

"SPLITTING HAIRS"

צענין שער זאשה ערוה

An essay on

THE REQUIREMENT FOR WOMEN TO COVER THEIR HAIR

Including:

- The sources for the requirement
- Whom it applies to (and where)
- The difference between married and unmarried women
- The most common arguments concerning the requirement
- A discussion on the subjective nature of ערוה
- The case for and against using wigs

This essay is an opinion piece only, and is not one of הלכה. As with all issues of הלכה, a competent Rabbi should be consulted if any questions of practical observance arise.

The matter of a married woman covering her hair, and of שער באשה ערוה, seems to be one of a defining nature. One of the first questions asked a perspective שידוך (in religious circles) is if she will cover her hair (or if he wants her to). Whether one keeps her hair covered (and how much, and even how) is used to measure one's religious conviction for non-single members of the Jewish community as well. It intrigued me that this aspect of Judaism plays such a prominent role in sizing up one's observance. I also wanted to understand why, if a woman's hair is enticing (and therefore has to be covered), single women are not required to keep their's covered too. After researching the issue and trying to understand it, I felt others would also be interested in understanding the workings and logic of the laws involved.

I have attempted to discuss many aspects of this issue, requiring some devil's-advocate playing. I must reiterate that except where sources are cited, much of what is written is opinion alone (or my thinking out loud), and I urge the reader to check the sources for him or herself. Hopefully, with G-d's help, some light will be shed on the subject.

There are many individuals I owe a debt of gratitude to for the time and effort they put in helping me try to get to the bottom of the issue. From helping me understand certain concepts, to being a sounding board for my thoughts, to correcting grammar, without these (and others) this paper would not have been possible. While they would all protest my thanking them publicly (so I didn't ask them), I felt it would be misleading to have just my name on this paper, and not theirs. First of all, to השם יתברך for creating me with the seemingly annoying need to know and understand everything, and for what I perceive to be סיעתא דשמיא along the way. In no particular order, Rabbi Peretz Steinberg, Rabbi Ben Zion Kokis (and his Rebbetzin), Rabbi Kalman Epstein and Avrami Rubinstein. Of course all the בעלי ספרים I relied on must be thanked as well, and you, the reader, for making this all the more worthwhile.

דוב מרדכי קרמר

כסלו תשנ"ג

the school of רבי ישמעאל taught that all Jewish women are supposed to keep their hair covered.²

The גמרא answers that מראורייתא all a woman needs on her head is the basket/hat they used to wear to carry things in. This basket/hat had a concave bottom, and therefore covered her hair. According to דת יהודית, however, the basket/hat was not enough, as hair could be seen (between the reeds of the basket) from up close.³ (Because the פסוק is talking about a married woman in a public place, all we can learn from it is that married women wore *some* kind of covering in public. Anything else can only fall under the category of דת יהודית, with the משנה telling us that even violating the latter results in the loss of her כתובה.)

רבי אסי then quotes ר' יוחנן as saying that if a woman wears a basket/hat, she is *not* considered having an uncovered head. רבי זירא asks where (i.e. in what case) ר' יוחנן was referring to; It couldn't be in the marketplace, as that is as public as you can get, and we just said that because of דת יהודית more is required. It couldn't be in one's own yard, as no one keeps their hair covered there, and if included in "יצאות שלא בכתובה" would leave no Jewish marriages intact.⁴ רב כהנא or אביי explains that ר"י meant going from one yard to the next or walking in the driveway that connected all the yards on the block (but was not a "public" place).⁵

²במדרש (במדרש). רבספרי. There are several ways we learn from the פסוק that women must keep their hair covered. First of all, if the כהן had to uncover her hair, it must have originally been covered. Secondly, the purpose of uncovering her hair was to be מנוול (disgrace) her, because she beautified herself for her suspected lover. If having uncovered hair is disgraceful, then בנות ישראל should not walk around in that state of undress. These two ways are brought by רש"י, while the מאיר brings another; If the פסוק tells us that *this* woman's hair was uncovered, obviously every *other* woman's hair was covered!

³רש"י במהדורא קמא (הובא בשיטה מקובצת). There are other definitions given for "קלתה"—a piece of cloth so thin that one could see the shape of the hairs from up close, a veil that had holes in its top material, and a cloth that had holes in it—but the idea is usually the same. There are a couple of מפרשים that say מראורייתא one covering would be enough, but because of דת יהודית a second is needed. One פשט given in the רמב"ם is that because a "מטפחת" (rag) can easily move around on her head (thereby revealing some hair) more was required for דת יהודית.

⁴This is the way the גמרא is read according to רש"י and the ר"ן. There is another way to read it, brought by the (אור"ח סי' קסח). Since ר"י was trying to tell us that there are cases, even according to דת יהודית, where the basket/hat is enough, he couldn't have been referring to one's own yard. No one would have ever thought *more* was necessary there, because if the basket/hat *wasn't* enough, no Jewish marriage would be left intact (as in their own yards a better covering is not worn). Therefore ר"י must have been referring to a different place. Accordingly, women must wear some sort of covering on private property as well, and would lose their כתובה if they didn't.

⁵We see from the discussion in the גמרא that the word "פרוע" is defined as "uncovered" not "unkempt", as the amount of coverage necessary is the topic of discussion. This may be why the statement of ר"י's school was brought, as "פרוע ראש" may have meant "uncovered hair" in the

All the פוסקים follow this גמרא, saying that in a public place hair must be covered with a solid covering, while in a semi-private place (where no one is close enough to see through the basket/hat) a solid covering is not necessary. Things get a little hairier (pardon the pun) on private property. Some say that on one's own property no covering is needed,⁶ with a couple⁷ qualifying this as being only when no one else is around. If, however, others *are* around, a covering must be worn even on private property. The ר"י (פ"ז ה"ז) says that ר"י was in fact referring to a חצר, obligating women to cover their hair on private property as well. Even though our גמרא disagrees⁸ (and therefore she would get her כתובה) some פוסקים⁹ say an איסור exists on private property nonetheless.

There are several places in the גמרא that encourage extra modesty. In יומא מז. it says that קמחית attributed her being able to see all seven of her sons serve as גדולים to not having allowed (even) the walls of her house see her uncovered (braids of) hair. The משנה ברורה (סי' ע"ה) קושנה ברורה (סי' ע"ה) cites a זוהר that says how dangerous it is to be lax in keeping every single hair covered (in general), and how advantageous it is for a woman to not even let the walls of the house see her hair. Many kept (and keep) their hair covered even in their own home, and some say it is דת יודית,¹⁰ and therefore all women *must* do so.¹¹

vernacular, and applying that term to the "פרע" of the פסוק showed the גמרא that it too meant "uncovered hair". Also, being that another ברייתא (brought in מסכת סוטה ח.) seems to translate "פרע" as undoing her braids, the ברייתא taught by the school of ר"י may have been brought to show otherwise.

⁶ תוס' (כתובות עב: ד"ה ואלא) וב"י (אור"ע סי' קסד ד"ה ומ"ש ודוקא).

⁷ ט"ז (אור"ע סי' קסד ט"ק ה) ופרישה (שם ט"ק יא).

⁸ According to רש"י, תוספות and the ר"ן (see footnote 4).

⁹ ב"ש (אור"ע סי' קסד ט"ק ט). The באר היטב (סי' כ"א ט"ק ה) says that this איסור is for modesty reasons, as does דרכי משה (סי' קסד ט"ק ד).

¹⁰ Either because they read the גמרא like the ב"ח, or because it has become accepted (for modesty reasons).

¹¹ ב"ח (אור"ע סי' קט"ו ד"ה ומ"ש ודוקא שדצאט כן ביה"ד). The שו"ת חתם סופר (א"ח תשובה לד) says that the intent of the רמב"ם and סוד (and others) is to include private property as well, and that it has become standard operating procedure in all Jewish communities.

B) GRAY MATTER: Thinking Between the Lines.

While stating *where* a Jewish woman must cover her hair, and that extra care must be taken in public places to insure that her hair is not visible, the גמרא does not specify *which* women this applies to. The term used by the school of רבי ישמעאל (when saying that some covering is necessary כן נחזקתה) is "בנות ישראל", implying all Jewish women. When bringing down the הלכה of not having to give a woman her כתובה if she does not follow דת יהודית,¹² since we are definitely talking about a married woman, no mention is made of whether the איטור of uncovered hair applies to anyone else. However, in אכן קעזר (סימן כא), the טור and the ש"ע state that it also applies to single women, as does the רמב"ם (הלכות איסורי ביאה פכ"א הלכה יז).

Many¹³ point out that "single women" refers only to widows and divorcees, but not those who have yet to marry.¹⁴ There are several problems with this definition:

1) The term used by the טור, ש"ע and רמב"ם for "single" (פנויה) refers to all single girls. If the intent was not to include בתולות, the term should have been בעולה, which is used just a few lines down (when talking about the need to look at a girl's face before marrying her).¹⁵ It is worth noting that no comment is made by the פסוק משנה or the ב"י (both written by the ש"ע) qualifying the רמב"ם's or טור's use of the word "פנויה" (in the same context) as referring only to בעולות.

