

B. OBLIGATION, EXEMPTION, AND GENDER:

HEAD COVERING AND OTHER ITEMS OF CLOTHING IN JUDAISM

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When and why do Jewish women cover their hair? What kind of head coverings do they wear? And does the headgear worn by Jewish men serve the same purpose as that worn by Jewish women? These questions are examined in the present study. Other garments and their religious implications will be addressed as well. Oftentimes in Judaism, when discussing the shaping of religious space, what women do wear – such as a hat or a headscarf – turns out to be less significant than what they do not wear.

The image of a veiled woman can be found in the very first book of the Bible, the Genesis. The reference to the veil is embedded in the Bible's first love story. In chapter 24, Rebekkah and Isaac marry, and the text mentions expressly that "*he loved her*" (Genesis 24:67).⁴⁶ The wedding is preceded by the couple's first encounter. It is said that:

And Rebekkah looked up, and when she saw Isaac, she slipped quickly from the camel, and said to the servant, "Who is the man over there, walking in the field to meet us"? The servant said, "It is my master". So she took her veil [za'if] and covered herself.

Genesis 24:64–66

This story is told from Rebekkah's perspective, and it is the bride-to-be who decides to cover herself. For neither in Genesis nor in any of the other four books of the Torah (*Pentateuch*) is there a law that obligates women to put on a veil or otherwise to cover their heads. This changed only much later, when the rabbis of the *Mishnah*, a core work of rabbinic Judaism completed by the early 3rd century of the Christian Era, introduced a custom-based law that requires married women to cover their hair. It should be noted, however, that the Bible does indicate in several places that it was common for women to cover their hair. Unveiling or loosening a woman's hair, as described in Numbers 5:18, for example – the case of a woman whose husband suspects her of adulterous behaviour (*sotah*) – was understood as a humiliation or even punishment.

Covering the bride

In contemporary Judaism, a bride is usually veiled before the marriage ceremony. This custom, called "*bedeken di kale*" (Yiddish for "covering the bride"), has been practiced by Ashkenazi Jews at least since early medieval times⁴⁷ and is rooted in the biblical episode of Rebekkah's and Isaac's first encounter (Genesis 24:66). The blessing that is said during this ceremony – "*May you, our sister, become thousands of myriads*" – also originates in Rebekkah's story. It is with these words that Rebekkah's brother and mother say goodbye to the bride-to-be (Genesis 24:60).

In the *bedeken* ceremony, however, the bride does not veil herself; rather, it is usually the groom who veils his future wife. This evokes associations to Jacob's first wedding ceremony, in which he unintentionally marries the veiled (and fatefully not uncovered) Leah instead of her younger sister Rachel (Genesis 29:18–25). By looking at his bride's face before veiling her, the contemporary groom insures that he will marry

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46. Translation of biblical texts are based on *The New Oxford Annotated Bible: New Revised Standard Version, With The Apocrypha*, eds. Michael D. Coogan et al. (Oxford: Oxford University Press, 2010).

47. "Veil," *Encyclopaedia Judaica* [Second Edition; Detroit: Macmillan Reference, 2007], 20:489.

the right woman.

There is yet another aspect that cannot be ignored when discussing the Jewish wedding ceremony: a groom looking at his bride's face before veiling her for the ceremony seems to echo a regulation transmitted in the *Mishnah*. In the beginning of the tractate of *Kiddushin*, the *Mishnah* discusses a free man's "acquisition" (*kanah*) of a number of "items," including women, slaves, cattle, and goods (*Mishnah, Kiddushin* 1:1–6). The parallels in the descriptions of how these four categories of "belongings" are acquired might suggest that an acquiring man examines women in much the same way as he examines slaves, cattle, and goods.

Moses' veil

Veils are usually associated with women. Nevertheless, the Torah also transmits the story of a veiled man, namely Moses, descending from Mount Sinai:

As he came down from the mountain with the two tablets of the covenant in his hand, Moses did not know that the skin of his face shone because he had been talking with God. When Aaron and all the Israelites saw Moses, the skin of his face was shining, and they were afraid to come near him. (...) When Moses had finished speaking with them, he put a veil [mas'veh] on his face; but whenever Moses went in before the Lord to speak with Him, he would take the veil off, until he came out; and when he came out, and told the Israelites what he had been commanded, the Israelites would see the face of Moses, that the skin of his face was shining; and Moses would put the veil on his face again, until he went in to speak with Him.

