

Yarmulke: A Historic Cover-up?

By: DAN RABINOWITZ

Of all the symbols that indicate Jewish identity, the yarmulke¹ is perhaps the most easily recognized. Many Orthodox men always wear the yarmulke, and non-observant Jews often don the head covering upon entering a synagogue or while engaging in a Jewish ritual. In modern society, the wearing of the yarmulke has come to signify the wearer's commitment to strict religious observance. However, the actual *halakhic* obligation of wearing a head covering is the subject of much debate. Throughout the last six hundred years and probably even before that, rabbis have held many different opinions about when, and even if, a Jewish man is obligated to cover his head. Perhaps because of the external significance of the yarmulke, various individuals throughout the ages have made a

¹ The source of the word is unclear. Some maintain it is derived from the Turkish word *yağmurluk*, meaning rainwear. Others argue the word is derived from a combination of two Turkish words—*yarım* (half) and *qap* (hat) or a half or small hat. The folk etymology links “yarmulke” with two Aramaic words, *yira malkab*—fear of the King. See Gunther Plaut, “The Origins of the Word ‘Yarmulke’” *HUCA* 26 (1955) 567–70; see also Herman Pollack, *Jewish Folkways in Germanic Lands (1648–1806)*, Cambridge: M.I.T. Press, p. 266 n. 71 and the sources cited therein. (I would like to thank R. Eliezer Brodt for calling this important source to my attention.)

The word yarmulke has also entered popular expression. The major dictionaries all have entries for yarmulke. Interestingly, the Oxford English Dictionary defines yarmulke as “a skull-cap worn by male Orthodox Jews *at all times*.” Oxford English Dictionary, 2nd edition 1989, *s.v.* “yarmulke” (emphasis added); compare with *Webster's New Collegiate Dictionary*, G & C Merriam Corp, Springfield, Mass., 1978, *s.v.* “yarmulke” (“a skullcap worn ... in the synagogue and the home”) and *American Heritage Dictionary*, Houghton Mifflin Co., Boston, 1985, *s.v.* “yarmulke” (“a skullcap worn by male Jews, esp. those adhering to the Orthodox or Conservative tradition”).

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concerted effort to promote the rabbinic opinions that hold that one must wear a head covering. That effort has at times even led to the censorship of legitimate *halakhic* sources and outright forgery.²

The *halakhic* opinions of when and if one must wear a head covering span almost every conceivable possibility.³ There are those

² See below regarding outright forgery.

Yarmulke is but one of the many instances that texts have been “censored” to conform with some people’s beliefs. For examples of other acts of censorship, see Dr. J. J. Schachter, *Haskalah, Secular Studies and the Close of the Yeshiva in Volozhin in 1892, The Torah U-Madda Journal*, vol. 2, 1990, 76–133; Dr. J. J. Schachter, *Facing the Truths of History, The Torah U-Madda Journal*, vol. 8, 200–276. R. Kook’s approbations are especially prone to removal; see Dr. Meir Raflad “*‘al Peletat Soforim*” *Sinai* 122 (1998) 229–232; Dr. Meir Raflad “*Oy l’Tzadik v’Oy l’Shchenó*” *Hatzofeh*, Sept. 2, 2005. (I would like to thank Dr. A. Zivotofsky for calling this source to my attention.)

³ For an extensive survey of the literature on this issue, see Y. Rivkin, *Teshuvot harav Yehuda Areyeh Modena ‘al Giluy ha-Rosh*, in *Sefer ha-Yovel l-Levi Ginsburg*, New York, 1946, 401–423, esp. n. 1 where he has a fairly extensive modern bibliography on the issue of yarmulke. See also S. Krauss, “The Jewish Rite of Covering the Head,” *HUCA* 19 (1945–1946) 121–168; Eric Zimmer, *Olam k’Minhago*, Zalman Shazar Center, Jerusalem, 1996, 17–42 (Hebrew) (reprinted and expanded in English as Eric Zimmer, “Men’s Headcovering: the metamorphosis of this practice” in *Reverence, Righteousness, and “Rahamanut,”* ed. Jacob J. Schacter, Northvale, N.J. 1992, pp. 325–352. Both of Zimmer’s articles are basically an expansion of Rivkin’s earlier article).

It is still an open question when this custom started. The Torah makes no statement on this issue. Some have pointed to the *Targum* on the verse “*u-veni yisrael yotzim b-yad ramah*” (and the Jews left [Egypt] with strength). The *Targum* translates *yad ramah* as *reish gelay*. The word *gelay* has two meanings—bare or uplifted. Here it means the Jews left with their heads uplifted or their heads held high. Some, in error, say the *Targum* is saying they left Egypt bareheaded. See generally Rivkin, *supra*; see also R. Yosef Hayyim Caro, *Kol ‘omer Kra*, Warsaw, 1888 cited in R. Y. Patzanvisci, *Pardes Yosef*, vol. 2 p. 107.

