**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

**Head-Covering 5: Where**

**In what settings does the obligation of head-covering apply?**

**By Deracheha Staff; Laurie Novick, Director**

This shiur is dedicated in memory of Rabbanit Dr. Avigail Rock z"l.

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# **Where to Cover**

If head-covering primarily signifies dignity and modesty, then it stands to reason that the amount of privacy of any given setting should affect the requirement. Standards of appropriate dress vary in different types of spaces.

Most people feel less constrained in the privacy of their homes than in public.

Indeed, the Talmudic and Mishnaic passages that discuss a woman's obligation to cover her head suggest that head-covering is **not** required in all settings.

Mishnah *Ketubot* 7:6

She goes out with her head uncovered.

*Ketubot* 72a

"And he uncovers the head of the woman" and [he] taught from the *beit midrash* of Rabbi Yishmael: [It is] an admonishment [*azhara*] to the daughters of Israel that they not go out with head uncovered!

The daughters of Israel must not "go out" with uncovered heads. A woman violates *dat Yehudit* specifically when she "goes out" with her head uncovered. These sources imply that a woman does not need to cover her head at all within her private domain.

According to the continuation of this Talmudic passage, the more private the location, the less obligation to cover the head. The head-covering requirement of the marketplace does not apply to the *chatzer*, the courtyard.

*Ketubot* 72b

Rabbi Yochanan said: [If she is wearing] a *kalata* [a basket or simple cap], there is no issue of an uncovered head. Rabbi Zeira discussed this: Where? If one says in the marketplace, it is *dat Yehudit* [for her to wear more than a *kalata*]. Rather, in the courtyard [a *kalata* is sufficient]. If [you argue] thus, you have not left a daughter to Avraham Avinu settled with her husband! [Because they do not do this.] Abbaye said, or possibly Rav Kahana: From courtyard to courtyard by means of an alleyway [a *kalata* is sufficient coverage].

In public settings, the full *dat Yehudit* norms of coverage apply. But in an intermediate space, like an alleyway or an apartment building's laundry room, a *kalata* is good enough, even though it provides lesser coverage. An analogue might be wearing slippers or a house robe to the laundry room, clothes one would not ordinarily wear when going out in public. (See more [here](https://www.deracheha.org/head-covering-4-how).)

In our next two sections, we explore the Halacha of head-covering in the *chatzer –* courtyard. In the days of the Talmud, a courtyard could be shared by a few families, so it was not totally private. A modern-day equivalent might be the area outside one's door in an apartment building or the common yard shared by a group of garden apartments.

Is the courtyard treated like a private space or more of an intermediate space? What are the halachic consequences? Let’s explore a few different approaches.

# **Not Required in the Courtyard**

One approach – that a woman need not cover her head in her courtyard – follows from a straightforward reading of the Talmudic passage cited above. The gemara argues that, if one defines the violation of *dat Yehudit* as going completely bare-headed in the courtyard, then almost every Jewish woman is in violation of Halacha and her marriage at risk, because Jewish women generally did *not* cover their heads in the courtyard. Hence it must be that a woman has no *obligation* to cover her heads at all in her courtyard.

Both Rashi[[1]](#footnote-1) and Tosafot understand the passage this way. Public standards of dignity and modesty do not extend that far into the private domain.

Tosafot *Ketubot* 72b

But rather in the courtyard: Meaning, even without a *kalata* [minimal head covering], there is no issue of an uncovered head. For if that is not the case, you have not left a daughter of Avraham Avinu [settled with her husband].

## ● Does common practice matter to halachic discussion?

*In Talmudic times, it seems that Jewish women were widely compliant with Halacha, including the obligation to cover the head. Our sages understood, based in part on the common practice in their day for women to go bare-headed at home and in private courtyards, that this was permissible. Head-covering was clearly not required in private.*

*In this case, as often, Halacha is transmitted through an interplay of text and lived tradition. Naturally, we learn the details of the* halachot *of head-covering not just from texts, but also by seeing what pious women do. The term* dat Yehudit *itself reflects the halachic significance of the practice of modest women. As long as a woman covers her head in more public settings, there is room for differing interpretations of what is required in the privacy of one's home or courtyard, where standards for dignified and modest dress are not the same as in public.*

Shulchan Aruch seems to hold this view as well:

*Shulchan Aruch* EH 21:2

The daughters of Israel should not go [with] heads uncovered in the marketplace…

Shulchan Aruch specifies that this halacha applies "in the marketplace." Later, when discussing the requirements of *dat Yehudit*, Jewish women's modest practice, Shulchan Aruch, following Tur, again specifically refers to public settings:

*Shulchan Aruch* EH 115:4

These are the things that if she did one of them she has transgressed *dat Yehudit*: She goes out to the marketplace or to an open alleyway or to a courtyard through which the public crosses, and her head is uncovered…

Since Shulchan Aruch mentions only public settings, we can infer that he permits a woman to go completely bare-headed in more private settings such as her courtyard.

