

“Non Jews and Kippah in the Synagogue”

OH 91:3. 2010

Rabbi Jay M. Stein

This responsum was approved on March 9, 2010, by a vote of eleven in favor (11-1-1). Voting in favor: Rabbis Kassel Abelson, Eliezer Diamond, Elliot Dorff, Susan Grossman, Reuven Hammer, Adam Kligfeld, Baruch Frydman-Kohl, Aaron Mackler, Daniel Nevins, Philip Scheim, and Jay Stein. Voting Against: Rabbi Miriam Berkowitz. Abstaining: Rabbi David Wise.

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

שאלה

Should a congregation require a non- Jew to wear a *kippah* in the synagogue?¹

תשובה

The circumstance under which this question is most often asked is this: “Should a non-Jew attending synagogue as a guest or visitor wear a head covering such as a *kippah*?” Or, “Is a non-Jew in the employment of a synagogue required to have their head covered while working in the building?” Because of our relatively close connection with the non-Jewish world, we often have non-Jews attending various religious services that are held in synagogues, such as, but not limited to, weddings, Bar/bat Mitzvah ceremonies, and funerals. They attend parties in synagogues, and sometimes they attend programs offered in synagogues, such as interfaith services and non-religious events.

References to head coverings (כסוי ראש) and *kippah* abound throughout rabbinic literature,² and may even originate in the priestly garb described in the Torah.³ Nevertheless, there are few sources that address these questions. However, the tradition does speak of how clothing changes the way we experience events. Wearing formal clothing may cause the wearer to have a more serious mindset. Furthermore, the tradition recognizes the way an individual’s dress has an impact on others. Therefore it is important to recognize that the *kippah* is part of a traditional Jew’s dress code and does make an impression.

The Talmud offers a concise statement on the goal of covering one’s head.

אמר רבי יהושע בן לוי: אסור לאדם שיהלך ארבע אמות בקומה זקופה, שנא: (ישעיהו ו) מלא כל הארץ כבודו. רב הונא בריה דרב יהושע לא מסגי ארבע אמות בגילוי הראש, אמר: שכניה למעלה מראשי.

1 The original question posed of the CJLS was “Is a non-Jew required to wear a *kippah* in the synagogue?” However, as it is not the practice of the CJLS to determine Jewish law for non-Jews. I have reworded the question in order to better advise congregations as to the preferable practices and policies of the congregation.

2 For an overview of this material see “The Wearing of a Kippah by Men and Women” Rabbi David Frankel, Responsa of the Vaad HaHalacha (OH 91:3-5).

3 For an overview of this material see American Reform Responsa “Worshiping with Covered Heads” Vol. XXXVIII, 1928, pp. 589-603.

Joshua b. Levi said: “One may not walk four cubits with haughty mien, for it is said, ‘The whole earth is full of His glory.’” R. Huna, son of R. Joshua, would not walk four cubits bareheaded, saying: “The *Shehina* is above my head.”⁴

This source indicates that *the purpose of wearing a kippah is to remind wearers that God is present in their lives and to inculcate a humble attitude.*

Rabbi David Frankel’s analysis of this sugya is helpful.⁵

יש להבחין בין דברי ר' יהושע בן לוי

על הליכה בקומה זקופה שנאמרו בלשון איסור, לבין דברי הגמרא על מנהגו של רב הונא בריה דרב יהושע שלא

נאמרו בלשון איסור כללי.

It is important to make the distinction between the opinion of R' Yehoshua, the son of Levi, about walking upright in posture, where he uses the language of prohibition, and the opinion of the Gemara regarding the custom of Rav Huna, the son of Rabbi Yehoshua, which was not said in the language of a general prohibition.

Rabbi David Frankel continues, “[T]here is no doubt that covering one’s head, in particular at prayer time, became deeply rooted in the consciousness of the Jewish people as an expression of piety and respect. This is why, even if one cannot say that the head covering for men in the synagogue at prayer time is a halakhic obligation, it should be required.”

In Talmudic times it was not a widespread practice to cover one’s head. Covering one’s head was an act of extreme piety, not a norm for everyone. In Rabbi Frankel’s responsum, in which the sugya from Berakhot is discussed, he suggests that certain times/activities would encourage the wearing of a head covering. One such example is during worship.

רב פפא מעטף ויתב, רב אסי פריס סודרא על רישיה.

‘Wrapping’: R. Papa used to wrap himself in his robe and sit down [to say grace over a cup]; R. Assi spread a kerchief over his head.⁶

It is evident that the Talmudic era sages did not wear head coverings on a regular basis. However, the occasions when they did wear *kippot* are instructive. It is those specific times that set an example and a course for how we might arrive at a standard of practice that is both consistent and respectful and makes sense.

