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## **The Transformation of American Jewry and Men's Headgear:**

The Story of the Yarmulke from 1945 to 1975

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## *Introduction*

On September 13<sup>th</sup> of 1970, the *New York Times* marveled that “New York is probably the only state where candidates campaign with yarmulkes in their pockets—if they’re not already on their heads— and with good reason.”<sup>1</sup> In the city with the largest Jewish population in the world, the yarmulke was the identifying religious and cultural symbol marking one as a Jew and displaying identification with the Jewish community. According to the *Times* report, even gentile politicians would don this uniquely Jewish garment. Yet, until just a few years earlier American Jews shunned yarmulkes, avoiding wearing them in public for fear of ridicule, violence, or unwanted attention, leading most Jewish men to go bareheaded or wear a hat instead.<sup>2</sup> Over the course of the years from 1945, marking the end of World War II, to the early 1970s, American Jews began wearing yarmulkes openly in much greater numbers and contesting policies across public life that restricted or prohibited male headgear.<sup>3</sup>

This thesis considers the change between the early period of the twentieth century where the yarmulke was rarely worn in public or written about in the media and the postwar years from 1945 through the 1970s, when there was a minor eruption of writing about Jewish head covering followed by gradual acceptance in general public institutions. What inspired American Jews to challenge the status quo and stand up for a practice that would differentiate them from their peers and colleagues? Why did Jews across the religious spectrum take up instruments of advocacy and legal action to ensure protection

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<sup>1</sup> “How the Candidates Go After the Jewish Vote,” *New York Times*, 13 September, 1970.

<sup>2</sup> Lawrence Grossman, “The Kippah Comes to America” in *Continuity and Change: A Festschrift in Honor of Irving (Yitz) Greenberg’s 75th Birthday*, 2010, 134-35.

<sup>3</sup> There is scholarly debate as to the etymology of the word “yarmulke,” but regardless of etymology it connotes some sort of hat or head covering. See Eric Silverman, *A Cultural History of Jewish Dress*. London: Bloomsbury, 2013, 162-63.

Jewish male head covering have been and continue to be additionally referred to as “skull caps,” “kippahs,” or “kippot.”

for those who opted to wear yarmulkes, when they believed, at most, that male head covering was not a religious obligation, but rather a “pious practice,” custom or symbol?<sup>4</sup> Finally, considering that according to Jewish tradition, any head covering is sufficient, why was it the yarmulke that became the overwhelming favorite?

Over the course of the twentieth century, American society went from a model of a melting pot culture, pressuring each distinct minority group to conform to America, to one of “cultural pluralism” which recognized and even embraced the unique contribution of distinct cultures.<sup>5</sup> The changing demographics of the Jewish community after WWII and developments in American fashion were important factors in the increasing popularity of the yarmulke. However, this thesis focuses on the evolving cultural climate of America moving toward greater embrace of distinct ethnicities and religions. This trend converged with decreasing anti-Semitism to lay the groundwork for Jews to publicly affirm their religious identity by wearing yarmulkes.

In the postwar years, Jews and non-Jews alike elevated Judaism to a status of “third faith” in America alongside Catholicism and Protestantism.<sup>6</sup> The general rising interest in religion in the 1950s as well as the context of the civil rights and counterculture movements of the ‘60s combined to create a more tolerant atmosphere amenable to public display of Jewish identity. This new sense of cultural openness gave American Jews the confidence to proudly articulate the importance of male head covering to each other through articles written in Jewish publications. This was soon followed by

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<sup>4</sup> On the religious weight of the yarmulke see chapter 2 below. The view of Jews at the time, recognizing the symbolic significance of the yarmulke, is apparent from the memoranda and correspondences discussed there and found in the archives of the American Jewish Committee, box 318, folders 11-12 housed at the American Jewish Historical Society, as will be discussed below.

<sup>5</sup> Lawrence Grossman, “The Kippah Comes to America,” 141-43.

<sup>6</sup> Jonathan Sarna, *American Judaism: A History*. New Haven: Yale UP, 2004, 275.

demanding tolerance of the practice from American society as a whole in the courtroom, public school, and workplace.<sup>7</sup>

The Jewish custom of wearing yarmulkes or *kippot* has become an important marker of Orthodox Jewish identity in many communities worldwide. Orthodox men wore yarmulkes most uniformly but some Conservative men also chose to cover their heads during the postwar period. For the purposes of this thesis I will often refer to the Orthodox as “traditional,” or “observant” Jews, terms that were generally used to refer to Orthodox Jews during the 1950s and 60s but can also denote Conservative Jews committed to Jewish law and ritual. Orthodox, Conservative and Reform are considered the three major denominations in Judaism in America with Orthodox seen as most traditional, and Conservative and Reform, respectively, increasingly liberal.<sup>8</sup> Yarmulkes have increased most dramatically in the Orthodox community such that it has become a standard mode of identification for Orthodox men, so this group will be the focus of most of this thesis. Nonetheless, change in attitude towards male head covering throughout the broader Jewish community was essential in facilitating accommodation of the practice in the American public sphere.

This thesis addresses a key time in the development of the practice among American Jews, from the beginning of a Jewish postwar revival in America in the mid 1940s, to the early 1970s, by which time even gentiles wore yarmulkes to court Jewish support. The development and treatment of the yarmulke during those years reveals the

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<sup>7</sup> Ibid., 277-82.

<sup>8</sup> I will focus on head covering for men. Jewish women advocating wearing *kippot* did emerge in the twentieth century as part of the feminist movement in the Conservative community (and seemingly particularly among female rabbinical students), distinct from the factors that went into the development of the yarmulke among men. The increasing practice of some married women in the Orthodox community to cover their hair over the course of the twentieth century may be related to the increase in yarmulkes, but will not be treated in this study.

increasing confidence of Jews in their religious identity, along with cultural and ideological shifts towards multiculturalism in America. The reasons given for Jews to wear yarmulkes as well as the activism of Jewish organizations in securing the freedom to wear yarmulkes demonstrates the growing security of the American Jewish community in the United States and its complete integration into American culture.

### *Literature Review*

Eric Zimmer's "Men's Headcovering: The Metamorphosis of This Practice" provides a thorough review of the Jewish legal literature on the topic of men's head covering, documenting the evolution from the Talmud, compiled over a period of several hundred years ending in the sixth or seventh century, until present times. Zimmer includes an impressive array of sources from all geographic areas around the world where Jews were located, demonstrating the vast difference in practice and attitude between rabbinic authorities over the centuries. This essay is integral to an analysis and background of the development of Jewish legal sources on the topic of wearing yarmulkes. However, Zimmer focuses on the development of the approach of Jewish legal authorities towards the practice, without analyzing the broader historical and sociological context of America in depth.<sup>9</sup>

In a serious, yet entertaining study of Orthodox Jewish historiography published in the Jewish journal *Hakirah*, Dan Rabinowitz documents numerous instances of censorship, alteration of legal sources and doctoring of images that might suggest that head coverings for Jewish males are anything but an absolute obligation. Included in his analysis entitled "Yarmulke: A Historic Cover- Up?" and complete with pictures, are

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<sup>9</sup> Eric Zimmer, "Men's Headcovering: The Metamorphosis of This Practice." *Reverence, Righteousness, and Rahamanut: Essays in Memory of Rabbi Dr. Leo Jung*. Ed. Jacob J. Schacter. Northvale, NJ: J. Aronson, 1992, 348-49.

cases in which the appearances of rabbinic luminaries in past pictures were altered to ensure that they do not appear bareheaded.<sup>10</sup> He presents these developments as evidence to the lateness of the intensification of the yarmulke's weight in the Jewish community. In his words, "a study of the sources would allow one to conclude that the yarmulke is indeed important, though its absence is not necessarily grave."<sup>11</sup> His study highlights where Jewish head covering started—as a pious practice dependent on the local norms of the community—and where it would ultimately end up, with some Orthodox publications attempting to hide the fact that observant Jews ever walked bare headed.

The change among many male observant American Jews who began wearing yarmulkes in public during the postwar years highlights the broader shift that occurred at the time in the way American Jews viewed their religion and background. Jenna Joselit's *New York's Jewish Jews* shows that the yarmulke was considered an "indoor garment" by the American Orthodox community in early to mid-twentieth century America. Her work details the norms of male head covering during the first part of the twentieth century, noting that Orthodox Jews only wore the yarmulke in the private domain of home, synagogue or Jewish school during the early twentieth century.<sup>12</sup>

Joselit's research is limited, however, because her primary sources consist primarily of synagogue archives and diaries from the observant Jews of upper Manhattan.<sup>13</sup> These Manhattan Jews may have been more acculturated, wealthier or otherwise distinguished from Orthodox Jews in other parts of the city such as Brooklyn

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<sup>10</sup> Dan Rabinowitz, "Yarmulke: A Historic Cover- Up?" *Hakirah: The Flatbush Journal of Jewish Law and Thought* 4 (2007), 221-238.

<sup>11</sup> *Ibid.*, 235.

<sup>12</sup> Jenna Weissman Joselit, *New York's Jewish Jews: The Orthodox Community in the Interwar Years*. Bloomington: Indiana UP, 1990, 20-24.

<sup>13</sup> Jenna Weissman Joselit, *New York's Jewish Jews: The Orthodox Community in the Interwar Years*. Bloomington: Indiana UP, 1990, 151-153.



or around the rest of the country. She argues that this New York Orthodox community of the interwar years attempted to fuse modernity with traditional observance in a way that wasn't "emphatic" or "obtrusive," making wearing a yarmulke publicly out of the question.<sup>14</sup>

After depicting the lives of these Orthodox Jews of Manhattan, Joselit highlights the transition that occurred when the Eastern European Jews arrived after WWII with their generally more stringent religious lifestyle.<sup>15</sup> This influx led in part to an intensification of religious ritual observance among observant Jews in America. The most fervently observant Orthodox Jews generally denounced immigration to America prior to WWII, seeing it as a place of grave spiritual danger. During and after the war, these Jews came to the U.S. of necessity and likely had an effect on the subsequent increase in commitment to Jewish practice and open public religious identification among American Jews.<sup>16</sup>

In addition to the changing demographics of the 1940s and 50s, evolving styles and fashion during these years also contributed to placing yarmulkes on the map for American Jews. Joselit alludes to the fact that yarmulkes were simply unattractive during the early twentieth century; they were made of cheap rayon material that was uncomfortable and these yarmulkes were often too big and perched awkwardly on the head.<sup>17</sup> Surely some Jews appreciated the introduction of yarmulkes with many designs and materials that could be worn more inconspicuously and comfortably. However,

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<sup>14</sup> Ibid., 21.

<sup>15</sup> Ibid., 147-150.

<sup>16</sup> Sarna, *American Judaism*, 296-304.

<sup>17</sup> Joselit, *New York's Jewish Jews*, 160, note 12.

improved aesthetics were undoubtedly more a function of the increase in popularity of the yarmulke, not the cause of it.

