CHAPTER I

HEAD-WEAR

A. WHICH WOMEN ARE OBLIGATED TO COVER THEIR HAIR

MARRIED WOMEN, WIDOWS, DIVORCEES

1:1 Torah law strictly forbids exposure of the hair of the head by women¹ who either are married or were once married (i.e. widows and divorcees).²

ELDERLY WOMEN

1:2 This prohibition applies irrespective of the woman's age or the appearance of her hair.³

^{1.} Kesubos 72a; Sifri, Naso 11; Bamidbar Rabboh 9:16; Rambam, Ishus 24:11-12 and Isurei Biah 21:17; Smag, Positive Commandments 48; Tur and Shulchan Aruch, Even HaEzer 21:2 and 115:4; et al. For a complete delineation, documentation and analysis of the Talmudic and Rabbinic sources of this prohibition, see at length our Kvuda Bas Melech [from this point on abbreviated K.B.M.], Introduction to Ch. I.

Rambam, Isurei Biah loc. cit.; Tur and Shulchan Aruch E.H. 21 loc. cit. and Bach, Prisha, Chelkas Mechokek, Beis Shmuel, Nachlas Tzvi, D'gol Mervavah, Vilna Gaon, Yeshuas Yaakov, Pischei Teshuva ad loc; Responsa Mahari HaLevi 9; Responsa Mayim Rabim 30; Emek Nitziv on Sifri, loc. cit.; Day Heshiv 4; Marpeh LeNefesh II, 28; Responsa Sefer Yehoshua, E.H., 89; Responsa Shaarei Ezra, 102; et. al.

^{3.} Beis Oved, O. Ch. 75; Pesach Dvir, O. Ch. loc. cit.; Ruach Chaim (Palaggi), O. Ch. loc. cit. 2; Ben Ish Chai, Bo:12; Kaf HaChaim 75:24; corresponding note in K.B.M. See Avodah Zoroh 20a.

BALD WOMEN

1:3 Even if she has lost most or all of her hair, a woman is still required to keep her head covered.⁴

UNMARRIED GIRLS

1:4 Girls who were never married have no obligation to cover their hair.⁵

Those women required to cover their hair are governed by the laws enumerated in the following paragraphs.

B. PARTIAL EXPOSURE OF HAIR

- **1:5** Hair may not be exposed in any manner, whether totally⁶ or even partially.⁷
 - **1:6** This prohibition includes:
 - a) Exposure of small portions of hair (e.g. a low hair line, etc.), even if less than a tefach (handbreadth).8
 - b) Allowing even short hairs to protrude from beneath the tichel (kerchief).9
- 4. Responsa *Az Nidbaru* VII, 80; corresponding note in *K.B.M.* This ruling finds its practical application (since, of course, such a woman would not reveal her bald head in public) regarding exposure of her head in private. See below, 1:9-1:11 for details.
- 5. Sources cited above, note 2; Pischei Teshuva, E.H. 152:6; Responsa Edus Be Yehosef I, 29:4; Chasam Sofer, Chidushim, Nedarim 30b; Responsa Notah Shuruk, O. Ch., 2; Likutei Sichos (Lubavitch) VIII p. 285. See also Raviah, Krias Shema 76; Mordechai, Berachos 3:80; Agur, Berachos 127; Rosh, Berachos 3:37; Tosefos Rabbeinu Yehuda, Berachos 24a; Or Zerua I, 133; Rabbeinu Peretz on Smak 83; Meiri, Berachos 24a; Tur and Shulchan Aruch, O. Ch. 75:2; corresponding note in K.B.M. at length.
- 6. See above, note 1.
- 7. See below, notes 8-10.
- 8. Sources cited in K.B.M., Introduction to Ch. I, b; sources cited below, note 9. See also Shulchan Shelomo, O. Ch. 75; Responsa Vayeshev Yosef, Y.D. 2; Responsa Teshuras Shai I, 51; Responsa Menuchas Moshe, Mem, 54; Responsa Dovev Mesharim I, 124; Chazon Ish (quoted in Daas VeHalacha p. 20); Maase Chaim (Palaggi), Nun 106; Responsa Divrei Yisroel, O. Ch. 34; Kuntres Mibaad LaTzomosech; corresponding note in K.B.M. at length.
- 9. See corresponding note in *K.B.M.* at great length, based on a host of Talmudic

