

Teshuvah on Women's Headcoverings and Tallitot for Congregation Kneseth Israel

Question: Currently the policy of CKI is for women who are on the bimah to have their head covered as we require men to do so. What is the halacha surrounding this policy? If a woman wears a tallit is she also obligated to wear a kippah or other head covering? Are men also obligated and if so when—all the time in the synagogue or just when they are in the sanctuary or on the bimah?

One Bat Mitzvah student whose mother is more observant (and knowledgeable) has asked us to reconsider the policy because her family is not comfortable with the current policy. If our congregation as part of its vision embracing diversity and that includes a range of religious practice, how do we compel, require, force someone to wear a kippah while maintaining a warm, welcoming, non-judgmental, safe space.

Summary:

There are many reasons for head coverings in Judaism. From the time of the Talmud it was seen as a way to express humility and respect before G-d for men. Young boys were encouraged to wear a head covering so that they would be trained to do it, or accustomed to do it when they are older. Married women covered their hair out of a sense of modesty, tzinut, rather than holiness, kedusha. In modern times when women were first becoming rabbis and beginning to take on the role of shliach tzibbur, there was a sense that if congregations were truly egalitarian, then women needed to take on the obligation of kippot as well as the obligation of public prayer. Today there is a wide variety of style of headcoverings and a wide range of normative Jewish practice. What follows is a detailed outline of the issues and then a recommendation for Congregation Kneseth Israel.

Answer:

It is believed that CKI adopted a policy to have women cover their heads on the bimah as a sign of respect to G-d and in equality with men. However over time, the halachic underpinnings have been lost.

Historically, men were required to wear a headcovering (but not necessarily a kippah). In the days of the Talmud, Joshua b. Levi said: "One may not walk four cubits with haughty mien, for it is said, 'The whole earth is full of His glory.'" R. Huna, son of R. Joshua, would not walk four cubits bareheaded, saying: "The Shehinah is above my head."

All were initially required to wear tzitzit but only a married (male) rabbi wore a tallit. It was part of how a rabbi was distinguished. Over time it became a married male, then any male over 13, Bar Mitzvah age. In some congregations it remains only married men.

The Kitzur Shulchan Aruch states in section 6: it's forbidden (for men) to walk 4 amot with bare head. One should teach children to cover their heads to cultivate yirat shemayim. (fear of heaven, fear of G-d). (This grows out of a Gemara about the mother of R. Nachman b Yitzchak whose mother wouldn't let him go bareheaded from the time she learned he was destined to be a thief! Mishnah Brurah says one shouldn't even sleep bareheaded!

A pope actually gave Jews something like a modern day kippah to distinguish Jews from Christians and it became like a badge of shame. Now it is a badge of honor. For a while, men didn't want to wear kippot because they didn't want to be perceived as different. That changed after the Black Power movement and the women's movement of the 60s when it was suddenly OK to be proud of ethnic diversity. The Six Day War in Israel also made it OK to proud to be outwardly Jewish.

The Conservative Movement has tried to address this question on a number of fronts. If men and women are equal in congregational life women are expected to accept the same obligations as men in order to enjoy the equal benefits. So if men are required to wear a headcovering in the synagogue then the logic would dictate that women follow the same obligation. That was the basis, we believe of CKI's policy that women need their heads covered on the CKI bimah.

If a woman is taking on the role of shliach tzibbur, leader of prayer, then according to a responsa by Rabbi Joel Roth on the ordination of women, they are expected to take on the mitzvot of tallit and tefilin in order to promote equal rights of ordination with men. So again by logical extension in some minds, if a man must wear a kippah to read Torah, so must a woman. (Rabbi Michael G. Kohn). This was the practice of the Conservative congregation in which Rabbi Kohn interned. However, as he pointed out, "At my current synagogue, the practice (which long predated my arrival five years ago) is for men and married women to wear a head covering in the building; and for women leynung, or acting as Shlihat Tzibbur to wear a tallit and head covering. We have a number of female members who would not in normal practice wear a head covering in the sanctuary, or a tallit, but who have accepted the reasoning set forth in your t'shuvah as the basis for their doing so when leynung, or acting as shlihat tzibbur."

What then does it mean to take on fulfilling a commandment? "The preferred way for a woman or girl to begin wearing a tallit would be to take on the mitzvah of tzitzit as a personal obligation or vow. That would mean stating at the outset how and when you intend on wearing the tallit and saying the appropriate blessing to indicate that you feel yourself commanded to wear the tzitzit each time. These days, when most Jews live in communities where each individual is responsible for his or her own religious decisions, I'd say the same idea applies to boys/men as well." (Rabbi Ariann Weitzman). Women who are exempt from time bound positive mitzvot are not excluded from participating. They merely need to state they are fulfilling the obligation and taking it on.

