

Untangling the Mystery of Women's Hair Covering in Talmudic Passages

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I. Introduction

Women wearing various styles of headdress are a relatively commonplace sight in many Orthodox Jewish communities. Some wear kerchiefs, others wear wigs and yet others wear different styles of hats. This rich tradition is steeped in the culture of the Jewish people and dates back thousands of years. This article presents an analysis of many of the Talmudic and rabbinic sources that discuss this issue for the purpose of providing background to the vast spectrum of thought that developed throughout the ages.¹

II. Analysis of Head Covering in Rabbinic Sources

A. Mosaic and Judaic Practices in Talmud *Bavli*

The Mishnah states:

ואלו יוצאות שלא בכתובה העוברת על דת משה ויהודית... ואיזו היא דת יהודית יוצאה וראשה פרוע...

And these [women] may be divorced without [receiving the compensation afforded to them in their] marriage contracts, one

¹ This article is intended only to provide background and should not be relied upon for halachic purposes. Some of the approaches cited are inconsistent with contemporary practice and may not conform to halachic practice. A competent rabbi should be consulted for halachic direction.

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who transgresses Mosaic² or Judaic³ practices... And what is Judaic practice? One who goes out with her head uncovered...⁴

The Talmud elucidates:

ראשה פרוע דאורייתא היא דכתיב (במדבר ה:יח) ופרע ראש האשה ותנא דבי רבי ישמעאל אזהרה לבנות ישראל שלא יצאו בפרוע ראש דאורייתא קלתה שפיר דמי דת יהודית אפילו קלתה נמי אסור אמר רבי יוחנן קלתה אין בה משום פרוע ראש הוי בה רבי זירא היכא אילימא בשוק דת יהודית היא ואלא בחצר אם כן לא הנחת בת לאברהם אבינו שיושבת תחת בעלה אמר אביי ואיתימא רב כהנא מחצר לחצר ודרך מבי.

[But] her head uncovered is a biblical prohibition as it states (*Bamidbar* 5:18), “And he uncovers the head of the woman,” and [the disciples in] R. Yishmael’s study hall derive [from this verse] a prohibition for Jewish women to go out with their heads uncovered. Biblically, a *kaltah*⁵ is sufficient, but [according to] Judaic practice even a

² Mosaic practice is simply understood as a biblical obligation (*Rashi, Kesubos* 72a s.v. *de'oraisa*). However, *Terumas HaDesben* maintains *Rambam* saw it only as rabbinic in nature (*Terumas HaDesben* 242). It is unclear how *Terumas HaDesben* derives this from *Rambam*’s writings. *Magid Mishneh* and *Maaseh Rokeach* note that *Rambam* categorizes certain rabbinic ordinances within Mosaic practice (*Magid Mishneh Hilchos Ishus* 24:11; *Maaseh Rokeach Hilchos Ishus* 24:11). However, *Maaseh Rokeach*’s approach, finding Mosaic practice to be biblical but to include rabbinic corollaries, seems a more reasonable assertion than to posit that the entirety of Mosaic practice is only rabbinic (*Maaseh Rokeach Hilchos Ishus* 24:11). Furthermore, *Terumas HaDesben*’s wording indicates something more pronounced in *Rambam*’s writings insinuating that Mosaic practice is rabbinic, not simply an obscure inference (*Terumas HaDesben* 242 [stating that *Rambam* believes the uncovering of a woman’s head is a rabbinic prohibition as clearly indicated in his writings]).

³ Judaic practice is not a formal prohibition; rather, it is a customary practice of Jewish women to preserve a level of modesty (*Chiddushei Rabbeinu Yonasan Min Luniel Kesubos* 72a; *Tosefos Rid Kesubos* 72a; see also *Mishneh Torah Hilchos Ishus* 24:12 [utilizing language that indicates it is only a customary practice developed by Jewish women to preserve modesty]; *Shulchan Aruch Even HaEzer* 115:4 [utilizing language that indicates it is only a customary practice developed by Jewish women to preserve modesty]; but see *Rashi Kesubos* 72a s.v. *das yehudis* [suggesting it is only a custom, but defining custom as that which is not explicitly written in the Torah]). Nevertheless, the ruling of the Mishnah is to permit a man to divorce his wife without paying her the requisite compensation as mandated by her marriage contract if she deviates from these practices.

⁴ *Kesubos* 72a.

⁵ The word *kaltah* is purposely left untranslated at this time because it is the subject of dispute, which will be addressed later in this article.

kaltab [by itself] is prohibited. R. Yochanan states, “[Wearing] a *kaltab* does not constitute [going out] with one’s head uncovered.” R. Zeira questioned in what setting [this applies]. If it is in the marketplace then [it violates] Judaic practice. Rather, it refers to a courtyard setting. If so, [R. Yochanan] has not left a daughter of the Patriarch Abraham who may remain married [and who would then lose the compensation afforded her under her marriage contract]. Abaye or Rav Kahana states [that it refers to] going from one courtyard to another while passing through a public alleyway.⁶

The simple understanding of the above Talmudic passage, and the explanation embraced by *Tosafos*, recognizes three different locations with varying requirements for women’s head coverings: (i) a marketplace, (ii) a public alleyway, and (iii) a courtyard.⁷ A woman may enter a marketplace with only a *kaltab* according to Mosaic practice, but Judaic practice mandates that she wear a more comprehensive head covering.⁸ Both Mosaic and Judaic practice mandate that a woman at least wear a *kaltab* in a semi-public alleyway.⁹ A woman may leave her head uncovered when in a private courtyard.¹⁰ The reason for the differing levels of requirement emanates from the amount of privacy each location affords.¹¹

The definition of *kaltab* is a matter of dispute. *Rashi* maintains it is a basket to place one’s knitting materials whose underside has a depression allowing it to be placed on one’s head.¹² Consequently, according to *Rashi*, Judaic practices compels a woman to wear something more concealing and dignified than a basket when entering the marketplace, but she may wear only a basket when walking through an alleyway. *Rambam*, however, maintains that a *kaltab* is a kerchief that covers one’s hair.¹³ In the marketplace, a woman must wear an additional shawl to comply with Judaic

⁶ *Kesubos* 72a–72b.

⁷ *Tosafos Kesubos* 72b s.v. *v’elab*.

⁸ *Ibid*.

⁹ *Ibid*.

¹⁰ *Ibid*.

¹¹ See *Rashi, Kesubos* 72b s.v. *vederech mavoy* (explaining the leniency for a *kaltab* in an alleyway is because not many people are present).

¹² *Rashi, Kesubos* 72b s.v. *kaltab*. This approach is also embraced by *Aruch. Aruch* s.v. *k-l-th*.

¹³ *Peirusb HaMishnayos, Kesubos* 7:4; *Mishneh Torab, Hilchos Isbus* 24:12. There is disagreement whether the kerchief must fully conceal the hair (*Igros Moshe* 1 *Even HaEzer* 58).

practice, but she may wear only a kerchief when in a semi-public alleyway.¹⁴

B. Mosaic and Judaic Practices in Talmud *Yerushalmi*

When elucidating the aforementioned Mishnah, the *Yerushalmi* does not seem bothered by the Mishnah's classification of being in public with an uncovered head as merely Judaic practice, not Mosaic. The *Yerushalmi* seems either unaware of the *Bavli's* statement from the disciples of R. Yishmael that biblically mandates head covering, as derived from the shaming of a suspected adulteress, or finds the Mishnah's classification as Judaic practice more authoritative. Alternatively, the recorders of the *Yerushalmi* may have synthesized the two Tannaitic statements, but did not feel it necessary to record that discussion. Notwithstanding whether head covering is Mosaic or Judaic practice, the *Yerushalmi* takes a more stringent approach than the simple reading of *Bavli* when discussing where women must cover their heads. The *Yerushalmi* states:

וראשה פרוע לחצר אמרו ק"ו למבוי רבי חייה בשם רבי יוחנן היוצאה
בקפלטין שלה אין בה משום ראשה פרוע הדא דתימא לחצר אבל למבוי יש
בה משום יוצאה וראשה פרוע יש חצר שהוא כמבוי ויש מבוי שהוא כחצר
חצר שהרבים בוקעין בתוכה הרי הוא כמבוי ומבוי שאין הרבים בוקעין
בתוכו הרי הוא כחצר.

And her head uncovered [is reason for her to lose her compensation in her marriage contract, and applies] in a courtyard. They said that *a fortiori* in an alleyway [her head must be covered]. R. Chiyyah [stated] in the name of R. Yochanan, "One who goes out with [only] her kerchief is not [an issue] of an uncovered head." This is taken to apply in a courtyard, but in an alleyway it is considered [to be the problematic issue of] going out with one's head uncovered. Some courtyards are treated as alleyways and some alleyways are treated as courtyards. A courtyard that the public regularly enters is like an alleyway; an alleyway that the public does not regularly enter is like a courtyard.¹⁵

¹⁴ *Mishneh Torah Hilchos Isbus* 24:12. *Perishah* compares the shawl to a *talit* that covers the entire body (*Perishah Even HaEzer* 115:9). A woman is permitted to wear a fully concealing head covering instead of two coverings, even in a marketplace, according to some who express the opinion that the kerchief need not fully conceal. *Igros Moshe* 1 *Even HaEzer* 58.

¹⁵ *Yerushalmi Kesubos* 44b.

Unlike the simple understanding of the *Bavli*, the *Yerushalmi* mandates that women must have some head covering even when in a courtyard. Thus, according to the *Yerushalmi*, in a non-public area a kerchief is sufficient, but in a public area a more stringent head covering is required.