- c) Exposure of side-hairs (i.e. those in front of the ears). [See below 1:10].
- 1:7 The emphasis Halacha places upon this aspect of tznius (modesty) is documented in Talmudic, ¹¹ Rabbinic, ¹² and Kabbalistic ¹³ literature. The disregarding of these regulations is viewed as even more severe than the exposure of the leg ¹⁴ by some authorities. ¹⁵

and Rabbinic sources. This ruling is codified in Mogen Avrohom 75:4; Maseh Melech VII, 10 (quoted in Kenesses HaGedolah, E.H. 21:7; Shayarei Kenesses HaGedolah, Y.D. 214; et al.); Yeshuos Yaakov, O. Ch. 75:3; Responsa Mayim Rabim 30; Responsa Teshuva MeAhava I,48, Lachmei Todah 4b (quoting his father, the author of Haflaah on Kesubos); Responsa Chasam Sofer, O. Ch. 36; Tzavvas Chasam Sofer (printed in Lev HaIvri); Responsa Maharatz Chayos 53; Responsa Tzemach Tzedek, E.H. 139 and Miluyim I, 45 and Chidushim, Berachos 3; Maaseh Chaim (Palaggi) loc. cit.; Tochachos Chaim at end; Kuntres Kedushas Yisroel (printed in Responsa Avney Shoham); Responsa Vayeshev Yosef, Y.D. 1-3; Sdei Chemed, Assifas Dinim, s.v. "Daas Yehudis"; Responsa Meshiv Devarim II, 127; Darchei Teshuva 198:91; Yetev Ponim, Drush Tov 23; Maharsham, notes to O. Ch. 531; Responsa Meshiv Sholom 34; Arugas HaBosem in HaChana DeRabboh 18; Shulchan HaEzer 9:10; Chazon Ish (quoted in Daas VeHalacha p. 20); Responsa Divrei Yisroel, O. Ch. 33-34; Responsa Mispar HaSofer I, 6; Shaar HaTakanos A; Responsa Mishna Halachos V, 243; Kuntres Mibaad LaTomosech; Likutei Haoros to Chasam Sofer loc. cit.; Responsa Minchas Yitzchok VII, 3. See also Pri Megadim, O.Ch. 551:13; Pischei Olam 75:7; Kaf HaChaim 75:18; Ketzos HaShulchan 9 (in note); Shulchan Melochim 5:146. See also Yoma 47a, and the harsh words on this issue by our Talmudic Sages in *Zohar* III 125b.

- 10. Magen Avrohom loc. cit.; Responsa Chasam Sofer loc. cit.; Responsa Tzemach Tzedek, loc. cit. based on Rashba, Berachos 24a, Rashbam on Bava Basra 60b, and other Talmudic sources; Responsa Mayim Rabim loc. cit.; Tochachos Chaim loc. cit.; Responsa VeYeshev Yosef loc. cit.; Sdei Chemed loc. cit.; Responsa Meshiv Devarim loc. cit.; Darchei Teshuva loc. cit.; Yetev Ponim loc. cit.; Responsa Meshiv Shalom loc. cit.; Shulchan HaEzer loc. cit.; Shaar HaTakanos loc. cit.; Kuntres Mibaad LaTzomosech loc. cit.; Pri Megadim loc. cit.; Responsa Minchas Yitzchok loc. cit.; et al. See also Yoma loc. cit.; Zohar loc. cit.
- 11. See sources cited throughout this chapter.
- 12. See sources cited throughout this chapter, especially below note 26.
- 13. See Zohar III, 125b, et. al.
- 14. See below, Ch. II note 16.
- 15. Responsa *Tzemach Tzedek* and *Chidushim* loc. cit. quoting *Eliyahu Rabboh*, *O. Ch.* 303:13.

