

Kisui Harosh

&

The Shaitel-Tichel Debate

What is the source of covering hair?

How much hair has to be covered?

What is the preferred method of hair covering?

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Background

The Mishna¹ teaches that a woman who goes out with her head uncovered violates Das Yehudis, the customary ways of modesty observed by Jewish women².

The Gemara challenges this, noting that going out with uncovered hair is more than just a violation of Das Yehudis. It is a Biblical prohibition and should therefore be classified as a violation Das Moshe – the laws that are clearly written or alluded to in the Torah³.

The Torah source for a woman covering her hair is from the Posuk in the Parsha of the Sotah “and he shall uncover the woman’s head”⁴. Rabbi Yishmael taught that this is a warning that the daughters of Israel should not go out with their head’s uncovered.

The Midrash⁵ explains this more clearly. When uncovering the hair of the Sotah, the Kohen says to her “you have departed from the ways of the daughters of Israel, whose ways it is to cover their hair and you have acted in the ways of gentile women who go with their hair uncovered. Here, now you have what you wanted (i.e. your hair is uncovered like the gentiles).”

The Gemara resolves the question by explaining that to satisfy the Biblical requirement of Das Moshe, it is sufficient to go out with a Kalsa - a woven basket-type covering that has holes in it, allowing the hair to be partially visible. However, according to the requirement of Das Yehudis, this is insufficient and is still considered immoral in public until the hair is properly covered. This is what the Mishna refers to.

This requirement is codified as Halacha in the

Rambam⁶ and later in the Shulchan Aruch⁷ as absolute Halacha. No one disputes that there is a requirement for a woman to completely cover her hair in public.

In addition to the violations of Das Moshe and Das Yehudis, which are stand-alone prohibitions in their own right, the Poskim identify other Halachic reasons why a married woman must cover her hair.

Elsewhere, the Gemara⁸ teaches that the hair of a woman is nakedness, based on the Posuk in Shir Hashirim⁹ “your hair is like a flock of goats”. One may not say Shema or Daven in the presence of a married woman’s uncovered hair, even if it is one’s own wife. This is brought in Shulchan Aruch in the laws of Shema¹⁰.

Another issue is that like other breaches of Tznius, there is the problem of Lifnei Iver, placing a stumbling block in front of the blind to those who will see her¹¹.

The Poskim also note that not covering her hair would violate the prohibition of copying the ways of the non-Jews¹².

The requirement to cover hair applies only to married women or women who have been married. It does not apply to single girls¹³.

Does all the hair have to be covered?

Rabbi Moshe Alashkar (1466-1542 Egypt) writes¹⁴ that in most Islamic lands, women do not cover the hair at the sides of their temples. The Rashba and Raavad refer to the hair that protrudes outside of the tresses (Chutz Letzimasan). This refers to the small amount of hair that cannot be ‘gathered’ into the hair cover-

ing¹⁵. The Poskim include hair at the nape of the neck in this allowance.

The ruling of the Maharam Alashkar is quoted as Hala-cha in Shulchan Aruch and by the Acharonim, including the Magen Avraham, the Alter Rebbe and the Mishna Berura¹⁶. The Magen Avraham adds that according to the Zohar, none of the hair should be visible, concluding that it is appropriate to follow this view.

The Mishna Berura¹⁷ points out that it is still forbidden for a man to look at these hairs on a woman other than one's wife. The Mishna Berura¹⁸ also references the Zohar that requires all hair to be completely covered. He also references the Gemara's¹⁹ description of Kimchis, who merited to have 7 of her sons serve as the Kohen Gadol because the beams of her house never saw her uncovered hair. He writes that it is appropriate to follow this practise.

No hair may be uncovered

Many Poskim²⁰ explain that the ruling of the Maharam Alashkar only refers to a woman's own husband in relation to saying Shema in her presence. However, in the presence of other men or when in public, all hair must be covered as a matter of Tznius and Das Yehudis.

In an extensive Teshuvah²¹, the Tzemach Tzedek writes "privately in the presence of her husband, a woman is permitted to expose the side hairs

which extend beyond her kerchief. **While other men are present there is no Heter (permissibility) to do so...** The hair protruding

beyond the kerchief is Halachically identical with 'Ervah', just as (or even more severe than) the exposure of the leg...Exposure of the hair outside of the kerchief is Pritzus... regarding the custom to do so, it is written that the word Minhag has the same letters as Gehenom." He concludes "may this practise be eradicated forever".



