



## **DRESSING LIKE A JEW IN PUBLIC**

**B**eyond historical narrative, the Pesach Seder also looks toward the ultimate Geula and the coming of Moshiach.<sup>1</sup> It is no surprise that just after we open the Haggada to “*Ha Lachma Ania*,” we already look forward to “Next year in Eretz Yisrael.” Therefore, to create a portrait of how the Jews survived in Egypt and were then redeemed is to describe how the Jew of today can also help bring the future *yeshua*. To play on the words of the prophet Micha (7:15): *kimei tzeitcha Me’Eretz Mitzrayim arenu nijlaot* — Hashem will perform miracles for us in the future, when we emulate the actions of our ancestors on the eve of the very first Pesach.

Our tradition teaches that one of the key merits leading to *yetziat Mitzrayim* was, “*lo shinu et levusham*” — the fact that Jews maintained a distinct form of dress throughout the exile in Egypt.<sup>2</sup>

Perhaps the most prominent and common form of Jewish apparel today is the yarmulke. Not long ago, many — perhaps most — Orthodox men in America, did not wear a yarmulke outside of the home or shul and certainly not at work, fearing discrimination or worse. In recent decades, trends have changed dramatically and the yarmulke is a common site in academic, corporate and commercial settings. However,

in an age of increased anti-Semitism, Jews around the world are more wary of risks involved in visibly identifying as religious Jews. Indeed, there is merit to this sentiment, especially in more hostile surroundings. Choosing to display or not to display one’s Jewish identity is a question that must be evaluated based on individualized circumstances. Using the yarmulke as our framework, we will attempt to present Torah attitudes and practical perspectives that are pertinent to such an assessment.

The notion of a Jewish male head covering, such as a yarmulke, can be found in several Talmudic sources.<sup>3</sup> However, the nature and extent of the

obligation to cover the head is unclear. Indeed, wearing a yarmulke has been the accepted hallmark of a Jewish male for generations. However, some of these sources suggest that the practice was originally mandated or reserved only for married men or only for distinguished scholars. Some sources indicate that a head covering is only absolutely needed when pronouncing words of Torah, prayer or the like. Still other sources suggest that in a shul, a covered head is enforceable across the board.<sup>4</sup>

Regardless, the purpose is clear. A head covering is meant to evoke a variety of pious behaviors and emotions required of a Jew at all times. Rav Huna Brei D'Rav Yehoshua (*Shabbos* 118b) states that primarily, it serves as a constant reminder that Hashem's presence is always above one's head. Indeed, many associate the word "yarmulke" with the Aramaic term "*yirah D'Malka*" (fear of the King; though the etymology of the word is likely Polish). *Chatam Sofer* adds that a head covering engenders humility,<sup>5</sup> another dimension of the cognizance of Hashem's presence.<sup>6</sup> The Rambam also mentions a head covering as an expression of modesty, similar to the *tzniut* inherent in covering other parts of the body.<sup>7</sup>

The common thread linking these explanations provides the ethical value, but not an ironclad halachic obligation, to wear a yarmulke. Indeed, the Vilna Gaon and other poskim explain that all references in Chazal and *Shulchan Aruch* to the notion of a head covering should categorically be understood as *midat chassidut* (a pious practice).<sup>8</sup>

Nonetheless, various Achronim present arguments that deem the yarmulke as mandated by halacha,

at least in the current era of Jewish history. Most notably, *Taz* observes that a head covering became an actual requirement as it became standard practice for non-Jewish men to appear bareheaded. In other words, covering one's head is a function of the prohibition of *chukot hagoyim*, to avoid patently non-Jewish or idolatrous practices.<sup>9</sup> Conversely, others note that the widespread custom — across the board in Ashkenazic communities and beyond — to cover the head at all times becomes normative by force of the concept of *minhag Yisrael*.<sup>10</sup> Either of these approaches give rise to the notion that the yarmulke is the "*levusham*" of today; a patently Jewish mode of dress, akin to those adhered to by those who merited the Exodus from Egypt. Rav Ovadia Yosef adds that one who fails to cover his head may also be suspected of non-observance. This is a violation of the command, *v'hiyitem nikiim* (Bamidbar, 32:1), requiring all Jews to remain above suspicion of any wrongdoing.<sup>11</sup>

In several responsa, Rav Moshe Feinstein surveys the earlier opinions on this matter, and concludes that the Vilna Gaon's assessment is authoritative; in particular, he questions the applicability of the *Taz*'s statement in 20<sup>th</sup>-century America. Rav Moshe describes the yarmulke as a "good and holy custom." As such, he rules that one need not sacrifice his job prospects or livelihood if an employer will perhaps object to his head covering and dismiss him from work.<sup>12</sup> Such a sacrifice would be even greater than one must make to fulfill an actual positive Torah commandment.<sup>13</sup> It is important to consider that Rav Moshe's decision is almost 40 years old. Presumably, the job market is much more

open and accessible today to the observant, yarmulke-wearing man, and employment opportunities will be reasonably available, even if one argues that discrimination still exists to some extent.

