

▼ In “The Ethicist,” a weekly advice column in the *New York Times Magazine* that is also syndicated across the United States and Canada, Randy Cohen helps readers make sense of ethical dilemmas that they encounter in their daily lives. Cohen, who describes himself as culturally Jewish but not religiously observant, is also the “freelance ethicist” for National Public Radio’s *All Things Considered* and author of *The Good, the Bad and the Difference: How to Tell Right from Wrong in Everyday Situations* (2002). Since the late nineteenth century, Americans have turned to newspaper columnists for advice. From the perspective of argumentation, columnists evaluate situations (Chapter 10) and offer readers proposals about potential courses of action they might take—or should have taken (Chapter 12). In this specific case, a *New Yorker* asked how she might balance her opposition to what she perceived as an act of sexism committed in the name of religion with her commitment to others’ right to religious expression.

Read the query, read Cohen’s response, and decide whether you agree or disagree with Cohen’s analysis. Then see what readers of the *Times* had to say about Cohen’s analysis and advice. Readers continued to write letters to the editor about this column for several weeks, with readers ultimately responding to other readers’ letters. The first three letters appeared three weeks after the initial column, accompanied by the editorial comment “The Ethicist was reprimanded by hundreds of Orthodox Jews, outraged at criticism of a religious rule banning a handshake between the sexes.” The last three letters appeared two weeks after the initial letters were printed.

Between the Sexes

THE ETHICIST RANDY COHEN

The courteous and competent real-estate agent I’d just hired to rent my house shocked and offended me when, after we signed our contract, he refused to shake my hand, saying that as an Orthodox Jew he did not touch women. As a feminist, I oppose sex discrimination of all sorts. However, I also support freedom of religious expression. How do I balance these conflicting values? Should I tear up our contract?

—J.L., New York

This culture clash may not allow you to reconcile the values you esteem. Though the agent dealt you only a petty slight, without ill intent, you’re

entitled to work with someone who will treat you with the dignity and respect he shows his male clients. If this involved only his own person—adherence to laws concerning diet or dress, for example—you should of course be tolerant. But his actions directly affect you. And sexism is sexism, even when motivated by religious convictions. I believe you should tear up your contract.

Had he declined to shake hands with everyone, there would be no problem. What he may not do, however, is render a class of people untouchable. Were he, say, an airline ticket clerk who refused to touch Asian-Americans, he would find himself in hot water and rightly so. Bias on the basis of sex is equally discreditable.

Some religions (and some civil societies) that assign men and women distinct spheres argue that while those two spheres are different, neither is inferior to the other. This sort of reasoning was rejected in 1954 in the great school desegregation case, *Brown v. Board of Education*, when the Supreme Court declared that separate is by its very nature unequal. That’s a pretty good ethical guideline for ordinary life.

There’s a terrific moment in *Cool Hand Luke*, when a prison guard about to put Paul Newman in the sweatbox says—I quote from memory—“Sorry, Luke, just doing my job.” Newman replies, “Calling it your job don’t make it right, boss.” Religion, same deal. Calling an offensive action religious doesn’t make it right.

Letters in Response to Cohen's Advice

As a Jew, a feminist and a future rabbi, I share the Ethicist's contempt for discriminatory religious norms and practices (Oct. 27). However, the practice of "shomer negiah"—of refraining from engaging in any physical contact with members of the opposite sex who are not family—does not fall into this category. Had the Ethicist done his research, he would have known that the laws of negiah apply equally to both sexes and do not render either women or men peculiarly "untouchable." These laws are based on the belief that platonic male-female contact can easily degenerate into sexual impropriety.

Whether or not one agrees with this logic, it does not lend itself to an accusation of sexism. The real disgrace is that the Ethicist answered this query without educating himself about the religious practice upon which it is based and without consulting Jewish authorities who could assist him in this endeavor.

—Cara Weinstein Rosenthal
South Orange, N.J.

The Orthodox Jew who refused to shake a woman's hand after signing a real-estate contract was wrongfully accused of sexism and of acting without the "dignity and respect he shows

his male clients." Rather, it was out of respect to his own wife and to other women that the man did not extend his hand; his intent was to elevate and sanctify the relationship between men and women, which is all too often trivialized.

—Helen Pogrin
New York

A real-estate agent is hired to rent a house, and the woman who hires him wants to tear up the contract because his religious beliefs prevent him from shaking hands? The agent was courteous and competent. What more did she want? The prohibition of physical contact between unrelated men and women has nothing to do with sexism. Religious freedom is a constitutional and moral right. No one should understand that more than the Ethicist.

—Robert M. Gottesman
Englewood, N.J.

Randy Cohen sure unleashed the Furies (Letters, Nov. 17, responding to the Ethicist from Oct. 27). Actually, Cohen has a good point, and his critics protest too much. Orthodox Judaism hardly treats women as equal to men. Orthodox men regularly express in prayer their gratitude to God

for not having made them women. I suspect that the prohibition against touch isn't all that egalitarian either. After all, it is women who are viewed as impure for large segments of their lives.

—Eva Landy
Barrington, R.I.

Our rabbi—who is modern and egalitarian—gave a sermon on the Ethicist column, and he carefully drew the distinction between a religious belief and a discriminatory act. One question I have heard frequently: had the religion in question been one less familiar to the writer—say, Islam—would Cohen have given such a glib response without checking with religious experts and without considering both parties' sensitivities?

—Paul Berman
Edison, N.J.

As a Jewish woman, respectful but nonobservant, I can understand the discomfort of the woman who was offended. As a lawyer, however, I know that discomfort is never cause for breaking a contract.

—Margaret R. Loss
New York

For his readers to trust his advice, Cohen must first convince them of his credibility as "The Ethicist." See Chapter 3 for more on how authors establish credibility with their audience.

RESPOND •

1. Do you agree or disagree with Randy Cohen's analysis of the situation that J.L. describes? In other words, did the Orthodox Jew's refusal to shake hands with a woman who wasn't a relative by blood or marriage constitute an act of sexism in terms of the intentions of the real-estate agent or its effect on his client? Should J.L., as Cohen suggests, have torn up the contract? Why or why not?
2. Evaluate the responses to Cohen's column. What sorts of arguments—emotional, ethical, or logical—do the letter writers use? Which specific arguments do you find most persuasive? Why? (For a discussion of emotional, ethical, and logical arguments, see Chapters 2, 3, and 4, respectively.)
3. How should a pluralistic society like ours accommodate religious expression when that expression violates—or appears to violate, in the eyes of some—other principles that are important, such as gender equality? Write a **proposal argument** in which you offer criteria for balancing these two when they're in conflict. (For a discussion of proposal arguments, see Chapter 12.) Note that the case described here involves an individual's providing a contractual service to another; the range of such conflicts is, in fact, much broader. Thus, you may wish to write about the case Cohen describes, or you may prefer to research other cases, which may have involved, for example, such issues as the right of parents who are Christian Scientists to deny or limit medical care for their children. The most effective proposals will be those that demonstrate they've dealt with the case they examine in its complexity.