Terumat Ha-deshen explicitly rules this way:

*Terumat Ha-deshen* 10

Where a lot of people are not normally found, as in the courtyard, there is no objection [regarding head-covering].

On these views, head-covering is obligatory only in a public or semi-public space, and the courtyard is treated like a private space.

**Obligatory in the Courtyard**

The Talmud Yerushalmi obligates women in a partial head-covering (*kapaltin*) even in the courtyard:

Yerushalmi *Ketubot* 7

"And her head is uncovered" – They said it regarding the courtyard, how much more so regarding the alleyway. Rabbi Chiyya in the name of Rabbi Yochanan: One who goes out in her *kapaltin* [minimal head covering] has no issue of an uncovered head. That is what you say for a courtyard, but for an alleyway, there is an issue of "she goes out and her head is uncovered."

According to the Yerushalmi, a woman is obligated in the minimum head-covering in the courtyard, presumably because it is not completely private. This differs from an open alleyway (*mavoy*), where more is required because it is more public.

Sefer Ha-aruch, an eleventh-century reference work, presents a similar view in its disucssion of *kalata*.

*Sefer Ha-aruch*, s.v. *Kalat*

In a courtyard, with a kalata there is no [concern] of [violating the prohibition] of uncovering the head.

Bach, basing himself on the Yerushalmi and *Ha-Aruch*,

Bach, basing himself on the Yerushalmi and *Ha-Aruch*, maintains that some head-covering is fully *required*both in the public domain and more private courtyard, regardless of who is present.

*Bach* EH 115

When she remains in her courtyard, it is proper that she is covered with a scarf. But [for her] head to be totally uncovered is prohibited even if she remains in her courtyard. This is the opinion of Rambam and Rabbeinu [Tur]...And thus is practiced in every domain of Israel, that even in front of members of her household she does not remain with her head uncovered without a scarf and cap on her head – and this is not according to the interpretation of Rashi, Tosafot, and Ran…

Reading the Talmud Bavli in light of the Yerushalmi,[[2]](#footnote-2) Bach writes that a woman is prohibited from having her head fully uncovered in her courtyard even if only her own family is there!

Beit Shemuel rules accordingly.

*Beit Shemuel* EH 115:4

In a courtyard that the public do not cross, Rashi and Tosafot explain that there is no prohibition even if [the head is] fully uncovered…It is possible that we rule according to our passage [in the Talmud Bavli] specifically regarding the matter of the *ketuba*, but regarding prohibition, one could say that even our [the Talmud Bavli’s] passage considers it prohibited. The question “you have not left a daughter of Avraham …” is as explained by Bach.

Beit Shemuel writes that a woman does not forfeit her *ketuba* if she uncovers her head fully in a courtyard, but it is still *prohibited*.

# **From Courtyard to Home**

Given that there is debate about whether head-covering is obligatory in the courtyard, one might think it clear that a woman need not cover her head in the privacy of her home.

This issue is complicated, however, by the Talmudic story of Kimchit, who covers every strand of her hair, even at home, introducing a new standard of modesty for hair that does not depend on the presence of other people:

*Yoma* 47a

Our rabbis taught: Kimchit had seven sons, and all of them served as *Kohen Gadol* [each would substitute for his brothers at times when ritual impurity disqualified them from Temple service (*Tosefta Yoma* 3:20)]. The sages said to her, 'What did you do that you merited thus?' She said to them, 'In all my days, the beams of my house never saw the braids of my hair.' They said to her, 'Many have done so, and did not achieve an effect.’

As we've noted previously, Kimchit believes her merit stems from the care she takes to always cover her head, while the sages' response is more ambiguous. The passage implies that her behavior was not normative for all Jewish women.