2) Another area that קריאת שמע affects is in הלכות קריאת שמע (אור"ח סי' עה), as one can not say ק"ש if he can see things that might make his mind, er, wander. After mentioning that one

¹² רמב"ם פרק כ"ד מהלכות אישות הלכה יב, טור וש"ע אבן העזר סי' קטו סעיף ד.

¹³ ב"ש, ח"מ, ב"ה, ב"ח, עה"ש.

¹⁴ Although according to some any non-בטלה must cover her hair, she was not forced to do so (קידושין). There is a מחלוקת אחרונים whether a girl must cover her hair after קידושין.

¹⁵ The אבן (in) "פרוע ראש" is also bothered by this, and therefore says that "פרוע ראש" (אור"ח סי' עה ס"ק ב) means unbraided hair, and all single girls must keep their hair in braids. However, the definition of פרוע ראש then changes from סימן קטו to סימן כא, where it talks about married women having to cover their hair, as well as in אור"ח by ק"ש. In addition, the ב"ח (אור"ח סי' כא) points out that in the first משנה of the second פרק of מסכת כתובות it says that one of the signs that a girl was a בטלה when she got married (and therefore gets 200 zuz, not 100) is that she went out "ודאשה פרוע", which is defined by רש"י as having her hair on her shoulders (unbraided). Nevertheless, the אבן changes the definition of פרוע ראש rather than redefining "פנויה" as only בעולות.

of the things not allowed to be seen is a married woman's hair (since she usually keeps it covered), the טור and ש"ע add that the hair of בתולות, which is not usually covered, *can* be seen while reading ק"ש. If בתולות did not have to cover their hair in the first place, the language used should have been that the hair of בתולות, which *need not be covered* ("שמופתות לילך פרועות הראש"), not which *they usually do not cover* ("שנרדן לילך פרועות הראש").¹⁶ As a matter of fact, after bringing the sources that say one can read ק"ש even if he sees a בתולה with uncovered hair, the ב"י adds that one can also read ק"ש even though he can hear the voice of an ערוה — if he is used to hearing it.¹⁷

3) The standard amount given to a בתולה in a כתובה is 200 zuz, while one who was previously married gets 100. The first משנה in the second פתק of כתובות talks about a case where the husband claims she was a widow when they got married (and only gets 100) while she says she was a בתולה (and is owed 200). If there are witnesses that those things usually done at a בתולה's wedding were done at their's, she gets the full 200 zuz. One of the סימנים that she was a בתולה is if "יוצאת וראשה פרוע". In the תלמוד ירושלמי, according to the פני משה and רידב"ז a reason is given why this was done; The same way a חתן puts ashes on his head as a reminder of our mourning the destruction of the בית המקדש, the כלה went to her wedding ראש פרוע as a sign of mourning,¹⁸ as we no longer have the great שמחה of the dances of the בנות ירושלים in the יום כיפור on עזרה (or ט"ו באב). If this was done specifically as a sign of אבילות, it must have *only* been going to her wedding that her hair was uncovered, but before that it *was* covered. רש"י on the בבלי says that she went פרוע ראש "from her father's house to the wedding hall", implying that otherwise her hair was *not* uncovered. The two סימנים that she was a בתולה are if she went to her wedding "בהניומא, וראשה פרוע." Just as the הינומא (veil) was only worn by כלות, but not

¹⁶Although this wording may have been used to stay consistent with the first part of the הלכה, which says that one can't read ק"ש in front of "women's hair which is usually covered". According to the משנה ברורה, this is not coming to say that if a woman *never* covers her hair you *can* say ק"ש, but that those hairs not usually covered (because they normally stick out from her covering) do not pose a problem. The fact that the טור and ש"ע didn't take this opportunity to admonish בתולות for not keeping their hair covered supports this explanation.

¹⁷The ב"י is equating the fact that one can read ק"ש even though he can hear the voice of an ערוה (because he is used to it) to being able to read ק"ש even though he can see the hair of a בתולה (because he's accustomed to seeing it). The hair of a בתולה, like קול אשה, must be considered ערוה. (The same גמרא (בבב"ב) that says שער באשה ערוה says קול באשה ערוה, although they are said by different אמוראים.)

¹⁸A woman going with uncovered hair is considered disgraceful (see footnote 2).

בתולות, it makes sense that being פרוע ראש only applies to כלות, not that all בתולות went out that way. According to those that say a woman must cover her hair from the time she's (halachically) engaged, she may have started covering it then, and only uncovered it going to her wedding. However, if engagement was *not* the starting point, she must have covered her hair even before that if she had to *uncover* it to show אבילות at her שמחה.

The קרבן העדה changes the wording from "because of those that went out on יום כיפור" to "i.e. those that went out on יום כיפור", and says that the testimony was not that her hair was uncovered by her wedding, but that it was uncovered when she danced with the other בתולות on יום כיפור. If her hair was *always* uncovered, why do we need a specific time that her hair was so—any testimony that her hair was uncovered before she got married is enough (unless the גמרא is just picking a time more likely to provide witnesses).¹⁹

Either way, it seems from this ירושלמי that women covered their hair even before they got married.²⁰

4) In (ל:) מסכת נדרים there's a משנה that says that someone making a נדר (vow) not to get any pleasure from "those with dark heads", becomes forbidden from getting pleasure from all adult males, even those who are bald or gray. He is not, however, forbidden from doing so from females or minors. When it comes to defining a vow (and to whom or what it applies), we

¹⁹It should be noted that the author of the העדה קרבן also wrote the שידד קרבן, where he says (in פ"ז ה"ג) that even בתולות cover their hair publicly.

²⁰This would answer the ב"ב's question on the מ"א (see footnote 15). We would have to explain, though, how, if their hair was supposed to be covered, בתולות were allowed to dance and go to their wedding with uncovered hair. There are a couple of ways to approach this.

1) The problem of having uncovered hair is that it will bring on הרדודי עבירה. However, in this case, this concern is not present, as she's only surrounded by family, and is being escorted her to her own wedding. This, plus the fact that uncovering her hair is being done to remind us of the destruction of the המקדש, creates an atmosphere not conducive to such thoughts.

2) In (ר' צבי הירש ארינשטיין) the author's grandson, ישועות יעקב (אד"ע סי' כא) חל שער באשה ערוה. Included is a scenario where he says that single women covered their hair, but let it hang out from under the covering. This, he says, is what רש"י refers to in כתובות when he says that בתולות went to their wedding with "their hair on their shoulders." This was what the גמרא said was prohibited because of דת יהודית publicly (for married women). If this scenario is accurate (pictures in Encyclopedia Judaica bear it out), and single women sometimes wore their hair out of their cap, but sometimes completely covered it (probably depending on whether they had their hair "up" before they went out and put their cap on), we have an answer to this problem: When going to their wedding, they let their hair hang out from under the covering, as that's how the girls wore it on יום כיפור. The "פרוע ראש" of the משנה in the second פרק of כתובות is coming to exclude *completely* covering their hair. They were always allowed to walk around this way (provided they wore some kind of head-covering), and as a סימן אבילות made sure to wear it this way when going to their wedding.

follow the language people speak (לשון בני אדם), and by saying "those with dark heads" (and not "those with hair") he meant all adult males. The גמרא explains that men sometimes cover their hair (wear hats) and sometimes do not, while women always cover their hair and children (male and female) never do. Therefore, children are referred to as "those with uncovered hair", women as "those whose hair is covered" and men as "those with dark heads" (as most men have dark hair which, when it becomes visible, leaves a dark impression). If single women did not cover their hair, how do we know he didn't say "those with dark hair" to include them as well? Since they are *not* included, it must be that even single women always kept their hair covered.²¹

5) When the גמרא in כתובות says that a woman must cover her hair מדאורייתא, after quoting the פסוק (which talks about a married woman), the school of ר"י's statement is brought. This statement says the פסוק is telling Jewish women not to go out with their hair uncovered. Because of the wording used, we know this applies to widows and divorcees as well.²² Besides the fact that the term—בנות ישראל—includes בתולות, it is that same term—בנות ירושלים—used in the משנה in תענית when talking about dancing on יום כיפור and ט"ו באב.²³

6) The ספרי on the פסוק in במדבר brings a "זכר לדבר" (not quite proof, but a sort of verification) to show that women covered their hair from תמר, the daughter of חמלך, who covered her hair with "אפר" after the incident with אקמון. While usually meaning ashes, with different vowels (אפר) it means covering. תמר was never married, yet the ספרי is bringing an almost ראיה from her that Jewish women cover their hair.²⁴

7) The underlying reason for a woman to cover her hair is because the גמרא considers it "ערוה" (nakedness). Because שער באשה ערוה, she must keep her hair covered, and men can not say קריאת שמע when they see a woman's uncovered hair. If a woman's hair is considered ערוה, there is no reason to differentiate between married or unmarried, single or divorced/widowed—

²¹ עיין בשירי קרבן (ירושלמי כתובות פ"ז ה"ג ד"ה לחצר אמר).

²² (Although the גמרא doesn't specify what "פנויה" means.)

²³ Although it is possible that ר"י's school's statement was not part of the proof that a woman must cover her hair מדאורייתא, just that the definition of "פרע" is "uncovered", not "let loose" (see footnote 5). However, the term "אזהרה" usually means it's דאורייתא.