C. The Classic Halachists's Approaches

Tur's position regarding what head coverings are sufficient in which locations is disputed by later rabbis. *Tur* defines *kaltab* like *Rambam* and seemingly adheres to the simple understanding of the *Bavli* presented above.¹⁶ *Tur* maintains that a man should divorce his wife, who then loses her right to collect the compensation included in her marriage contract, if she does not wear a kerchief and shawl when in a public forum.¹⁷ However, *Tur* states that he need not divorce her if she walks around with her head uncovered in a private forum.¹⁸ *Beis Yosef* acknowledges that *Tur* takes the *Bavli*'s approach, which *Beis Yosef* presents as the only option, but questions *Tur*'s reluctance to state that a woman may walk around a private courtyard without a head covering.¹⁹ *Beis Yosef* sees hesitation in *Tur*'s choice not to permit such behavior explicitly and instead resorts only to stating that her husband need not divorce her.²⁰ When codifying the halachah in his *Shulchan Aruch*, *Beis Yosef* chose to place more emphasis on the definition of Judaic practice than simply discuss the subject in the context of divorce.²¹ He does not list being without a head covering in a private courtyard as a violation,²² which may indicate he feels it is permissible.

Rema maintains that *Tur* believes walking around in a private courtyard is permissible even though he did not explicitly permit it.²³ *Rema* first cites an earlier ruling of *Tur* that Jewish women, whether single or married, are prohibited from going out into the marketplace with their heads uncovered.²⁴ *Rema* contends that *Tur* intended for readers of his earlier ruling to infer that women are permitted to have their heads uncovered when outside of public areas, such as private courtyards.²⁵ Nevertheless, *Tur*

¹⁶ *Tur Even HaEzer* 115.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Beis Yosef Even HaEzer* 115 s.v. *um"sh vedavka*.

²⁰ *Ibid.*

²¹ *Shulchan Aruch Even HaEzer* 115:4.

²² *Ibid.*

²³ *Darkei Moshe Even HaEzer* 115:4.

²⁴ *Ibid.* (citing *Tur Even HaEzer* 21).

²⁵ *Ibid.*

wanted the reader to perceive that some impropriety exists when uncovering one's head in private.²⁶ So, when *Tur* codified the halachah more comprehensively, he did so in the context of divorce and did not explicitly state it is permissible to uncover one's head in a courtyard.²⁷ *Rema* references the Talmudic story of Kimchis to support his position that it is inappropriate for a woman to uncover her head in private.²⁸ Seven of Kimchis's sons served as High Priests in the Temple.²⁹ When asked what good deeds merited her such reward, she responded, "The walls of my home never saw the braids of my hair."³⁰ Thus, says *Rema*, *Tur* wanted to convey that even when permissible, it is inappropriate for women to uncover their heads.³¹ *Taz*, however, maintains *Tur* was simply stating the halachah in accordance with the simple understanding of the *Bavli* and was not advocating for women to take a more stringent approach in a private forum.³² Hence, according to *Tur*, as understood by *Beis Yosef*, the *Shulchan Aruch*, *Rema* and *Taz*, a woman must wear a shawl and kerchief when in public, at least a kerchief when in a semi-public area, and may uncover her head when in a private area. However, *Rema* contends that *Tur* maintains it is inappropriate for a woman to have her head uncovered even in the privacy of her own home.

Bach and *Beis Shmuel* disagree with the interpretation of *Tur* by both *Beis Yosef* and *Rema*. Partially based on *Beis Yosef's* aforementioned question, *Bach* understands both *Rambam* and *Tur* to require a kerchief even in a courtyard.³³ Consequently, a woman would need a kerchief in a courtyard or semi-public alleyway, and an additional shawl when in a marketplace.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ *Yoma* 47a.

³⁰ Ibid, but see *Tosafos Yesbanim Yoma* 47a s.v. *lo ra'u* (maintaining that Kimchis only meant when it was possible to cover her hair); *Beis HaBechirah Yoma* 47a s.v. *shivah* (stating that Kimchis's statement was an exaggerative expression meant to convey extreme modesty).

³¹ *Darkei Moshe Even HaEzer* 115:4. Based on the *Zohar*, *Magen Avraham* contends that married women should scrupulously cover every strand of hair in all situations (*Magen Avraham* 75:4). For halachic reasons, *Chasam Sofer* requires married women to cover all their hair in every situation (*Chasam Sofer Orach Chaim* 36; but see *Igros Moshe 1 Even HaEzer* 58 [countering *Chasam Sofer's* position and presenting a more lenient approach]).

³² *Turi Zahav Even HaEzer* 115:5.

³³ *Bayis Chadash, Even HaEzer* 115 s.v. *um'sh*.

The problem with *Bach's* approach is the *Bavli's* retort of, "If so, [R. Yochanan] has not left a daughter of the Patriarch Abraham who may remain married [and who would then lose the compensation afforded her under her marriage contract]."³⁴ The *Bavli* posited that R. Yochanan held wearing only a *kaltab* in a courtyard does not violate Mosaic or Judaic practice.³⁵ The retort seemingly rejected that approach under the assumption that women regularly do not wear even a *kaltab* on their heads in courtyards.³⁶ Hence, this quip seems to undermine the basis of *Bach's* position that women must wear a *kaltab* even in a courtyard. *Bach* counters this by providing a novel interpretation of this retort.³⁷ *Bach* suggests that the Talmud assumed a *kaltab* is both necessary and sufficient in a courtyard because that is the common practice.³⁸ The Talmud assumes that R. Yochanan must have been demanding something more than common practice because he would never have stated something so obvious.³⁹ However, retorts the Talmud, he could not have demanded something more because then he would have "not left a daughter of the Patriarch Abraham who may remain married [without losing the compensation in her marriage contract]."⁴⁰ *Beis Shmuel* champions *Bach's* approach because it harmonizes the *Bavli* with the *Yerushalmi*, something *Rashi*, *Tosafos* and the simple understanding of the *Bavli* fail to accomplish.⁴¹

In summation, the halachists understand that a *kaltab* is a kerchief that covers the head, like *Rambam*, and Judaic practice compels a woman to don an additional shawl when in a more public area. There is a dispute whether a woman requires any head covering when in a private area, like a courtyard, and there are Talmudic passages that seem to laud the praises of one who is diligent to keep her head covered even when not required. However, all seem to maintain that a *kaltab* is sufficient in a semi-public area.

³⁴ *Kesubos* 72b.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Bayis Chadash Even HaEzer* 115 s.v. *um'sh*.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*; but see *Turi Zabav Even HaEzer* 115:5 (challenging the viability of the answer of his father-in-law, the *Bach*, by stating that phrasing such a question in this fashion is awkward; had the Talmud intended to state what *Bach* purports, it should simply have used its regular rhetorical verbiage, "*peshita*," which means, "it is obvious," and is used in such situations).

⁴¹ *Beis Shmuel* 115: 9.

D. Unmarried Women

i. In Talmudic Literature

The Talmudic passages seem somewhat conflicting on the issue of whether unmarried women must cover their heads. None of the passages from *Kesubos* in the *Bavli* or *Yerushalmi* nor the earlier passages from the halachists differentiate between married and unmarried women, which indicates that unmarried women must cover their heads. However, those passages primarily deal with divorce and marriage contracts; the subjects are implicitly married women. Furthermore, the biblical source the *Bavli* uses for the assertion that women must cover their heads refers to a suspected adulteress who is married.⁴² Thus, although the simple understanding of these passages insinuates unmarried women must cover their heads, no definitive proof may be ascertained.

The Talmudic passage in Tractate *Nedarim* suggests unmarried women must cover their heads. The Mishnah states that one who vows not to benefit from “black-headed” people is prohibited from benefiting

⁴² *Kesubos* 72a. Similarly, *Sifri* unequivocally states that Jewish women must cover their heads, which indicates that the obligation is for married and unmarried women (*Sifri Naso* 11). After making its statement, *Sifri* utilizes the verse that states that Tamar put ash and her hand on her head after being violated by Amnon as an allusion to this obligation (ibid). Some deduce from this *Sifri* that an unmarried woman who was violated must cover her head because she is no longer a virgin (e.g., *Shevus Yaakov* 103; *Emek HaNetziv Naso* 11 s.v. *shene'emar, Torah Temimah Bamidbar* 5:96). This indicates that other unmarried women need not cover their heads. Nonetheless, this does not prove that *Sifri* maintains that unmarried women have no obligation to cover their heads. These deductions may be predicated on an anachronistic assumption that unmarried virgins do not cover their heads. *Sifri* may mandate that all women covered their heads, as indicated by its generally stated rule. The allusion from Tamar may simply be from a verse explicitly demonstrating head covering without any focus on the specifics of Tamar's situation. The authorities who maintain that unmarried women who were violated need not cover their hair are compelled to understand *Sifri* in this fashion. See *Pischei Teshuvah Even HaEzer* 21:2 (citing authorities that maintain that a woman who never married who is not a virgin need not cover her head). *Sifri* seems to acknowledge that it is not using Tamar's case with specificity by emphasizing that Tamar's case is not a proof, only an allusion (*Sifri Naso* 11). Accordingly, Tamar covered her head regularly even before this incident; it became uncovered only because Amnon violated her and threw her out of the room abruptly (2 *Shmuel* 13:17–18). The allusion sees Tamar then utilizing whatever resources she had to restore her head covering. Consequently, *Sifri* is similar to the passages from *Kesubos* in both *Bavli* and *Yerushalmi*, the simple reading indicates all unmarried women must cover their hair, but the subject used as the example casts some doubt on that understanding.

from men, even if they are bald or have aged with white hair, but is permitted to benefit from women and children.⁴³ The Talmud elucidates that “black-headed” is a reference to people whose dark hair is sometimes revealed, but sometimes covered.⁴⁴ The reference is therefore limited to men because women always cover their heads and children keep their heads uncovered.⁴⁵ “Black-headed” could apply equally to women if unmarried women did not always cover their heads; rather, it seems unmarried women always covered their heads. However, since most young women attempted to marry no later than age twelve,⁴⁶ it is possible that relatively few remained unwed by the age of majority. Thus, even if unmarried women exposed their heads, people might not refer to adult women as black-headed because the overwhelming majority were married and covering their heads. Similar to the passages from *Kesubos* in the *Bavli* and *Yerushalmi* cited earlier, the simple understanding of this passage indicates that unmarried women covered their heads, but no conclusive deduction can be made.