Exodus 34:29–31; 33–35

In contrast to Rebekkah, who puts on her veil in the context of interacting with her future husband, Moses puts on his veil in the context of interacting with God and with the people of Israel. Parallels to these different biblical purposes of covering oneself can be found in rabbinic Judaism as well, as will be discussed below.

Women and men

When it comes to Jewish law, reflections on the veil or the headscarf must be looked at from a broader perspective: it is necessary to examine other items of clothing and to look at Jewish men as well. In Judaism, what women do wear – such as a hat or a headscarf – has, religiously speaking, less significance than what women do not wear. Before this can be explained, a brief historical overview of men's head covering and women's hair covering is indicated.



Yarmulke (*kippah*)

As regards men, neither the Bible nor the Talmud – the core work of rabbinic Judaism completed by 500 of the Christian Era – transmits a law according to which men are required to cover their heads.⁴⁸ But over the years the custom of doing so has become more and more common. In contemporary Judaism, men wear a hat or a *yarmulke* (*kippah*) as a sign of respect towards God. They cover their heads in order to acknowledge that God's place is above them.

Today, Orthodox Jewish men cover their heads all day every day, while Reform Jewish men usually do so only when attending a religious service. Thus, wearing a *yarmulke* or a hat at all times has become a symbol of belonging to observant Judaism.

In Judaism, only married women are required to cover their hair. The source of this rule is the *Mishnah*. The rule is embedded in the rabbinic discussion on the consequences of a wife disregarding her obligations towards her husband. The discussion focuses on the circumstances under which he may divorce her without having to pay her the amount stipulated in the marriage contract (*ketubah* - a kind of prenuptial agreement, the purpose of which is to provide a female divorcee a certain degree of financial security).

And these [women] are divorced without a ketubah: She who transgresses the Law of Moses [dat moshe;

48. See, for example, Babylonian Talmud, Nedarim 30b.

Torah law] and [she who transgresses] Jewish custom [dat yehudit]. (...) And which is [a woman who transgresses] Jewish custom? She goes out with her hair uncovered, or spins in the street, or talks to any man.

Mishnah, Ketubot 7:6⁴⁹



The *Mishnah* makes it clear that this obligation was not transmitted by the Bible (Law of Moses; *halakhah mi-de-oraita*). Rather, the rule that a married woman has to cover her hair is rooted in post-biblical law that was shaped by the rabbis (*halakhah mi-de-rabbanan*). This is noteworthy, as biblical law is usually considered to be of higher significance than rabbinic law.⁵⁰

The way Jewish women cover their hair has changed over the centuries. Today, there is a huge variety of head coverings, including hats, snoods, caps, headscarves, and wigs.

Covering their hair serves Jewish women as a sign of being married, as well as a symbol of belonging to observant Judaism. Most Reform Jewish women do not cover their hair, and when they do, it is usually only during religious services.

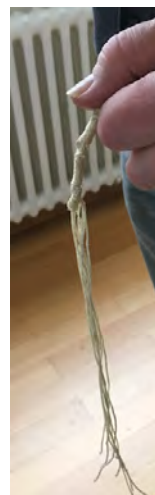
In the last couple of years, a peripheral phenomenon has been observed in a very small number of Israeli *haredi* (so-called “ultra-Orthodox”) communities. In these few communities, women have started to cover their faces with a black garment resembling a *niqāb*. Even though no more than a total of a few hundred women veil their faces, this development cannot be looked at in isolation from the broader tendency toward gender segregation in Israel among *haredi* Jews – with radical implications for broader Israeli society and legislation.⁵¹

Obligation and exemption

Hats, snoods, caps, headscarves, and wigs are part of the Jewish woman’s “dress code”. But when it comes to clothing, the crucial question in Judaism is not if, how, and when women cover their hair; rather, the crucial question concerns the garments men are obligated to wear (and women are not). For example, the



Tallit



Fringes (tzitzit)

49. Translation based on *Mishnah: A New Translation with a Commentary* by Pinhas Kehati, Seder Nashim, vol. 1: Yevamot, Ketubot, translated by Edward Levin (Jerusalem: Eliner Library, 1987).

50. Menachem Elon, *Jewish Law: History, Sources, Principles*, vol. I (Philadelphia: Jewish Publication Society, 1994), 212.

