

**TRADITIONS AND CELEBRATIONS FOR THE
BAT MITZVAH**

edited by Ora Wiskind Elper

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Chapter sixteen, “Rosh Hodesh – The Women’s Holiday” by Rabbanit Malka Puterkovsky is reprinted [here](#) with the kind permission of URIM publications. For more information on purchasing this book, go [here](#).

CHAPTER SIXTEEN

ROSH HODESH – THE WOMEN’S HOLIDAY

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Introduction

Many years ago, as a young student, I first became acquainted with the practice of women’s celebrating *Rosh Hodesh* as a festive day. This celebration commemorates the refusal of the Jewish women in the wilderness to participate in making the golden calf. As I had the privilege of growing up in a Torah-observant household, I was surprised to discover a women’s custom that was not kept in our house. My mother, whose faith in God was deeply rooted, and who strove to observe the more lenient *mitzvot* as carefully as the stricter ones, treated *Rosh Hodesh* as a normal weekday, working ceaselessly in keeping the house and taking care of the children. Around me as well – in my extended family, the neighborhood I grew up in, in my friend’s houses – I did not notice women relating to *Rosh Hodesh* as a special day.

After a little research on the subject, I discovered to my amazement that this is not a forgotten custom of unknown origin, neglected for generations. On the contrary, the practice women have to refrain from work on *Rosh Hodesh* stems from an explicit *halakhah* in the *Shulhan Arukh* and other mainstream *halakhic* works. Similarly, many testimonies throughout history record that women were careful to refrain from performing any (or some) tasks on *Rosh Hodesh*, as we will see later.

I then set a double goal for myself. First, I would learn as much as I possibly could about this custom. This would include thorough examina-

* translated by Zipporah and Jonathan Price

tion and research of all the *tannaic*, *amoraic* and *halakhic* sources in order to trace the origin of the custom, its development and its *halakhic* authority and breadth. Mine would be a scrupulous search for verbal and written testimonies concerning its actual practice: where and when were women zealous in refraining from doing work on *Rosh Hodesh* in one form or another? This part of the goal I set for myself, was, thank God, completed over a period of several years. I present it to you here.

Secondly, I wanted to understand how it is possible that this Jewish custom is so little observed by women, both in our generation and in the one before it. Why have women given up the God-given privilege of abstaining from work on *Rosh Hodesh*, especially considering that by observing this custom we commemorate the depth of faith, spiritual power and attachment to Hashem that characterized the women in the generation of the Exodus from Egypt? And why has this custom, which falls among the *halakhic* obligations that are not actually observed, not been encouraged and reinforced by *halakhic* authorities of the last generations?

My examination and research of the various sources has not unearthed a satisfying explanation in answer to these questions. In the last section of this essay, I will thus present some of my own suggestions based on what I have learned.

This essay has one purpose – to increase women’s awareness of the custom of abstaining from work on *Rosh Hodesh*, its sources, *halakhic* authority and breadth, and to awaken women’s interest in renewing its observance. May the *roshei hodashim*, with God’s help, be crowned once more with the faithfulness and cleaving of women to God.

1. “Roshei Hodashim... when women do not do work”¹ – For what reason?

In the fourth chapter of the tractate *Pesahim*, the *Mishnah*, *Tosefta* and both the Bablyonian and Jerusalem *Talmudim* discuss the status of a

¹ Rashi on *Megillah* 22b, ד"ה ראשי חודשים. *Rashi* is the acronym for R. Shlomo Yitzchaki, the great commentator on the Torah and the Babylonian Talmud, who lived in France in the eleventh century. In addition to his commentaries, he also wrote responsa to various questions he was asked, and *halakhic* rulings.

custom practiced in a community, and its obligatory powers. Within the framework of a wide overview of customs not universally observed by the Jewish people, this principle appears in the Jerusalem Talmud: “They made everything dependent on custom.” Immediately following is a list of festivals on which Jewish women were accustomed to refrain from working.² Concerning each festival, the Talmud indicates whether the women’s abstention from work is a proper custom or not – “proper” implying that it is anchored in the tradition and should therefore continue to be observed. When the custom is not rooted in tradition, however, it should be abolished. Within the list, *Rosh Hodesh* appears as a day women refrain from working, and the following principle is laid down:

“Women who customarily abstain from work... on *Rosh Hodesh*, it is a [proper] custom.”

According to two of the commentators on the Jerusalem Talmud³ these words would indicate that, already at the time of the Talmud itself, it was a given, recognized and commonly known occurrence that women refrained from work on *Rosh Hodesh*. And since the abstention from work on this day merits the title “*custom*,” we may conclude that at issue is not merely an extant custom; rather, the intent of the Talmud is to encourage its continuation.⁴

This description of the situation is also supported by what we find in the Babylonian Talmud. In *Megillah*, in the discussion of the number of men who ascend to the reading of the Torah on days that are not usual weekdays, a *beraita* appears with the following ruling:⁵

“This is the rule: Any day on which work would be delayed, for example a public fast day or Tisha be-Av, three people read [the Torah]. Any day on which work would not be delayed, for example *Rosh Hodesh* and *Hol HaMoed*, four people read.”

² JT *Pesahim* 4:1

³ See *Penei Moshe* and *Korban HaAidab*, *ad loc.* ד"ה יומא דירחא

⁴ R. Moshe ben R. Yitzchak me-Vinah (who will be discussed at length later) establishes the following in reference to the Jerusalem Talmud: “The custom of women to refrain from work on *Rosh Hodesh* is a legitimate and upright custom” (*Or Zarua*, vol. 2, s. 454).

⁵ *Megillah* 22b

This would imply that any day on which work is intrinsically permitted, a minimal number of people ascend to read the Torah to avoid delaying the congregation in the synagogue longer than necessary, so they should be free to go to work at the earliest opportunity. Thus, on those fast days on which work is permitted, only three people ascend to read the Torah. On every festival, however, when work is forbidden for everyone, more people ascend to read the Torah, as the public has no workday to begin. One example given for a day on which it is forbidden to work is *Rosh Hodesh*; on that day four people ascend to read the Torah. From this *beraita* we could possibly conclude that the entire nation was forbidden to work on *Rosh Hodesh*.

In the tractate *Hagigah*, however, *Rosh Hodesh* is described as a day when it is permissible to do work:⁶

“*Rosh Hodesh* is a proof, for an additional sacrifice is offered and work is permissible.”

The question is raised by the *Tosafot*.⁷ They offer the following answer:⁸

“Men are certainly permitted to do work; women, however, must refrain, because they did not remove their earrings [refusing to contribute them] for the golden calf.”

To understand the answer the *Tosafot* propose, we must relate to Rashi’s words:⁹

“[On] *Roshei Hodashim* – abstention from work is minimal, for [it is only the] women who refrain from labor... and I heard from my honored teacher [*mori hazaken*], of blessed memory, that they were given this *mitzvah* because they did not take off their earrings to make the golden calf.”

⁶ *Hagigah* 18a

⁷ *Baalei ha-Tosafot* is the collective name for a group of French and German scholars who lived in the twelfth to thirteenth centuries in the generations after Rashi (initially composed of his sons-in-law and grandsons). Their work is essentially an expansion on Rashi’s commentary, coupled with their own comments, questions and answers and *halakhic* rulings.

⁸ *Tosafot* to *Megillah* ad loc. ד”ה ושאין בו ביטול מלאכה

⁹ Rashi ad loc. ד”ה ראשי חדשים

As an explanation for the source of women abstaining from work on *Rosh Hodesh*, Rashi brings the midrash *Pirkei deRabbi Eliezer*.¹⁰ The original midrash reads:¹¹

“Aaron reasoned as follows. He said to himself: If I say to them, Give me silver and gold – they will bring it immediately. Instead, I will say to them: Give me the earrings of your wives and sons and daughters, and the plan will be nullified immediately. Indeed, the verse says, “And Aaron said, Remove...” (Exodus 32:2). The women heard but were not willing; they refused to give their earrings to their husbands, saying: To make something detestable and abominable that has no power of salvation – no, we will not listen to you! God gave them their reward in this world: that they observe the *Roshei Hodashim* more than the men. And He gave them their reward in the world to come – in the future they will be renewed like the new months.... The men saw that their wives would not heed them and surrender their earrings to them. What did they do? Until that time they had earrings like the Egyptians and Arabs, [and now] the men removed their own earrings and gave them to Aaron, as the verse says “And all the people took out the golden rings that were in their ears” (ibid. 33:3). The verse does not say “in their wives’ ears” but “in their ears.”