The simple reading of one of Rav’s homiletic passages, as cited in *Midrash Rabbah*, supports the assertion that unmarried women covered their heads in earlier times. Rav states that On b. Peles’s wife saved him from the tragic end that befell the other members of Korach’s rebellion.⁴⁷ Rav stipulates that On initially joined Korach’s challenge to Moshe’s authority; however, when On returned home the evening after challenging Moshe, his wife greeted him with wine and On fell asleep after becoming inebriated.⁴⁸ When the rabble-rousers came to gather On, On’s wife and daughter sat in their doorway.⁴⁹ On’s wife proceeded to unravel her hair and the group of rebels departed so as not to be in the presence of an immodestly clad woman.⁵⁰ Although the focus of the story is on On’s wife, the inclusion of his daughter indicates that she also unraveled her hair. Presumably, the daughter who sat in the doorway lived in On’s home, which indicates she was not married. The unmarried daughter’s unraveled hair would only be considered immodest if it would have otherwise been covered. Therefore, the simple reading of this passage indi-

⁴³ *Nedarim* 30b.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Rashi Kesubos* 57b s.v. *nosnin lab*.

⁴⁷ *Bamidbar Rabbah* 18:20.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

cates that single women of earlier generations covered their heads. Nevertheless, no definitive proof may be brought from this passage. Although classic interpreters assume the *Midrash Rabbah* includes the daughter in the story,⁵¹ the same story is referenced in several other Talmudic sources with no reference to her.⁵² Thus, it is possible the inclusion is nothing more than a scrivener's error. Furthermore, the story never explicitly states that the daughter unraveled her hair or that she was unmarried; if either she did not unravel her hair or was married then there is no proof. Consequently, similar to the simple understandings of the passages cited earlier from *Bavli Kesubos*, *Yerushalmi Kesubos* and *Nedarim*, the simple understanding of this passage inconclusively indicates that unmarried women covered their heads in previous generations.

Tractate *Berachos* contains a passage indicating that both married and unmarried women must cover their heads. In the context of discussing what areas of the body are considered immodest, Rav Sheshes states that a woman's exposed hair qualifies as immodest.⁵³ Rav Sheshes's statement does not differentiate between married and unmarried women, so it seems that any woman's hair is considered immodest when exposed. Nevertheless, many later authorities seemingly narrow the application of Rav Sheshes's statement to married women,⁵⁴ which indicates their belief that

⁵¹ *Matnos Kehunah*, *Bamidbar Rabbah* 18:20; *Peirush Maharzay*, *Bamidbar Rabbah* 18:20.

⁵² *Sanhedrin* 109b–110a; *Tanchuma*, *Korach* 10; *Midrash HaGadol*, *Bamidbar* 16:1.

⁵³ *Berachos* 24a. The biblical source of Rav Sheshes's ruling may reference an unmarried woman. The verse describes a woman's beautiful hair (*Shir HaShirim* 4:1). The simple understanding, *psbat*, identifies this woman as an unmarried virgin (*Ibn Ezra*, *Shir HaShirim HaPaam HaSheinis* 8:10 s.v. *ani chomah*). *Rashi* maintains that the text describes this woman as covering her hair with a kerchief (*Rashi*, *Shir HaShirim* 4:1 s.v. *tzamasech*). Consequently, the Talmudic source that women's hair is immodest may refer to an unmarried woman who is naturally seen as covering her head. However, some do not understand the woman to be using a kerchief (*Ibn Ezra*, *Shir HaShirim HaPaam HaRishonah* 4:1 s.v. *tzamasech*; *Metzudas David Shir HaShirim* 4:1 s.v. *einayich yonim*). Moreover, the homiletical approach, *drush*, sees the text describing a discussion between an estranged married couple pining for the closeness of their initial relationship (*Rashi*, *Shir HaShirim Hakdamah*; see also *Yoma* 75 [understanding verses that apparently describe the woman's virginity as allegorizing the Jewish nation's fidelity to God in Egypt]). Consequently, some verses in this text describe the currently married woman, but others describe her in her youth. Accordingly, the verse in question may refer to the currently married woman. Hence, the marital status of the subject of the source of Rav Sheshes's ruling is ambiguous.

⁵⁴ E.g., *Rashba Berachos* s.v. *amar Rav Chisda*; *Rosh*, *Berachos* 24a; but see *infra* note 94 and accompanying text (presenting an alternative understanding of these sources).

unmarried women did not cover their heads in the Talmudic era. Thus, the simple understanding of this passage supports the assertion that unmarried women covered their heads in the Talmudic era, consistent with the simple understandings of the passages from *Kesubos* in the *Bavli* and *Yerushalmi*, *Nedarim* and *Midrash Rabbah*, but later interpretations seemingly reject that supposition.

The Mishnah in Tractate *Kesubos* may indicate that common practice was for unwed women to uncover their heads, even in public. The Mishnah records that previously unwed brides attended their wedding ceremonies with their heads uncovered.⁵⁵ It appears that unwed women may leave their heads uncovered when in public because the Mishnah does not take issue with this normative practice. Although it is possible the Mishnah only meant the bride's head was partially exposed in an appropriate fashion,⁵⁶ it is likely that it was exposed in a fashion that would otherwise be considered inappropriate. The Mishnah uses the word *parua* (פרוע),⁵⁷ which is the same word used by the Talmud when describing the prohibition to go out with one's head uncovered.⁵⁸ So, it would seem that the manner described in the Mishnah is what is prohibited elsewhere in the Talmud. Nevertheless, the Mishnah does not prove that unmarried women were permitted to uncover their heads. *Shevus Yaakov* maintains that the Mishnah's case is a rare exception, which results from the extreme

⁵⁵ *Kesubos* 15b.

⁵⁶ R. Yochanan understands that the bride would don a ceremonial scarf, which implies that her head may not have been completely uncovered (*ibid*, at 16b). Mosaic practice may permit incomplete head coverings even in the marketplace; it is Judaic practice that certainly mandates a more concealing head covering (*Id* at 72a–72b). Customary wedding adornments likely conform to customary practice, and Judaic practice is predicated on customary practice (*Rashi, Kesubos* 72a s.v. *das yehudis*; *Mishneh Torah Hilchos Isbus* 24:12; *Chiddushei Rabbeinu Yehonasan MiLuniel, Kesubos* 72a; *Tosafos Rid, Kesubos* 72a; *Shulchan Aruch Even HaEzer* 115:4). So, customary bridal garments that partially expose a bride's head could be consistent with both Mosaic and Judaic practice and be consistent with the normative practice of unmarried women covering their heads. Surchav b. Papa cites Zeiri as disputing R. Yochanan's interpretation that the bride wore a ceremonial scarf (*Kesubos* 16b). But it is unclear if Zeiri's argument with his teacher, R. Yochanan, extends so far as to suggest that the bride's head was completely uncovered. Interestingly, the *Yerushalmi* maintains that those in the Land of Israel embraced Zeiri's opinion, but those in Babylonia followed R. Yochanan's approach (*Yerushalmi Kesubos* 9b). This is somewhat peculiar because R. Yochanan lived in the Land of Israel while Zeiri was Babylonian (*Rashi, Kiddushin* 71b s.v. *nasiv bartai*).

⁵⁷ *Kesubos* 15b.

⁵⁸ *Ibid*, at 72a.

unlikely for a bride to have an inappropriate relationship.⁵⁹ The bride is accompanied by family and friends, and it would be extraordinarily brazen for her to have an illicit relationship on her wedding day.⁶⁰ Alternatively, the exception may result from the underlying reason why brides uncovered their heads. This custom developed as a display of mourning for the loss of the Temple.⁶¹ The assumption may have been that the populace would not view this exposure as lewd because the bride would be seen as disheveled and mourning. Moreover, the need to display mourning in this setting may supersede the imperative for one's head to be covered.⁶² It is for similar reasons that the Talmud finds no issue with uncovering a suspected adulteress's head and exposing her chest; both were considered necessary deterrents and were done to shame her while she was in the Temple.⁶³ Because the bride's uncovered head may be an exception, it cannot be used to prove the rule.

ii. In Classic Halachic Literature

Seemingly contradictory statements regarding whether unmarried women must cover their heads exist in classic halachic literature. Both *Tur* and *Shulchan Aruch* state that both married and unmarried women are prohibited from entering the marketplace with their heads uncovered,⁶⁴ which apparently conflicts with their statements permitting one to read *Shema* while facing an unmarried woman's uncovered head.⁶⁵ To avoid the apparent contradiction, *Beis Shmuel* reinterprets the passages of *Tur* and *Shulchan Aruch* that require unmarried women to cover their heads by translating their contextual usage of the word *p'nuyah*, typically meaning an unmarried woman, as a widow or divorcée; the word *besulah* better refers to

⁵⁹ *Shevus Yaakov* 103.

⁶⁰ *Ibid.*

⁶¹ *Yerushalmi Kesubos* 9b; see also *Pnei Moshe, Kesubos* 9b s.v. *yotza'ah* (explaining the *Yerushalmi* to be stating that the uncovering of the head was a sign of mourning); *Ridvaz, Kesubos* 9b (explaining the *Yerushalmi* to be stating that the uncovering of the head was a sign of mourning); but see *Korban HaEidab, Kesubos* 9b s.v. *ke'gon eilu* (explaining the *Yerushalmi* in a different fashion).

⁶² The superseding imperative may not have been a suspension of the underlying obligation; rather, the obligation may not apply in this circumstance. See *infra* note 120 and accompanying text (presenting an approach that the bride's uncovered head does not reflect a suspension of the obligation to cover one's head even if unmarried women were otherwise required to cover their heads).

