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Women and Headcovering

Approved on November 13, 2019 by a vote of 16-1-5. Voting in favor: Rabbis Elliot Dorff (Chair), Pamela Barmash, (Co-chair), Aaron Alexander, David Booth, Judith Hauptman, Joshua Heller, Jeremy Kalmanofsky, Steven Kane, Gail Labovitz, Daniel Nevins, Micah Peltz, Robert Scheinberg, Deborah Silver, Ariel Stofenmacher, Iscah Waldman, Ellen Wolintz-Fields. Voting Against: Rabbi Amy Levin. Abstaining: Rabbis Noah Bickart, Baruch Frydman-Kohl, Susan Grossman, Jan Kaufman, and Avram Reisner.

Question:

Should women and girls wear a headcovering during prayer? And if so, when and where?

Response:

In the contemporary Jewish world, male headcovering is understood as a visible symbol of piety and as a sign of Jewish identification. Originating as custom, male headcovering has become normative practice in synagogues and minyanim in much of the Jewish world. This is certainly true of the Conservative Movement. However, headcovering practices for women and girls in Conservative synagogues and minyanim vary. Some females do not wear any headcovering, others wear a kippah, others a hat, and still others a scarf or headband. These variances in female headcovering touch on questions of the authority of lived practice, both historical and contemporary, the authority of our textual tradition, and the extent and limits of egalitarianism. For some women, a decision about headcovering rests on the following calculus: headcovering, while not obligatory for males, has long been understood as such a strong Jewish custom as to have become obligatory. Even if traditionally worn by men, a headcovering need not be inherently male.¹ Thus, egalitarianism would suggest that women also understand

¹Helana Darwin's large-scale study of women who wear *kippot* yielded 513 responses to the question, "What does your *kippah* practice mean to you, in your own words?" The author divided the main meanings and motives into five categories: "doing Jewish," "feeling Jewish," "looking Jewish," "status marker," and "(un)doing gender." Darwin concludes that, "The findings suggest that women do not necessarily wear *kippot* in order to make a statement about gender equality; rather they wear *kippot* for the same reasons that men do - in order to "do Jewish," "feel Jewish," "look Jewish," and to signify status....They do not wear *kippot* in order to protest Judaism or to radically

themselves as part of this custom and similarly cover their heads. For other women the decision rests on a different calculus: headcovering as a symbol of piety and Jewish identity has largely been a male practice. Women's headcovering is too easily identified (even if mistakenly) with women's hair covering after marriage. Headcovering, in this view, should not be conflated with covering one's hair for reasons of modesty.² Furthermore, the problems of non-egalitarian practice cannot all be solved through a model that presumes men as the norm and requires women to imitate their practices. Since there is no decisive female tradition about headcovering and the lack of a headcovering does not have any ritual consequences, the male norm need not necessarily apply. Indeed, in contrast to *tallit* and *tefillin* which are both categorized as time-bound commandments (מצות עשה שהזמן גרמה), there is no specific commandment to cover one's head. Therefore, a woman who strongly believes in the obligation of both men and women to fulfill the mitzvot of *tallit* and *tefillin*³ might choose to take a different position

change it; rather they wear *kippot* in order to participate more fully in aspects of the religion from which they have been historically 'exempt.'" Helana Darwin, "Jewish Women's Kippot: Meanings and Motives," *Contemporary Jewry* 37, no. 1 (2017), 85, 95. See also Amy Milligan's smaller study of Jewish lesbians Amy K. Milligan, "Expanding Sisterhood: Jewish Lesbians and Externalizations of Jewishness," *Journal of Lesbian Studies* 18 (2014): 437-55. Milligan writes, "Although the wearing of tallisim and yarmulkes are not mandated for contemporary liberal Jews, their reinvigoration of these practices points to an interest in and commitment to externalizing Jewishness. More specifically, Jewish lesbians are taking on symbols which historically have delineated Jewish agency. In doing so, they render yarmulkes and tallisim contemporary markers of their 'insider status.'" Milligan, "Expanding Sisterhood," 449.

²Accordingly, this *teshuvah* discusses the practice of women's *headcovering* and not women's *haircovering* after marriage. I am not providing an overview of the halakhic literature on women's hair covering and marriage. The sources I discuss therefore all use the vocabulary of headcovering and not of haircovering. For an extensive overview of the halakhic literature on women's hair-covering for marriage, see Michael Broyde, "Hair Covering and Jewish Law: Biblical and Objective (Dat Moshe) or Rabbinic and Subjective (Dat Yehudit)?," *Tradition: A Journal of Orthodox Jewish Thought* 42, no. 3 (2009): 97-179. On the experience of contemporary modern Orthodox Israeli women and hair-covering for marriage, see Valeria Seigelshifer, and Tova Hartman, "From Tichels to Hair Bands: Modern Orthodox Women and the Practice of Hair Covering," *Women's Studies International Forum* 34 (2011): 349-59.

³The CJLS has recognized the equal obligation of males and females in מצות עשה שהזמן גרמה. See Pamela Barmash, "Women and Mitzvot," <https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/2011-2020/womenandhiyyuvfinal.pdf>

in regard to headcovering.⁴ Recognizing the integrity of both of these positions and the commitment to egalitarian practice that each position reflects, this *teshuvah* will lay out a halakhic path for women and girls who are deciding whether or not to cover their heads in synagogue and for communities considering communal policy on headcovering.