²⁴ Some hold that any non-בתולה must cover her hair, and the תורה תמימה says this was why תמר had to, but others disagree, and the (אורח חיים סי' ל) שו"ת shows how we would not embarrass one who was raped by making her keep her hair covered.

she's just not considered fully dressed. No one says that single women can wear mini-skirts or shorts— why should this state of undress be different?^{25 26}

²⁵ "שנער באשה ערוה", said, רב עשת says that when Rav Moshe Feinstein זצ"ל (א"ח חלק ד סי' טו) In he wasn't coming to say that hair is more enticing than skin, but that it has the same status as skin. The same way one might think that (just) a voice is not a problem, with the פסוק teaching us otherwise, hair is also no different than skin, since the פסוק praises a woman's hair as being "beautiful." Therefore, hair itself is only considered ערוה because, like other parts of a woman's body, it is usually covered (and has to be). After all, the פסוק also praises her eyes, teeth, lips and nose (or, according to רש"י in שו"ש, forehead), and those aren't considered ערוה—because they are not usually covered. (He points out that the word "ערוה" means revealing something usually covered, not an objective "nakedness".)

Rav Moshe goes on to say that for this reason the hair of *בתולה* is not considered *ערוה*— they don't usually keep their hair covered, so it has the same *דין* as their face. (The statement by *רב חסדא* in the same *גמרא* (in *ברכות כד.*) that a woman's thigh is considered *ערוה*, even though the thigh is skin, tells us that the thigh is *worse* than other parts of the body, and whereas in other cases only if a *טפח* (fist-breadth) is uncovered is there a problem in saying *ק"ש*, if *any* part of the thigh is revealed, even less than a *טפח*, there is a problem. Or, if "*שוק*" means the calf, not the thigh, that it too is *ערוה*.)

Aside from all the ראיות I brought that seem to say even בתולות must, or at least did, cover their hair, according to Rav Moshe's approach the hair of a woman who's married is considered ערוה, while that of her never-married twin sister is not. Unlike the face, which is not considered ערוה on any woman, the ערוה status of a girl's hair depends on her marital status— even to those that don't know if she's married or not!

Additionally, Rav Moshe himself (א"ח ח"ד קיב, ד) says that those hairs that stick out from a woman's צמת (used to keep her hair together under the covering) do not pose a problem by ק"ש since we are accustomed to seeing it. However, רש"י (שבת ס. ד"ה סוהדה) calls these hairs "עורה", which they would not be unless considered as such even if never covered. (ענין בשד"י חמד א"ח מ"ד אות ב ד"ה והו).

Rav Moshe does not explain why, if hair in and of itself is not **ערוה**, the **תורה** required married women to keep it covered in the first place. It's possible that while not **ערוה**, it is more **צנוע** for one to cover her hair (just as certain colored clothing are considered immodest but not "**ערוה**"). Because the problems of **אשת איש** are so **חמור**, the **תורה** may have required married women to keep this extra level of modesty. Since it's the result of one being an **אשת איש**, all halachically engaged women would also be required to be "extra modest."

If this extra level of modesty was required of single girls in public, either because of **דת יהודית** or because non-Jewish girls did (and Jewish girls couldn't be less modest than others), most (if not all) of the problems disappear. Since indoors this extra level of **צניעות** was not required of **בתולות** ק"ש, could be said even when their hair is uncovered.

²⁶ Rav Moshe wrote that a widow who couldn't find a job that paid enough to support her family (if she had to keep her hair covered at the office) was allowed to uncover her hair there. His rationale was that it is unclear whether the מצוה requiring a woman to cover her hair was a positive or negative one. Additionally, Rav Moshe says only married women have to cover their hair מדאורייתא (even though the גמרא brought R"י's school's statement—which everyone agrees is referring at least to widows and divorcees too). Since in cases of אונס (coercion) we do not have to keep an עשה (positive commandment), and this case affected more than a fifth of her money (as she couldn't support her family otherwise) qualifying it as an אונס, we can say ספק דרבנן לקולא (where there is a doubt regarding a commandment of rabbinic origin, we take the more lenient option) and assume it is an עשה.

If the need to get married is in the same category as making a living (both are reason enough to leave יִשְׁקָא), then we would be allowed to be נִשְׁתָּה by single girls. However, Rav Moshe only permitted her to leave her hair uncovered *at the office* even though she too was

In addition, when discussing the need to avoid illegal sexual relationships, the סמ"ג (לאו) says that one should not do things like motioning, winking, or looking at their hair. Since single women are also in this category, and covering the hair is (at the very least) a matter of צניעות (modesty), it would follow that the need to cover one's hair should apply to *all* adult women.²⁷

For these reasons, I am leaning towards the opinion that the intent of the ש"ע, טור, and the רמב"ם was to include all single women. I am not saying that every adult female should now cover her hair (and the פוסקים clearly say that בתולות do not have to), but when trying to define the parameters of this subject, am stating what I feel was their intent.²⁸

unmarried. When asked (א"ה חלק ד סי' לב אות ד) about a divorcee who felt she could better attract a suitor if her hair was not covered (as he wouldn't dismiss her immediately if he didn't know she was once married), he allowed her to do so, but only where she might meet someone (not a blanket והיור).

Rav Moshe then mentions the possibility that דת יהודית is treated like all מנהגים, and therefore can't be applied to cases we don't know people upheld. Since he didn't know of any cases of financial loss where this "מנהג" was kept, he didn't enforce it in such cases. By the same token, if single girls never accepted this "מנהג", it wouldn't be enforced (see footnote 34).

²⁷The Rav of a Yemenite community insists that in all Eastern-Jewish communities, such as Yemenite, Moroccan and Bukhari, even little girls covered their hair, and that in Germany they used to keep their hair covered when they reached 12 years of age. It's possible that the reason girls in Jewish communities based in Moslem countries covered their hair at such a young age was because Islamic law required it, and was the law of the land. Even after Islamic law was lifted, the extra צניעות level was not dropped. We see from the נדרים in גמרא that all minors, even females, did not cover their hair.

²⁸How this may affect שער באשה שרוה as a whole will be discussed later.

C) עֲרֵנָה: Objective or Subjective.

There's no question that times have changed.²⁹ However, those who follow Orthodox Judaism by definition are of the opinion that the Torah is the word of the Creator (and the גמרא His will), and its values are as valid now as ever. Nevertheless, there are certain things, even in Orthodoxy, that are treated subjectively.

²⁹One of the biggest changes that has taken place since Talmudic times is the woman's role in society. Women are no longer mostly at home, and are as integral to all types of businesses as men. Not having been around back then, it is impossible for me to know or completely understand why, at the beginning of the twentieth century, women suddenly demanded equal rights. Were they always unhappy and/or dissatisfied with their roles? Why did it take so long until they either became dissatisfied, or let their unhappiness show?

These changes have affected many aspects of Jewish life— from a young girl's aspirations to the demand for women's minyanim— the *least* of which is the need to cover one's hair despite being as involved in the world and society as men are. Some would say that a woman's place is still in the home, and it is there that she will find real fulfillment (and straying too far from the home is the cause for many of the "problems"), but in the interest of fairness, I would like to present another side of the coin.

When we had an agricultural society, life seems to have been much simpler. The husband/father spent most of the day working in the fields (his own or someone else's), and brought home the fruit of his labors for the family to eat, with any leftovers brought to market to trade (either directly or by selling then buying) for other types of food and the like. His only responsibility was to his family. He was home enough to help raise the children and educate them. The wife/mother may have helped a bit in the fields, and took care of the other household needs as well (most important of which was bringing up the children). Her responsibility was also only to the family unit, and between the two (and some help from above) they provided for that family. One "job" wasn't more important than another, and the jobs were split so that everything was taken care of.

Now fast forward to modern society. No fields. Instead each person has a job that earns money to buy whatever he needs (hopefully). "What do you do?" "Accountant. I help people arrange their finances." "Computer programmer." "Office manager. We sell widgets." You get the idea. In an industrial society, we are dependant on each other to provide each other's needs/wants. Besides providing for the family unit, we're contributing to society as a whole. However, because of the way roles were originally split up (with men being physically stronger and women better prepared physically and emotionally for child rearing), half of our society was now working *for the family unit only*, while the other half provided for the family *and* were able to feel like an integral part of society. (And even though there's no greater contribution to society than bringing others who will contribute into the world, concentrating on that alone cuts them off from the rest of what G-d created.)

Okay, so I simplified it a bit. And yes, there were always blacksmiths and doctors, etc. But on the whole, as society became industrialized, women started to feel left out.

The change from traditional gender roles was also helped by other, possibly more influential, factors. Technological advances, such as the vacuum cleaner and washing machine, freed up much of the homemaker's time. Just as Pharaoh increased the workload of בני ישראל to prevent them from thinking about freedom, having more free time allowed women to consider their situation. Additionally, women had to work while men were at war, and were reluctant to give it up upon their return.

There's no question that changes in society have had an effect on religious life, but to deny the same kind of fulfillment to those who want it doesn't seem fair.

(I'll get off my soapbox now and back to the topic at hand.)

We saw before that one cannot say ק"ש if aroused. The (א"ח ט"י ע"ה) ש"ע says that for this reason a man cannot say ק"ש if he can hear a woman singing. The רמ"א adds that if one is accustomed to the voice, it is permissible (as it will not lead to those types of thoughts). The fact that one is subjectively used to something, and therefore not aroused by it, affects the הלכה.