⁶³ *Sotah* 7a, 8a–8b.

⁶⁴ *Tur, Even HaEzer* 21; *Shulchan Aruch, Even HaEzer* 21:2.

⁶⁵ *Tur, Orach Chaim* 75; *Shulchan Aruch, Orach Chaim* 75:2.

unmarried women according to *Beis Shmuel*.⁶⁶ Supporting this contention is that *Tur* and *Shulchan Aruch* use the word *besulah* when permitting one to recite *Shema* while facing an unmarried woman's exposed hair.⁶⁷ Consequently, only women who currently are or previously were married need to cover their heads.

Magen Avraham differs from *Beis Shmuel* and suggests a novel approach to resolve the apparent contradiction. *Magen Avraham* finds the suggestion that the word *p'nyah* refers to widows and divorcées untenable.⁶⁸ Rather, *Magen Avraham* reinterprets the prohibition to go into the marketplace with an uncovered head to mean that it is prohibited to go into the marketplace with one's hair unbraided, not uncovered.⁶⁹ *Magen Avraham* further asserts that the prohibition for an unmarried woman to go into the marketplace with unbraided hair is only rabbinic, but a married woman is required to cover her head based on biblical law.⁷⁰ Thus, unmarried women are not required to cover their heads, but they must wear braids when in public.

⁶⁶ *Beis Shmuel*, *Even HaEzer* 21:5. *Bach* and *Chelkas Mechokek* similarly maintain that *p'nyah* in this context means an unmarried woman who is not a virgin. *Bayis Chadash*, *Even HaEzer* 21 s.v. *lo yelchu*; *Chelkas Mechokek* 21:2.

⁶⁷ *Tur*, *Orach Chaim* 75; *Shulchan Aruch*, *Orach Chaim* 75:2.

⁶⁸ *Magen Avraham* 75:3.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.* The use of the word *p'nyah* in one place and *besulah* in another likely results from *Tur* and *Shulchan Aruch* quoting different authors. When discussing *Shema*, they were quoting *Rosh* who uses the term *besulah* (see *Rosh*, *Berachos* 24a [using *besulah*]). When discussing head coverings, they were quoting *Rambam* who uses the term *p'nyah* (see *Rambam*, *Hilchos Isurei B'iyah* 21:17 [using *p'nyah*]). Supporting this assertion is that earlier in that same chapter *Rambam* uses the word *p'nyah* to refer to single women, whether previously married or not (*ibid.*, at 21:3). There is no conflict from *Rambam's* clarification in that earlier halachah, "and it is permissible to stare at the face of a *p'nyah* and determine [if he wishes to marry her], whether she is a virgin or not..." (*ibid.*). It is erroneous to assume *Rambam* provided greater definition of *p'nyah* in this halachah to distinguish it from the one discussing head covering; this halachah would include virgins and non-virgins and the one about head covering would be limited to non-virgins. Had *Rambam* intended to distinguish in this fashion, he should have more succinctly stated, "and it is permissible to stare at the face of a *p'nyah* or a virgin to determine [if he wishes to marry her]." Rather, *Rambam's* broader definition is seemingly included to clarify that *p'nyah* refers to all types of single women, most likely because in this particular ruling *Rambam* cites a verse from *Iyov* that appears applicable only to virgins (*ibid.* [citing *Iyov* 31:1]; see also *Peirush HaMishnayos*, *Sanhedrin* 7:4 (presenting the same concept and citing the same verse).

E. Women's Hair and *Ervah*

There is debate whether a woman's hair is a specified *ervah*, a specific area of the body designated as immodest. Rav Sheshes states that a woman's exposed hair qualifies as immodest.⁷¹ *Rashba* and *Rosh* understand that Rav Sheshes is designating hair as an *ervah*, an immodest portion of the body that one may not face while reciting *Shema*.⁷² Thus, according to *Rashba* and *Rosh*, a woman's hair is a distinct area of the body, which has a defined halachic status of *ervah*.

Although *Rambam* understands Rav Sheshes as prohibiting one from deriving benefit by staring at a woman's hair, he does not understand that Rav Sheshes specifically designated hair as an *ervah*. Instead, *Rambam* generically prohibits deriving benefit from staring at any portion of a woman's body, including her hair.⁷³ Similarly, when discussing the rules of *Shema*, *Rambam* does not specifically designate hair as an *ervah*.⁷⁴ Therefore, *Kesef Mishneh* maintains that *Rambam* understood that it is permissible to recite *Shema* while facing a woman's exposed head because hair is not a specified *ervah*.⁷⁵ Thus, there is debate whether hair is an *ervah*, and this debate has halachic significance.

F. The Impact of Societal Norms

Several authorities limit Rav Sheshes's statement that a woman's hair is immodest in ways that open the possibility that societal norms may impact

⁷¹ *Berachos* 24a.

⁷² *Rashba*, *Berachos* 24a s.v. *amar Rav Chisda*; *Rosh*, *Berachos* 24a.

⁷³ *Mishneh Torah*, *Hilchos Issurei Biab* 21:2. There are differing opinions regarding *Rambam's* position on whether one may read *Shema* while facing a woman who is not his wife who has less than a handbreadth of her body exposed. See *Lechem Mishneh*, *Hilchos Ishus* 3:16 s.v. *v'im haysah* (stating that *Rambam* prohibits reciting *Shema* if even less than a handbreadth is exposed); *Bayis Chadash*, *Orach Chaim* 75 s.v. *tefach* (stating that *Rambam* permits reciting *Shema* if it is less than a handbreadth that is exposed).

⁷⁴ *Mishneh Torah*, *Hilchos Kriyas Shema* 3:16.

⁷⁵ *Kesef Mishneh*, *Hilchos Kriyas Shema* 3:16 s.v. *v'im hayah*; see also *Beis Yosef*, *Orach Chaim* 75 s.v. *kasav* (asserting the same contention as done in *Kesef Mishneh*). This assumption is predicated on *Kesef Mishneh's* contention that when *Rambam* restricts reciting *Shema* while facing any exposed area of a woman, it is limited to areas that are typically concealed. Interpreting *Rambam* in a simpler fashion that understands that *Rambam* prohibits reading *Shema* while facing any exposed area of a woman, whether typically concealed or not, compels one to conclude that hair is included in the overall prohibition. The lack of designation as an *ervah* then has no direct halachic significance.

halachic matters pertaining to head covering. Based on the *Raavad*, *Rashba* suggests that hair that normally protrudes from one's covering is not considered immodest for the purposes of recitation of *Shema*.⁷⁶ The impropriety of exposed hair results from one having impure thoughts when seeing it; however, pedestrian matters do not stir arousal.⁷⁷ Thus, hair that typically protrudes from a covering will not cause one to have impure thoughts.⁷⁸ *Rosh* extends this and states that unmarried women's hair is not considered immodest for the purposes of reciting *Shema* because it is regularly uncovered.⁷⁹ Both *Tur* and *Shulchan Aruch* follow suit and apply Rav Sheshes's statement to the recitation of *Shema*, but exclude from it hair that is normally exposed and unmarried women's hair.⁸⁰ Based on this line of reasoning, Maharam Alashkar extends this concept by stating that women may expose hair that is considered normal to expose by the societal standards of the Jewish community.⁸¹ It is not simply that one may recite *Shema* while facing such exposed hair; rather, it is permissible for women to expose such hair outright. Thus, classic authorities explicitly state that societal norms impact the requirements of women's head coverings for reading *Shema* and later authorities extend this impact to general head covering requirements.

Although the aforementioned discussions of societal impact on halachic requirements may be limited to cases of Judaic practice, there is debate if societal norms can abolish the Mosaic practice requirement to cover one's head. *Aruch HaShulchan* seems to hold that normative behavior cannot displace Mosaic practice because he lambasts the widespread practice of the married women of Lithuania of not covering their heads in public.⁸² He refers to the women as licentious and states that their immoral practice of uncovering their heads plagues society.⁸³ If normative practice displaces Mosaic practice, these women would not be acting im-

⁷⁶ *Rashba*, *Berachos* 24a s.v. *amar Rav Chisda*.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Rosh*, *Berachos* 24a. When discussing *ervah* for the purposes of reciting *Shema*, the *Mordechai* cites *Raavyah* as similarly maintaining that unmarried women's hair is not an *ervah* because it is regularly uncovered (*Mordechai*, *Berachos* 80 [citing *Sefer Raavyah* 76, which is discussing reciting *Shema*]).

⁸⁰ *Tur*, *Orach Chaim* 75; *Shulchan Aruch*, *Orach Chaim* 75:2.

⁸¹ *Teshuvos Maharam Alashkar* 35.

⁸² *Aruch HaShulchan*, *Orach Chaim* 75:7.

⁸³ *Ibid.*

modestly, so the harsh rebuke indicates that *Aruch HaShulchan* did not believe that Mosaic practice could be displaced.⁸⁴ It also seems that *Aruch HaShulchan* assumes that Mosaic practice never extended to unmarried women because he directs his rebuke only to married women. In contradistinction, R. Yosef Messas states that once the women in Moroccan communities abandoned the practice of covering their heads en masse, it obviated the need even under Mosaic practice.⁸⁵ Mosaic practice derived its ruling from the Torah's requirement for the priest to remove the suspected adulteress's head covering.⁸⁶ *Rashi* elucidates that one of the following explanations is the underlying Talmudic reasoning: (i) it must be prohibited to expose her hair if doing so degrades her, or (ii) implicit in the verse is that her head was initially covered in conformance with the standard practices of Jewish women and deviation is prohibited.⁸⁷ R. Messas suggests that the first reason only sufficiently shows a prohibition on others to remove her headdress, but does not restrict a woman from degrading herself.⁸⁸ The second reason only mandates that a woman must adhere to the societal norms of her community.⁸⁹ In biblical times, the societal norm was for women to cover their heads; however, Moroccan women chose to abandon this practice.⁹⁰ Thus, R. Messas contends that there is no more need for members of the Moroccan community to cover their heads because the societal norm no longer mandates it.⁹¹

Contemporary practice may show support for R. Messas's position. Although not customary practice in current Judaism, the simplest resolution to the contradiction between the statements of *Tur* and *Shulchan Aruch* prohibiting unmarried women to uncover their heads and the ones permitting the recitation of *Shema* while facing an unmarried woman whose

⁸⁴ Although *Aruch HaShulchan* rules that married women must retain their head coverings in public even though society has abandoned the practice, he holds that it is not problematic to read *Shema* while facing exposed hair because it is normal to be exposed and does not arouse immoral thoughts (*ibid*).