Headcovering as Women's Clothing

In the Talmudic period, women commonly covered their heads. Indeed, headcovering appears to have been a general practice of adult women and *not* of adult men. M. Nedarim 3:8 rules that one who vows not to derive benefit from a person who is "black-headed," (שחורי ראש) is permitted to associate with women and minors since only men are called "black-headed." Commenting on this mishnah, the Bavli states:

מ"ט? אנשים זימנין דמיכסו רישייהו וזימנין דמגלו רישייהו. אבל נשים לעולם מיכסו וקטנים לעולם מיגלו.

What is the reason [that the Mishnah only calls men "black-headed" and not women]? Because men, sometimes they cover their heads and sometimes they uncover their heads. But women always cover [their heads] and minors always uncover [their heads]. (B. Nedarim 30b)

B. Nedarim 30b portrays consistent headcovering as a women's practice. It associates women's headcovering with age and not with marital status. Minors, presumably male and female, never cover their heads; adult women do. Indeed, headcovering for adult women even extends into old age.⁵

Women are depicted as wearing a range of objects on their heads,⁶ one of which is called a *kippah*:

לוקחין מן הנשים כלי צמר ביהודה ואין לוקחין פירות יינות שמנים וסלתות לא מן הנשים ולא מן העבדים ולא מן הקטנים אבא שאול או' לוקחין מן האשה בחמשה דינרין כדי שתקח בהן כפה לראשה

One may purchase from women wool garments in Judea. But one may not purchase fruits, wines, oils or flours, from either women, or slaves, or minors. Abba Shaul says: one may purchase [fruits, wines, oils, and flours]

⁴To my knowledge, no ethnographic studies have been done of women who choose not to wear *kippot*.

⁵See T. Kelim (Bava Batra) 6:10:

כפה של זקינה שהיא טמא מדרס ונתנוהו לספר ר' מאיר מטהר ור' יוסי מטמא

A *kippah* of an elderly woman who causes impurity through treading, and she gave it to a tailor: R. Meir [declares it] pure and R. Yosi [declares it] impure.

⁶These include wigs (קפלטין), baskets, ribbons, and headbands.

from a woman for five dinars in order that she may purchase a *kippah* for her head with them.⁷

Although the Tosefta (and its Bavli parallel) do not tell us what this headcovering looked like,⁸ when women might wear it, or even why it is called a *kippah*, the passage nevertheless portrays this *kippah* as an important enough garment for at least one sage (Abba Shaul) to permit an otherwise forbidden purchase. Like B. Nedarim 30b, the Tosefta does not associate the *kippah* with marital status and modesty or connect it to any particular ritual practices. It appears simply to be an essential piece of women's clothing.

M. Ketubot 5:8 similarly confirms the *kippah* as an important women's garment:

וּנֹתֵן לָהּ מִטָּה מִפֶּץ וּמַחְצֵלֶת וּנֹתֵן לָהּ כֹּפֶה לְרֹאשָׁהּ וְחֹגוֹר לְמִתְנִיָּה וּמִנְעָלִים מִמוּעֵד
לְמוּעֵד וְכֵלִים שֶׁל חֲמִשִּׁים זָז מִשְׁנָה לְשָׁנָה וְאִין נֹתֵן לָהּ לֹא חֲדָשִׁים בִּימֹת הַחֲמָה וְלֹא
שַׁחֲקִים בִּימֹת הַגְּשָׁמִים אֲלֵא נֹתֵן לָהּ כֵּלִים שֶׁל חֲמִשִּׁים זָז בִּימֹת הַגְּשָׁמִים וְהִיא מֵתְכַסֶּה
בְּבִלְאוֹתֶיהָ בִּימֹת הַחֲמָה וְהַשַּׁחֲקִים שֶׁלָּהּ

And he [her husband] gives her a bed, a mat of reeds, and matting. And he gives her a *kippah* for her head, a belt for her loins, shoes [that will last] from one festival to the next, and clothing worth fifty *zuz* [that will last] from one year to the next. And he does not give her new clothing in the dry season and worn-out garments for the rainy season. Rather, he gives her clothing worth fifty *zuz* in the rainy season and she clothes herself with worn-out ones in the dry season and the [older] worn-out garments are hers.⁹

By requiring husbands to provide a *kippah* for their wives, the Mishnah defines *kippot* as core elements of women's clothing, that is, part of what women customarily wear. These passages do not, however, grant this *kippah* any ritual significance.

⁷The Bavli's version of this baraita permits a woman to sell goods for four or five dinars in order to *make* a *kippah* for her head (B. Bava Kamma 119b).

⁸Or Zarua explains that *kippah* refers to a scarf (פי' כפה צעיף). Or Zarua 3, Piskei Bava Kamma 468. This may or may not be accurate. We should be careful not to conflate this ancient *kippah* with the contemporary garment we call a *kippah*.

⁹The specific case is one where an absent husband makes provisions for his wife through a trustee.