Nonetheless, it is interesting to note that Rabbi Roth's teshuva put tallit and tefilin together instead of tallit and kippot. Why? Probably because tallit and tefilin are both positive time bound Toraitic laws as opposed to rabbinic halacha which gives them more weight. Tefilin are outlined in Deuteronomy 6:4-9; Tallit as part of Tzitzit is in Number 15:37-41. "Speak to the children of Israel and say to them: They shall make for themselves fringes on the corners of their garments... And this shall be tzitzit for you, and when you see it, you will remember all the commandments of G-d, and perform them." The fringe tassels that hang from the tallit are called tzitzit. Their strings and knots are a physical representation of the Torah's 613 commandments.

The wearing of a kippa (skullcap) first appears in the Talmud as an act of piety. Another word for kippa is Yarmulke, which means "awe of the King [G-d]" in Aramaic. Another explanation of the use of kippot is that "yarmulkas" is a corruption of "Armulkia" - a Greek word referring to the hoods some monks wore somewhere in Europe. The Jews adopted the hood and the monks switched to the little skull caps we now use. When the Jews adopted those too, and the monks gave up and shaved the space instead. As is frequently noted, the pope and cardinals wear "yarmulkas" and as some have pointed out a previous pope gave Jews a headcovering so that they could be distinguished, much like the yellow star that the Nazi regime used.

Nonetheless, the practice of wearing a headcovering based on the Talmud as an act of piety and humility is codified in the Shulchan Aruch as an obligation at the time of prayer, and as something that one "should do" at other times. Therefore according to the Shulchan Aruch, a head cover is a Halacha (Law) during prayer, and an important custom at other times.

However, the Taz (mid 17th century, Eastern Europe) suggests that although a headcovering was originally an act of piety, it gained the status of Torah Law, due to the custom of non-Jews to remove their caps as a sign of honor. Since the Torah prohibits Jews from "going in the ways of non-Jews," one who does not cover his head would therefore be in transgression of a Negative Commandment of the Torah.

Rabbi Moshe Feinstein, in his one of his Responsa, rules that, based on the Taz, one should be stringent. He adds, however, that there are indications that even the Taz might agree that in America [and elsewhere] where it is no longer the way of Gentiles to remove their head coverings as a sign of honor - for the most part they don't even wear head coverings at all - the prohibition against going about with an uncovered head is no longer considered to be a Torah prohibition.

Since one is nonetheless obligated to wear a kippa, what does it matter whether it is a custom or a law? It becomes important when we consider the case of someone who is denied work because he wears a kippa. The Talmud states that one doesn't need to forfeit more than a fifth of his wealth in order to fulfill a Positive

Commandment. Therefore, Rabbi Feinstein writes that since a custom is certainly not more stringent than a Positive Commandment, if a person cannot find work unless he removes his kippa, then when he is at work he is permitted to remove his kippa. If, on the other hand, not wearing a kippa would be a transgression of a Negative Commandment, (like the ruling of the Taz), then removal of the kippa for the sake of employment would not be sanctioned since one is obligated to forfeit all of his wealth rather than to transgress a Negative Commandment.

In Conservative Judaism it has been normative practice for men to wear a kippah at all times in the synagogue building. Some require the wearing of kippot at outside events that are synagogue functions like picnics, softball teams, attendance at movies or lectures. Rabbi Isaac Klein sums up the practice this way:

The reasons given were twofold: First, it was the Jewish way of showing reverence and respect (B. Qid. 31a; Maimonides, Hil. De'ot 5:6). Secondly, uncovering the head was the custom of the Gentiles; hence, it must be avoided by Jews (see Encyclopedia Talmudit, 6:117). Covering the head thus served as a means of identification and a barrier against assimilation.

a. To cover the head when in the sanctuary of a synagogue (see O.H. 91 in M. A. 3 and Peri Megadim, and in Eishel Avraham, *ibid.*mn.3). b. To cover the head when praying and when studying or reading from our sacred literature (O.H. 282:3).

c. To cover the head when performing a ritual. d. To cover the head when eating, since eating is preceded and followed by a benediction. (Some follow the custom of certain Jewish communities in Germany and cover their heads during the benedictions before and after the meal but not during the meal itself.)