Theoretically, to say that the requirement for women to cover their hair has changed, two things must occur; First we must establish that (pertaining to women's hair) ערוה is subjective enough to affect הלכה. Second, we have to show that affecting laws dependant on their arousal quotient can translate into affecting laws that set basic standards. Even though one may not be aroused by women's hair (and therefore able to say ק"ש in front of her), she would not automatically be allowed to walk around with uncovered hair. There are two different things at work here; She has a certain standard of dress below which is unacceptable, while he cannot say ק"ש if he is aroused (and he's not). However, regardless of whether or not these conditions are met, דת משה cannot be affected, and the גמרא in כתובות says that the basic law of keeping hair covered is דאורייתא. Those aspects that are דת יהודית, such as where the hair must be kept covered and how much, may be affected if what was once accepted can be rejected, and is considered as such.

The משנה ברורה (סי' עה ס"ק) writes that even if a woman and all her friends/associates in that area do not cover their hair (and therefore the men of that area have become so accustomed to the sight of a woman's hair that their minds would not wander), one cannot say ק"ש in front of her/them. Even though the law changes if one is accustomed to a woman's voice, since she is required by law to cover her hair, there is no flexibility.³⁰ It is possible that this applies only to דת משה, although immediately prior he wrote that even if she only covers her hair in public, in the house it is still considered ערוה, and he cannot read ק"ש in front of her.

The ערוך השולחן³¹ takes the opposite approach. One can almost hear the painful sigh as he writes that unfortunately, because of our sins, women no longer cover their hair. However, being that such is the case, the עדה"ש felt that one can in fact read ק"ש even when in the presence

³⁰Just the opposite of our prerequisite. Instead of the flexibility of the laws of ק"ש affecting the dress code, the dress code affects the laws of ק"ש.

³¹א"ח ט"י עה אות ז (וכן כתב הבן איש חי הובא בכף החיים).

of a married woman with uncovered hair.³²

Can these subjective changes affect the standards of dress as well? I will try to explore this possibility, keeping in mind that only *יהודית דת* aspects are under discussion, and that the *משנה ברורה* may preclude the entire premise.

א) If in fact the *טור* and the *ש"ע* did mean that even *בתולות* must cover their hair, we can easily see that this jump from *ק"ש* to *איסור* (or *עשה*) can not be made. Even though in *ק"ש* they say that one *can* read *ק"ש* in front of *בתולות* (since they do not usually cover their hair), they still required *בתולות* to cover it.^{33 34}

³² Rav Moshe Feinstein זצ"ל brings a strong *ראיה* that having to cover the hair does not automatically make it *ערוה*. In *ברכות* (כד.) when *רב ששת* says that a woman's hair *is* *ערוה*, he brings a *פסוק* from *שיר השירים* that compliments a woman's hair, showing that it is enticing. If *having* to cover her hair was enough to make it *ערוה*, *ר"ש* would have used the *פסוק* in *במדבר* from which we see that a woman must keep her hair covered.

There are, however, several reasons why *רב ששת* may have used the *פסוק* in *שה"ש* rather than the one in *במדבר*: First, besides the *ברייתא* brought by the *גמרא* in *כתובות* that translates "*פרע*" as "uncovering" her hair, there is one brought in *טוטה* (ח.) that seems to translate it as "undoing" her braids (*ענין* *בת"ת* וברא"ם). If the *פסוק* in *במדבר* means the latter, we wouldn't know from there that her hair was covered, and therefore is considered *ערוה*. *ר"ש* brings the *פסוק* in *שה"ש* showing (*לכז"ל* *עלמא*) that hair is in fact *ערוה*. Second, if the statement of the school of *ר"י* is needed to show that a woman must cover her hair *מדאורייתא*, the *פסוק* itself wouldn't be enough to show that hair is *ערוה*. Third, Rav Moshe himself wrote that *ר"ש* was only coming to tell us that hair is the same as skin (not worse), and if covered would be *ערוה* (see footnote 25)—the *פסוק* in *במדבר* wouldn't tell us this (only that it must be covered). It would still be possible for something that was *ערוה*-ready, such as hands, to become *ערוה* if it must be kept covered, while hair, (without the *פסוק* brought by *ר"ש*) is not even *ערוה*-ready. Finally, all we see from the *פסוק* in *במדבר* is that her hair was covered (in public), but not how much. After the *פסוק* in *שה"ש* tells us that hair is considered *ערוה*, we know that all of it must be covered (and possibly that it must be kept covered in places other than very public ones).

³³ If their intent was actually that only a widow or divorcee must cover her hair, we have no inference either way. There is the theoretical possibility that (for the reasons previously mentioned) *בתולות* were originally (or would have been) required to cover their hair, but because they didn't follow through (or stopped doing so) the requirement changed. Since there were single women (those who had been previously married) that didn't stop covering their hair, and therefore were still required to, and *בתולות* were originally included in the prohibition, when codifying the law the language was kept intact, and the term *פגירה* was used. It should be noted that according to the *ירושלמי* (*כתובות* פ"ב ה"א) a *בתולה* (*girl whose marriage was not consummated*) must cover her hair, and she would not be included if the word "*בעולה*" was used by the *טור*, *ש"ע* and *רמב"ם*.

³⁴ There is a very simple scenario that would explain how it came about that *בתולות* didn't cover their hair even if the requirement applied to them as well. If at one time the norm was for women to get married, or at least engaged, before they became adults, they would have started covering their hair not when they became adults, but when they became married (or engaged—remember that there is a *מחלוקת* whether a girl who is halachically engaged must cover her hair). Those few that hadn't gotten hitched by the time they became adults probably would not have started covering their hair when they reached adulthood, as it would symbolize "old maid" status—being unmarried adults and all. (It needn't have started in the time of the *גמרא*; If, in the *במדבר*, all women were

ב) The (ידושלמי בחובות פ"ז ה"ג) *שירי קרבן*, in order to answer what the אגריים considered to be a contradiction between אה"ע where the ש"ע said single women must cover their hair and אר"ח where the ש"ע said one can read ק"ש even though he can see the uncovered hair of a בתולה (and other questions), says that בתולות must keep their hair covered in public places, but in alleys and private yards they do not. Therefore, at home, where ק"ש is usually said, and there is no הרהור (improper thoughts) as one is used to seeing a בתולה's hair, there is no problem.

If the sight of the hair of a בתולה is so commonplace, chances are no הרהור would take place in public either.³⁵ Yet, according to the ש"ק, the hair of a בתולה must still be kept covered in public places! In other words, getting used to uncovered hair (so there's no הרהור) does not mean that the standard of dress, or definition of ערוה, changes.

ג) The very concept of ערוה being subjective and therefore subject to change is a very dangerous one, as אין לך סוף—there is no limit to the amount of change possible.³⁶ If today we say that because we are so accustomed to women not covering their hair it is no longer ערוה, what will stop us from saying tomorrow that mini-skirts, or worse, are okay. A line must be

married/engaged by the time they were adults, and sometime thereafter there were some that became adults before marriage, it would be those first adult unmarried females that didn't start covering their hair.) In any case, there's no question that whereas now there are adult females aged 12 through at least the 20's, at the time of the גמרא it was not so, cutting the amount of adult females whose hair was not covered at least in half. It is possible that it was these individuals, anomalies of that society, that danced in the י"כ on נעודה and ט"ו באב. According to this scenario, when the ידושלמי says that בתולות only uncovered their hair when going to their wedding, זכר לחורבן, they must have started covering their hair when they became engaged (as they weren't adults yet).

This might explain why a נדר not to get תאה from "those with dark heads" would not apply to single adult females (even though they didn't cover their hair either)—there were so few of them, they just didn't come to mind when the נדר was made. It would also explain why the משנה in תענית doesn't mention the fact that they danced with uncovered hair, as these girls had never covered their hair in the first place. It must have been very strange to see all those "anomalies" gathered together, so much so that the sight of bouncing (adult) hair would stand out in the minds of potential witnesses. (Or, possibly, that it became closely associated with things done at the בית המקדש, and was therefore made part of the כלה's trip to her wedding "זכר לחורבן". However, I have not seen this פשוט given to explain the ידושלמי.)

If בתולות never covered their hair, the requirement to do so may never have fallen on them (see the end of footnote 26). However, this scenario assumes that they would have started covering their hair when they reached adulthood, when it just as easily could have been when they reached the age of three and are considered לביאה, in which case we must start from scratch.

³⁵Unless seeing many of them at once makes it worse. Making this distinction would mean that if one is walking with a בתולה in public (uh...his cousin) he could not say ק"ש, but if he turns into an alley (where she's not required to cover her hair) he could. Pretty strange. The שרידי אש (אורח סימן ז) says the same thing as the שירי קרבן, adding that she must keep it covered in alleys as well.

³⁶As evidenced by the 1992 change in the New York State "indecent exposure" law.

drawn somewhere, and following what was written in the ש"ע, even in subjective areas, seems a logical place to draw it.³⁷

In addition, if different communities adopt different standards, is the classification of ערוה different for each community? Those who live where most women always cover their hair must do the same, but those living in other neighborhoods do not?³⁸ There are some very real advantages to organized religion, and allowing different standards for different communities would seriously undermine them.