**Required** The Zohar goes so far as to write that full head-covering at home is *demanded* of the married woman:

Zohar III *Naso* 125b-126a

…For this reason, it is required of a woman that even the walls of her home not see a single hair of the head, how much more so outside [the home].

According to the Zohar, the requirement to cover is absolute and unchanging from place to place. This goes beyond the normal bounds of modesty and enters the realm of mysticism.

Chatam Sofer argues that women have adopted the halachic approach of the Zohar, so head-covering is in fact required, even in a private chamber like a bedroom:

Responsa *Chatam Sofer* I:36

Our forefathers already accepted upon themselves to prohibit [her head being uncovered] in her courtyard in every locale that we have heard of Jews reaching. …Since they [women] have adopted the custom of the Zohar on this…and it has become a widespread halacha in Israel …even in her room it is [considered] *erva* if she does not have a scarf on her head, and in the marketplace and public courtyard also a hat…

Note that, while he mandates head-covering in the privacy of one's home or room, Chatam Sofer concedes that this is not the simple meaning of the main halachic texts, but rather developed as a binding custom. Thus, he allows for less thorough coverage in private. A hat on top of a scarf is necessary in public, but a headscarf alone suffices at home, since the concern there is only modesty, and not dignity. In other words, even on the most stringent view, there are grounds for being less *particular* about head-covering in the home than in public.

**Meritorious** Rema, in his commentary to Tur, admits that a woman with head uncovered in a private courtyard is not in violation of *dat Moshe* or *dat Yehudit*, but asserts that for her to cover her head even at *home* is still proper, modest behavior:[[3]](#footnote-3)

*Darchei Moshe* EH 115

For the prohibition to go with head uncovered only applies specifically in the marketplace…nevertheless, there are [concerns of] modesty, that no woman should show her hair at all, even at home, as we find in the story of Kimchit.

Rav Moshe Feinstein similarly maintains that there is no requirement for a woman's head to be covered in a private setting like her bedroom, but doing so is meritorious.[[4]](#footnote-4)

*Iggerot Moshe* EH I:58

Also regarding Chatam Sofer being stringent to prohibit on account of *dat Yehudit* even in her room without a scarf…Chatam Sofer's position in this is astonishing. Therefore, in practice, even though it is fitting for women to be stringent to cover as Chatam Sofer thought, since it came from the mouth of a great genius like him….But it is clear that those who wish to be lenient… should not be considered as violating *dat Yehudit*, Heaven forbid.

Rav Moshe considers Chatam Sofer's position "astonishing" and not obligatory. A woman need not wear a head-covering in private.

## How might the public-private distinction in this halacha affect women?

*Many women follow the cautions of the Zohar and aspire to emulate the model of Kimchit, making no distinction between the quantity of coverage in public and in private. Even these women may still wear a less formal head-covering at home.*

*Many other women appreciate the opportunity to remove head-covering at home, while connecting deeply to the mitzva and taking pride in observing it in public. In this context, we can revisit the words of Rabbanit Oriya Mevorach:*

Rabbanit Oriya Mevorach, "Why Do I Love my Head-Covering?"

Covering the head every day anew creates a healthy distinction for me between home and outside, between private and public, between mine and everyone’s.

*For some women, though, head-covering is difficult or uncomfortable, and not worrying about it at home can be an important way to ease observance of this halacha.*

*In either case, removing the head-covering immediately upon reaching home might highlight and reinforce complex or even difficult feelings surrounding this mitzva. In response to this concern, it might help for a woman who uncovers at home to take her time after arriving home before removing her head-covering.*

*Each individual woman needs to find her own path with head-covering in more private settings. Because this mitzva is so personal and demanding, it is important that a woman observe it in a way that feels as good as possible to her while also respecting her commitment to Halacha.*

# **What is Private?**

The Talmud Yerushalmi introduces another parameter in determining where head-covering is obligatory:

Yerushalmi *Ketubot* 7

There is a courtyard that is like an alleyway, and there is an alleyway that is like a courtyard. A courtyard that the public crosses is like an alleyway, and an alleyway that the public does not cross is like a courtyard.

Here, the Yerushalmi notes that the obligation in a courtyard or alleyway depends on how private the setting is, and that is a function of how many people pass through them. A courtyard might be private or shared; it may be used only by the nearby households or serve as a shortcut for strangers. The public or private nature of a domain is as much a function of who tends to be there as of geography and architecture. So, for example, the stairwell of one apartment building might be like a courtyard, but of that another might be more like an alleyway.

