

Hair Covering

<p>Numbers 5:18</p> <p>After he has made the woman stand before the Lord, the priest shall bare the woman's head and place upon her hands the meal offering of remembrance.</p>	<p style="text-align: right;">במדבר פרק ה פסוק יח</p> <p>וְהֵעִיֵּד הַכֹּהֵן אֶת הָאִשָּׁה לִפְנֵי יְקֹנֵק וּפָרַע אֶת רֹאשׁ הָאִשָּׁה וְנָתַן עַל כַּפֶּיהָ אֶת מִנְחַת הַזִּכְרוֹן מִנְחַת קִנְיָת הוּא וּבִיד הַכֹּהֵן יִהְיוּ מִי הַמֵּרִים הַמְּאָרְרִים:</p>
<p>Sifrei Bamidbar 11</p> <p>And he uncovered the head of the woman"Learn from this that the daughters of Israel would cover their heads, and even though there is no proof of this, there is an allusion to it "And Tamar took ashes and put them on her head" (Samuel II, 13:19)</p>	<p style="text-align: right;">ספרי במדבר פיסקא י"א</p> <p>"ופרע את ראש האשה" - ... דבר אחר, לימד על בנות ישראל שיהו מכסות ראשיהן, ואע"פ שאין ראיה לדבר זכר לדבר "ותקה תמר אפר על ראשה"¹ (שמואל-ב' י"ג ג 19).</p>
<p>Middle Assyrian Law (1100 BCE)</p> <p>§ 40. A wife-of-a-man, or [widows], or [Assyrian] women who go out into the main thoroughfare [shall not have] their heads [bare].</p> <p>Daughters of a man [... with] either a ...-cloth or garments or [...] shall be veiled, [...] their heads [... (gap) ...] When they go about [...] in the main thoroughfare during the daytime, they shall veil themselves.</p> <p>A concubine who goes about in the main thoroughfare with her mistress is to be veiled.</p> <p>A qadištu-priestess whom a husband has taken (in marriage) is to be veiled in the main thoroughfare, but one whom a husband has not taken (in marriage) is to have her head bare in the main thoroughfare, she shall not veil herself.</p>	
<p>B. Talmud Ketubot 72a</p> <p><i>Mishna:</i> The following are to be divorced without receiving their <i>ketubah</i>: a wife who violates <i>dat moshe</i> or <i>dat yehudit</i>. What is [regarded as a violation of] <i>dat moshe</i>? Feeding [her husband] untithed food, having intercourse with him during the period of her menstruation, not setting apart the dough offering, or making vows and not fulfilling them.</p> <p>What is [considered to be a violation of] <i>dat yehudit</i>? Going out with her head uncovered, spinning in the marketplace, or conversing with every man. Abba Shaul says: One who curses his parents in front of him. Rabbi Tarfon says: The woman with a loud voice as well and what is a loud voiced woman? When she speaks in her house, her neighbours hear her.</p>	<p style="text-align: right;">תלמוד בבלי מסכת כתובות דף עב עמוד א</p> <p>מתני'. ואלו יוצאות שלא בכתובה: העוברת על דת משה ויהודית.</p> <p>ואיזו היא דת משה? מאכילתו שאינו מעושר, ומשמשתו נדה, ולא קוצה לה חלה, ונודרת ואינה מקיימת.</p> <p>ואיזוהי דת יהודית? יוצאה וראשה פרוע, וטווה בשוק, ומדברת עם כל אדם. אבא שאול אומר: אף המקללת וילדיו בפניו. רבי טרפון אומר: אף הקולנית. ואיזוהי קולנית? לכשהיא מדברת בתוך ביתה ושכיניה שומעין קולה .</p>
<p>§ The mishna stated: And who is considered a woman who violates the precepts of Jewish women? One who goes out and her head is uncovered. The Gemara asks: The prohibition against a woman going</p>	<p style="text-align: right;">גמ'</p> <p>ואיזוהי דת יהודית? יוצאה וראשה פרוע. ראשה פרוע דאורייתא היא! דכתיב: +במדבר ה'+ ופרע את ראש האשה, ותנא דבי רבי ישמעאל: אזרה לבנות ישראל שלא יצאו</p>

out with **her head uncovered** is not merely a custom of Jewish women. Rather, **it is by Torah law, as it is written** with regard to a woman suspected by her husband of having been unfaithful: **“And he shall uncover the head of the woman” (Numbers 5:18)**. And the school of Rabbi Yishmael taught: From here there is a **warning to Jewish women not to go out with an uncovered head**, since if the Torah states that a woman suspected of adultery must have her head uncovered, this indicates that a married woman must generally cover her head. The Gemara explains: **By Torah law**, if she covers her head with **her basket [kilta], it seems well** and is sufficient. But by **precepts of Jewish women**, i.e., custom, **even** if her head is covered by **her basket** this is **also prohibited**; she requires a substantial head covering.

Rabbi Asi said that **Rabbi Yoḥanan said**: If she covers her head with **her basket**, **there is no violation** of the prohibition against having **an uncovered head**. **Rabbi Zeira discussed it**: **Where** is the woman that Rabbi Yoḥanan is referring to? **If we say** he means that she appears this way **in the marketplace**, **this is a violation** of **precepts of Jewish women**, as explained previously. **And** if you say **rather** that he means she appears this way **in her own courtyard**, **if so, you have not allowed** any **daughter of our father Abraham to remain with her husband**, since most women are not careful to cover their heads at all inside their own courtyards. **Abaye said, and some say that Rav Kahana said**: Rabbi Yoḥanan is referring to when she walks **from one courtyard to another courtyard or via an alleyway**. Although these places are not considered public areas, strangers may still be present in them.

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 - .

(Rashi: From the fact that we disgrace her in this manner commensurate to her act of making herself attractive to her lover [by uncovering her head] **we can infer** that it is forbidden.

Alternatively, since Scripture states, “And he shall uncover,” we can infer that at that time her head was not uncovered; we thus deduce that it is not the practice of the daughters of Israel to go out with their heads uncovered: this is the main explanation)

Piskei Ri'az Ketubot 7:2:2

If she didn't have a *kalta* [minimum head-covering] on her head, this is prohibited from the Torah, for it is said, “And he uncovers the woman's head” – an admonishment to the daughters of Israel not to go with head uncovered.