ד) In (אורח חיים סי' נח) Rav Moshe זצ"ל writes that a married woman is allowed to leave just under the area of a טפח (fist) of her hair uncovered, which translates to be the width of two fingers across the front (he figures that the width of the forehead is twice as long as a fist). Since one is not allowed to read ק"ש if a טפח usually covered (such as a woman's hair) is not, but less than that one can, Rav Moshe felt this was the maximum amount of hair a woman can leave uncovered. Rav Moshe clearly applied the laws of ק"ש to the standards of ערוה.³⁹

ה) When saying that even though the טור used the term "פנויה" only widows and divorcees are required to cover their hair, the (אורח חיים סי' נא) quotes the מרדכי, who says that "all we

³⁷If the codification process itself wasn't the actual drawing.

³⁸Although there is a case of a law possibly being different for different communities. In ספר חסידים it says that the ברכה of "שהשמוחה במעוננו" cannot be made if men and women can see each other, since there's no שמחה before הקב"ה where there is הרהורי עבירה (contemplation of sinful things). At the end of אורח חיים, the last of the מנהגים that the לבוש מלכות brings includes the fact that we do in fact say the ברכה. The לבוש says it's possible that the reason we do is because women can now regularly be found among men, and seeing them no longer leads to הרהורי עבירה (as much). In שו"ת בני ברק (which I have not actually seen, but heard quoted on a cassette of a שיעור by Rabbi Y. Frand) the author says that therefore, among those that are accustomed to seeing members of both genders, the ברכה can be made in mixed company, while in those circles that separate seating is upheld, if the circumstance should arise that men and women can see each other, the ברכה cannot be said.

Some מפרשים that discuss whether a בתולה must cover her hair point out that in those communities where they do, all בתולות must, while in those that בתולות do not, they need not. However, these "communities" are much further apart than those under discussion, where it could be a simple ride (traffic permitting!) from Brooklyn to Queens, or closer.

³⁹There is actually a מחלוקת whether less than a טפח is considered ערוה on women other than one's own wife (א"ח סימן עה שעיף א), but Rav Moshe wrote in two early תשובות that even the רמ"א would agree that hair is only ערוה when a טפח or more is showing. However, in a later תשובה (א"ח ח"ד סי' טו) Rav Moshe retracts this distinction, saying that hair has the same דין as בשר (skin), and would fall under the same מחלוקת brought by the רמ"א. Therefore, the פוסקים agree that all hair, even less than a טפח, must be kept covered (except חוץ לצמתן— hairs that don't fit under the covering— i.e. by the temples and back of the neck). This does not, however, affect Rav Moshe's applying the laws of ק"ש to the standards of dress.

discussed regarding not saying ק"ש in front of ערוה pertains only to things that are usually covered. By a בתולה however, whose hair is usually uncovered, we are not concerned [with saying ק"ש in front of her uncovered hair] as it brings no improper thoughts." The ב"ח takes what the מרדכי wrote by ק"ש and applies it to the standards of dress, showing that בתולות need not cover their hair.⁴⁰

ר) The (א"ח סי' עה ס"ק ג) asks how the ש"ע says we can say ק"ש even if we can see the uncovered hair of a בתולה, if in כא he said that בתולות must cover their hair (at least in public). This question, along with another, led the מ"א to change the definition of "פרוע ראש" in אה"ע. If בתולות not following the הלכה, making it the norm to see their uncovered hair, would not change the ערוה status, there would be no contradiction; They are required to cover their hair, but since they in fact do not, and we are used to seeing them in this state of undress, we can say ק"ש in front of them.⁴¹ Since this was not an option, and the מ"א felt a contradiction existed (before changing the definition), it must be that if, for whatever reason, the hair of בתולות is not considered ערוה for ק"ש they could not be required to keep it covered.⁴²

ז) In (סימן ג אחת ב) Rav Ovadia Yosef says that, pertaining to a בתולה having to keep her hair in braids (and a married woman having to wear a "רד" - a full length garment including a veil) we can say "אתי מנהג ומבטל מנהג"; since this practice is no longer kept, it supersedes the original practice. This logic could apply to all דת יהודית aspects of the requirement.⁴³ However, most who do not follow the דת יהודית aspects do not follow the דת משה part either, possibly invalidating their changes from being considered a new מנהג.

If the דת יהודית aspects of the law have changed because of the (unfortunate) changes in

⁴⁰The obvious question is why the ב"ח had to go to the מרדכי when the טור himself wrote (א"ח סימן עה) that because בתולות usually do not cover their hair one can say ק"ש in front of their uncovered hair. The only thing that the מרדכי adds is that therefore no improper thoughts occur.

⁴¹As the עה"ש says by married women who (unfortunately) don't cover their hair.

⁴²Unless the idea of not following the הלכה was so far-fetched, it wasn't even considered an option!

⁴³Although he feels very strongly that married women can not wear wigs in public, despite the fact that it too can only be דת יהודית and has become widespread. (If all aspects of דת יהודית could change based on current practices, the prohibition against wearing a wig as the covering should change as well, yet it doesn't.)

society, no one would have to cover their hair at home or in any non-public place, in public the amount of covering necessary would decrease, and widows and divorcees need not cover their hair at all.⁴⁴ Even though every step necessary to say this exists, no halachic authority has combined all of them, and at each step there is some opposition. Additionally, doing so compromises the moral standards of an entire nation, and opens up the possibility of further compromises ad absurdum.

⁴⁴Assuming only married women are included in דת משה.

D) פאה נכרית: Will or Won't Wigs Work.

Whether a completely exposed wig fulfills the requirement to cover natural hair is a rather complicated issue, with many saying it does, and many saying it does not. There are heavy hitters on both sides of the issue, so no one can do wrong. I will, however, try explaining both sides.

There are basically three reasons why a wig would not be enough to remove the problem of שער באשה ערוה:

1) Most define the word "קלתה," which the גמרא in כתובות says is not enough in public, as a covering that allows the hair (or shape of the hairs) to be seen from up close. When the ירושלמי quotes ר' יוחנן, the term used is "קפליטין". The ערוך translates the ירושלמי's word, based on the Roman language, as "hair, locks of hair and (or) a wig". Since ר"י was saying that *only* in non-public places is a wig acceptable, we see that it does not take care of the יחודיות problem in public places. Of course the ערוך is alone in his definition, translates the same word ("קפליטא") as "a covering" (not any specific type) in ירושלמי שבת פ"ר, and is vague when he translates "קלתה" used in the בבלי.

2) It is not readily apparent that a wig is not a women's natural hair, and therefore some might think she is transgressing.⁴⁵ The problem of מראית עין is mentioned by a number of מפרשים,⁴⁶ but I have come across only one response. In אגרות משה (אה"ע ח"ב סי' יב) Rav Moshe זצ"ל explains that, since we don't find anyplace where the גמרא was worried about מראית עין by a wig, we can't apply the general concept to it. He adds that wigs *are* distinguishable from real hair (at least to some), and that it is no different from men using an electric shaver, which is not forbidden even though it may appear that a razor was used. (Obviously all those that permit uncovered wigs to be worn in public feel that no problem of עין מראית exists.)

3) Since the reason a woman cannot go out with uncovered hair is שער באשה ערוה, and it is therefore immodest, wearing something made to look like hair is also immodest. Whether wigs are as immodest as uncovered hair is rather subjective, and the question is not only if there

⁴⁵In (שט"ז) the author goes so far as saying that even those who said it was okay to wear a wig publicly would now forbid it. Since there are many that unfortunately do not cover their hair, and no one can know whether he is seeing real hair or not, it will lead to עבירה נבירה. (How it differs from having single adult females around beats me.)

⁴⁶For a list of מפרשים, please see (אה"ע סי' כא) or אוצר הפוסקים (אה"ע סי' כא).

is a difference, but if the difference is enough to consider wigs "modest" dress. The שלטי הגבורים says that the only time a woman's hair is considered ערוה is when it is attached to her head and the scalp can be seen with the hair. The רמ"א agreed, quoting the שו"ג in his פירוש on the טור⁴⁷ and allowing one to say ק"ש in front of a woman wearing a wig. In שו"ת ישכיל עבדי ח"ז⁴⁸ the author explains that only when the hair is still attached, and is a living, growing thing, does the יצר הרע rule over it, but once cut is no longer considered ערוה.⁴⁹

There are many ראיות brought by each side, and I will try presenting the basic arguments in the paragraphs that follow. For a more complete listing, please consult the אוצר הפוסקים (אד"ע).
סי' כא אות ה).