Accompanying the changing aesthetics of the yarmulke was a broader shift in the fashion of the 1940s and 1950s, away from hats and towards bare headedness. No longer could Jews fulfill the religious practice of head covering by inconspicuously sporting a hat, because hats were now a conspicuous sight. Instead, some Jews made the decision to wear yarmulkes even in public. In *A Cultural History of Jewish Dress*, Eric Silverman describes the genesis and development of the practice of wearing yarmulkes from ancient times until the present, arguing broadly that Jewish dress evolved to adapt to cultural norms and incorporate secular customs into Jewish society. Consistent with his basic thesis, he contends that the yarmulke's history highlights the tension between the distinctiveness preserved by wearing such a garment, while also supporting and enabling Jewish acculturation, through the varying styles of yarmulkes that became popularized.<sup>18</sup>

Silverman provides a brief survey of the Jewish legal (halakha) history as well as a socio-cultural history of the yarmulke. He claims that the yarmulke did not take on its role as the central identifying feature for Jewish males until the mid-1940s, with polemic response to Reform embrace of bare headedness as well as fashion developments the chief driving forces. The fashion trend among the American public away from wearing hats necessitated an important choice among observant American Jews.<sup>19</sup> If they wanted to cover their heads they would now have to stand out from their fellow Americans, deviating from fashion norms. In some ways this contributed to American Jews' choices

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<sup>18</sup> Silverman, *A Cultural History of Jewish Dress*, 160, 165. These include yarmulkes featuring the logos or names of sports teams, politicians, rock bands and other representations of popular culture.

<sup>19</sup> Ibid.

Silverman traces the trend towards bare headedness to 1930s, dismissing the popular misconception that it has its roots in John F. Kennedy's 1961 inauguration as "folklore."

to don yarmulkes. However it is hardly sufficient to explain a widespread shift in practice and cultural perception, to the extent that Jews would fight repeatedly for their right to wear yarmulkes and even gentile politicians would come to wear them.<sup>20</sup> It is more likely instead that the primary factors were the postwar cultural shift promoting a more positive attitude towards Judaism among Americans along with growing Jewish self-confidence, while the fashion change added further impetus.

In addition to the fashion-based reasons for the ascendancy of the yarmulke, a number of political and cultural factors contributed to the evolution of American attitudes towards Jewish head covering. Lawrence Grossman's "The Kippah Comes to America" notes the decreased anti-Semitism in the second half of twentieth century America as an explanation for increased comfort in outward display of Jewish identity. Jews who came of age in the 1950s and 60s encountered an American society that was increasingly accepting of their religious observance in the workplace, on college campuses and in the streets.<sup>21</sup> This helped create a broader society in which Jews naturally felt more comfortable expressing their outward identity.

Grossman surveys the differing views on the requirement to wear a yarmulke from Jewish encyclopedias and Jewish media sources of the twentieth century in addition to brief legal background. He draws on a wide variety of sources to illustrate the development of the yarmulke including personal accounts, interviews, fiction and legal sources from varying vantage points and denominations over the course of the twentieth century. These sources diverge in philosophical explanations for the yarmulke and

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<sup>20</sup> Grossman, "The Kippah Comes to America," 139.

<sup>21</sup> *Ibid.*, 137.

sometimes in sociological assumptions as well.<sup>22</sup> Grossman provides a number of explanations and examples for the evolution of the yarmulke, including the positions of several rabbis discussed below, but does not isolate particular explanations or time periods as central to the development. Additionally, Grossman mostly misses the controversial cases of the 1960s in which policies in schools, courts and the workplace banning yarmulkes were overturned. These cases represent the turning point when the yarmulke was first widely recognized in public.

This evolutionary period was heralded by the appearance of several publications featuring pieces by rabbis addressing the reason for wearing a yarmulke over the span of just a few years in the early 1950s. In 1951, the Habad Hasidic movement published a pamphlet featuring the thoughts of their spiritual leader, known as the rebbe, on the topic.<sup>23</sup> Articles appeared in the *Jewish Life*, *National Jewish Monthly* and *Commentary* magazines, all national publications expressing differing viewpoints on the historical and religious significance of the yarmulke, reflecting the varying audiences they addressed. In 1955, Rabbi Moshe Feinstein, the leading American Orthodox Jewish rabbinic authority of the twentieth century weighed in on the issue in the first of several pieces that he would write on the topic of male head covering. All of these articles are indicative of a transitional period in American Orthodoxy and more broadly in American Jewry where there was a newfound interest and insistence on wearing yarmulkes.

This thesis analyzes the arguments that these rabbis, representing distinct communities, made for head covering along with the venues and audiences that they

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<sup>22</sup> Lawrence Grossman, "The Kippah Comes to America," 133, 138-140.

<sup>23</sup> Nissan Mindel (English rendition), *The Significance of the Skull Cap: Some Aspects of the Jewish Practice of Covering the Head*, Kehot Publication Society, Brooklyn, NY, 1951. Most of the text is also available at [http://www.habad.org/library/article\\_cdo/aid/110371/jewish/Introduction-The-Basis-of-All-Precepts.htm](http://www.habad.org/library/article_cdo/aid/110371/jewish/Introduction-The-Basis-of-All-Precepts.htm).

wrote for. A pamphlet released by the Habad–Lubavitch movement and an article by Rabbi Joseph Weiss, an Orthodox scholar of Jewish law at Yeshiva University writing in an Orthodox Jewish magazine, gave hardline views of the obligation to wear a yarmulke. They each also added a broader philosophical understanding of the moral utility of clothing in Judaism providing the basis for urging Jews to cover their heads.<sup>24</sup> Rabbi Rudi Brasch, a Reform rabbi serving in Australia, discussed the significance of the yarmulke in demonstrating good manners, hygiene, independence, and historical symbolism in *Commentary Magazine*.<sup>25</sup> Rabbi Moshe Feinstein emphasized the normative power of the custom for Jewish identity, highlighting Jewish distinctiveness in a gentile society.<sup>26</sup> Different explanations speaking to diverse audiences help to explain the rise of the yarmulke among different kinds of communities across America. Additionally, readers who would not wear yarmulkes themselves now had an appreciation for the practice, which proved crucial in amassing Jewish communal support to defend the right to wear yarmulkes.

Jonathan Sarna's *American Judaism* situates the increasing popularity of yarmulkes in the 1970s and beyond within the broader framework of resurgent interest in Jewish affiliation, ritual and practice in the second half of the twentieth century.<sup>27</sup> Later, he notes the rise of the state of Israel, particularly following the Six Day War in 1967, as a key element that strengthened American Jewish identity, and likely contributed to increases in outward display of Jewishness such as wearing yarmulkes.<sup>28</sup> However, the

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<sup>24</sup> Joseph Weiss, "Why Wear a Yarmulke?" *Jewish Life*, March 1953, 20-27.

<sup>25</sup> Rudi Brasch, "Why Jews Cover the Head." *Commentary Magazine*, January 1954, 37-40.

<sup>26</sup> R. Moshe Feinstein, *Iggerot Mosheh* ("Epistles of Moshe"), *Orah Hayyim*, 1:1, accessed through Bar Ilan Online Responsa Project. <http://www.responsa.co.il/default.aspx?action=advancedSearch!no>

<sup>27</sup> Sarna, *American Judaism*, 324, 327.

<sup>28</sup> Sarna, *American Judaism*, 336-37.

aforementioned rabbinic articles responding to popular interest in the yarmulke as well as the repeated instances in the 1960s where the Jewish community stood up for the right to wear a yarmulke show that the turning point occurred somewhere in the 1950s and 60s.<sup>29</sup> Sarna himself describes the increasing prominence of Judaism in American culture at large and the greater tendency towards religious affiliation of Christian Americans during the post-war period of the 1940s and 50s.<sup>30</sup> Contrary to popular opinion, the yarmulke had already been catapulted to a public role in American life before the Six Day War.<sup>31</sup>

In his essay on the history of the yarmulke, Grossman also cites the role of growing multiculturalism in American society in the 1960s as a factor in the increase of noticeable Jewish male head covering during the decade. He claims that the counterculture and civil rights movements that affected the climate of the decade also contributed to the growing tolerance for yarmulkes. For Grossman, the growing tolerance of the yarmulke highlights America's uniqueness among other Western countries that increasingly promoted secularism in maintaining multicultural tolerance which extended to the yarmulke.<sup>32</sup> I will further this line of thinking in demonstrating the way that the broader context of the 1950s and 60s promoting greater tolerance and respect for Judaism catalyzed change in Jewish practice and cultural recognition of the yarmulke.

This thesis returns to the time before religious Jews felt comfortable wearing yarmulkes in public to track the causes of the evolution in practice and thought. Chapter One provides the background for Jewish male head covering in America during the late

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<sup>29</sup> To be sure, the Six Day War and the religious revival of the 1970s did have an impact on the popularity of the yarmulke, but the transitional period where Jews started wearing yarmulkes in public and the broader media began to recognize the yarmulke occurred in the 1950s and 60s.

<sup>30</sup> Sarna, 274-282.

<sup>31</sup> Indeed, the most common reason suggested to me anecdotally for the resurgence of yarmulkes in the 20<sup>th</sup> century is the Six Day War. However, as shown in this thesis, American Jews were fighting for the right to wear it in public places several years before 1967.

<sup>32</sup> Grossman, "The Kippah Comes to America," 142-43.

nineteenth and first part of the twentieth centuries, briefly delineating the differing views on the religious obligation to wear a yarmulke. As Jews attempted to gain a foothold in an American society that was often hostile to them, they were unlikely to attempt to differentiate themselves in any way from other Americans. Thus, yarmulkes in public venues were uncommon among even the most pious Jews in America prior to WWII.

Chapter Two highlights the writings of Jewish rabbis and scholars on the reasons to wear the yarmulke, showing the ways in which they now encouraged expression of Jewish identity and religious affiliation through doing so. These articles on the topic were precipitated in large part by the increasing respect for Judaism in American society and resurgent interest among American Jews in connecting to their heritage. Finally, Chapter Three presents the incidents of the 1960s where Jews, emboldened by commitment to their beliefs as well as greater American acceptance, successfully challenged previous policies prohibiting headgear in public spaces such as schools, courts and offices. I will conclude by placing the story of the yarmulke in America within the narrative arc of American multiculturalism and the role of the 1950s and 1960s in contributing to a significant cultural gap between American and Western Europe and Canada.