Nevertheless, here we find a paradigm for practical limitations to the obligation to wear a yarmulke. But what if an individual would not lose his job, but might be subject to derision or anti-Semitic reactions if he appears in public wearing a yarmulke? In one *teshuva*, Rav Moshe adds the following caveat to the above leniency:

אבל ודאי רק במקום עבודתו שעל זה הוא מקפידין יהיה רשאי, אבל כשיצא לחדר אחר וכל שכן כשיצא לשוק יהיה אסור אף אם ילעיגו עליו כיון שלא יפסיד משרתו ועבודתו בשביל זה.

*Certainly, it is only in his place of work that he is permitted [to uncover his head], for it is to this [his employer] objects. However, when he goes to a separate room and certainly when he is walking in the street, it is prohibited, even if they will ridicule him, for he will still not lose his position and his job as a result.*<sup>14</sup>

Rav Moshe's words echo Rema's opening remarks to *Shulchan Aruch* where he exhorts the reader never to be ashamed of his performance of mitzvot, even in the face of ridicule.<sup>15</sup> Indeed, Rav Moshe's words are likely instructive for very common settings that one encounters in today's corporate America. Of course, in a scenario or environment where legitimate concerns for risk of life or significant injury exist, the obligation would not apply.<sup>16</sup>

However, under consideration in the broader Jewish community today is the question of whether one should avoid religious identification

purely for the sake of “not standing out.” Perhaps assuming a more homogenous role in our general surroundings would allow the flames of bias against Jews to more quickly subside.

Beyond yarmulkes *per se*, extensive Halachic literature exists surrounding the general permissibility of disguising one’s Jewish identity. *Shulchan Aruch*<sup>17</sup> clearly states that one may not state that he is a non-Jew, even if his life is otherwise endangered.<sup>18</sup> However, one may in fact alter his mode of dress so that he does not appear to be Jewish in order to save his life.

However, lesser considerations, such as financial, would not give one the right to hide his Judaism. Rosh states that dressing like a non-Jew to hide one’s religious identity is prohibited even if one is doing so merely to avoid excessive taxes levied specifically upon Jews.<sup>19</sup> Walking bareheaded would certainly fall in this category, as it is a distinctly non-Jewish mode of appearance. Moreover, Ridvaz is concerned that an individual who appears as a non-Jew may ultimately be recognized as a Jew at some later point. This would constitute a *chilul Hashem* (desecration of G-d’s name), for onlookers may perceive the non-Jewish style of dress as a laxity in Torah observance for the sake of some material gain, for example.<sup>20</sup> The notion of adopting a secular style of dress, such as removing one’s head covering, will not necessarily violate *chukot hagoyim*, but would still risk a *chilul Hashem*.

Essentially, this approach underlies Rav Moshe Feinstein’s opinion quoted above. Permission to remove one’s head covering at work is not predicated on creating circumstances whereby the Jewish employee is no

different than his non-Jewish fellow and his identity is hidden. Rather, it is in response to the particular “*hakpada*” of the employer or the work environment.

As such, other forms of reasonable Jewish identification, besides wearing a yarmulke, are appropriate and required in a work environment so as not to disguise one’s religion unnecessarily. For example, employer-excused absences from the office due to prayer or holiday observance should not be “covered up” with alibis to prevent coworkers from discovering one’s Jewish identity.

R. Yonah of Gerona exhorts that one should never alter his style of speech in order to go undetected among non-Jews.<sup>21</sup> Furthermore, if he is mistaken as a non-Jew, he should be careful to correct the error by identifying as a Jew. *Sefer Chasidim* identifies a midrash as a source for this. Chazal explain that Yosef’s remains were ultimately brought to Israel because he allowed his Jewish identity to be known, even in the hostile environment of Egypt. Moshe, on the other hand, was described as an Egyptian by the daughters of Yitro, yet he did not correct their mistake. As a result, his bones were not allowed to enter Israel after his death.<sup>22</sup>