⁴⁷דרכי משה או"ח סי' שג ס"ק ר

⁴⁸אה"ע סי' טז (הובא בספר יביע אומר סי' ה אות ח)

⁴⁹To me, it seems that there is a big enough difference between a wig and a woman's natural hair. However, I have heard many state otherwise, mostly those who don't (or whose wives don't) cover their hair. I am convinced that many of these are unfortunately just rationalizing their not keeping their hair covered, for several reasons. 1) If they were really concerned with the הלכה, and felt a wig is also ערוה, they would wear something more modest instead of wearing *nothing* at all. 2) A couple of self-contradictions I have heard: One guy I know told me he couldn't understand how wigs were allowed, since they make women look just as good, or better, then expressed his desire for his wife not to cover her hair because she deserves to feel good about how she looks and he wants to feel pride being seen with a good-looking girl. A married woman I know insists wigs make women look better, yet when asked how someone (unmarried) looked on a particular occasion, said that "her hair looks awful, like a wig." (Hey, I thought that was good!) 3) On several occasions I have heard women point out that certain *other* women that usually wear a sheit'l were seen in a bathing suit at a hotel pool or beach; a) Either one should cover her hair, or does not need to. The hypocrisy of some has no bearing on the issue itself. b) The rationalization used by most for not covering their hair is that ערוה is subjective, and it is common for women not to cover their hair. Why then would it be hypocritical for one to cover her hair where most religious women do, yet wear appropriate pool-side attire?! 4) If women generally looked better with wigs than their own hair, wouldn't more women *want* to wear one? With all the time, effort and energy put into looking good (between makeup, clothes, workouts, girdles, etc.), why is the wearing of wigs limited primarily to Orthodox, or even Jewish, circles (and only to married women)?

I also think there is a difference between looking good and being enticing— aesthetic beauty leads to appreciation, not (necessarily) הרהורים. There is no problem with a woman wearing nice clothing, a nice wig should be no different. The issue at hand is *not* just preventing enticement, but covering what is considered ערוה, "nakedness." To illustrate, there are many women who look better fully clothed than scantily clad. Does that mean that since they look better *with* clothes they shouldn't wear them? No one would say that the ש"ס would advocate mini-skirts for those with awful-looking legs, as there are certain standards that the Torah tries to uphold. In the same way, *even if one looks better with her hair covered than uncovered, the standards set by הלכה demand that she cover it anyway.*

א) There is a משנה⁵⁰ in מסכת שבת that allows a woman to wear a "פאה נכרית" outside her house, but not outside her yard, on שבת. A פאה נכרית is commonly translated as something worn by women that do not have much hair, made from the hair of others, worn on their heads to make it appear as if it is their own. Obviously, if it's worn to make people think it is their own hair, it must be visible (uncovered). Yet, only on שבת, where there is a problem of carrying (if it is removed), is she forbidden from wearing it in public.⁵¹

However, the פאך שבע⁵² quotes ר"י קצינלנברגן who disagrees, saying the פאה נכרית was only worn under something else, adding that it could not be completely uncovered, as she wouldn't want others to think she was being יהודית על דת עוברת, and couldn't because of מראית עין.

Even if the פ"נ was fully visible, he continues, there is no ראייה from the משנה in שבת, as maybe she's only allowed to wear the פ"נ in her own yard, where no covering is needed, but not elsewhere.⁵³ Others⁵⁴ say the משנה is not talking about married women, as they can never wear a פ"נ, but engaged women.⁵⁵

ב) When discussing how late a husband can invalidate his wife's נזירות, the גמרא⁵⁶ says the ת"ק holds that he can't be מייסר (invalidate it) to prevent her hair from being shaven off, as she can put on a פאה נכרית (thus not looking bad). The עין משפט⁵⁷ comments that from here we see that married women can wear a פ"נ on their heads.

However, as several מפרשים comment, the גמרא must mean she can wear it in her own

⁵⁰פ"נ משנה ה.

⁵¹שלטי הגבורים.

⁵²שר"ת סימן י"ח.

⁵³and even though the משנה seems to imply that normally she can wear it elsewhere, it's possible that she never really can wear it publicly, for the reasons previously mentioned.

⁵⁴עצי ארזים.

⁵⁵It can't be referring to single women, as the גמרא says the reason מ"ל allowed her to wear it in her yard was so that she shouldn't be disgusting to her husband.

⁵⁶נזיר כח.

⁵⁷written by the שו"ג.

house, in front of her husband, as ר"מ would never allow her to go out with uncovered hair, yet says that the husband can be מ"פ"ר to prevent her hair being shaved.⁵⁸

ג) The פ"ר קנ"ג says that since the גמרא in כתובות didn't answer that מדאורייתא women can wear a פאה נכרית publicly, most probably it is not even prohibited by דת יהודית.

This is not a strong ראיה, however, for several reasons. The באר שבע says that a פ"נ was not worn uncovered, but under the normal headgear. If another covering were present, there would be no problem of דת משה anyway. Secondly, since any covering at all would eliminate the דת משה aspect, "קלתה" can in fact refer to any covering.⁶⁰ רש"י may have picked the basket/hat because it was the most common. As previously mentioned, the word used in the ירושלמי is translated by the ערוך as פ"נ.⁶¹

ד) The באר שבע brings the גמרא in נדרים (ל:) that says one who vows not to get any benefit from "those with dark heads" is prohibited from doing so from *all* men (even grey-haired and bald men), but not women and children. רש"י says that women always wore light colored headgear (and therefore cannot be called "dark heads"). If women wore wigs without any other covering publicly, they too would have been considered as "those with dark heads".

It is well known, however, that it is not really רש"י on the side of the גמרא in נדרים, even though the printer did attribute the commentary to him. The ראשון used instead on נדרים is the ר"ן, who explains that "dark heads" was used to describe men for lack of another term, as they didn't always cover their hair, nor did they always go out with no covering. Women always covered their hair, so were nicknamed "those with covered heads", while children were called "those with uncovered heads". Additionally, as ר"מ says in נזיר (כח:), there were drawbacks to the wigs they had back then, and it may be for that reason that women did not normally wear

⁵⁸Even though no one but him will know, as her head is otherwise covered.

⁵⁹אר"ח סימן עה ס"ק ה באשל אברהם.

⁶⁰Which is the way the ערוך translates it.

⁶¹It seems to me that if "קלתה" can refer to a פ"נ in כתובות, it must have *not* been worn under anything else, as that something else would take care of the דת משה problem even without the פ"נ.

one (and not because they could not).⁶²

In any case, while there are many prominent פוסקים that forbid women from wearing an uncovered wig publicly, there are many that permit it, including the רמ"א,⁶³ and the מגן אברהם,⁶⁴ prompting Rav Moshe Feinstein זצ"ל⁶⁵ to write that a husband can not forbid his wife from wearing uncovered wigs publicly, as it is her דין and she has whom to rely on. Those who feel that wigs do not do the job can always be מקלוקל for themselves, and many modern פוסקים admonish against certain types and styles of wigs. As in all areas of צניעות, more modesty is always recommended.

⁶²It's possible that because it wasn't the norm for women to wear their wigs publicly that a גזירה was made forbidding it on שבת, as she may remove it (thereby carrying). The שמידת שבת כהלכותה (יח) says that women can wear wigs publicly on שבת, adding that now it is worn like a hat, while then it was worn as a תכשיט (ornament).

⁶³אר"ח סי' עה סעיף ב ובד"מ אר"ח סימן שג ס"ק ו

⁶⁴אר"ח סי' עה ס"ק ה

⁶⁵אגרות משה אה"ע ח"ב סימן יב

E) MORE FITTING/LOOKS GREAT: Which Side Are You On?

As I mentioned in the introduction, whether one covers her hair (or wants his spouse to) seems to be used to define how religious one is. There are several reasons/possibilities for this.

1) The הלכה explicitly says that a married woman must cover her hair. Going against the שלחן ערוך (even on things that are only יחודית and seem to have a way of being rationalized) is usually a sign of having a less than complete commitment to the Torah and its values.

2) There are plenty of married women who do not cover their hair. Therefore, there is less "peer pressure" to do so, as a woman can be considered "Orthodox" even if she doesn't (whereas no one that doesn't keep kosher or Shabbos would be). Those that cover their hair do not usually do so out of fear of being considered an outcast, but because they want to/feel it's the right thing to do. And while there is peer pressure among the further right to keep hair covered, whom one chooses to associate with says a lot about a person as well.

3) The concept of always keeping one's hair covered is very foreign outside of religious circles. To go to work every day wearing a wig (or a hat) takes a lot of guts, and would only be possible for one who has a high level of commitment. (By the same token, going to company functions with a spouse whose hair is covered takes a certain level of commitment.)

4) After having gone all of one's life without covering her hair, it is a pain to suddenly always keep it covered (at least in front of others). One must feel pretty strongly about doing so to overcome the inconvenience involved. Self-esteem may also be affected when something so important to a woman's looks is no longer visible, and once again it takes much commitment to overcome these obstacles.

I am not saying that it is *impossible* for one to be completely committed to a Torah lifestyle yet only cover her hair in public (etc.), but it would take an awful lot of nerve for someone with that level of commitment to believe that she knows better than everyone else.⁶⁶

5) One of the concepts put forward regarding reward and punishment is שכר מצוה ומצוה "שכר מצוה ומצוה" - The reward for doing a מצוה is the intrinsic value of the מצוה itself, while the punishment for sinning is the damage done by the sin. Therefore, keeping kosher may be easier as the one gaining the most is the one doing so, while not keeping kosher affects the

⁶⁶And, if it's because she read this paper (and therefore believes that the theoretical loophole is a valid one), they'll probably just turn up the temperature that much more for me.

violator most directly. The same is true of keeping שבת, etc. However, when it comes to matters of צניעות, many have the attitude that it is not themselves most directly affected by upholding it, but those who won't get הרחורים because they dressed appropriately.⁶⁷

Being that such is the case, dressing modestly became a need at least as much for others as for the dresser. Only those concerned with the spiritual well being of others will inconvenience themselves on behalf of others. Unselfishness and concern for others is a pretty good way to define a person, probably even better than their level of commitment.