תלמוד בבלי מסכת קידושין דף לא עמוד א 4

5 “The Wearing of a Kippah by Men and Women” Rabbi David Frankel, Responsa of the Vaad HaHalacha (OH 91:3-5)

תלמוד בבלי מסכת ברכות דף נא עמוד א 6

In the synagogue a variety of activities take place, some purely ritual and some solely social. By covering one's head during specific religious (ritual) activities one shows respect for not only the people but the activity as well. The Shulhan Arukh raises the issue of respect for the community and the manner in which respect for the activity come together.

הכל עולים (יא) ה למנין שבעה, אפילו אשה (יב) ו וקטן (יג) שיודע למי מברכין, אבל אמרו חכמים: אשה לא תקרא בצבור מפני כבוד הצבור.
ואסור לקרות בראש מגולה.

All are called to the quorum of seven, even a woman or child, as long as they know the blessings, however the sages stipulate: A woman does not read from the Torah out of **respect for the community**. However, **they are forbidden to read with an uncovered head.**⁷

Though this section of the Shulhan Arukh is referring only to the issue of being called to the Torah, it does offer a frame of thinking to address our question. The two issues this section of the Shulhan Arukh discusses are respect for the community and covering the head during ritual. They both may be seen as mandating wearing of a head covering when participating in an activity in which the name of God is pronounced, or even entering a place where that is likely to occur.

יש אומרים שאסור להוציא אזכרה מפיו בראש מגולה, * וי"א שיש למחות שלא ליכנס בבהכ"נ (ט) ג בגלוי [ג] הראש.

There are those who prohibit the enunciation of God's name with an uncovered head, and there are those who say that one should be encouraged not to enter the synagogue with an uncovered head.⁸

The Shulhan Arukh appears to be offering the minimum requirement for head covering. It makes two suggestions for how we might conceptualize this issue. One suggestion centers on the activity in which the individual is engaged, while the second centers on the location. That is, those who are going to be engaged in worship ought to have their heads covered. The second suggestion is that the place where such activities take place ought itself to be respected, and so merely entering a synagogue should prompt one to cover one's head..

However, the Magen Avraham (Rabbi Abraham Abelle Gobiner) states, "A person should not walk four cubits with an uncovered head" -- it is an act of piety." (Once again it is important to point out that even if this custom were to become like law for Jews,⁹ there still could be no compulsion for those who are not Jewish.)

7 שולחן ערוך אורח חיים הלכות שבת סימן רפב ג
סעיף ג

8 שולחן ערוך אורח חיים הלכות תפלה סימן צא 8

9 For a more extensive discussion of custom in Jewish Law see Joel Roth, *The Halakhik Process: A Systemic Approach* (New York: Jewish Theological Seminary of America, 1986), Chapter 8; and Elliot N. Dorff, *For the Love of God and People* (Philadelphia: Jewish Publication Society, 2007), Chapter 7..

Head Covering Focuses the Mind

The Encyclopedia Talmudit offers a stronger imperative regarding the wearing of a *kippah* during times of ritual and holy activity:

ואסור להוציא אזכרה מפיו ולברך שום ברכה בגילוי ראש, רוב הפוסקים פסקו הלכה כיש אומרים
ה שלא באימה ויראה"שמוכיר שמו של הקב, ואיסורו משום קלות ראש

Most legal authorities determine the law in accordance with the alternative view, such that it is forbidden to pronounce God's name or to recite a single blessing with an uncovered head, and that prohibition is for fear of levity, for a person should only recall God's name with reverence and awe.¹⁰

It is worthwhile to emphasize the point that the act of covering one's head, aside from its personal meaning, impacts *כבוד הצבור* (respect for the community), for the way people behave impacts those in whose company they are. When we combine the concepts of respect for the community (*כבוד הצבור*) and a measure of piety (*מדת חסידות*), we see that the proper mindset is somewhat contagious. When we see people behaving a certain way, we are encouraged to behave in a similar manner. When people are acting with humility, others are influenced to behave similarly. A *kippah* helps establish a mindset both for the wearer and for those sitting around him.

Rabbi Isaac Klein consolidates this discussion in the following way:

The reasons given were twofold: First, it was the Jewish way of showing reverence and respect (B. *Qid.* 31a; Maimonides, *Hil. De'ot* 5:6). Secondly, uncovering the head was the custom of the Gentiles; hence, it must be avoided by Jews (see *Encyclopedia Talmudit*, 6:117). Covering the head thus served as a means of identification and a barrier against assimilation.