Others point to the verse in the Book of Corinthians where Paul states, “Every man praying or prophesying, having his head covered, dishonoureth his head.” I Corinthians 11:4. Those that use this statement claim that Paul was responding to the Jewish custom of covering one’s head while praying and saying that Christians should do

who rule that one must wear a yarmulke or other head covering at all times, even while sleeping.⁴ Others understand that a head covering is required only while studying religious texts, praying, or saying *berakhot* (blessings). And still others opine that a head covering is almost never required, and that one who covers his head is performing a righteous act beyond the letter of the law.

Two well-respected viewpoints, representing the polar extremes on this issue, are those of the R. Yosef Karo (1488–1575) and the R. Eliyahu b. Shlomo (*Gra*) (1720–1797). R. Yosef Karo in the *Shulhan Arukh* stated in absolute terms, “It is forbidden to walk with an upright posture, and do not walk four cubits (*amot*) with an uncovered head.”⁵ This ruling was based on a Talmudic passage in Tractate *Kiddushin* 31a, which stated:

Rabbi Yehoshua ben Levi said: It is forbidden for a man to walk four *amos* with an upright posture, as it says, “The whole land is filled with His Honor.” Rav Huna bareh d’Rav Yehoshua wouldn’t walk four *amot* with an uncovered head. He said: the Divine Presence is above my head.

the opposite. Rivkin, *supra*, 408–409. It is unclear, however, if Paul was attempting to differentiate between Jews and Christians or just advocating bareheaded prayer. In the next verse Paul says that women, on the other hand, *must* cover their hair while praying. Jewish women also have an obligation to cover their hair and thus this would cause Christian women to conform with Jewish practices.

The earliest manuscripts depicting Jews in various modes of worship in the synagogue from the 14th and 15th centuries uniformly have them wearing some form of head covering. See Therese and Mendel Metzger, *Jewish Life in the Middle Ages*, New York, 1982, 148. Although there are some depictions of Jews outside the synagogue bareheaded, there are many that contain depictions with a head covering. *Id.* (I would like to thank Dr. M. Grunberger for calling this source to my attention.)

⁴ See *e.g.* Rabbi Yisrael Mayer Kagen, *Mishnah Berura*, Jerusalem, n.d., vol. 1 no. 2 (11).

⁵ *Shulhan Arukh Orach Hayyim* 2:6. All translations are my own, unless otherwise noted.

R. Yosef Karo interpreted the actions of Rav Huna as a continuation of the statement of Rabbi Yehoshua ben Levi, and therefore just as it is forbidden to walk with an upright posture, so too is one forbidden to walk without a head covering.⁶

The *Gra* disagreed with R. Yosef Karo's ruling and countered that one is *never* obligated to wear a head covering, even while participating in a religious event.⁷ His opinion was based in part on a *Tosefta* in Tractate *Megillah* that stated, "A *pobeah* can say the blessing on Shema" (*Tosefta Megillah* 3:17). According to the *Gra*, a *pobeah* is, among other things, someone without a head covering.⁸ Therefore one can even say blessings while bareheaded. As for the Talmudic passage that formed the basis for R. Yosef Karo's ruling, the *Gra* interpreted the actions of Rav Huna as a *middat hasidut*, or pious behavior beyond the letter of the law.⁹

⁶ There is some question what exactly the actual opinion of R. Karo is. Some argue that he holds that there is no obligation to have one's head covered all the time and his statement should be understood as *midat hasidut* (an act of piety). Others understand that statement and other statements of R. Karo to mean that one is obligated to always have one's head covered. See R. Moshe Isserles, *Darkei Moshe, Orah Hayyim*, no. 2:2; R. Avrohom Gombiner, *Mogen Avrohom, Orah Hayyim*, 93:3; R. Hayyim Yosef David Azulai, *Mahzikei Berakhab, Orah Hayyim*, 2:2; R. Efraim Zalman Margolis, *Yad Efrayim, Orah Hayyim*, 2 s.v. *u'midat hasidut*; R. Shmuel Klein, *Mahtz'it ha-Shekel, Orah Hayyim*, 2:6.

