Rav Moshe Feinstein was asked about commuting during rush hour, when physical contact between men and women on crowded buses or subways is inevitable. May one ride the subway or bus during these hours?

Rav Moshe cites the Rambam, who rules that all types of physical contact between men and women are forbidden by Torah-ordained commandment – specifically if the contact is *derech chibbah* (*Hilchos Issurei Biah* 21:1). Based on the Rambam's *pesak*, the Shach explicitly rules that physical contact which is *not* motivated by passion or

affection is *not* forbidden (*Shach, Yoreh Deah* 157:10). Rav Moshe writes that physical contact which is not passionate or affectionate does not transgress the Torah's commandment against "coming close to uncover nakedness" (*Vayikra* 18:6), because it will not lead to forbidden relations. As such, *Chazal* saw no reason at all to forbid it, not even as a rabbinic decree.

Based on this, Rav Moshe permits commuting on a mixed bus or subway even in rush hour crowds because there is no element of *derech chibbah* involved. The contact is not intentional – there is simply no way to avoid it in the jam-packed conditions of public transit. For the same reason, Rav Moshe says, it would be permitted to sit next to a woman if there is no other seat.

Nonetheless, Rav Moshe distinguishes between three states of mind:

He first relates to a situation in which the commuter is confident that he will not be susceptible to improper thoughts as a result of the incidental physical contact during the rush hour crush. In principle, as we said, when the contact is not intentional, there is no element of *derech chibbah*, and accordingly there is no problem in traveling during rush hour.

However, he continues, if a man realizes that the *negiah* will lead to improper thoughts, he should not take the bus or train when he knows they will be crowded, if he can avoid it. If he has no choice but to travel specifically during those hours in order to get to work on time, he is permitted to ride the trains and buses then. In order to avoid problems, he should resolve in advance to keep his mind pure and think about Torah topics, as the Rambam advises (*Hilchos Issurei Biah* 21:19). Rav Moshe writes that one may rely on this strategy and commute to work even during rush hour.

On the third level, one who knows that he will be totally unable to control his thoughts is not permitted to use mass transit during rush hour (*Igros Moshe, Even HaEzer*, vol. II, 14).

### ***Mishneh Halachos*: Unintentional and Incidental Contact is Permitted**

We find a similar ruling in Rav Menashe Klein's *Mishneh Halachos*.

Rav Klein's questioner assumed that it was forbidden to board a packed bus or train. His question was as follows: When he would get on the train it was not especially crowded, so that there was no problem of physical contact with women. However, the train later filled up, and there was crowding. Was he obligated to get off the train at that point, or could he stay on until the train reached his stop?

Rav Klein answered that according to all halachic opinions, it is permitted to ride the bus or subway – they are no worse than the railroads or wagons which the most pious of rabbis used for travel in the past. The same would be true of travel by airplane or boat, and in general, all forms of mass transit. Torah-observant Jews have always used them, and there is no reason to forbid it. He cites the *Shach's pesak*: physical contact which is not *derech chibbah* is not forbidden.

He writes that even according to the strict halachic opinion that touching which is not *derech chibbah* is also prohibited, commuting would still be permitted, because the prohibition only applies to touching which is intentional. It is certain, he writes, that *Chazal* did not forbid physical contact when there are two factors present: the contact is neither *derech chibbah*, nor intentional. He cites the Talmudic principle that if a line of reasoning makes logical sense, it does not require backing from a Scriptural verse.<sup>1</sup> The reasoning permitting travel by public transportation is so obvious that it requires no further proof.

In conclusion, he writes that it is clearly permitted to travel by bus or subway. The traveler does not intend to touch women; it is not certain that he will; and he will in fact try to avoid it. Even if it should happen that he does touch a woman unintentionally, there is no prohibition involved. However, similar to Rav Moshe's *pesak*, Rav Klein advises keeping one's eyes closed or looking into a *sefer* to avoid immodest sights (*Mishneh Halachos*, vol. 4, 186).