Women, Headcovering, and Piety

At times, the Talmud does connect women's headcovering to religious ritual and correct ethical action. However, when it does so, it often links women's headcovering to enabling male ritual performance and ethical behavior:

שאלו תלמידיו את רבי זכאי: במה הארכת ימים? אמר להם: מימי לא השתנתי מים בתוך ארבע אמות של תפלה, ולא כניתי שם לחבירי, ולא ביטלתי קידוש היום. אמא זקינה היתה לי, פעם אחת מכרה כפה שבראשה והביאה לי קידוש היום.

The students of Rabbi Zakkai asked him: "For what reason have you merited length of days?" He said to them: "In my days I have not urinated within four cubits of *tefillah*, and I have not called my fellow by a nickname, and I have not neglected the sanctification of the day (*kiddush* during shabbat day). An elderly mother I had, and once she sold the *kippah*¹⁰ on her head and brought me the sanctification of the day [wine]." (B. Megillah 27b)

Rabbi Zakkai's mother expresses her piety by *selling* her headcovering to purchase wine for her son's recitation of the shabbat *kiddush*. In turn, Rav Nahman b. Isaac's mother orders her son to cover his head lest he become a thief:

ומדר"נ בר יצחק נמי אין מזל לישראל דאימיה דר"נ בר יצחק אמרי לה כלדאי בריך גנבא הוה לא שבקתיה גלויי רישיה אמרה ליה כסי רישך כי היכי דתיהוו עלך אימתא דשמיא ובעי רחמי לא הוה ידע אמאי קאמרה ליה יומא חד יתיב קא גריס תותי דיקלא נפל גלימא מעילויה רישיה דלי עיניה חזא לדיקלא אלמיה יצריה סליק פסקיה לקיבורא בשיניה.

And from R. Nahman b. Isaac too [we learn that] Israel is free from planetary influence. For the mother of R. Nahman b. Isaac, and some say Chaldeans told her: "Your son will be a thief." She did not leave him to [be] bareheaded. She said to him: "Cover your head so that the fear of Heaven may be upon you and pray for compassion." He did not know why she said [that] to him. One day he was sitting and studying under a palm tree. His cloak fell from his head. He lifted his eyes and saw the palm tree. His impulse overcame him and he climbed up and cut a bunch of dates with his teeth. (B. Shabbat 156b)

Headcovering protects R. Nahman from sinful behavior; an uncovered head results in thievery. The stories depict women as using headcovering to encourage the ethical

¹⁰Rashi proposes that *kippah* refers to a scarf.

behavior of others, either by *uncovering* their own heads or by *encouraging* their sons to cover their heads.¹¹

Indeed, men's headcovering is depicted as an expression of God's earthly presence:

אמר רבי יהושע בן לוי אסור לאדם שיהלך ארבע אמות בקומה זקופה שנא' מלא כל הארץ כבודו רב הונא בריה דרב יהושע לא מסגי ארבע אמות בגילוי הראש אמר שכינה למעלה מראשי.

Said Rabbi Yehoshua ben Levi: A person is forbidden to walk four amot in an upright posture. As it says, "The earth is full of His glory (*kevodo*)" (Isaiah 6:3). Rav Huna the son of Rav Yehoshua would not walk four cubits with an uncovered head. He said, "The *shekhinah* is above my head." (B. Kiddushin 31a)

In an anthropomorphic twist, Rabbi Yehoshua ben Levi forbids walking in an upright posture lest one accidentally physically encounter God's *kavod*, the Divine presence that

¹¹ The story of Kimhit can be understood in a similar fashion:

שבעה בנים היו לה לקמחית וכולן שימשו בכהונה גדולה שלחו חכמים ואמרו לה מה מעשים טובים יש בידך אמרה להן יבא עלי אם ראו קורות ביתי שערות ראשי ואימרת חלוקי

Seven sons had Kimhit and all of them served as high priest. The sages sent [a question to her] and they said to her: 'What good deeds do you have in your hand?' She said to them, 'May [evil] befall me if the beams of my house saw the hair of my head and the seams of my tunic. (Y. Yoma 1:1, 38d).

Note, however, that the Yerushalmi describes Kimhit as covering her *hair* and not as covering her head. This story is thus about hair covering for reasons of modesty and not about headcovering. As I remarked earlier, in this teshuvah I utilize sources that focus on women and headcovering. On Kimhit, see Marjorie Lehman, "'Kimchit as Heroine: The Stories that Form Us," <http://thegemara.com/kimchits-head-covering-between-rabbis-and-priests/>

fills the earth.¹² Rav Huna, on the other hand, solves this problem of potential Divine encounter by not walking more than a short distance without a headcovering.¹³

The Bavli also links male headcovering to specific rituals. The recitation of *birkat ha-mazon* (grace-over-meals) over a cup of wine necessitates “wrapping” (עיטוף), which Rav Asi fulfills by spreading a scarf over his head.¹⁴ Upon spreading a scarf on one's head as part of the morning waking routine, a man recites “blessed is the One who crowns Israel in glory” (עוטר ישראל בתפארה).¹⁵

In contrast, women's own headcovering is depicted in a less generous manner:

מפני מה האיש יוצא וראשו מגולה והאשה יוצאה מכוסה, אמר להם לאחד שעבר
עבירה והוא מתבייש מבני אדם לפיכך היא יוצאה מכוסה

Why does a man go out and his head is uncovered and a woman goes out and her head is covered? He said to them: “[This may be compared] to one who commits a transgression and is ashamed before people.