Minority View

According to this source, is head covering a biblical or Rabbinic decree?

On this view, the midrash is an *asmachta*, a teaching device that merely uses a Torah verse to reinforce a rabbinic law.

Terumat HaDeshen, Part I 242

Uncovering a woman’s head is only a rabbinic proscription ... and the Talmud’s challenge “It is on a Torah level!” is saying that it is hinted at in the Torah.

1. תרומת הדשן, חלק א' רמ"ב
 דפריעת ראש באשה אינו אלא זהירות מדרבנן... הא
 דפריך תלמודא דאורייתא ר"ל [=רצונו לומר] רמז
 דאורייתא יש לה

<p>Maimonides Mishneh Torah, Hilkhot Ishut (Laws of Marriage) Chapter 24: 11-12:</p> <p>11. If a woman has done one of the following, she is considered to have violated <i>dat moshe</i>: Going out in the marketplace with the hair of her head uncovered, making vows or taking oaths and not fulfilling them, having intercourse with her husband during the period of her menstruation, not setting apart the dough offering, or feeding her husband forbidden foods—insects, reptiles, and the carcasses of unslaughtered beasts go without saying, but even foods that are untithed. How is the husband to know? For instance, if she said that these fruits were tithed by such-and such Kohen [priest], or such-and-such woman set aside the offering from this dough, or such-and-such sage ruled my menstrual spotting to be pure, and then after he ate or slept with her, he inquired of that person, who informed him that such an incident never took place .</p> <p>12. What is considered to be <i>Dat yehudit</i>? Those are the modest practices which the daughters of Israel practice. If a woman has done one of the following, she is considered to have violated <i>Dat yehudit</i>: Going out in the marketplace or in a through-alley with her head uncovered and without the headscarf that all other women wear, even though her head is covered by a kerchief; or spinning in the marketplace with rouge or the like on her face—on her forehead or cheeks, in the manner of the promiscuous non-Jewish women . .</p>	<p>רמב"ם הלכות אישות פרק כד</p> <p>הלכה יא ואלו הן הדברים שאם עשת אחד מהן עברה על דת משה: יוצאה בשוק ושער ראשה גלוי, או שנודרת או נשבעת ד ואינה מקיימת, או ששמשה מטתה והיא נדה, או שאינה קוצה לה חלה, או שהאכילה את בעלה דברים אסורים ואין צריך לומר שקצים ורמשים ונבלות אלא דברים שאינן מעושין. והיאך יודע דבר זה כגון שאמרה לו פירות אלו פלוני כהן תקנם לי ועיסה זו פלוני הפריש לי חלתה ופלוני החכם טיהר לי את הכתם ואחר שאכל או בא עליה שאל אותו פלוני ואמר לא היו דברים מעולם, וכן אם הוחזקה נדה בשכנותיה ואמרה לבעלה טהורה אני ובא עליה .</p> <p>הלכה יב ואיזו היא דת יהודית, הוא מנהג הצניעות שנהגו בנות ישראל, ואלו הן הדברים שאם עשת אחד מהן עברה על דת יהודית: יוצאה לשוק או למבוי ה מפולש וראשה פרוע ואין עליה רדיד ככל הנשים, אף על פי ששערה מכוסה במטפחת, או שהיתה טווה בשוק וורד וכיוצא בו כנגד פניה על פדחתה או על לחיה כדרך שעושות הגויות הפרוצות, או שטווה בשוק ומראה זרועותיה לבני אדם, או שהיתה משחקת עם הבחורים, או שהיתה תובעת התשמיש מבעלה בקול רם עד ששכנותיה שומעות אותה מדברת על עסקי תשמיש, או שהיתה מקללת אבי בעלה בפני בעלה .</p>
<p>Maimonides Mishneh Torah, Issurei Biah (Laws of Sexual Prohibitions) 21:17 The daughters of Israel shall not walk in the market place with bared heads, both single and married women as one....</p>	<p>רמב"ם איסורי ביאה כא: י"ז לא יהלכו בנות ישראל פרועי ראש בשוק. אחת פנויה ואחת אשת איש:</p>

1. **Sefer Mitsvot Gadol, positive commandment 48²:** If a woman has done one of the following, she is considered to have violated dat moshe: **As presented in the seventh chapter of Ketubot—going out in the marketplace with the hair of her head uncovered, as the school of R. Yishmael taught, “And he shall uncover her head” (Num. 5:18), this is a warning to the daughters of Israel that they should not go out with uncovered head;** making vows or taking oaths and not fulfilling them; having intercourse with her husband during the period of her menstruation; not setting apart the dough offering; or feeding her husband forbidden foods— insects, reptiles, and the carcasses of unslaughtered beasts go without saying, but even foods that are untithed. . . . What is considered to be dat yehudit? Those are the modest practices which the daughters of Israel practice. If a woman has done one of the following, she is considered to have violated dat yehudit: **going from one courtyard to another by way of an alley with her head uncovered and without the headscarf that all other women wear, even though her hair is covered by a kerchief and not uncovered entirely. .**

2. **Amudei Golah (Sefer Mitsvot Katan), mitsva 184:** To divorce one’s wife, as it is written, “if a man finds evidence of sexual misconduct on her part, he shall write her a bill of divorce and place it in her hand” (Deut. 24:1). Evidence of sexual misconduct, such as violating dat moshe: feeding him untithed food, having intercourse with him during the period of her menstruation, not setting apart the dough offering, or making vows and not fulfilling them; **or such as violating dat yehudit: going out to the marketplace with her head uncovered, even with a workbasket on her head if she goes out into the public domain—in our society, the hair net called kupia is equivalent to the work-basket; but it is permissible to go from one courtyard to another by way of an alley—or spinning in the marketplace with rouge on her face—R. Hananel explained that she spins red wool near her face so that it casts a red glow on her cheeks—or acting flirtatiously with the young men.**

Maharam Alshaker 35

I was asked a question by a friend about women who expose their hair outside of the veil for beauty and whether we have to listen to the one who said this is an inheritance of lies of the women who are accustomed to uncover hair for it is an absolute prohibition and it is explicitly said that a woman’s hair is ervah and therefore it is appropriate to rebuke them and warn them not to expose their hair.