### ***Yaskil Avdi: Touch Motivated by a Legitimate Need is not Derech Chibbah***

Rav Ovadiah Hadayah of Jerusalem (1890-1969), author of Responsa *Yaskil Avdi*, was asked four related questions which have direct bearing on the question of commuting.

- Is it permitted for a man to have a woman ophthalmologist treat him for an eye ailment?
- May one travel in the same vehicle as a woman, where some degree of contact is unavoidable?
- If a girl falls, may one help her up even if she is not in any danger, if refraining from assisting her will cause a *chilul Hashem*?
- May one hold an elderly woman's arm in order to assist her?

Rav Hadayah responded to all four questions based on the same principle. If the physical contact involved is not *derech chibbah*, but rather, is prompted by other needs, it is permitted. He cites the *Rema*, who was lenient concerning physical contact which is not *derech chibbah*, and where there are no improper motives (*Even HaEzer* 21:5). In the case of the patient in need of an eye doctor, his intentions are medical, not personal – his only interest is in obtaining medical treatment.

He writes that the same principle applies to assisting the girl or elderly woman. The contact is not *derech chibbah*; it is only intended to help them. The same would certainly be true of traveling in the same vehicle as a woman. He advises having a *Tehillim* or other *sefer* on hand while traveling, pointing out that the merit of Torah study will serve as protection against improper thoughts.

However, he continues, the answer to questions of this kind is not distinctly black-and-white. He cites the *Ritva* (cited in *Pis'chei Teshuvah*, *Even HaEzer* 21:3): every individual is different, and should be honest in assessing his strengths and weaknesses when faced with the need to control his *yetzer hara* (*Yaskil Avdi*, Part 5, *Even HaEzer* 23).

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<sup>1</sup>For example, as in *Pesachim* 21b and *Baba Kama* 46b.

In sum, the *Igros Moshe*, *Mishneh Halachos* and *Yaskil Avdi* all permit traveling by public transport, even at the risk of contact between opposite genders, for the same reason. Any incidental *negiah* which may occur is not intentional and is therefore permitted, as long as it is not *derech chibbah*. In addition, they all advise commuters to take active measures to keep their thoughts pure by learning Torah while traveling.

### ***Ateres Paz*: The Physical Contact is Unintentional and Unavoidable**

Rav Pinchas Zevichi, a contemporary *posek* in Jerusalem, applies a second halachic principle to the question of commuting in his Responsa *Ateres Paz*. *Chazal* discuss the concept of “a forbidden benefit which comes to a person unwillingly” (*Pesachim* 25b).

As an example of “a forbidden benefit,” Rashi mentions smelling the incense burned as part of idolatrous services. Let us say someone is on his way to visit family, a permitted activity. The route he travels passes by a house of idolatry, and the street outside the building is permeated with the fragrance of idolatrous incense – a fragrance which a Jew is forbidden to enjoy. In essence he is merely passing by en route. Inhaling the forbidden fragrance is purely incidental; he did not choose to go specifically this way in order to catch a whiff.

If a forbidden benefit came our way without any effort on our part, are we required to distance ourselves, as we would from any other type of transgression?

*Chazal* tell us that we do *not* need to distance ourselves if two factors are present, what they call *lo efshar* (impossible to avoid) and *lo michavein* (unintentional benefit). In this context, what is “impossible to avoid” and what is an “unintentional benefit”?

The *Ritva* writes that “possible to avoid” means that it is feasible to avoid the prohibited benefit without any extra effort. “Impossible to avoid” means that the prohibited benefit can only be avoided with extra effort.

“Intentional benefit” means having intent to benefit from the forbidden entity – we may not have sought it out, but if it is there, we don’t mind savoring it. “Unintentional benefit” means that although it is there, we personally do not want it and are not benefiting from it or enjoying it (*Ritva* on *Pesachim* 25b).

*The next door neighbor was singing to her children, and Yosef heard every note, loud and clear. The song was a nice one and her voice not bad, but listening to a woman sing violates the prohibition of kol islah.<sup>2</sup> Yosef could have left the house until the singing session was over, but that would have been a major inconvenience, classified as “lo efshar” (impossible to avoid). Instead, he attempted to distract himself from the singing and block it out of his mind (lo michavein), rather than sitting back and enjoying the familiar tune (michavein).*

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<sup>2</sup> *Kol Isha* is the prohibition for a man to listen to a woman’s singing, because it may arouse improper thoughts. See *Hegyonei HaParashah, Vayikra, Kuntres B’Inyan Kol B’Ishah Ervah*, for an extensive discussion of the prohibition and its related laws.