In Reform Judaism, there was a tradition of not wearing a kippah at all. Since the 1970s Reform Jews have begun wearing kippot, both men and women as an option, not a requirement and not as a sense of fulfilling a halachic law. In "Jewish Living: A guide to contemporary Jewish Practice," by Mark Washofsky outlines the original Reform practice not to wear kippot (see J. Lauterbach's 1928 responsum on history of kippah) and the return of wearing kippot, tallitot and tefilin.

In terms of women wearing kippot:

Having outlined the history, customs and halacha around men and kippot, what about women?

In the Shulchan Aruch, we find this reference: "All are called to the quorum of seven, even a woman or child, as long as they know the blessings, however the sages stipulate: A woman does not read from the Torah out of respect for the community. However, they are forbidden to read with an uncovered head." From this we learn that a woman maybe called to the Torah for an aliyah on Shabbat as

one of the seven aliyot but must have her head covered.

Rabbi Moshe Feinstein, (1895-1986), a Lithuanian Orthodox rabbi, said: "I've heard that in Tunisia and Iran it has been the custom of both married and non-married women to cover their heads when reciting devarim sheb'kedusha, holy matters, such as prayer and Torah. When they made aliya, this practice seems to have been discontinued for unmarried women. Rabbi Ovadiah Yosef, shlita, writes in his Responsa that unmarried women should, in fact, cover their heads for matters of kedusha. Rabbi Chaim Pinchas Scheinberg, shlita, told me that an unmarried woman doesn't need to cover her hair when saying matters of kedusha, but a married woman must cover her head when saying matters of kedusha, even in the privacy of her home."

Here Feinstein makes a distinction between women who cover their heads for modesty and women who cover their heads out of a sense of kedusha, holiness. In some traditional communities, women cover their hair or even shave their heads out of an obligation of modesty, since hair can be considered sensually arousing and therefore once married should only be seen by her husband. This falls in the category of tzniut, modesty and would only apply to married women.

If the reason is for kedusha, and as a sign of respect and humility, as it is for most men and not for modesty, then in an egalitarian congregation it would seem to be incumbent upon both men and women, married or unmarried. Knowing before whom you stand, as the words proclaim over the ark, is an important measure of humility and a remedy against arrogance. I have known plenty of Jews who will act one way when wearing a kippah and less ethically when they take it off. It is one of the checks and balances.

Today there is a range of accepted Jewish normative behavior. Some women like to wear head coverings, some do not. Some women through the years have been caught as the minhagim, customs, have changed over time. The research shows there is no one answer to this complicated question. As Rabbi Jill Hackell wrote:

I remember my daughter being caught between different minhagim. In my synagogue, only married women had to wear headcovering in shul. Then in the interests of egalitarianism we changed the "rule" to everyone over 13 on the bima had to wear one. This made my daughter very uncomfortable, because she grew up in the era of the first minhag. (Egalitarianism is not an issue for her - she seems to be post-egal, that is, to take it for granted that she is equal). So she refused to wear head covering on the bima, and everyone dealt with it.

Perhaps this question becomes an interesting b'not mitzvah project and decision. Young women confronted with the choices and the actual texts might want to do their own research and make an educated decision as is befitting a woman we now call an adult Jew. If their reasoning is different, perhaps this is good material for

their speech. In any case, they do what we really want them to do. Wrestle with the text. Wrestle with meaning and make the tradition their own.

Modern women rabbis who have been confronted with these choices have a range of practices as well. Some wear a kippah and tallit at all services. Some wear a kippah at Religious School, or synagogue, or when acting in the official capacity of the rabbi, ie, visiting the hospital, public talks, etc.) Many opt not to wear one when it might cause a commotion such as Jewish book stores, particularly Orthodox neighborhoods, etc.

Some wear a tallit without a kippah. These commandments are not linked halachically. It is not as some suggested, ‘the uniform of Jewish prayer’ where you can’t have one without the other. As Rabbi Ariann Weitzman outlined as her own personal minhag:

I have always personally separated the commandment of wearing tzitzit from the minhag of covering our heads. It has been a struggle for me as a feminist and as a religious Jew to decide how to cover my head. These days, I usually wear a kippah when I'm engaged in communal Jewish acts, but that still doesn't feel quite right to me. It doesn't feel authentically womanly to me and often feels like an adoption of a practice of men without allowing the time and space for liberal Jewish women to come up with their own authentic response to the desire to cover our heads in respect and communal solidarity rather than because of a sometimes oppressive code of modesty for women. Sometimes I play around with wearing scarves or bandanas or even hats instead. I don't think there's anything wrong with a bat mitzvah doing the same, if you feel a desire to find a head covering that works for you, even if that's not a traditional practice for unmarried women.