- a. To cover the head when in the sanctuary of a synagogue (see *O.H.* 91 in *M. A. 3* and *Peri Megadim*, and in *Eishel Avraham*, *ibid.*mn.3).
- b. To cover the head when praying and when studying or reading from our sacred literature (*O.H.* 282:3).
- c. To cover the head when performing a ritual.
- d. To cover the head when eating, since eating is preceded and followed by a benediction. (Some follow the custom of certain Jewish communities

גלוי ראש, אנציקלופדיה תלמודית כרך 10

In this citation it is clear from the later codes that *kippah* has become a requirement for activities that are matters of holiness (בדברים שבקדושה). This citation refers to the following primary sources.

מט' חול סי' המנהיג הל' ;מרדכי ריש חולין ;יא' לכלבו סי' ;מח' תפלה סי' ש' הל"ח ועי' נ' סי' ברה' ארחות חיים הל'
ש'ועי, מג' ב' סי' ח'או ;ז"ז ח'רבנו ירוחם נט'
ק' ג שאיסור גמור הוא"ז שם ס"ט 'ועי, מ"ש בד"עי, ה' טור סי'
א. ורו' ג"ע צא ג בשם י"שו ;מ' ופרישה אות טו"י וד"ש בב"קפג ועי' טור סי'

in Germany and cover their heads during the benedictions before and after the meal but not during the meal itself.)¹¹

The difficulty that Rabbi Klein raises for us is that if we are to ask non-Jews to wear *kippot* during worship, we may be unable to differentiate between the Jews and non-Jews present. This may lead to asking a non-Jew to take part in the service in some manner we find problematic. There is no easy solution for this problem other than simply to inquire as to a person's religion. It is, therefore, customary in many synagogues to ask non-Jews to put on a *kippah* but not a *tallit*, thus easily distinguishing the Jewish men from the non-Jewish men present..

I have purposefully not addressed women and head covering. This is a complicated issue under significant debate. Therefore, the custom of the synagogue to either require Jewish women to wear a head covering or not should be equally applied to non-Jewish women. That is, if the congregation requires all (both men and women) to have their heads covered in the ritual spaces, then both non-Jewish men and non-Jewish women should be asked to cover their heads. However, if it is the practice of the congregation to require only men to cover their heads, then non-Jewish men, but not non-Jewish women, should also be asked to wear a head covering.

Head Covering Impacts Others

In Rabbi Aaron Blumenthal's responsum, *An Aliyah for Women*, he writes, "It is offensive to the dignity of the congregation for one who is improperly clothed to officiate in the synagogue."¹² Recognizing that how people are dressed affects those sitting in proximity to them during worship, Rabbi Blumenthal explains that the sensitivities of the congregation are to be taken into account when determining a policy and protocol for any given congregation.

As a matter of course, individual congregations set the standards for proper dress in the synagogue during worship. Some congregations require men to wear a sport coat or suit when they ascend the bimah, while others do not have that same practice. In some places, it is acceptable to wear shorts at any service, while other congregations would shun that sort of appearance at services, no matter the time or day of the week. The addition to our conversation that Rabbi Blumenthal makes is that communities have the right and responsibility to determine the policy of their congregation.

Embedded in the issue of כבוד הציבור, respect for the community, is that what individuals do impacts the congregation. A person who dresses inappropriately during services can distract others from the solemn intention required in the moment. Conversely, a person who is dressed more seriously can add an air of solemnity to the experience. If the purpose of wearing a *kippah* is understood to be to show respect and reverence for the community and God, then people

11 Klein, Isaac. *A Guide to Jewish Religious Practice*, Jewish Theological Seminary of America, NY 1979. pages 51-52

12 Proceedings of the Committee on Jewish Law and Standards 1927-1970 vol. 3 page 1087 - Aaron Blumenthal *An Aliyah for Women*. In his responsum he draws our attention to a significant beraita in the tractate of Megillah 23a, in which the sensitivities of the community are taken into account.

wearing *kippot* will add a sense of reverence and respect during worship regardless of whether or not they are engaged in worship themselves.

Maimonides adds to this discussion,

צניעות גדולה נוהגים תלמידי חכמים בעצמן, לא יתבזו ולא יתגלו ראשן ולא גופן.

Torah Sages conduct themselves with exceptional modesty. They do not demean themselves and do not bare their heads or their bodies.¹³

We have grown to understand that wearing a *kippah* is a way of showing respect. The behavior of putting on a *kippah* raises an awareness of the Divine and ought to, thereby, engender feelings of reverence. Therefore, observing such a behavior changes the observer's intention as well. There is no way to quantitatively differentiate between the observer and the participant. Simply attending a service or a ritual changes the very nature of that experience. Though we never count non-Jews towards the requisite number of people necessary for a *minyan*, we do recognize from the very principle of *minyan* that the people in attendance do impact others in attendance.

But still, what should our policy be with regard to requiring non-Jews to cover their heads? If we do insist on that, when and where?