Do those who maintain that women may go bareheaded in the courtyard or home apply that ruling even in the presence of people from outside the household?

Maharit indicates that they do:

Maharit I:76

The Tosafot wrote that in a courtyard, even without a *kalata*, there is no issue of uncovering the head and similarly there is also no issue of *dat Yehudit* …For a courtyard that the public crosses [treated like an alleyway, with a requirement of minimal head-covering] is one where many of the people of the town who do not live in the courtyard need to cross, as when there are stores there for which they come in and out. But wherever the only people who cross it are the denizens of the courtyard, even if they are many, and other people only come in as necessary when they have dealings with the residents of the courtyard, it is not called a courtyard that the public crosses…

Maharit explains that the obligation of head-covering does not apply in a woman's **courtyard**, even if her neighbors or occasional visitors are there, unless it is really a public thoroughfare.

Ritva suggests otherwise:

Ritva *Ketubot* 72b

"You have not left a daughter to Avraham Avinu settled with her husband." For most of them go with head uncovered in their courtyards since there are no [people] seeing them there.

From Ritva’s statement that most women go without a head-covering in the courtyard because others don't see them there, we can infer that the head *should*be covered in such a space when others are actually present.

Taz takes this idea a step further. He rules that the halacha in a given space varies depending on how many people *tend*to be around, whether or not they *are* around.

*Taz* EH 115

For in a courtyard where the public are not found, but a few cross through, there she does not exit [her marriage without a *ketuba*] since she is wearing a *kalata*, as we said. But in a totally private courtyard there is no prohibition even in totally uncovering [her head], and if other people live there, then it is also in the category of a closed alleyway, where it is permitted only with [at least] a *kalata*.

**In Practice** We have seen that some early authorities consider head-covering at home to be obligatory and that others recommend it. Among those who permit going fully uncovered in the courtyard or even at home, some extend that to cases when male guests are present, some do not, and others do not address the issue.

Today, some women wear head-covering outside of the home, but uncover at home, even in front of male guests. Rav Ovadya Yosef reportedly defended this practice in an oral question and answer.

Rav Ovadya Yosef, Quoted in Ma'ayan Omer 11 EH 15

Answer: Maran [Rav Yosef Karo] wrote in Shulchan Aruch that she is permitted to go thus [bareheaded] within her home.

Question: I said that I asked if the simple meaning is even in front of other [not household member] men?

Our Master [Rav Ovadya] answered: Maran [Rav Yosef Karo] wrote that it is permitted, and that's it.

Prevailing practice, however, is that even women who go bareheaded at home *do* cover in the presence of men who are not members of the household. Rav Moshe Feinstein writes that this is required as a matter of modesty:

Responsa *Iggerot Moshe* YD I:75

For those women who are not stringent to act like Kimchit, but rather in accordance with her obligation, that in her home, when there are no other people there [non household members], she does not cover her hair…. when they go in the marketplace or in front of other men, they need to go [in those situations] with greater modesty...

Rav Feinstein compares a setting "in front of other men" to the marketplace. Rav Nachum Rabinovitch, who generally takes a lenient stance regarding head-covering, also rules that a woman should be careful in this regard:

*Siach Nachum* 105

One may not be lenient in uncovering the head at home in the presence of non-household members.

A woman who follows the view that she should don a head-covering at home specifically when there is a male guest, still has a halachic basis to be less particular about the quality of the coverage in that setting than she would be in public.

Similarly, there is halachic support to don a less complete or more informal covering in the modern equivalent of a courtyard, like the area right outside one’s door, if not facing a busy street.

Rav Yehuda Henkin adds the caveat that leniency should not extend to someone *else's* private domain or courtyard:

Responsa *Benei Banim* 4:10

But it makes sense that also this permission is only for a woman inside her home and not when she visits the homes of others… The custom of Jewish women is to cover their hair in front of strangers, even within the home…This is the custom of most observant women today, and how much more so in the courtyard, and only in the home or in a private yard that is not visible to strangers do they go bare-headed.

Since dignity and modesty standards are often more relaxed in front of other women, common practice is not to cover in a women-only space, like a gathering of girlfriends, even outside of one's home, and certainly not to cover in spaces where standards are even more relaxed, like a women's exercise class or a women’s pool or beach.