First print Teshuvos Mahram Alashkar, Sabbionetta 1554

A very lenient ruling

There is a very lenient ruling of Rav Moshe Feinstein²² who permits exposing up to half a Tefach (4cm) of hair at the front of the head. He bases his ruling on the Gemara in Brachos that the hair of a woman is Ervah. He compares the Ervah of hair to the Gemara's statement that a Tefach of revealed skin of a woman is Ervah and therefore draws a parallel with the measure.

Since the average width of the head is 2 Tefachim, one may expose up to half a Tefach of hair at the front. He stresses that this is the maximum exposure allowable and that exposing any more is forbidden.

He notes that the Chasam Sofer and others are strict, however based on his reasoning, one who does expose this amount of hair in public can not be described as violating Das Yehudis and that even a Talmid Chacham and G-d-fearing person may marry a woman who does this.

Questioning this ruling

Almost all of the Poskim, both Rishonim and Acharonim²³ do not permit the uncovering of hair, with the exception (according to some as discussed above) of the small amount at the sides. According to their view, the hair is treated more strictly than the rest of the body. As such, Rav Moshe's ruling is considered a Daas Yachid – an outlying, individual opinion²⁴.

Even those who understand the leniency of the Maharam Alashkar as referring to going out in public, this would only allow for exposing the hair at the sides of the temples or the nape of the neck. One cannot extend leniency to the hair at the front of the hairline.

Further, the discussion in the Gemara about an uncovered Tefach is explicitly referring to the reciting of Shema in its presence, but not to the ways of Tznius. It is not meant as a Heter to go out Lechatchila. Just as it is forbidden to uncover less than a Tefach of those parts of the body that are usually covered, the same applies to hair.

Even Rav Moshe agrees that it is Halachically preferable to cover all of the hair and from other responsa it seems that this is opinion. His son Rav Dovid and others relate that this Teshuvah was written as a 'Horaas Shaah' – a limited ruling to a particular woman in a specific exceptional situation. Rav Dovid wrote that it is a Mitzvah to publicise that his father never intended to give an all-out Heter for women to expose this amount of hair²⁵.

For Chabad Chassidim, based on the ruling of the Tzemach Tzedek, this is clearly forbidden without question.

In a letter²⁶, the Rebbe writes "I am perplexed by the manner in which you present your question. You state that the Kallah will commit to wearing a Sheitel in a way that all of the hair will be covered except for 2 finger-breadths that will be exposed. **Who are you trying to fool? You can't fool Hashem, you can't fool others. You can only fool oneself. What benefit can be derived from this?**

Chabad Chassidim follow the rulings of the Tzemach Tzedek as the final and ultimate Halachic authority. As such, all of a woman's hair must be covered. There is no allowance to show any amount of hair. This is also the position of the Zohar.



The Tzemach Tzedek of Lubavitch

Shaitel verses Tichel

Based on this, the Rebbe advocated that it is preferable to cover the hair with a Shaitel rather than a Tichel. Not only is it preferable, but the Rebbe directed that a woman should **only** wear a Shaitel as a hair-covering in public. The Rebbe's view is recorded in numerous letters and Sichos. A number of reasons are given for this preference;

It is much easier to ensure that all of the hair is covered when wearing a Shaitel than a kerchief or hat, which will not cover all of the hair (such as the hair at the sides of the temples).

Additionally, Tichels are prone to slip. Even if it is just slips momentarily and is immediately

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adjusted, in those few moments she violates a severe Issur, even if only a few hairs are exposed.

Another concern is that if a woman will feel embarrassed in the presence of acquaintances, she may be tempted to slip back her head-covering or slip it off entirely so that “it disappears into her pocket”. This is not such a concern with a Shaitel²⁷.

The Rebbe made the agreement to wear a Shaitel as a condition for serving as Mesader Kiddushin at a wedding and even instructed some that it should be a condition for making the Shidduch²⁸. The Rebbe praised the new generation of women who properly covered their hair with full Shaitels, as reflecting the sign of the times of Moshiach approaching, “when a daughter will rise up against her mother” in a positive sense²⁹.

Even according to those who are lenient in applying the Maharam Alashkar to expose the hair at the sides of her temple, a Tichel will likely slip back to the extent that it uncovers more than this amount.

