

תנא דבי אליהו, כל השונה הלכות בכל יום מובטח לו שהוא בן העולם הבא

IT WAS TAUGHT IN THE ACADEMY OF ELIYAHU, WHOEVER STUDIES TORAH LAWS
EVERY DAY IS ASSURED THAT HE WILL BE PRESENT IN THE 'WORLD TO COME'

Chapter 2, Question 3

Does one need to wear a kippa or head-covering at all times?

It was a cold and dark Monday morning. As Ari sat in the seat of his train carriage, heading towards College, he could not help but feel a thousand pairs of eyes gazing directly at him. He had made the noble decision the night before to wear a *kippa* at all times, even in the public realm, and today was his first attempt at exercising that decision. The loud rhythmic beats of the train tracks seemed to echo exactly in tune with the heavy motions of his heart. At one point Ari dared to lift his head out of his *sefer* and take a look around. He was surprised to see that there was actually hardly anyone in his carriage, and of the few who were there... were not at all interested in what he was wearing. Ari pulled himself together. He remembered the courage and enthusiasm that filled his spirit as he kissed the *mezuzah* and departed from his home earlier that morning. And he took strength from the powerful words of his Rav saying; '*A Jew's only fear is Hashem yitbarach!*' Suddenly, his thoughts were broken and he felt his stomach churn inside-out at the sound of a familiar female voice; "*The next stop is Euston Station.*" He was about to arrive at his destination in 20 seconds! Ari's heart was now light years ahead of the train tracks. In a frantic panic he quickly took off his *kippa* and stuffed it into his pocket. He simply could not go ahead with it. [10 seconds to go!] He then felt an inner battle. The words of his Rav managed to find their way back; "*Ari!!! a Jew's only fear is Hashem!*" [5 seconds to go!!!] Ari got up. The doors of the carriage began to open. He felt himself struggle with his own hand as he forced it into his pocket, clenched his *kippa* and thumped it on top of his head together with the weight of the whole word. He walked towards the exit, lifted his foot and leaped forward & out of what felt like the top edge of a 12-storey building. As Ari emerged from the station his face was caressed with a flood of 'warm' welcoming January sun... it did not seem like such a cold morning after all.

Almost every *ba'al teshuva* (someone who has reached complete spiritual enlightenment) can relate to the story above in one form or another. Those fortunate souls who have somehow managed to come back to a Torah observant lifestyle have had to face the challenge of adopting the well known dress code of every Jewish male - covering one's head with a *kippa*. And we have to ask ourselves the obvious question; how important is it really? Does a Jew really have to cover his head at all times? Or does it apply only when one is davening or making a beracha? More fundamentally, what is the source and deeper significance of covering one's head?

Unlike the previous essays of this series, in order to fully answer the questions above this essay is going to have to take on a slightly different form. The reason being that the topic we will be addressing is one that has been heavily debated amongst the *Rishonim & Aharonim* (early & late halachic authorities) and the answers are rooted in how to learn several important sections of the Talmud, which we hope to compare and clarify. So for those intellectuals who appreciate the precious depths of Talmudic analysis and halachic derivation, you may find this essay an very enjoyable read (b'e'H)! For those who may feel less so inclined, nevertheless, the best advice is to keep on reading! You never know... you may end up finding yourself.

Let us begin with the Shulhan Aruch's ruling (also known as *Maran* - 'Our Master') regarding this important halacha:¹

ולא ילך ארבע אמות בגלוי הראש

And one should not walk 4 amot (approx 2 m.) with an uncovered head.

What is immediately noticeable about Maran's statement above is his interesting choice of words. Normally, if a certain action or inaction is **forbidden** *min haDin* (by the letter of the Law) then Maran would write that it is **אסור** *assur* to do such a thing. But here he simply states **ולא** *one should not*. Therefore could we initially make the assumption that covering one's head whilst walking a distance of 4 amot (or more) is considered to be just *midat hassidut* (a pious act), rather than a fulfillment any halachic obligation?

1. סימן א, סע' ו

In order to answer this question we first need to see what Maran wrote regarding this topic in the Beit Yosef, which is his commentary on the **Tur**. Our analysis begins with a statement made by the Tur² (HaRav Ya'akov ben Asher 1270-1340) regarding the obligation to cover one's head when wearing *tzitzit*:

ומכסה ראשו שלא יהא בגילוי הראש.

And one should cover his head, in order not to be in [a state of] 'gilui harosh' (an uncovered head).