Analysis of the rabbis' writings of the 1950s reveals the changing demographics and sheds light on the religious attitudes of American Jews during that decade. Examination of memoranda, legal briefs and newspaper coverage from the controversial cases of the 60s where Jews challenged restrictions on yarmulkes, confirm the role of the rise of cultural pluralism and tolerance in the increase of yarmulkes. These documents, mentioned only in passing, if at all, in any of the aforementioned literature, provide the

core turning point in which the yarmulke in America went from a marginalized piece of cheap rayon to gracing the heads of New York's politicians.<sup>33</sup>

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<sup>33</sup> Many of the secondary sources do discuss the Supreme Court case *Goldman v. Weinberger* in which Air Force Chaplain Simcha Goldman sought permission to wear his yarmulke in the military. However, this case was decided in the 1980s, significantly after the initial turning point that is my focus.



## Chapter One: The Yarmulke in America 1900-1950

During the first half of the twentieth century, observance was generally on the decline among American Jews and even among the devout, religion was generally made as unobtrusive as possible.<sup>34</sup> Thus, it is hardly surprising that Orthodox Jews hid their yarmulkes under hats or removed them altogether during these years and some non-Orthodox writers emphasized the peculiarity of head covering given western social norms.<sup>35</sup> Jews were self-conscious about their appearance, feared anti-Semitism and generally wanted to fit in. However, changing demographics, fashion styles and the broader religious climate set the stage for a minor revolution in practice and perception in the post-war years.

Jews came to America in large numbers in the late nineteenth and early twentieth centuries, often shedding large elements of their religious identities upon arrival.<sup>36</sup> Jewish immigrants to America during the early twentieth century overwhelmingly sought a degree of assimilation and achievement in American society. Their greatest wish for their children was to be able to climb the socio-economic ladder in America through education. To be sure, Jewish immigrants often lived in relatively homogenous communities in which the sights, tastes and practices of their previous homes were preserved, yet American Jews craved entrance into American society in the quickest way.<sup>37</sup> For this reason as well as lingering anti-Semitic sentiments, it was rarely seen as beneficial to identify publicly as a religious Jew.

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<sup>34</sup> Gurock, *Orthodox Jews in America*, 81. Also, Joselit, *New York's Jewish Jews*, 20-24.

<sup>35</sup> Jacob Lauterbach, *Studies in Jewish Law, Custom, and Folklore* (Ktav Publishing House: 1970), 225-239 and Samuel Krauss, "The Jewish Rite of Covering the Head," *Hebrew Union College Annual* 19, (145-46), 121-68.

<sup>36</sup> Jeffrey Gurock, *Orthodox Jews in America*, Bloomington: Indiana UP, 2009, 80. See also xviii, note 2.

<sup>37</sup> *Ibid.*, 81.

During the early 20<sup>th</sup> century, Orthodox Judaism, the most traditional and outwardly identifiable denomination in the United States, was perceived as an out of touch relic of the old country that would soon peter out.<sup>38</sup> Among those that remained steadfastly committed to traditional religious observance, the easiest way to maintain the Jewish custom and to avoid appearing different was to wear a hat outside of the house. Indeed, the general style was to wear a hat when outdoors so observant Jews could easily blend in with their surroundings while covering their heads. When entering an indoor, non-Jewish space the practice of even most pious Jews was to remain bareheaded in accordance with the societal norm.<sup>39</sup> Consistent with this standard, the policy of the respected Upper East Side Jewish private school Ramaz during the 1930s and 40s was that the yarmulke was an inside garment not to be worn outside of the house, synagogue and other similarly Jewish environments.<sup>40</sup>

The extent of the religious obligation of male head covering was subject to considerable dispute within the American Jewish community in the late nineteenth and early twentieth centuries.<sup>41</sup> J.D. Eisenstein's *Otzar Yisrael* (Treasury of Israel) was a Hebrew encyclopedia of American Jewish customs and laws published in the first decade of the twentieth century. The work was a compilation of articles from different authors charting the history and source of various practices, presenting the classical sources and evolution of Jewish law on a given topic. Interestingly, the encyclopedia has two distinct entries on the same subject of male head covering. One article portrayed headgear as a pious practice, certainly laudatory but not even mandatory during prayer in the view of

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<sup>38</sup> Ibid.,95.

<sup>39</sup> Grossman, "The Kippah Comes to America," 134-135.

<sup>40</sup> Ibid., 135. Joselit, *New York's Jewish Jews*, 21.

<sup>41</sup> Jenna Joselit, *A Perfect Fit: Clothes, Character, and the Promise of America*. New York: Metropolitan, 2001, 107-111.

the eighteenth century rabbinic giant, Elijah of Vilna, among others. The second entry in the encyclopedia highlighted the sources that suggest an essential need for head covering, including the mid nineteenth century position of Rabbi Solomon Kluger that each Jewish male required a head covering that covered the full head, so that just a yarmulke was not sufficient for prayer and walking outside.<sup>42</sup>

The first position, encouraging head covering as a pious practice but not requiring it, likely held sway among the great majority of observant American Jews during the late nineteenth and first half of the twentieth centuries. In following this tradition and opting not to cover their heads in the public sphere, Jews limited the conspicuousness of their appearance and blended in with their non-Jewish peers. This practice characterized even the most observant Orthodox Jews who nevertheless continued to cover their heads in synagogue and when performing Jewish rituals.<sup>43</sup>

Thus, one model of Orthodox Judaism that emerged was socialized towards traditional observance, attending synagogue on the Sabbath, observing kosher laws to the extent that it was possible, and observing Jewish holidays.<sup>44</sup> The communities on the Upper East and West Sides of Manhattan, profiled in Jenna Joselit's *New York's Jewish Jews*, typified this urbane model where yarmulkes were commonplace only in the synagogue and at home. However, obtrusive distinguishing features like the yarmulke had no place in the public sphere where these Orthodox Jews sought to blend in with their broader surroundings.<sup>45</sup>

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<sup>42</sup> J.D. Eisenstein, *Otzar Yisrael*, New York: J.D. Eisenstein Press, 1909, vol. III, 290-91. Accessed through Hebrewbooks.org

<sup>43</sup> Grossman, "The Kippah Comes to America," 133-34. Joselit, *New York's Jewish Jews*, 21.

<sup>44</sup> Samuel Heilman, *Sliding to the Right: The Contest for the Future of American Jewish Orthodoxy*. Berkeley: University of California, 2006, 38.

<sup>45</sup> Joselit, 21.

From the nineteenth century on, American Reform Judaism often discouraged its adherents from worshipping with a covered head, consistent with the general western practice to show respect by remaining bareheaded.<sup>46</sup> This position was characteristic of the Reform movement in America during the early twentieth century, which discarded much of traditional ritual practice, retaining only those religious practices that “possess inspirational value.”<sup>47</sup> The issue of head covering in the synagogue soon became a lightning rod for controversy between traditionalists and reformers. From an Orthodox standpoint, Reform Jews clearly chose the standards of politeness over tradition in eschewing head covering, while to the eyes of the Reform, Orthodox men defaulted on their obligation as gentlemen by covering their heads inside.<sup>48</sup>

Jacob Lauterbach, an Orthodox– trained rabbi and scholar who came to affiliate with the Reform movement and serve Reform congregations wrote an essay in the late 1920s on the history of the yarmulke that was influential in shaping the attitudes of the scholarly elite in the non- Orthodox community.<sup>49</sup> Focusing on male head covering during prayer services, Lauterbach tried to minimize the importance of the practice, emphasizing in typical Reform fashion that whether an individual Jew chose to cover his head or not, the choice was legitimate.<sup>50</sup> Following Lauterbach, Samuel Krauss, a

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<sup>46</sup> Jewish Encyclopedia Online, s.v. Bareheadedness, <http://www.jewishencyclopedia.com/articles/2520-bareheadedness>. Also Jeffrey Gurock, *Orthodox Jews in America*. Bloomington: Indiana UP, 2009, 70 and Joselit, *A Perfect Fit*, 107-11.

Interestingly, I have not found material on the position of the Conservative movement regarding the yarmulke during the first half of the twentieth century. It seems Conservative men continued to cover their heads in synagogue, but there doesn't seem to have been any push for head covering beyond that.

<sup>47</sup> “The Columbus Platform: The Guiding Principles of Reform Judaism,” (1937) [https://www.jewishvirtuallibrary.org/jsource/Judaism/Columbus\\_platform.html](https://www.jewishvirtuallibrary.org/jsource/Judaism/Columbus_platform.html).

<sup>48</sup> Joselit, *A Perfect Fit*, 108-109.

<sup>49</sup> He is cited reverently in Samuel Krauss, “The Jewish Rite of Covering the Head,” *Hebrew Union College Annual 19*, (145-46), 121-68 and in “Propriety of Using Discarded Practices,” Vol. LXV, 1955, 88-90 in Walter Jacob, *American Reform Responsa: Collected Responsa of the Central Conference of American Rabbis, 1889-1983*. New York: Conference, 1983. Accessed through Google Books.

<sup>50</sup> Jacob Lauterbach, *Studies in Jewish Law*, 225-239.

German-trained reform rabbi and scholar, expanded this basic approach showing that the yarmulke had little historical basis relative to other Jewish practices and was entirely optional.<sup>51</sup> Thus, he argued that Jews should not waste time arguing over such a trivial matter as head covering and controversy surrounding male head covering should evaporate.

In their essays on the history of Jewish men's head covering, Lauterbach and Krauss misrepresent some sources in the course of their agenda to demonstrate why Jews need not feel compelled to wear a yarmulke.<sup>52</sup> Both mentioned that Americans consider head covering peculiar and socially unacceptable in any context that demands respect. However, their goal was to minimize the importance of the issue so that it did not drive an irreversible wedge in between different kinds of Jews. A gentleman could not ever wear a hat in host of dignified venues and an offending citizen was considered in the "pariah company of those malefactors who scribble in the margins of books or who mutilate magazines..."<sup>53</sup> Thus, these positions emerged out of a time in which Jews felt significant pressure to accommodate the surrounding culture and fit in with American standards.

The common thread between the differing denominations was that very few Jews, if any, wore yarmulkes in public. Perhaps one small indication that the yarmulke was becoming more standard in middle class Orthodox communities was that Orthodox synagogues began to offer yarmulkes and prayer shawls as a dress code for all men who

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<sup>51</sup> Samuel Krauss, "The Jewish Rite of Covering the Head," 121-68.

<sup>52</sup> Rabbi Mark Washofsky, "Men's Headcovering in Synagogue: Reform Judaism's View," My Jewish Learning. [http://www.myjewishlearning.com/practices/Ritual/Prayer/Ritual\\_Garb/Head\\_Coverings/Reform\\_Perspective.shtml?p=2](http://www.myjewishlearning.com/practices/Ritual/Prayer/Ritual_Garb/Head_Coverings/Reform_Perspective.shtml?p=2).

It should be noted that some Orthodox writers also misrepresented the sources in their agenda to prove the force and age of the yarmulke.

<sup>53</sup> Joselit, *A Perfect Fit*, 107.

entered into the synagogue beginning in the 1940s.<sup>54</sup> However, it would not be until a confluence of sociological and religious factors in the post-war years would make the yarmulke a ubiquitous part of American Jewish society. It was in those years from after WWII through the 1960s that Judaism was recognized and respected as part of the central fabric of American religious culture and American Jewry was catalyzed to advocate for their identity.