Close examination of this midrashic account reveals the source of the women’s custom, and enables us to appreciate its *halakhic* power and its breadth. Let us dwell on some central points the midrash raises.

Aaron the Priest, beloved by the nation because he “pursued peace and engendered love,”¹² feared for his life. He was afraid that the Jews

¹⁰ *Pirkei deRabbi Eliezer* is a collection of midrashim concerning the Creation, the period of the forefathers and the generation of the wilderness, and ascribed to R. Eliezer ben Horkanus. This collection, in many cases, provides the sole source for certain Jewish customs.

¹¹ Chapter 45 (ed. R. David Luria).

would kill him if he refused to cede to their desperate request to “arise [and] make for us a god”¹³ – a request born out of the alarm created by Moshe’s “delay” in descending from Mt. Sinai. According to the passage in the midrash prior to the one quoted, Aaron’s fear seems to have been based on what he had seen with his own eyes.

Hur, a member of the tribe of Judah and one of the generation’s leaders began to rebuke the Jews harshly. Lowly ones from among the Jews arose and killed him. When Aaron saw that Hur had been killed, he built an altar, as the verse says, “And Aaron saw...” (Exodus 32:5). What did he see? That his nephew Hur had been killed; thus he built an altar.

At the same time, though, an individual of Aaron’s stature would surely not contribute to actions that would lead to the entire nation hysterically worshipping idols. Based on his calculation that Moses had been temporarily delayed and would certainly soon reappear before the people, Aaron opted for a “delaying tactic.” He would ask the men to provide the raw material to build the golden calf specifically from their wives’ jewelry, rather from their own, in the deliberate hope that the plan would be aborted. Now it could be argued, as Rashi indeed does,¹⁴ that Aaron’s true motivation in employing this “tactic” to delay the building of the calf was the expectation that the women would refuse to give over their jewelry because they are possessive about their wealth. In the continuation of the midrash quoted above, however, the women are portrayed with a different rationale for their refusal. We might suggest, then, that in effect, Aaron knew the women would refuse to hand over their jewelry, not out of possessiveness, but due to more deeply rooted moral qualities. He recognized well the special behavior the Jewish women had shown during the exile in Egypt and in the wilderness. These women’s actions welled from strong faith and spiritual awareness that everything God does is right. Their long-term perspective enabled them to remain patient and dedicated to their goal. Aaron was well aware of

¹² See Rashi on Numbers 20:29 ד"ה כל בית ישראל. There he explains that the entire nation wept at the death of their beloved leader Aaron, as he was the epitome of a lover of peace.

¹³ Exodus 32:1

¹⁴ See Rashi on Exodus 32:2 ד"ה באזני נשיכם

the nature of these women, about whom it is said, “In the merit of the righteous women the Jews were redeemed from Egypt.”¹⁵ The midrash that opens with these words relates the efforts of the Jewish women in Egypt to continue to give birth and raise children despite the tremendous difficulties entailed in doing so, both because of the Egyptian captivity and because of the despair and hopelessness of their husbands.

Pregnancy, birth and raising children are inarguably very complex and difficult processes, even during calm and comfortable days. They become even more trying in times of enslavement and decrees forbidding

reproduction. The most natural feeling in such periods would be unwillingness to continue the process of bringing forth the next generations of the Jewish people. In truth, according to the midrash,¹⁶ this was the reaction of Amram, the Jewish leader of his generation. Father of Miriam the prophetess, Amram opted to divorce his wife to avoid the injunction to procreate. All the Jewish men followed in his stead, until Miriam came and pointed out her father’s error to him: “Father, your decree is harsher than that of Pharaoh...” The young Miriam realized what her father, despite his prominence, had not understood: To join forces with Pharaoh and his decrees, whether actively (as the midwives were commanded to do) or passively (as Amram had done) was wrong. Everyone must continue to fulfill a unique purpose in the world. We must do our part, and God will help us. And not Miriam alone was infused with this faith; it was shared by all the Jewish women in Egypt, for whom it would certainly have been easier to not conceive, give birth and raise children at a time of enslavement and pain. They acted intuitively even though there seemed to be no hope. With the power of their faith the Jewish women caused their husbands to desire them, and so they conceived and bore children.

The impossibility of giving birth in their homes under normal conditions forced the women to give birth in the fields, despite their fear that

¹⁵ *Sotah* 11b. The midrash describes at length the faithful conduct of the Jewish women in the Egyptian exile. For a fuller understanding of the continuation of this essay, please see the midrash in the original.

¹⁶ *Sotah* 12a; *Exodus Rabbah* 1:14, 18, 19.

the Jewish babies would be discovered and killed. The midrash describes how God participated, as it were, in this complicated process. He Himself assisted them in labor, and provided the needs of the tender newborn. This further highlights the women's merits – their faith and role in the nation's exodus from Egypt.¹⁷

We could, then, reasonably propose that Aaron was well aware of the faithful spirit of the Jewish women in Egypt and their conduct there, given that the women's leaders were his mother and sister.¹⁸ It would be logical to conclude that Aaron sent the men to ask their wives with the clear knowledge that this action would delay the building of the golden calf. He was convinced, apparently, that they would never agree to help or take part in a process that would lead, directly or indirectly, to worshipping alien gods.

Now Aaron was not mistaken. The women flatly refused to give over their jewelry to make the calf:

The women heard but were not willing; they refused to give their earrings to their husbands, saying: To make something detestable and abominable that has no power of salvation – no, we will not listen to you!

I think we may understand this principled refusal on two levels. First, these women had a profound belief in the intangible Creator of the world. They wouldn't lend their contribution to making something "detestable and abominable." Even when their human leader, God's agent, was late in arriving, this did not alarm them so profoundly as to undermine their faith, and cause them to yearn for a tangible replacement in which they could trust. At the same time, the reason the women give

¹⁷ See *Iyyun Yaakov* (by R. Yaakov Ryser) to *Sotah* 11b, who links the willingness of the women to continue reproducing with the advancement of the date of the exodus from Egypt: "In the merit of the righteous women... the explanation is [they were redeemed] before the set time, because the flocks of children that were born enabled them to complete the hard work [earlier than had there been fewer of them] as the commentators say." This midrash is significant from a *halakhic* perspective as well, because it provides a basis for the rabbinic obligation of women to participate in the *mitzvot* of the *Seder* night, despite the general exemption of women from time-bound *mitzvot*.

¹⁸ See the midrash mentioned in note 15, which quotes the tradition identifying Yocheved, mother of Aaron, and Miriam, with the midwives Shifrah and Puah.

for refusing contains an implicit double rebuke – of all who desired the golden calf (e.g., their husbands) and of the one seemed to have overlooked the absurdity in their demand to make the golden calf (Aaron). Beyond their opposition to the abomination of making the golden calf to be worshipped, they stressed that it has no power to save. Exposing the paradox of human beings creating an object they will instill with the power of salvation, the women effectively confronted their husbands with a challenge: You are asking for raw materials to create a tangible object. Your hysteria alone deludes you into imagining it can save you. Nothing is more absurd...¹⁹

Furthermore, as we have seen, Aaron, the beloved leader, hesitated in refusing to heed the nation's request, for fear they would kill him. Each woman who unhesitatingly opposed her husband's request for her jewelry, in contrast, courageously refused with truthful, elemental faith, to join her husband in making the golden calf. And hence their recompense:

“God gave them their reward in this world, that they observe *Rosh Hodesh* more than the men. And he gave them reward in the next world, that in the future they will be renewed like the new moon....”