The **Beit Yosef** and the **Darchei Moshe** (another main commentator on the Tur) have a difference of opinion as to what exactly the Tur is referring to here. The Beit Yosef's opinion is that we cannot be discussing a scenario where the person had absolutely no head covering at all, because how otherwise could such a person have gone about his affairs without a head covering? [The statement above is in the context of the order getting ready in the morning and it follows immediately after the procedure of *netilat yedayim* - washing one's hands.] The Beit Yosef therefore holds that it would not be logical to assume that the Tur would be dealing with a case where the person is without any head covering whatsoever. Rather the Beit Yosef believes that where the Tur says **ומכסה ראשו** *one should cover his head* he is in fact referring to a **second head covering** called a סודר *sudar* - a scarf that was wrapped around the head as an extra head covering, and the person must have been wearing a smaller head covering beforehand (a *kippa*). The Beit Yosef brings certain proofs from the Talmud³ which highlight that a Jew has always worn an extra head covering - the purpose being in order to **humble a person** and instill within him additional *yirat shamayim* (fear of Heaven).

The Darchei Moshe however disagrees and writes that the Tur is in fact referring to the necessity to cover with a **primary head covering**, i.e. a case where the person was completely bare-headed beforehand.

What is the main root of this strong difference of opinion? The Darchei Moshe basically learns that the law to cover one's head stems only from a *midat hassidut* perspective. And the reason why the Tur above instructs one to cover his head is in order to prevent one from making a beracha without a head covering, which is a much more severe issue.

2. סימן ח, סע' ב

3. עיין קדושין דף כט: מה שמשנתב ליה רב חסדא לרב הונא ברב המנונה

The Beit Yosef however is of the opinion that the necessity to cover one's head is an **actual halachic obligation** and it would therefore be forbidden *min HaDin* to walk 4 amot without a head-covering. He therefore understands that the Tur is referring to a secondary head covering.

There are other examples from the Beit Yosef which clearly prove that he holds it is actually forbidden to walk with an uncovered head. For example, in *siman* (chapter) 46 he clearly writes that the reason why the Sages established the Birchat HaShahar morning blessing of **עוטר ישראל בתפארה** '*Who crowns Israel with splendor*' (referring to a Jew's head-covering) is because it is **אסור** *forbidden* to walk with an uncovered head! The Beit Yosef supports his theory from a section in the Talmud which describes the importance of covering one's head at all times. Tractate Shabbat⁴ records a statement from Rav Huna who was exceedingly careful in the mitzvah of always having his head covered when walking a distance of 4 amot:

אמר רב הונא בריה דרב יהושע: תיתי לי דלא סגינא ארבע אמות בגילוי הראש!

Rav Huna the son of Rav Yehoshua said:

May it (a reward) come to me, for having never walked 4 amot with an uncovered head!

We also find in tractate Kiddushin⁵ the same recording but this time a reason is given for the importance of covering one's head:

רב הונא בריה דרב יהושע לא מסגי ארבע אמות בגילוי הראש. אמר: שכונה למעלה מראשי.

Rav Huna the son of Rav Yehoshua did not walk 4 amot with an uncovered head.

He said: The Shechinah (Divine Presence) is above my head.

Just like we mentioned earlier, it is evident that the importance of covering one's head is very much connected with instilling a greater level of *yirat Shamayim* within a person.

We can see how beautifully these *sugyas* (sections) of the Talmud fit in with the opinion of the Beit Yosef. However, there are several other *sugyas* we find in the Talmud that may prove otherwise. Let us analyse each of these and illustrate how they do in fact support the Beit Yosef's opinion.

4. דף קיח:

5. דף לא

Firstly, there seems to be an outright proof from tractate Nedarim⁶ that in the Talmudic period men used to, at times, walk around with their heads uncovered!:

אנשים זימנין דמיכסו רישייהו וזימנין דמגלו רישייהו

Men sometimes have their heads covered and sometimes their heads are uncovered.

So how does this *sugya* fit in with the Beit Yosef who holds it is forbidden for a Jew to uncover his head? We can see from here that even in Talmudic times people would indeed uncover their heads at times! **Tosefot**⁷ clarifies this issue by revealing that the Gemara is only referring to incidents of **אקראי בעלמה** **random anomalies**, i.e. that it is permissible to uncover one's head randomly (for certain genuine necessities) but not on a permanent basis or not for long periods of time.

We find further another section of the Talmud which may cause difficulties for the Beit Yosef's theory. An incident is discussed in tractate Shabbat⁸ where astrologers told the mother of Rav Nahman bar Yitzhak that he was destined to become a thief. His mother was so concerned that she took the following preventative steps:

לא שבקתיה גלויי רישיה! אמרה ליה: כסי רישך כי היכי דתיהוי עלך אימתא דשמיא

She never allowed him to uncover his head! She said to him:

Cover your head so that there should be upon you the fear of Heaven...