Therefore she goes out [with her head] covered.” (Genesis Rabbah 17)

Women's headcovering is modeled on Eve. Eve sinned, was ashamed, and thus covered her head; contemporary women similarly are understood to cover their heads out of shame.

In summary, Talmudic material associates headcovering with adult women and as central to adult women's garb. Women may uncover their heads to enable men's piety or encourage men to cover their own heads as a goad to ethical behavior. Men, however, cover their heads in recognition of God's presence and in the performance of a

¹² On the term *kavod* as referring to God's physical presence, see Ben Sommer Benjamin D. Sommer, *The Bodies of God and the World of Ancient Israel* (New York: Cambridge University Press, 2009), 60-62. See also Rashi:

מלא כל הארץ כבודו. משמע משתרבב ויורד למטה והזוקף קומתו נראה כדוחק
The earth is full of His glory. This means that [God's glory] hangs down and descends below [into the world] and one who stands up straight appears to be pushing back.

¹³ See also Rav Huna's declaration on B. Shabbat 118b that he should receive a reward for not walking four cubits with an uncovered head.

¹⁴

עיטוף. רב פפא מעטף ויתיב. רב אסי פריס סודרא על רישיה
Wrapping. Rav Pappa would wrap and sit; Rav Asi would spread a scarf on his head. (B. Berakhot 51a)

¹⁵ B. Berakhot 60b. From the listing of *tallit* and *tefillin* and the accompanying blessings as part of this morning ritual, it is clear that the Bavli has males in mind.

limited set of specific rituals. For women, headcovering is simply a part of everyday customary dress.

Headcovering and Prayer

Given that Talmudic material depicts adult women as wearing headcoverings, one approach would be to extend this custom to contemporary women's practice and imbue it with the meaning and requirements that later halakhic literature places on male headcovering. However, as consistent headcovering is not the norm for most contemporary North American Jewish women, this approach would necessitate a noticeable shift in clothing. In addition, as much, but not all, of this literature presumes a specifically male audience and male leadership of public ritual, the mapping of female practice onto male should not be accepted as a given. While we do function with an assumption of egalitarianism, these texts—and our contemporary society—are deeply gendered. We cannot, therefore, ignore gender as a category. In addition, much as halakhic literature gives credence to textual authority and customary practice, so too should we.

Although Talmudic material largely discusses individual instances of headcovering, the discussion of headcovering in later halakhic literature revolves around three general axes: honor of the congregation (כבוד הציבור), expressions of piety (יראת שמים), and expressions of Jewish distinctiveness. The geonic tractate *Soferim* 14:15 becomes one of the key texts about headcovering for prayer leadership:

קטן קורא בתורה ומתרגם אבל אינו פורס את שמע לומר יוצר אור ואינו עובר לפני התיבה ואינו נושא את כפיו פוחח הנראים כרעיו או בגדיו ערומי' או מי שראשו מגולה פורס את שמע ויש אומרי' בכרעיו ובגדיו פרומים פורס אבל בראשו מגולה אינו רשאי להוציא הזכר' מפיו בין כך ובין כך מתרגם אבל אינו קורא בתורה ואינו עובר לפני התיבה ואינו נושא את כפיו:

A minor reads Torah and translates but he does not lead *shema* in order to say [the prayer] *yotzer or*; and he does not pass before the ark [as prayer leader] and he does not raise his hands [in the priestly blessing]. One who has holes in his garments whose knees are visible or his clothes are ripped or one whose head is uncovered leads *shema*.¹⁶ And there are those that

¹⁶The practice of leading *shema* (*pores et shema*) is often described as a responsive ritual where one person would recite a line of *shema* and then the community would repeat it. Ezra Fleischer argues that leading *shema* describes a public ritual practice where one person would recite the opening line, the community would respond *barukh shem kevod malkhuto le-olam vaed* (blessed be the glorious name of his kingship forever) and then all would continue to recite the *shema* together. Israel Knohl argues for a ritual where one person read the entire *shema* for the community symbolic of accepting the

say, with his knees [visible] and his clothes ripped he leads *shema*, but with his head uncovered it is impermissible for him to utter God's name. Either way [with covered or uncovered head], he may translate [during Torah reading], but [with an uncovered head] he does not read from the Torah and he does not pass before the ark [as prayer leader] and he does not raise his hands [in the priestly blessing].¹⁷

The passage provides two different rulings on the permissibility of leading *shema* with an uncovered head: the first ruling permits leading *shema* with an uncovered head and the second forbids. However, all agree that a person must have a covered head when reading from the Torah, acting as prayer leader, or reciting the priestly blessing. What accounts for this difference between the position that permits leading *shema* with an uncovered head and forbids an uncovered head for reading from the Torah, leading prayer, and reciting the priestly blessing? Rabbi David Frankel argues that the person who led *shema* did so discretely from their place.¹⁸ In contrast, a Torah reader, a prayer leader, and a priest reciting the priestly blessing stood formally in front of the whole congregation. The prohibition against an uncovered head for these latter three ritual activities stems from *kavod ha-tzibbur*, a concern for the congregation's honor. Since leading *shema* does not involve *kavod ha-tzibbur*, a person need not cover his head. A prohibition against reciting God's name with an uncovered head drives only the alternative position about *shema* ("and there are those that say"). It is, however, worthwhile to posit that since today the prayer leader recites *shema* formally in front of the congregation, we should follow the alternative position and require a covered head for leading *shema*.