C. EXPOSURE OF HAIR AT NIGHT

1:8 Hair must be covered at all times, without distinction between day and night.¹⁶

D. EXPOSURE OF HAIR IN PRIVATE; BEFORE RELATIVES

- 1:9 While alone¹⁷ in the privacy of her own home and room (and more-so if male relatives including her own husband are present^{17*}), a woman may not uncover her hair,¹⁸ even partially.¹⁹
- 1:10 Exception: Privately in the presence of only her husband, a woman is permitted to expose side-hairs extending beyond her tichel (see above 1:6c).²⁰ She may do so even when in the state of nidus (from the start of menstruation until immersion in a mik-

^{16.} Mogen Avrohom, Zais Raanan on Yalkut Shimonie, Bereishis 27. See corresponding note in K.B.M. at length.

^{17.} See below, note 18.

^{17*} See following note.

^{18.} See T. Yerushalmi, Kesubos 7:6 and Korban Eydoh, P'nei Moshe, Shirei Korban ad loc; Nedarim 30b and Maharitz Chayos ad loc; Aruch, s.v. "Keles"; Rambam, Ishus 24:13, Sotah 3:5 and Merkeves HaMishna ad loc; Smag, Positive Commandments 48; Meiri, Kesubos 72; Piskei Riaz, Kesubos 7:2; Shiltei Giborim, Kesubos 72b; Darchei Moshe, E.H. 21; Bach, E.H. 115; Beis Shmuel, E.H. loc. cit. 9; Nachlas Zvi, E.H. loc. cit.; Knesses HaGedolah, E.H. 21:9; Mogen Avraham 75:4; Toras Shabbos 303:10; Yaaros Devash I, 43a and II, 143a; Tzemach Tzedek, Chidushim, Berachos 3; Responsa Chasam Sofer, O. Ch. 36; Responsa Mayim Rabim, E.H. 30; Pischei Olom 75:6; Mishna Berurah 75 in "Biur Halacha"; Geder Olam (by the "Chofetz Chaim") 2 and 6; Lev Halvri 78b; Responsa Edus Beyehosef I, 29:3; Kuntres Hararim HaTeluyim Besaarah 20; Responsa Menuchas Moshe, Mem 59; Darchei Teshuva 198:91; Shulchan HaEzer II, 9:10; Responsa Maharitz (Dushinsky) I, 127; Marpeh Lanefesh II, 28; Likutei Haoros on Responsa Chasam Sofer loc. cit.; Kuntres Mibaad LaTzamosech 11; et al. See also Yoma 47a; T. Yerushalmi Yoma 1:1, Megillah 1:10; Horios 3:2; Vayikra Rabboh 20:7; Midrash Tanchuma, Achrei 7; Pesikta DeRav Kahana, Achrei 126; Avos D'Rav Nosson 35:5. See the especially harsh words on this issue by our Talmudic Sages in *Zohar* III, 125b. For a comprehensive treatment of this topic, see corresponding note in K.B.M.

^{19.} See above, 8-10; 18.

^{20.} Responsa *Chasam Sofer, O. Ch. 36*; Responsa *Tzemach Tzedek, E.H. 139*; corresponding note in *K.B.M.*

vah).²¹ While any other men are present, however, "there is no heter to do so"22 — even if they are close relatives.23

In a Bathroom, Etc.

In a bathroom, bath-house, and well concealed swimming area, or under a sheet or blanket, a woman need not keep her hair covered, but she should not expose more of her hair than is necessary at that time.24

AT THE MIKVAH

1:12 While reciting the blessing at the time of immersion in a mikvah, a married woman should place some covering on her head. [A bride (who was never married before), immediately prior to her wedding, is not required to do so].25

E. VARIATIONS IN LOCAL CUSTOM

Halacha is the minimum requirement of Torah law; and while various local customs are taken into consideration regarding the regulations of modesty in dress (e.g. see below 2:7, 2:9, 2:12, 2:13, 2:15), this applies only when the custom demands greater stringency (see below note 26 and CH. II note 10). Therefore, even if the custom of most women (in one's community, bungalow colony, etc.) is to go about with hair protruding from under their tichel, this by no means constitutes a heter or justifies this behavior.²⁶ Regarding such a "cus-

^{21.} Tzemach Tzedek, Chidushim, Berachos 3. See Shulchan Aruch Y.D. 195:7 and E.H. 21:4; above, note 9.