Non-Jews and Jewish Law in General

כל המקבל שבע מצות ונוהר לעשותן הרי זה מחסידי אומות העולם, ויש לו חלק לעולם הבא, והוא שיקבל אותן ויעשה אותן מפני שצוה בהן הקב"ה בתורה והודיענו על ידי משה רבינו שבני נח מקודם נצטוו בהן, אבל אם עשאן מפני הכרע הדעת אין זה גר תושב ואינו מחסידי אומות העולם ולא מחכמיהם.

Anyone who accepts upon himself the fulfillment of these seven mitzvot and is precise in their observance is considered "one of the pious among the gentiles" and will merit a share in the world to come. This applies only when he accepts them because the Holy One Blessed be He, commanded them in the Torah and informed us through Moses, our teacher, that Noah's descendants had been commanded to fulfill them previously. However, if he fulfills them out of intellectual conviction, he is not a resident alien, nor of the "pious among the gentiles," nor of their wise men.¹⁴

There is no reference whatsoever in the seven Noachide laws which, according to the Rabbis, are incumbent on all descendants of Noah, to head coverings. This again makes it clear that there is no legal obligation in Jewish law for a non-Jew to wear head covering and therefore no legal

רמב"ם הלכות דעות פרק ה הלכה ו 13

רמב"ם הלכות מלכים פרק ח הלכה יא 14

The seven Noachide laws are: 1. The prohibition of idolatry: 2. The prohibition of murder: 3. The prohibition of theft: 4. The prohibition of incest and adultery: 5. The prohibition of blasphemy: 6. A Dietary Law prohibiting eating the flesh taken from an animal while it is still alive (Genesis 9:4); 7. The requirement to establish a system of justice and just laws.

justification to compel a non-Jew to don a head covering in a synagogue. This, however, does not preclude informing non-Jews of the custom of a particular institution.

Non-Jews and our need for sensitivity

Many other religions have some sort of head covering, and therefore, it is common to see others wearing such garb. To that end, most people recognize and respect the traditions of other cultures and religions. We must be clear that in the setting of the synagogue it is both acceptable and even suggested to follow the custom of the synagogue to cover one's head. This is in no way intended to offend or exclude people of other faiths. (Once again I refer you to the reformulation of the question as indicated in footnote #1.)

Summary

There is no reference whatsoever in the halakhic literature to a requirement that gentiles wear head coverings, and therefore there is no halakhic reason to compel a non-Jew to don a head covering in a synagogue. This, however, does not preclude requesting non Jews to put on a head covering as a matter of custom; indeed, congregations may establish this custom as an obligation. Indeed, this expresses respect for the non-Jew, for it includes him in our custom.

The custom of the synagogue to either require Jewish women to wear a head covering or not should be equally applied to non-Jewish women. That is, if the congregation requires all (both men and women) to have their heads covered in the ritual spaces, then both non-Jewish men and non-Jewish women should be asked to cover their heads. However, if it is the practice of the congregation to require only men to cover their heads, then non-Jewish men, but not non-Jewish women, should also be asked to wear a head covering.

Although there is no legal obligation for a non-Jew to wear a kippah, we strongly recommend that out of respect for the congregation a head covering be worn by non-Jewish males when they are in a location where worship or ritual is being conducted, such as, but not limited to, weddings, funerals and baby namings. That is, guests, maintenance workers etc., who are in the room where worship is going on should put on a *kippah*.

This request should be accompanied by an explanation of why the request is being made. As with all symbolic acts and with much of ritual in general, the explanation is what brings greater meaning and understanding. Simply making the request in and of itself makes a point. However, an explanation will serve to educate and will demonstrate respect of and for the non-Jew. When we take the time to explain practices and observances, we generate a dialogue critical to mutual understanding.

If however, non-Jews are in other parts of the building, they need not be asked to cover their heads. We ought to draw a distinction along the lines of the Shulchan Aruch (O.H. 282:3) and then extend it to other similar ritual activities. Synagogue workers, who may move in and out of ritual spaces/events, have the same impact as guests and should be asked to cover their heads as well.

פסק הלכה

לכל הדעות אין שום חיוב לאנשים שאינם יהודיים לחבוש כפה בבית כנסת אבל בימינו

עלינו לדרוש מקהילותינו לקיים את הנהג שמבקשים מכל גבר וגבר לחבוש כיפה בעת שהם נוכחים
בתפילה בדברים שבקדושה

Psak Halacha

According to all opinions there is no specific halakhic obligation for non Jews to wear a *kippah* in the synagogue. However, in our day, rabbis and congregations should establish the practice of asking all men to wear a *kippah* when present in the sanctuary or other parts of the building where prayer or other rituals are taking place, and requiring head covering if the person is participating in the prayer or ritual (e.g., reading a psalm). Whatever is the synagogue's practice regarding head covering for Jewish women within the sanctuary or in prayers or ritual acts held elsewhere should be applied to non-Jewish women as well.