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<sup>54</sup> Joselit, *New York's Jewish Jews*, 38.

## Chapter Two: The Reasons Given for the Yarmulke in the 1950s

Before World War II, rabbis rarely wrote about male head covering outside of encyclopedias or academic journals. For example, the renowned Orthodox rabbi and Jewish legal authority, Rabbi Yosef Eliyahu Henkin of the Lower East Side (1881-1973) does not have any recorded correspondences on the topic.<sup>55</sup> Whether written by Orthodox rabbis as guidelines to be followed or by Reform rabbis as informative pieces, rabbis began writing on the topic in publications with wide national circulation in the 1950s. By the 1960s, even Jews who would never have given a moment's consideration to wearing a yarmulke on a daily basis recognized its meaning as a religious symbol and were outraged by any attempt to prevent other Jews from wearing it.<sup>56</sup> The sources discussed below are the only major treatments of the meaning of the yarmulke by American writers rooted in the Jewish tradition that I have found from the 1950s. The authors differed greatly with some emphasizing the legal obligation to cover one's head, the significance of the practice as a custom, symbolic reasons or the philosophical explanations. However, taken together, these writings show an emerging consensus among Jews of many different faith traditions that head covering represented an important component of the Jewish identity—one that American Jews ultimately determined was worth fighting to protect in public spaces.

In 1951, the Habad-Lubavitch movement published a pamphlet on “The Significance of the Skull Cap,” addressing the Jewish legal and philosophical basis for

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<sup>55</sup> Email correspondence with Daniel Osher Kleinman, archivist of Rabbi Henkin's papers, 3/25/14.

<sup>56</sup> See discussion in Chapter 3 about the activism of the American Jewish Committee on the issue. This activism is recorded in memoranda and press releases in the archives of the AJC, housed in the AJHS Archives box 318, folders 11-12.

“the Jewish Practice of Covering the Head.”<sup>57</sup> Habad is a sect of Orthodox Judaism, and more specifically of Hasidism, that originated in Lubavitch, Russia and migrated to Brooklyn in large numbers following WWII.<sup>58</sup> Beginning in 1950, the group’s spiritual leader was Rabbi Menachem Mendel Schneerson (1902-1994) also known as the “Lubavitcher Rebbe,” who devoted his life to actively building the movement worldwide. The worldview of the Lubavitcher Rebbe and Habad as a whole was outward focused, directing considerable resources and manpower to reach out to Jews of all kinds throughout the world.<sup>59</sup> This broad vision of expanding observant Judaism would have been entirely out of place in the Orthodoxy of the interwar years that was embarrassed of appearing conspicuously different from its surroundings. Indeed, many acculturated American Orthodox Jews were mortified by their recently arrived brethren, including Hasidim, who viewed their religious observance as insufficient.<sup>60</sup>

The preface to the 15-page brochure produced by Habad on yarmulkes explained that this publication was the third installment in a series where the Lubavitcher Rebbe addressed topics of Jewish observance of interest to a broad audience. Nissan Mindel, a Habad scholar and rabbi as well as a Columbia philosophy PhD, wrote this installment in English based on the thoughts of the rebbe, which he says originated from the ideas of the

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<sup>57</sup> Nissan Mindel (English rendition), *The Significance of the Skull Cap: Some Aspects of the Jewish Practice of Covering the Head*, Kehot Publication Society, Brooklyn, NY, 1951. Most of the text is also available at [http://www.habad.org/library/article\\_cdo/aid/110371/jewish/Introduction-The-Basis-of-All-Precepts.htm](http://www.habad.org/library/article_cdo/aid/110371/jewish/Introduction-The-Basis-of-All-Precepts.htm).

No secondary sources that I have found discuss this pamphlet, perhaps indicative of its small circulation. However, it was reprinted several times which might suggest that it had some degree of popularity or simply that someone in Habad movement paid for it to be reprinted.

<sup>58</sup> Hasidism is a segment of Orthodox Judaism founded in the eighteenth century in Eastern Europe, and characterized by adherence to a charismatic spiritual leader or “rebbe,” intense worship including singing and dancing, as well as distinctive forms of traditional dress.

<sup>59</sup> Sarna, *American Judaism*, 298.

<sup>60</sup> Joselit, *New York’s Jewish Jews*, 147.



previous rebbe, Joseph Schneersohn.<sup>61</sup> Because of the Habad movement's outward focus, this perspective on male head covering was likely intended to circulate among an audience much broader than the Hasidic community alone. Reflecting the goals of the Habad movement, the publication seems directed towards a Jew who was partially observant and interested in learning more, based on its broad tone and scope.<sup>62</sup>

The Habad authors explained that for a Jewish male to cover his head was simply an obligation, associated with increased piety and remembering that the divine presence always resides above the head. Nonetheless, they again emphasized that such reasons are not the *raison d'être* of the commandment but merely *post facto* explanations for what is already required.<sup>63</sup> The second section quoted the rulings of several prominent authorities that one must not walk bare headed, even sit bare headed in the house, an injunction that applied even while sleeping and even to small children.<sup>64</sup> These are not presented with any development of the law or alternative rulings, of which there are plenty in the Jewish tradition. Instead, this stringent understanding, rooted in earlier halakhic (Jewish legal) sources is based on the position of the third rebbe of Lubavitch known by the name of his magnum opus, the *Tzemach Tzedek*.<sup>65</sup>

The Habad authors contended that covering one's head was necessary while in the presence of God or involved in sacred work, and because Jews were always considered to

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<sup>61</sup> Nissan Mindel (English rendition), *The Significance of the Skull Cap: Some Aspects of the Jewish Practice of Covering the Head*, Kehot Publication Society, Brooklyn, NY, 1951 also "About Us. Brief Biography of Nissan Mindel."

[http://www.nissanmindelpublications.com/index.php?route=information/information&information\\_id=4](http://www.nissanmindelpublications.com/index.php?route=information/information&information_id=4)

<sup>62</sup> This English-language pamphlet is further distinct from literature intended for the Hasidic community, which would have been published in Yiddish.

<sup>63</sup> "Introduction— The Basis of All Precepts," Mindel, *The Significance of the Skull Cap: Some Aspects of the Jewish Practice of Covering the Head*.

[http://www.habad.org/library/article\\_cdo/aid/110371/jewish/Introduction-The-Basis-of-All-Precepts.htm](http://www.habad.org/library/article_cdo/aid/110371/jewish/Introduction-The-Basis-of-All-Precepts.htm)

<sup>64</sup> "Some Laws of Covering the Head," Mindel, *The Significance of the Skull Cap: Some Aspects of the Jewish Practice of Covering the Head*.

<sup>65</sup> *Tzemach Tzedek, Orach Hayyim*, Beginning of Laws of Behavior in the Morning, accessed through [Hebrewbooks.org](http://Hebrewbooks.org) (Hebrew).

be in the presence of God, head covering was constantly mandated. This was followed by a lengthy explanation of the basis of Jewish faith and observance of the commandments (mitzvot), contending that Jews must first accept the obligation of the commandments and only then question their reason. The emphasis was on the need for “humility,” “submission,” and “simple faith,” while criticizing excessive intellectual scrutiny such as philosophical and theological inquiry for eroding commitment.<sup>66</sup>

This language likely reflected Habad’s understanding of the shortcomings of 1950s American Jews who were interested in Jewish thought and Jewish affiliation, but not in substantive ritual commitment.<sup>67</sup> The uncompromising approach of Habad, instead attempted to bring their model of strict obedience to Jewish law to the broader American Jewish community. However, the third section on “A Philosophical Perspective” was likely a concession to the reality that rationale would sometimes simply appeal more than law to the average American Jew, and was presented despite the previous diatribe against philosophical explanations for commandments. According to this philosophical view, the head symbolized the intellect as the focal point of spiritual weakness as a “witness of man’s downfall” and realizing how infinitely insignificant the human intellect is in comparison to the divine.<sup>68</sup> This sentiment was framed within the context of Adam and Eve’s sin in the Garden of Eden, which instilled the sense of shame in humankind at succumbing to carnal lust. Thus constantly covering the head outwardly manifested this

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<sup>66</sup> “Introduction— The Basis of All Precepts,” Mindel, *The Significance of the Skull Cap: Some Aspects of the Jewish Practice of Covering the Head*.

<sup>67</sup> Jonathan Sarna, *American Judaism*, 277-78.

<sup>68</sup> “A Philosophical Perspective,” Mindel, *The Significance of the Skull Cap*.

knowledge of the infinite, expressing the requisite humility and humiliation all human beings ought to feel in the presence of the divine.<sup>69</sup>

This Habad pamphlet presented a straightforward and accessible Orthodox view of the obligation to wear a yarmulke in English, perhaps the first such articulation in America. The simplistic framing of the obligation along with the accessible philosophical background indicated an attempt to inspire a wide range of Jews to adopt this religious practice. The new Eastern European immigrants, such as Habad Hasidim, often saw male head covering as obligatory and attempted to disseminate that belief to American Jewry as a whole.

Other rabbis from across the Jewish religious spectrum soon followed the Lubavitcher Rebbe in calling for the expansion of male head-covering. These rabbis articulated a similar message to the one found in the Habad pamphlet, but with some key differences. For example, Rabbi Joseph Weiss, considered an expert in Jewish law at Yeshiva University, wrote an article entitled “Why Wear a Yarmulke?” in the March 1953 issue of *Jewish Life* magazine. *Jewish Life* was a publication associated with the Orthodox Union, an organization that advocated on behalf of the Orthodox Jewish community in America and provided resources to synagogues and congregants.<sup>70</sup> Weiss’ academic home, Yeshiva University, is a private Jewish university combining religious Jewish studies in the morning with university classes in the afternoons, while also housing a rabbinical school among other graduate schools. Yeshiva University and the

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<sup>69</sup> “A Philosophical Perspective,” Mindel, *The Significance of the Skull Cap*.

The language used to give this broader philosophic understanding of head covering, resonates more with Christian theology emphasizing the “original sin” in the Garden of Eden, faith, and submission as cornerstones more than traditional Judaism. To be sure, these concepts exist in Judaism as well but are not generally highlighted as fundamentals. One wonders whether these concepts were invoked here and again below in Weiss’ article to appeal to the familiarity of American Jews with general American Christian culture.

<sup>70</sup> Joseph Weiss, “Why Wear a Yarmulke?” *Jewish Life*, March 1953, 20-26.

