

HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

25 - MUST A KALLAH COVER HER HAIR - PART 2

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A] HAIR COVERING FOR A KALLAH¹

We saw in Part 1 that a married woman has a Torah obligation to cover her hair in public places. Nevertheless, the classic hallmark of a kallah on the way to her chupah, who in the time of the Mishna was already an arusah, was that her hair was showing.

A1] THE MISHNA IN KETUBOT

1. האשה שנתארמלה או שנתגרשה היא אומרת בתולה נשאתני והוא אומר לא כי אלא אלמנה נשאתני. אם יש עדים שיצאת בהינומא וראשה פרוע כתובתה מאתים

משנה מסכת כתובות פרק ב

The Mishna deals with a dispute over the amount of a ketuba (where the document has been lost). The wife claims a full 200 zuz on the basis that she was a betula before this marriage. Good evidence to corroborate this is that witnesses testify that she came out to the wedding with a 'hinuma' and with her hair 'parua'.

2. וראשה פרוע - אינטייבליד"ה [échevele - dishevelled]. שטרה על כתיפיה. כך היו נוהגין להוליח את הצתולות מצית אציהן לצית החתונה.

רש"י כתובות טו:

Rashi defines 'rosha paru'a' as meaning with her hair loose over her shoulders. It is not clear from here how much was covered on top over her head.

3. וראשה פרוע פל' מגולה, וכך היו נוהגין לבתולה ולא לאלמנה. והאי דאמרין ופרע את ראש האשה ותנא דבי רבי ישמעאל מכאן אזהרה לבנות ישראל שלא יצאו בפרועי ראש, איכא למימר בנשואות קא מיירי. מלקוטי הגאונים.

שיטה מקובצת מסכת כתובות טו:

The understanding of the Geonim was that the bride had her hair uncovered on the way to the wedding. Since she was not yet a nesuah and the obligation of hair-covering learnt from Sota only applies to a nesuah.

A2] THE STAGES OF MARRIAGE

Marriage today is transacted over a series of stages. Many of these are relevant in halacha.

Stage 1: 'Engagement' / Shiduchin

NOT HALACHICALLY BINDING

Stage 2: Tena'im

CREATES A BINDING FINANCIAL CONTRACT²

Stage 3: Bedeken

NISU'IN?

Stage 4: Giving the ring and the chatan saying 'harei at mekudeshet li'

ERUSIN³

1. Further detail can be found in the following articles: *When is a Kallah Required to Cover Her Hair*; R. Dovid Emanuel Feinberg, Journal of Halacha and Contemporary Society LXVIII, p102. *Kisui Rosh HaKallah Beseudat Hanisuin*, R. Yehoshua Van Dyke, Techumin 36 p113

2. Although Tena'im do not create a marital bond, breaking them was considered so serious that some poskim (such as the Vilna Gaon) considered it preferable to marry and then divorce rather than break the Tena'im.

3. Erusin creates a binding marriage which requires a get to be dissolved. In essence, he is a married man and she is a married woman but THEY are not yet a married couple.

Stage 5: Chuppah and Sheva Berachot
 Stage 6: The Yichud Room
 Stage 7: The Wedding Night
 Stage 8: Consummation of the Marriage

NISU'IN?⁴
 NISU'IN?⁵
 NISU'IN
 NISU'IN

A3] HAIR COVERING FROM ERUSIN?

4. ובתולות (שער הניון) (יט) - ר' עקיבא איגר בשם ר"י הלוי) ארוכות אסורות לילך בגילוי הראש

משנה ברורה סימן עה ס"ק יא

Although the Mishna in Ketubot stated that the kallah (who was an arusa) came out to her wedding 'rosha parua', nevertheless, there is considerable debate as to the practical halacha. The Mishna Berura rules in accordance with R' Akiva Eiger and the Mahari HaLevi⁶ that an arusa must cover her hair.