Answer: It is clear that there is no reason to be concerned for this hair at all since the custom is to expose it and even for Kriat Shema. And the hair that is Ervah is only with regard to hair that a woman is accustomed to cover – comparable to the handsbreadth and it is thus written in the Talmud that Rabbi Isaac said a handsbreadth of a woman is Ervah, meaning a handsbreadth that is normally covered...and it is said also there, that Rav Hisda said the Shok of a woman is ervah. Samuel said the voice of a woman is Ervah. Rav Sheshet said the hair of

² Translation taken from Michael Broyde’s article in Tradition, found on line.

a woman is ervah. And there are those who explain that all of this was said about Kriat Shema and this is how Rav Hai Gaon explained it.

...And the Rif eliminated all of this from the topic of Shema and even the matter of a handsbreadth which was specifically established [in the Talmud in Berachot] with regard to Shema. ... It can now be established that according to all, this hair [outside of the veil] has no prohibited status.... But something that is normally uncovered, that his heart is coarsened towards it, is permitted and even for Shema as was explained and it is thus written in the commentaries, may they rest in peace, and it is thus written in the Raaviah, all of the examples that were mentioned as ervah are specifically things that are not customarily uncovered but a virgin who is used to uncovering her hair, we are not concerned that there were be sexual thoughts....And the Mordechai and Rosh agreed with this and it is all according to the custom of the community. And the Rashba wrote...But her face, hands, and feet and her speaking voice that is not her singing voice and her hair outside of her veil that is not normally covered, there is concern for he is accustomed to it and is not distracted and with regard to another woman it is prohibited to look, even at her little finger and her hair....And it is also written likewise in the Orchot Chaim but her face, hands and feet, and her hair outside of her veil that is not covered, there is no concern for he is accustomed to them. And I heard that this is also written in the Baal HaMichtam and I do not need to see it inside for this is according to everyone and there is no prohibited aspect at all.

Furthermore, it is expressly permitted and even for Shema and women were accustomed to uncovering and certainly the Daughters of Israel were accustomed to such in the days of the Mishna and Talmud. And it is possible that this was the practice even during the time of the Temple .."A woman must adorn herself but leave her lower temple untouched" (Bava Batra 60b)

And the Arukh wrote that when a woman wrapped up her hair she would leave some out between her ears and forehead opposite the sides of her face and she brings lime and applies it to the hair that she does not braid and lets it fall and creates a bang with it. But a rich woman combs it with perfumes and good oils until the hairs stick together. Until here. And this is the custom itself and the custom today is that the women wrap their hair and leave out hair on the temples that falls onto their face and the sages called this "temples" as we will explain and it is customary to comb this hair with perfumes and oils like the rich women in days gone by even though it seems that it is not appropriate to do this because of the destruction [over which women would refrain from removing the hair at their temples in mourning] as is written there.

And all that you will find in the Zohar, who was stringent regarding uncovering of hair of the woman, it is possible this was when the custom was to cover but in the Talmud it is clear that it was only talking about hair normally covered and Shema. And if there is anything else to say, we rely on the Talmud and the custom.

And let us stand and cry out at those who prohibit this hair for a woman in her household because *hair of a woman is ervah* without knowing about which hair we are talking about and what the halakha is as stated in the Talmud and if this is the case then according to their approach, the eyebrow hair should also be prohibited for it says "hair" and it is also written that all of the hair [of the nazir] shall be shaved, his head and his beard and his eyebrows, etc. "and certainly her face, hands and feet" Should these too be prohibited"

And what difference does this [eyebrow] hair make? And if it is because it is the custom for it to be uncovered, here too it is the custom for this hair to be uncovered.

And if it is with regard to a married woman and [the prohibition of] staring with the intent to derive pleasure so we include all married women, are we talking about wicked people? And it is clear that

[according to the Talmudic sages] may they rest in peace, even the little finger it is prohibited to gaze at and even her colored clothing it is prohibited and even more so her hair, for it is written "and you shall protect yourself from all evil" that a person should not look at an attractive woman and even a single woman, or a married woman who is ugly. And not the colorful clothing of women. And Rav Yehuda said in the name of Samuel, even those lying flat on a wall...And how little do the men respond or react to such things for they are accustomed to them from the earliest of days and from years ago in most of the diaspora under Ishmael, and there is no reason for to protest and how did he [Zohar] take into his heart to prohibit and even if it was prohibited from the Torah, we would say leave them, for it is better they sin unintentionally and not sin intentionally...

And were I less timorous, I would even say for those women who have been exiled from the land of the uncircumcised (Christendom), whose practice was to cover all of their hair when they were there, they should not be warned about uncovering since they have established their dwelling place here and they are not planning to return. ...

And the Rosh wrote, in his ruling, that even if one goes from a place where there is stringency to a place of leniency, even if his intent is to return to the original place, he should act according to the leniency of the place he traveled to and he should not be stringent according to his previous dwelling place because it will cause dissent to act differently than the local practice. End of Rosh's quote.

And even more so, with these women who have no intent to return to their original lands, for they did not cover all of their hair because of a prohibition but rather because that was the custom of the women, even the non Jewish women, to cover all hair. Therefore, even those who would cover all of their hair in their former dwelling place should be allowed to follow the custom of their current dwelling place. And in many situations the rabbis were lenient in order to avoid a wife becoming repulsive to her husband.

And there is no need to continue to explain...Moshe Alshaker.

The Hair of a Woman is Nakedness

<p>Berachot 24a ...Rav Sheshet said: Hair in a woman is <i>ervah</i>, as it is written (<i>ibid.</i> 4:1) "your hair is like a flock of goats".</p>	<p>תלמוד בבלי מסכת ברכות דף כד עמוד א ...אמר רב ששת: שער באשה ערוה, שנאמר +שיר השירים ד'+ שערך כעדר העזים.</p>
<p>Yoma 47a It was taught in a Beraita: Kimhit had seven sons and all served as high priests. The sages asked her how she merited this and she answered, "The walls of my house have never seen the hairs of my head." They said to her, "Many have done so without benefiting."</p>	<p>תלמוד בבלי מסכת יומא דף מז עמוד א תנו רבנן: שבעה בנים היו לה לקמחית וכולן שמשו בבהונה גדולה. אמרו לה חכמים: מה עשית שזכית לכך? - אמרה להם: מימי לא ראו קורות ביתי קלעי שערי. - אמרו לה: הרבה עשו כן, ולא הועילו.</p>
<p>Zohar Parashat Naso, p. 125b–126a 77) R. Hizkiyah stated: A stupor shall befall the man who allows his wife to let her hair be seen protruding forth. This is one of the modest practices of the home. A woman who exposes some of</p>	