Orthodox Union represented a community that was committed to observant Jewish life while engaging fully with the modern world.<sup>71</sup>

Rabbi Weiss' article was likely directed at the rank and file of American Orthodoxy, those affiliated with the Orthodox Union, Yeshiva University, or a synagogue that embraced a similar approach to Judaism.<sup>72</sup> The bulk of Weiss' article provided spiritual and philosophic reasons for male head covering beyond the legal ones proffered by rabbis in generations past. In contrast to the Lubavitcher Rebbe, Weiss provided a rationale for the practice of head covering, seemingly in part to provide motivation to fulfil it. However, Weiss' article bore similarities to the Habad authors in presenting male head covering as something near a religious obligation with powerful historical precedent.

Using stark language, Weiss exaggerated the nature of the obligation writing that head covering is “one of the most respected and best loved Jewish traditions... to cover our heads at all times, in all places and on every occasion.”<sup>73</sup> Weiss further noted the significance of the practice in demonstrating Jewish identity and declared that to absent oneself of its presence was, “a show of weakness and loss of faith in our tradition.”<sup>74</sup> This “most vivid mark of Jewish appearance” was the trademark of adherence to Torah since time immemorial and discarding it was “always considered an assault on Jewish tradition.” The only question that remained for Weiss was whether the practice was fundamentally based on biblical or Talmudic sources, rooted in custom, or a voluntary

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<sup>71</sup> Sarna, *American Judaism*, 233-35.

<sup>72</sup> *Ibid.*, 278-282.

<sup>73</sup> Weiss, “Why Wear a Yarmulke?” 20.

<sup>74</sup> Weiss, “Why Wear a Yarmulke?” 20.

practice.<sup>75</sup> The tone in the introduction to the article repeatedly asserting the historical significance of the yarmulke and condemning its minimization is clearly polemical, likely responding to arguments to the contrary such as those posed by members of the Reform movement.<sup>76</sup>

After affirming the strong Jewish legal basis and tradition for the male head covering, Weiss cited Rabbi S.R. Hirsch, the nineteenth century leader of the German neo-Orthodox community for a philosophical understanding of clothing in Jewish thought as reinforcement for the reasons to don a yarmulke.<sup>77</sup> In Hirsch's view, dating back to Adam and Eve's first sin at the opening of Genesis, human beings were weak, struggling to use spiritual or rational faculties to subdue desires of the flesh for higher ends. The basic principle, reminiscent of the philosophical argument in the Habad pamphlet, was that "clothing... is a positive declaration by man that he belongs not to his sense but to his spirit..."<sup>78</sup> Weiss likewise extended Hirsch's construct to head covering, intended to assist in subduing "the shortcomings of the intellect" stemming from the brain as "source of evil and shame."<sup>79</sup> According to this approach, the intellect is not sufficient to provide judgment and distinguish between right and wrong courses of action and head covering reminds each Jewish male of his subservience to God.<sup>80</sup> In this way Weiss rejected the "freethinking" of his opponents who advocate casting off the yarmulke.

The line of philosophical argument is remarkably similar to that put forth in the Habad pamphlet, which is surprising given that they derived from very different sources.

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<sup>75</sup> Weiss, 21.

<sup>76</sup> Samuel Krauss, "The Jewish Rite of Covering the Head," *Hebrew Union College Annual 19*, (145-46), 121-68.

<sup>77</sup> Weiss, "Why Wear a Yarmulke?" 24-26.

<sup>78</sup> Ibid.

<sup>79</sup> Weiss, 26.

<sup>80</sup> Ibid.

The Habad authors cited Hasidic texts as its basis, whereas Weiss cited Hirsch, a broadly educated German rabbi, known for giving rationales to the commandments that appeal to a modern outlook, something expressly opposed by the Habad publication. Weiss' repeated emphases on the ancient historical and spiritual basis for the practice further suggests that he was writing to persuade readers of his view. Thus, the readers of Weiss' article were likely observant Jews enmeshed in American culture, who were somewhat ignorant of the intricacies of Jewish sources and would find a philosophical or moral argument more accessible.<sup>81</sup> This is likely both because wearing a yarmulke was not yet a sine qua non for membership in the Orthodox community and because it was under attack from others outside the community. This focus in the article suggests an agenda strengthening those already affiliated with Orthodoxy who did not wear yarmulkes publicly in prior years but now were interested in increased Jewish observance and identification. It is evident from both Weiss' article and the Habad pamphlet, sources from vastly differing poles of the Orthodox community, that Orthodox views were converging around the notion of head covering as a standard practice.<sup>82</sup>

In contrast to the Habad authors and Weiss, Rabbi Rudi Brasch published an essay in the January 1954 issue of *Commentary Magazine* detailing the reasons to wear a yarmulke from a largely historical and symbolic perspective, aimed at a larger—and likely less religious—segment of the American Jewish community. Reform was the

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<sup>81</sup> Sarna, *American Judaism*, 278-282.

<sup>82</sup> Weiss' quoting Hirsch as the basis for his argument is particularly ironic given that Hirsch was known for presiding over a Jewish school where students did not cover their heads while studying general studies and, according to some, was himself photographed bareheaded. See R. D. Hoffman, *Melamed L'Hoel*, Yoreh Deah, 56 (Hebrew) Accessed through Online Responsa Project; Eric Zimmer, "Men's Headcovering," 342-343; Dan Rabinowitz, "Yarmulke: A Historic Cover-up?" p. 227, note 21. Of course, Weiss could simply answer that he took Hirsch's broader argument about clothing and apply it to the specific case of male headgear without regard to whether Hirsch himself might have agreed to that same application, but Weiss does not acknowledge such borrowing.

largest denomination of American Jewry and these Jews would have been more likely to relate to his perspective than obligatory arguments based on traditional sources. Brasch was from Germany and received his training in the liberal rabbinic seminary of Berlin as well studying in university there. He spent his career serving Reform and Progressive congregations in Britain and Australia and wrote widely on topics of Jewish practice. At the time of his writing, *Commentary* was considered the “premier postwar journal of Jewish affairs,” and a primary publication of American and Jewish intellectual thought so his article can be taken as representative of thinking that might have appealed to mainstream American Jewry.<sup>83</sup>

The Reform movement preached an emphasis on the spirit of the Bible while downplaying ritual law, so it is fitting that the editorial note preceding the piece eschewed legal sources as the basis for meaning and instead remarked that, “nothing throws more light on the essential spirit of Judaism than the process of thinking and re-thinking, of creation and recreation, by which it [Judaism] maintains its character...”<sup>84</sup> Thus, the article was framed within the context of discovering new historical and symbolic meaning in old traditions, as opposed to the overt agenda of Habad, Weiss and Feinstein discussed below, who searched for the traditional significance of head covering and attempted to apply it to their context. Brasch mentions the centrality of head covering among “very Orthodox Jews” who viewed it as belonging to the “foundations of their faith.” Subsequently, he argued that the practice was a post-Talmudic addition, originating in the 4<sup>th</sup> century CE (relatively late for a Jewish practice) and that through the Middle Ages many Jewish communities did not adopt it at all.

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<sup>83</sup> Murray Friedman, *Commentary in American Life*. Philadelphia, PA: Temple UP, 2005.

<sup>84</sup> Brasch, “Why Jews Cover the Head,” 37.

Brasch noted that, by the time of his writing, it was standard for Reform worshippers to go bareheaded even in the synagogue and covering one's head was, "a meaningless physical act [that] was justified by symbolic interpretation..."<sup>85</sup> This indicates that Brasch believed little in any original or inherent significance of the yarmulke as opposed to Habad or Weiss who both presented extensive arguments for the religious significance of head covering. In contrast to these Orthodox writers, Brasch essentially dismisses the roots of the custom in traditional sources and proceeds to examine historical reasons saying it is "of relatively recent origin among Jews."<sup>86</sup> For example, upon quoting the rabbinic aphorism "rheumatism will come to the lazy person who forgets to cover his head," Brasch speculated that the ancient basis for head covering might reside in health concerns looking to prevent heat stroke.<sup>87</sup> For Brasch, the prohibition of following in gentile ways was a reaction to Christian and Muslim attempts to distinguish themselves from Judaism, and head covering just was one such expression. Other sources of significance provided include humility before God instilled by head covering and a sense of independence from other nations through demonstrating subservience to God.

Brasch's explanations have very modern resonances, clearly formulated in the twentieth century, and provide vastly different reasons for the yarmulke than the Orthodox sources. For example, when describing the aspect of Jewish freedom and independence he wrote that a Jew's practice "having begun with an act of deliverance from slavery, he strives for the freedom and redemption of all men. Such too is the

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<sup>85</sup> Brasch, "Why Jews Cover the Head," 37.

<sup>86</sup> Ibid.

<sup>87</sup> Brasch, "Why Jews Cover the Head," 39. Another example is Brasch's explanation of the Talmudic story in bKiddushin 33b where a man without a head covering is referred to as a boor, as merely describing his impoliteness, as opposed to a religious offense.



message the Jew conveys when he comes before his God with head covered and refuses to bare it.”<sup>88</sup> Brasch argued that Jewish male head covering symbolizes the universal quest for freedom, based on an interpretation of an Aramaic translation of a verse in the Torah.<sup>89</sup> He extrapolated from the fact that the yarmulke reminds Jews that they were freed from the yoke of the Egyptians to serve God that it also must stand for universal freedom and deliverance. These seemingly far-fetched expansions demonstrate Brasch’s broad worldview and values that would have general appeal to Jews with little commitment to ritual observance, in contrast to the Orthodox explanations emphasizing submission to God’s command.

Despite departing from Orthodox writers, Brasch clearly presented positive reasons for wearing a yarmulke, in sharp contrast to the earlier predominant Reform attitude, which sought to minimize the significance of head covering.<sup>90</sup> Brasch’s fairly positive explanations for male head covering provide insight into the shifting attitudes towards the practice among American Jews. His emphasis on dignity and expressing Jewish identity still avoid demanding any religious commitment or obligation in order to respect the practice.<sup>91</sup> Thus, Brasch falls short of actually advocating the practice yet he clearly does not either discourage it either. The article instead seems to be simply informative, filling a lacuna where many people were simply ignorant of the reasons for a

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<sup>88</sup> Brasch, 39.

<sup>89</sup> Brasch cites the Targum Onkelos, an Aramaic interpretation of Exodus 14:8, which reads, “And the Children of Israel went out with a high hand.” Onkelos reads “high hand” as “bare head.” However, rather than signify a universal hope for independence this interpretation is more likely meant to convey the brazenness or perhaps arrogance of Israel in their departure from Egypt.

<sup>90</sup> E.g. article Samuel Krauss, “The Jewish Rite of Covering the Head,” *Hebrew Union College Annual* 19, (145-46), 121-68.