The Chazon Ish, as quoted by Rav Chaim Kanievsky³⁰, is also recorded as saying that covering hair with a Shaitel is preferable to a Tichel or hat as it covers all of the hair. Teshuvos Or Yitzchak³¹ attests that when he first got married, Rav Moshe Feinstein told him that a Shaitel is preferable as a head covering to a Tichel because it covers all of the hair and because it will stay in place.

This view is also shared by many other Poskim. Rav Shalom Mesas writes that a Tichel “runs away from the head”

The earliest source to clearly state that covering hair with a Shaitel (Peah Nochris) is satisfactory as a hair covering, is the Shiltei Giborim (Yehoshua Boaz ben Shimon Baruch, Spain/Italy, died 1553). In his glosses on the Rif³², he writes that the immodesty associated with hair only applies to the hair that is attached to a woman’s body. If the hair has been detached, even if it is her own hair, it suffices as a head covering and one may Lechatichila go out wearing a Shaitel.

Many of the great Acharonim and Poskim bring the ruling of the Shiltei Giborim as Halacha. The Ram”o in both Darkei Moshe³³ and Shulchan Aruch³⁴. Other Acharonim include; the Levush³⁵, Perisha³⁶, Magen Avraham³⁷, Kneses Hagedola³⁸, the Vilna Gaon³⁹, Elya Rabbah⁴⁰, Ba’er Heitev, Pri Megadim⁴¹, Kaf Hachaim⁴², Aruch Hashulchan and Mishna Berura. Apei Zutri⁴³ records that the Minhag in Italy was like the Shiltei Giborim.

In his Shulchan Aruch⁴⁴, the Alter Rebbe writes that one is allowed to recite the Shema in the presence of a woman wearing a Shaitel. Further, she is allowed to go out without a covering over the Shaitel and this is not a prohibition.

The great modern day Poskim also write that a Shaitel is an adequate hair-covering. Rav Moshe Feinstein⁴⁵ writes that most of the Rabbis, including those upon whom we base halachic rulings, permit them. One cannot protest against one’s wife for wanting to wear a Shaitel as she is acting in accordance with most Poskim.

Rabbi Shlomo Zalman Auerbach⁴⁶ also writes that one should not protest those who wear a

Shaitel following the ruling of the Mishna Berura... and one should not protest the Nshei Chabad Chas Veshalom (who wear Shaitels in accordance with the Rebbe's directive).

The Shevet Halevi⁴⁷ writes that in Chutz Laaretz there were lands where all the women wore Shaitels and we have not ability to go against the Ram"o and Magen Avraham. Rabbi Shalom Mesas writes emphatically that a Shaitel is completely permissible and there is no concern at all.

Those who have a community or family custom of wearing a Tichel should continue to adhere to their custom, taking care to ensure that no hair is exposed. This was also the directive of the Rebbe to a number of women who came from communities where the custom was to wear Tichels.

The detractors

One of the earliest sources to rule against the Shiltei Giborim is the Be'er Sheva, who writes that the Mishna that allows wearing a Peah Nochris is discussing wear the Peah Nochris is covered by a Shawl. Further, the sages may only have allowed this in a private courtyard but not in a more public area.

The Magen Avraham writes that all of the proofs of the Be'er Sheva are weak not accepted.

Rabbi Yaakov Emden⁴⁸ wrote that a Peah Nochris has the same status as a Kalsa, which may only be worn in the privacy of her own home and courtyard. It is insufficient in public unless one wears a shawl over it. Wearing just a Shaitel alone would violate Das Yehudis. The Chasam Sofer⁴⁹ also rules like the Be'er Sheva, requiring two coverings and does not allow wearing just a Shaitel.

Some Seforim point out that those who base their opposition to wearing Shaitel and their recommendation of Tichels on the rulings of the Yaavetz and Chasam Sofer are mistaken. Their main argument is that one requires two coverings. According to their view, there would be no difference between wearing just a Shaitel or a Tichel. Either would be insufficient without the additional covering of a shawl.

One of the most vociferous opponents of wearing Shaitels was Rav Ovadiah Yosef⁵⁰. He quotes the Yerushalmi⁵¹ that a woman may not go out into an alleyway wearing a Kaplitin. He adopts the interpretation of the Aruch that this refers to a Shaitel. He writes against women who wear Shaitelach in very harsh terms.