51. See, for example, the reference on “Women of the Wall” below; on gender segregation and on veiled women in Israel see Elana Maryles Sztokman, *The War on Women in Israel: A Story of Religious Radicalism and the Women Fighting for Freedom* (Naperville: Sourcebooks, 2015), 3–30; 67–86.

tallit, is traditionally a white prayer shawl with black or blue stripes and fringes in its four corners (*tzitzit*). Men put on the prayer shawl every day for the morning prayer (*shacharit*).⁵² They also wear a similar but smaller version of the prayer shawl, called a *tallit katan* (small *tallit*). Its fringes are attached to the four corners of a square piece of white material that is worn underneath regular clothes. Men wear the small *tallit* all day every day, some with the fringes exposed, others with the fringes tucked in.⁵³ The purpose of the fringes on both of these garments is to remind men of their religious obligations.

Whereas men are obligated to wear both a *tallit* and a *tallit katan*, women are “exempt” (*patur*) from wearing fringed garments. Women’s exemption from this obligation is transmitted in the Babylonian Talmud (*Kiddushin* 33b).⁵⁴ To be exempt means to be “not obligated”; it does not mean “not permitted.” Other sources, though, suggest that women are not merely exempt from wearing fringed garments, but rather that they are virtually forbidden from doing so. One of the reasons appears to be the biblical prohibition on women wearing men’s clothes.⁵⁵ Since the late 20th century, members of the group “Women of the Wall” have been struggling to assert the right to wear, among other ritual objects, a *tallit* when praying at Jerusalem’s Western Wall, and repeatedly, women wearing a *tallit* have been arrested in the Western Wall area.

Conversely, in today’s Reform Judaism, many women choose to wear a *tallit* (as well as a *yarmulke*). Their prayer shawls often differ from the male version, as they exhibit colorful feminine designs. This is not only a manifestation of fashion and style, but also a contribution to the transformation of this traditionally masculine garment into a feminine piece of clothing. For even today, many women have to get over their own inhibitions before they can feel comfortable wearing a *tallit*, as for centuries, the prayer shawl has been affiliated with men. The next generation of women (and men), however – at least those who identify with Reform Judaism – might handle this with increasing ease, as in that environment today’s *bat mitzvah* girls, just like *bar mitzvah* boys, are given a prayer shawl when celebrating their coming of age and are invited henceforth to put on a *tallit* during morning prayers.



Obligation and privilege

Tallitots for women

Why is it necessary to point out garments that men are obligated to wear and women are not? Why does it matter that women are exempted from these garments?

In rabbinic Judaism, the obligation to more commandments is a privilege, and this privilege is associated with higher social status. Manifestations of this hierarchical thinking can be found, for example, in the

52. In addition to the morning prayer, the *tallit* is worn during the entirety of the Day of Atonement (yom kippur) as well as by prayer leaders for all religious services.

53. It is a widespread custom for boys, too, to wear a *tallit katan* (but not a *tallit*), even though they are not obligated to do so until they reach age 13.

54. See also Jerusalem Talmud, *Kiddushin* 1:7 (61c).

55. See for example Targum Yonatan Ben Uziel on Deuteronomy 22:5; men, too, are prohibited from wearing clothes associated with the opposite sex; the Torah does not, however, explicitly define what it means by “men’s” or “women’s” clothing.

Talmud and in the *Tosefta* (parallel work to the *Mishnah*):

As Rabbi Hanina says: Greater [is one who] is commanded [to do a commandment] and performs [it] than one who is not commanded [to do a commandment] and performs [it].

Babylonian Talmud, Kiddushin 31a⁵⁶

Rabbi Judah says: “A man must recite three benedictions every day: (...) Praised [...] who did not make me a woman.” (...) for women are not obligated [to perform all of] the commandments.

Tosefta, Berakhot 6:18⁵⁷

This conception is diametrically opposed to how duties in general society are often taken – namely as an inevitable, but not necessarily readily accepted, task. Take, for example, housekeeping responsibilities, where the attitude can be described as “the fewer, the better”. In traditional Judaism it is the other way round: the more commandments a person has to fulfil, the better.