^{22.} Tzemach Tzedek, op. cit.; other references cited above, note 18.

^{23.} See above, note 18.

^{24.} See Tosefos Yeshenim on Yoma 47a; Shulchan Aruch HaRav, O. Ch. II, 2:2; Ben Ish Chai, Vayetzei: 5; Kaf HaChaim 3:13; Responsa Az Nidbaru VI, 40 and VIII, 50; Leket HaKemach HaChodosh 75:23.

^{25.} Chesed L'Alafim, O. Ch. 2:8; corresponding note in K.B.M.

^{26.} See Yaaros Devash loc. cit.; Geder Olam (by the "Chofetz Chaim"); Biur Be-Inayn (Jerusalem, 5659); Kuntres Hararim Hateluyim BeSaarah (Pietrokov, 5689); Machanecho Kodosh (Jerusalem, 5691) and the tens of Manifestos by leading authorities printed there (in the 5736 edition); Kuntres Azharos LeTznius (Jerusalem, 5707); Chukas Yisroel (Jerusalem, 5713); tens of authorities quoted in

tom" it is written:²⁷ "the word minhag (custom) is the alphabetical equivalent of the word Gehinnom (Purgatory)".²⁸

F. THE SHEITEL

- **1:14** A sheitel (wig) is a sufficient covering for a woman's hair²⁹ (assuming, of course, that it covers all her natural hair³⁰). Although the sheitel might be very attractive it is still permitted, since it is not natural hair growing from the head.³⁰*
- 1:15 Note: Authorities differ as to whether a sheitel made from a woman's own hair may be worn.³¹ Also, many opinions forbid the use of a sheitel made from the hair of deceased (gentile)

Kuntres Daas Moshe VeYehudis (Jerusalem, 5728); Daas VeHalacha I; Devarim Achadim 45; Responsa Vayeshev Yosef, Y.D. 1-3; Responsa Tzemach Tzedek, E.H. 139 and Chidushim, Berachos 3; Responsa Eydus BeYosef I, 29:4; Responsa Notoh Shuruk Y.D. 64; Responsa Mei Yehuda, O. Ch. 14; Responsa Beer Chaim Mordehai III, 52; Responsa Mispar HaSofer I, 6. See also Mishna Berurah 75:10; Toras Chaim 75:2; Vayosef Es Echav, Aleph 24; Responsa Naharei Afrasmon, E.H. 19; Responsa Levushei Mordechai II, 81; Shevilei Dovid, O. Ch. 4; Responsa Nachlas Binyomin 26 and 29; Responsa Meharsham IV, 138; Shulchan HaEzer II, 9:10; Responsa Divrei Yisroel, O. Ch. 34; Chazon Ish, O. Ch. 16:8; Shulchan Melochim 5:16; Responsa Sheeris Yisroel, E.H. 8; Responsa Yonoson Steif 75; collected responsa of contemporary authorities in Taharas TomTov VI p. 46ff.; Leket HaKemach HaChodesh 75:19; Responsa Hillel Omer 36; Marpeh LaNefesh II, 28; et al. For a comprehensive treatment of this topic, see corresponding note in K.B.M.

- 27. See Sdei Chemed, Klallim 38.
- 28. Responsa Tzemach Tzedek and Chidushim loc. cit.
- 29. Shiltei Giborim, Shabbos 64b; Eyn Mishpat, Nazir 28b; Darchei Moshe, O. Ch. 303; Remo, O. Ch. 75:2; Levush, O. Ch. 75; Mogen Avrohom 75:5; Shulchan Aruch HaRav 75:4; Pri Megadim O. Ch. 75:5; Mishna Berurah 75:15; Geder Olom (by the "Chofetz Chaim"); Kaf HaChaim 75:19; Responsa Mishpotei Uziel, E.H. II, 94; Responsa Yaskil Avdi, E.H. 16; Responsa Igros Moshe, E.H. II, 12. See also Responsa Sisrei Umagini II, 44.
- 30. See corresponding note in *K.B.M.*
- 30*See corresponding note in *K.B.M.*, quoting Responsa *Yaskil Avdi* loc. cit. and letter from the Lubavitcher Rebbe Shlita to this author.
- 31. See Shiltei Giborim loc. cit.; Darchei Moshe loc. cit.; Pri Megadim loc. cit.; Taharas HaShulchan (printed in Pischei Olam) 75; Responsa Nachlas Binyomin 26; Mogen Giborim, O. Ch. 75; Mishna Berurah loc. cit.