In the case of the rush hour commute, it could theoretically be avoided – a commuter could take a taxi into Manhattan every day at prohibitive cost, or alternatively, spend three hours walking to work, keeping clear of the crowds on the train. However, either of these options obviously involves considerable difficulty, classifying them as *lo efshar* – they are not viable options, because they are an extra burden (*Ateres Paz*, Part 1, vol. III, *Even HaEzer* 6).

*She'arim Metzuyanim B'Halachah* also discusses the question of traveling on mass transit. At times, one is seated next to a woman on a train, bus or plane, and because of the proximity, there may be some incidental *negiah*. He permits it, based on the *Gemara's* ruling that if there is no way to avoid the contact, and it is unintentional, it is permitted. *She'arim Metzuyanim B'Halachah* cites *Tosfos* on *Pesachim* 25b: even if there is some way around it, but it would involve considerable trouble, it is considered “*lo efshar*” (*She'arim Metzuyanim B'Halachah* vol. IV, 152:11).

### ***Salmas Chaim: No Viable Alternative Options***

A third possible grounds for leniency is based on *Chazal's* ruling concerning avoiding immodest sights. They cite the verse, “he closes his eyes against seeing evil” (*Yeshayahu* 33:15). Rabbi Chiya bar Abba explains that this refers to a man who does not look at women when they stand over the laundry. However, the *Gemara* points out that whether or not his behavior is considered proper depends on the options available to him at the time. If there is an alternative route and he still chooses to pass by the women doing their washing, then he is wicked. If there is no alternative route (“*leika darka achrisa*”), he is considered to be compelled by circumstances – he has no choice but to go that way (*Baba Basra* 57b).

In former times, laundry was washed at the riverbank. When the women did their washing they would stand in the water, with their skirts hiked up to avoid getting soaked. If a man passing by the riverbank made sure to avert his eyes from this scene, the *Gemara* praises him for conducting himself properly in a potentially immodest situation. However, the *Gemara* continues, he is only deserving of praise if he had no choice but to walk by that way – with no alternatives available, he made the best of it and looked away, despite the obvious inconvenience of traveling in this fashion. If he could just as easily have taken a different route, yet still chose to walk by the riverbank, he is not considered pious at all – in fact, *Chazal* tell us, “he is wicked.”

How does this principle apply to our modern-day rush hour commute? On the bus or subway, no less than at the riverbank of old, we are faced with obviously immodest sights. Is it enough to look away, “closing our eyes against seeing evil,” or are we obligated to find an alternative route? Another point to consider is that the case discussed in the *Gemara* relates only to seeing a woman who is improperly clad. On a crowded bus or train, we not only see immodest sights, but are in physical contact with women. Again, are we obligated to take an alternative route?

Rav Shlomo Sobel asked Rav Yosef Chaim Sonenfeld of Jerusalem (1848-1932) whether it is permitted to use public transportation frequented by both male and female passengers, where there is a problem of exposure to immodest sights. Rav Sobel suggested that it should be permitted, based on the *Gemara* in *Baba Basra*

(mentioned above) concerning the obligation to avoid temptation and the concept of *leika darka achrisa* (lack of a viable alternative route).

Rav Sobel wrote that intercity travel is considered a case where there is no viable alternative, because the distances are great, and in our times, people do not usually take such trips by foot. Hiring a private taxi or car service to avoid the problem would involve considerable expense, and when *Chazal* discussed the case of rerouting to avoid immodest sights, they did not suggest that if there is no way to bypass the laundry scene at the riverbank, one should hire a covered wagon.