In a public address in honor of Yom Ha’atzmaut (5718/1958), Rav Soloveitchik zt”l extolled the privileges gained through the establishment of the State of Israel. In particular, he noted a shift among Jews worldwide to feel more comfortable identifying publicly as Jews with loyalty to Eretz Yisrael, our national homeland. It marked a trend toward returning to the characteristic Jewish visibility that was unfortunately abandoned by many during the Age

of Enlightenment.<sup>23</sup> He personally lamented encountering individuals — otherwise observant and learned — who nonetheless failed to display their Judaism in an outward and recognizable fashion.<sup>24</sup> Echoing *drashot* of R. Yitzchak Yaakov Reiness and R. Meir Shapiro, he explained that the “*havdala*,” the distinction between Jew and non-Jew, must be as stark and self-evident as the difference, “*bein or l’chosech*,” between light and dark.<sup>25</sup> This imperative was communicated to us through Hashem’s choice of giving the Torah initially in an obvious and ostentatious display of Klal Yisrael’s unique selection as His people. Though the second Luchot — given without fanfare — ultimately endured, overt identification of the Jews was necessary first and foremost.<sup>26</sup>

Besides the ideological implications of minimizing Jewish visibility, there are also practical considerations. To communicate this lesson, Chazal relate a story about an individual who was mistaken for a non-Jew because he did not wash his hands for bread in a public setting. Though he was otherwise kashrut observant, he was served *neveila* (unslaughtered meat) by the proprietor of a restaurant who assumed, because he did not identify with patently Jewish practices, that he was in fact a gentile.<sup>27</sup> When one upholds his religious standards to the utmost, those in his environs are signaled and perhaps encouraged to support his behavior. If his identity is obscured, others will neither be aware nor enabled to facilitate. Many people find themselves in work environments commonly graced by inappropriate speech or immoral discussion. Anecdotes abound of individuals who distinguish themselves by their scrupulous religious standards and inspire coworkers to keep

negative influences away from their Orthodox peers. Not only is this a *kiddush Hashem*, it also assists Jewish employees in further preserving their observance.<sup>28</sup>

Furthermore, the aforementioned responsum of Ridvaz cautions the individual himself against disguising as a gentile. He cites popularly familiar experiences that demonstrate the deleterious religious effects of eliminating one's Jewish appearance when among non-Jews (contemporary *poskim* attest to this danger as well<sup>29</sup>). Distinct Jewish practices and dress remind one of his values and morals, should he otherwise be tempted to sin.<sup>30</sup> If one decides to remove symbols that help maintain religious standards, the challenge of being swayed by one's surroundings is greatly amplified. On the other hand, if one comports himself from the beginning as an observant Jew, he may not have to navigate halachic obstacles later. Employer expectations appropriate to his beliefs and practices will have already been established. Indeed, Rashbam comments that the Jews' style of dress in Egypt remained unique precisely to assure that the Jews themselves would *not* blend in with their neighbors.<sup>31</sup>

Additionally, in the absence of danger, wearing a yarmulke presents an opportunity for educating the non-Jews we interact with. In a classic *teshuva*, R. Yaakov Reicher<sup>32</sup> addresses a community that was to be visited by a nobleman at the local shul. The expectation, given gentile cultural norms of etiquette, was for all present to bare their heads when greeting the nobleman — particularly problematic in the Beit HaKnesset. Ultimately, R. Reicher concludes that it is permissible for

men to remove their yarmulkes for the sake of “*shlom malchut*,” to maintain favorable rapport with the officials. Nonetheless, he suggests that it is an opportunity to educate the gentiles of the gravity of the tradition; this endeavor might breed greater understanding and respect for Jews and Judaism.<sup>33</sup>

The question at hand potentially carries implications beyond Jewish law and thought. Less than a year ago, in response to increased anti-Semitic attacks in Europe, Felix Klein, Germany's ombudsman in the country's effort against anti-Semitism, publicly discouraged the Jewish population from wearing yarmulkes by stating, “I cannot recommend to Jews that they wear the skullcap at all times everywhere in Germany.” Klein was censured by political figures around the world, including Israeli President Reuven Rivlin, who responded, “We will never submit, will never lower our gaze and will never react to anti-Semitism with defeatism — and expect and demand our allies act in the same way.” The German public took action, with many cities holding marches and rallies where individuals of all faiths wore yarmulkes in solidarity with the Jews. Bavarian Interior Minister Joachim Herrmann urged Jews to ignore Klein's statement; the alternative would be giving in to the far-right political influence. “If we cave in to hatred towards Jews, we are doing nothing other than handing the playing field to rightwing ideology,” Herrmann said.<sup>34</sup> “Everyone can and should wear his skullcap wherever and whenever he wants.”<sup>35</sup>

As we have seen, there are circumstances that force a Jew to remove his yarmulke or replace it with

another form of head covering. Even when the safety and welfare of Jews is at stake, individual situations require a balanced approach to evaluate if these risks justify abandoning this time-honored tradition and its meaning.