To be sure, a 1955 Reform Responsum still referred to one who championed the religious significance of the yarmulke, “an act of willful and useless self-isolation,” but that response

<sup>91</sup> An example of such respect might be defending the right of an Orthodox Jew to wear his yarmulke in public school or in the courtroom.

practice that was becoming increasingly common and accepted. Brasch concluded that, “a mere gesture of courtesy at first, it [the yarmulke] now expresses a multitude of Jewish thoughts and feelings, and reflects a whole history and a whole outlook on the universe.”<sup>92</sup> By embracing the historical development of the custom and trying to incorporate all reasons for the practice as religiously meaningful, Brasch gently justified and even encouraged the practice. Thus, as evidenced by Habad, Weiss and Brasch, American rabbis of vastly different stripes were uniting in their overall positive attitude towards head covering.

Indeed, according to Jonathan Sarna, the American Jewish community underwent a religious revival during the post-war years, with Jews demonstrating a newfound interest in learning about their tradition.<sup>93</sup> Affiliation with Jewish institutions boomed during this period, consonant with a rise in the popularity of religion in America as a whole. Judaism’s image received a makeover from the prewar years, with the 1950s seeing a decrease in anti-Semitism and Judaism now treated as a third religion in the American consciousness behind only Catholicism and Protestantism. Will Herberg’s book, *Protestant-Catholic-Jew*, captured the spirit of the times, arguing that to be an American, one had to define oneself with respect to one of these three groups.<sup>94</sup> Further, the early reaction to the Holocaust in the American Jewish community, also spurred some to seek a “reaffirmation” of Judaism, with American Jews taking responsibility as the new cultural center of Judaism’s future.<sup>95</sup>

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<sup>92</sup> Brasch, “Why Jews Cover the Head,” 40.

<sup>93</sup> Jonathan Sarna, *American Judaism*, 275-76.

<sup>94</sup> *Ibid.*

<sup>95</sup> Sarna, 274.

Given this background, the desire to learn more about the practice of male head covering and an increase in its implementation is understandable. Jews were interested in learning about their heritage and an identifying practice implemented by some was a likely subject for such interest. However, Sarna notes that this resurgence was largely superficial, with increased affiliation masking actual decline in observance across the denominations.<sup>96</sup> Likewise, Brasch's article avoids pushing any increase in practice, rather it is intended as an informative piece satisfying the curiosity of contemporary Jews about their faith.

In November, 1954 yet another article appeared addressing the reason for Jewish male head covering, this time in the *National Jewish Monthly*, published by Bnai Brith, a national organization devoted to providing a social and cultural milieu for American Jews, independent of synagogues and temples.<sup>97</sup> Rabbi Leon Stitskin, an Orthodox rabbi from Philadelphia, took a different tone from the Habad authors and Weiss emphasizing that there was no legal requirement to cover one's head, but rather an ancient custom. Stitskin wrote in a national publication whose readership was likely predominantly non-Orthodox and expressly sought to explain the Orthodox trend of wearing yarmulkes to a broader audience. Thus, it is hardly surprising that the way in which he portrayed the practice differed from other writers in Orthodox forums. Although Habad and Weiss also noted the customary standing of the practice, they emphasized the legal authorities mandating it. This gap demonstrates varying opinions even within the Orthodox community on this issue, however, Weiss, Brasch and Stitskin all responded to a growing

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<sup>96</sup> Sarna, 277-78.

<sup>97</sup> Leon Stitskin, "Why Cover the Head? Practice is not a Law But an Ancient Custom," *National Jewish Monthly*, November, 1953, 8, 13, 26-27.

interest in Jewish male head covering and provided positive understandings for the practice.<sup>98</sup>

In contrast to the accessible publications that published Weiss, Brasch and Stitskin's articles, rabbinic responsa are written for only rabbis and the learned segment of the community capable of understanding Jewish legal texts in Hebrew. In his responsa, the revered Jewish legal authority Rabbi Moshe Feinstein addressed practical, specific questions about the extent of the religious obligation to wear the yarmulke during these same years. He presented a more legal, obligatory perspective, albeit with leniencies, that was influential throughout the Orthodox community, even among those who did not read publications like *Jewish Life* or *Commentary*. The details of the questions and situations which Feinstein confronted highlight the shift in the attitudes of the American Jewish community towards male head covering.

Feinstein lived on the Lower East Side of Manhattan from the time of his immigration from Russia in 1937 until his death in 1986. During that time he served as the most influential authority of halakha (Jewish law) in America, publishing several volumes of his responsa entitled *Iggerot Moshe* ("Epistles of Moshe") which featured questions asked to him by other rabbis published alongside his answers to the community on issues of Jewish religious practice. His authority was more widely accepted than that of any rabbi during the twentieth century across American Orthodoxy.<sup>99</sup> Although it is

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<sup>98</sup> Stitskin, "Why Cover the Head?" 8.

<sup>99</sup> Louis Jacobs, "Moshe Feinstein," My Jewish Learning.

[http://www.myjewishlearning.com/texts/Rabbinics/Halakhah/Modern/Orthodox/Moshe\\_Feinstein.shtml](http://www.myjewishlearning.com/texts/Rabbinics/Halakhah/Modern/Orthodox/Moshe_Feinstein.shtml). The only Orthodox rabbi in America that might have had greater authority was Rabbi Yosef Eliyahu Henkin, beginning before WWII, largely before Rabbi Feinstein was nationally renowned. However, he never opposed Feinstein publicly on any of these issues relating to yarmulkes. A lone voice of protest to Feinstein's authority is the book *Maaneh L'Iggerot*, by Rabbi Yom Tov Schwartz, "Answer (or Refutation) to the Epistles," a vociferous response and critique of many of Feinstein's (mostly lenient) positions and his

difficult to prove any direct relationship between rabbinic positions and practice, his positions were significant for a considerable segment of Orthodoxy.

Feinstein's responsa are instructive in pointing towards some of the motivating reasons for Orthodox Jews to wear yarmulkes that took hold in the 1950s as well as highlighting broader social trends that contributed to the practice. Instead of addressing the community directly in a forum like a Jewish newspaper or magazine, he was asked questions, usually by local rabbis. The rabbis often respond to a specific circumstance in their community, presenting a question they felt was beyond their purview and required expertise on the national level. Thus, Feinstein wrote to a committed, knowledgeable audience that he knew would disseminate his rulings to communities across the country.

Feinstein first addressed the topic of yarmulkes in 1955 in his first responsum published in *Iggerot Moshe* as an answer to a question posed by Rabbi Moshe Aspes of Miami, Florida.<sup>100</sup> Aspes later published a polemical work attempting to provide traditional responses to the positions of modern academic Talmud scholarship, indicative of his affiliation with a strongly observant background and community, reacting to the contemporary challenges to tradition.<sup>101102</sup> Aspes asked if it were permissible to wear a yarmulke in the street or whether a Jew must always wear a hat in public on top of or instead of a yarmulke. This question demonstrates the aforementioned changing reality

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overall methodology, including his position on male head covering. However, this pushback did not gain widespread traction in American Orthodoxy.

<sup>100</sup> Rabbi Moshe Feinstein, *Iggerot Moshe, Orah Hayyim*, 1:1. Accessed through Bar Ilan Online Responsa Project.

<sup>101</sup> The Talmud is the basis of much of Jewish religious practice and so critical inquiry into its historical context, redaction and historicity might unease many Orthodox Jews.

<sup>102</sup> Rabbi Moshe Aspes, *Regarding the Halakha and the Economy* (Hebrew), Mesorah Publishers, Jerusalem, Israel, 1976. Accessed on Otzar HaHochma database.

among American Jews and in American fashion regarding headwear, accentuating the evolution towards a time where most Americans did not wear hats.<sup>103</sup>

In his answer, Rabbi Feinstein recognized the legitimacy of a yarmulke alone, without a hat, as a valid head covering. Feinstein disputed the ruling of Rabbi Solomon Kluger's in 19<sup>th</sup> century Poland that any mention of bare headedness in Jewish law really referred to lack of a hat, but assumed the presence of a yarmulke.<sup>104</sup> For Kluger, the basic obligation was to wear a hat as a full head covering and wearing a yarmulke would be deficient as only a partial head covering. Feinstein rejected this reading of the sources at length and agreed that bare headedness was prohibited as gentile practice, asserting that this standard is determined separately in each cultural context.

Feinstein distinguished here between the basis in the Talmud for the practice, which is the "fundamental" law, and the way it has actually been implemented, providing a more nuanced legal basis for the practice than any of the previous writers. Nonetheless, writes Feinstein, the Jewish people as a whole have accepted the practice of wearing a head covering so it has achieved a mandatory standing as a *minhag*, or custom. The term "*minhag*," indicates a distinct legal category that is fully binding but nonetheless differentiated from a practice that is simply offering symbolic significance and from formulations of absolute obligation articulated respectively by Brasch, the Habad writers and Weiss. Menachem Elon, a recently deceased Israeli scholar of Jewish law explains the force of custom deriving not from, "its probative power as evidence of the law but its embodiment of the creative power of the people both to determine the law when there is a

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<sup>103</sup> Grossman, Lawrence, "The Kippah Comes to America," 138-139.

<sup>104</sup> Jewish Encyclopedia Online. S.v. Kluger, Solomon, ben Judah Aaron. Accessed 3 December 2013. <http://www.jewishencyclopedia.com/articles/9394-kluger-solomon-ben-judah-aaron>

conflict among halakhic authorities, and to add to existing law.”<sup>105</sup> A full analysis of the different understandings of the role of “custom” in Jewish scholarship is beyond my present scope, but suffice to say this is a nuanced legal framework that strongly affirmed the importance of head covering for all Jews while recognizing its origins as only a pious practice and not a formal obligation. This position set the groundwork for certain leniencies that Feinstein would later issue regarding male head covering.

In 1960, Feinstein responded to Rabbi Yehoshua Leiman, a scholarly, pious man who attempted to reach out to help Jews well beyond his traditional community of Brooklyn.<sup>106</sup> In this responsum, Feinstein held that one shouldn’t remove one’s yarmulke upon entering a theater, cinema or dance hall despite his position that frequenting venues like these was prohibited.<sup>107</sup> Feinstein again addressed this exact issue only two years later writing that otherwise observant Jews who participate in mixed dancing should still wear their yarmulkes so as not to add an additional violation to their already sinful behavior.<sup>108</sup> The repetition of this question in Feinstein’s writings highlights the growing prevalence of fully acculturated American Jews attempting to maintain basic religious observance, while still falling short of the ideal standards of the rabbis. It was socially acceptable in many circles of Orthodoxy to keep the Sabbath, the Jewish holidays, observe kosher dietary laws, wear yarmulkes and yet still go to discotheques.

What could be the motivations of such Jews fully integrated into American social culture, yet also desiring to express their association with the ancient Jewish tradition? As already discussed, part of the explanation likely has to do with the growing acceptance of

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<sup>105</sup> Menachem Elon. *Jewish Law*. Philadelphia, PA: Jewish Publ. Soc., 1994, vol. II, p. 885.

<sup>106</sup> *Iggerot Moshe, Orach Hayyim*, 2:95. Accessed through Online Responsa Project.