her hair for self-adornment causes poverty for her household, causes her children to be unimportant in their generation, and causes a foreign spirit to dwell in her house. What causes all this? The hair of her head that could be seen protruding forth. If this is true within the home, how much more so in the marketplace. And how much more so [could it lead to] even further brazenness. Thus the verse, "Your wife shall be as a fruitful vine in the innermost parts of your house" (Psalms 128:3). 78) R. Yehudah stated: The hair of the head of a woman being exposed causes "other hair" [i.e., the powers of impurity] to be revealed and harm her. Thus, a woman is required to ensure that even the beams of her house not see a single hair of her head, and all the more so outdoors.

Darchei Moshe Even HaEzer 115

It seems to me that even the Tur acknowledges this, as he wrote above in Siman 21, that there is no prohibition to going with uncovered head except in the marketplace. And he did not write here "she should not go out" except to be emphasize modesty from this we see no woman would expose her hair even in her home as we found with Kimhit who was rewarded for this with sons as high priests.

דרכי משה הקצר אבן העזר סימן קטו

(ד) ולי נראה דודאי אף רבינו בעל הטור מודה לדבר זה, וכ"כ לעיל סימן כ"א דאין איסור ללכת בפריעת ראש אלא דוקא בשוק ולא נקט באן לא תצא אלא למידק מינה דצניעות מיהא הוי ששום אשה לא תראה שיערה כלל אפילו בבית וכמו שמצינו במעשה דקמחית (יומא מז א) שזכתה משום זה שיצאו ממנה כהנים גדולים:

Rabbi Joel Sirkis (Bach) Even Haezer 115

...And the practice is that in all of Israel, she does not remain bareheaded without a kipa and kerchief on her head even in front of the men of her household and not according to the commentary of Rashi, Tosafot and Ran.

ב"ח אבן העזר סימן קטו

איזו היא דת יהודית וכו'. ומדברי הרמב"ם (אישות פכ"ד הי"ב) נראה דפירש קלתה היא מטפחת שיש בה נקבים כנקבי הסל כמו הסבכות ואפילו הכי כיון שאין עליה רדיד פירוש צעיף ככל הנשים תצא בלא כתובה... והכי נהוג בכל גבול ישראל דאפילו בפני אנשי ביתה אינה שרויה פרועת ראש בלא מטפחת וכפה בראשה ודלא כפירוש רש"י ותוספות והר"ן:

Hatam Sofer Part I (Orach Hayim) Siman 36

Since the authorities were divided, and the strict view became customary, it is considered outright law, having been adopted long ago by our ancestors

שו"ת חתם סופר חלק א (אורח חיים) סימן לו

הנה בברכות כ"ד ע"א אמרינן דמשבח קרא בשיר השירים בשערך בעדר העזים ש"מ דערוה הוא, וכ' הרא"ש שם דוקא לנשואות שדרכן כן לכסות אבל

throughout the Jewish diaspora...As a result, a wife requires a kerchief **even in her own room**, and a hat, as well, in a marketplace or public square.

In our lands, where the non-Jewish women go out with bared heads but our mothers did not go out in such a manner, and were very careful of this and heeded the words of the Zohar and were stringent about this, even though if we were called to account to determine halakha we would say that the status of hair outside the veil in the Talmud is towards leniency, meaning according to the Aruch and not like the Rashbam and the halakha is not like the Zohar, nonetheless, since the custom is like the Zohar, on this matter it supplants the law. for where the external books dissent with the Talmud and the external books include midrash, Zohar etc. this custom uproots halakha and becomes the prevalent halakha in Israel and this is brought in Magen Avraham 690: 22.

And the general principle is any hair on the head and forehead in a married woman even in her room is ervah if she does not wear a kerchief on her head and in the market and courtyard, also a hat and indeed, the of hair between the ear to the forehead which is not braided and is oiled in place where that is the practice, it is not ervah but in our lands where the custom is like the Zohar which uproots halakha and especially that according to Rashbam, there is no dissent here but that it is a complete prohibition...

פנויות שדרכן להיות גלויות לאו ערוה הוא, והרב"י סי' ע"ה מייתי הרשב"א שכ' בנשואות נמי אותן שערות הרגילות לצאת חוץ לצמתן והבעל רגיל בהן לא מיטריד הבעל בהן ומותר להבעל לקרות ק"ש כנגדן ע"ש כי כן כוונתו. והנה בשיר השירים [ד' - א'] כתיב **מבעד לצמתך שערך כעדר העזים**, פירוש שיבח בה קרא בשני דרכים, א' ששערה יפה כעדר העזים, שנית שבחה בצניעות שהרי אותן שערות היפות המיפות אותה אם היו מגולים מ"מ מתכסים הם מבעד לצמתך, שמלבד כובע שעל ראשה עוד יש לה צמת בגד המצמצם השער שלא יבצבצו לחוץ, ומ"מ אותן מעט שא"א לצמצם כ' רשב"א שהיוצאים מהצמות אינם ערוה לגבי בעל דרגיל בהן ומותר לקרות ק"ש כנגדן:

שו"ת חתם סופר חלק א (אורח חיים) סימן לו
והאמנם בארצותינו שהאומות יוצאות פרועי ראש ואמותינו לא יצאו ונזהרו מאד וחשו לדברי הזוהר והקפידו על זה מאד, אף על גב דאילו היינו עומדים למנין לקבוע הלכה היינו אומרים דאותה שורה מבוארת בש"ס להיתר היינו עפ"י פי' הערוך דלא כרשב"ם ואין הלכה כהזוהר, מ"מ כיון שתפסו המנהג כהזוהר על זה כ' מהר"א שטיין מנהג עוקר הלכה ונעשה הלכה קבוע, דהיינו היכא דספרי חצונים חולקים על הש"ס וספרי חצונים היינו מס' סופרים וכדומה או מדרש ופסיקתא והזוהר כא' מהם, אותו מנהג עוקר הלכה ונעשה הלכה רוחת בישראל, ומייתי לי' מג"א סי' תר"ץ סקב"ב ע"ש:
הכלל היוצא כל שום שער בשום מקום בראש ופדחת בנשואה אפילו בחדרה ערוה היא אם לא שיש לה מטפחת בראשה ובשוק וחצר של רבים גם כובע,
ואמנם בשורה שער שבין אזן לפדחת ואינה מקולעת וסד בסיד במקום שנהגו אינה ערוה, ובארצותינו שהמנהג עפ"י זוהר עוקר הלכה ובפרט דלפירוש"ם ס"פ חזקת אין כאן מחלוקות א"כ איסור גמור הוא ויש