Presently we will examine the nature of this “split reward” between this world and the world to come that God granted the women. To enable a deeper understanding, though, it is important to understand the concepts of “this world” and “the world to come” in our context. The intention is not that women received a certain reward during their lifetimes and a different one after their death. In our context the expression “this world” implies present, imperfect human existence, while “the next world” is the ideal, complete reality that will exist in the end of days. In this world, the women merit “that they observe the *Roshei Hodashim* more than the men.” This statement can be understood in many ways; in effect, the midrash proceeds to bring a wide range of views concerning its practical implications. In any case, comments by

¹⁹ Compare the sequence of midrashim in *Tanna deBei Elyahu*, chapter 6, and in *Genesis Rabbah* 38, which describe Abraham's attempts to prove to his father illogic of idol worship. Abraham leads his father to admit that since idols cannot possibly speak or strike, more complicated actions can surely not be ascribed to them.

various *halakhic* authorities suggest that the words “they observe” indicate the abstention from work on *Rosh Hodesh*.²⁰ In the coming, ideal world, however, their reward is “that they will be renewed like the new moon [*roshei hodashim*].”

Valuable light could be shed on the meaning of this reward by turning to an extraordinary explanation offered by the author of *Or Zarua*²¹ in the laws of *Rosh Hodesh*:²²

“I saw in *Pirkei deRabbi Eliezer* that God rewarded the women with the observance of *Rosh Hodesh* for not sinning with the golden calf, and in the world to come God will renew them like the renewal of the moon, as it is written: “When the heavens and the earth will be renewed” and “Your youth shall be renewed as the eagle.” Know that each and every month a woman is renewed by immersing, and returns to her husband, and she is as beloved to him as on the day of their marriage. Just as the moon is renewed each month and all yearn to see it – so, too, when a woman becomes renewed each month, her husband desires her and she is as dear to him as a new woman. Thus *Rosh Hodesh* is a *yom tov* for women.”

From the midrash itself, it is unclear why the women’s reward was fixed specifically on *Rosh Hodesh*. The author of *Or Zarua*, in explaining the reward in the next world, focuses on an intrinsic point of connection between the life cycle of women and the special time of *Rosh Hodesh*. The uniqueness of the woman is her ability to conceive and give birth to children. The process of birth is tied to monthly cycles. In our present world each woman becomes ritually impure and purified at her own special time. In the ideal world, as I understand the *Or Zarua* to be explaining, not only will all women have the same monthly cycle and all of them will become purified on one day, but this cycle will also coincide with the cosmic cycle. The woman will be renewed each month and

²⁰ For the views of the *halakhic* authorities concerning the practical *halakhic* implication of this reward, see the following section of our discussion.

²¹ *Or Zarua*, a *halakhic* work in four parts, is one of the earliest sources used in establishing the *halakhab* in Ashkenazic communities. Its author was R. Yitzhak ben R. Moshe me-Vinah, who lived in southern Germany in the late-twelfth to early-thirteenth century.

²² *Or Zarua*, vol. 2, Laws of *Rosh Hodesh*, s. 454.

she will be beloved to her husband as she was on the wedding day, at exactly the same time as the moon is renewed, at a time when a new cycle of natural life will take place. What we have, then, is an incredible correlation between the process of human procreation and the process of the creation's renewal; between the joint actions of mankind – men and women – in creation through giving birth to future generations and populating the earth,²³ and the cycle of renewal of nature and Creation, beginning with the moon's re-birth, and sensed throughout the month as it waxes and wanes.

In addition to this explanation, there is a tradition that connects the abstention of women with their reward of refraining from work specifically on *Rosh Hodesh*.

In the laws of *Rosh Hodesh*, after presenting sources concerning women's abstaining from work, "*Baal haTurim*," R. Ya'akov ben HaRosh²⁴ brings an explanation heard from his brother, R. Yehudah,²⁵ of the special connection between women and *Rosh Hodesh*:²⁶

"The festivals were instituted corresponding to the Patriarchs, *Pesach* corresponding to Avraham... *Shavout* corresponding to Yitzhak... *Sukkot* corresponding to Yaakov... And the *Roshei Hodashim*, which are also called festivals, corresponding to the twelve tribes. Now, when they sinned concerning golden calf, these were taken away from them and given to their wives, to commemorate that they did not take part in the sin."

²³ The commandment "Be fruitful and multiply and fill the earth and conquer it" (Genesis 1:25) is part of the description of mankind's creation, and it includes the purpose God designated for mankind in the process of creation. In *Niddah* 31a, we learn: "The Rabbis taught that there are three partners in [the creation of] a person: God, the father and the mother...."

²⁴ R. Yaakov ben HaRosh, who lived in the fourteenth century, was born in Germany and moved to Spain with his father. He authored the *Tur*, a comprehensive *halakhic* compendium on the *mitzvos* that are presently applicable. It is divided into four parts: *Oreb Hayyim*, *Yoreh Deah*, *Even ha-Ezer* and *Hoshen Mishpat*.

²⁵ R. Yehudah ben HaRosh took over the post of dean of the academy and head of the judicial court in Spain following his father's death. He is mentioned by the government as "head of the Spanish Rabbis." He authored the *responsum Zikbaron Yehudah*.

²⁶ *Tur*, *Oreb Hayyim*, *Rosh Hodesh*, s. 417

What R. Yehudah teaches is that *Rosh Hodesh* was meant to be a national holiday for the nation as a whole, but when the men sinned with the golden calf they lost these festive days. As a result *Rosh Hodesh* remained a festive day only for the women. According to this understanding, however, the language of the midrash, “God gave them their reward” is problematic. In effect, the issue is not reward but simple justice. If God had been “planning” to grant a festival to the whole nation and part of the nation sinned, the festival would justifiably be taken away from those who sinned and would remain as a festival for the group that did not sin. R. Yosef Karo, author of *Beit Yosef*, raises this question against the explanation quoted by R. Yaakov, author of the *Tur*:²⁷

“We could ask: If so, how could R. Eliezer say, ‘Therefore God gave them their reward’? *Rosh Hodesh* had already been given to the Jews; thus, although the sin of the men caused it to be taken away from them, it would not be reasonable to deprive the women of it, as they did not sin. What is not taken away cannot be called a reward.”

R. Yosef Karo proposes two solutions. The first is as follows:

“The answer could be that the prohibition against doing work on *Rosh Hodesh* had not yet been given to the Jews but was ready to be given. Due to the sin of the golden calf, this benefit was denied them. Since women, by nature, are drawn after their husbands and are secondary to them, it would have been appropriate to deny it to them [the women] as well – what is secondary in status should not be more important than what is primary in status. God, however, did not want to deprive the women of their rightful reward.”

The description here is *not* of two separate elements – men and women – composing the nation, and when one element sins, privileges initially intended for them are denied and preserved for the group that did not sin. Rather, it bespeaks a profound interrelationship between the two groups. In this case, the group that did not sin is dependent on and

²⁷ *Beit Yosef* is a work written by R. Yosef Karo, author of the *Shulhan Arukh*, designating sources for, explanations of, and expansions on the *Tur*. The *Beit Yosef* served as a foundation for the *Shulhan Arukh*. The author was an exile from Spain following the Inquisition, and lived in Turkey and Safed in the sixteenth century.

subservient to the group that sinned; logically speaking, if the privilege is taken away from the primary group, or the dominant sector, it should be taken away from the secondary group subservient to it as well. The reason: “so that what is secondary in status should not be more important than what is primary in status.” The reward, then, is that God preserved *Rosh Hodesh* for the women as a festive day, despite their secondary status relative to the men, to whom it was denied. In doing so, God actively transformed them in this context from secondary to primary in status. This essential shift in the women’s position, achieved through giving them, and them alone, the central obligation of refraining from work on *Rosh Hodesh* – this is their true reward.

The second solution the *Beit Yosef* offers is as follows:

“Furthermore, we might say that *Rosh Hodesh* was originally given to the men and not to the women; when the men sinned with the golden calf it was taken away from them and given to the women. This is the precise intent of the midrash in saying, “It was taken away from them and given to the women.” And now it can really be called giving reward, for now they merited something for which they had previously been unfit.”

According to this, *Rosh Hodesh* was originally intended to be a festive day for men alone. The privilege to abstain from work on that day was meant only for them. Their sin caused this privilege to be transferred from them to the women. In other words, the reward consists in the women being given a festive day not originally intended for them at all.

This answer is somewhat surprising, for the Jewish calendar does not include any holiday given to only part of the Jewish people. Each holiday has its unique characteristics, but the common denominator of all of them is that the entire Jewish people inherited them, hence their unifying power. It seems strange to me that God would have planned to give such a festive and frequently recurrent holiday to one sector of the nation alone.