The same may be true of traveling from one neighborhood to another in the same city. An alternative route does theoretically exist. But if there is some additional distance involved and it is more difficult to make the trip on foot, and in particular, if time is a consideration, this is also considered *leika darka achrisa*. The *Gemara* in *Baba Basra* does not suggest walking for two hours in a roundabout route – rather than fifteen minutes by direct route – as a viable option for avoiding the riverbank. Apparently, we are not obligated to go to such lengths to find a *darka achrisa*. What the *Gemara* does tell us is that when there are two routes, both being roughly equal, there is “another way” to go, and we are obligated to take the option which avoids exposure to immodest sights.

Rav Sobel added, however, that even if taking a “*darka achrisa*” would mean traveling out of the way, but it is not a distance most people would consider to be extra trouble, it is likely that it would still be considered a viable alternative route.

Apparently Rav Sonenfeld agreed with Rav Sobel’s conclusions permitting the use of public transportation, because he responded very briefly that the critical factors for the passenger are not to look around at improperly attired women, and to learn from a *sefer* if he has one on hand (*Salmas Chaim, Even HaEzer* 440).

Responsa *Ateres Paz*, citing Rav Sonenfeld’s responsum, concludes that the same would be true if taking a different route will incur additional expense – it is not considered a viable alternative option, and we are not obligated to use more expensive transportation (*Ateres Paz*, Part I, vol. III, *Even HaEzer* 6).

*An interesting “alternative option” to public transportation is the famous privately operated “Monsey bus,” which takes commuters from the Orthodox community of Monsey, New York to Manhattan and back. The bus has separate seating, including a mechitzah. There is a minyan for Shacharis on board in the morning, with a sefer Torah for the Torah reading on Mondays and Thursdays.*

### ***Salmas Yosef: Clothing as a Barrier***

Rav Moshe Tzuriel, author of *Beis Yechezkel*, brings a fourth possible grounds to permit traveling by public transportation, even during rush hour. He cites a responsum from *Salmas Yosef* by Rav Yosef Rosen (1858-1936), famed as “the Rogatchover.”

The Rogatchover responded to a question about traveling by public transportation, where it is likely that a woman may be seated next to a man. He ruled leniently, based

on a *Tosfos* in *Sotah* concerning the sacrifice of a *sotah*.<sup>3</sup> Part of the trial of a *sotah* was offering a sacrifice composed of barley flour. The *kohen* handling the case would place his hand under the accused woman's hand, and they would wave the sacrifice together, a procedure known as *tenufah*.

This raises an obvious question: how can the *kohen* have touched a woman's hand? *Tosfos* answers that there was a cloth between his hand and hers, so that there was no actual contact between them (*Sotah* 19a). Apparently, as we see from this *Tosfos*, clothing serves as a barrier. The Rogatchover applied this principle to the question of incidental *negiah* on public transportation. He writes that it would appear to be permitted, because there is clothing intervening between the parties (*Salmas Yosef* 9, cited in *Beis Yechezkel, Maamar Kedushas HaYadayim V'Chush HaMishush, Os Lamed-beis*).<sup>4</sup>

### ***Az Nidberu*: Clothing as a Barrier in Winter and in Summer**

*Chazal* raise a related issue applicable to the question of commuting. A man and woman who are not married to each other are forbidden to be in close contact, even if both are fully clothed and even if there are other people present, because the contact is enjoyable, and generates warmth between them (*Sanhedrin* 37a, *Tosfos*, "*haTorah he'idah*").

Based on the *Gemara's* ruling, Rav Binyamin Zilber, author of *Responsa Az Nidberu*, discusses the question of sitting next to a woman on public transportation. He talks about traveling in winter and in summer, each with its own advantages and complications.

During the winter, when people are dressed in bulky clothing, contact is almost inevitable. However, the bulky clothing itself also mitigates the problem. Citing the *Tosfos* in *Sanhedrin*, he points out that it is warmth generated by contact between the people themselves – and not their clothing – which is problematic.

In the summer, when people are more lightly clad, the contact is more direct. On the other hand, however, it is easier to avoid, because the thinner garb makes it possible to maintain a distance. While there may be some inevitable and incidental contact, for example when the vehicle swerves, it is not significant.