Rabbi Ariann Weitzman adds that the policy of the congregation she serves is that, “everyone coming up to the Torah for an aliyah wears a tallit, but it is your own choice about whether to wear a kippah. This makes sense to me, both because of the fact that tzitzit are a mitzvah from the Torah, whereas the kippah came much, much later and is usually seen as custom and because we use the tzitzit to publicly demonstrate our connection to Torah (we use them to touch and kiss the Torah during an aliyah), whereas the kippah is a completely personal garment without a public function.”

On the other hand, Rabbi Sharon Ballan says that in her congregation:

Although a woman does not have to wear a kippah, I do, and it is not because I am married. I do so because I acknowledge my

humility before God in sacred spaces. A Bat Mitzvah student could do the same.

Some rabbis look for other reasons besides modesty and that are not gender driven to give the wearing of kippot meaning for both sexes. Rabbi Katy Z. Allen suggests:

I would suggest a more positive direction in researching covering one's head would begin with the discussion of what it means to you; what it could mean to her. Not making the reasons gender specific, but I would include noting the reasons males wear head coverings, such as: a kippah as a reminder of who I am; that there is a G!d; as a reminder to make good decisions; humility.

As Sherree Boloker, a rabbinical student at the Academy for Jewish Religion, pointed out for her personally, "As an adult woman I wear a kippah, and NOT a lacey covering (which to me symbolizes the marital status. (The distinction is very important to me.) I also wear a tallis."

In Rabbi Aaron Blumenthal's responsum, An Aliyah for Women, he writes, "It is offensive to the dignity of the congregation for one who is improperly clothed to officiate in the synagogue." For him, this meant that women must have their heads covered to avoid being offensive if a woman is called to the bimah. This is how he gives recognition to the fact that how people are dressed affects those sitting in proximity to them.

In many congregations, especially at the urging of the Conservative Movement, men and women both, reflecting the egalitarian nature of most Conservative congregations these days, require both men and women to wear kippot on the bimah, but they ultimately allow the rabbi, the mara d'atra of the place to make the decision.

Women and Tallitot:

Rosh Hashanah 17b teaches that even G-d wrapped Himself in a tallit, like a 'shaliach tzibbur' (prayer leader) and showed Moses the order of prayer. He said to him: Whenever Israel sins, let them perform this order before Me, and I shall forgive them." Since we are called upon to emulate G-d some find wrapping ourselves in a tallit is like wrapping ourselves in G-d's loving presence or in G-d's divine light as Psalm 104 suggests. "Bless the LORD, O my soul. O LORD my God, you are very great. You are clothed with honor and majesty, wrapped in light as with a garment." That garment is a fringed tallit.

In the Talmud, Menachot 43a: states that "The rabbis taught: all are obligated in the laws of tzitzit: priests, Levites, and Israelites, converts, women, and slaves." However, "Rabbi Shimon exempts women because it is a positive commandment limited by time and from all positive commandments limited by time, women are exempt."

What does this mean? As we saw earlier women are exempt from most time bound positive mitzvot. Why? Typically women are taught that they have a higher spiritual level and don't need the reinforcement of time bound mitzvot, while the men need the structure. While they are exempt, they are not prohibited. This leads to an interesting debate about whether, if a woman takes on a time bound positive mitzvah, she says a blessing or not. There is also the debate about whether a woman can fulfill someone else's obligation when, for instance, she blows shofar, says birkat hamazon or makes Kiddush, since she is not herself obligated,.

Nonetheless, it was apparent even in Talmudic days that women did perform timebound commandments, including Michal, the daughter of Saul, who we learn wore tefilin (Eruvin 96a) "Michal the daughter of Saul would lay tefilin... And it is permissible for them to make a blessing on time-bound positive commandments even though they are not required to perform those mitzvot..." Note that even though they are not required to perform the mitzvah, they are permitted to say the blessing.

After the destruction of the Temple and dispersion of the Jews throughout the world, commentaries were written in the Middle Ages. In commentaries in Spain, Egypt, France, and Germany, women are permitted to wear a tallit and tefilin, and the question becomes whether or not they do so with or without saying the blessing.

Rambam (Maimonides), Egypt, Laws of Tzitzit 3:9: argued in the Laws of Tzitzit 3:9 that "Women are exempt from the biblical law of tzitzit. Women who want to wear tzitzit, wrap themselves in it without a blessing... if they want to perform them without a blessing they are not prevented." However, Rabbeinu Tam (1100-1171), Rashi's grandson and a French Tosafist states that women can recite the blessings over positive time-bound commandments such as wearing tzitzit: (Tosafot to Rosh Hashanah 33a): "...And they may recite the blessings over a positive-time-bound commandment, even though they are exempt from that mitzvah."