This passage from tractate Soferim discusses those involved in leading synagogue ritual. It does not discuss whether the prohibition against reciting God's name with an uncovered head extends to all members of the congregation. It also does

commandments. Ezra Fleischer, "Towards a Clarification of the Expression 'Poreis 'Al Shema'" (פורס על שמע), *Tarbiz* 41, no. 2 (1972): 133-44; Israel Knohl, "A Parasha Concerned With Accepting the Kingdom of Heaven," *Tarbiz* 53, no. 1 (1983), 11-15.

¹⁷As Rabbi David Frankel observes, a parallel to this text is found in M. Megillah 4:6. The mishnah, however, omits the details about headcovering as does the subsequent Bavli sugya. In the Talmudic period, leading *shema*, reading Torah, acting as prayer leader, and reciting the priestly blessing all were permitted without a headcovering. David Frankel, 49, חבשת כיפה על ידי בנים ובנות (או"ח צ"א:ג'ה'), http://responsafortoday.com/vol6/1_3.pdf

¹⁸In this, R. Frankel follows the earlier opinions of Albeck's commentary on M. Megillah 4:6. Frankel, 56 n.27 חבשת כיפה.

not explicitly mention women, although as presumably only males led these rituals, one may read its discussion of headcovering as limited to males.

Or Zarua does however extrapolate from tractate Soferim's discussion on male headcovering during prayer to women's headcovering during prayer. After ruling that a minor must cover his head when reading from the Torah, Or Zarua continues:

וכן מצאתי אני המחבר בויקרא רבה פ' וזאת תהי' תורת המצורע בסופה [בפסוק] ראשו
נתם פז שדורש בעצלתים ימך המקרה ע"י שהאדם הזה מתעצל מלכסות את ראשו
כראוי ימך המקרה הרי הוא נעשה (רומי נזקים) [דאומטיקום] ובשפלות ידים ידלוף הבית
ע"י שהאדם הזה משתפל מלכסות גופו כראוי ידלוף הבית יעלה גופו חטטין. הא למדת
שצריך אדם לכסות כל גופו. ואין להעמיד טענה זו באשה דלאח"כ מסיק התם ר' כהן
פתר קרייא באשה מכלל דעד הנה באדם זכר קא מיירי.

And thus I found, I the author, in Leviticus Rabbah, the portion “And this is law of the *metzora*,” (Leviticus 14:2) at the end on the verse, “His head is finest gold” (Song of Songs 5:11), that it explains [the verse] “Through slothfulness the ceiling sags, Through lazy hands the house caves in” (Kohelet 10:18) as follows: Because this man was too lazy to cover his head in a fitting manner, “the ceiling sags” — behold he will be afflicted with rheumatism. “Through lazy hands the house caves in”: because this man was too lazy to cover¹⁹ his body in a fitting manner, “the house caves in” — his body will be filled with sores. From this you learn that a man needs to cover his whole body. But one does not apply this condition to a woman. Because after this [interpretation the midrash] concludes there: Rabbi Cohen interpreted the [same] verse in regard to a woman. It follows by implication that up to here we are discussing a male person. (Or Zarua Hilkhoh Shabbat 2:43)

Or Zarua reads Leviticus Rabbah's interpretation of Kohelet 10:18 in the context of correct behavior during prayer. The bodily afflictions of rheumatism and sores come about not as a result of improper clothing in general but improper clothing *specifically* during prayer. In contrast to his reinterpretation of Leviticus Rabbah in regard to male prayer, Or Zarua retains Leviticus Rabbah's interpretation of Kohelet 10:18 as referring to a woman much as it appears in the original midrash: Kohelet 10:18 describes a woman who is either inappropriately naked or who does not inspect herself properly during menstruation (Rabbi Cohen's interpretation). Her bodily troubles are not caused

¹⁹Most manuscripts of Leviticus Rabbah have a version of “to inspect” (לקנח) and not “to cover” (לכסות). MS Oxford does read מלכסות, but that is corrected to מלקנח. The subtle change from inspection to covering again reflects Or Zarua's reworking of this midrash. See Leviticus Rabbah 19:4, *Par. Metzora* (ed. Margulies 425-426).

by improper comportment during prayer. Men must cover their heads for prayer and when reading from the Torah; women need not in either case.²⁰

Rabbi Moses Isserles, on the other hand, extends Soferim's requirement of headcovering when reading from the Torah to women:

הכל עולים למנין שבעה, אפילו אשה וקטן שידוע למי מברכין, אבל אמרו חכמים: אשה לא תקרא בצבור מפני כבוד הצבור. הגה:...ואסור לקרות בראש מגולה.