⁷ *Biur ha-Gra Orah Hayyim* 8:6, the *Gra* does say that there is one very limited circumstance that one should cover one's head, when one appears in front of "*gedolim*." It should be noted that while the *Gra* ruled that wearing a head covering is not required, we have no evidence whether he actually did so, or if he instead followed the *midat hasidut*. All of the available depictions of the *Gra* have him wearing a hat of some sort. See Yeshayahu Vinograd, *Thesaurus of the Books of the Vilna Gaon*, Jerusalem, 2003, 301–312; Rachel Schnold, "Peni Eliyahu: Diukan ha-Gaon mi-Vilna b'Emunah ha'Amimim," in *The Gaon of Vilna, The Man and his Legacy*, ed. Rachel Schnold, Beth Hatefutsoth, Tel Aviv, 1998, 35–45; Dov Eliach, *Ha-Gaon*, Jerusalem, 2002, vol. 3 1319–1328.

⁸ *Biur ha-Gra Orah Hayyim* 8:6.

⁹ The *Gra* marshals many other sources to support his thesis. In fact, as opposed to his normally short and at times cryptic comments, here he is unusually verbose.

Historically, certain rabbis have interpreted the sources in a similar vein as the *Gru*, and have even conducted themselves in that manner. One example is R. Yehuda Aryeh of Modena (1571–1648).¹⁰ R. Modena served on the *Bet Din* of Venice and authored many important works, including his commentary on *Ein Yaakov* entitled *Beit Lehem Yebuda*.¹¹ As a respected rabbi and a member of the *Bet Din*, R. Modena responded to many inquiries about his rulings on various *halakhic* questions. However, one response of R. Modena dealt not only with a *halakhic* question, but also with an event that seems to have occurred frequently. R. Modena wrote that “a Rabbi Yitzhak Gershon¹² would not once or twice, but every week berate [R. Modena] for standing with his hat in his hand [bareheaded].”¹³ R.

¹⁰ For biographical details, see Modena’s autobiography available in both Hebrew and English, *The Autobiography of a Seventeenth-Century Venetian Rabbi: Leon Modena’s Life of Judah*, ed. Mark R. Cohen, Princeton University Press, 1998; *Sefer Hayyi Yebuda*, ed. Daniel Carpi, Tel Aviv University, Tel Aviv, 1985; See also Howard Ernest Adelman, *Success and Failure in the Seventeenth Century Ghetto of Venice: The Life of Leon Modena, 1571–1643*, unpublished doctoral dissertation, Brandeis University, 1985. Although Adelman devotes some time discussing Modena’s opinion on the obligation of head covering, he appears to have been unaware of Rivikin’s excellent article, *supra* n. 3, on this topic. See Adelman p. 436–442.

¹¹ He was also a rather colorful figure. At thirteen he wrote a book against gambling, *Sur meh-Ra’*, Venice, 1595. However, later in life he himself became addicted to gambling. See Cohen, *supra* n. 10, 41–43. Aside from the books mentioned, Modena penned numerous other works. For a complete bibliography of Modena’s works, see Adelman, *supra* n. 10, 1158–1166.

¹² Rabbi Yitzhak Gershon was a *haver* on the Venice *Bet Din* and a contemporary of Rabbi Yehuda Aryeh. For further biographical information and his connection with Rabbi Yehuda Aryeh, see *She’elot u-Teshuvot Zikney Yebuda*, ed. Shlomo Simonson, Mosod haRav Kook, Jerusalem 1956 p. 37.

¹³ Rabbi Yehuda Aryeh of Modena, *She’elot u-Teshuvot Zikney Yebuda*, ed. Shlomo Simonson, Mosod haRav Kook, Jerusalem 1956, no. 22, p. 38. That criticism has carried on to the modern period. R. Eliezer Waldenberg states that one should not rely on *any* of R. Modena’s pronouncements. R. Waldenberg supports that contention by listing all

Modena would stand outside the local synagogue speaking with people, all the while without a yarmulke, and R. Yitzhak Gershon would chastise him for doing so. R. Modena justified his practice and commented that “the majority of Jews in Italy [do not wear a yarmulke]” as well.¹⁴ He also noted that Italian Jews “dress differently [than other Jews], grow their hair long, and their custom is to remove their hats when greeting important people, as this honors them.”¹⁵ Indeed, when R. Modena’s *Historia de Riti Hebraici*, History of Jewish Rites, was published in 1637,¹⁶ the portrait of R. Modena on the cover displayed him bareheaded. (See Figure 1.)¹⁷

Some rabbis who ruled leniently on wearing a yarmulke faced not only pressure during their lifetime, but also censorship after their

of Modena’s “transgressions” including “and according to his [Modena’s] own testimony he went bareheaded in the streets.” R. Eliezer Waldenberg, *She’elot u-Teshuvot Tsits Eliezer*, Jerusalem, 1985 vol. 13 no. 12.