5. דמדאיטריך ליה לרש"י לפרושי התם זריש פ"ב דכתובות שער על כתיפה, כך היו נוהגים להוליא את הבתולות מצית אציהן לצית בעליהן, ש"מ דכל שעת אירוסין לא היתה יולאה בפריעת ראש כלומר הא דקתני ראש פרוע היינו שמניחה קלת סופי השערות לאחריה על כתיפה, לכן פירש"י וז"ל כך היו נוהגין להוליא את הבתולות מצית אציהן לצית בעליהן ע"כ, כלומר שאין איסור בגילוי קלת כזה מפני שכך נהגו לגלות אותה קלת מהשער לית זיה חשש הכבוד. והשתא אתי שפיר הא דקתני שילתה זכינומא וראשה פרוע ולא קתני להדיא או ראשה פרוע, אלא דתתייבדדי נהגי, שהכינומא כיסתה קלת שערות ראשה וקלת הנשאר הניחה על כתיפה צעת הכיא כפי המנהג

שו"ת מהר"י הלוי סימן ט

The Mahari HaLevi understands that Rashi in source 2 above is explaining that only the ends of the bride's hair were showing since the veil covered the top⁷. This special dispensation is permitted whilst the new bride is a 'kallah', which is the first day of the sheva berachot.

Based on this opinion, a bride would have to cover (at least most of) her hair from moment of Erusin, which would effectively mean that it has to be covered before she comes down to the chuppah (but possibly only after the bedeken).

A4] HAIR COVERING FROM NESU'IN?

One of the proofs that a woman was a betula before a wedding (and thus entitled to a full ketuba) is testimony that she was taken to the wedding with her hair uncovered (see above). The Yerushalmi questions this. What if the bride WAS a betula but had previously been a nesuah (ie she was fully married before but the marriage was not consummated).

6. וחש לומר שמא בתולה מן הנישואין היא?! זאת אומרת בתולה מן הנישואין אינה יוצאת וראשה פרוע

תלמוד ירושלמי (וילנא) מסכת כתובות פרק ב הלכה א

The Yerushalmi rules that a 'betula min hanisu'in' does not come to the the next marriage with her hair uncovered.⁸

7. והאמת שהעיקר הוא שחייבת הכלה לכסות ראשה, שכן כתב רעק"א (בהגהותיו לאו"ח סימן ע"ה בשם מהר"י הלוי) והמשנה ברורה (סי' ע"ה ס"ק י"א) שאפילו ארוסה אסורה לילך פרועת ראש וחייבת בכיסוי הראש, וא"כ כ"ש שחייבת לאחר חופה וחדר יחוד. ובירושלמי (ריש פ"ב דכתובות) איתא: 'זאת אומרת בתולה מן הנישואין אינה יוצאת וראשה פרוע', הרי מפורש שאין היתר בפריעת ראש לנשואה אפילו לא נבעלה. ולכן בוודאי ראוי שתהא לחופה עם כיסוי ראש ותשאר כן.

תשובות והנהגות כרך ה סימן שלד

On the basis of this Yerushalmi and the sources in A3 above, Rav Moshe Sternbuch rules that a kallah must come to the chupah with her hair covered.

4. Nisu'in enables the husband to inherit from his wife, to annul her vows and permits the wife of a Cohen to eat teruma (when relevant).

5. Even if standing under the Chuppah constitutes Nisu'in, according to most poskim, the wife still remains halachically a 'betula'. Only after the Yichud Room will she have a 'chezkat beulah' on the basis that they were legitimately secluded and marital relations could have occurred.

6. R. Yitzchak HaLevi - Poland, 17C. Older brother and mentor of the Taz (R' David HaLevi).

7. Although we saw above in source 3 that the Geonim learn 'rosha parua' means totally uncovered. This is also the understanding of the Gr'a on Shulchan Aruch O.C. 75:2.

8. This Yerushalmi is ruled in halacha in the Degul Mervava on Shulchan Aruch E.H 21:2.

A5] WHEN AND WHAT IS THE NESU'IN?

8. ... שיביא אותה לתוך ביתו ויתייחד עמה ויפרישנה לו, ויחוד זה הוא נקרא כניסה לחופה והוא הנקרא נשואין בכל מקום והבא על ארוסתו לשם נשואין, אחר שקידשה ... קנאה, ונעשית נשואה והרי היא כאשתו לכל דבר וצריך לברך ברכת חתנים בבית החתן קודם הנשואין. הגב: וי"א דחופה אינה יחוד, אלא כל שכביאה החתן לביתו לשם נשואין. (כ"כ הר"ן זשי"א ריש כחוצות). י"א שכחופה היא שפורסין סודר על ראשם בשעת הצרכה. וי"א דחופה בתולה משיאלה צהינמא; ... והמנהג פשוט עכשיו לקרות חופה מקום שמכניסים שם יריעה פרוסה על גבי כלונסות, ומכניסים תחתיה החתן והכלה צרבים, ומקדשה שם ומצרכין שם ברכת ארוסין ונשואין, ואח"כ מוליכים אותם לבית ואוכלים ביחד במקום לנוע, וזהו החופה הנוהגת עכשיו ...