All count for the number seven [for reading from the Torah on Shabbat], even a woman and a minor who understands for whom one blesses. But the sages said: A woman should not publicly read from the Torah because of the honor of the congregation.²¹ Comment [of Isserles]: ...And it is forbidden to read [from the Torah] with an uncovered head. (Shulhan Arukh Orah Hayyim 282:3)

Because Isserles does extend the possibility of a woman being one of the seven to read from the Torah on Shabbat (even if he then qualifies that permission) and, in contrast to Or Zarua, does not specify a difference between male and female garb, it follows that if

²⁰ The continuation of this passage is cited both by Rabbi Frankel and Rabbi Ovadia Yosef (Yabia Omer Orah Hayyim 7:15) as evidence for a French custom of men reciting blessings with an uncovered head.

ואין נראה בעיני מנהג רבותי' שבצרפת שמברכין בראש מגולה ובשמחת תורה נהגו לקרות קטנים ומזכירים הזכרה בראש [מגולה] וא"י איך לקיים המנהג אם לא כת"ק דיש אומרים דמס' סופרים.

And the custom of our rabbis in France does not appear fitting to me that they recite blessings with an uncovered head. And on *Simhat Torah* the custom is for minor to read the Torah and to recite God's name with an uncovered head. And I do not know how to justify the custom if not following the first opinion of the "and there are those that say" of tractate Soferim.

See also Jacob Zallel Lauterbach, "Should One Cover the Head When Participating in Divine Worship?," in *Studies in Jewish Law, Custom and Folklore* (New York: Ktav Publishing House, 1970), 235-36.

It is noteworthy that although both Rabbi Frankel and Rabbi Yosef's responsa concern women's headcovering, neither reference this passage from Or Zarua that does explicitly discuss women's headcovering.

²¹The CJLS has long agreed that women may read from the Torah and this does not contradict *kavod ha-tzibbur*. *Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1927-1970*, 3 (New York: The Rabbinical Assembly, 1997) 1086-1108.

a woman were to be one of the seven who read from the Torah, then she too should cover her head. One could also extend Isserles' gloss to argue that much as who reads from the Torah is a matter of *kavod ha-tzibbur*, so too what one wears should reflect *kavod ha-tzibbur*.²²

To this point, much of the discussion has centered around public ritual leadership. What about the case of individual prayer? In detailing the clothing that a person must wear to recite the *amidah*, Rambam prescribes a headcovering. Although Rambam likely does not consider women when he discusses preparation for reciting the *amidah*,²³ it is plausible to read his words more inclusively as applying to anyone who prays the *amidah*:

תקון המלבושים כיצד מתקן מלבושיו תחלה ומציין עצמו ומהדר שנאמר השתחוה לה'
בהדרת קדש ולא יעמוד בתפלה באפונדתו ולא בראש מגולה ולא ברגלים מגולות אם
דרך אנשי המקום שלא יעמדו בפני הגדולים אלא בבתי הרגלים

How must one prepare one's clothes [for prayer]? He prepares his clothing first and adorns himself and glorifies [himself], as it says, "Bow down to the Lord, glorious in holiness" (Psalms 29:2). And one may not stand in prayer in his undershirt, and not with a bare head, and not with bare feet if the way of that place is not to stand [barefoot] before nobility but to wear shoes. (Mishneh Torah, Laws of Prayer 5:5)

Understanding this text as applying to females as much as to males, both should cover their heads when reciting the *amidah*.²⁴ Note, though, that Rambam's ruling applies only to the *amidah*. He does not extend this requirement to reciting the *shema*, reading from the Torah, or saying blessings.²⁵

While the descriptions of male clothing in Karo's legislation about prayer²⁶ lead me to believe that Karo only considers men, like Rambam, we may also extend Karo's rulings to women, that is to anyone who prays:

לא יעמוד באפונדתו ולא בראש מגולה ולא ברגלים מגולים, אם דרך אנשי המקום שלא
יעמדו לפני הגדולים אלא בבתי רגלים.

²²While one could read Isserles' gloss as applying only to men, the preferred category of lectionary readers, this reading seems less plausible. As I stated above, Isserles does not explicitly state a difference between men and women as does Or Zarua.

²³Mishneh Torah, Laws of Prayer 5:1. The clothing Rambam mentions, such as an undershirt, is male clothing. Note that Rambam's ruling applies only to the *amidah*.

²⁴See also Shulhan Arukh Orah Hayyim 91:5.

²⁵See Frankel, 50 חבישת כיפה on this point.

²⁶For example, see Shulhan Arukh Orah Hayyim 91:1-6.

An individual should not stand [to recite the *amidah*] with his money-bag, an uncovered head or bare feet if the manner of the people of the place is only to stand before important people wearing shoes. (Shulhan Arukh, Orah Hayyim 91:5)

As does Rambam, Karo requires a covered head for the recitation of the *amidah* and not for the recitation of other blessings. He retains the alternative position of tractate Soferim as an alternative and not as an absolute requirement:

יש אומרים שאסור להוציא אזכרה מפיו בראש מגולה, וי"א שיש למחות שלא ליכנס
בבהכ"נ בגלוי הראש.