Our puzzlement deepens with closer examination of the comments voiced by *Baal haTurim*; as he wrote, *Rosh Hodesh* was supposed to be a festival for all the twelve tribes. There is no hint in his words of an inner division amongst the twelve tribes. On the contrary, he stresses the common denominator linking *Rosh Hodesh* with the other festivals

mentioned: *Pesach*, *Shavout* and *Succot* – festivals in which the entire nation is forbidden to do work. This highlights an additional problem with the argument that *Rosh Hodesh* was intended to be a holy day whose character would be essentially different than these festivals.

*Abudraham*²⁸ offers yet another explanation why *Rosh Hodesh* was designated as a festive day for women:²⁹

“Grounds have been cited for women refraining from work on *Rosh Hodesh*.... And the midrash says it is because the women were zealous in bringing voluntary donations for the tabernacle (*Mishkan*), as the verse says “And the men brought, along with the women,” and it was erected on the first of *Nissan*. And because they were not willing to donate their earrings for the golden calf, they were given the reward of observing the *Roshei Hodashim*.”

According to the *Abudraham*, women were specially designated to observe *Rosh Hodesh* not only because of their “passive” refusal to take part in making the golden calf. God granted them that honor on account of the active role they had taken in initiating voluntary donations towards the building of the *Mishkan*. And since the *Mishkan* was erected on *Rosh Hodesh Nissan* the women received the reward of abstaining from work on *Rosh Hodesh* – this connected the two events.

R. Shimon ben Tzemah Doran, the Rashbatz,³⁰ also points out the connection between the stance of the women at the time of the making of the golden calf and their immediate mobilization in building the *Mishkan*:³¹

“It appears to me that the reason women customarily refrain from spinning [on *Rosh Hodesh*], but do other forms of work such as sewing, etc., is that during the process of building the *Mishkan*, the women were more zealous than the men. It is written, “And the men brought, along

²⁸ *Abudraham* is a collection of laws and explanations concerning prayers and blessings, written by R. David Abudraham, who lived in Spain in the fourteenth century. Some hold he was a student of R. Yaakov, the author of the *Tur*.

²⁹ *Abudraham*, *Rosh Hodesh* ד"ה למנחה מתפללין

³⁰ The Rashbatz, R. Shimon ben Tzemah Doran, author of *Responsa HaTasbbatz*, was one of the great scholars of North Africa. He lived in Morocco, Spain and Algiers at the end of the fourteenth and beginning of the fifteenth century.

³¹ *Responsa HaTasbbatz*, vol. 3, par. 254

with the women [who brought spun items]; and it is said, “And every wise-hearted women spun with her hands and brought ...” also, “They spun goats’ wool,” an act requiring great wisdom. And because the men were more enthusiastic than the women in making the golden calf, the prohibition of doing work on *Rosh Hodesh* was deprived them, on account of their alacrity in making the golden calf and their sluggishness in making the *Mishkan*. And it was given to the women, due to their passivity in making the golden calf and alacrity in making the *Mishkan*.”

With the aid of verses from the Torah, the Rashbatz highlights the significant part the women played in making the *Mishkan* and their exalted motivations in donating everything they could for the creation of a house for God to accompany the Jewish people in the wilderness. It is only natural that when God commands and shows the most fitting way to serve Him, the women, with their faith throughout the Egyptian exile and in the wilderness, would be the first to offer themselves and their skills in building, cultivating, and developing this way of serving Him.

2. “...That they observe *Rosh Hodesh* more than the men” – In what manner?³²

Having clarified the source for women abstaining from work specifically on *Rosh Hodesh*, and having understood the promised reward for women in the world to come, let us consider now the women’s reward in this world. In other words, what practical *halakhic* ramifications should be deduced from the words “that they observe *Rosh Hodesh* more than the men”? Is all work forbidden them – that is, are they to abstain from doing any form of work, or are some types of work permitted and others forbidden? If the *halakhic* authorities do in fact make such a distinction, we must understand the *halakhic* basis for it, and whether that distinction is universal and constant in all times and places. And maybe women are not really forbidden to do work at all; their reward would then be that on *Rosh Hodesh* no one, their husbands included, can force them to do work. If they wish, then, they are permitted to abstain from all the

³² *Pirkei deRabbi Eliezer*, ch. 45, cited above.

domestic tasks normally required of them,³³ an event that occurs at no other time.³⁴

Halakhic authorities, in effect, disagree over the practical implication of the women's reward. There is a spectrum of opinions, on one extreme forbidding all women from doing any form of work, and on the other advocating that each woman can choose the work she wants to do as well as the tasks she wishes to refrain from doing.

In this section, we will cite the various *halakhic* authorities, and present the main opinions in the *halakhic* process of deciding the *halakhah* concerning the question at hand. In addition to assembling the different opinions and arranging them in a *halakhic spectrum* and in a chronological order, I will try to center on understanding the *halakhic* considerations that form the basis for the decision of each *halakhic* authority.

The Rif³⁵ connects the custom of women not working on *Rosh Hodesh* to the general obligation incumbent on a community of continuing to observe an established custom of forbidding something that is generally permitted. He makes this connection by linking a discussion found in the Jerusalem Talmud of the custom to abstain from work on *Rosh Hodesh* with a discussion found in the Babylonian Talmud about the obligatory power of a local custom.³⁶

“R. Elazar ben R. Bun taught: Anything that one does not know is permitted, and mistakenly considers it to be forbidden – if he asks [what

³³ According to *Mishnah Ketubbot* 5.5 women are required to perform certain household tasks. Which ones – that depends on her financial status, but in any case she is obligated to do a minimal amount of work. The Talmud ad loc (59b ff.) discusses this issue at length. Rambam summarizes the matter in *Hilkebot Isbut*, ch. 21.

³⁴ The Rambam rules (ibid., 21.10): “If she refuses to do any of the tasks incumbent upon her, she may even be forced to do so...” The Raavad, however, takes issue on that point, arguing: “I have never heard of physically forcing women; rather, provision for her material needs may be constricted until she consents.” According to both authorities, though, it is clear that her husband can force her to do the tasks that are incumbent upon her.

³⁵ The Rif, R. Yitzhak Alfasi, an eminent teacher of the Spanish sages along with the Rambam and Ramban, lived in North Africa and Spain in the eleventh century. He authored *Hilkebot Rav Alfias*, a work that essentially condenses the *halakhic* discussions of the Talmud with the aim of extracting the definitive *halakhab*.

³⁶ *Hilkebot Rav Alfias* to tractate *Pesahim* 17a.

its *halakhic* status is] we permit it to him. Anything that one knows is permitted, but acts as if it were forbidden – if he asks, we do not permit it to him. Everything has been made dependent on custom. Women who are accustomed to refrain from work on *Rosh Hodesh* – [it is a] custom.”

From the flow of his argument, we can see that the Rif sees the source of the women’s obligation to refrain from work on *Rosh Hodesh* as a custom that they actively observed. Even if work had *a priori* been permitted to them, over the course of numerous generations they customarily considered work to be forbidden to them on *Rosh Hodesh* – therefore, all women are now obligated to observe the practice, since it has acquired the status of an ancient and founded custom. This, however, does not fit with the language of the midrash: “God gave them their reward.” Where is the divine commandment from God, which engendered the women’s practice to abstain from work on *Rosh Hodesh*?

R. Tzidkiyahu HaRofe³⁷ integrates the two perspectives: commandment and actual practice:³⁸

“Everything has been made dependent on custom” – This is a proof that since they customarily acted as if it were forbidden [to work], they are not permitted to abolish their custom. To do so would be a case of “[essentially] permitted things that are treated by some people as if they were prohibited cannot become permitted to them.” Furthermore, it was instituted as a statute from the time of Moshe.

R. Tzidkiyahu identifies two reasons women should continue to observe their custom: first, a practiced custom, particularly one that has been observed for many generations, cannot be nullified. Second, it is a statute fixed (the agent is unclear) during the time of Moshe.

To understand the *halakhic* approach taken by the author of *Shibbolei ha-leket* and the two reasons he cites, we must consider the sources on

³⁷ R. Tzidkiyahu ben Avraham haRofe lived in Rome in the thirteenth century. His work *Shibbolei ha-leket* is a collection of *halakhot* from the great sages of Babylon and the earlier scholars from Italy, France and Germany.