He writes that the basis for permitting men and women to travel together is essentially that there is no source which prohibits it. Apparently it is forbidden for a man and woman to sit near each other if the contact will generate warmth between them, as *Tosfos* emphasizes. However, if the warmth is generated by heavy clothing and not by actual bodily contact, it is permitted.

In conclusion, Rav Zilber points out that a cloth partition separating the two parties would certainly serve as an acceptable barrier. The same should be true of the clothing that they are wearing (*Responsa Az Nidberu*, part 5, 48).

<sup>3</sup> A *sotah* is a woman accused of marital infidelity.

<sup>4</sup> It is worth pointing out that in the days of Rav Yosef Chaim Sonenfeld and the Rogatchover, standards of dress were much more modest.

## Strict Halachic Opinion

### ***Vayaan Yosef: Avoiding the Crowd***

Rav Yosef Greenwald, the Puppa Rav (1905-1984), *rav, rosh yeshivah*, and *posek* in pre-war Hungary and New York, was asked about riding the subways, which teem with unspeakable immodesty. He laments the circumstances in our times, which confront us with serious challenges relating to the Torah's most severe prohibitions.

Nonetheless, Rav Greenwald cites the Shach's *pesak*, based on the Rambam: physical contact is only forbidden if it is *derech chibbah* (motivated by passion or affection). However, he continues, it is difficult to assume that one is indeed free of any improper thoughts. He writes that if it is at all possible to leave for work early to avoid the rush hour crowding on the trains, one is obligated to do so.

If that is impossible, he rules that one should take preventive measures, as protection against falling into serious Torah-ordained transgression. Every time before boarding the train one should prepare himself in advance, by reinforcing his awareness that physical contact with the opposite gender is prohibited and must be avoided (Responsa *Vayaan Yosef, Yoreh Deah* 144, *Os Alef*).

### Standing Up if a Woman Sits Down

As we said, Rav Moshe Feinstein permits a man to sit next to a woman if there is no other seat available, as long as there is no element of *derech chibbah* involved.

Both *Vayaan Yosef* and *Beis Yechezkel* also discuss the question of sitting next to a woman on public transportation. *Vayaan Yosef* writes that even if there is some space between the two parties, so that their clothes are not brushing, it is nonetheless *middas chassidus* (pious practice) to get up immediately to avoid sitting next to a woman. However, he adds, in his opinion, if the man did not get up immediately because he was concerned that doing so would cause a *chilul Hashem*, and he is distressed over sitting next to a woman, his behavior does not contradict the *middas chassidus* of standing up. The risk of causing a desecration of Hashem's Name is a much greater concern, and Hashem knows what is in our hearts.

The *Beis Yechezkel* also writes that sitting next to a woman is not in keeping with *middas chassidus*. Certainly if a man enjoys the proximity to a woman it is not only a matter of *middas chassidus*, but plainly forbidden by *halachah*. He writes that we can assess whether or not we are deriving pleasure from the situation by asking ourselves an honest question: given a choice, whom would we prefer to sit next to, a man or a woman? If the answer is a woman, the conclusion is obvious – we should not be sitting there. Even so, he writes, when a potential *chilul Hashem* is at stake, special caution is in order.

It can happen that an attempt to behave in a pious manner is perceived as offensive, generating a *chilul Hashem*. *Beis Yechezkel* offers some practical guidelines. Citing *Mesillas Yesharim*, he writes that basic halachic obligations must be fulfilled, regardless of the reaction of those around us – even if they will ridicule us, it does not

matter. However, if a practice is not a fundamental obligation, but rather, an instance of *middas chassidus*, we should refrain if it will be a source of mockery (*Mesillas Yesharim*, Chapter 20).

Every case must be judged on its own. In terms of sitting next to a woman on public transportation, if a man feels that he has some element of pleasure from being near her, he is obligated by *halachah* to get up, without being concerned that others may ridicule him or take offense. He should do his best to be discreet, so that his behavior does not cause a *chilul Hashem*. For example, he can get up and stand near the door of the bus, as if he is preparing to get off. On the other hand, if he sees that he is not having a problem with improper thoughts, it is permitted for him to remain seated, rather than risk the much more serious transgression of *chilul Hashem*, for which only death can atone (*Yoma* 86a).