⁸⁵ *Otzar HaMichtavim* vol. 3:1884.

⁸⁶ *Kesubos* 72a.

⁸⁷ *Rashi*, *Kesubos* 72a s.v. *azharah*. *Rashi* comments that the second of these explanations is the primary reason (*ibid*).

⁸⁸ *Otzar HaMichtavim* vol. 3:1884; but see *Igros Moshe* 1, *Even HaEzer* 57 (citing *Ritva* and stating that the degradation results from lewd behavior, which is prohibited).

⁸⁹ *Otzar HaMichtavim* vol. 3:1884.

⁹⁰ *Ibid*.

⁹¹ *Ibid*. It is unclear how R. Messas distinguishes between Mosaic and Judaic practice because his approach sees both mandating adherence to societal norms.

hair is uncovered is to take all of these statements literally. *Tur* and *Shulchan Aruch* maintain that unmarried women must cover their heads in public; nevertheless, unmarried women's hair is not considered immodest for the purposes of reciting *Shema* because over time it came to be considered mundane. Unmarried women's hair is thus similar to married women's hair according to *Aruch HaShulchan's* approach; it is prohibited to be uncovered, but not considered immodest for the purposes of reciting *Shema*.⁹² The simple reading of the Talmudic source requiring head covering under Mosaic practice does not distinguish between married and unmarried women, which is consistent with the simple reading of *Tur* and *Shulchan Aruch*.⁹³ So, it seems that the exclusion of unmarried women from this obligation may result from an anachronistic projection of later halachists. Unlike the earlier authorities who only seem to permit one to recite *Shema* while facing a woman's exposed hair,⁹⁴ the Maharam Alashkar, *Beis Shmuel* and *Magen Avraham* even permit unmarried women to uncover their heads.⁹⁵ This extension may have arisen from then contemporary practice, likely the result of changed normative practices since the Talmudic era. Consequently, the widespread acceptance of unmarried

⁹² See *Aruch HaShulchan, Orach Chaim* 75:7 (contending that a married woman's hair is prohibited to be exposed in public, but is not immodest for the purposes of reciting *Shema*). In a similar context, R. Yom Tov Lipman Heller suggests that the Sages were concerned that people would frequently fail to recite *Shema* in its proper time if the modesty standards for *Shema* were equated with those of modest dress; therefore, one may recite *Shema* while facing certain otherwise immodest exposures (*Maadanei Yom Tov, Berachos* 3:60, 80).

⁹³ *Kesubos* 72a; *Tur, Even HaEzer* 21; *Shulchan Aruch, Even HaEzer* 21:2.

⁹⁴ *Rashba, Berachos* 24a s.v. *amar Rav Chisda, Rosb Berachos* 24a.

⁹⁵ See *Teshuvos Maharam Alashkar* 35 (including unmarried women's hair in the list of types of commonly exposed hair, which are permissible to expose); *Beis Shmuel* 21:5 (resolving an apparent contradiction by excluding unmarried women from the requirement to cover their heads); *Magen Avraham* 75:3 (resolving an apparent contradiction by excluding unmarried women from the requirement to cover their heads with material). *Bach* maintains that *Raanyah*, as cited by the *Mordechai*, believed it is permissible for unmarried women to expose their hair (*Bayis Chadash, Even HaEzer* 21 s.v. *lo yelchu*). However, this attribution may result from *Bach's* conflating the concept of *ervah* for reciting *Shema* and the rules of when it is permitted for a woman to uncover her head. The *Mordechai* only quoted *Raanyah* in the context of reciting *Shema*, not in the context of the prohibition of uncovering one's head (*Mordechai, Berachos* 80 [citing *Sefer Raanyah* 76, which is discussing reciting *Shema*]).

women exposing their heads may unwittingly display support for R. Mesas's approach that Mosaic practice may evolve.⁹⁶ This line of reasoning then compels one to conclude that *Rashba* and *Rosh* never intended to narrow Rav Sheshes's initial statement; they were stating that the subsequent practice of unmarried women exposing hair caused such hair to be considered mundane for the purposes of *Shema*.⁹⁷ Accordingly, the simple understandings of all the Talmudic passages that unmarried women covered their heads in Talmudic times are acknowledged and the Mishnah in *Kesubos* is recognized as the sole exception.⁹⁸

G. Covering vs. Braided

Much of the discussion about women covering their heads results from Tractate *Kesubos*'s interpretation of the verse that requires the priest to shame the suspected adulteress by removing her headdress.⁹⁹ However, Tractate *Sotah* states that the priest unravels her braids, which indicates that the focus is on unbraiding.¹⁰⁰ *Sifri* and *Rashi*'s exegesis both adopt Tractate *Sotah*'s understanding, and *Rashi*'s commentary immediately recognizes this as the biblical source that a woman's uncovered hair is undignified, which insinuates that women are only in violation if their hair is exposed to the point that it is uncovered and unbraided.¹⁰¹ Nevertheless,

⁹⁶ Some great halachists see the prohibition for widows and divorcées to uncover their heads as only Judaic practice (e.g., *Igros Moshe* 1, *Even HaEzer* 57–58.) However, this mindset is predicated either on the answers of *Beis Shmuel* or *Magen Avraham*, or on similarly structured answers (e.g., *ibid*).

⁹⁷ *Rosh*'s Talmudic glosses include a comment limiting the application of Rav Sheshes's statement to married women (*Tosafos HaRosh*, *Berachos* 24a s.v. *saar*). However, it is unclear if the intent is to explain the Talmud or present contemporary halachic practice.

⁹⁸ This exception may not represent a suspension of the underlying obligation. See *infra* note 120 and accompanying text (presenting an approach that the bride's uncovered head does not reflect a suspension of the obligation to cover one's head even if unmarried women were otherwise required to cover their heads).

⁹⁹ *Kesubos* 72a.

¹⁰⁰ *Sotah* 7a, 8a; *Rashi*, *Sotah* 7a s.v. *vesoser*; *Rashi*, *Sotah* 8a s.v. *soser*. The word used for unbraiding is *soser* (סתר), which typically means to demolish (*ibid*). Interestingly, the Talmud compares braiding one's hair to building even with regard to building restrictions on Shabbos (*Shabbos* 95a). So, it is not surprising that the word to unbraid is demolish. *Rashi* expresses that the purpose of unbraiding the adulteress's hair is to expose it considerably. *Rashi* *Sotah* 8a s.v. *soser*.

¹⁰¹ *Sifri*, *Naso* 11; *Rashi*, *Bamidbar* 5:18 s.v. *u'phara*; see also *Igros Moshe* 1, *Even HaEzer* 58 (similarly asserting that one may only derive from the biblical source that the prohibition is for women to wear their hair in the same manner as the adulteress's hair).

Tractate *Sotah*'s presentation is not regularly used for halachic interpretation with regard to head covering. One notable exception is the approach of *Magen Avraham* who references Tractate *Sotah* when stating that unmarried women must braid their hair in public,¹⁰² but he acknowledges that this is only a rabbinic ordinance; the biblical imperative is to cover the hair and is only applicable to married women.

After noticing Tractate *Sotah*'s approach, a new possibility arises to interpret the original passage in Tractate *Kesubos*. The Talmud understood that a *kaltah* is sufficient in public under Mosaic practice, which was derived from the verse regarding the adulteress; however, Judaic practice mandates more.¹⁰³ Starting from *Rashi* and continuing until the present, the classic interpreters understood *kaltah* to be some sort of head covering.¹⁰⁴ However, the Talmudic passages in *Sotah* and *Kesubos* would be more integrated if the word *kaltah* (קלתה) was a scrivener's error and the word was originally either *kilatab* (קלעתה) or *kliatab* (קליעתה), which would mean her braids. It is for similar reasons that *Shevus Yaakov* posited that the word *kaltah* should be translated as a derivative of *kliyab*, meaning braids.¹⁰⁵ If either of the above methods is true, there would be no biblical source that women must cover their hair; biblical law would only mandate braiding.

The question then is why no classic interpreters saw this as a valid option. The similarities in the words and the passage from *Sotah* make it seem likely that the word in *Kesubos* should be *kilatab*. The likely answer is that the passages in *Berachos* and *Nedarim* would conflict with the passage in *Kesubos* if a woman was not obligated to cover her hair in semi-public domains. The passage in *Berachos* states that a woman's exposed hair is immodest.¹⁰⁶ If women only braided their hair in semi-public domains, it would remain exposed. It is unlikely the Talmud would permit a display elsewhere described as immodest. Suggesting the passage in *Berachos* only meant unbraided hair is immodest is unreasonable because it says "hair," without qualification. The passage in *Nedarim* maintains women are not called "black-headed" because they always cover their hair.¹⁰⁷ Black-headed references hair color; if women braided their hair in semi-public

¹⁰² *Magen Avraham* 75:3.

¹⁰³ *Kesubos* 72a–72b.

¹⁰⁴ E.g., *Rashi*, *Kesubos* 72b s.v. *kaltah*; *Mishneh Torah*, *Hilchos Isbus* 24:12.