שר"ע אה"ע נה"א

The Shulchan Aruch brings a number of opinions on what constitutes 'chuppah' to complete the Nesu'in:-

- (i) *The Mechaber brings the position of the Rambam - Chuppah is Yichud together in the chatan's actual home in a situation where they can physical consummate the marriage⁹.*
- (ii) *The Rema brings 3 other opinions - the position of the Ran that Chuppah is symbolically bringing the kallah into a private domain, even if physical relations are not possible.*
- (iii) *The position of the Orchot Chaim that Chuppah is draping a cloth - often today a talit - over the two of them.¹⁰*
- (iv) *The view of Tosafot that chuppah for a betula is her being veiled and lead to the Chatan - bedeken.*
- (v) *The Rema then records that the Ashkenazi minhag is to hold up a canopy on poles and we call that the 'Chuppah'. The Erusin and 7 brachot of Nesu'in are said under the canopy and the couple then go into a yichud room for a short time.*

9. (ט) ... עיין בצ"ח שאנו נוהגין כדברי כולם וצוקר כשמכסין ראש הכלה זה הינומי' ונקרא חופה לדעת החו"מ ומ"מ נראה פשוט כל זמן שלא נתקדשה אין חופה קונה קודם הקידושין רק כשנתקדשה נקראת למפרע נשואה לדעת התוספת ולדעת שאר הפוסקים לא נגמרו הנשואין עד שמתייחדין יחד אחר החופה ואוכלין שם במקום לנוע:

חלקת מחוקק על שולחן ערוך אבן העזר הלכות קידושין סימן נה סעיף א

Our minhag is to do ALL of these. As such, once the ceremony is complete, it may turn out that, retroactively, the kallah is a nesuah from the bedeken.

A6] HAIR COVERING FROM BEDEKEN?

If bedeken is indeed the earliest point of the wedding ceremony at which the kallah would be an eshet ish, a bride may have to cover her hair from the bedeken.

10. על כן נראה דלדין לא הוי כסוי הדינמא חופה כלל אלא הכנה לחופה

ט"ז אבן העזר סימן סה

According to many poskim - here the Taz - the bedeken we do today is not part of chuppah but rather a 'preparation' for the Chuppah. Those poskim who support the kallah covering her hair before the chuppah suggest that this preparation is precisely that - arranging for the hair to be covered beforehand so that it will be covered under the chuppah.

A7] HAIR COVERING UNDER THE CHUPPAH?

As note above, if hair-covering is required from the Erusin it will be needed immediately after the giving of the ring under the chuppah. If required from Nesu'in, then it may be required from immediately after the sheva berachot under the chuppah. As both of these are obviously impractical, this would require the kallah to cover her hair before walking down to the chuppah.

9. According to this opinion, a 'chupat niddah' where the kallah remains a niddah and the marriage cannot be consummated, will not be a valid nisu'in. Although in practice the poskim do permit a 'chupat niddah', everything possible is done to avoid it.

10. Based on Shemot 21:10 that the husband is responsible to cloth his wife and based also on Rut 3:9 where Rut asks Boaz to spread his cloth over her.

A8] HAIR COVERING AFTER THE YICHUD ROOM?

11. ... דכל שלא נבעלה מותרת להלוך כמו כל הבתולות משא"כ בנבעלה

שו"ת שבות יעקב חלק א סימן קג

According to other poskim, a woman's obligation to cover her hair is not dependant on the moment of Nisu'in and the technical kinyan, but on whether the marriage has been consummated¹¹. Before the yichud room it is not possible for the kallah to have a 'chezkat beulah' - a presumption that sexual relations may have taken place, so her hair need not be covered. But after Yichud this changes so her hair must be covered.

This is the position of many poskim as the lechatchila din, including R' Shlomo Zalman Auerbach and (according to some) R' Yaakov Kamenetzky. Rav Ovadiah Yosef - and most others in the Sefardi community - rule like the Mechaber that the only Nesu'in is Yichud. Since the minhag of the many Sefardim is NOT to go into a Yichud room after the chuppah but rather to rely on the 'real' yichud of the couple on the wedding night, Rav Ovadiah ruled that the kallah need not cover her hair at the wedding meal since she was not a full nesu'ah¹². On that basis, R' Yitzchak Yosef warns¹³ that Sefardim who wish to be 'machmir' like the Ashkenazim, and go into a Yichud Room after the Chuppah, are actually being lenient since that will constitute Nesu'in and then require the kalla to cover her hair at the meal (which is not usually done by Sefardim).