In his Teshuvah, he quotes many Acharonim who opposed the wearing of Shaitels based on a number of reasons, including; that it still violates Das Yehudis (or even Das Moshe), Maaris Ayin, that they are immodest. He concludes that it is a great Mitzvah to publicise this prohibition, especially amongst the Sefardim whose custom was always to be stringent.

In relation to the claim that this was always Minhag Hasefardim, Rabbi Binyomin Zilber⁵² writes that this is because Shaitels were not available and that this does not create a Minhag. Further, he notes that the "first of the permitters" – the Shiltei Giborim – was a Sefardi. Many of the Poskim listed above were Sefardim. This point is also raised by Rabbi Moshe Shternbuch, who writes that there is no difference between Ashkenazim and Sefardim.

Maaris Ayin

Rabbi Shlomo Kluger⁵³ wrote that the Shiltei Giborim only allowed wearing a Shaitel in a time

and place where all women covered their hair. If so, no one would suspect that a woman wearing a Shaitel was not covering her hair. But nowadays, when many women do not cover their hair, no one will know that it is a Shaitel and will presume that it is her real hair.

Rabbi Ovadiah Yosef writes that this concern is even greater nowadays, when Shaitels are expertly made so that they look like real hair⁵⁴. There is certainly a concern of Maris Ayin, in addition to being immodest.

In defence of the claim of Maris Ayin, Maharsha^{g55} writes, quoting the Pri Chadash, that if there is no prohibition on something because of Maris Ayin found in Shas, we have no authority to make-up our own prohibitions because of Maris Ayin. Therefore, there is no concern of Maris Ayin in regard to Shaitels. Rav Moshe Feinstein⁵⁶ also writes that Shaitels were not forbidden because of Maris Ayin.

Some Poskim⁵⁷ write that even though natural Shaitels are permissible, they should still be recognisable to some degree that it is a Shaitel. If they are not recognisable at all as a Shaitel and look completely natural, one should be strict as this could be Maris Ayin.

However, it could be argued that since very natural looking Shaitels are now prevalent, any concern of Maris Ayin would fall away, as people will not think that a woman isn't wearing a Shaitel. When new more natural styles initially emerge, the concern may still apply.

A Shaitel with one's own hair

Amongst the Poskim who allow or advocate for wearing Shaitels, there is a dispute about a woman wearing a Shaitel made from her own

hair. Most Poskim, including many of the Poskim quoted above make no distinction⁵⁸. However, there are Poskim⁵⁹ who do not allow a Shaitel made from one's own hair. The Mishna Berura records both opinions without ruling either way.

More beautiful than her hair

One of the arguments against wearing a Shaitel is that they look even more beautiful than a woman's own hair and that "even single girls can't wait to be married to be able to wear a Shaitel". This should make them immodest. Is this really a problem?

The Shiltei Giborim clearly writes that even if the Shaitel is worn to beautify herself, it is fine. Indeed, the whole purpose of wearing a Shaitel then, was to beautify themselves to look like they had a full head of hair⁶⁰. They describe wearing the Peah Nochris as *Lehiskashet* – to adorn or beautify.

The Rebbe⁶¹ wrote clearly that wearing a Shaitel is preferable, even if it is more beautiful than her own hair. Indeed, the Rebbe directed women to buy "a beautiful Shaitel".

Once the hair is covered with a Shaitel, there is no longer a concern of *Das Yehudis*. The fact that the Shaitel is beautiful, even more beautiful than her natural hair, is no different than covering the body by wearing beautiful clothing or wearing jewellery and make-up which make a woman look more attractive. If this was a legitimate concern, the opposing Poskim should also write that one may not wear a beautiful Tichel!

As another reason to justify and encourage wearing Shaitels, some Poskim point out that

nowadays wearing Shaitels will make hair -covering easier to accept for those becoming more observant, as it looks more natural. Even if we were to consider wearing a Shaitel a leniency, it is certainly preferable to rely on the lenient Poskim than to have women not cover their hair at all.

Immodest Shaitels

The Poskim write strongly against wearing immodest Shaitel styles and very long Shaitels. Even according to the Rebbe's view that a Shaitel should be beautiful, the style and look should still be modest. However, this issue is not relevant to the discussion about whether a Shaitel is a satisfactory covering for Das Yehudis and should not be a reason to forbid wearing Shaitels generally.