¹⁴ *She’elot u-Teshuvot Zikni Yebuda* at p. 39. For his complete response to the question of going bareheaded, see *id.*, n. 21 and Rivkin, *supra* n. 3, 412–423.

¹⁵ *Id.*; See also Modena’s *Shulhan Arukh*, Vienna, 1867, p. 8 where he echoes this position.

¹⁶ There was actually a shorter edition published a year earlier. See Cohen, *supra* n. 10, 146–149; Adelman, *supra* n. 10, 19–49.

¹⁷ This book was republished many times in many different languages. The stated purpose was to give non-Jews a better understanding of the various laws and customs of the Jews. See the sources cited in the previous note.

For why Modena included his portrait, see Richard I. Cohen, *Jewish Icons*, University of California Press, Berkeley and Los Angeles, California, 1998, 28–31. This was not the only portrait of Modena; there was another one commissioned and executed by the well-known artist, Tiberio Tinelli. This portrait appears to have been lost. See Adelman, *supra* n. 10, 722–723.

Modena is not the first, nor the only Rabbi to include his portrait in his book. For a list of others see R. Reuven Margolious, *Toldot Adam*, Lemberg, 1921, 8–9; for more on the practice of Rabbinic portraits see Aviad Cohen, “De’uknot Hakhamim—bein halakha u’masse,” *Machanayim* 2 (1995), 100–121; Richard Cohen, *supra*, 115–153.

death. R. David Tzvi Hoffmann (1843–1921)¹⁸ was a leader of pre-Holocaust European Jewry, and German Jewry in particular. He authored important works that highlighted the flaws of Higher Biblical Criticism, and devoted an entire commentary on the Torah to that task.¹⁹ He also penned numerous responsa to *halakhic* questions. In one such responsum, R. Hoffmann addressed the issue of taking an oath in court while bareheaded. He wrote “that today, amongst the Hungarian rabbis, they are extremely strict with regard to covering one’s head...However the *Gra*, in his glosses, notes that there is no prohibition even to say God’s name bareheaded, and that covering one’s head is a *middat hasidut*.”²⁰

R. Hoffmann then offered historical support for his position of leniency. He stated, “in the school in Frankfort am Main that was established by R. Samson Rafael Hirsch (where I taught for two and a half years), the students sat bareheaded for secular studies. Only during Judaic studies did they cover their heads, and this was done *under the direction of Rabbi Hirsch*.”²¹ Thus, R. Hirsch allowed for students to sit bareheaded for a portion of the day. R. Hoffmann continued,

The first time I came to meet with Rabbi Hirsch
with my hat on my head, Rabbi Hirsch said to me that it is

¹⁸ For biographical details, see Alexander Marx, *Essays in Jewish Biography*, Jewish Publication Society of America, Philadelphia, 1948, 185–222.

¹⁹ His primary work on this topic is *The Principal Arguments against the Graf-Wellhausen Hypothesis*; this was originally published in German and was subsequently translated into Hebrew, *Re’ayot Makbri’ot Neqed Velbozen*, Tel Aviv, 1928. Of his commentary on the Torah we have volumes only on Genesis, Leviticus, and Deuteronomy.

²⁰ Rabbi D. Z. Hoffmann, *Melamed l’Ho’il*, Frankfort on the Main, 1926–32, vol. 2 no. 56.

²¹ *Id.* (emphasis added). For a response to this practice, see R. Y. Gotlieb Fisher, “*Badavar Giluy Rosh*” in *V’yelaket Yosef*, 1909 vol. 19, 133–135. R. Hirsch himself may have had a portrait done while he was bareheaded. See A. Rubens, *A History of Jewish Costume*, Funk & Wagnalls, New York, 1967, no. 289 p. 184–185. Rubens, however, notes that R. Hirsch may have been wearing a wig. For other examples of Rabbis forgoing traditional head coverings for wigs, see Rubens, *id.* at 184, 187, 188. But at least one portrait, that of Samuel Oppenheimer (c. 1690), has him wearing both a wig and a yarmulke. *Id.* at 152.

proper respect to remove one's hat when visiting an important personage. [Rabbi Hirsch] explained that if one of the non-Jewish teachers would see me [Rabbi Hoffmann] with my hat on while speaking with the director of the school, they would assume I am lacking the proper respect.

While this responsum appeared in the first publication of Rabbi Hoffmann's responsa, printed during his lifetime, in the most recent reprinting, printed posthumously, this responsum is missing. In its place lies a blank page.