There are those that say it is forbidden to utter God's name with an uncovered head. And there are those that say one should be prevented from entering a synagogue with an uncovered head. (Shulhan Arukh, Orah Hayyim 91:3)

An inclusive reading of Rambam and Karo leads to the conclusion that men and women must cover their heads when reciting the *amidah*; in other moments of individual prayer — and all the more so during the mundane activities of daily life — headcovering is not required.

Despite these textual sources, many Jewish males today wear a headcovering at all times, whether engaged in more mundane activities or in ritual activities. The pious practice of Rav Huna the son of Rav Yehoshua of not walking four cubits with an uncovered head has become normative practice, a marker not only — or perhaps not even primarily — of piety but of male Jewish identity. This idea of headcovering as marking male Jewish identity can be seen in the ruling of the Taz:

ונ"ל שיש איסור גמור מטעם אחר דהיינו כיון שחק הוא עכשיו בין הנכרי' שעושין כן תמיד
תקיף שיושבין פורקין מעליהם הכובע ואם כן זה נכלל בכלל ובחוקותיהם לא תלכו כל
שכן בחוק זה שיש לו טעם דכיסוי הראש מורה על יראת שמים כהיא דסוף מסכת
שבת....

And it appears to me that there is a strict prohibition [concerning uncovering one's head] for another reason, and that is because it is now a law among the gentiles that as soon as they sit down, they always remove their hats. And if so, this is included in the rule, "And do not follow in their ways" (Leviticus 18:3). All the more so in this rule which has a reason because covering one's head teaches about the fear of heaven, as in the passage at the end of tractate Shabbat.... (Taz to Shulhan Arukh, Orah Hayyim 8:3)

Whereas in the Talmudic period, headcovering was associated with adult women, in North American Jewish communities the situation is the opposite: headcovering has become primarily associated with males and can be seen not only in synagogue but also as daily garb.²⁷

This striking shift was recognized by another halakhic decisor, Shlomo Luria. Commenting on the custom of men to cover their heads at all times, he writes:

אבל בזה תמיהני שנהגו איסור בפריעת ראש אף בלא תפילה ולא ידעתי מאין זה להם כי לא
מצינו איסור בפריעת הראש כי אם לאשה כדאיתא בפ' המדיר

But I am surprised they have the custom of a prohibition against an uncovered head at times other than prayer. And I do not know from where they derive this because I have only found a prohibition against an uncovered head in regard to a woman as it is in the chapter “one who vows” [B. Nedarim 30b]. (Responsa of the Maharshah 72)

²⁷The contemporary practice of North American Jewish men wearing a *kippah* at all times—outside of the synagogue and the home—is a relatively recent phenomenon. Among Orthodox males, the practice seems to have been established by the early 1960’s, part of a larger public statement of Orthodox identity and pride. See Lawrence Grossman, “The Kippah Comes to America,” in *Continuity and Change: A Festschrift in Honor of Irving Greenberg’s 75th Birthday*, ed. Steven T. Katz and Steven Bayme (Lanham: University Press of America, 2010), 138-143. For Conservative males, the practice was tied in with the Jewish revival that began in the 1970s across the Jewish spectrum. On the reawakening of Jewish practice, see Jonathan D. Sarna, *American Judaism: A History* (New Haven: Yale University Press, 2004), 323-333. See also the undergraduate thesis of Aminadav Grossman who argues that, contrary to popular opinion, the *kippah* had already become a commonly worn garment in public prior to the ‘67 War. <https://history.columbia.edu/wp-content/uploads/sites/20/2017/07/Aminadav-Grossman.pdf>. The crocheted *kippah*, or *kippah serugah*, became popular in Israel after the 1973 Yom Kippur War. See Darwin, “Jewish Women’s Kippot,” 3. On the question of whether non-Jews should wear headcoverings when in synagogue, see “Non Jews and Kippah in the Synagogue,” <https://www.rabbinicalassembly.org/sites/default/files/assets/public/halakhah/teshuvot/20052010/Kippah%20JaySteinfinal.pdf>

By linking the passage in B. Nedarim—discussed earlier in this *teshuvah*—to male ritual headcovering, Luria effectively shifts the talmudic conversation from one about women’s everyday clothing to one about women’s ritual garments.²⁸

Indeed, a number of prominent Sefardi *posekim* have ruled that ideally all females should cover their heads. Following Rambam and the Shulhan Arukh, Rabbi Ovadia Yosef rules that girls and unmarried women should cover their heads when reciting the *amidah*:²⁹

ומ"מ נ"ל שלכל הפחות בתפלת שמנה עשרה ישימו כיסוי על ראשן, לצאת ידי חובת הרמב"ם והטוש"ע

And in any case it appears to me that at the very least during the *amidah* they [girls and unmarried women] should place a covering on their heads, to fulfill the obligation of Rambam and the Tur/Shulhan Arukh. (Yabia Omer Orah Hayyim 6:15)

Nevertheless, advocating for teaching this position gently so that it may be received, Rabbi Yosef acknowledges that if it is too difficult for girls to cover their heads, there is precedent for not doing so, both textual and customary.³⁰

²⁸See also the commentary of Rabbi David Frankel (שיירי קרבן) to Y. Ketubot 7:6, 44b who reads this passage to conclude that both married and unmarried women should cover their heads. He, however, is not concerned with headcovering but hair covering.