¹⁰⁵ *Shevus Yaakov* 103. The disadvantage to *Shevus Yaakov*'s method of integrating the passages is that the word *kaltah* is mentioned elsewhere in the Talmud and means a basket in those contexts (e.g., *Gittin* 77a). However, this disadvantage similarly exists for Rambam's position that a *kaltah* is a kerchief.

¹⁰⁶ *Berachos* 24a.

¹⁰⁷ *Nedarim* 30b.

domains without covering it, their heads would commonly have a black appearance. Thus, to avoid contradictions between Talmudic passages, one must assume that *kaltab* is neither the result of a scrivener's error from *kilatab* nor a derivative of *kliyab*.

H. A Theoretical Approach Based on the Approach of Rav Sherira Gaon and Meiri

i. Rav Sherira Gaon and Meiri

Unlike the more popular approach that assumes the Amoraim focus on elucidating the earlier positions of Tannaim, Rav Sherira Gaon and Meiri suggest that many Amoraic statements that seem to interpret Tannaitic positions really represent dissenting opinions. A very different picture is painted when analyzing the Talmudic passages that discuss women's head covering through this lens. Rav Sherira Gaon writes:

השתא אתו רבנן אמוראי של התלמוד ומפרשין הני מילי היכא דחזו כדחזו רבי ומגליא להו מילתא דהלכה כאותו היחיד והיכא דלא חזי כדחזו רבי ולא מגליא להו מילתא כההיא דהמביא יום טוב: אמר רב יהודה אמר שמואל אין מביאין עצים אלא מן המוכנין שבקרפף ומקשינן והא אנן תנן מן הקרפף אפילו מן המפוזר תיובתא דשמואל ומפרקינן מתניתין יחידאה היא ואישתכח לה סייעתא מן ברייתא. והיכא דמשכחינן במתניתין מילתא משבשא וצריכא למסמי מינא מדי דאית בה קושיא ולא סליק אמרינן סמי מכאן כך וכך כי הנך דאותו ואת בנו דאמרינן אמר ר' חייא אמר ר' יוחנן פרת חטאת אינה משנה עגלה ערופה אינה משנה אלמא אי קשיא מתניתין ולא סלקא מברייתא ואף מסברא דחינן מתניתין כולה כי ההיא דתנינן בטירות מסרק של פשתן שנטלו שיניו ואמרינן בהחולץ רבי יוחנן וריש לקיש דאמרי תרווייהו זו אינה משנה ולא עבדינן כוותה ממאי דמסיימי דווקני וכו'. ואי צריכא מתניתין לחסורא מחסרינן לה ואי צריכא לתרוצה מתרצינן לה

At this point came our Sages, the Amoraim of the Talmud, and explained these things. Where they agree with Rebbe that the halachah follows an individual opinion, they make it known, and where they do not agree, they also make it known. An example is found in [Chapter] *HaMevi*, in Tractate *Yom Tor*: R. Yehudah said that Shmuel said: "One may bring wood only from a stacked pile in an enclosure." And we ask: But have we not learned [in a Mishnah]: "If it is in an enclosure, [one may bring] even from scattered [wood]"? This is a refutation of [the statement of] Shmuel! And we answer: Our Mishnah represents [only] an individual opinion; but support for [Shmuel] can be found in a Baraisa. Where we find in our Mishnah a defective passage and we need to remove it, because it contains a

difficulty which cannot be resolved, we say: Remove from here such-and-such. Examples can be found in [Chapter] *Oso Ve'es Bno*, where we say: R. Chiyya bar Abba said that R. Yochanan said: "The 'red heifer' does not belong in our Mishnah. The 'beheaded calf' does not belong in our Mishnah." Thus [because of a difficulty], we removed [a statement] from the Mishnah and not from the Baraisa. Sometimes, even an entire Mishnah is rejected because of [its inconsistency with] logic. An example is that [Mishnah] which we learn in *Tabaros*: A flax comb with missing teeth... And we say in [Chapter] *HaCholetz*: R. Yochanan and Reish Lakish both say [about the above Mishnah in *Tabaros*]: "This is not Mishnah, and we do not follow it in practice. Why? Because painstaking scholars [add the conclusion: "This is the ruling of R. Shimon.]"¹⁰⁸ If we find it necessary to declare that a Mishnah has words missing, we do so. And if we find it necessary to interpret a [Mishnah,] we do so.¹⁰⁹

In his *Kovetz Shiurim*, R. Elchanan Wasserman specifically cites this passage of Rav Sherira Gaon to demonstrate that certain great Sages understood that Amoraim sometimes argue with Tannaim.¹¹⁰ Rav Sherira Gaon's listed methods of how Amoraim argue with Tannaim include techniques such as inserting missing words of an apparently deficient text, which indicates that statements that appear facially as interpretative are sometimes argumentative. Such interpretations are inconsistent with the original Tanna's intent and are actually new positions that disagree with the earlier viewpoints. While some of these approaches present other Tannaitic opinions, others, says Rav Sherira Gaon, posit opposing opinions based on the Amoraim's logical analyses.¹¹¹

R. Elchanan Wasserman presumably deduced that Rav Sherira Gaon understood the Amoraim as arguing with Tannaim from the context in which Rav Sherira Gaon presents the listed methods. Rav Sherira Gaon had been discussing various techniques Rebbe utilized to present opinions he preferred so they would be accepted as halachah.¹¹² Rav Sherira Gaon's introduction of Amoraic techniques at this juncture seems to be to show how the Amoraim voiced their opinions regarding Rebbe's positions, as

¹⁰⁸ The bracketed portion is not cited directly in the Aramaic text, but is part of the Talmudic passage cited by Rav Sherira Gaon.

¹⁰⁹ *Iggeres Rav Sherira Gaon* 63–65 (Moznaim ed. 1988).

¹¹⁰ *Kovetz Shiurim Bava Basra* 633. A more contemporary example of one who R. Elchanan Wasserman states professed Amoraim occasionally argue with Tannaim is R. Chaim Soloveitchik (*ibid*).

¹¹¹ *Iggeres Rav Sherira Gaon* 64.

¹¹² *Ibid*, at 60–62.

suggested by Rav Sherira Gaon's words, "[a]t this point came our Sages, the Amoraim of the Talmud, and explained these things."¹¹³ The methods that Rebbe used to indicate his position on halachah are the "things" they were explaining. The focus is on whether they agreed or disagreed with Rebbe, as further seen in Rav Sherira Gaon's first example when he states, "Where they agree with Rebbe that the halachah follows an individual opinion, they make it known, and where they do not agree, they also make it known."¹¹⁴ Rav Sherira Gaon then proceeds to list how Amoraim presented opinions or texts that differ from Rebbe's Mishnah, presumably to indicate where they disagree with Rebbe. Including methods such as amending texts in the list of ways Amoraim signal dissent indicates that Rav Sherira Gaon saw these methods as argumentative, not interpretive.¹¹⁵

Meiri's writings support R. Elchanan Wasserman's understanding that Rav Sherira Gaon's approach maintains that certain Amoraic statements that appear to be elucidations of earlier opinions are sometimes dissenting opinions. Meiri writes:

ועם כל זה נתמעטו הלבבות מרוב הצרות והוצרכו האחרונים לחבר אחריו דרך ביאור והרחבה ולפעמים דרך סתירה ותיקון כשהיו חכמי הדור מסכימים לכך ממה שרואים בו קושיא חזקה כמ"ש במסכת יום טוב אמר שמואל אין מביאים עצים . . . וכן אמרו סמי מכאן כך וכך וכן אמרו פרת חטאת אינה משנה וכן בפרק החולץ על משנת מסרק . . . האמורה בטהרות מסכת כלים רבי יוחנן ור"ל דאמרי תרוייהו אינה משנה וכן תמיד איתמר חיסורי מחסרא וכן לאו תרוצי מתרצת לה תריץ ואימא הכי וכן הרבה כיוצא באלו כמו שנעשה היום אף אנהנו מראשינו וזקנינו הקודמים ועוברים לפנינו ועל ראשינו וכמ"ש דרך כלל מקום הניחו לנו כו' כלומר שאין השלמות נמצא בנבראים ואפי' במובחרים שבהם עד שלא יהיו אחרונים רשאים לחלוק עמהם בקצת דברים.

And with all this, people's hearts dwindled due to the many difficulties and the latter [Amoraim] needed to author an interpretive and elucidative [text] and sometimes amend and make corrections when

¹¹³ *Ibid*, at 63.

¹¹⁴ *Ibid*.

¹¹⁵ Some attribute a similar position to the *Gra*. *Pe'as HaShulchan* maintains that the *Gra* believed all cases of *chisurei mechserah*, suggestions that a text is missing components, are not attempts to recreate a corrupted text, but are amendments of Amoraim who were presenting alternative Tannaitic opinions that disagree with the earlier Sages's positions (*Pe'as HaShulchan Hakdamah* s.v. *v'hayah yodea*). Unlike Rav Sherira Gaon, though, the *Gra* seems to limit the Amoraim's argument to presentations of alternative Tannaitic approaches.

the Sages of that generation agreed [it was necessary] as a result of a strong question. For example, in Tractate *Yom Tov*, Shmuel says, “One may bring wood...” And similarly, they said, “Remove such and such [passages].” And similarly they stated, “The red heifer is not a Mishnah.” And similarly, in Chapter *HaCholetz* on the Mishnah discussing a comb... that is stated in *Tabaros* Tractate *Keilim*, R. Yochanan and Reish Lakish both state, “It is not a Mishnah.” And similarly, they frequently state, “The text is missing words.” And similarly [they state], “Haven’t you [already] interpreted [the passage, why don’t you] interpret it in this fashion?” And many similar examples [may be found that are] comparable to the contemporary practice that even we engage in, [which is] based on our leaders and elders who have risen and passed before [both] us and our [current] leaders. And as is [commonly] written as a general rule, “[The earlier generations] left for us a path, etc.,” meaning, since perfection is not found among those [people] who were created, even among the choicest of them, to the point that later [generations] are not permitted to disagree with them in a few matters.¹¹⁶

Seeing Meiri’s words juxtaposed next to the passage of Rav Sherira Gaon makes clear that Meiri was paraphrasing Rav Sherira Gaon’s opinion. Meiri makes the exact points of Rav Sherira Gaon in the same order and references the same Talmudic passages in the same order. In other words, Meiri essentially presented a Hebrew translation of Rav Sherira Gaon’s Aramaic passage. The last line of Meiri indicates how far he believed Rav Sherira Gaon’s position should be taken, “since perfection is not found among those [people] who were created, even among the choicest of them, to the point that later [generations] are not permitted to disagree with them in a few matters.”¹¹⁷ This conclusion emphasizes that scholars may disagree with any earlier generation because nobody, not even the finest, is perfect. This particular paragraph provides examples of how Amoraim elucidated and amended the Tannaitic texts, with examples dating as far back as the first generation of Amoraim. Meiri’s conclusion seemingly clarifies that these methods sometimes represent disagreement with those Tannaitic texts. The methods include apparently interpretive methods, which indicates that some apparently interpretive Amoraic statements may be dissenting opinions according to Meiri.