women³² or a sheitel of hair from Hindu women (since they cut their hair as part of idolatrous ritual).³³

1:16 In a community where women abide by the opinions which question the adequacy of the sheitel,³⁴ every woman should conform with local stringencies.³⁵

G. SHEITEL, TICHEL, OR HAT?

1:17 "As regards the practical question of wearing a sheitel (rather than a hat or tichel), the reason for this preference has been pointed out by a number of sources. The logic is simple and the evidence tangible: Wearing a hat or even a tichel leaves a part of the hair uncovered (at least for short periods of time). The wearer, for that period of time, transgresses the severe prohibition codified in the Shulchan Aruch."³⁶

H. SHEER AND LOOSELY WOVEN HAIR COVERINGS

1:18 A tichel or hat through which hair can be visibly discerned is not a sufficient covering and may not be worn alone over a woman's hair.³⁷ [This applies even in private (see above 1:9)].

I. HAIR LENGTH

1:19 Halachic authorities have always recommended and encouraged that a woman wear her natural hair cut short — although

^{32.} See *Responsa Teshuva MeAhava* I, 47; Responsa *Chesed L'Alafim* II, *E.H.* 87; Responsa *Harei B'samim* 36; Responsa *Edus Beyehosef* 29; Responsa *Maharam Shik*, *Y.D.* 349; *Yad Eliyahu* 67; corresponding note in *K.B.M.*

^{33.} See Daas VeHalacha I p. 28 ff. at length.

^{34.} *Kuntres Daas Moshe VeYehudis* (Jerusalem, 5728) quotes 60 Halachic authorities who forbade the Sheitel. See corresponding note in *K.B.M.*

^{35.} See Shevilei Dovid, O. Ch. 4:2; Mogen Giborim loc. cit.; Mishna Berurah loc. cit.; Pri Megadim loc. cit.; Ruach Chaim (Palaggi), E.H. 21.

^{36.} Likutei Sichos (Lubavitch) XIII p. 187-190; Daas VeHalacha I.

^{37.} See *K.B.M.*, Introduction to Ch. I, b; Responsa *Teshuva MeAhava* I, 48; Responsa *Yabia Omer* VI, *O. Ch.* 13; below, Ch. II notes 37-38.

it is covered anyway.³⁸ Among the explanations offered: Longer hair cannot be constantly totally contained and covered (especially while wearing a hat or tichel), as is mandatory³⁹ (See above 1:6). Also, proper immersion in the mikvah is more difficult with long hair.⁴⁰ [1/2-1 tefach has been quoted as the preferred hair length⁴¹].

J. STATUS OF WOMEN WHO DO NOT PROPERLY COVER THEIR HAIR

1:20 A woman who goes about in public with her hair totally or partially exposed, in deliberate disregard of these laws, may be divorced by her husband without payment of her kesuba (marriage contract),⁴² just as if she had committed adultery,⁴³ Heaven forfend. To divorce one's wife under such circumstances is considered a Mitzvah.⁴⁴ [The practical application of this law is discussed by contemporary authorities.⁴⁵]

^{38.} See Kuntres Biur Belnyan (Jerusalem, 5659); Sdei Chemed, Klallim, Lamed 116; Darchei Teshuva 198:91; Shulchan HaEzer II, 9:10; Otzar HaPoskim 21:2; Responsa Minchas Yitzchok VII, 3. See also Responsa Kinas Soferim 21; Responsa Shnos Chaim 316; Responsa Bochartoh BaChaim 86.

^{39.} Responsa *Tzemach Tzedek*, E.H. 139; *Darchei Teshuva* loc. cit.; *Shulchan HaEzer* loc. cit.; *Kuntres Kedushas Yisroel* (printed in Responsa *Avnei Shoham*); Responsa *Minchas Yitzchok* loc. cit.