**Defining Spaces**

The Talmud tells the story of On ben Pelet's wife, whose husband had joined Korach in challenging Moshe’s leadership:

*Sanhedrin* 109b-110a

Rav said: On ben Pelet – his wife saved him. She said to him: What will you get out of it [the rebellion against Moshe]? If the master [Moshe] is the leader, you are a student. And if the master [Korach] is the leader, you are a student. He said to her, 'What shall I do? I was in the [original] counsel and I swore together with them. …She said to him, 'Sit down and I will save you.' She gave him wine to drink and got him drunk and laid him inside [their tent]. She sat herself at the opening and let her hair loose. Whoever came [to call him] and saw her turned back…

From this story, we can infer that, at some stage in Jewish history, women covered their heads in front of other men, even at home. At the same time, On’s wife receives no censure for uncovering at the entrance to her home, which suggests that doing so is, strictly speaking, permissible.

By loosening her hair at the entrance to her tent, On’s wife effectively extends her intimate space with her husband, and her ability to protect it and him. As a married woman, she covers her head as an expression of her relationship with her husband, and she finds a way to use this halacha not just to signal this relationship to others, but to save it.[[5]](#footnote-5) The privacy of a space defines the obligation in head-covering, and, in its own way, head-covering can define the privacy of a space.

This is yet another example of how head-covering can take on as much meaning as we choose to give it.

1. Rashi *Ketubot* 72b, s.v. *Im Ken*

   If so, that in the courtyard there is any [prohibition] of uncovering. [↑](#footnote-ref-1)
2. *Bach* EH 115

   When the gemara asks “If [you argue] thus, you have not left a daughter to Avraham Avinu settled with her husband!” – it means as follows: If the statement that a *kalata* has no issue of an uncovered head refers to a courtyard – that is obvious and there was no reason for Rabbi Yochanan to make such a statement. For if a *kalata* in a courtyard is improper, you have not left a daughter of Avraham, for in the courtyard they all go with a scarf on their head without a shawl. The statement comes to teach that even from one courtyard to another by way of an alleyway, there is also no issue of an uncovered head. But certainly even in her courtyard without a *kalata* it is forbidden for the head to be totally uncovered.

   Rashi and Tosafot read the gemara’s words “If [you argue] thus” – to mean 'if you argue that a *kalata* is sufficient and required in the courtyard.' Bach reads those words to mean 'if you argue that a *kalata* is insufficient and more is required in the courtyard.' [↑](#footnote-ref-2)
3. Rema is explaining why Tur writes that in a place without many people "she does not exit [her marriage without a *ketuba*]," rather than writing that she is permitted to fully uncover her hair:

   Tur EH 115

   …Specifically when she goes out thus in the public domain…or in a courtyard that the public crosses, but in a closed alleyway or a courtyard that the public does not cross, she does not exit [her marriage without a *ketuba*] [↑](#footnote-ref-3)
4. See, for example, Magen Avraham:

   *Magen Avraham* 75:4

   But in Zohar *Naso* p. 239 he is very stringent that no hair of a woman should be seen, and this is fitting practice.

   Mishna Berura adds that a man may not recite *Shema* in view of his wife's hair, even if it is only partially uncovered, since there are contexts in which it is considered *erva*.

   *Mishna Berura* 75:10

   Even if she does not normally cover [her hair] except in the marketplace and not at home or in the courtyard, in any case it is a type of *erva* according to all opinions, even in her home, and it is prohibited to recite [*Shema*] there facing her if some of [her hair] is revealed.

   Such a constraint on a woman's husband could create an indirect obligation on her at home to cover her hair out of modesty concerns whenever her husband is in the vicinity.

   While Rav Moshe Feinstein agrees that emulating Kimchit is praiseworthy, he disagrees with Mishna Berura on this point. Since following Kimchit is not a halachic requirement, a husband is permitted to see his wife's hair when reciting *Shema* and *berachot*, even when she is in *nidda*.

   *Iggerot Moshe* OC 5:37

   Head-covering in front of her husband is not necessary. For the prohibition of uncovering the head is only in the marketplace. Even when she is *nidda*, there is no prohibition in her home in front of her husband and children. There is a praiseworthy practice to act even like Kimchit. But we have not heard of modest women like this, even in earlier generations, and in the time of the Tannaim, women didn't practice this way except for a few like Kimchit. [↑](#footnote-ref-4)
5. Thanks to Simi Peters for her insights into this midrash. [↑](#footnote-ref-5)