Another example of censored responsa is that of R. Yehuda ben Asher. R. Yehuda ben Asher lived during the 14th century (1270–1349), however his responsa were not published until some 500 years later, in 1846 in Berlin. In one such responsum he was asked, “Does one need to be careful to ensure he is not bareheaded while studying?” R. Yehuda responded that “it is best not to sit bareheaded while studying, if one can withstand doing so, as it produces great awe. However, because of the heat, at times I am unable to do so [study with a covered head].”²² According to this text, R. Yehuda would at times study without a head covering. One must note that the elaborate head coverings of the Middle Ages in no way resemble the simple yarmulke of today.²³ That notwithstanding, R. Yehuda permitted studying while bareheaded, and even did so himself on occasion.

R. Esriel Hildesheimer (1820–1899), a leader of German Jewry and the founder of the famed Hildesheimer Rabbinical Academy, questioned the authenticity of this responsum. He claimed the words were altered by “those who advocate allowing to be bareheaded.”²⁴ R. Hildesheimer obtained another manuscript with a different text, which led to a different conclusion. According to R. Hildesheimer, the correct wording of the text was, “it is best not to

²² R. Yehuda b. Asher, *She'elot u-Teshuvot Zikhron Yehuda*, Berlin, 1846, no. 20.

²³ For examples of those elaborate and cumbersome head coverings, see *Jewish Encyclopedia*, Funk & Wagnalls Co., New York and London, 1912, entry “head-dress” vol. VI, inset p. 292.

²⁴ Rabbi Esriel Hildesheimer, *She'elot u-Teshuvot R. Esriel*, Tel Aviv, 1975 no. 453.

sit bareheaded while studying, as this produces great awe. However, if one is unable to do so because of the heat, one can be lenient. I myself sit with a [lighter] linen head covering during the heat to fulfill all the opinions.”²⁵ Therefore, according to R. Hildesheimer’s manuscript, R. Yehuda would never learn while bareheaded.²⁶ Again we are presented with the possibility of a text being altered in order to bolster one opinion on whether a head covering is required or not.²⁷

Efforts to suppress the opinion that one need not wear a yarmulke are not confined to the censorship of responsa. Opponents of that opinion have even forged images. One such instance involves the image of R. Moshe Hefez Gentili (1663–1711).²⁸ The frontispiece of R. Gentili’s commentary on the Torah, *Melekkhet Mahashevet*, displayed a portrait of the author with no head covering (see Figure 2). Beneath the portrait appeared a legend reading, “Here is Moshe Hefez’s portrait during the year *e”t ben m”ea shana*.” Translated literally, the final phrase means, “at the time one hundred years old.” With a quick glance at the portrait, one can easily deduce that R. Gentili is not one hundred years old. Rather, the oversized letters and the accompanying quotation marks indicated that the letters’

²⁵ *Id.*

²⁶ Some have questioned whether Rabbi Hildesheimer was correct in asserting that the publishers knowingly altered the text. Manuscripts from the same period as the one R. Hildesheimer relies upon support the reading in the printed version. Unfortunately, none of the original manuscripts are extant, thus there is no way to demonstrate conclusively which of the readings is the true reading. See R. Avrohom Yosef Havtzelet, “*Limud b-rosh migula—ziuf b-ketav yad?*”, *Yeshurun*, vol. 7 (Elul 1999) 735–738. But see Zimmer, *supra* n. 3, p. 22 n. 28, who asserts, without any corroboration that R. Hildesheimer’s reading is correct.

²⁷ Albeit, in this instance, as opposed to the others mentioned, this possible alteration is advocating going bareheaded. Nevertheless, this possible alteration still demonstrates how strongly and to what lengths people would go to in support of their understanding of the obligation, or lack thereof, of yarmulke.

²⁸ For biographical information, see Mordechai Shmuel Ghironi, *Toldot Gedole Yisrael: u-Geone Italyah*, Trieste, 1853, 239–240.

numerical value should be used and not their literal translation. Based on this, the legend reads, “Here is Moshe Hefez’s portrait during the year [5]470 (1710), forty-six years old.” When the work was published in Venice in 1710, R. Gentili was forty-six years old. While the date of the publication is not readily apparent from the portrait, the author’s lack of a yarmulke is.²⁹

