

"SPLITTING HAIRS"

צטנין 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 גאשה ערנה, 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

A) IN BLACK AND WHITE: What the Sources Say.

ואלו יוצאות שלא בקתובה: העובדת על דת משה ויהודית. ...ואיזוהי דת יהודית- יוצאה וראשה פרוע...

(כתובת פירק ז משנה ו)

ראשה פרוע דאורייתא היא דכתוב (במדבר ת, יח) "ופרע את ראש האשה" ותנא רבי רבי ר' שמעאל אנהיה לבנות ישאל שלא יצאו בפרוע ראש. דאורייתא קלטה שפיר דמי, דת יהודית קלטה נמי אסור. אמר רבי אסי אמר ר' יוחנן קלטה אין בה משום פרוע ראש. נוי בה רבי זינא- היכא? אלימא בשוק- דת יהודית היא. ואלא בקצור? אם כן לא הנתפס בת לאברהם אבינו שישבת סתת בעלה. אמר אביי ואיתימא רב כהנא מחצר לחצר ודרך מביי. (כתובת עב)

After going through several cases where one has to divorce his wife but still fulfill her *ketuba*, the *משנה* in *כתובות* lists cases where the *כתובה* need not be paid. These cases are divided into two categories, disregarding "the law of Moshe" (*דת משה*), referring to *מצוות* of the *תורה*, or "the law of Judaism" (*דת יהודית*), referring to practices the Jewish people have accepted upon themselves, even though they were not included in any *דאורייתא*. One of the examples given in the *משנה* for the latter is a woman that "goes out with her head uncovered".¹

The *גמרא* asks why this is considered *יהודית*, and not *משה*, if the prohibition against Jewish women going out with an uncovered head is based on a *פסוק* (and is therefore *דאורייתא*); When a woman is accused by her husband of committing adultery, the *תורה* describes the process followed. One of the steps involved is the *כִּתְוּתָהּ* uncovering her hair, based on which

¹ "פרוע" can be defined as either uncovered or unkempt/let loose. Even though the most common definition used in this context is uncovered, (גמרא) translates it as "undoing her braids". In (on the פסוק in רש"י) quoted by the *גמרא* says that "האשה" (which is extra, as it could have said only "ופרע את ראשה"), in conjunction with the word "ראשה", comes to include undoing her braids. *רש"י* explains this to mean that we increase her "uncoveredness" ("מרבה בגילוייה"), implying that first her hair was uncovered, then let loose. *רש"י* himself (in *טוטה*) explicitly states that "פרוע" always means "uncovered," although since more hair becomes uncovered when braids are undone, this could (theoretically) be his intent.

The *ספרי*, on which the *כתובות* is based, uses the word "covered" (*מכסות*). In addition, in (פ"ה מ"ו) *קמא* *בבא* we are told that if one is "פרע ראש האשה" he pays her damages, and the story brought to show that *רבי עקיבא* held this applied to all women says "גלתה את ראשה"— he uncovered her head. This *משנה* and the *ספרי* leave no doubt that *חז"ל* translated the word "פרע" (in this context) as "uncovered", not "unbraided."

(עיין בשפתי חכמים וברא"ם על פירוש רש"י וע"ע ב*תורה* *תמימה*. ועיין בשו"ת שרידי אש אה"ע סימן ל.)

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

The גמרא answers that כדאורייתא 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 "ירצאות 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

² כותבות עב. ובספרי (במדב ה) 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!

³ רש"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 מדאורייתא 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.

⁴ This 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 ב"ח (אר"ע סי' קטו). 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.

⁵ We 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 כהנים 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 טוטה ז.) 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 (אה"ע סי' קסד ד"ה ומ"ש ודוקא).

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

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

⁹ The ב"ש (אה"ע סי' קסד ט"ק ט) says that this איסור is for modesty reasons, as does the 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 The ב"ח (אה"ע סי' קט"ו ד"ה ומ"ש ודוקא שיעצתא כן בד"ר) says that the intent of the שו"ת חתם סופר (א"ח תשובה לז) and others (and רמב"ם) 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 כקן נחורכה) 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 איסור of uncovered hair applies to anyone else. However, in אגן העזר (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 פסקי 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 הלכות קריאת שמע (אור"ח סי' עה) affects is שער באשה ערוה, 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-בעולה 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 הן is also bothered by this, and therefore says that "פרוע ראש" (אבן הן) 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 בתולה 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 הן 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* ("שמופתרות 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 פלה went to her wedding פרוע ראש as a sign of mourning,¹⁸ as we no longer have the great שמחה of the dances of the בנות ירושלים in the עזרה on יום כיפור (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 בקלי 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 "בהינומא 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 מסכת נדרים (ל:) 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 שידי קרבן, where he says (in פ"ז ה"ג) that even בתולות cover their hair publicly.

²⁰This would answer the מ"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 הרהורי עבירה on. However, in this case, this concern is not present, as she's only surrounded by family, and is being escorted 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) חן (א"ה ע"י כ"א) writes on the topic of ישיבות יעקב, the author's grandson (ר' צבי הירש אריתשטיין) writes on the topic of 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 כתובות refers to 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 לזכר" (not quite proof, but a sort of verification) to show that women covered their hair from תמר, the daughter of נקמן, who covered her hair with "אפר" after the incident with אקנון. 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 (ידועלמי כתובות פ"ו ה"ג ד"ה לחצר אמור).

²² (Although the גמרא doesn't specify what "פנייה" 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 "פנייה" 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 (אור"י סי' ג) אש"ל shows how we would not embarrass one who was raped by making her keep her hair covered.

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 דולק ד טי' לב אוח 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 היתר).

Rav Moshe then mentions the possibility that דת יהודית is treated like all תוקפים, 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 גְּמֵרָה 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 ש"ק if aroused. The (א"יח ט"י ע"ה) ש"ע says that for this reason a man cannot say ש"ק 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 ש"ק 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 ש"ק 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 (סי' עה ס"ק) משנה ברורה 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 ש"ק 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 ש"ק 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 ערוך felt that one can in fact read ש"ק even when in the presence

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

³¹א"יח 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 (or עשה) to איסור ק"ש (עשה) can not be made. Even though in ק"ש הלכות 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 (בד), 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 נדרים that translates "פרע" as "uncovering" her hair, there is one brought in (ז) טוטה 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 נלמא) 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).

³³If 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 פגויה was used. It should be noted that according to the (כתובת פ"ב ה"א) ירושלמי a בתולה מין הנישואין (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.

³⁴There 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 מדבר, all women were

ב) The **קנגן אגריקום** (ידידשלמי בתובות פ"ז ה"ג) **שיני קרין**, in order to answer what the **אר"ח** considered to be a contradiction between **אר"ח** 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 לךר 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 **ט"ו באב** and **י"ב חנוכה**. According to this scenario, when the **ידידשלמי** 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 **תענית חן משנה** 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 **ידידשלמי**.)

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 **אש (אדע סימן ז)** **שרידי** says the same thing as the **שידי 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.

