

## The Hair of a Woman is Nakedness

Nechama Goldman Barash

Berachot 24a	תלמוד בבלי מסכת ברכות דף כד עמוד א
<p>R. Isaac said: A handbreadth [exposed] in a [married] woman constitutes ervah.</p> <p>In which way? Shall I say, if one gazes at it? But has not R. Shesheth [already] said: Why did Scripture enumerate the ornaments worn outside the clothes with those worn inside? To tell you that if one gazes at the little finger of a woman, it is as if he gazed at her secret place!</p> <p>No, It means, in one's own wife, and when he recites the <i>Shema</i>'.</p> <p>Rabbi Yitzhak said: a handbreadth in a woman is <i>ervah</i> [=nakedness, unchastity, impropriety].</p> <p>Rav Hisda said: a thigh in a woman is <i>ervah</i>, as it is written (Isaiah 47:2) "Bare your thigh, wade through the rivers" and it is written (<i>ibid.</i>, v. 3) "your <i>ervah</i> shall be uncovered and your shame shall be exposed".</p> <p>Samuel said: <i>kol b'ishah ervah</i>, a woman's voice is <i>ervah</i>, as it is written (Song of Songs 2:14) "for your voice is sweet and your appearance is comely".</p> <p>Rav Sheshet said: Hair in a woman is <i>ervah</i>, as it is written (<i>ibid.</i> 4:1) "your hair is like a flock of goats".</p>	<p>אמר רבי יצחק: טפח באשה ערוה. למאי? אילימא לאסתכולי בה - והא אמר רב ששת: למה מנה הכתוב תכשיטין שבחוץ עם תכשיטין שבפנים - לומר לך: כל המסתכל באצבע קטנה של אשה כאילו מסתכל במקום התורף! אלא: באשתו, ולקריאת שמע. אמר רב חסדא: שוק באשה ערוה, שנאמר +ישעיהו מ"ז+ גלי שוק עברי נהרות, וכתוב +ישעיהו מ"ז+ תגל ערותך וגם תראה חרפתך. אמר שמואל: קול באשה ערוה, שנאמר +שיר השירים ב'+ כי קולך ערב ומראך נאוה. אמר רב ששת: שער באשה ערוה, שנאמר +שיר השירים ד'+ שערך כעדר העזים.</p>

### 2. Yoma 47a:

The rabbis learned: Kimhit had seven sons and all served as high priests. The sages asked her how she merited this and she answered, "The walls of my house have never seen the hairs of my head." They said to her, "Many have done so without benefiting."

### 3. Darkei Moshe Even Ha-Ezer 115, letter 4:

Only in the marketplace is going bareheaded forbidden. Yet it is considered modest for a woman never to reveal her hair even at home, as we find regarding Kimhit, who was rewarded for this.

#### 4. Bayyit Haddash (Bah)

Leaving the hair entirely uncovered is forbidden even if she remains in her courtyard...Among Jews the world over, even before the men of her household, a woman will not appear without a kerchief and head covering.

#### 5. Hattam Sofer, Orah Hayyim 36:

Since the Poskim were divided, and the strict view became customary, it is considered outright law, having been adopted long ago by our ancestors throughout the Jewish diaspora...As a result, a wife requires a kerchief even in her own room, and a hat, as well, in a marketplace or public square.

#### 6. Igrot Moshe Even Ha-Ezaer Vol. 1, 58:

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

Coming from so great a scholar as Hattam Sofer, the strict practice of covering the hair at home is a worthy one to follow, especially as it achieves the modesty of Kimhit, mentioned by Darkei Moshe. Even so, it is clear that those who wish to be lenient should not be considered to violate Dat Yehudit God Forbid. Even a pious Torah scholar should not avoid marrying such a woman, if she is herself God-fearing scrupulously observant and of good character.

#### 2. Aruch Hashulchan (Rav Yehiel Mikhal Epstein) Hilkhos Kriat Shema, 75:7

The composers of the Shulchan Aruch wrote, "it is forbidden to read Kriyat Shema opposite the hair of a woman which is normally covered even if its his wife, but in front of unmarried women for whom it is normal to go with uncovered head, it is permitted..."

And this is explained in Even HaEzer 21, that even unmarried or available women should not go with their heads exposed...women who have had relations, widows or divorcees...even a maiden should not go out when her hair is not tied up. There are those who say that in a courtyard all women are permitted, even married, to go with exposed head...in the Zohar of Naso he warned extensively about this. Women who come from places where it is normal not to expose their hair, to a place that is normal to expose the hair, and they do not intend to return they are allowed to expose their hair.

Let us denounce the practice, which, for many years due to our many sins has become widespread, in which the daughters of Israel have broken the fences and go about with their

hair uncovered. Our great consternation about this does not help and this plague has spread. Woe unto us that this has happened in our days. However, as far as the law is concerned, it seems that it would be permissible to pray and recite blessings in front of their uncovered heads. Since now the majority do this, their hair has the status of parts of the body which are normally uncovered and there is no fear of lust.