Many associate covering one's hair with fanaticism. If commitment to the Torah is synonymous with fanaticism, so be it. But until more is done to inspire others to increase their level of commitment, shoving laws down people's throats will usually do more harm than good. It is my hope that increasing knowledge and thought will bring about a better understanding of the complexities involved, and bring us closer together and to our Source.

⁶⁷Many times I have heard female colleagues say that going mixed swimming is not their problem, but the guys—they shouldn't go to the beach knowing that immodestly dressed women will be there. (It couldn't be that one of the reasons guys go is ...naaah.)

Appendix (a):

I have heard several people quote authorities as saying that (one of) the purpose(s) of a married woman keeping her hair covered is to show others that she is in fact married, kind of a huge wedding ring. I spoke to one Rabbi I had heard quoted as saying such, who said he heard it from *his* Rebbe, and that it was based on the following:

The גמרא in כתובות never uses the term "ערוה", while the גמרא in ברכות does. In order to account for this discrepancy, and the fact that a big deal is made out of a woman's appearance in public, the theory is put forth that the גמרא was concerned that people should know who is married (and therefore has the status of איש אשה). Requiring married women to keep their hair covered took care of this "concern".

In נהמות אריה (סימן ט), a similar scenario is presented. The author is bothered by the fact that a married woman can keep her hair uncovered in her own yard (according to at least some ראשונים), even though others can (possibly) see her. If the reason to cover one's hair is because it is considered ערוה, this should not be allowed.⁶⁸ Additionally, why should there be a difference between single girls that were never married, and single girls that were once married (and if there isn't, why don't *all* single girls cover their hair).

To answer these questions, the נהמות אריה says that the reason the תורה required married women to cover their hair was to distinguish them from those not married. במדאורייתא, any covering would be enough, as it would show that she was an איש אשה. However, דת יהודית required more than just any covering, as sometimes single women wore some kind of headgear. Therefore, the kind of covering only *married* women wore (as the רמב"ם wrote, "רדיד ככל הנשים") was necessary. On her own property, since it was known that she was the lady of the house, there was no need to keep her hair covered. When the רמב"ם (and others) wrote that single women cannot go out publicly "פרועות ראש", it refers to both those who had never married and those who were once married, but are no longer. However, the term "פרוע" means unbraided, not uncovered (like the

⁶⁸Of course we've already seen that some specify that only if no one else is around can it be considered a "חצר", while others state that although she wouldn't lose her כבוד, she's still forbidden to leave her hair uncovered even on her own property.

69. (מגן אברהם)

There are several problems with this way of thinking. First of all, רש"י, in his *מקור ראשון*,⁷⁰ says the reason the basket/hat is not enough for *דת יהודית* in public is "צניעות", as one can see her hair between the reeds (not because sometimes single women wear it as well). I have yet to come across anybody else that gives any reason *but* modesty as the reason more was required. Secondly, if the reason more was required was really because single women sometimes cover their hair, it should also be *דאורייתא* (דת יהודית), as just any covering wouldn't indicate whether or not she is married— why isn't this second level included in the original law? Thirdly, if the reason to keep one's hair covered is to be able to differentiate between married and unmarried women, how would anyone permit married women to wear a wig? Even those who hold that a wig is *not* good enough do not bring this as one of the reasons. Additionally, the *שו"ת*⁷¹ brings from others that there are places where *בתוליות* also cover their hair (as Yemenites and other Eastern communities still do). If the reason to keep hair covered is not modesty-based, why would anyone not married do so?! Finally, according to the *נהמת אריה*, widows and divorcees need not cover their hair (although, like all other single women, it must be kept in braids). Obviously all the *מפרשים* that say they must *cover* their hair are learning otherwise.⁷²

The word "ערוה" is not used in *כתובות* because the source and parameters of the law are under discussion, not the reason(s).

It should be noted that there is a danger with this "reason" being given for married women covering their hair. One scholar has told students that his wife doesn't cover her hair because her wedding ring accomplishes the same thing. Even if this *was* the only reason to keep hair covered,

⁶⁹The same question I posed earlier still applies: How could the same term, used in a similar context, mean two different things. Even the *נהמת אריה* would agree that when talking about a woman who is *דת יהודית*, the definition of "פרע" is uncovered.

⁷⁰הובא בשיטה מקובצת.

⁷¹אסיפת דינים מערכת דל"ת אות א.

⁷²Although theoretically one can combine both *פשוטים*, and say that *ערוה* is a contributing factor, as once a woman covers her hair it becomes *ערוה* (like Rav Moshe's approach). The *ערוה* requires married women to cover their hair so that others will realize that she's an *אשת איש*, and once her hair was covered it became *ערוה*, requiring her to cover it properly (the *דת יהודית* aspects). The *שו"ת* might have said single women "don't usually cover" instead of "don't have to cover" because if they ever did, it would in fact become *ערוה*. However, you would still need the scenario presented in footnote 34 to explain the *גמרא* in *נדרים*. It would also mean that "שער באשה ערוה" means an individual's hair (if she covers it), not everyone's, and would not explain the *לשון* of "פנויה" used by the *טור* and *רמב"ם*.

it is no where near as easy to notice whether a woman is wearing a ring, and if so that it is a *wedding* ring, as it is to notice that her hair is covered.

There is one אחרון with an approach that may be relevant to this discussion. In ספר ישועות, the author's grandson, הרב צבי הירש ארינשטיין, adds his thoughts on שער באשה ערוה.⁷³ He is amazed that (at least according to some) we are more lenient by an ארוסה, who is a full אשת איש, than a widow or divorcee, who is a פנויה in every respect. (He is also amazed that no one else points this out.)

To resolve this, he explains how we know from the פסוק that a married woman must cover her hair. Even though all we really see is that married women covered their hair *at that time* (when the תורה was given), since the uncovering was done to embarrass her, and was made part of the סוטה process, we see that הקב"ה was happy with this "practice" and wanted us to keep it through the generations. However, all we see is that He wanted us to keep the *same* practice, nothing more and nothing less. Since only those considered married had been covering their hair, and only a בעולת בעל (one whose marriage was consummated) was considered married before מתן תורה, only a בעולת בעל has to keep that original custom. An ארוסה, which didn't exist then, could not be included in that "גילוי." Those no longer married no longer covered their hair, as we see from the גמרא in (נח:)— סנהדרין—we know a woman (a non-Jew) is no longer "מיוחדת" (partnered) when she goes with her hair uncovered publicly.⁷⁴ A widow/divorcee only has to cover her hair, he explains, because after having covered it while she was married it becomes a "place usually covered," and therefore ערוה.

This approach explains the mechanics very well; All we see from the תורה is that Hashem wants us to keep the original practice of the בעולת בעל covering her hair (publicly at least). The question is still *why* Hashem wants us to keep it. If it were because hair is "ערוה," wouldn't He want all adult females to cover their hair, and therefore let us know that they should? (If the reason a widow/divorcee must still keep theirs covered is because it *became* ערוה, it obviously was not beforehand.) We can theoretically say that while hair is not "ערוה," it is still more modest to keep it covered, and while not enough to create a separate requirement that all women (or all

⁷³ אה"ע סימן כא.

⁷⁴ Before מתן תורה, Jews had the same requirements (and customs) as non-Jews, so even Jewish widows uncovered their hair.

who are an אשת איש) cover their hair, at least those that had until now (at the time of מותן תורה) should continue to do so. Or, similarly, we can say that Hashem liked the idea that it was easy to recognize who was married, and let us know that we should keep it (or at least the part that was being kept) going. There is another possibility, which fits very nicely with this approach.

In the ninth פרק of "איש וביתו," the author (אליהו כי טוב) writes about the added responsibilities of a נשואה. Hashem created women with the ability to conceive and raise children, which before marriage is only "כח" (potential) but becomes "פועל" (actual) after marriage. With this change comes the added responsibility to be more careful in how one acts, dresses, and affects others. Since this change takes place only after נישואין, but not after אירוסין alone, it could be why the requirement to cover her hair applies only to a בעולת בעל.

Appendix (b):

"The goal of our life should not be to find joy in marriage, but to bring more love and truth into the world. We marry to assist each other in this task. The most selfish and hateful life of all is that of two beings who unite in order to enjoy life. The highest calling is that of the man who has dedicated his life to serving G-d and doing good, and who unites with a woman in order to further that purpose."

-Leo Tolstoy (in a letter to his son)

One topic that often arises when discussing whether or not a woman has to keep her hair covered, is the fact that the wives of some prominent Rabbonim did not cover their hair. I do not pretend to understand what the thought process behind this was. There is no doubt that these Rabbonim would not have married a woman that didn't keep kosher or Shabbos. Although keeping one's hair covered (even in public) is not in the same category of Kashrus or Shabbos, it is a bit curious that they were able to tolerate an apparent violation of halacha by their wives.

It is entirely possible that these Rabbonim felt that they would be able to accomplish more— bring more Torah to the world, bring more people closer to their Creator— with this Rebbetzin by his side, *despite* the fact that she didn't cover her hair.