³⁸ *Shibbolei ha-leket*, par. 169.

which he bases his ruling. In the context of the talmudic discussion³⁹ of the possibilities open to a woman to revoke a vow she has made, we find a *beraita* containing a ruling drawn from this verse. “If a man takes a vow to God or swears an oath to establish a prohibition upon himself, he shall not desecrate his word; according to whatever comes from his mouth he shall do.”⁴⁰ The verse speaks of a man’s obligation to keep any vow he utters; the Sages, though, learn from the phrase “he shall not desecrate his words” that an additional form of obligatory behavior may also be considered like a vow. That is, namely, a practice that has been scrupulously observed for a long period of time by an individual or community: observance of it must be preserved just as if a vow had been made to continue the practice until a specified time. The obligatory force involved is equivalent to that of an actual vow – it cannot be nullified or desecrated (except under certain conditions laid down by the *halakhah*):

[Essentially] permitted things that have been treated by some as if they were prohibited – you cannot permit them to yourself and thereby annul them. As the verse says, “He shall not desecrate his word.”

The rule is that when an individual or a community chose, in practice, to consider something they know is essentially permitted as if it were prohibited, they must continue active preservation of that practice. Their consistent behavior over the course of time expresses a personal sort of commitment to a “vow” of deliberate stringency, forbidding themselves what is essentially permitted. There is an important condition, however: their stringency must not stem from a mistaken premise that what they wish to prohibit is essentially forbidden. Rather, it must be a conscious decision to prohibit a permitted action. This is how this law is presented in the *Tur*:⁴¹

“Permitted things, if people know that they are permitted but treat them as if they were forbidden – it is as if they accepted [that practice] upon themselves with a vow, and those things cannot become permitted to them.... However, permitted things that people consider forbidden

³⁹ *Nedarim* 15a

⁴⁰ Numbers 30:3

⁴¹ *Tur, Yoreh Deah* 214

under the erroneous assumption that they are indeed forbidden – in that case, their practice does not constitute a vow.”

The *Shulhan Arukh*⁴² states clearly that prolonged observance obligates not only the community itself who took the stringency upon themselves, but also anyone who comes to dwell in that place, as well as all future generations who dwell there:⁴³

“Acceptance by the community binds them as well as their descendants. [This also holds true in matters] to which all the inhabitants of the city did not actively agree to accept, but which they willingly practice in order to make a fence and boundary for the Torah. Similarly, anyone who comes from outside to dwell in that town is considered like all its inhabitants, and is obligated by their established practice....”

Returning to the ruling of the *Shibbolei ha-leket*, his opening statements indicate that the determining factor in fixing the *halakhah* relevant for his times was the custom, observed by all the generations of women before him, to abstain from work on *Rosh Hodesh*. In citing the rule set out in the Talmud, however, concerning “those things that are permitted,” he creates an internal contradiction between that opening and the second part of his comments.

His opening statement would suggest that originally, women were allowed to work on *Rosh Hodesh* – “permitted things” – but chose, from their own initiative, to forbid themselves from doing work on *Rosh Hodesh*. This, though, is at odds with the description in the midrash, especially the words, “God gave them the reward of observing the *roshei hodashim*....”

In the second part of his comments, he states: “Furthermore it was instituted as a statute in the days of Moshe.” In other words, the women of old began to observe the custom as “an externally given directive” (as opposed to something internally motivated), a statute instituted in Mosaic times.

⁴² *Shulhan Arukh*, *ibid.* par. 2

⁴³ These rules are based on the Talmudim in the tractate *Pesahim*, chap. 4, which deals with the obligatory powers of a community practice or any practice observed by only a minority of the Jewish community.

Other unclear elements are: who it was who instituted it; why it is called a “statute” (*hok*)⁴⁴ rather than a commandment (*mitzvah*);⁴⁵ and why it does not appear, in sources written up until the end of the first millenium, as an obligatory practical teaching (rather than a description of an action women practiced, thus warranting continued observance as the Jerusalem Talmud prescribes). Finally, the *Shibbolei ha-leket* lacks a detailed explanation of the practical scope of the obligation to rest on *Rosh Hodesh*. What exactly are women permitted to do on this holy day and what is forbidden to them?

Rabbeinu Yeruham⁴⁶ presents the practical implications of the custom in his description of how women observe it:⁴⁷

“In my opinion, those women who are accustomed to refrain from work should do no work whatsoever. I have witnessed many women mistakenly saying, “We cannot spin, but we will do other forms of work.” In accordance with their custom, work of all kinds should be either uniformly forbidden or permitted.”

This statement is the earliest testimony we have found that some women did not practice abstaining from doing all types of work on *Rosh Hodesh*. Note that Rabbeinu Yeruham does not distinguish between the types of work that are permitted and those that are prohibited. Rather, he speaks of women who are accustomed to abstain from work on *Rosh Hodesh* – and their practice, he holds, obligates them to abstain from all

⁴⁴ The expression “statute” usually describes God’s command whose reason is not known and which we have to do by virtue of it being a decree. See, for example, Rashi on the opening verse concerning the red heifer (*parah adumah*) – “This is the Torah’s decree [*hok*]” (Numbers 19:2). In the light of the midrashic explanation for the source of the custom to abstain from work on *Rosh Hodesh*, it seems problematic to call this custom a “statute.”

⁴⁵ The sole legal authority who terms the custom a “commandment” is R. Mordekhai ben Hillel, who lived in Germany at the end of the thirteenth century and authored *Piskei Hamordekhai*, a collection of comments on the *halakhic* decisions of the Rif according to the German custom. In his comments to *Megillah*, s. 806 he writes “this commandment was given only to women because they did not take off their earrings at the time of the sin of the golden calf.”

⁴⁶ Rabbeinu Yeruham ben R. Meshulam, a student of the Rosh, lived in Provence, France and Spain in the fourteenth century.

⁴⁷ Rabbeinu Yeruham, *netiv* 11, vol. 1, 52

kinds of work – and women who do not keep such a custom. The latter, he says, are permitted to do any kind of work on *Rosh Hodesh*.

From the statements of the *halakhic* authorities we have presented, it would appear that most women did have the custom of abstaining from work on *Rosh Hodesh*, and treated the day exactly as a holy day which work is universally forbidden.⁴⁸ Since women have accustomed themselves to do so over the course of numerous generations, Jewish women must continue to abstain from doing work on *Rosh Hodesh*.

Not all the legal authorities, however, share that *halakhic* standpoint. Some rule that the prohibition of doing work is not widespread; others distinguish between forbidden and permitted types of work. The distinction each authority does make concerning the various kinds of work is based on actual observation of women's practices in the time and place they themselves lived. When *halakhah* is formulated in this manner, the deciding factor is "go and see how people act, and follow them," in the talmudic formula. We find, in a variety of talmudic discussions,⁴⁹ that when doubt arises over how to resolve a *halakhic* question due to lack of a clear tradition, the solution is reached by observing how the community is accustomed to act concerning the issue. The principle underlying this tactic of determining the *halakhah* is that community practices are no coincidence; rather, they are based on ancient traditions whose origin

⁴⁸ A comment in the *Tosafot* to *Megillah* 22b *כמה מלאכה בו ביטול מלאכה* seems to point to a universal and widespread prohibition: "The answer is that men are certainly allowed to do work, while women are prohibited from doing so, because they did not remove their earrings at the sin of the golden calf." The authority initiating this prohibition is unidentified, but its existence is clear. It should be stressed that in the case of rulings integrated by Rashi or the *Tosafot* into their commentary to the Talmud, their status – solely as explications of the words of the Talmud, or as a *halakhic* ruling – is unclear. This question is treated in the responsum *Taalumot Lev* by R. Eliyahu ben R. Avraham Hazan (who lived in Egypt in the nineteenth century), vol. 3, p. 115. There he cites other works dealing with the same question.