This seems to show that if it were not for the warnings of the astrologers, Rav Huna's head would not have been covered! So could we assume from here that people of the Talmudic period did not cover their heads at all times? Surprisingly, the Maharsha⁹ answers this question almost exactly in tune with the Beit Yosef's halachic approach to head-covering. He first asks our very question that people generally should have their heads covered anyway, so what is the novelty here? The Maharsha (Rabbi Shmuel Eliezer Edeles, 1555-1631) answers that this whole incident is actually referring to a **second head covering!** Rav Huna's mother wanted to go one step further and cover his head with a second covering like a scarf or turban in order to instill in him a greater level of *yirat shamayim*.

6. דף ל':

7. שם, ד"ה אנשים.

8. דף קנ"ו:

9. שם, ד"ה גילוי.

Another incident in tractate Kiddushin¹⁰ may seem to cause difficulty for the Beit Yosef's theory. The Gemara describes a case where a person did not cover his head in front of the great Sage, Rav Yirmiya:

**רבינא הוה יתיב קמיה דר' ירמיה מדיפתי, חלף ההוא גברא קמיה ולא מיכסי רישא.
אמר: כמה חציף הא גברא...**

*Ravina was once sitting in front of Rav Yirmiya from Difti,
a certain person passed before him and did not cover his head.*

He said (Rav Yirmiya): How brazenface is that man!

This *sugya* again seems to imply that people did not cover their heads at all times and it was only fitting to cover one's head in special circumstances, e.g. like in the presence of great Sages. However, we could very easily answer this question along the same lines as the Maharsha cited above. Could we not say that the above incident is in fact dealing with the necessity of applying a second head cover in the presence of the Sages? Indeed, it is the common practice today in the Hareidi community to wear a hat in the presence of Gedolim!

Furthermore, we could in fact deduce this very theory (that the above *sugya* is referring to a secondary cover) from the specific use of words in this *sugya*. Instead of the Gemara saying that a man passed in front of Rav Yirmiya **בגילוי הראש** *with an uncovered head*, which means a completely bare head, the Gemara states that he did not **מיכסי רישא** *cover his head*. This alternative use of the word **כסוי** *cover* may indeed be an generic term for a secondary cover! As we already read in other *sugya* quoted above in tractate Shabbat (the incident of Rav Huna's mother) that the same use of the word **כסי** is used and the Maharsha understands this to be a secondary cover.

Now that we have deduced confidently that the Beit Yosef forbids one to walk 4 amot without a head cover, it is logical to conclude that his ruling in the Shulhan Aruch is from a strict halachic perspective and **not** from the simple notion of *midat hassidut*.

דף לג. 10.

So what are the main reasons why it is so fundamental for a Jew to cover his head?

Why did this become such a strong symbol of our Jewish identity?

We have already mentioned some of the main reasons; that a head covering humbles a person and instills in him a greater fear of Heaven. However, it is also interesting to note that the **Taz** (Rabbi David HaLevi, 1586-1667) who was a renowned commentator on the Shulhan Aruch, gives an additional reason why one must wear a head covering at all times. As it is known, the vast majority of non-Jews in the world are accustomed not to cover their heads whether in public or in private. And there is a severe Torah prohibition of **ובחקותיהם לא תלכו** *And you should not follow their traditions*,¹¹ i.e. that a Jew must ensure never to adopt the social or religious practices of the non-Jewish nations. The Taz therefore holds¹² that a Jew would ultimately transgress this Torah prohibition if he walked around without a head cover!

The deeper meaning behind the prohibition of walking without a head cover is actually revealed in the Holy Zohar,¹³ which writes that it is **אסור** *forbidden* to walk 4 amot with an uncovered head.¹⁴ The reason being, like the Talmud mentioned earlier, that Hashem's divine presence that is called **מלכות** *Malchut* is manifested on top of a person's head.

Once a person uncovers his head the divine presence leaves a person, which in turn has negative spiritual consequences.

In light of all that has been discussed in this essay, one can appreciate the importance of this special mitzvah of wearing a *kippa*, be it in public or in the privacy of one's own house. However, if someone found themselves in a dangerous situation *has v'shalom*, then it would be completely permissible to take off the *kippa* until the danger passes. It also goes without saying that even though the Ben Ish Hai¹⁵ rules that this halacha also strictly applies when one is either stationary or walking less than a distance of 4 amot, it however does not apply when one is in the bathroom and the like.

Rabbi Yosef Haim David

This document contains divrei Torah. Please treat it with the necessary respect.

11. ויקרא יח : ג.

12. סימן ב, ס"ק ה'.

13. בפרשת נשא דף קכב ע"ב, ועיין עוד בפרשת בלק דף קפז ע"א.

14. ומה שכתוב בזוהר רעיא מהימנא פרשת פנחס דף רמה ע"ב אסור לת"ח - אין הכוונה לחסידים אלא לכל שכשם חכם יקרא וכמו שמוכח בזוהר בלק (שם) מקרא חכם עיניו בראשו ע"ש.

15. וישלח, אות טז.