<sup>107</sup> In the later part of the twentieth century “mixed dancing” in Jewish contexts would become taboo in most Orthodox Jewish communities in America.

<sup>108</sup> *Iggerot Moshe, Yoreh Deah*, 2:33. Accessed through Online Responsa Project.

and respect for Judaism in American culture as well as growing Jewish comfort in America at large.<sup>109</sup> This phenomenon of yarmulkes and mixed dancing at bars also fits Sarna's argument that American Jewry at the time was interested more in outward religious affiliation than in increased religious observance.<sup>110</sup> Donning a yarmulke was a perfect way to demonstrate one's membership in the exclusive Jewish "tribe," as an affiliated, observant Jew. However, putting a piece of fabric on one's head did not necessarily entail great personal sacrifice and when wearing a yarmulke did carry social consequences, such as in the workplace, observant Jews often still went bareheaded.

By 1962, Feinstein was asked whether Jewish children in public schools could recite a prayer such as the Pledge of Allegiance without wearing a yarmulke.<sup>111</sup> American Jews now felt comfortable enough to consider displaying their religious headgear even in the classroom, setting the stage for Jews to take the yarmulke into other public places they never had before. Thus, Feinstein's writings presented a nuanced basis of understanding for wearing yarmulke but also evidence of the interest and commitment of diverse groups of observant Jews to head covering.

In contrast to the Habad pamphlet and the articles by Weiss, Brasch, and Stitskin, Feinstein offered no broad philosophical discussion about the nature of male head covering specifically, and much less clothing in Judaism in general.<sup>112</sup> Whether more influenced by Weiss' and Habad's philosophical arguments, Brasch's historical and symbolic explanations, Feinstein's more technical ones, or other socio-cultural factors, these pieces stand out as the first writings in publications with national readership on

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<sup>109</sup> Jonathan Sarna, *American Judaism*, 274-278

<sup>110</sup> *Ibid.*

<sup>111</sup> Feinstein, *Iggerot Moshe, Orach Hayyim*, 2:25. Accessed through Online Responsa Project.

<sup>112</sup> Regardless, responsa are usually not the forum for philosophical discourse.



yarmulkes, responding to a resurgent interest in Jewish head covering. The fact that they all emerged in the 1950s points to that decade as a key time where American Jews were considering wearing yarmulkes and interested in learning about their history and significance.

One manifestation of the newfound American Jewish self-assurance during the 1950s was public expression of reasons for head covering. In contrast to pre-WWII rabbinic writers who sometimes played down the significance of the yarmulke, all of the above rabbis write with the goal of explaining the meaning of the practice. The greater appreciation for the yarmulke and its meaning across Jewish denominations proved critical in motivating even secular Jews to support religious Jews in defending their right to wear yarmulkes in public spaces. This new understanding combined with the aforementioned embrace of Jewish identity and greater cultural pluralism in America, paved the way for many Jews and Jewish organizations in the 1960s to fight to be allowed to wear head coverings in courtrooms, public schools and the workplace.

### Chapter Three: Fighting for the Yarmulke

After rabbis disseminated the religious and cultural reasons for wearing a yarmulke during the 1950s and Jews became more comfortable with their identity, the 1960s brought a new dedication to the practice. Jews increasingly wore yarmulkes in public, sometimes clashing with civil institutions such as courts, schools and employers that banned headgear. Jewish groups like the American Jewish Congress successfully fought for the acceptance of head covering, pointing to a sharply increasing Jewish confidence in expressing religious identity as well as growing multiculturalism in America.<sup>113</sup>

Before this change in the 1950s, words such as “yarmulke,” “skull cap,” and “kippa” rarely appeared in archive searches for publications such as the *New York Times*, *Commentary Magazine* and *Jewish Telegraphic Agency*.<sup>114</sup> The rabbis’ writings during the 1950s discussed in the previous chapter marked the beginning of broad Jewish interest in male head covering. After 1960, there was a marked increase in the frequency of the *Times*’ references to head coverings with further major spikes into the last quarter of the twentieth century.<sup>115</sup> During the 1960s these publications highlighted politicians who wore yarmulkes while campaigning and Jews who wore it for newsworthy events, in addition to the struggles of Jews to secure acceptance for the yarmulke in courtroom, classroom and workplace. In all such reported cases, the defendant ultimately relented and yarmulkes gained further acceptance in the classroom and the workplace,

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<sup>113</sup> Grossman, “The Kippah Comes to America,” 142-143.

<sup>114</sup> Searches conducted most recently on 3/26/14. The term “skull cap” appears slightly more frequently, usually not referring to the Jewish yarmulke.

<sup>115</sup> All of these publications had large Jewish readership during the postwar years, suggesting that yarmulkes were less visible, recognizable and noteworthy before 1960.

demonstrating both American Jewry's growing desire to wear their yarmulkes in public environments and the concomitant approval by American society.<sup>116</sup>

On November 14, 1962 Morris Steigman of Brooklyn was pulled over for speeding on the New Jersey Thruway. After receiving a summons, he subsequently appeared before the Municipal Court of Secaucus, NJ with Judge George King presiding. Upon arrival, the clerk of the court asked Steigman, an Orthodox Jew to remove his yarmulke. After Steigman entered the court while still wearing his yarmulke, the judge ordered him again to remove it, after which Steigman informed him that it violated his religious principles to do so and then complied with the order. Steigman complained to his rabbi about this treatment who forwarded his case on to the American Jewish Congress (AJC).<sup>117</sup>

The AJC was, at the time, dedicated to advancing human rights and protecting religious freedom by preserving the distinction between church and state. Ben Epstein, president of the American Jewish Congress' NJ State Region and later the director of the Anti-Defamation League devoted to fighting discrimination and anti-Semitism, wrote to Governor Richard Hughes of New Jersey arguing that there was no compelling need to require Steigman to "depart from practices required by... religious principles" because an Orthodox Jew shows respect by leaving his head covered.<sup>118</sup> Epstein concluded by asking the governor to ensure that no similar incident occur in the future and Jews be allowed to wear yarmulkes in the courtroom. After Governor Hughes mentioned this request to the

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<sup>116</sup> Most of my cases are taken from the New York and New Jersey area, which I assume to be representative of much of American Jewry as a whole because, at its peak in the mid-1950s, the Jewish population of the New York metro area was more than half of the national population. Citation?

<sup>117</sup> Letter to Leo Pfeffer from Carol Ann Weisbrod, 11/30/62, AJHS Archives box 318, folder 11. *Newark Sunday News*, 12/9/62, "AJC Protests Magistrate's Order," AJHS Archives box 318, folder 11.

<sup>118</sup> Letter from Ben Epstein to Richard Hughes, 12/7/62, AJHS Archives box 318, folder 11

Chief Justice of the New Jersey Supreme Court the chief justice responded that he intended to inform the other justices in the state to be sensitive to this religious issue.<sup>119</sup>

It is telling that a non-religious Jewish organization like the AJC would advocate on behalf of an issue that mostly affected religious Jews. Organizations such as Agudath Israel and the Union of Orthodox Jewish Congregations of America were active in advocating for the rights of Orthodox Jews in the public sphere, yet the AJC took the lead in coordinating the legal response on the Steigman case, and others similar to it. This demonstrates the extent to which the yarmulke had penetrated the American Jewish community as a significant Jewish symbol. The dissemination of rationales to a wide range of American Jews, like those offered by Brasch and Stitskin in their articles, may have given them an appreciation for the practice even if they themselves did not cover their heads on a regular basis. More importantly, the surge in interest and support for religion in general, and Judaism in particular, during the postwar years contributed to the sympathetic reception these yarmulke cases received both in the Jewish community as well as in the broader media such as the *New York Times*. Earlier in the same year, Milton Himmelfarb noted in *Commentary* that, “a new Orthodox influence is making itself felt in Jewish education and social work,” including the sight of “social workers with covered heads,” illustrating the trend of a more ubiquitous and self-confident observant community that Steigman was a part of.<sup>120</sup>

Shortly afterwards, the yarmulke became a contested issue in New York City public schools. In 1962, the same year as the Steigman Affair, Rabbi Sholom Rivkin, the chief rabbi of St. Louis, asked Rabbi Feinstein if Jewish students could recite the Pledge

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<sup>119</sup> Letter from Hughes to Epstein, 12/27/62, AJHS Archives box 318, folder 11.

<sup>120</sup> Milton Himmelfarb, “An Unknown Jewish Sect,” *Commentary*, January 1962, 66-68.

of Allegiance bareheaded according to Jewish law.<sup>121</sup> Feinstein discussed the halakhic requirement to cover one's head specifically in prayer and when saying the name of God, but ultimately permitted students to recite the word, "God," in the Pledge of Allegiance without head covering.<sup>122</sup> Regardless of Feinstein's response to this query, the question posed to him evidences a newfound desire among Orthodox children to wear yarmulkes in public school, laying the groundwork to challenge existing policies in New York and New Jersey which prohibited head coverings.

Until March 1966, both Jewish students and teachers were prohibited from wearing yarmulkes in many New York City public schools. After a student at George Washington High School in Manhattan was forbidden to wear his yarmulke in school in accordance with legal advice given to the school, the New York Board of Rabbis applied pressure on the Board of Education to reverse the policy.<sup>123</sup> Soon afterwards, superintendent of schools Bernard Donovan reversed the previous policy by permitting students to wear yarmulkes, before including teachers ten days later. Before Donovan's permissive ruling, Rabbi Harold Gordon, the head of the New York Board of Rabbis at the time, was quoted as saying, "to the [Orthodox and Conservative] the yarmulke is to be worn at all times during the waking hours, just as much as a shirt or a pair of trousers..."<sup>124</sup> The fact that this statement was taken seriously may reflect the changing reality of the yarmulke in America or simply Gordon's attempt to play up the importance

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<sup>121</sup> *Iggerot Moshe, Orach Hayyim, 2:25*. Accessed through Online Responsa Project.

<sup>122</sup> *Ibid.*

In this responsum, it is unclear whether Rabbi Feinstein is simply reacting to a preexistent reality that public school students would go bareheaded or even permitting this practice *a priori*.

<sup>123</sup> Leonard Buder. "Pupils Given Right To Wear Yarmulkes; Pupils Win Right to Wear Yarmulkes." *New York Times*, 17 March, 1966.

The AJC was prepared to advocate on behalf of the Jewish students again in this instance, but the policy was reversed before it was necessary.

<sup>124</sup> *Ibid.*

of the yarmulke in support of his case. Regardless, the *New York Times* openly supported the choice to wear a yarmulke in all contexts, a far cry from the silence or occasional implicit derision the yarmulke elicited only ten or fifteen years before in the same newspaper.