In the second edition of the work, a slightly altered portrait of R. Gentili appeared on the frontispiece (see Figure 3). This edition, published in Koeningsberg in 1860, boasted a picture of R. Gentili wearing a large yarmulke. The new portrait also displayed an aged R. Gentili, which conforms to a literal reading of the phrase *et ben mea shana*, at the time one hundred years old. In the second edition, the letters of the legend indicating the year were not enlarged. Remarkably, the printers published a disclaimer in the back of this edition in which they stated that one should not be upset with them for publishing an obviously incorrect legend “this portrait was done at my one hundredth year” as the printers explain, “we have not changed a thing, this is the way the portrait appeared in the original edition.” Since the printers misunderstood the legend of the original portrait, they were forced to age Rabbi Gentili and then print a disclaimer professing their fidelity.³⁰ Ironically, the need for a statement of integrity most likely came about because the printers disagreed with the bareheaded portrait of Rabbi Gentili, and therefore placed a yarmulke on him. Similarly, it seems that once they noticed and misunderstood the legend of the modified portrait, they

²⁹ S. Y. Agnon, in his autobiography, recorded that he was shocked as a child in Galicia to see this portrait of R. Hefetz, a Rabbi, bareheaded, beardless, with shoulder-length hair. See S.Y. Agnon, *A Simple Story*, trans. H. Halkin, New York, 1985, p. 15.

³⁰ Ghironi, *supra* n. 28, notes this error seven years *before* this edition of the *Meleket Mahashevet* was published. Ghironi states that “many understand simply the words [*me’ab shana*] and they assume that it means that R. Gentili was 100 years old; however, the word *me’ab* is the numerical value of the letters—46.” In the *Encyclopedia Judaica* in Gentili’s entry they reproduce the Koeningsberg edition picture of R. Gentili. Although the *Encyclopedia* includes a legend stating that R. Gentili was 46, it makes no mention of the discrepancy of the picture directly above stating he was 100. *Encyclopedia Judaica*, Israel, 1971 vol. 7 col. 414.

again altered the author's picture so he would appear to be the unlikely age of one hundred.³¹

Those promoting the view that a head covering must be worn at all times have, in their erroneous depiction of history, inadvertently created situations that would, under the circumstances, cause the wearer of a head covering to be violating other *halakhic* requirements. The Mishnah in Tractate *Yoma* records that a daily lottery took place in the Temple in Jerusalem.³² This lottery determined which priests would perform certain daily tasks. The priest in charge would choose a random number, and would keep that number secret. Each of the priests vying for a slot would then hold out his fingers. The priest in charge would start counting fingers; when he reached the predetermined number, that priest whose finger was counted would get a job. The priests stood in a circle, and in order to track where the counting started, the first counted priest would remove his hat. Thus, the first counted priest remained bareheaded while the counting continued.³³ On this, *Tosefot* commented, "it is disgraceful to stand bareheaded in the courtyard of the Temple."³⁴ *Tosefot* therefore concluded that the lottery took place outside the courtyard. According to both a simple reading of the text and *Tosefot*, however, the priest remained bareheaded.³⁵

³¹ In more recent times, a photograph of a prominent rabbi, R. Menahem Mendel Schneerson (Lubavitcher Rebbe), has mysteriously gained a yarmulke over time. See Saul Shimon Deutsch, *Larger than Life*, vol. II, Chasidic Historical Productions, Ltd., New York, 1998, 204–205.

Another example of this phenomenon is the picture of R. Yisrael Brodsky. R. Brodsky was a wealthy philanthropist and became the main supporter of the Volozhin *kollel*. In what is apparently the only picture of R. Brodsky extant, he is bareheaded. See e.g. Eliezar Leoni, *Volozhin, Sifrab shel ha'ir ve-shele Ets Hayim*, Tel Aviv, 1970, 146. In a recent book, however, the same picture of R. Brodsky now has him wearing a poorly drawn-in yarmulke. See Menahem Mendel Plato, *Bi-sheville Radin*, Petah Tikvah, 2001, 31.

³² Mishnah, *Yoma*, 2:1.

³³ Babylonian Talmud, *Yoma*, 25a.

³⁴ *Tosefot*, *Yoma*, 25a s.v. *V'hab*.

³⁵ Maimonides has a different interpretation of the process. He says that although the priest would remove his hat, he would immediately put it

Publishers of a new illustrated Mishnah ignored that understanding of the lottery. In the illustrated edition, the depiction of the lottery indeed showed the priest removing his hat. However, underneath the hat is a yarmulke.³⁶ Thus the priest always had his head covered. Not only does this depiction run counter to *Tosefof's* understanding, it leads to a major *halakhic* transgression. The priest wearing the yarmulke underneath his hat is guilty of a capital crime: adding on to the priestly garments!³⁷ Although being bareheaded did not pose a great problem for the Talmud or the major commentaries, it seems that for present-day audiences, the image of a bareheaded priest would be cause for concern.

