

➤ Source 1: Question

To the honorable, wise and splendid Rav Shlomo Soussan, may he be preserved and redeemed, from illustrious family of the Jewish community of the metropolitan city of Casablanca, may G-d protect them. I received a clear letter from him and due to having been very busy I have not been able to answer until now. I saw that a wise man asked a question that regarding himself.

His wife was originally from Oujda (Morocco). She used to cover her head there. He went to Casablanca to work. He asked her to go with him and she wanted to go but without a head-covering because that was the *minhag* (custom) "in that place and moment". He did not want this and after many exchanges of letters between them and a lot of pain and [physical] suffering, she answered that she would only come without a head-covering. His parents were against this and told him and his wife should not uncover her head under any circumstance and she insisted that she would not cover her head. He is in the middle of the two parties and does not know which way to take: to listen to his parents or to his wife. So, I was asked to give my opinion about this and to give him permission/find him a justification for it to be allowed so he can show it to his parents and so he can calm the suffering and anger and bring back peace to the home.

➤ Source 2: Answer I

Answer: Know my son that the prohibition of showing the head among married women was very stringent for us here (in Meknes) and it was unquestioned and in all of the Western cities. It was likewise in all the cities before the French arrived. Within very little time, the daughters of Israel breached the fence and this aroused appalment in the city among the rabbis and wise men and laymen who feared god. Step by step this noise decreased and the voices ceased, because there was no use in any admonishment, not nicely and not fiery, because "there is nothing stronger than a woman", our sages said, and here it happens that all the women are going out with their hair uncovered and their hair loose apart from the old women, that cover their heads although not completely, since they leave the front part visible.

I saw in Tlemcen (Algeria) around thirty years ago (1924) that this was a very common thing that all women, also the elder ones, would go out without a hair-cover, with different hair-styles, just as it was spread also here (Morocco) in every city of the West.

Rav Yosef Messas

Rav Messas was one of the greatest and most creative halakhic decisors of the 20th century. He was born in 1891 in Meknes, Morocco. At the age of thirty he became the chief rabbi of Talassan, Algeria, where he lived for 17 years. He went back to Morocco and served as *dayan*. He moved to Israel and, despite his initial refusal, became rabbi of Haifa in 1963 until his death in 1974.

So I then I decided to see the positive aspect of this [legally defend it], because it is impossible to turn things back to the way they once were, because this question is developing with time, like any other thing. I tried to look for the opinion of the *poskim* before me, and I found only stringency over stringency and prohibitions and more prohibitions and I told myself that I should go further and look for the sources, the Mishna and the *Gemara* and the commentators that came before me, and maybe there I could find an opening to hope for us to come in, because it is really hard for women and their husbands to transgress this *mitzvah* whose performance is conditional upon a specific time caused by contemporary life. In the *Gemara*, in this regard, it is open and visible for all, and Thank G-d because I found many open doors that allow for permission and not only prohibitions.

➤ Source 3: Answer II

Behold! The basis of all halachic authorities, on which they built their temple high up, is he who interpreted (*darash*) Raav Ishmael: "and he uncovered/mussed the head of the woman. The women of Israel were warned not to go out with a mussed head" (Masechet ketubot, daf ע"ב. Rashi's *z"l* interpretation is that "this is a warning [to the woman] that we will do this to her, measure for a measure, to disgrace her as she disgraced her husband, from here we derive that it is forbidden". Or also, "since it's written "פרע" until that moment her hair was not uncovered, so it can be concluded that it is not the way for the daughters of Israel to go out with their hair uncovered."

- So the main difference between the first and the second interpretation is that according to the first one, the meaning of showing the hair is to humiliate her in public [to make her look not respectable], the way she did to her lover when she was uncovered, it is derived that it is forbidden for us to uncover her in public to humiliate her for the sake of it, so the Torah allows to do this as measure for measure but forbids it for the purpose of just humiliation.
- But there is no prohibition against her showing her head, if she wants to make herself look not respectful, she can do it any time, in every place, in the house and in the field.
- According to the second interpretation, "פרע", that until that moment her hair wasn't uncovered, what does this mean? That it is not the way of the daughters of Israel to go out uncovered, so it is forbidden for her to uncover her hair [she shouldn't go against the norm], and because of this it is written that she won't change the ways of the daughters of Israel under any circumstance.