There is a separate requirement of Tznius, that all clothing and hairstyles be modest. This issue applies to the natural hair of an unmarried woman or girl and likewise applies to Shaitels. The Shaitel may be beautiful, provided that it is still Tznius in its overall appearance.



Family customs

For those who come from families or communities who wear Tichels and are extremely careful about covering all hair, such as many Hungarian and Yerushalmi communities, the Rebbe said that they should continue to observe their custom. They certainly receive all of the Brachos enumerated in Zohar.

In other cases, one should endeavour to wear a Shaitel in public, as opposed to a Tichel. The Shaitel must be worn in a manner that covers all hair, not leaving any hair exposed. The "custom" of deliberately leaving the front hair exposed is a Pirtza in the ways of Tznius that the Shaitel represents.

Brachos

Rather than focus on the curses in the Zohar, the Rebbe emphasised the great Brachos found in the Zohar, that a woman brings to herself, her husband and family through being careful with hair-covering. May Hashem reward all personal Hachlotas to add and improve in one's care in keeping Kisui Harosh, with all of these blessings.

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|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 1. Kesubos 72a | 18. 75:14 | 26. Igros Kodesh volume 9 p325 | 37. OC 75:5 | 49. Hagahos Shulchan Aruch OC 75 |
| 2. Rashi | 19. Yoma 47a | 27. This concern was prevalent in the USA in the 1950s and 60s when wearing a hair-covering was not common or standard practice. However, the concern of pushing back the Tichel or pulling out some hair deliberately (!"n)still applies. | 38. Shyarei Kneses Hagedola OC 75 | 50. Yabia Omer 5 EH 5 |
| 3. Rashi | 20. Chasam Sofer, Tzemach Tzedek | | 39. Biru Hagra OC 75 | 51. Kesubos 7:6 |
| 4. Bamidbar 5:18 | 21. EH 139 also Chiddushim Al Hashas Brachos Chapter 3 | | 40. OC 303:18 | 52. Az Nidberu 11:50 |
| 5. Bamidbar Rabbah 9:16 | 22. EH 1:58 | | 41. Eshel Avraham 75:4. After quoting both the opinion of Shiltei Giborim and the Be'er Sheva who argues, he concludes that there is not violation of Das Yehudis when wearing a Shaitel. | 53. Shu"t Shnos Chaim 316 |
| 6. Ishus 24:11 | 23. Chasam Sofer, Tzemach Tzedk ibid, Shlomo Zalman Auerbach Shulchan Shlomo 75, Chazon Ish, | 28. Igros Kodesh 15 p8 p 198 | 42. OC 75:19 | 54. He quotes Rabbi Yehoshua Leib Diskin as making a similar distinction |
| 7. EH 21 | 24. The Poskim also point out the incongruity of those who rely on the leniencies of the Igros Moshe while 'ignoring' his stricter ruling such as not listening to music, not using timers on Shabbos and stringencies in Eruvin. | 29. 19 Kislev 5728 | 43. EH 21 | 55. 2:35 |
| 8. Brachos 24a | | 30. Maaseh Ish volume 7 p110 | 44. OC 75:4, 303 | 56. EH 2:12 |
| 9. 4:1 | | 31. EH 3 | 45. EH 2:12 | 57. See Kevuda Bas Melech p217 |
| 10. OC 75:2, Shulchan Aruch Harav 75:4 | | 32. Shabbos 64b | 46. Letter printed in Valeihu Lo Yivol volume 1 p314 | 58. It is recorded that the Chazon Ish allowed his sister to make a Shaitel from her own hair |
| 11. Tzemach Tzedek | | 33. Hilchos Shabbos OC 303 | 47. 5:199:4 | 59. Ateres Zekeinim understanding of the Levush |
| 12. Divrei Chaim | | 34. OC 75:2 | 48. Sheilas Yaavetz 1:9 | 60. See Rambam Pirush Hamishnayos Shabbos |
| 13. Rosh Brachos 3:37, Shulchan Aruch 75:2, Shulchan Aruch Harav 75:4 | | 35. OC 75 | | 61. Likutei Sichos 13 p 189 |
| 14. Siman 35 | 25. Recorded in Oz Vehadar Levusha | 36. OC 303 | | |
| 15. Ram"o OC 75 | | | | |
| 16. 75:13-14 | | | | |
| 17. 75:13. Based on Elya Rabbah | | | | |