⁴⁹ Following are two examples of *halakhic* uncertainties that were clarified by observing common practice: In *Berakhot* 45a the question arises: What is the correct blessing if someone drinks water to quench his thirst? In *Shulhan Arukh, Oreb Hayyim* 204. 7 the law is formulated based on popular custom. Before drinking water, one says "shebakol"; afterwards, one says, "borei nefashot." In *Menahot* 35a the question arises: Is it permissible to tie together torn *tefillin* straps? In *Shulhan Arukh, Oreb Hayyim* 33.5 the law is also formulated based on the commonly held custom not to tie together the straps but to exchange them for other ones, unless there are pressing circumstances.

have been somehow lost. Their roots go so deep, however, that they have become entrenched in communal life.

The legal authorities whose comments we have cited make clear that women had differing customs concerning the types of work that were forbidden or permitted them on *Rosh Hodesh*. Some authorities fixed the *halakhah* according to actually observed custom, while others sought to change it.

When asked the *halakhah* concerning women's obligations on *Rosh Hodesh* and how to determine them, the Rashbatz wrote:⁵⁰

“And this is the women's *Torah* [or “teaching”] – we will ask them what their custom is, and we have nothing other than their custom [with which to guide us].”

This would suggest that the women in the Rashbatz's time and place customarily refrained only from spinning on *Rosh Hodesh*, as a commemoration of the special donations women made to the building of the *Mishkan* (as the Torah describes); other forms of work were permitted. By refraining from spinning alone, and only on *Rosh Hodesh*, those women actively perpetuated two sources of merit: the refusal to assist or abet in the sin of the golden calf, and the immediate participation in building the *Mishkan*. If this is the custom practiced by women in his generation, the Rashbatz holds, it has obligatory status; all other women are even required to act as they do. His assumption is that the custom is no coincidence, and its source is deeply rooted, apparently, in ancient tradition.

In his work *Beit Yosef* on the *Tur*, R. Yosef Karo quotes Rabbeinu Yeruham's opinion that women who are accustomed to refrain from working on *Rosh Hodesh* should abstain from all forms of work. He then deliberates whether to endorse the custom practiced by women in his own era, or whether to seek to change it:⁵¹

“I have seen women whose practice it is to abstain from tasks done for financial profit, but who do sew/mend household clothing. But this, it seems, should also not be done; as it is the practice of women to abstain

⁵⁰ *Responsa Ha-Tashbatz* 3.244.

⁵¹ *Beit Yosef* to *Tur*, *Oreh Hayyim* 417.

from work, they should take care not to do any form of work whatsoever. It may indeed be that this is really what they initially accepted upon themselves – to make a differentiation from normal workdays, and because of that – they are refraining from work done for profit.”

The *Beit Yosef* himself seems to favor prohibiting women on *Rosh Hodesh* from doing any form of work that women originally forbid themselves on that day. A major factor in the equation, however, is the types of work that women initially accepted upon themselves. Since women may initially have abstained only from work done for their livelihood and not from other tasks (the custom he himself observed among women of his generation), the *halakhah* would rightly be fixed according to that custom. Accordingly, all women from then on would have to perpetuate the practice of their foremothers.⁵²

Interestingly, in the *Shulhan Arukh*, R. Yosef Karo’s later work, the *halakhah* is presented as follows:⁵³

“Work is permitted on *Rosh Hodesh*, and those women who refrain from doing any work – it is a good custom. *Note by the Rema*: And if it is the custom to do some forms of work but not others, we follow that custom (actively practiced in our days – *Beit Yosef*).”⁵⁴

R. Yosef Karo’s comments in the *Shulhan Arukh* contain no mention of the uncertainty he raised in his work on the *Tur*. In the *Shulhan Arukh*, all forms of work are forbidden to women who practice that custom. Here the distinction he makes is not between various forms of work, but between women – those who customarily abstain from work on *Rosh Hodesh* and those who do not. In this, he follows Rabbeinu Yeruham whom he quoted in the *Beit Yosef*.⁵⁵

⁵² The “permitted things” mentioned in the Talmud would imply, in this context, work done by a woman on *Rosh Hodesh* for her livelihood; “and other [things]” were those tasks from which women “customarily abstained – these cannot become permitted to them.”

⁵³ *Shulhan Arukh, Oreḥ Hayyim* 417.1.

⁵⁴ See *Mishnah Berurah* 417.4. He expands on the Rema by quoting the main ideas of the *Beit Yosef*.

⁵⁵ See *Mishnah Berurah* 417 in *Biur Halakḥah*. The *Hafetz Ḥayyim*, R. Yisrael Meir HaCohen, who lived in the early twentieth century, presents the central ideas raised by the *halakḥic* authorities. He then states: In truth, though, although we could say that Rabbeinu Yeruham intends to be lenient here; even so, we should not be lenient. Most

The Rema,⁵⁶ in his commentary on the *Shulhan Arukh*, includes what R. Yosef Karo himself had written in the *Beit Yosef*.

The Magen Avraham⁵⁷ found it necessary to stress the Rema's comment, "We follow the custom" by adding the distinction raised by the Beit Yosef:⁵⁸

"Initially, this is what they accepted upon themselves (*Beit Yosef*) – that is, when they made the explicit condition; if it was not made explicit, however, there is no room for leniency."

I would like to conclude the survey of *halakhic* authorities who distinguish between forms of work based on the customs practiced by women themselves with comments voiced by R. Yehiel Michael HaLevi Epstein,⁵⁹ author of *Arukh Hashulhan*. He summarizes the sources concerning women's abstaining from work on *Rosh Hodesh* (*Pirkei deRabbi Eliezer*, the discussions in the Babylonian and Jerusalem Talmud) and the opinions of *halakhic* authorities before him. In his own decision, the author of *Arukh Hashulhan* follows the ruling of the *Shulhan Arukh* in principle, but his decision is different in practice:⁶⁰

"If there is a custom to do some forms of work but not others, we follow the custom, as long as it is known there is already such a custom.

of the earlier *halakhic* authorities [*ba-poskim ba-rishonim*] seem to hold that the issue does not depend on contemporary women [of any particular generation]; rather, their obligation is perpetuated from their foremothers in generations passed. See *Shibbolei haleket*, who says it was established it as a statute in the time of Moshe; this is the opinion of the *Rokeach* and the *Or Zarua* as well. They simply wrote that women are forbidden to work. The same can be understood from the *Eshkol*, and it is also the view of *Avudraham*, *Sefer ha-manhig*; the opinion of Rashi and the *Tosafot* in *Megillah* and other places is definitely consistent with it...."

⁵⁶ The Rema, R. Moshe Isserles, wrote comments to the *Shulhan Arukh* based on the *Ashkenazic* custom. He lived in sixteenth century Poland, and *Ashkenazic* customs are fixed according to his notes.

⁵⁷ *Magen Avraham* – a commentary with *halakhic* additions to the *Shulhan Arukh*, *Oreb Hayyim*, written by R. Avraham Evli Gumbiner, who lived in Poland in the seventeenth century.

⁵⁸ *Magen Avraham*, *Shulhan Arukh*, loc. cit.

⁵⁹ R. Yehiel Michael HaLevi Epstein, one of the great rabbis of nineteenth century White Russia (who passed away at the beginning of the twentieth century) authored *Arukh Hashulhan*. It addresses most of the *Shulhan Arukh*, explaining the sources cited by the *Shulhan Arukh* and notes by the Rema.

⁶⁰ *Arukh Hashulhan*, *Oreb Hayyim* 417.

But without this women are forbidden to do any form of work. In our community, the wives of working men abstain from work, but women who have a trade do work; we must say that they did not take it upon themselves to damage their livelihood.”

Nineteenth century reality was quite different from that of the sixteenth century. The testimony of the Beit Yosef leads us to understand that in his times, women took care to abstain, on *Rosh Hodesh*, from work done for their livelihood, but they did permit themselves to do other tasks. The reason: that was the practice they had taken upon themselves from the very beginning, and the *halakhah* was thus fixed in accordance. In the nineteenth century, in contrast, the complete opposite was true. Women abstained from all work on *Rosh Hodesh* except for work in which they specialized and earned their living. The reason: out of fear that if they abstained from working on *Roshei Hodashim* they would lose their source of income. Hence, we see that the *Arukh Hashulhan* ruled, in principle, like most of the *halakhic* authorities that a distinction should be made between forms of work that are forbidden and those permitted to women on *Rosh Hodesh*. The distinction is made in practice by observing the prevailing customs actually held among women on *Rosh Hodesh*.