**8. Sefer Hukei ha-Nashim (by the Ben Ish Hai, 19<sup>th</sup> century Baghdad), p 55 (taken from Michael Broyde's article: HAIR COVERING AND JEWISH LAW: BIBLICAL AND OBJECTIVE (DAT MOSHE) OR RABBINIC AND SUBJECTIVE (DAT YEHUDIT)?**Tradition <http://traditionarchive.org/news/article.cfm?id=105511>

The women here [in Baghdad] have seen women of Europe whose practice is not to cover their hair in front of strangers, and who nonetheless dress modestly and do not reveal their bodies, only their faces and their necks, the palms of their hands and their heads. *Indeed their hair is also uncovered, though according to us such is forbidden. They, however, have a justification, because they say this practice was not accepted among all the women in Europe: both Jewish and non-Jewish women uncover their hair, just like they uncover their hands and their faces, and looking at them does not generate immodest thoughts among the men.*

**9. R. Joseph Messas (Rabbi of Morocco and later Chief Rabbi of Haifa), Responsa Mayyim Hayyim, 2:110, 20<sup>th</sup> century: (Excerpted from Michael Broyde's article on hair covering <http://traditionarchive.org/news/article.cfm?id=105511>)**

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

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

Know, my child, that the prohibition of married women uncovering their hair was quite strong in our community, as it was in all of the Arab lands, before the influx of French Jewry.

However, in short order after their arrival, the daughters of Israel transgressed this law and a great dispute arose amongst the rabbis, sages, and God-fearing learned masses. . . . Now all women go out with uncovered heads and loose hair. . . . Consequently, I have devoted myself to find a justification for the current practice, for it is impossible to fathom that we can return to the status quo ante. . . . I attempted to search through the writings of the legal decisors laid out before me, only to find stringency upon stringency and prohibition upon prohibition. I then set out to fetch knowledge from afar to draw from the sources—Mishna, Talmud and commentaries—before me: perhaps in them I would find an opening of hope through which to enter. . . . Many thanks to God that we have found numerous openings to this area to enter in a lawful rather than unlawful manner. They are:

Behold, it is a well-founded principle of all the decisors, upon which they built their sanctuaries like the heights, that which R. Yishmael hermeneutically derived, “And he shall uncover her head,” this is a warning to the daughters of Israel that they should not go out with uncovered head, as it states in *Ketubot* at the end of 72a. And Rashi there explained, “A *warning*—from the fact that we disgrace her in this manner commensurate to her act of making herself attractive to her lover [by uncovering her head] we can infer that it is forbidden. Alternatively, since Scripture states, ‘And he shall uncover,’ we can infer that at that time her head was not uncovered; we thus deduce that it is not the practice of the daughters of Israel to go out with their heads uncovered: this is the main explanation.”

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

Accordingly, now that all the daughters of Israel have agreed that hair covering is not an indication of modesty, and certainly the absence of a head covering carries no disgrace. . . . this prohibition has been uprooted from its foundation and become permissible. . . .

Furthermore, and more significantly, the explanation of R. Yishmael’s statement rests on two bases—namely, the combination of two unfavourable conditions: uncovering of the hair and the unravelling of the hair from its braids and knots. But uncovering of the hair alone is not covered by the warning at all. . . .

*The upshot of all this is that hair covering for women is only obligatory from the standpoint of custom alone.*

#### 11. Mishnah Brurah Orach Chayim 75:4

And concerning the...prohibition of hair exposure for a woman, the Magen Avraham wrote in the name of Tosefot, in *Ketubot*, that specifically in the marketplace [exposing hair] is forbidden but in the courtyard, where men are not found, it is permitted for women to go with

exposed heads. But in the Zohar, he is very strict that no hair on a woman should ever be seen.

"...even if it is normal for this woman and her peers to go with exposed hair to the market, as is in the ways of the immoral, it is forbidden to say Shema in front of exposed hair. It is similar to the idea of exposing her thigh, which is forbidden in any situation.

...since they have to cover their hair from a legal standpoint and there is in this case a Torah prohibition and also all of the daughter of Israel who uphold Dat Moshe are careful in this, from the time of our fathers until now, hair is in the category of ervah. It is forbidden to read Shema before exposed hair...you can't say that it's permitted because since they are accustomed to such, there are not going to be any lewd thoughts.

He writes as follows:

**Excerpted from Mahram Alashker**

A question asked of me by a friend is whether we have to worry about these women who have become accustomed to uncover their hair outside of their in order to look attractive...according to what we heard from one who had authority and said the inheritance of falsehood is the lot of women who uncover their hair because it is a total prohibition etc. since the hair of a woman is nakedness and therefore, they should be rebuked and warned against uncovering their hair.

Answer: There is no need to worry about this hair since they are accustomed to uncovering it and even for Shema. And the hair of a woman being nakedness does not apply to hair a woman is accustomed to leaving uncovered like with a tefah..and when Rav Yitzhak said a tefah of a woman is nakedness he meant a tefah she normally keeps covered....and there are those who said that when Rav Hisda said the voice of a woman is nakedness and Rav Sheshet said the hair of a woman is nakedness, there are those who understood it all to mean for the purpose of krait shema they said this. And this is how Rav Hai Gaon understood it.