¹¹⁶ *Beis HeBechirah, Pesichab LeMaseches Avos s.v. v'im kol zeh.*

¹¹⁷ *Ibid.*

ii. **The *Bavli* and *Yerushalmi***

If one assumes that the latter scholars of the Talmud sometimes intended to argue with earlier Sages instead of elucidating their opinions, as described in the works of Rav Sherira Gaon, Meiri and, more recently, R. Elchanan Wasserman, then there may be value in reading each Talmudic statement independently to see if it may represent an additional position on the subject matter even though these additional positions are given no consideration for the purposes of halachic determination.¹¹⁸ Employing this technique within the context of head coverings compels one to read the Mishnah and the statement of the disciples of R. Yishmael independently. To resolve the apparent contradiction of the Mishnah, which states that women must cover their heads based on Judaic practice, and the statement of the disciples of R. Yishmael that contends head covering is required by Mosaic practice as derived from the biblical case of the suspected adulteress; the Talmud proffers that the Mishnah applies to women who only don the more revealing and less dignified *kaltah*, but the disciples of R. Yishmael's statement applies to women who have no head covering whatsoever.¹¹⁹ However, neither the Mishnah nor the disciples of R. Yishmael mentioned these specifics. Taken as independent statements, each appears to refer to women who have their heads completely uncovered. Without the need to synthesize these statements, one would therefore assume that the Mishnah disputes the disciples of R. Yishmael's derivation from the biblical case of the adulteress. The Mishnah contends that women who uncover their heads are violating Judaic practice,¹²⁰ but

¹¹⁸ Although such additional positions are not useful for determining halachah, there may be value in analyzing them. R. Yosef Dov Soloveitchik asserted that studying the approaches of *Beis Shammai* is a biblical component of Torah study even though these approaches have no bearing on halachic decisions. R. Herschel Schachter, *Ginas Egoz* 186 n.3 (2007).

¹¹⁹ *Kesubos* 72a–72b.

¹²⁰ Therefore, there is no proof regarding whether unmarried women are required to cover their heads even if the Mishnah in *Kesubos* is not an exception and means that previously unwed brides had their heads fully uncovered. The Mishnah maintains that head covering is Judaic practice and based on societal norms. Full exposure of one's head in conformance with customary practice is not a violation of Judaic practice (see *Igros Moshe* 1, *Even HaEzer* 57 [asserting that this leniency may even apply when the customary practice resulted not from a proactively instituted custom, but from people refraining from covering their heads to avoid financial loss]). Since brides customarily expose their heads, the bride's behavior conforms to customary practice. Hence, even if unmarried women regularly covered their hair, the exception at the wedding would not represent a

the disciples of R. Yishmael believe they violate Mosaic practice. The *Yerushalmi's* omission of the statement of the disciples of R. Yishmael and their biblical analysis indicates that it agrees with the Mishnah; women who uncover their heads only violate Judaic practice.¹²¹

Similarly, there is no need to assume that different levels of head coverings are required in different locations once the need to synthesize the Mishnah and the statement of the disciples of R. Yishmael is abandoned. The *Bavli* only created those levels to uphold R. Yochanan's statement while distinguishing the settings in which the Mishnah's and the statement of the disciples of R. Yishmael's rules applied.¹²² Neither the Mishnah nor the disciples of R. Yishmael set limitations on their respective rulings, so the same head covering should be sufficient in any location.

iii. *Kaltah vs. Kilatah*

R. Yochanan addresses what type of head covering is sufficient because neither the Mishnah nor the disciples of R. Yishmael mention what head covering satisfies Judaic or Mosaic practice. The *Bavli* records a statement of R. Yochanan that a *kaltah* suffices,¹²³ and the *Yerushalmi* has R. Chiyah citing R. Yochanan as permitting a kerchief.¹²⁴ While it is possible a *kaltah* is a kerchief and these are two recordings of the same statement, it is more likely that a *kaltah* is either a scrivener's error for *kilatah* or *kliatah*, meaning braids, or is a derivative from the same root thereof. Tractate *Sotah* derived from the same verse the disciples of R. Yishmael analyzed that the priest unbraids the suspected adulteress's hair.¹²⁵ It therefore seems likely that *kaltah* means braiding, a common hairstyle specifically referenced in the context of the Talmud's source for head covering. This seems

suspension of an obligation because the bride would be adhering to custom and Judaic practice only mandates conformance with custom.

¹²¹ *Yerushalmi Kesubos* 44b.

¹²² The *Yerushalmi* does not explicitly reconcile the rulings of the Mishnah and R. Yishmael, but maintains that different settings mandate differing requirements. (*Ibid.*) The *Yerushalmi* does not state why there are different requirements in these settings, so it is possible that these customs resulted from Babylonian influence. The *Yerushalmi* is simply recording common practice. It seems unlikely that the *Yerushalmi* holds head covering is required under Mosaic practice in any setting because it never cites any sources indicating such. Thus, the *Yerushalmi* maintains that head covering is mandated by Judaic practice, but there are varying customary levels, which may have resulted from Babylonian influence.

¹²³ *Kesubos* 72b.

¹²⁴ *Yerushalmi Kesubos* 44b.

¹²⁵ *Sotah* 7a, 8a.

especially true if the alternative is understanding *kaltab* as a basket, which does not seem to be commonly found as a head covering in Talmudic passages. As previously mentioned, synthesizing this passage with Rav Sheshes's statement recorded in Tractate *Berachos* that uncovered hair is immodest and with the passage in Tractate *Nedarim* discussing the term "black-headedness" either compelled an early scribe to change the word *kilatab* or *kliatab* to *kaltab* or forced interpreters to translate *kaltab* as something other than braids.¹²⁶ Disregarding the need to synthesize these passages permits one to take the more likely approach that the word was originally *kilatab* or *kliatab* or a derivative of the same root thereof.

R. Yochanan's statement recorded in the *Bavli* suggests that braiding one's hair is a sufficient head covering,¹²⁷ and R. Yochanan's statement recorded in the *Yerushalmi* contends that a woman may cover her head with a kerchief.¹²⁸ Although these statements contain different information, there is no indication that there is disagreement as to R. Yochanan's position. It is possible that R. Yochanan made both statements and holds that either braiding one's hair or using a kerchief is a sufficient head covering for a woman.

iv. Land of Israel vs. Babylonia

The statements of the Mishnah, the disciples of R. Yishmael and R. Yochanan may all be read under the assumption that braiding one's hair is a sufficient head covering. It is only once the statement of Rav Sheshes and the passage regarding black-headedness were accepted that the Talmud is compelled to embrace the position that a woman must use some material to cover her head. The reason for this apparent change may be a result of changes that occurred during that time period and between the locations where the aforementioned scholars lived.

Talmudic scholars in the Land of Israel lived under Roman rule; whereas, Babylonian Talmudic scholars lived under Persian control. The Mishnah, the disciples of R. Yishmael and R. Yochanan all lived in the Land of Israel, which was the center of Talmudic influence at the time. It was during R. Yochanan's lifetime that Rav, a contemporary of R.

¹²⁶ See *Berachos* 24a (citing Rav Sheshes that a woman's uncovered hair is immodest); *Nedarim* 30b (insinuating that women covered their heads with material). Undoubtedly, the synthesizing of the Mishnah and the statement of the disciples of R. Yishmael, which resulted in a rabbinic mandate for women to cover their heads with material in public domains, also contributed to this understanding.

¹²⁷ *Kesubos* 72b.

¹²⁸ *Yerushalmi Kesubos* 44b.

Yochanan, moved from the Land of Israel to Babylonia and Babylonian influence became more pronounced.¹²⁹ Roman culture mandated that women of stature would braid, bun, lavishly style or cover their hair before entering the public.¹³⁰ Wearing disheveled hair or hair that was not styled or braided was considered undignified, something typical of prostitutes.¹³¹ Conversely, Persian culture had more emphasis on hair covering, especially for dignified women.¹³² There is evidence that many Persian women of that era may have covered their heads with garments similar to chadors, which are now common in many Middle Eastern countries.¹³³

A new understanding emerges when recognizing that cultural influences that societies use to define dignity and modesty may have impacted the Talmudic statements.¹³⁴ The Mishnah, the disciples of R. Yishmael and R. Yochanan presumably felt that either a hair covering or braiding was sufficient to cover one's head because that was considered modest and dignified.¹³⁵ However, the Babylonian Rav Sheshes found exposed hair, even if braided, to be immodest. Discussions subsequent to R.

¹²⁹ See *Iggeres Rav Sherira Gaon* 93–96 (Moznaim ed. 1988) (describing the history and development of the Talmud and noting that although initially somewhat hesitant, R. Yochanan acknowledged the prowess of Talmudic scholars in Babylonia); cf. *Bava Kamma* 117b (citing a story in which R. Yochanan acknowledges the prowess of Talmudic scholars in Babylonia in a limited fashion).