Following this change in policy, *The Jewish Observer*, associated with the conservative Orthodox organization Agudath Israel, elatedly wrote,

The mere question of a Jewish child wearing a yarmulka in a public school indicates the growing maturity of religious Jewry. Years ago... most Jewish boys attended public schools. Yet, even those coming from more observant families would not have dreamed of going to school wearing a yarmulka. Today Jewish attitudes have changed; there is considerably less reluctance to expose one's Jewishness. Attitudes of the non-Jew have also changed...<sup>125</sup>

This article points to the dual cause for the reversal in policy on yarmulkes in schools: the strengthening of internal Jewish identity and practice as well as greater tolerance for openly religious practice in American society.

Only one year following this case, the situation nearly repeated itself in nearby New Jersey. In July 1967, 13-year-old Bernard Paul White of Hillside, New Jersey, a student at an Orthodox yeshiva during the year, decided to take a summer typing course at the local Hillside public high school. As was his practice in school and year round, he came to the class wearing his yarmulke and was promptly asked by his teacher to remove it. After he refused, the vice principal repeated the request, which ultimately reached the superintendant and chairman of the Board of Education, who both ruled that White could not attend the class while wearing his yarmulke.<sup>126</sup>

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<sup>125</sup> "Yarmulkas in Public Schools," *Jewish Observer*, April 1966, 27-28. Ironically, the article continues to worry that the policy reversal will be a curse in disguise for American Jews, causing them to send more children to public school who would otherwise had attended Jewish schools.

<sup>126</sup> American Jewish Congress Press Release, 8/9/67, AJHS Archives box 318, folder 11.

The American Jewish Congress, represented by their legal counsel, Leo Pfeffer, considered an expert on matters of the relationship between church and state, appealed to the Board of Education on White's behalf. According to the AJC memorandum on his presentation to the Board, Pfeffer was expected to argue that, "the yarmulke is not a religious symbol" because any form of head covering would suffice from a technical religious perspective and allowing any generic head covering would not violate the Establishment Clause of the First Amendment.<sup>127</sup> Instead, the memorandum focused on whether the school had the right to ban such an innocuous article of clothing as the yarmulke and the AJC argued that it did not.

In a meeting between representatives of the six different Jewish organizations relevant to this case, those present discussed the reasons for fighting to protect the right to wear a yarmulke. The minutes from the meeting describe that,

...the discussion made clear that although there is no written religious law which prescribes the wearing of yarmulkas, over the years the practice of deeply observant Jews in covering their heads during the waking hours, has become firmly imbedded [sic]. In fact, it is apparent that increasing numbers of Orthodox Jewish youth are beginning to assert themselves by wearing yarmulka [sic] in public schools and colleges. This is in sharp contrast to a previous era when Orthodox Jews, sensitive to the hostile attitudes of the Christian world, compromised themselves by removing their skull caps in public spaces.<sup>128</sup>

This recounting confirms that Orthodox Jews wore yarmulkes in larger numbers due to greater acceptance in American society as well as increased assertiveness as a group. Further, it shows that Jewish contemporaries believed that this was a process that

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<sup>127</sup> Ibid.

<sup>128</sup> Jewish Community Council Meeting at the home of Mr. Leon Marantz, South Orange, NJ, AJHS Archives box 318, Folder 12.

occurred “over the years,” likely dating back to the postwar rise in Judaism’s image in the 1950s when the reasons for male head covering were first expressed.<sup>129</sup>

On August 30, 1967, The Jewish Community Relations Council of Essex County, Eastern Union County Jewish Council, American Jewish Committee NJ Region, American Jewish Congress NJ Region, and the Anti-Defamation League of B’nai B’rith NJ, submitted a petition and statement in support of allowing schoolchildren to keep their heads covered in class due to religious requirement.<sup>130</sup> They argued that for some students to cover their heads does not violate the constitutional rights of any other students and neither students nor their parents have conscientious objections to other children doing so.

The AJC contended further that allowing Orthodox Jewish children to wear yarmulkes in the public school classroom served educational purposes. Given that children are taught in school that the bedrock principles of America include providing a haven where refugees of religious persecution can peacefully coexist, the memorandum asks, “what kind of pedagogy would it be to teach this proud history and at the same time practice the direct opposite in the classroom?”<sup>131</sup> This plea echoes the claims of the Civil Rights movement, demanding that America live up to its founding values. Indeed, the proliferation of the yarmulke was connected to that very same spirit that led to greater tolerance for different faiths and ethnicities, ultimately invigorating Jewish identity in postwar America as well.<sup>132</sup>

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<sup>129</sup> This again stands in contrast to the widely held notion that the Six Day War was the single greatest contributing factor to the increase of yarmulkes in America. It certainly was significant in boosting Jewish self-confidence, but the trend was well underway before 1967 as noted in this document.

<sup>130</sup> Petition to State of NJ Board of Ed., AJHS Archives box 318, folder 12.

<sup>131</sup> American Jewish Congress Press Release, 8/9/67, AJHS Archives box 318, folder 11, pp. 6-8.

<sup>132</sup> Grossman, “The Kippah Comes to America,” 142.



The AJC's final argument included an appeal to the bedrock values of America, surely held dear by the Board of Education. They wrote,

Finally, the presence of a child wearing a skull cap could be a living and therefore most effective teaching of the concept of a pluralistic democracy. There was a time, not too long ago, when we did not recognize cultural pluralism as a desirable characteristic of our society. On the contrary, we appeared to be committed to a directly opposite goal— cultural homogeneity. This was particularly true in the public schools.<sup>133</sup>

This assertion illustrates the role of growing multiculturalism in America in enabling Jews to advocate for their right to head covering.<sup>134</sup> The AJC's advocacy highlights the transition from an ideal of "cultural homogeneity" that existed in public schools in prior years before the now regnant "cultural pluralism" became accepted. By 1967, this paradigm shift gave Jews the confidence to wear their yarmulkes in all contexts and even advocate legally on its behalf.

After penetrating the courtroom and classroom, the next "sacred" space of American life for the yarmulke to conquer was the office. In 1970, Abraham Goldstein, a 25-year old employee of the New York Stock Exchange from Queens, NY, filed a complaint on the basis of "religious discrimination" with the City Council on Human Rights after being prohibited from wearing his yarmulke at work. He was scheduled to attend a hearing on the subject until the Exchange announced the next month that all employees had a right to wear a religious skullcap. According to the *New York Times* report, the Exchange claimed that this was the first time the issue of an employee wearing a yarmulke had arisen.<sup>135</sup>

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<sup>133</sup> Ibid.

<sup>134</sup> For the purpose of this study, I do not distinguish between "cultural pluralism" and "multiculturalism," although, it is, perhaps, a distinction that deserves greater attention.

<sup>135</sup> "Stock Exchange Shifts its Stance on Yarmulke," *New York Times*, 16 May, 1970.

Just three years later, Rabbi Feinstein was asked by Rabbi Hillel Erlanger of Denver whether it was permissible to walk bare headed in a work environment where a Jew would not be accepted with a yarmulke. This question clearly indicates that observant Jews were pushing to be allowed to wear their yarmulkes even while at work but continued to meet opposition, similar to the ban Goldstein initially faced. Despite the progress made in the above cases in courtrooms, schools and offices, there were still many places across the country where Jews could not wear a yarmulke without attracting unwanted attention. Feinstein answered that the potential of one's loss of livelihood overrides many positive Torah precepts and especially one like head covering which is only a "pious practice" or a "good custom."<sup>136</sup> Goldstein may not have been aware of this leniency in his case or he simply may not have cared. As the AJC had argued in previous years, the yarmulke was not treated as a religious obligation, but rather as a marker of Jewish identity.<sup>137</sup>

The trend of aspiring politicians running for office to don a yarmulke when campaigning in an area heavily populated with Jews was a motif of *New York Times* articles relating to Jewish head covering during the 1960s. Innumerable politicians and dignitaries are reported to have appeared with their skullcap clearly visible, showing respect to their hosts. This phenomenon perhaps more than anything else highlights the drastic transformation of the yarmulke in American public life. This initiative stems either from non- Jews' desire to show respect for their surroundings or Jews now feeling comfortable enough to expect their gentile friends to honor the Jewish practice when in a Jewish context. Previous generations of Jews compromised their identity in order to gain

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<sup>136</sup> *Iggerot Moshe, Orach Hayyim 4:2*, Accessed through Online Responsa Project.

<sup>137</sup> See above, Jewish Community Council Meeting at the home of Mr. Leon Marantz, South Orange, NJ, AJHS Archives box 318, Folder 12.

entrance into general society and now the role reversal was complete. Head covering had become so ubiquitous that it now extended far beyond previously imagined social contours, even into American political life.

## Conclusion

Wearing yarmulkes in America went from a practice avoided out of fear of social marginalization and anti-Semitism to one embraced as a symbol of Jewish identification and support even for those outside the Jewish community.<sup>138</sup> While numerous factors such as fashion, demographics and politics (the state of Israel) contributed to this development, primary in changing the attitude towards yarmulkes was increasing embrace of diverse religions and cultures in America. This study of the yarmulke in postwar America highlighting greater tolerance and respect for displays of Jewish identity, provides a fascinating contrast between the development of multiculturalism in America as opposed to Western Europe and Canada.

For over twenty years, controversy has raged in France over the right of Muslim girls to wear head scarves, or hijabs, in public schools. A 2004 law banned such head coverings and although yarmulkes are currently permitted some government members have looked to ban them as well.<sup>139</sup> In stark contrast to the increasing French secularist strictures, the U.S. Equal Employment Opportunity Commission released guidelines in March, 2014 for dress in the workplace that require employers to “make exceptions to their usual rules or preferences to permit applicants and employees to follow religiously-mandated dress and grooming practices unless it would pose an undue hardship to the operation of an employer’s business.”<sup>140</sup> These guidelines, aimed at both private and government employment agencies, include an example of a Jewish man sporting a yarmulke and tzitzit who was told to work in the back of the office, away from view.

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<sup>138</sup> Even the president of the United States can be seen in a yarmulke when visiting a religious site in Israel or the United States or performing a Jewish ritual.

<sup>139</sup> “Marine Le Pen: Wearing Kippot Should be Banned” <http://www.jpost.com/Jewish-World/Jewish-News/Marine-Le-Pen-Wearing-kippot-should-be-banned>

<sup>140</sup> “Jewish Groups Praise New EEOC Workplace Guidelines,” Jewish Telegraphic Agency, 7 March, 2014.

This tolerant policy is a continuation of the attitude towards the yarmulke that began to take over in the 1960s, the trajectory from overturning discriminatory policies to mandating absolute equal treatment for those bearing religious head covering. Unsurprisingly, these guidelines were praised across the board of Jewish denominational organizations.<sup>141</sup> Protection of the diverse religious expressions of differing citizens distinguishes the United States from France and much of Western Europe that now seek to legislate preservation of cultural dominance. The ubiquity of the yarmulke in America is one testament to the continued reign of cultural pluralism in the United States.

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<sup>141</sup> Ibid.

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