From the disparity in religious commandments emerges a hierarchy between women and men. Subsequently, women, as they are obligated to fewer commandments than men, are considered to be less privileged. And even if they choose to voluntarily fulfill obligations they are exempted from, this action is considered less worthy than if they were obligated. This has radical implications regarding Jewish women’s ritual life as well as their status. For no matter how many commandments women choose to fulfill, they will never be able to attain the same level of “greatness” as men (unlike boys and male converts, who ultimately attain the – higher – status of a male adult Jew). Note that the systematic distinction between commandments for men and commandments for women is introduced by the rabbis, whereas the Bible usually does not differentiate between the sexes when it issues commandments.⁵⁸

Modesty rules for Jewish women

As mentioned above, a Jewish man’s head covering serves as a sign of respect towards God, and a Jewish woman’s head covering serves as a sign of being married. This leads to another issue which needs to be addressed when examining Jewish “dress codes”, namely, modesty (*zniut*). The rule according to which a married woman has to cover her hair is not a Torah-based law, but rather a law rooted in Talmudic modesty regulations, as, for example, stated in *Mishnah Ketuvot* 7:6. The term “Jewish custom” (*dat yehudit*) that appears in this Mishnaic passage is used primarily in discussions of women’s behavior, and it is based on the social conventions of the time. An example of this perception of woman’s modest demeanor can be found in *Genesis Rabbah*, a commentary (*midrash*) from the early 5th century on the biblical book of Genesis, discussing the creation of the first women:

“(…) [I will create her] from a place on the man that is private, [that] even when a man stands naked, that place is covered.” And with each and every limb that [God] created in [the woman], He would say to her, “Be a modest woman, a modest woman”.

Genesis Rabbah 18:2 on Genesis 2:22⁵⁹

Referring to the second biblical creation story in Genesis 2:18–23, this commentary argues on the basis of the hidden, i.e. modest place of a body’s rib, from which women originate. As women are created from

56. Translation based on *Talmud Bavli*, The Noé Edition, Hebrew/English, Commentary by Adin E.-I. Steinsaltz; vol. 22: Tractate Kiddushin (Jerusalem: Koren Publishers, 2015).

57. Translation based on *The Tosefta: Translated from the Hebrew with a New Introduction* by Jacob Neusner, 2 vols. (Peabody: Hendrickson, 2002).

58. See Valérie Rhein, „In den Fussstapfen des Priesters: Betrachtungen zu Gesetz und Gender in Tora und rabbinischer Literatur am Beispiel der Befreiung der Frau von zeitgebundenen Geboten,“ in *Chilufim* 21 (2016): 5–74.

59. Translation based on *Midrash Rabbah: The Midrash With an Annotated, Interpretive Elucidation and Additional Insights*, eds. Chaim Malinowitz et al., vol. 1: Genesis (Brooklyn: Mesorah Publications, 2011–2014). It is common in rabbinic literature to transmit a variety of views. This is also true for the comments on Genesis 2:22 (“And the rib that the Lord God had taken from the man he made into a woman and brought her to the man”) in *Genesis Rabbah*. A comment favorable to women, for example, goes as follows: “Rabbi El’azar said in the name of Rabbi Yose ben Zimra: Greater [powers of] understanding than [those of] the man were given to [the woman]” (Genesis Rabbah 18:4 on Genesis 2:22).

Adam's "veiled" rib, women should dress (and behave) modestly, and this becomes manifest in being, to a certain extent, invisible in public. In contrast, the first creation story in Genesis 1:27, in which male and female are equal – "*So God created humankind in his image, in the image of God he created them; male and female he created them*" – is irrelevant in this setting.

Women's codes of modesty are also an issue when it comes to men's prayer settings. In the context of a discussion of the daily recitation of the prayer "*Shema Israel*" (opening with the words "*Hear, O Israel*") – from which women are exempt – the Talmud transmits the following statements:

[Along these lines,] Rav Hisda said: [Even] a woman's [exposed] leg [is considered] nakedness (...). Shmuel [further] stated: A woman's [singing] voice is [considered] nakedness (...). Rav Sheshet stated: [Even] a woman's hair is [considered] nakedness (...).

Babylonian Talmud, Berakhot 24a⁶⁰

According to one rabbi, a man reciting the "*Shema Israel*" may not see a woman's exposed leg, according to another rabbi, he may not hear a woman's singing voice, and according to a third rabbi he may not see a woman's hair.

What started off with regulations in the context of a particular prayer has been extended over the years to praying and non-praying situations. It has become standard practice in observant Jewish daily life for women who are married to cover their hair and for all women, married or not, to dress modestly, i.e., to cover their elbows and knees.