B] SO WHY DO SO MANY KALLOT NOT COVER THEIR HAIR AT THE WEDDING?

12. ומיהו אצל רבים מהחסידיים לא נהגו כן ומכסות ראשן רק למחרת, ואולי כיון שנהוג אצלם שמגלחות השערות למחר, מדמיין שאין איסור פריעת ראש אלא למחר, ואף שלדינא ברור לי שחייבת בכיסוי ראש מיד לאחר החופה, מ"מ ראיתי מקום לנסות ליישב מנהגם, שקשה לערער על רבבות בנות ישראל כשרות וצנועות שביום כפרת עוונות שלהם עוברות על איסור פריעת ראש ומכשילות את הרבים.

תשובות והנהגות כרך ה סימן שלד

Rav Moshe Sternbuch (although ruling that women should cover their hair at the chuppah) notes that many fine and observant families do not do so and the kallah only covers her hair properly after the wedding.

B1] THE YICHUD ROOM IS NOT 'REAL' YICHUD SO THE KALLAH IS NOT REALLY A NESUAH

13. והנה כתבתי כבר במק"א שעיקר חופה ונישואין היינו כשמתייחדת עמו וראויה לביאה עם מטה מוצעת אבל אם רק העמידו חופה והתייחד עמה בחדר יחוד כמקובל, אף שנעשית נשואה והוה תחילת הנישואין, מ"מ גמר הנישואין אינו אלא בחיי אישות. וכן המנהג אצל הספרדים שאין החתן והכלה נכנסים לחדר יחוד אחר החופה, רק מתייחדים יחוד גמור בלילה ואז הוא גמר נישואין. ועפ"ז נראה ליישב את המנהג הרווח של רבים מהחסידיים שאין הכלות מכסות ראשם בחופה, שנוקטים כפוסקים שארוסה מותרת לילך פרועת ראש וסוברים שרק בעולה, או עכ"פ רק נשואה שהתייחדה ביחוד גמור הראוי לביאה, אסורה לילך פרועת ראש וחייבת לכסותו.

תשובות והנהגות כרך ה סימן שלד

Our 'Yichud Room' is not at all intended for marital relations¹⁴. Everyone knows that it is simply a quiet moment for the chatan and kallah to spend together, eat a little¹⁵ and get ready for the meal (and photos!). Everyone understands that the 'real' Yichud is later on the wedding night¹⁶. As such, the kallah is still in a 'process' of Nesu'in and does not yet need to cover her hair fully.

11. Note that this raises the question as to whether single women who are not betulot DO have a technical obligation to cover their hair. This issue is discussed at length in R. Van Dyke's article in Techumin ob cit.

12. See Yeviah Omer 5 E.H. 8.

13. See Techumin 31 p252.

14. Even though some poskim are particular that the chatan should specifically rent out the Yichud Room so that it is his 'house', it is still not really the place that they call home and where there can be truly together.

15. As noted in the Rema is source 8.

16. After the wedding night, the wife will certainly have a chezkat beulah and be required to cover her hair, even though it may be the case that marriage was not actually consummated.

Many poskim, even if they may have ruled lechatchila that a kallah should cover her hair, or required this as a stringency for their own family, were prepared to accept the more lenient minhag of not covering hair on this basis. This is brought in the name of R' Shalom Zalman Auerbach, R' Aharon Kotler, R' Avigdor Miller, R' Yisroel Belsky¹⁷, R' Yaakov Kamenetsky and R' Moshe Feinstein^{18 19}.

As noted above, the Sefardim who do not use the Yichud Room at all certainly rely on this position and rule that no hair covering is required at the meal since Nesu'in has not yet been completed.

B2] EVEN IF THE KALLAH IS A NESUAH, HAIR COVERING IS ONLY BINDING AFTER CONSUMMATION

14. כי כן הכא נהיגי נשי שלא לקוץ השערות עד אחר בעילות מצוה ממש ומקפדת שתבוא אל החתן בשערות ארוכות, אולי יצא להם זה מ'יצאה בהינומה וראשה פרוע'. יהי' איך שיהי' אין השערות עומדת להתגלח בשעת טבילה עד אחר בעילת מצוה

שו"ת חתם סופר חלק ב (יורה דעה) סימן קצה

The Chatam Sofer writes that the custom in his community was that the married women would shave off their hair, but only after the marriage had actually been consummated²⁰.