- See that from the first interpretation there is no prohibition for her since there is no humiliation and if she wants to make herself unattractive/uncovered that she will make herself so.
- And according to the second interpretation, there is also no prohibition to reveal her hair, there is only the custom among the daughters of Israel that used to wear head-covering, because they thought it to be related to modesty, and showing the hair was considered as breaking that modesty boundary, and it is related to this that we had that warning from the Tora: a negative commandment became a custom among the daughters of Israel

And thus, here all the daughters of Israel agreed that the head-covering is not connected to modesty, and that there is nothing wrong nor inappropriate in showing their hair. Quite the contrary: they see that showing their hair is their praise, their beauty, their wonder, their splendor and the woman shows it proudly in front of her husband and her lover [meaning, everywhere] so the forbidden was uprooted from its essence and has become permissible

➤ Source 4: Answer III

Over and above this, understanding what Rabbi Ishamel says, the meaning of this word is not what it seems on a surface level [that the problem is uncovering her hair] but the problem stands on two legs [there's two issues]. There are two negative things: one is revealing/showing the hair, and another to dishevel her hair. This is also speaking about the fact that they [the Cohen] are not only uncovering but also making her hair disheveled.

"*Parah rosh haisha*" is not only her head but also her body. What is this "*parah*"? The Cohen destroys the way her hair was put together, he takes apart the braids and he leaves it loose and disheveled. And this is relevant also in our times that a woman who has long hair, arranges her hair in a certain way, and if we ruin the whole arrangement of her hair and make it look messed up this is also a negative thing that is being done to her. And this also was written by Yosef Caro that women shouldn't go "*peruot rosh*" but this means that they shouldn't go out with their hair disheveled/not tidy.

In the time of Rabbi Ishmael it doesn't mean that women should go out uncovered but that they should look respectable because if not why did the Cohen have to make her hair look disheveled and not only uncover it only? So also in their time it wasn't a question of uncovering.

➤ Answer IV

The upshot of all this that the question of head-covering was a custom. Not because of any halachic obligation. In earlier times this was considered modesty. Somebody who did the opposite of the custom was considered sexually immodest/ promiscuous. But now, when all of the women agreed that there is nothing disgraceful, that there is in the "kisui

rosh" has nothing to do with modesty but hypocrisy and a transgression against a commandment that is caused by time. If so, its prohibition went away.

If you'll say that because now these women act as if it was permitted, is it now suddenly not forbidden? This is not a serious question. Because, first, this was never a prohibition, but a *minhag* whose rationale has ceased to apply. Because I am going to show you that even if something was explicitly forbidden for a specific reason and now that reason ceases to exist, the prohibition ceases to exist.

You left an uncovered beverage at night and it's forbidden to drink because maybe a snake drank from it and some of its poison stayed. Something dangerous is even worse than a religious prohibition and because of this it was decided that it was forbidden like it is written in the *tosefot* of *Beitsa* that the rabbis gathered and decided that this was forbidden. Nevertheless, now, that snakes are not coming in our homes, it's permitted. Like Yosef Caro wrote: that was only because at that time snakes would come into their houses but now it's permitted

➤ Answer V

Furthermore we found, the gaon Moshe El Ashkar [16th century, north Africa, expelled from Spain] , in his responsa "you my friend asked, if we have to be concerned with women who uncover part of their hair so people would see that it's good looking, because we have heard someone that instructed them that it's completely forbidden and its explicitly said "a woman's hair is like nakedness". Answer: there is no grounds for concern about this hair that the women are not covering because it's now customary that women do that. And even at the time of reciting *kiriat shema*, the statement that you cannot say *kiriat shema* in front a naked woman.

- What does "nakedness" mean in this context? Some say that she is dressed but her hair is uncovered. This is only discussing something that is usually covered. Something that in society is usually uncovered cannot be nakedness. Rav Yiah, and El Ashkar quotes him, that all these people that say that a woman's hair is nakedness, they are talking only about hair that is usually not revealed. But a single woman we do not consider her to be naked. He added that even if women come from places that the norm was to cover their hair, it is permitted for them to uncover their hair in the new place.
- We will add something that is known by everything even by a simple student, that in our times, that all the women reveal all of the hair, just as in Medieval Europe the unmarried woman's hair was considered fine, and it was only the hair of the married women that was a problem. But now in our times, the status of the married women is the same as the unmarried women. All of them in unison agree to have their hair revealed. Because what is the reason for the unmarried women? Because

Hair covering not obligatory for married women: an answer by Rav Yosef Messas in
Morocco (1954)
Angy Cohen (Beit Midrash Arevot)

they are used to the fact that having it uncovered is not considered promiscuous. The same thing applies in our times to married women that are used to having their hair revealed. And there is no promiscuous thing here, G-d forbid.

- If women's hair is like nakedness, what is the reason that the hair of the single women is not forbidden? Men are used to seeing women's hair and it does not cause them any sexual response. The same is true of our married women, who are used to having their hair uncovered. And any man can observe this from his own experience: that he sees thousands of women uncovered and they have no reaction to this. But somebody who does become involved in sexual thoughts it is not because of any hair that he has these sexual thoughts.

This is, my friend, what seems to my limited understanding, obvious and all of this matter. I could go on and bring you additional material about this, but I do not have free time to do that, there is no longer need to go further to expand about this. And the eyes of your parents will see this and will be happy and that there your whole life will be quiet and peaceful.