*Rav Shlomo Zalman Auerbach of Jerusalem (1910-1995), revered rosh yeshivah and posek, customarily traveled by bus from his home in Jerusalem's Shaarei Chesed neighborhood to Yeshivas Kol Torah in Bayit Vegan. One day an immodestly dressed woman sat down next to Rav Shlomo Zalman on the bus. He waited briefly, and then stood up and got off the bus at the next stop. He later explained that he could not sit next to an immodestly dressed woman, but getting up and standing in the aisle would have been insulting to her. Instead, he got off the bus early, to either wait for the next bus or make his way to the yeshivah on foot.*

*A similar story is told of a chassidic rebbe in pre-war Europe, who was visiting a resort town for health purposes. Together with his attendant, he sat down on an outdoor bench. Shortly afterwards, a non-Jewish woman sat down on the bench alongside them. The Rebbe waited a moment and then pulled out a pocket watch, ostensibly to check the time. "It's late," he told his attendant, speaking in German for the woman's benefit, rather than in his usual Yiddish. "We must be going!"*

### Is it Better to Stand or to Sit?

The *Beis Yechezkel* writes that in personal conversation with Rav Binyamin Zilber, Rav Zilber told him that at times, it is preferable to sit next to a woman on a bus, rather than standing. Sitting in the front of the bus, for example, eliminates exposure to the immodest sights further back. Standing smack in the middle, on the other hand, provides an unfortunate view better left unseen. In such a situation, both in terms of *halachah* and *mussar*, sitting, even if next to a woman, is better than standing (*Beis Yechezkel, Maamar Kedushas HaYadayim V'Chush HaMishush, Os Lamed-beis*).

On the other hand, Rav Shmuel HaLevi Vosner, a major contemporary halachic authority, takes a different view of sitting next to a woman on a bus. A questioner suggested that it would in fact be preferable to sit next to a woman, where at most, their clothing may brush, rather than standing and being exposed to immodest scenes, transgressing the Torah's commandment of "And you will not stray after your eyes" (*Bamidbar* 15:39).

Rav Vosner strongly disagreed with this premise. He writes that it is definitely forbidden to sit next to a woman when it is possible to stand. When sitting next to a woman there will certainly be contact through clothing, which can turn into actual

physical contact. On the other hand, one can avoid seeing immodest sights by simply closing one's eyes. He writes that sitting next to a woman triggers improper thoughts, included in the Torah's prohibition against "coming close to uncover nakedness." Nonetheless, he points out that there will obviously be situations in which one has no choice but to be seated next to a woman. When this happens, great care must be taken to avoid any contact at all, even brushing against clothing (Responsa *Shevet HaLevi*, vol. IV, 136).

Practically speaking, whether we should sit next to a woman or stand on a crowded bus or subway very much depends on the situation. Every instance should be judged on its own. What is happening on the bus? How crowded is it, and how are people dressed? How are the seats made – is there space between them, or are they one long bench? Is the woman in the adjoining seat properly or improperly dressed? Where can we more easily keep our thoughts pure?

### In-Flight Seating

Travel by air has become a very frequent occurrence. It shares a major common issue with travel by bus or train: the question of sitting next to a member of the opposite gender. However, there are also some important differences. Flights are usually longer than bus or subway rides, making the possibility of improper thoughts a greater concern. In addition, on a bus or train, one can always choose to remain standing; on an airplane, this is not an option. On the other hand, the seats on an airplane have some space between them, unlike the benches on a subway, and the armrest on a plane serves as a divider.

A critical question on any public transportation, airplanes included, is the risk of causing a *chilul Hashem* in the attempt to avoid sitting next to someone of the opposite gender.