This approach, in sum, seems to me to provide a wonderful example of “go with the *halakhah*” or, in other words, “*halakhic* development.” It draws its strength from the principle that guided *halakhic* authorities throughout the generations when questions arose over the correct ruling: “Go out and see what people do” and act accordingly.

On one hand, *halakhic* authorities are careful to preserve observance of an age-old women’s tradition, and hold *Rosh Hodesh* as a *yom tov* – that is, a festive day on which some or all work is prohibited. On the other hand, their sensitivity and responsiveness to changing needs and conditions is highly evident in their endorsement of change in actual custom in accordance with what women do in each historical context.

3. “God gave them their reward – to observe *Roshei Ho-daoshim...*”⁶¹ – But do they really?

All the *halakhic* authorities we have cited consider women’s abstaining from some or all forms of work on *Rosh Hodesh* to be a custom women took upon themselves in ancient times (perhaps even in the wilderness) as a tangible expression of their reward for refusing to help in making the golden calf and for contributing gladly in building the *Mishkan*.

R. Yoel Sirkas,⁶² in his work on the *Tur* entitled *Bayit Hadash*, makes an interesting *halakhic* innovation concerning the practical implication of the words, cited in the title of this section, from the midrash:⁶³

“Thus, there is certainly no prohibition on women if they chose to work.... Rather, the reward God gave them was to observe *Rosh Hodesh* – in that the husband cannot force his wife to do work. As it says in the Jerusalem Talmud: Women who customarily refrain from work on *Rosh Hodesh* – it is a custom, in other words, her husband cannot compel her.... This was apparently decided to instruct the men and to warn them not to force their wives to work on *Rosh Hodesh*. It is no transgression, however, if she does work. When a few women are seen to work, then, and we do not impede them, we can be sure no transgression is involved, as I explained [above].”

Thus, although it is termed a “prohibition” [*issur*], it applies only to the head of the household and constrains him from forcing his wife to work.... But if either he or she wants to do work – no prohibition would be transgressed, not even a rabbinical prohibition. This is the practice followed by everyone. The *halakhah* we follow, then, is to avoid forcing women to work. If they wish to, however – even difficult labor is permitted.

The Bach holds that women are not prohibited from any form of work whatsoever on *Rosh Hodesh*. The reward God gave them is that in those days, around twelve times a year, their husbands are not allowed to force

⁶¹ *Pirkei deRabbi Eliezer*, ch. 45.

⁶² R. Yoel Sirkas, lived in Poland in the seventeenth century. In his work *Bayit Hadash* (*Bach*) on the *Tur*, he explains and expands on the contents of the *Tur*. At times he challenges the *Beit Yosef* and often concurs with the *Maharshal*.

⁶³ *Bayit Hadash* on the *Tur*, *Oreh Hayyim* 417 ד"ה ולפי זה נראה

them to do work of any kind, unlike all other days on which their husbands can force them to do perform their household duties.⁶⁴

R. Yoel Sirkas was and remains the only *halakhic* authority who considers this to be the practical *halakhic* interpretation of the statement, “God gave them the reward of observing *Rosh Hodesh* more than the men.”

Halakhic authorities after the Bach disagree with him. R. Yisrael Meir HaCohen writes in the *Mishnah Berurah*:⁶⁵

“The Bach’s view is different. He holds that the custom is not meant to exert stringency on women by preventing them from doing work on this day. Rather, it expresses leniency: if they themselves wish to work, even difficult labor, they can surely do so, but their husbands cannot force them to work. (Excluding housework such as cooking and baking, etc.)... But none of the *halakhic* authorities I have presented above concur with this; in their view, women themselves have a *mitzvah* to abstain from work on *Rosh Hodesh* [and as a result the husband can surely not force her to work].”

The *Mishnah Berurah* quotes the Bach while constricting him somewhat. He suggests the Bach himself held that a husband can force his wife to do housework – an idea I do not see in the Bach’s words.⁶⁶ After close examination of all the *halakhic* opinions he mentions, however, R. Yisrael Meir HaCohen rules in principle not in accordance with the opinion of the Bach.

Although the novel suggestion, with its interpretative and practical ramifications, raised by the Bach was not formally adopted as *halakhah*, I think it’s very important to try and understand what led an authority of the stature of R. Yoel Sirkas to raise it. The question is intensified when we see that it is somewhat at odds with the language of the midrash. There, the reward the women received is that “they observe the *Roshei*

⁶⁴ See notes 33, 34.

⁶⁵ See note 55 for the source.

⁶⁶ Please note that the minimization of the *Bach* suggested in the *Mishnah Berurah*, i.e., that the husband can force his wife to do housework, is not only absent from the *Bach*’s actual words, but that the *Bach* actually stresses the fact that a husband cannot force his wife to do any kind of work on *Rosh Hodesh* because of her privilege that described in the *Pirkei deRabbi Eliezer*, ch. 45.

Hodashim.” I would like to introduce some possibilities in understanding his *halakhic* decision based on our discussion.

1. As we have seen, actual observance of the custom by women throughout the generations is quite varied. In some times and places women do not seem to have kept the custom to abstain from work on *Rosh Hodesh* at all (as Rabbeinu Yeruham suggested), while others did observe the custom. The forms of work that women prohibited or permitted to themselves varied and were even reversed (the *Beit Yosef* versus the *Arukh Hashulhan*). Thus, in the course of no era was there a custom observed in a coherent, uniform and obligatory manner, passed from mother to daughter, concerning the forms of work that are permitted or forbidden (if at all) to women on *Rosh Hodesh*. The Bach may have observed a variety of ways in which women kept the custom; perhaps he thought that if some women do work (of various kinds) on *Rosh Hodesh*, then work itself is not forbidden. The issue, then, would be that others cannot force them to work.

2. Contemplating more deeply on the nature of the reward God gave the women, it seems very strange that their recompense for such outstanding behavior would be the compulsion not to work on a particular day (recurring throughout the year) when no one else abstains from working. Another obvious problem is in partaking of this reward, for the work that women do centers on taking care for their husbands and children and tending to household needs – tasks that require constant vigilance. Resting from it one day each month is no easy endeavor. Beyond that, we could easily imagine that if a woman rests from work while her spouse and others around her continue to function as usual, she might well feel somewhat uncomfortable. This is not a festive day for the entire Jewish people, but for a part of it.

This practical difficulty and the discomfort involved may be one reason for the deterioration of the custom of women’s abstaining from work on *Rosh Hodesh* in commemoration of their great merits, and its restriction to certain times and specific communities.⁶⁷

⁶⁷ For more on this, see the conclusion of my discussion, in which I focus on this women’s custom in its varied forms.

3. Perhaps the Bach's unique interpretation stems from the idea that the greatest reward a person can receive is full independence to "be one's own boss" – to set one's own schedule and activities, plan one's free time, etc. Such a reward is especially great for women, who (certainly until recent generations) were subservient to their husbands. Maybe that is why the Bach innovates as he does. The reward given women for all generations, in memory of the heroism of their foremothers in the wilderness, as he sees it, is no subjugation or prohibition. It is liberation, the total freedom to do whatever work each woman wishes, and a corresponding prohibition on her husband, like anyone else to whom she is subservient, from obligating her to do anything. And it may be that the conception underlying R. Yoel Sirkas's novel explanation was something like this: On *Rosh Hodesh* the woman is subservient to no one other than God Himself. Hence her freedom to act in accordance with her own thoughts, emotions and will. Through his novel explanation, the Bach draws a deep, inner connection between the women's refusal to give their jewelry to make the golden calf (an object of idolatry) and the reward God gave them. God, as it were, said to the women: By refusing to take part in idolatry, a refusal that required determination and courage, you have expressed your faith in Me and your loyalty to Me alone. As a reward, I will give you a special day that occurs twelve times a year on which you will be free from subjugation to any other human being. When you abstain from work on *Rosh Hodesh*, and when subsequent generation of women continue to observe this custom

vigilantly, all women will remember, and the Jewish people as a whole, in each generation will remember, month by month, the precious, inner faith in God that was instilled in the hearts of Jewish women throughout the exile in Egypt and in the wilderness.