**שו"ת מהר"ם אלשקר סימן לה**

שאלה שאלת ממני הידיד אם יש לחוש לאלו הנשים שנהגו לגלות שערן מחוץ לצמתן להתנאות בו לפי מה ששמענו מי שהורה ואמר כי שקר נחלו אמותינו הנהוגות לגלותו כי הוא איסור גמור ובפי' אמרו ז"ל שער באשה ערוה ולכן ראוי להוכיח ולהזהירן שלא לגלותו.

תשובה איברא דאין בית מיחוש לאותו שער כלל כיון שנהגו לגלותו ואפילו לק"ש. וההיא דשער באשה ערוה לא מיירי אלא בשער שדרך האשה לכסותו דומיא דטפח והכי איתה בגמרא אמ"ר יצחק טפח באשה ערוה פי' טפח שדרכה לכסות ואקשינן למאי אילימא לאסתכלי בה כלומר דאם אשת איש היא ומתכוין ליהנות אפילו באצבע קטנה שאין דרכו להיות מכוסה אסור להסתכל וכו' ומשני לא צריכא לאשתו ולק"ש פירוש דאם טפח מגולה בה לא יקרא ק"ש כנגדה.

ואמרינן נמי התם אמר רב חסדא שוק באשה ערוה. אמר שמואל קול באשה ערוה אמר רב ששת שער באשה ערוה. ואיכא מאן דמפרש דכל הני נמי לענין ק"ש אמרינן להו. וכן פירש רבינו האי גאון ז"ל.

And the Aruch, (Rav Natan the Son of Yechiel, who lived in the 11<sup>th</sup> century and studied with the last of the Gaonim) wrote that when a woman wrapped up her hair she would leave some between her ears and forehead opposite the sides of her face and she brings lime and applies it to the hair that she does not break and lets it fall and creates a bang with it. But a rich woman combs it with perfumes and good oils until the hairs stick together..And the custom today is to do the same, wrapping their hair and leave hair on the sides, descending over the face and this is called by the sages “temples” as we will explain and it is customary to comb this hair with perfumes and oils like the rich women in days gone by.

...

And more than this wrote the Rosh, in his ruling, that even if she goes from a place where there is stringency to a place of leniency, and even if his intent is to return to the original place, he should act according to the leniency of the place he traveled to and he should not be stringent according to his previous dwelling place because of the disagreement regarding changing custom.

End of Rosh's quote.

And even more so, with these women who have no intent to return to their original lands, since they did not cover all of their hair because of prohibition but rather because that was the custom of the women, even the non Jewish women, to cover all hair. Therefore, even those who would cover all of their hair in their former dwelling place should be allowed

ופירש בעל הערוך ז"ל דכתיב בתשובות כשהאשה קולעת שיערה משיירת ממנו דבר מועט בין אזניה לפדחתה כנגד צדעתה ומביאה סיד טרוף כשהוא חבוט וטחה אותו שער ואינה קולעת אותו אלא מטילה כנגד פניה זה עושה בת עניים. אבל עשירה שורקתו בבשמים ובשמן טוב כדי שיתחברו שערות זו בזו ולא תהיה כאבלות ויטיפו ע"כ. וזה המנהג בעצמו הוא מנהג הנשים היום שהאשה קולעת כל שיערה ומשיירת שער הצדעים יורד על פניה והוא הנקרא בלשון חכמים בת צידעא כמו שנתבאר ונוהגות גם כן לשרוק אותו בבשמים ושמן הטוב כעשירות של אותו הזמן

. וגדולה מזאת כתב הרא"ש ז"ל בפסקיו דאפילו שהולך ממקום שמחמירין למקום שמקילין ואפילו דעתו לחזור יש לו לנהוג כקולי המקום שהלך לשם ואל יחמיר כמנהג מקומו מפני המחלוקת בדבר שיש בו שנוי מנהג ע"כ. וכל שכן באלו הנשים דליכא למימ' בהו דעתן לשוב לארצם כמו שכתבנו וכל שכן דאפי' בארצן לא היו מכסות אותו משום איסור אלא שלא היה מנהג ארצן לגלותו דאפילו רוב הגויות לא היו נוהגות לגלותו. הילכך אפי' לאותן שהיו נוהגות לכסותו בארצן ראוי להניחן לנהוג כמנהג הארץ אשר גרו בה. ומעשה אמותן הקדושות בידיהן כמו שהוכחנו מההיא דפרק חזקת הבתים דלעיל ובכמה וכמה דברים הקילו רבותינו ז"ל כדי שלא תתגנה האשה על בעלה. ואין צורך באורך

to follow the custom of their current dwelling place. And in many situations the rabbis were lenient in order to avoid a wife becoming repulsive to her husband.

**Dat Yehudit:**

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

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