Although it is impossible to know with certainty the motives of the publishers and authors who altered texts regarding head coverings, one can offer an explanation for their actions.³⁸ By the early 17th century, people associated wearing a yarmulke with “Jewishness,” or to be more exact, with not being non-Jewish.³⁹ R.

back on. Of course, he also makes no mention of a yarmulke or any other additional head covering while his hat is off. For a critique of Maimonides’ position, see R. Yisrael Lifshitz, *Tifferet Yisrael, Yoma 2:1* Boaz, no. 2.

³⁶ Mishnah, *Mesechet Tamid*, Mishnayot Kehati & Mekhon ha-Mikdash, Jerusalem, 1999, p. 19.

³⁷ See Maimonides, *Yad ha-Hazakah, Hilkhot Klei Mikdash 10:4*, “Just as if one is lacking in one of the required garments he is deserving of death, so too if one adds to the garments ... one is subject to a heavenly death sentence.”

³⁸ In truth, it is unclear who exactly precipitated those alterations. It may have been the publisher acting alone based upon the belief that if he published the book in its original it would offend their customers and consequently the book would not sell well. Or there may have been pressure from either the person giving an approbation or the sponsor of the book. In none of the instances discussed do the books ever offer a reason or even note that they are being published in a significantly altered format. Thus, it is impossible to know whose decisions these were.

³⁹ While some claim that the emphasis placed upon the yarmulke was in response to the Reform movement, this does not appear to be the case. See, e.g., Rivkin, *supra* n. 3 at 403–404; Zimmer, (Men’s Headcovering) *supra* n. 3 pp. 340–45. As noted above, in the 17th century (i.e., pre-Reform) it appears that many took umbrage at and felt strongly about

David b. Samuel Halevi (*Taz*, 1586–1667) in his *Tur Zahav* forbade being bareheaded, as this act mimics non-Jews.⁴⁰ According to the *Taz*, to conduct oneself without a head covering is to conduct oneself as a non-Jew. Therefore the converse is true as well: wearing a yarmulke indicates Jewish identity.⁴¹

Perhaps that understanding was taken to an extreme by a Jew in the early-19th century. The Shapiro family owned a famous

Jews appearing bareheaded (e.g., R. Yitzhak Gershon—R. Modena's antagonist, see *supra* n.11 and text thereto). Furthermore, even if the heightened emphasis on the wearing of yarmulkes is due in part to the Reform movement, that still does not explain why the wearing of yarmulkes was chosen by the Orthodox as a battleground more than any of the numerous changes that the Reform movement effected.

Interestingly, in the well known portrait by Moritz Oppenheim, *Lavater and Lessing Visit Moses Mendelssohn*, Mendelssohn appears with a yarmulke. See Richard Cohen, *supra* n. 17, p. 165 for a reproduction of that portrait.

⁴⁰ See R. David ben Levi, *Ture Zahav, Orakh Hayyim*, 8 no. 3. He is neither the first nor the only one to hold that going bareheaded is in violation of copying a non-Jewish custom, however it is the most well known. The first is R. Israel Bruna (c. 1400 – c. 1480) *She'elot u'teshuvot Mohari miBruna*, Szczecin, 1860, no. 34. But see *The Jewish Encyclopedia*, Funk and Wagnall, New York and London, 1903 vol. II, 532 where it states R. David b. Levi is the first source. For other sources See, Rivkin, *supra*, n. 3.

The bulk of R. Modena responsa argues vehemently against this understanding of the obligation of head covering. He counters that there is no evidence that going bareheaded originated as a non-Jewish custom. See Rivkin, *supra* note 3, pp. 407–408 esp. n. 15, discussing this topic in detail.

⁴¹ R. Shlomo Luria (c. 1510–1573), in his *She'elot u-Teshuvot Maharshah*, Jerusalem, 1993 no. 92, discusses the obligation, or the lack thereof, of wearing the yarmulke. R. Luria notes that many have given the yarmulke far too much import. He says, “I will now reveal the hypocrisy of the Ashkenazim. A person can drink *ya'in nesekeh* in a non-Jewish tavern, eat cooked fish [in violation of *bishul akum*] in their pots [a *kasbrut* problem] ... no one questions his religiosity and people will show this person respect, if he is wealthy and powerful. However, one that eats and drinks only kosher foods but does so bareheaded, people consider him as though he has left the folds of Judaism.”