לחוש לרבוצת האלה האמור בזוהר הנ"ל ומי שחפץ
בברכה ירחיק ממנו:

Igrot Moshe Even Haezer 1:58

...I did not want to write my answer down, preferring to answer orally when asked but now that I have received a second letter from ...on the other hand there is an obligation to clarify the halakha even if it is for leniency...

The Talmud expresses the actual prohibition by saying Jewish women are warned not to go out with their hair unkempt – at issue is the hair's being unkempt, not merely uncovered. As these few disheveled strands cannot render all her hair "unkempt" their exposure poses no problem. Obviously the prohibition's scope must be limited by the extent to which the hair of the suspected adulteress had to be exposed...A small exposure surely did not suffice. Rather the Kohen uncovered a section of her hair much larger than a tefah. For a woman to violate the prohibition, she must expose an equal amount.

One can derive that a woman's entire head to be among the covered parts of the body, yet the strands outside her tresses will still be exempt, since regarding those parts, up to a tefah may be seen unintentionally. We need not be stricter regarding hair than the rest of the body, since the former derives its laws from the latter. As for the possibility that others will gaze intentionally, the same liability exists regarding face and hands, yet these areas need not be covered...therefore, even those who differ with Rashba might rule that no prohibition applies to less than a tefah.

The very prohibition is stated in Ketubot 72a, it was taught in the name of Rabbi Yishmael that the text and he uncovered the head of the woman is a warning to the daughters of Israel not to go out with bared heads and it did not say that it was warning not to go out with their hair uncovered.

Meaning to consider it uncovered head overall means uncovering some hair should not be considered an uncovered head. For if the prohibition is about hair it should have said that all hair on its own but because it said head, one should evaluate the head overall.

We see that Hattam Sofer, required women to wear kerchiefs even in their own room and he quoted the Bah. Yet Bah referred to a courtyard, an open area one normally enters without permission...Hattam Sofer extending this to "her room" is something we have not encountered. Quite the contrary, all later authorities seem to take the lenient view.

Coming from so great a scholar as Hattam Sofer, the strict practice of covering the hair at home is a worthy one to follow, especially as it achieves the modesty of Kimhit, mentioned by Darkei Moshe. Even so, it is clear that those who wish to be lenient should not be considered to violate Dat Yehudit

God Forbid. Even a pious Torah scholar should not avoid marrying such a woman, if she is herself God-fearing scrupulously observant and of good character.

Aruch Hashulchan (Rav Yehiel Mikhal Epstein)

Hilkhot Kriat Shema, 75:7

Let us denounce the practice, which, for many years due to our many sins has become widespread, in which the daughters of Israel have broken the fences and go about with their hair uncovered. Our great consternation about this does not help and this plague has spread, that the married women walk about as the virgins with their hair uncovered. Woe unto us that this has happened in our days. However, as far as the law is concerned, it seems that it would be permissible to pray and recite blessings in front of their uncovered heads. Since now the majority do this, their hair has the status of parts of the body which are normally uncovered and as was written in the Mordechai in the name of Raaviah "all of the things mentioned as ervah are specifically things that are not accustomed to be uncovered but a virgin who is accustomed to uncovering hair, there is no concern for sexual thoughts. Until here. And since by us, the married women behave in the same way, there is no concern for sexual thoughts. [Rif and Rambam eliminated completely the law of hair and voice and Shema for they felt it was not said about Shema]

ערוך השולחן אורח חיים סימן עה סעיף ז

ועתה בואו ונצווה על פרצות דורינו בעוונותינו הרבים שזה שנים רבות שנפרצו בנות ישראל בעון זה והולכות בגילוי הראש וכל מה שצעקו על זה הוא לא לעזר ולא להועיל ועתה פשתה המספחת שהנשואות הולכות בשערותן כמו הבתולות אוי לנו שעלתה בימינו כך מיהו עב"פ לדינא נראה שמותר לנו להתפלל ולברך נגד ראשיהן המגולות כיון שעתה רובן הולכות כך והוה כמקומות המגולים בגופה וכמ"ש המרדכי בשם ראבי"ה בספ"ג ז"ל כל הדברים שהזכרנו לערוך דוקא בדבר שאין רגילות להגלות אבל בתולה הרגילה בגילוי שיער לא חיישינן דליכא הרהור עב"ל וכיון שאצלינו גם הנשואות כן ממילא דליכא הרהור [והרי"ף והרמב"ם השמיטו לגמרי דין שיער וקול משום דס"ל דלאו לק"ש: איתמר עב"י]

***Sefer Hukei ha-Nashim* (by the Ben Ish Hai, 19th century Baghdad), p 55 (taken from Michael**

Broyde's article: *HAIR COVERING AND JEWISH LAW: BIBLICAL AND OBJECTIVE (DAT MOSHE) OR RABBINIC AND SUBJECTIVE (DAT YEHUDIT*

The women here [in Baghdad] have seen women of Europe whose practice is not to cover their hair in front of strangers, and who nonetheless dress modestly and do not reveal their bodies, only their

faces and their necks, the palms of their hands and their heads. *Indeed their hair is also uncovered, though according to us such is forbidden. They, however, have a justification, because they say this practice was not accepted among all the women in Europe: both Jewish and non-Jewish women uncover their hair, just like they uncover their hands and their faces, and looking at them does not generate immodest thoughts among the men.*

R. Joseph Messas (Rabbi of Morocco and later Chief Rabbi of Haifa),

Responsa Mayyim Hayyim, 2:110, 20th century: (Excerpted from Michael Broyde's article on hair covering <http://traditionarchive.org/news/article.cfm?id=105511>)

Know, my child, that the prohibition for women to uncover their hair is extremely well-founded! For the custom practiced by all women of ancient times was to cover their hair, and one who did not do so was considered to be promiscuous. To them, a woman's exposed hair was also considered disgraceful (see Rashi, end of *Ketubot 72a*, s.v. *az'harah livnot yisrael*). Therefore the Sages were exceedingly strict based on the custom of their time, on account of promiscuity and disgracefulness.