In the 1986 United States Supreme Court case *Goldman v. Weinberger*, the majority opinion ruled that Air Force Capt. Rabbi Simcha Goldman could not wear a yarmulke inside the military hospital in which he served as a psychologist. On the other hand, Justice William Brennan argued in favor of Rabbi Goldman's right to wear a yarmulke as part of the minority. The religious and socio-political considerations that have informed our discussion are largely paraphrased in the words of his dissent:

*Simcha Goldman invokes this Court's protection of his First Amendment right to fulfill one of the traditional religious obligations of a male Orthodox Jew — to cover his head before an omnipresent G-d... In addition to its religious significance for the wearer, the yarmulke may evoke the deepest respect and admiration — the symbol of a distinguished tradition and an eloquent rebuke to the ugliness of antisemitism.*<sup>36</sup>

## Endnotes

1. See Rav Saadia Gaon, *Emunot V'Deot* 8; *Sefer Mitzvot Katan*, Mitzva 1, *Ba'al HaTurim*, Shemot 12:42 (Torah Temima, *ibid.*).
2. See *Psikta Zutreta (Lekach Tov)* Vaera 6:6. (See also *Ki Tavo* 46a). See also *Ha'amek Davar*, Shemot 2:19. Netziv explains that Chazal derived this from the fact that Yitro's daughters identified Moshe as an Egyptian. He spoke and dressed as a member of the royal family, while all other Jews spoke *Lashon HaKodesh* and dressed in their traditional garb.
3. See *Brachot* 60b, *Shabbat* 118a and 156b, *Kiddushin* 31a.
4. See *Shulchan Aruch* O.C. 91:3.

5. *Shut Chatam Sofer* vol. 6, Likutim 2.
6. *Sefer Hamanhig*, Tefilla 87.
7. *Mishna Torah*, *Hilchot Deot* 5:6.
8. *Beur HaGra*, O.C. 8:2.
9. *Vayikra* 18:3.
10. *Shut Yabia Omer* vol. 9 (1:7). See *Nefesh HaRav*, pg. 150. See also *Chafetz Chaim Al HaTorah*, pg. 197.
11. *Shut Afarsika D'Ania*, vol. 4, 362.
12. See *Igrot Moshe*, O.C. 4:2 and Y.D. 4:11 where he suggests that wearing a hat, if possible, is preferable. Cf. *Beit Yitzchak* vol. 36, pg. 320.
13. On the other hand, negative mitzvot must be observed even if all of one's assets must be sacrificed to avoid the prohibition. See *Shulchan Aruch*, O.C. 651:1.
14. *Igrot Moshe*, C.M. 1:93.
15. O.C. 1:1.
16. For a discussion of the use of a hairpiece by a man in place of a yarmulke, see *Otzar HaKippa* vol. 1, pg. 426.
17. Y.D. 157:2.
18. See *Chashukei Chemed*, *Avoda Zara* 19a.
19. *Avoda Zara* 2:4.
20. *Shut Ridvaz*, 4:65.
21. *Sefer HaYirah*, 82
22. *Sefer Chasidim* 117, based on *Bereishit Rabba* 2:8.
23. See *MiPinei HaRav*, pp. 386-388.
24. Personal conversation with Rav Hershel Schachter Shlit"a.
25. See *Divrei HaRav* pg. 143 regarding asking a non-Jewish teacher in a Jewish school to wear a yarmulke when teaching. Rav Moshe Feinstein ruled that the teacher should be asked to do so. Rav Soloveitchik held it was not necessary, while Rav Aharon Kotler felt that he should specifically not be asked to wear a yarmulke so that a clear delineation would be made between the Jewish and non-Jewish faculty.
26. See *Imrei Da'at* vol. 1, pg. 179.
27. See *Chulin* 106a and Rashi *ibid.*, s.v. *He'achilo*.
28. See *Shmirat HaLashon*, vol. 1 *Sha'ar* *HaZechira* chap. 12.
29. See, for example, *Shut Be'er Moshe*, vol. 8, 44.
30. See *Menachot* 54a.
31. Rashbam, commentary to the Haggada, *Vayehi Sham L'Goy*.
32. *Shut Shvut Yaakov*, vol. 3, 5.
33. See also *Shut Terumat Hadeshen*, Siman 197.
34. <https://www.theguardian.com/world/2019/may/31/germans-urged-wear-kippah-protest-antisemitism>.
35. <https://www.nbcnews.com/news/world/german-official-advises-jews-avoid-wearing-traditional-yarmulkes-amid-rising-n1010381>.
36. <https://www.loc.gov/item/usrep475503/>.

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