

"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 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 קרמור

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 דקתיב (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- היבא? אלימא בשוק- דת יהודית היא. ואלא בקצור? אם כן לא הנחת 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 סוטה) 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 *כתובה* 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 בותרה 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"ז (אר"ע סי' קטז). 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 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-בתולה 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"ר 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"ר 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 ישועות יעקב (א"ה ע"י כ"א) חן. 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.