¹³⁰ Victoria Sherrow, *Encyclopedia of Hair: A Cultural History* (Greenwood Publishing Group, 2006), pp. 334–35.

¹³¹ *Ibid.*

¹³² Sahar Amer, *What Is Veiling?* (University of North Carolina Press, 2014), pp. 5–6; *Encyclopaedia Iranica*, <https://iranicaonline.org/articles/cador-a-loose-female-garment-covering-the-body-sometimes-also-the-face> (last visited Sept. 11, 2020).

¹³³ *Encyclopaedia Iranica*, <https://iranicaonline.org/articles/cador-a-loose-female-garment-covering-the-body-sometimes-also-the-face> (last visited Sept. 11, 2020).

¹³⁴ This is not only true if one embraces the approach of R. Messas that even Mosaic practice may evolve (see *Otzar HaMichtavim* 3:1884 [stating that Mosaic practice evolves]). Even if Mosaic practice cannot evolve, it is likely that Talmudic Sages imposed stricter regulations when the general populace had more stringent standards.

¹³⁵ It should be stressed that it is clear that even women living under Roman rule sometimes wore head coverings. Sherrow, *supra* note 130, at 334–35. The assertion here is that such covering was not considered obligatory; women had the alternative of braiding their hair. References to women's head coverings can be found in many Tannaitic statements (e.g., *Sotah* 8b; *Kesubos* 64b; *Zavim* 4:1; *Keilim* 24:16; *Tosefta Keilim Bava Basra* 6:5; *Shabbos* 57b).

Yochanan, which were influenced by Babylonian thought, project the Persian influence into the text and mandate covering as a requirement. The synthesizing of the Talmudic statements and Babylonian influence led to the scrivener's error of the word *kaltab* instead of *kliatab* or the inability to translate the word as a derivative of the same root of *kliatab*.¹³⁶

v. Supporting Passages

The passages from Tractate *Sotab* support the supposition that braiding is a sufficient covering. The passages in *Sotab* are Tannaitic statements and focus on the priest unbraiding the suspected adulteress's hair as an act of shaming her.¹³⁷ These statements were formulated in the Land of Israel by earlier Talmudic scholars who lived under Roman rule and prior to Babylonian influence.

Rav's homiletic passage about On b. Peles supports the assertion that earlier Talmudic scholars, those living under Roman rule and prior to Babylonian influence, believed that braiding was a sufficient head covering. Rav states that On's wife unbraided her hair to disperse the group of rebels who were coming to collect On to join Korach's rebellion against Moshe because they would not want to remain in the presence of an immodestly clad woman.¹³⁸ Rav specifically states that she unbraided her hair,¹³⁹ which indicates that it was only braided until that point, not covered. It was only after being unbraided that it was deemed immodest,

¹³⁶ The lack of extant variant texts is not surprising even if there was a scrivener's error considering the synthesizing of texts and subsequent scrivener's error would have occurred in the early Amoraic period and may have been an intentional amendment. If intentionally amended, the Talmud may have chosen to state a *kaltab* is sufficient instead of braids when referencing the biblical minimum, similar to the *Yerushalmi*, because women no longer wore braids in public as a result of Judaic practice and societal norms.

¹³⁷ *Sotab* 7a, 8a.

¹³⁸ *Sanhedrin* 109b–110a; *Bamidbar Rabbah* 18:20; *Tanchuma, Korach* 10; *Midrash Ha-Gadol, Bamidbar* 16:1. In a very creative fashion, *Yedei Moshe* suggests that On's wife chose this particular method to save her husband because certain Talmudic passages indicate that one may be rewarded with progeny who serve as High Priest due to modest behavior. *Yedei Moshe, Korach* 18:20 s.v. *chochmos nashim*. Korach's dispute centered on the designation of Aharon as High Priest, so On's wife refused to act in an exceptionally modest fashion to counter any possibility of On's offspring achieving the status of High Priest (*ibid*). On's wife was trying to persuade him to recuse himself from the fight because there was no longer any possibility of personal gain (*ibid*).

¹³⁹ See *supra* note 100 (discussing the term “demolish” and its connection to unbraiding).

which indicates that braiding is sufficient. More than one source records Rav's statement stating that On's wife unbraided her hair,¹⁴⁰ which indicates that the reference to unbraiding is not a scrivener's error or a matter of dispute. Although Rav eventually moved to Babylonia, he studied under R. Yehudah HaNasi, "Rebbe" in the Land of Israel,¹⁴¹ so Rebbe's influence naturally permeates Rav's understanding of Torah and Talmud. Thus, the Persian influence is lacking when Rav expresses the indecency of a woman's head as being unbraided instead of uncovered.

The passage from Tractate *Nedarim* describing "black-headed" people is not problematic. Although the Talmud interprets the Mishnah to mean that women covered their heads,¹⁴² this is a projection of latter Talmudic scholars living in Babylonia. The Mishnah only states that one who vows not to benefit from "black-headed" people may not benefit from men, regardless of age or whether they have hair.¹⁴³ Women are excluded from the term "black-headed" because the Talmud assumes black-headed refers to people who are sometimes black-headed and sometimes are not and women always cover their heads.¹⁴⁴ A plausible alternative is that the term "black-headed" excludes women because they are always black-headed since their hair is always black. Jewish law prohibits men from plucking their white hair because that is considered a practice commonly performed by women.¹⁴⁵ Thus, only men are people who sometimes have black-heads and sometimes do not because women's hair would typically be black; whereas, men's heads are normally black when young, but either bald or white when old.

The Tannaitic passage describing Kimchis's exceptional modesty is not problematic for the assertion that Jewish women in Tannaitic times were not obligated to cover their heads. Kimchis maintained that she merited seven of her children becoming High Priests because the walls of her home never saw her braids,¹⁴⁶ which indicates that her braids were covered. However, the intent of the story is to paint Kimchis in an exceptional light. Kimchis attributes her extraordinary reward for acting in an exceptional manner. The Sages's respond to Kimchis that many others

¹⁴⁰ *Sanbedrin* 109b–110b; *Bamidbar Rabbah* 18:20; *Tanchuma, Korach* 10; *Midrash Ha-Gadol, Bamidbar* 16:1.

¹⁴¹ *Iggeres Rav Sherira Gaon* 91–94 (Moznaim ed. 1988).

¹⁴² *Nedarim* 30b.

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ *Shabbos* 94b.

¹⁴⁶ *Yoma* 47a.

acted accordingly and did not receive similar reward,¹⁴⁷ which indicates that while Kimchis's actions were not unique, they were also not customary practice. *Meiri* explicitly mentions that Kimchis's response was an exaggeration meant to convey extreme modesty,¹⁴⁸ which similarly indicates that her actions were atypical. Because the Talmud specifically uses Kimchis as an exception, nothing in her story can be used to discern the rule.

Tannaitic passages that state that women need to cover their heads are not problematic for the assertion that in the Tannaitic period only braiding was necessary. There are a few Tannaitic statements that use the terminology "cover" when referring to the requirement a woman has regarding her head.¹⁴⁹ These should not be taken to exclude braiding as permissible. Covering is a term used to indicate one's head is covered, not necessarily that the hair is covered. In Roman parlance, it would be acceptable to state that one's braids covered her head. Paul of Tarsus explicitly states that a woman's hair is a covering for her head.¹⁵⁰ Paul finds long hair unacceptable for men because they are to have their heads uncovered, but women should have long hair because they need to cover their heads.¹⁵¹ While Paul's opinion is not accepted in Jewish thought, his vernacular reflects that of the time and culture. Thus, when Tannaitic texts mandate covering, they may include braiding. In fact, *Sifri*, which is one of the Tannaitic sources that uses the terminology "cover" in the context of women's hair covering, indicates that women had the option of covering or braiding.¹⁵² *Sifri* recognizes the verse that states that Tamar placed ash and her hand on her head after being violated by Amnon as an allusion to the requirement to cover one's head, which indicates an actual cover must be used; but *Sifri* proceeds to discuss how the priest unbraids the suspected adulteress's hair, which indicates braiding is sufficient.¹⁵³ Thus, it seems *Sifri* approves of either covering or braiding as a means for women to cover their heads.

The fact that all statements explicitly referring to hair covering emanate only after Babylonian influence became prevalent supports the assertion that braiding was sufficient prior to then. All earlier statements either imply that hair was exposed or are at best ambiguous. Although the lack of passages is not a definitive proof, it lends credence to the overall assertion.

¹⁴⁷ Ibid.

¹⁴⁸ *Beis HaBechirah, Yoma 47 s.v. shivah.*

¹⁴⁹ E.g., *Sifri, Naso 11.*

¹⁵⁰ 1 Cor. 11:15.

¹⁵¹ Ibid, 11:4–7.

¹⁵² *Sifri, Naso 11.*

¹⁵³ Ibid.

III. Conclusion

The topic of women's head coverings in Talmudic thought is rich, complex and has been the subject of dispute throughout the ages. Accordingly, many diverse opinions and practices regarding this topic have emerged over the course of Jewish history. Disagreement exists among rabbinic authorities as to whether the primary Talmudic sources, the *Bavli* and *Yerushalmi*, are in agreement regarding the application of this obligation, resulting in varying practices. On one hand, throughout history many pious women covered their heads even when not obligated; conversely, unmarried women do not cover their heads in contemporary times even though some may maintain that this was not always the case. Some opinions maintain that certain hairstyles are obligatory for unmarried women; others have no such requirement. Whether the obligation as a whole may evolve based on the cultural norms of the Jewish community is hotly disputed and, based on some early approaches, it is possible that changes in practice may have taken place even during Talmudic times. It is only by understanding the primary sources as a backdrop that one can understand how these approaches developed over time. 