Relationship man–God / woman–man

In sum, the following insights can be highlighted:

- Men are obligated to put on certain ritual garments such as the *tallit* or the *tallit katan*.
- Women are exempt from these commandments.
- Obligation to a greater number of commandments is considered a privilege in rabbinic Judaism.
- Even by voluntarily performing commandments from which they are exempt, women will never attain the privileged status of obligated men.
- The garments women are required to wear, such as hair coverings, do not serve a ritual purpose for women (but may do so for men).

Thus, the "dress code" of a Jewish man emphasizes his relationship to God. The prayer shawl, for example, that is worn for the morning prayer as well as the smaller fringed undergarment that is worn all day are supposed to remind him of his religious obligations. And a man's head covering serves as a symbol of respect towards God. In contrast, the "dress code" of a Jewish woman regulates interactions between men and women and serves the purpose of giving men a dignified space within which to express their relationship to God. David ben Yosef Abudarham, a 14th century scholar, outlined these different roles of Jewish women and men accordingly. Explaining why women are exempt from some of the commandments – usually so-called time-bound commandments (*mitzvoth aseih she hazman gramah*) such as wearing fringed garments – he said:

And the reason women were exempt from time-bound commandments was because a woman is subject to her husband to attend to his needs. Were she under obligation to carry out the time-bound commandments, it might happen that while in the process of performing one of them, her husband orders her to do his bidding. Were she then to persist in doing the commandment of the Creator and neglect her husband, woe to her on account of her husband. However, were she to do his bidding and drop the commandment of her Creator, woe to her on account of her Creator. Therefore the Creator exempted her from the commandments

⁶⁰. Translation based on *Talmud Bavli*, The Noé Edition, Hebrew/English, Commentary by Adin E.-I. Steinsaltz; vol. 1: Tractate Berakhot (Jerusalem: Koren Publishers, 2012).

*so that she will have peace with her husband.*⁶¹

A similar pattern applies to the male and female biblical figures introduced at the beginning of this paper. Rebekkah puts on her veil when seeing her future husband for the first time,⁶² Moses puts on his veil to cover his shiny face after his encounters with God. In other words: the “dress code” of a Jewish man focuses on the man-God bond, while the “dress code” of a Jewish woman is focused on the woman-man bond. And that is why in Judaism, what women do wear – such as a hat or a headscarf – has, religiously and legally speaking, less significance than what women do not wear – such as a *tallit* or a *tallit katan*.

Jewish “dress code” and free will

These observations on head coverings and other items of clothing concentrate on Jewish law and custom and do not focus on head coverings that Jews were forced to wear.⁶³ Nevertheless, the question has to be raised if wearing or not wearing a hat, a cap, a snood, or a *yarmulke* is a choice of free will for Jewish women and men. On the one hand, it is a free choice. In countries where the majority of the 21st century’s Jews lives – in North America and Israel, but also in Europe – they are neither prohibited nor forced by local laws to do the one or the other. On the other hand, it has to be taken into consideration that Jewish men covering their head and Jewish women covering their hair reveal their religious affiliation. Non-Jews can identify them as Jews, while Jews can identify them as observant. Thus, depending on their surroundings, this might influence the choices made by Jewish men and women. At its best, wearing or not wearing headgear is a personal expression of identity. Depending on the social or political conditions, however, this decision may be more or less free.

Conclusion

Rebekkah, meeting her future husband, “took her veil and covered herself.” Moses, being aware of his shiny countenance after having encountered God, “put a veil on his face” before interacting with the people of Israel. Technically, these two biblical narratives are legally irrelevant. Nevertheless they anticipate what rabbinic law and custom defined over time. Women, underlining their married status, cover their hair, and men, expressing respect towards God, cover their heads. Additionally, men wear fringed garments, reminding them of their religious obligations. Women, who are obligated to a smaller number of religious commandments than men, are exempt from wearing fringed garments and from other laws. This leads to a law-based hierarchy and creates a situation in which – from a religious and legal perspective – what Jewish women do not wear turns out to be more significant than what they do wear.

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61. Sefer Abudarham, Blessing on Commandments; translation based on Pamela Barmash, “*Women and Mitzvot, Y.D. 246:6*,” in The Committee on Jewish Law and Standards Teshuvot, ed. The Rabbinical Assembly (April 2014), 16.

62. Another example is Tamar: She veils herself before interacting with her father-in-law Judah (Genesis 38:14 and 38:19).

63. On headgear that Jews were forced to wear, see, e.g., Naomi Lubrich, “The Wandering Hat: Iterations of the Medieval Jewish Pointed Cap,” in *Jewish History* 29 (2015): 203–244.



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