...

Furthermore, Maharam Alshakar, responsum 39, wrote in the name of Ra'avyah that the Talmudic statement that the hair of a woman is considered *ervah*, etc. is limited to the recitation of the *Shema* and to hair that it is their practice to cover. . . . *Thus, nowadays when women worldwide have abandoned the ancient custom and reverted to the simple practice of not covering their hair, it in no way indicates a deficiency in their modesty or promiscuity, God forbid. . .*

Know, my child, that the prohibition of married women uncovering their hair was quite strong in our community, as it was in all of the Arab lands, before the influx of French Jewry. However, in short order after their arrival, the daughters of Israel transgressed this law and a great dispute arose amongst the rabbis, sages, and God-fearing learned masses. . . . Now all women go out with uncovered heads and loose hair. . . . Consequently, I have devoted myself to find a justification for the current practice, for it is impossible to fathom that we can return to the status quo ante. . . . I attempted to search through the writings of the legal decisors laid out before me, only to find stringency upon stringency and prohibition upon prohibition. I then set out to fetch knowledge from afar to draw from the sources—Mishna, Talmud and commentaries—before me: perhaps in them I would find an opening of hope through which to enter. . . . Many thanks to God that we have found numerous openings to this area to enter in a lawful rather than unlawful manner. They are: Behold, it is a well-founded principle of all the decisors, upon which they built their sanctuaries like the heights, that which R. Yishmael hermeneutically derived, "And he shall uncover her head," this is

a warning to the daughters of Israel that they should not go out with uncovered head, as it states in *Ketubot* at the end of 72a. And Rashi there explained,

“A warning—from the fact that we disgrace her in this manner commensurate to her act of making herself attractive to her lover [by uncovering her head] we can infer that it is forbidden.

Alternatively, since Scripture states, ‘And he shall uncover,’ we can infer that at that time her head was not uncovered; we thus deduce that it is not the practice of the daughters of Israel to go out with their heads uncovered: this is the main explanation.”

The difference between the two explanations is that according to the first, it seems that the reason the Kohen uncovers her hair is in order to publicly disgrace her . . . this seems to imply that it is prohibited for us to uncover a woman’s hair in public to disgrace her for no reason, but in order to punish her commensurately, the Torah permitted this prohibited act to be done in order to disgrace her. *However, she herself has no prohibition to go with her head uncovered, for if she wishes to disgrace herself, she may do so at any time.*

Accordingly, now that all the daughters of Israel have agreed that hair covering is not an indication of modesty, and certainly the absence of a head covering carries no disgrace . . . this prohibition has been uprooted from its foundation and become permissible. . . . Furthermore, and more significantly, the explanation of R. Yishmael’s statement rests on two bases—namely, the combination of two unfavourable conditions: uncovering of the hair and the unravelling of the hair from its braids and knots. But uncovering of the hair alone is not covered by the warning at all . . . *The upshot of all this is that hair covering for women is only obligatory from the standpoint of custom alone.*

<p>Mishna Berura 75: 10</p> <p>Hair that is accustomed to be covered – even if it is the practice only to cover in the market and not in the house or courtyard, in any event, it is ervah according to all opinions, even in the house and it is prohibited to read opposite if even a little is uncovered.</p> <p>And know, even if the way of a woman and her friends is to go int the market with an uncovered head in the matter of the promiscuous women, and as with the manner of uncovering the thigh, which is prohibited</p>	<p>משנה ברורה סימן עה</p> <p>(י) שדרכה לכסותו - ואפילו אם אין דרכה לכסותו רק בשוק ולא בבית ובחצר מ"מ [ז] בכלל ערוה היא לכו"ע אפילו בבית ואסור שם לקרות נגדה [יח] אם נתגלה קצת מהן. ודע עוד דאפילו אם דרך אשה זו וחברותיה באותו מקום לילך בגילוי הראש בשוק כדרך הפרצות אסור וכמו לענין גילוי שוקה דאסור בכל גונוי וכנ"ל בסק"ב כיון שצריכות לכסות השערות מצד הדין [ויש בזה איסור תורה מדכתיב ופרע את ראש האשה מכלל שהיא מכוסה] וגם כל בנות ישראל המחזיקות בדת משה נזהרות מזה מימות אבותינו מעולם ועד עתה בכלל ערוה היא ואסור לקרות כנגדן ולא בא למעט רק</p>
--	---

<p>according to all, since the hair must be covered by law [and there is a Torah prohibition for it is written “and he bared the head of the woman” which means her head was covered] and also, all daughters of Israel who hold by Dat Moshe are careful with this from the days of our forefathers forever after, it is the category of ervah and it is prohibited to read opposite it and it only comes to exclude virgins for whom it is permitted to go with an uncovered head or hair that falls out of the veil, for this is dependent on local custom, for if the daughters of Israel do not allow any hair to be revealed, even the smallest amount, then it is in the category of ervah and it is prohibited to read opposite it and do not say it is permitted and because it is familiar, there are no sexual thoughts.</p> <p>Virgins – betrothed virgins may not go out with uncovered heads and this is the law for virgins who were are no longer virgins who must cover their heads and in any event, if she was promiscuous and does not want to go out with a scarf on her head in the manner of women, she cannot be coerced.</p>	<p>בתולות שמתרות לילך בראש פרוע או כגון שער היוצא מחוץ לצמתן שזה תלוי במנהג המקומות שאם מנהג בנות ישראל בזה המקום לזהר שלא לצאת אפילו מעט מן המעט חוץ לקישוריה ממילא בכלל ערוה היא ואסור לקרות כנגדן וא"ל מותר דכיון שרגילין בהן ליבא הרהורא וכדלקמיה:</p> <p>(יא) בתולות - ובתולות [יט] ארוסות אסורות לילך בגילוי הראש וה"ה בתולות שנבעלו צריכין לכסות הראש ומ"מ אם זינתה ואינה רוצה לצאת בצעיף על ראשה בדרך הנשים [כ] אין יכולין לכופה:</p>
<p>Biur Halakha 75 Paragraph B</p> <p>...and with regard to the prohibition to uncover the hair of the woman, the Magen Avraham wrote in the name of the Tosafot in Ketubot, that in the market it is prohibited but in the courtyard since there are not people found there, it is permitted to go with bared head...and know that for this matter the hair of a woman is nakedness as stated this paragraph</p>	<p>ביאור הלכה סימן עה סעיף ב</p> <p>...ולענין עיקר איסור גילוי שער דאשה כתב המ"א בשם התוס' דכתובות דדוקא בשוק אסור אבל בחצר שאין אנשים מצויים שם מותרים לילך בגילוי הראש [ומה שנרשם במ"א בשם א"ע קט"ו אינו מוכח שם כלל להמעין] אבל בזוהר פרשה נשא החמיר מאוד שלא יראה שום שער מאשה וכן ראוי לנהוג עכ"ל המג"א</p>