*On a recent flight from New York to Israel, we were almost ready for takeoff when a minor ruckus erupted a few rows behind me. It turned out that an Orthodox Jew had discovered that he had been placed next to a woman for a long ten hour flight, and he insisted on having his seat changed. His exchange with the flight attendants became rather heated, attracting decidedly unsympathetic stares, and surely generating animosity towards Orthodox Jews on the part of the staff.*

A request to change seats is not that unusual, and it may be prompted by many reasons – not necessarily for religious concerns. However, the problem of *chilul Hashem* can never be brushed aside. Certainly there is a way to ask and a way to respond, both when someone agrees to provide assistance and when he refuses to provide that assistance.

*On another flight to Israel, Devora, an Orthodox woman, was assigned the middle seat in a row of three. To her dismay, the seats on both sides were occupied by two men, both secular Israelis. She would have made the best of sitting with a man on one side, keeping to herself – but sitting between two men was a bit too much. She did not even consider suggesting that anyone give up an aisle seat. Instead, she asked the young man at the window if he would be willing to switch with her, only because it was a question of sitting between two men. He told her, "I never get up during a flight*

– *I sit for the entire ten hours straight. That’s why I always ask for the window seat, so I won’t be disturbed. But... okay, I’ll switch with you.*” Devora thanked him at the time and again when the flight was over, and did her best to get up as little as possible for the duration of the trip.

In the words of the Ramchal, “One who seeks to be truly pious must weigh all his actions in keeping with their outcome, the accompanying circumstances, the time, the company, the issue at hand, and the place. And if refraining [from an act] will produce greater sanctification of Hashem’s Name and satisfaction before Him than doing the act, he should refrain and not do.” As long as we are not violating *halachah*, generating a *kiddush Hashem* – rather than the opposite – must always be our primary consideration, on the bus, the train, and anywhere else we may go.

*The Klausenberger Rebbe, of blessed memory, was travelling by plane. When he boarded, he wished every member of the staff “a gut morgen” (in German) and then thanked them all at the flight’s end. This simple gesture of courtesy on the part of an obviously very “ultra-Orthodox” rabbi was a memorable kiddush Hashem.*

## No Big Deal?

Some of us may feel that we are in any case so used to seeing women all around us that the contact on a crowded bus or subway is meaningless, and will not cause improper thoughts. Rav Menashe Klein, who ruled leniently on the question of using public transportation, nonetheless writes that human nature being what it is, we cannot rely on the assumption that our *yetzer hara* has been dulled. One who travels by bus or subway should either close his eyes to avoid seeing immodest sights, or keep a *sefer* with him, so that he can learn from it and avoid the sights around him.

## Conclusion

For the most part, the *poskim* are lenient on the question of commuting by bus, train, and subway, even when incidental contact with the opposite gender is not only likely, but almost inevitable. Rav Moshe Feinstein and Rav Menashe Klein, as well as other *poskim*, rule that unintentional physical contact caused by crowding on public transportation is typically not *derech chibbah* (affectionate or passionate) and is therefore permitted. However, it is important to note that the *poskim* do *not* permit a man who knows that he will be unable to control his thoughts to travel on crowded public transportation.

Rav Moshe also holds that one may sit next to a woman if there is no other seat available, because the contact on mass transit is unintentional and not *derech chibbah*.

Other *poskim* disagree with Rav Moshe on the question of sitting next to a woman. Rav Wosner rules that if standing is an option it is forbidden to sit next to a woman, because of the likelihood of *negiah*, and because the close proximity can trigger improper thoughts.

It is clear that Rav Moshe would agree that if a man feels that he has some element of pleasure from sitting next to a woman, he is obligated to get up. He should do his best to be discreet, so that his behavior does not cause a *chilul Hashem*.

To avoid problems on mass transit, many *poskim* advise the commuter to come prepared. Even before boarding, he should plan to keep his thoughts pure, concentrate on Torah topics, and/or learn from a *sefer* on the bus or train.

Every day in *Kerias Shema* we review the Torah's commandment to learn at every possible opportunity: "when you sit in your home and when you walk the road" (*Devarim* 6:7, 11:19) – a clear reference to learning Torah while traveling. In the years since the various responsa quoted above were written, Torah tapes, MP3 players and similar devices have made listening to recorded lectures on Torah topics an easily available option for keeping one's thoughts from straying. An obvious topic for the commuter to begin with is lectures on the laws of *negiah* in transit!