

MARRIED WOMEN WITH UNCOVERED HAIR

by Rabbi Doniel Neustadt

The following is a discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

The Kohen... shall uncover the woman's head... (5:18)
It is disgraceful for a married woman to be seen with uncovered hair. (Rashi)

QUESTION: A married female guest at the Shabbos table does not have her hair covered. May Kiddush be recited in her presence or not? **ANSWER:** According to Torah law, married women must cover their hair (1) whenever they are outside their home (2). A woman who fails to do so forfeits her Kesuba and should be divorced by her husband (3).

Since the hair must be covered, when it is not covered it is considered an Erva, an uncovered area. No male may recite Krias Shema, Daven, make a Bracha or learn Torah when the uncovered hair is visible to him (4). Accordingly, if such a person happens to be at the Shabbos table, Kiddush may not be recited.

Many theories have been postulated as to why some women--although meticulous in keeping other Mitzvos--are lax in regard to covering their hair. Some do not cover their hair at all and others do so partially. It must be stressed that this practice is roundly condemned by all Poskim. There is not a single, solitary authority who finds a leniency for married women to have their hair uncovered (5). Indeed, in recent years there has been a gradual improvement and many women who did not previously cover their hair, have begun to do so.

In the last century or so, the many women who did not cover their hair presented an Halachic problem. The previously mentioned Halacha that a woman's uncovered hair is considered an Erva regarding Krias Shema and all Brachos, made it practically impossible for men to recite Tefilos and Brachos or to learn Torah in their own homes. A situation developed which was impossible to live with.

Because of the prevalance of the problem, the Aruch HaShulchan (75:7) ruled that in a locale where

the majority of married women do not cover their hair, we can no longer consider hair an Erva. In his opinion, only in a locale in which most women keep their hair covered can uncovered hair be considered an Erva. This controversial ruling was accepted by some Poskim (6) and strongly rejected by others (7). Harav Moshe Feinstein (8) ruled that one can rely on this leniency only in a She'as Ha'dchak, a time of urgency.

Concerning our case in point, therefore, the following is the correct reaction:

- If it is possible to explain the problem to the woman in private without embarrassing her, then that would be the preferred solution.
- If it is difficult to do so, one should avert his face from her or close his eyes before reciting Kiddush.
- If that is difficult, one can rely on the Poskim who rule that under present-day conditions, women's hair is not considered an Erva.

If the woman sitting at the table is not-Jewish, her uncovered hair is not considered an Erva (9).

If the woman at the table is not dressed properly [according to minimum Halachic guidelines], then, too, the man saying Kiddush must avert his face or close his eyes (10). The Aruch Hashulchan's leniency does not apply to immodest dress.

FOOTNOTES

1 Divorced or widowed women are also required to do so--although some Poskim hold that their obligation is Rabbinic, see Igros Moshe Even Haizer 1: 57. See Machazei Eliyahu 118-120.

2 According to the Zohar and many Poskim, women should cover their hair even in the privacy of their own homes, see Mishna Berura 75:14 and Biur Halacha for a complete discussion.

3 Kesuvos 72:1; Shulchan Aruch Even Haezer 115:1-4; Many Poskim hold that nowadays, when many women erroneously, but sincerely, believe that they are not required to cover their hair, the husband is not required to divorce them since it is their ignorance, not their disregard for the Law, which leads them to conduct themselves so--see Igros Moshe EH 1:114; Doveiv Meishorim 1:124; Lev Avrohom 1:105 quoting the Chazon Ish.

4 OC 75:2. This Halacha applies to one's own wife, sister, mother etc. as well.

5 There are some communities who have allowed women to expose the small portion of hair that protrudes from beneath the covering. Even those who are lenient in this do not allow more than a total of 3.5 inches of hair to show--See Igros Moshe EH 1:58.

6 Ben Ish Chai Parshas Bo:12; Sridei Ish 2:14; Yavia Omer 6:13.

7 Mishna Berura 75:10; Chazon Ish OC 16:8 and most other Poskim.

8 Igros Moshe OC 1:39,42-43; OC 3:23-24; EH 114.

9 Igros Moshe OC 4:15.

10 Mishna Berura 75:1; Chazon Ish OC 16:8. Not all Poskim agree that closing one's eyes helps in this situation.

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