One of these Rebbetzins started covering her hair in America, and it's more than likely that had they grown up in our communities, all would have done so when they first got married. I am told that even in Europe those brought up in the "Yeshiva world" covered their hair when they wed; It was when a women who didn't grow up in the "Yeshiva world" married someone who did that the above situation came about.⁷⁵ There's little doubt, though, that the

⁷⁵When asked if there's any *חוק* for a married woman not to cover her hair, one of the prominent Rabbonim whose wife didn't cover hers said there was not. (When, at a different time, he was asked why his Rebbetzin did not, the response was "why don't you ask her," or something to that effect.)

There are those who would like to say that there must be a valid *חוק* if the wives of such

unavailability of a strong Jewish education for females contributed greatly to the laxity that existed in Europe.

In any case, the bottom line is what the הלכה actually says, and if any question persists, an authority should be consulted.

prominent Rabbonim did not cover their hair (see "Tradition, Modesty, and America: Married Women Covering Their Hair," *Judaism* 40 (1990) by Rabbi Michael J. Broyde). However, even though such a הוד may have been printed, I can find no validity for it, which the above story seems to confirm.

[Rabbi Broyde writes that theoretically there are several ways not to require married women to cover their hair, even publicly. Either there really is no prohibition מין התורה, it "only applies in a society where women generally cover their hair," or the term פרוש means "disheveled," not "uncovered." I believe I have covered these areas, and, as Rabbi Broyde himself writes (in footnote 10), "almost all contemporary decisors maintain that a Biblical and immutable rule requires married women to cover their hair." Those that seem to raise the theoretical possibility that it is dependant on society do so not for practical halacha, but rather to explain why so many have disobeyed the law.

The most widely known of those that seem to say there is no longer any problem is Rabbi Isaac S. Hurewitz. In יד הלוי, his commentary on the Rambam's ספר המצוות, the issue of a woman covering her hair מין התורה, and why it isn't counted as one of the מצוות, is brought up (מצות עשה). While saying that he "wrote this not for practical law but to justify the practice of Jewish women," he tries to show that the איסור is society based ("dependant on the place and time"), and if a woman doesn't follow the dress codes of her community she violates דת משה as well as לפי ערך (for dressing in a way that is arousing). If, however, the women of a society do not cover their hair, the איסור no longer applies. The problem with this approach is rather obvious; There are two levels of law working here, דת משה and דת יהודית, and Rabbi Hurewitz only allows for one. Any detail of modesty would automatically become the איסור דאורייתא! How could the גמרא have said that מדאורייתא something is permitted, but is אסור because it has become Jewish custom?! It is no wonder that the יד הלוי was so controversial when it was first published, and was attacked in the Jewish media. I couldn't put it better than Rabbi Dovid Cohen, who, in a letter to Rabbi Broyde discussing the יד הלוי, wrote, "Being published does not make one a decisor."

Appendix (c):

Several approaches have been scattered throughout this paper, and they might be difficult to follow without a scorecard. The following chart may help keep track of these approaches, and the advantages and disadvantages of each one. The approaches included in the chart are:

- (1) The standard approach; Married women must cover their hair, as well as widows and divorcees. This is the approach used by most אחרונים.
- (2) The simple approach; All adult females must cover their hair. This approach seems to make the most sense based on the things brought in the second chapter.
- (3) The modern approach; Only married women have to cover their hair, not because it's enticing, but so that we know who's married and who's not.
- (4) Rav Moshe's approach; Hair is not enticing unless it's usually covered, and married women usually cover their hair because of the Biblical commandment/prohibition. While Rav Moshe doesn't give a reason why the תורה required married women to cover their hair in the first place, I am assuming it is because it's more "tzniusdik" even if it's not ערוה, and the severe consequences or added responsibility of an אשת איש make this extra level of צניעות mandatory.
- (5) The sociological approach; All adult women should have covered their hair, but those who hadn't married never started doing so, so the technical requirement never started (as explained in footnote 34).
- (6) The combination approach; Combines Rav Moshe's approach with the simple approach in order to answer most of the problems each one faces. בתולות had (have) to keep their hair covered publicly for צניעות reasons, even though hair is not considered ערוה in and of itself.

The circumstances that need to be explained and are included in the chart are:

- (A) Why the תורה requires married women to cover their hair.
- (B) Why widows and divorcees have to cover their hair.
- (C) Why single women are different.
- (D) The use of term "פנייה" in כא אה"ע סי' כא.
- (E) Why the term "שדרכן" was used rather than "שמותרת" in עה א"ח סי' עה.
- (F) Why no rebuke was made when using "שדרכן" (that really בתולות should cover their hair).
- (G) The ירושלמי that indicates girls covered their hair before they got married.
- (H) How brides were allowed to uncover their hair when going to their wedding.
- (I) The expression "שחורי הראש" seeming to exclude all adult females in the נדר.
- (J) Use of term "בנות ישראל" in the ברייתא (and ספרי).
- (K) Using תמר as a זכר לדבר in the ספרי.

standard	simple	modern	Rav Moshe's	sociological	combo
A) Why the מחידה requires married women to cover their hair	hair is enticing	to show that she's an אשת איש	extra level of צניעות due to severe effects of an אשת איש, or her added responsibilities	hair is enticing	(see Rav Moshe's approach)
B) Why widows and divorcees have to cover their hair	hair is enticing	either they don't, or because it became נדה once they'd covered it (while married)	once they started to cover it (when they were married) it became נדה	hair is enticing	(see Rav Moshe's approach)
C) Why single women are different	they're not, and should cover their hair	they're not married	since they never cover it, it's not "נדה"	they never started to cover it, so it never became accepted	they're not (publicly), and should cover their hair, although not on the same plane as married women (as they don't have אשת איש status)
D) The use of term "פנייה" in אר"י סי' נא	all single women are required to cover their hair	"not covered," but "not braided," and even בתולות can't wear their hair "loose" (or see standard approach)	(see standard or modern approach)	the reason applies to all, so language was kept intact; only some kept it (widows and divorcees)	extra level of צניעות required in public, even בתולות
E) Why the term "נשותיו" was used rather than "נשותיו" in אר"י סי' עה	they really are supposed to cover it	(see standard approach)	if they ever covered it, it would become נדה	to imply that they really should have	publicly they do/should, privately they don't

	standard	simple	modern	Rav Moshe's	sociological	combination
F) Why no rebuke was made when using "שורכן" (that really should cover their hair)	they aren't required to cover it	not it's proper place here	(see standard approach)	unless they start to do so, they aren't required to	since they never did, they don't have to; a mild rebuke is implied	they aren't required to cover it in non-public places
G) The יתומות indicates girls covered their hair before they got married	they started after the קידושין (actually many misread the חשנה)	they actually did cover it before marriage	they had to cover it after אשת איש אשת איש— she's an אשת איש— she's an אשת איש	all halachically engaged women did; the extra level of צניעות is required for any אשת איש	they must have started to cover it after the קידושין	single women covered their hair in public
H) How brides were allowed to uncover their hair when going to their wedding	if they started covering at קידושין, no problem; otherwise, see simple approach	"פירוש ראש" here means letting the hair hang out under their cap/hat, which they were allowed to do (or see modern approach)	since it was done as טעם of אבילות, only occurred as she went to her חתונה, and only around family, we aren't as concerned about הדורתי נכירה	(see modern approach, though because hair is not automatically "שורכן" but covered for "צניעות" reasons, it is more easily accepted)	(see simple approach)	(see Rav Moshe's approach, as well as simple approach)
I) The expression "שורכן" seems to exclude all adult females in the בית	(see socio-logical approach)	all adult females did cover their hair	(see sociological approach)	(see sociological approach)	there weren't many unmarried adults around	single women covered their hair in public
J) Use of term "בנות ישראל" in the משיב (and משיב)	to include widows and divorcees	all adult females are included	?	(see standard approach)	reason to cover hair applies to all adult females	publicly all adult females must cover their hair
K) Using משיב as a משיב in the משיב	all בנות ישראל must cover their hair	all adult females must cover their hair	?	(see standard approach)	(see standard approach)	publicly all adult females must cover their hair

	standard	simple	modern	Rav Moshe's	sociological	combo
problems	forced to rely on weak answers for problems D, G, J and K while providing no answer for C	would mean even single adult females have to cover their hair, which most do not; forced to rely on weak answers for problems F and H	goes against universally accepted idea that reason to cover is "נדה" (and possibly that widows and divorcees must); forces a different translation for "אִרְמֵי סֵךְ" in כ"א פ"ד; relies on weak answers for problems B and H and provides no answers for problems J and K	נדה definition changes from person to person; differentiates between married and unmarried by hair, even though such a difference never applied to any other aspect of צניעות; relies on weak answers to problems D, G, J and K	may not be factual; relies on weak answers to problems D, H and K (though D not as weak as other approaches)	would mean all single adult females should cover their hair publicly (נדה) not doing so anymore and the subjective nature of נדה in general mitigates this problem while creating another—the נדה definition then changes from person to person)
strengths	approach used by most אומות; strong reason for A and B	strong answers for problems A, B, C, D, E, G, I, J and K	strong answer for problem C	strong answers for problems C, E and F	has far fewer problems than the standard approach without changing the universally accepted reason for covering hair (נדה) and without saying that בנות really should cover theirs	strong answers for problems D, E, F, G, J and K; if single women really should cover their hair publicly, everything would fit

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