and even in her home and in her room it is prohibited to one and all to read Shema opposite the hair since it is the practice to cover in the marketplace, it has the ability to cause sexual thought and this is ervah...and it is explained also in our Talmud that uncovering it even in her room is prohibited....and according to our custom, Dat Yehudit applies with hair that is uncovered even in the courtyard and her room and even if you say that she cannot be divorced for this without a Ketuba, in any event there is a prohibition....and all of this is with regard to her yard and room but to go in the market or in the yard where many pass through, then according to all if she goes out only with a kerchief to cover her hair, she violating Dat Yehudit until she wears the secondary head covering like all women.

ודע דענין זה לא שייך כלל להדין דשער באשה ערוה האמור בסעיף זה ואפילו בביתה ובחדרה אסור לכו"ע לקרות כנגדה הואיל דדרבנן לכסות בשוק אית ביה משום הרהורא והוי ערוה כן פשוט להמעין וכ"כ היד אפרים אולם אפילו עיקר הדין לענין גילוי שער שהביא בשם התוספות לא ברירא דהנה הסמ"ג כתב בשם הירושלמי לאיסור וכן דעת הטור שם והב"ח כתב שם שכן דעת הרמב"ם ומפרש גם הש"ס שלנו כן שבגלוי ממש אפילו בחדרה אסור ובעל הבית שמואל בסימן קט"ו כתב דלפי מנהגינו הוי דת יהודית בגלוי ממש אפילו בחצרה וחדרה ואפילו אי תימא שלא תצא עבור זה בלי כתובה עכ"פ איסורא איכא... וכ"ז לענין חצרה וחדרה אבל לילך בשוק וחצר של רבים לכו"ע אף אם תלך במטפחת לבד לכסות שערה מיקרי עוברת על דת יהודית עד שתלך ברדיד מלמעלה ככל הנשים

R. Ovadia Yosef in Responsa Yabi'a Omer, Vol. 4, Even ha-Ezer no. 3:

Today, it has become widespread practice for God-fearing women to go out with only a kerchief or hat, without a headscarf or veil, and no one makes a fuss. It thus seems that the essential concept of women covering their hair is biblical in nature, and is obligatory irrespective of changes in practice, and is unchanging for all time. However, with respect to the modest practices of Jewish women, we accept any established practice to be lenient. This accords with the ruling of Maharam Alshakar (no. 35) who permits women, in places where the practice is for a to do so, to go about with hair protruding from under their hat.

Rabbanit Oriya Mevorach, 'Why Do I Love my Head-Covering?'

Covering the head every day anew creates a healthy distinction for me between home and outside, between private and public, between mine and everyone's. This is a distinction that in our day has utterly faded, in a culture that constantly tells us: "Belong to everyone; put it on display; show off your looks; seek approval and get a 'like;' even at home, take a selfie and distribute it all over." There is a difference between a woman who thinks beauty is improper and therefore obscures her beauty, and one who loves beauty, but wants to channel a part of it to realms that are exclusively hers. By the way, I would not be able to find this meaning in head-covering if I experienced it – God forbid – as something that makes me ugly.

Rabbanit Chana Henkin, 'Mo'adon Ovedot Hashem'

When a man and woman marry, the barriers of modesty between them fall. This is an expression of the bonding of the couple together as "they became one flesh." From now on, the members of the couple will stand together on the same side of the barrier of modesty that separates them and other people. At the same time that Halacha sanctifies the physical connection between the couple, it creates a special barrier around the couple. The same halacha that allows the woman to reveal a handbreadth [to her husband], obligates her to cover a handbreadth [with regard to everyone else]. Halacha says to the woman: things that were forbidden are now permitted. But revealing the head in public – which was permitted – becomes forbidden. Thus a balance is created and holiness is preserved in this new and sensitive situation.

BRIDES

Eirusin

Responsa Chavot Yair 196

For how can she go with her head uncovered when she [has the status of] an *eishet ish* [exclusive to one man]? And even were you to say that betrothed women in Talmudic times would go out with heads uncovered, that is because in their days the betrothal was long before the wedding.

שו"ת חוות יאיר סימן קצ"ו
דאיך תלך פרועת ראש והרי היא אשת איש ואפילו
את"ל [=אם תרצה לומר] דארוסות בזמן הש"ס
[=ששה סדרי משנה] היו הולכות פרועות ראש היינו
מפני שהיו בימיהם האירוס זמן רב לפני הנשואין

I. After Nisuin

Teshuvot Ve-hanhagot 5:334

In the Yerushalmi... it is explicit that there is no permission for a married woman not to cover her head even if she has not had relations, and therefore it is certainly fitting that she come to the *chuppa* with a head-covering, and remain that way.

תשובות והנהגות כרך ה סימן שלד
ובירושלמי ... הרי מפורש שאין היתר בפריעת ראש
לנשואה אפילו לא נבעלה, ולכן בוודאי ראוי שתבא
לחופה עם כיסוי ראש ותשאר כן.