Hebrew-book publishing house. As part of an anti-Semitic plot, the ruling government wrongfully accused several members of the family of murder, and found them guilty. As part of their punishment, those family members were subjected to *spiessrutens*. *Spiessrutens* involved lining up five-hundred soldiers facing each other.⁴² Each soldier had “a long, arched staff, which according to regulation . . . was a *vershok* (1 & 3/4 inches) in diameter.”⁴³ The condemned was “stripped to the waist, bound to a rifle on each of his sides, and two non-commissioned officers [would lead] him by the rifles, step-by-step, through the living promenade. As he passed along, each soldier gave him a blow on his naked back.”⁴⁴ While officers forced Pinchus Shapiro to undergo this punishment, his yarmulke fell off. At that, Mr. Shapiro “stopped and did not move from his place until [the soldiers] replaced it on his head . . . he too received several additional blows upon himself in order not to remain with an uncovered head.”⁴⁵ Pinchus Shapiro was willing to risk death rather than go bareheaded.

That level of sacrifice is embedded in the Jewish people. The rabbinic sages record that the Jews enslaved in Egypt refused to relinquish what they viewed as their Jewish identity. They retained their mode of dress, their names, and their language. Although none of those three things is obligatory, perhaps because the Jews in Egypt saw them as integral to being “Jewish,” they would not give them up. It may be that unwillingness to accede what is deemed to encapsulate a “Jew” that led people to go to take steps to suppress or discredit statements that the wearing of a yarmulke was not *halakhically* mandated.

In conclusion, the yarmulke has taken on a significance of its own. People have placed much meaning in the wearing of a yarmulke, according it perhaps too much weight as an aspect of Jewish identity.⁴⁶ At times, this has led some to go to great lengths to

⁴² See Saul Moiseyevich Ginsburg, *The Drama of Slavuta*, Trans. E. Prombaum, London 1991 p. 133.

⁴³ *Id.* at 132.

⁴⁴ *Id.*

⁴⁵ *Id.* at 134.

⁴⁶ Recently, a book was published devoted entirely to all the “laws” governing the yarmulke, including the “necessary” size, and even included diagrams on the “correct” placement of the yarmulke. See R.

ensure that the perceived importance of the yarmulke would not be questioned or diminished. As shown above, however, there is ample support for a number of different positions on the requirement of the yarmulke. Thus those efforts to tamper with the historical records to support the more prevalent modern view that the yarmulke is required are unnecessary. A study of the sources would allow one to conclude that a yarmulke is indeed important, though its absence is not necessarily grave.⁴⁷ ❧

Eliyahu Dovid ha-kohen Reichman, *Kisoy ha-rush k'halakha v'kippa k'halakha*, Jerusalem, 2002.

⁴⁷ I would like to thank Dr. Ari Zivotofsky, Jeffrey Wasserstein, and Pinchus Werner for their help in editing this article. I would like to also thank Sharon Horowitz at the Library of Congress for her (consistent) help in obtaining books and articles.



Figure 1



Figure 2

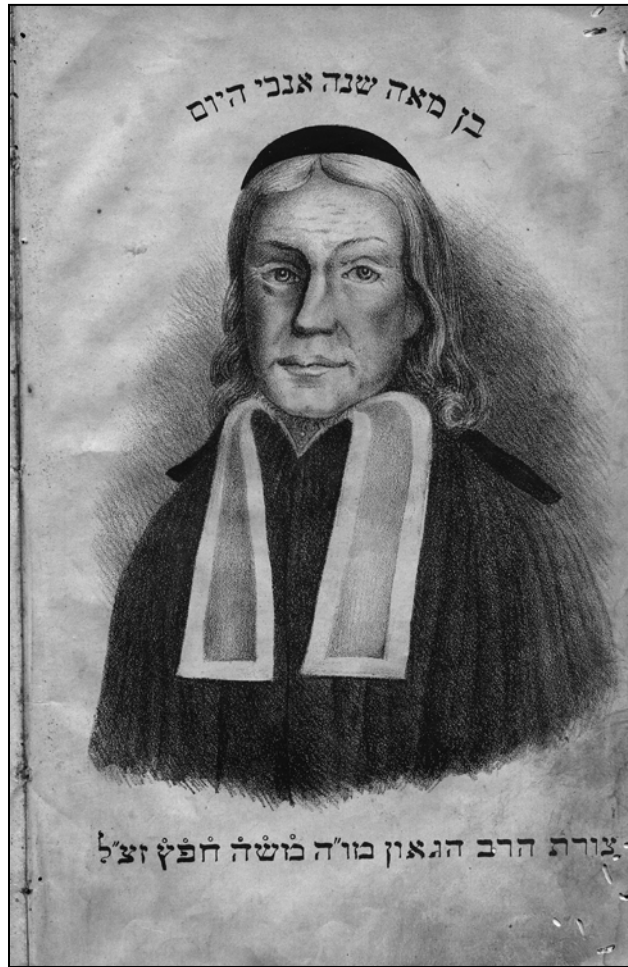


Figure 3