But, while the Rabbeinu Tam recognizes that it is permissible for women to don tallit and recite the blessing, the Rema (Rav Moshe Isserles, 16th c.) believed that women who decided to take on these extra obligations were guilty of yoharah, pride (Shulchan Arukh, OC17:2).

Modern Jewish law codes continue their support of women wearing tallitot. Epstein, the Chayyei Adam of Rabbi Abraham Danzig (1748-1820) states: "In any case, if they want to wear tzitzit and make the blessing, they may recite the blessing. That is the law with regard to all time-limited positive commandments, like lulav and sukka and others..."

Rabbi Moshe Feinstein wrote (Iggerot Moshe, OH 4:49): “In fact, according to the judgment of the Tosafists they [women] are authorized to make the appropriate blessing. As is our custom women observe the commandments of shofar and lulav...accordingly even tzitzit.”

Conclusion:

It is our belief that while covering one’s head has taken on the weight of halacha, it is still custom. That custom varies depending on where one lives. Since this congregation, Congregation Kneseth Israel, embraces diversity, we need to offer kippot to men and women. It would not be welcoming and fulfilling the mitzvah of hachnasat orchim, welcoming guests, to turn people away for not wearing one. Nor would it avoid embarrassing someone in public, for which a person would lose his or her place in the world to come.

Therefore, regarding non-Jews in the synagogue, again, they should be offered a kippa to wear as a sign of respect but not forced. They are not obligated by Jewish law and custom.

In terms of tzitzit, this is a Biblical commandment, that enriches worship. While women are exempt from wearing tallitot, they are not prevented. There was much discussion about whether a blessing needs to be made. That should be at the discretion of the woman donning the tallit since this is a more private moment between the davenner and the Divine. The mitzvah of tallit is different from the custom of kippot and one does not have to do one without the other.

Therefore, it is the recommendation of this rabbi that kippot be offered to both men and women, even strongly encouraged, but not required.

Respectively submitted,
Rabbi Margaret Frisch Klein

Policy Decision of Congregation Kneseth Israel, October 2013
RITUAL COMMITTEE EXAMINES POLICY ON HEAD COVERINGS

Paul Glaser, CKI Ritual Committee Chair

In an effort to meet CKI’s vision of providing meaningful observance, together with respecting diversity and insuring a welcoming environment for all, CKI’s Ritual Committee has conducted a very careful review of our policy on the wearing of head coverings and tallitot.

The review was undertaken at the request of a congregant. Prior to the August meeting, Committee members were charged with conducting their own research into the issue, and all met their responsibility in that regard. Also providing valuable guidance was a detailed paper on the topic prepared by Rabbi Frisch Klein and her upcoming Bat Mitzvah student.

Current policy here has been: “All men are required to wear head coverings; women are requested to wear head coverings. Everyone is required to wear head coverings while on the bimah.” There does not appear to be an express policy

requiring the wearing of tallit, but the custom here has been that Jewish men are encouraged to wear a tallit during daytime services (and at Kol Nidre), and Jewish women called to the bimah are welcome to do so. These policies are applicable to everyone above Bar Mitzvah age, and the head covering policy applies also to Torah School students.

The Committee's discussions at its August and October meetings were open, considered, and civil. There was unanimity among the members that the wearing of a head covering (whether called a kippah, yarmulke, kova, or whatever), was a sign of respect and humility, and that while not commanded by the Torah, centuries of Jewish *minhag* (custom) supported the wearing of a head covering while in the synagogue building. Interests of egalitarianism call for the elimination of any distinction between men or women on this subject. However, it was also recognized that some Jews have different practices. For example, at some Reform congregations, the wearing of kippot and tallitot was simply not done. Today many Reform Jews do wear kippot and tallitot. You can also see regional differences in custom of the type of head coverings used. However, the Committee agreed that we here at CKI could choose our own course.

The Committee decided to amend our policy to read: “All men are required to wear head coverings; women are recommended and requested to wear head coverings.”

It was also emphasized that discretion should be employed when asking a person visiting our building, or ascending to the bimah, to cover their head. No one should force a person to do so or act in a manner to cause embarrassment. The Committee hopes that everyone will understand and respect our policy and will help our guests do so as well. If people are interested in reading the full *teshuva* responsum prepared by Rabbi Frisch Klein, it is available on the CKI website. (provide link here)

Sources:

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Rabbi Joel Roth *Teshuva*

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Jewish Living: A guide to contemporary Jewish Practice, by Rabbi Mark Washofsky; pp 6-15.

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