^{40.} Responsa *Tzemach Tzedek* loc. cit.; *Mishna Berurah* 75 (in "Biur Halacha"); *Lev Halvri* I, 78b; *Shulchan HaEzer* loc. cit.; *Kuntres Kedushas Yisroel* loc. cit.; Responsa *Minchas Yitzchok* loc. cit. See also Responsa *Kinyan Torah BeHalacha* I, 11; Responsa *Yabia Omer* IV, Y.D. 1; *Emek Shaaloh* on *Shiltos, Achrei* 96:7.

^{41.} *Kovetz* "*Yagdil Torah*" — N.Y., 2:10(22) in name of Rebbe Rashab of Lubavitch; Op. cit. 13(25) in name of present Lubavitcher Rebbe Shlita. See corresponding note in *K.B.M.*

^{42.} Kesubos 72a; Rambam, Ishus 24:10-12; Smag, Positive Commandment 48; Tur and Shulchan Aruch, E.H. 115:1 and 4. See also Beis Shmuel, E.H. 115:9; Responsa Chasam Sofer, O. Ch. 36.

^{43.} See Rambam, Ishus 24:10.

^{44.} Gitten 90a; Rambam, Gerushin 10:22; Smag, Positive Commandments 50; Tur and Shulchan Aruch, E.H. 119:4-5. See also Mordechai, Kesubos 196; Rosh, Ran, Nemukei Yosef on Kesubos 72a; et. al.

^{45.} See Responsa *Teshuras Shai* I, 204; Responsa *Dovev Mesharim* I, 124:2; Responsa *Igros Moshe, E.H.* I, 114; Responsa *Mishna Halachos* VI, 261; Responsa

- 1:21 Due to the seriousness of the offense, some Rabbinic Responsa have ruled that a woman who deliberately does not cover her hair thereby forfeits her credibility concerning many Halachic matters, ⁴⁶ e.g. she may no longer be trusted regarding Kashrus of food; ⁴⁷ supervision of other women at the mikvah; ⁴⁸ etc. [See above note 45].
- 1:22 Similarly, some authorities raise doubts as to whether a man who allows his wife to go about with ex-posed hair may serve as a Shaliach Tzibbor (a Chazzan to lead the congregation in prayer)⁴⁹ or as a Shochet (ritual slaughterer),⁵⁰ etc. [See above, note 45].

Lev Avraham I, 105 (see there quote from "Chazon Ish"); Melitz Tov on E.H. 115; Shaarim Mitzuyanim BeHalacha 145:38; Responsa Yam Hagadol, E.H. 80; Responsa Yabia Omer III, E.H. 21; Responsa Zitz Eliezer VII, 48. See also Responsa Chasam Sofer, Choshen Mishpot 203; Responsa Meharsham in following note. See below, note 49 for further application. See Responsa Teshuras Shai I, 204; Responsa Dovev Mesharim I, 124:2; Responsa Igros Moshe, E.H. I, 114; Responsa Mishna Halachos VI, 261; Responsa lev Avraham I, 105 (see there quote from "Chazon Ish"); Melitz Tov on E.H. 115; Shaarim Mitzuyanim BeHalacha 145:38; Responsa Yam Hagadol, E.H. 80; Responsa Yabia Omer III, E.H. 21; Responsa Zitz Eliezer VII, 48. See also Responsa Chasam Sofer, Choshen Mishpot 203; Responsa Meharsham in following note. See below, note 49 for further application.

^{46.} Responsa Meharsham IV, 138. See also below in notes to follow.

^{47. &}quot;Hafloh", quoted by his son in Lachmei Todah; Kovetz Derushim III, 10; address by Belzer Rebbe, printed in 5736 edition of Machanecho Kodosh. Cf. Responsa Levushei Mordechai I, O. Ch. 81.

^{48.} Responsa Notoh Shuruk, Y.D. 64; corresponding note in K.B.M.

^{49.} Responsa Mei Yehuda, O. Ch. 14.

^{50.} Responsa by author of *Darchei Teshuva* printed in *Tiferes Bonim*, 2; Responsa *Pri HaSodeh* III, 188. See corresponding note in *K.B.M.*