²⁹Ovadia Yosef also adds a preference for headcovering when saying *birkat ha-mazon*, as a *de-oraita* (toraitic) commandment. In the more concise version of this *teshuvah*, R. Yosef advocates female headcovering when reciting a blessing, reading from the Tanakh, or saying God’s name (Yehaveh Da’at 5:6). See also R. Ovadia Hedaya (Yaskil Avdi 7:389a) and R. Matzliah Mazuz (Ish Matzliah Orah Hayyim 24). In the spirit of *אין גוזרין גזרה על* (one does not make a decree for the community unless the majority of the community can abide by it; B. Avodah Zarah 36a), I have intentionally not addressed these other contexts for headcovering in the *teshuvah*, preferring to address a more limited question and advocate a practice that I view as possible rather than a practice that I view as currently impossible for most females. For those females who do adopt the pious practice of covering their heads at all times *תבוא עליהן ברכה* (may a blessing come upon them).

³⁰On the Mizrahi tradition of rulings advocating what the author calls hair covering for single women, see Ilan Fuchs, “Hair Covering for Single Women: A New Reading of Mizrahi Halakhic Rulings,” *Nashim: A Journal of Jewish Women’s Studies and Gender Issues* 23 (2012): 35-39. R. Yosef also notes this custom of unmarried Mizrahi women wearing headcoverings.

Summary

In conclusion, Talmudic literature describes adult females as wearing headcoverings. These headcoverings are essential to women's clothing but do not have particular ritual significance. Women may even remove these headcoverings (and sell them!) in order to facilitate male ritual performance. Medieval halakhic literature differentiates between head-covering for the sake of *kavod ha-tsibbur* and headcovering for the sake of *yirat shamayim*. Therefore, a man who is reading from the Torah, acting as prayer leader or reciting the priestly blessing should cover his head. However, a man who is not acting in any of these roles need not cover his head. As the Talmud and codes do permit women to be one of the seven who read from the Torah, medieval sources do explicitly address the question of whether or not a woman is required to cover her head in this situation. Not surprisingly, the answer is divided: yes (Isserles) and no (Or Zarua). In the case of individual prayer, Rambam and the Shulhan Arukh both require headcovering for the recital of certain ritual acts, in particular the *amidah*. As is their norm, these sources are addressed to and written in the male gender. However, there is no necessity to read Rambam and the Shulhan Arukh as applying solely to a male audience. The recitation of the *amidah* was required for males and females.³¹ One can therefore easily read both sources as requiring a headcovering for anyone reciting the *amidah*. Even the twentieth-century halakhic decisor Ovadia Yosef rules that all females should cover their heads when reciting the *amidah*.

However, beyond the *amidah*, opinions are divided even in the case of male headcovering. Rambam explicitly requires headcovering only for the *amidah*. The Shulhan Arukh lists the requirement to cover one's head when reciting God's name as an alternative position. Consistent headcovering is thus a matter of piety, of not ever reciting God's name with an uncovered head.

The contemporary practice of female headcovering reflects this fluidity in the textual and customary situation of female headcovering. On the one hand, reflecting a sense of headcovering as a fitting prayer garment, increasing numbers of girls and women are wearing some type of headcovering in synagogue. As I remarked at the beginning of this teshuvah, some women and girls choose to wear a *kippah*, others a headband, and still others a hat. Indeed, with the exception of the *kippah*, the scarf and the hat do not serve as markers of Jewish identity and distinctiveness. To many within the Jewish community, though, they do operate as internal markers of affiliation, particularly when worn outside of the synagogue. On the other hand, reflecting the differing opinions and practices about headcovering, many women still choose not to cover their heads at any time. Both headcovering and uncovering thus have textual and

³¹See for example Mishneh Torah, Hilkhhot Tefillah 1:2.

customary basis. This situation makes *pesak halakhah* both difficult and aspirational. In other words, while we may name an ideal, we also need to recognize the care and thoughtfulness that needs to be involved in implementing any halakhic change. Rather than making fiat declarations, we encourage our communities to listen to the voices of girls and women, both those that already do engage in practices of headcovering and those that do not.

Ruling:

Because women and girl's customary practice is increasingly moving in the direction of headcovering in synagogue and because the textual tradition leans toward requiring women's headcovering, we advocate the following practices:

1. Women and girls should cover their heads when reading from the Torah and when receiving an aliyah.
2. In deference to *kavod ha-tzibbur*, women and girls should cover their heads when acting as prayer leader.³²
3. When praying *shaharit*, *minhah*, or *ma'ariv* as an individual, women and girls should cover their heads at least when reciting the *amidah* and ideally during the entire prayer service.
4. Headcovering at other times is a matter of personal piety, and a woman or girl may cover her hair with a garment of her choice; that garment need not publicly identify her as a Jew.

³²In defining *kavod ha-tzibbur*, it is essential that congregational honor not be determined solely by male practice. Voices and practices of men and women must be part of the decision.