II. After Yichud

Responsa Yechaveh Da'at 5:62

A bride is not obligated to cover her head immediately after the *sheva berachot* under the *chuppa*, since she remains in the halachic category of a betrothed woman until after *yichud*. According to Ashkenazi custom, that the *chatan* and *kalla* seclude themselves immediately after the *sheva berachot* under the *chuppa*, the *kalla* must

שו"ת יחווה דעת ה: סב
אין הכלה חייבת לכסות ראשה מיד לאחר שבע
ברכות שתחת החופה, מפני שדינה עדיין כארוסה
עד לאחר הייחוד. ולפי מה שנוהגים יוצאי אשכנז
שהחתן והכלה מתייחדים מיד לאחר השבע ברכות
שתחת החופה, על הכלה לכסות את ראשה מיד
לאחר צאתה מחדר הייחוד. אבל הספרדים ובני
עדות המזרח לא נהגו להתייחד אלא רק לאחר גמר
הסעודה כשהולכים לביתם.

cover her head immediately when she leaves the *yichud* room. But *Sefardim* and members of *Eidot Hamizrach* do not have the custom of *yichud*, except after the end of the wedding feast when they go home.

Responsa Iggerot Moshe OC 6:3

For the obligation takes effect when she is reputed to have had relations, and this is after the first night, for then she has a presumption of having had relations, whether it was the *chuppa* of a ritually pure woman or a *chuppa* of a woman in *nidda* [who do not consummate the first night].

אגרות משה אורח חיים ו:ג
שהחייב חל כשיש לה שם בעולה, וזה הוי אחר לילה הראשונה, דאז היא בחזקת בעולה, בין אם היה חופת טהורה או חופת נדה

WIGS

Mishnah Shabbat 6:5

A woman [is permitted to] go out [on Shabbat]... with foreign hair to the courtyard

משנה שבת ו'ה'
יוצאה אשה... ובפאה נכרית לחצר

Rashi Arachin 7b

With a *pe'a nochrut*: This does not refer to her real hair, rather a lock of another woman's hair fastened to her hair. For women with little hair were accustomed to fasten other women's hair to their hair and this is a *pe'a nochrut*.

רש"י ערכין ז:
בפיאה נכרית. לאו שערה ממש קאמר אלא שהיתה לה פיאה משיער אשה אחרת קשורה לשערה [דרגילות היו נשים כששערן מועט לקשור שיער נשים נכריות לשערן והוא פיאה נכרית]

Shiltei Gibborim to the Rif, Shabbat 29a in Rif pagination

It seems one can bring proof and support from this for women who go out with their own hair covered when they are married, but instead of the braid of their hair they wear the hair of other women...It clearly implies that the daughters of Israel are permitted to adorn themselves with these. For the statement 'a woman's hair is *erva'* refers only to the hair that is really attached to her scalp, when her scalp is visible with the hair. But with hair that covers her hair,

שלטי גיבורים על הריף שבת כט. בדפי הריף 1557
Italy
נראה מזה להביא ראיה וסמך לנשים היוצאות בכיסויי שערות שלהן כשהן נשואות אבל במקום קליעת שערן נשואות שערות חברותיהן...ומשמע להדיא שמותרות בנות ישראל להתקשט בהן דשער באשה ערוה דקאמר לא הוי אלא בשער הדבוק לבשרה ממש ונראה גם בשרה עם השיער אבל שיער המכסה שערה אין כאן משום שער באשה ערוה וגם לא משום פרועת ראש...אע"פ [=אף על פי] דקישוט הוא לה כדי שתראה בעלת שער אין בכך כלום

there is no problem of 'a woman's hair is *erva*' here and also no [concern] of an uncovered head...even though it is an adornment for her in order to look like [she has a lot of] hair, there is no [halachic objection] to it...

Shulchan Arukh, Orach Chayim 75:2

Gloss: This [permissibility of reciting *Shema*] applies [when a man can see] women's hair that typically emerges from their hair-binding, and how much more so foreign hair [a wig]

אורח חיים ע"ה:ב'
הגה: וה"ה [=והוא הדין] השערות של נשים שרגילין לצאת מחוץ לצמתן (ב"י בשם הרשב"א) וכ"ש [=וכל שכן] שער נכרית

Kaf HaChayim on Shulchan Arukh, Orach Chayim 75:19

Thus is the consensus of the later halachic authorities to permit [wigs] like the words of the Rema.

כף החיים על שולחן ערוך אורח חיים ע"ה:י"ט
וכ"ה [=וכך הוא] הסכמת האחרונים להתיר כדברי הרמ"א ז"ל:

Responsa Yabi'a Omer EH 5:5

For in past generations, the wigs were very visibly recognizable, and there was no concern of *mar'it ayin* [appearing to violate a prohibition], since they resemble natural hair. But the new wigs today, not only do they resemble natural hair, but they even exceed it in beauty and form and appearance, until even immodest women use them for adornment and beautification. And since there is no recognizable difference between these wigs and natural hair, certainly there is a concern of *mar'it ayin* ...And the basic halacha is like the words of most if not all the later halachic authorities cited above to prohibit this, and it is a great mitzva to publicize the prohibition in public, especially for Sefardi women who have always been accustomed to prohibit...

שו"ת יביע אומר חלק ה-אבן העזר סימן ה שבדורות הראשונים הפאות הנכריות היו ניכרות מאד לעין, ולא היה בהן חשש למראית העין שידמו לשערות טבעיות, ואילו הפאות הנכריות שנתחדשו בזה"ז [=בזמן הזה], לא רק שהן דומות לשערות הטבעיות, אלא גם עולות עליהן ביפין ובטיבן ובמראיתן, עד שאף הפרוצות משתמשות בהן לנוי וליופי, ומכיון שאין שום היכר בין פאות אלו לשערות הטבעיות, הא ודאי שיש לחשוש בהן משום מראית העין, והעיקר כדברי רוב ככל האחרונים הנ"ל [=הנזכרים למעלה] לאסור בזה, ומצוה רבה לפרסם האיסור ברבים, ובפרט לספרדיות שנהגו לאסור מימות עולם ...

Rav Menachem Mendel Schneerson, Likutei Sichot 13, p 189

A woman who wears a scarf on her head will tend to take it off in certain cases because of discomfort. As opposed to a woman who dons a wig, even if President Eisenhower himself

walks in, she will not remove it.

In recent decades, it has become increasingly prevalent for rabbis of some communities to endorse wigs as preferred head-covering, because they provide fuller coverage than many scarves.

In general, styles of head-covering tend to vary from community to community, influenced both by Halacha and social and cultural trends.