Conclusion

The source of the custom for women to abstain from work on *Rosh Hodesh*, as we have seen, is the midrash *Pirkei deRabbi Eliezer*, a work

attributed to R. Eliezer ben Horkanous⁶⁸ – one of the great *tannaic* Sages.

Aside from this midrashic passage describing the event that led to the women’s reward, treated extensively in our discussion, there is no testimony from the *tannaic* period mentioning women actually observing this custom. This includes the six orders of the *Mishnah*, the *beraitot*, *Tosefta*, as well as *halakhic* and *aggadic* midrashim compiled in the period of the *tannaim*.

The only indirect testimony is a *beraita* that appears in the Babylonian Talmud: *Rosh Hodesh* is brought as an example of a day on which it is permissible for more people to ascend to the reading of the *Torah*, because on this day work is prohibited. Rashi and the authors of the *Tosafot* resolve the contradiction between this *beraita* and the rule in the Talmud in *Hagigah* that work on *Rosh Hodesh* is permitted by saying that on *Rosh Hodesh* work is not prohibited, but women do not work.

Rosh Hodesh was probably mentioned in the *beraita* as an example of a day on which work is prohibited due to the custom, apparently common during *tannaic* times, for women to abstain from work on *Rosh Hodesh*. We can conclude indirectly, then, from these comments in the Babylonian Talmud that the custom was kept by women in practice as early as the times of the *tannaim*.⁶⁹

The first direct testimony we have that women were accustomed to abstain from work on *Rosh Hodesh* dates from the period of the *amoraim*.⁷⁰ In the Jerusalem Talmud, we find the statement: “*Rosh Hodesh* – is a custom.” This would imply that the custom women have to refrain from work on *Rosh Hodesh* is proper and correct, and should be perpetuated.

⁶⁸ R. Eliezer ha-Gadol clearly did not write, collect, or edit the entire contents of *Pirkei deRabbi Eliezer*, for that collection includes midrashim quoting *Tannaim* who lived after R. Eliezer. The title is due to chapters describing the life of R. Eliezer ha-Gadol and traditions preserved in his name.

⁶⁹ The period of the *tannaim* extended from the days of the second Temple until the conclusion of the *Mishnah* by R. Yehudah ha-Nasi in 220 C.E.

⁷⁰ The period of the *Amoraim* began with the conclusion of the *Mishnah* and lasted until about 400 C.E. in Israel and until about 500 C.E. in Babylon.

From the *rishonim* and *ahronim* who relate to the women's custom, we obtain the following picture:⁷¹

All the *halakhic* authorities recognized clearly the women's custom to refrain completely from doing work on *Rosh Hodesh*, both from sources that preceded them and from observing women in their close environment. The majority of those women were stringent in active observance of the custom to abstain from work on *Rosh Hodesh*. Some *halakhic* authorities distinguished between women who observe the custom and are thus obligated to continue observing it, and those who did not observe it and are therefore not obligated to do so. Some *halakhic* authorities made a distinction between different forms of work – tasks that women are permitted to do on *Rosh Hodesh* and tasks they are prohibited from doing.

The common denominator shared by all the *halakhic* authorities is that their *halakhic* decision concerning the practical consequences of the midrashic source is based on the behavior of women around them. This follows the principle to “go out and see what people do.” We can conclude, then, that the custom was actually observed and hence was recognized well by all the *halakhic* authorities.

We find testimony already in the writings of Rabbeinu Yeruham (from the period of the *rishonim*) that some women were not stringent in keeping this custom. Most of the *halakhic* authorities presented in this essay, though, describe a custom that was observed in their time, albeit in a variety of ways and with varying emphases. For example:

In some generations, women were very careful to refrain from spinning on *Rosh Hodesh*, in commemoration of their involvement and donations of spun items in the building of the *Mishkan* – but allowed themselves to do other forms of work on *Rosh Hodesh* (as the Rashbatz describes).

⁷¹ The period of the *rishonim* dates from the first *halakhic* authorities after the period of the *geonim* (from the ninth century) until the expulsion from Spain at the end of the fifteenth century. The period of the *ahronim* is considered to be from the end of the period of the *rishonim* until about the nineteenth century, when the period of the *ahronim* began.

In other generations, women customarily did all forms of work within the home but did not work on *Rosh Hodesh* for their livelihood (as the *Beis Yosef* testifies).

In different periods, women practiced the opposite: they permitted themselves to work on *Rosh Hodesh* for their livelihood so they should not lose the source of their income, but abstained from doing housework (as described in *Arukh Hashulhan*).

The urgent question, then, is why women have not observed this custom for the last hundred years. After all, it is a continual recollection of the uniqueness of Jewish women, and serves as a remembrance for generations of the significant part they played in the redemption of the Jews from Egypt. Observance of this custom bears witness to a heritage of profound, authentic faith in God. It has been kept by women throughout history (at least from the times of the *Tannaim* and until the end of the nineteenth century), and won honor, appreciation and encouragement by *halakhic* authorities. All this makes it extremely difficult to understand why women have largely abandoned this custom, particularly in our age of striving for equality between the sexes and recognition of unique qualities of women.

I have no clear or unequivocal answer to this question. But I would like to raise some possibilities:

In our days especially, new developments are taking place in the status of women. They are called upon to perform two complicated and difficult tasks: on one hand, to fulfill their Jewish purpose of (it seems to me) bearing and raising children while maintaining responsibility for the continual upkeep of the home.⁷² On the other hand, they are overtly or covertly expected to help financially.

Particularly in times such as these, when women are weighed down with obligations, it is only natural and logical that the custom would be eroded until it is effectively nullified in practice. If women would abstain

⁷² This does not mean that the husband cannot help his wife in certain tasks such as child-care and housework. Yet despite the significant changes that have occurred over the last few decades in the status of women, these functions are still unfortunately viewed as “unmanly,” and consciously or unconsciously placed upon women – something I hope will change in the future with God’s help.

from working a whole day each month they would face a two-fold danger:

1. Fulfillment of all their household tasks, neglected on *Rosh Hodesh*, would be even more difficult; on the morning after *Rosh Hodesh* women would awaken to a new day tightly filled with tasks. Life, as we know, continues with all its demands.

2. In our modern world, few jobs exist that would be attainable to a woman who demanded being absent for a whole day each month. Keeping this custom would threaten women with losing the source of their livelihood.

It seems to me that this is the process that has led to fewer and fewer women abstaining from work on *Rosh Hodesh*.⁷³ Now in only a very small number of Jewish communities in the world do women observe this incredible custom zealously guarded by generations of Jewish women.

As we have seen, in every era *halakhah* has been shaped according to actual practice. The writings of the *halakhic* authorities preserve the inner core of the custom of women abstaining from work on *Rosh Hodesh* in accordance with what the women in each time could prohibit and permit themselves to do. Precisely for this reason, women of our generation should not abandon the custom of their foremothers totally. Its perpetuation throughout history should remind us and the entire Jewish nation of the merits instilled in Jewish women throughout times of exile, enslavement, decrees and wandering. These merits stemmed from the sincere, autonomous faith they had in the Creator, their self-determination and their total recognition that He created everything.

May it be God's will to enlighten our eyes, and may He show us how to continue observing the essential custom of refraining from work on

⁷³ At the end of presentations that I give on this topic, I usually address the audience with the request to tell me of any encounters they may have had, however minimal, with actual observance of *Rosh Hodesh*. Occasionally, a woman (usually older) will come and tell me that her mother would refrain only from sewing on *Rosh Hodesh* (perhaps to commemorate the prohibition of spinning on *Rosh Hodesh*). Or someone might say that in her family the women would not cook on *Rosh Hodesh*. Each time, though, I am surprised and saddened at how few testimonies there are. Nearly each time I present this topic, listeners have been recognizably surprised to hear that an explicit *halakhah* deeply rooted in midrashic tradition is hardly kept nowadays.

Rosh Hodesh. May that day be formed so that the entire community and the women within it can experience *Rosh Hodesh* as a festive day, the women's festival with all its implications. And, at the same time, may God grant us the strength to continue fulfilling the obligations women have set for themselves.

It is our hope that in our time and in the future we will merit that *halakhic* authorities can enact the injunction to "Go out and see what the people do, and act accordingly."

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