R' Avraham Auerbach²¹ suggests that since the din of hair-covering is learnt from Sotah and a woman may not be a sotah unless she has first had marital relations with the husband, so too the full law of hair-covering cannot take effect until after the consummation of the marriage.

B3] THE WEDDING HALL IS NOT A 'PUBLIC PLACE' AND THE KALLAH HAS A DIFFERENT DAT YEHUDIT

Another suggestion²² is that the wedding hall is like the private place of the chatan and kallah²³ and certainly does not have the public nature of the 'shuk'. As such, the kallah does not have the Dat Moshe requirement (learnt from Sotah) to cover her hair. Rather she has the Dat Yehudit of how married women dress in their home with guests present. The kallah - in her special dress, tiara etc - has a different and special Dat Yehudit which allows her to uncover much of her hair

B4] THE KALLAH HAS A DIFFERENT DAT YEHUDIT IF SHE WEARS HER 'HINUMA'

Other poskim²⁴ suggest that even if the wedding hall is a public place, the kallah still has a different Dat Yehudit. Chazal explain (see Part 1) that the kalta head covering is sufficient to satisfy the Torah Law but is insufficient in a public place to meet the Dat Yehudit. The hinuma of the kallah is as good as a kalta. Given her special status and the focus on her looking beautiful for her chatan on the wedding day, Chazal allowed a different Dat Yehudit for her as long as she has a 'din kallah'. This view assumes that the hinuma covers a significant amount of hair and that she must keep it on throughout the wedding meal.

The minhag of the 'Perushim' in the Old Yishuv was for the bride to have her hair uncovered during the meal but to wear a 'galanda' - a type of crown.²⁵

17. See further details in *Eilu V'eilu* by R. Ari Enkin p133.

18. Rav Moshe said that there was now an *anan sahaday* (accepted testimony as to the normal position) that these days the wife does NOT have a chezkat beulah after the regular Yichud Room. According to this understanding, the Yerushalmi in source 6 which required hair covering for a nesuah was dealing with a betula min hanisuin who nevertheless did have a chezkat beula.

19. Rav Moshe's position is set out in an unpublished teshuva available at

https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0BwgoR9DvCEI_NWU5ZTBhN2ItNTQ4Mi00MzE3LWE4ZGMtZDk5NDhINDkyYWM5&hl=en_US

20. Note that it is not clear from this Chatam Sofer that the kallah's hair was actually fully uncovered during the wedding. Many poskim (see R. Wosner in Shevet HaLevi 9:259) understand that the Chatam Sofer would certainly have required the kallah to cover some or all of her hair at the wedding meal. Indeed, in Part 1 we saw that the Chatam Sofer's general position on hair-covering was very strict, requiring a married woman to cover all her hair even when on her own in her home!

21. See R' Van Dyke's article for more details.

22. R' Yehuda Henkin in Shu't Bnei Banim 3:23.

23. Some poskim advise the chatan and kallah to light Chanukah candles in the hall, as their 'bayit'.

24. See Shevet HaLevi 8:259.

25. At the wedding of Rav Avraham Kook's daughter, Batya, to Rav Shalom Natan Ra'anan the kallah wore a white tichel covering all her hair after she left the Yichud Room. Rav Van Dyke reports that R' Avraham Auerbach told him that Rav Kook was following the minhag from chu"l and not that of the Perushim.

B5] NOT TO CAST ASPERSIONS ON PREVIOUS GENERATIONS

R' Avraham Shapira (Rosh Yeshiva in Mercaz HaRav) is reported as having said that if the mother had not covered her hair at her own wedding the daughter should not - so as not to cast aspersions on previous generations - שלא להוציא לעז על דורות הראשנים. However he said that the kallah should keep her hinuma over most of her head.

B6] SHALOM BAYIT ISSUES

Rav Shlomo Zalman Auerbach²⁶, whilst requiring lechatchila that women should cover their hair before the chuppah²⁷, advised that if the kallah does not want to, or one of the families does not want her to (leading to shalom bayit issues), then the kallah can rely on the lenient opinions, especially if she wears her hinuma.

26. See Sefer *Ishai Yisrael* chap 55 n77

27. It was reported to me that Rav Yehoshua Neuwirth, a talmid muvhak of R' Auerbach, would not act as mesader kiddushin unless the kallah fully covered her hair under the chuppah.