

Does Judaism Give Women Time Off for Good Behavior?

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The Problem

Rabbinic Judaism, and especially early rabbinic Judaism, is not compatible with feminist ideology. In the cosmos of the rabbis women were subservient to men. This was manifested as far back as the first known rabbinic document, the Mishnah, redacted in approximately 200 C.E. The tractates in this compendium of laws primarily reflect the different elements of the services and needs of the male rabbinic Jew. While there is no division or tractate entitled “Men,” there is a division called “Women,” devoted mainly to a woman’s place in a male-dominated society. In the opening *mishnayot*, the acquisition of women is already likened to the acquisition of slaves, who are also unquestionably in the service of their male masters. Rubin (2008) shows that in a patriarchal¹ society, such as that of the Jews in the Mishnaic and Talmudic periods, women were simply objects belonging to their husbands.

Yet, in the *Talmud Yerushalmi* (also known as the Jerusalem or Palestinian Talmud (TP), redacted in approximately 400 CE) in Tractate *Megillah* Chapter 1, halakhah 6 and *Pesachim*, Chapter 4 halakhah 1, we find days and times when women are exempted from work. Furthermore, the legal codes of Rabbi Yaakov ben Asher² and Rabbi Joseph Caro³ include two additional times imposing such restrictions.

This essay will explore these time exemptions and their literary and historical development. In so, doing I will make use of social scientific tools to derive the motivation behind these customs and why they were never actively incorporated into Jewish observance. At the outset, I will offer methodological considerations that make up the theoretical framework of this essay.

First Consideration: Cross-Cultural Influence

Social and religious realities have demonstrated that even the strongest boundaries erected between different ethnic groups are unable to prevent penetration by outside influences. Rituals practiced by neighboring religions are often readapted and synthesized within their religious beliefs and philosophy. Starting in Biblical times and throughout Jewish history, we find that Judaism adopted patterns, rituals, symbols, and philosophies similar to those found in various groups living in the same geographical areas. I have shown examples of cross-cultural beliefs in

¹ For the purpose of this paper I accept Wagner’s (188, p. 6) definition of patriarchy. “The form of social organization in which the eldest male (usually the father) heads the unit (family or household) and in which women, subject to male domination, automatically possess inferior legal status.”

² The author of the *Arbaah Turim*, also known as Rabbi Yaakov Baal HaTurim. Born in Germany c. 1275, died in Spain in c. 1340.

³ Author of the *Shulhan Arukh* and the *Beit Yosef* a commentary of the *Arbaah Turim*. Born in Spain c. 1488, died in Israel in 1575.

my study of *kapparot* (Fishbane 2007). In this case, ancient myths were accepted within Jewish culture and given a new Jewish or rabbinical rationalization. An additional example is that of the moon rituals. Leah Novick (1966, pp. 14-15) argues that in Biblical times the Israelites were influenced by the moon celebrations of the pagan Canaanites, which included bonfires, music, dance, prayers of thanksgiving and possibly the sharing of sacred food and drink, all rituals that are not strange to *Rosh Hodesh*⁴ celebrations.⁵

Furthermore, nature and items common to all societies were used cross-culturally in religious rituals. Symbols and objects such as food, water, fire, blood etc., common to all cultures, became almost standard artifacts and a part of rituals in most religions. In her writings, Mary Douglas shows how these elements were seen by some cultures as holy, sacred or somehow beneficial, while for others the same symbol would be viewed as polluting. Not only physical objects are paralleled cross-culturally; ideological and ritual behavior is also studied. Anthropologists use rituals found in different primitive cultures to understand Jewish ritual behavior. Cultures with comparable social realities and analogous rituals are analyzed. In his edited volumes of anthropological essays dealing with Old Testament themes, Bernhard Lang (1985) presents a number of examples of comparative ethnography and parallels between Old Testament parables and African rituals as a means of attempting to understand the Bible.

It is important to note that, regardless of the influences that enter into Judaism, or the cross-cultural symbols incorporated into Jewish ritual, they are transformed from non-Jewish to Jewish. In the words of Asas Rubin (2008, p. 7), who bases his argument on Claude Levi-Strauss description, there is a transformation from nature to culture. In other words, “Jewish culture ‘Judaizes’ what is “non-Jewish.”

In the case of Jewish ritual, we are often unaware of the reality that existed in a specific period of history, and are therefore unable to clearly identify the source of a custom or ritual. In rabbinic texts we frequently find customs or laws whose sociological sources are unclear. We then search for the implicit motivation behind these customs by using our knowledge of available social realities, or search for the message hidden in the original rabbinic texts.⁶ Rubin (2008, p. 3), using Max Weber’s model, writes that we make use of and assemble whatever social reality we know as a “yardstick” to measure and compare to “the degree of proximity or distance from the ideal type.”

In analyzing cross-cultural studies regarding gender concerns, we find different types of social structures. Men may dominate in one, and women in another. Women of different age groups, social or economic status or life experiences obey different kinds of authority. Not all women’s

⁴ A holiday celebrated the first day or two days of every new lunar calendar month. Literally, *Rosh Hodesh* translates as the beginning of the month.

⁵ For a description of *Rosh Hodesh* rituals, see Tabory (2000), pp. 22-35.

⁶ See Lightstone 2002 who uses this methodology to understand early rabbinic motivation.

religious behavior responds to patriarchy in the same manner.⁷ One must tread carefully when investigating a religious phenomenon through the use of cross-cultural analogies.

Second Consideration: Women in Judaism

As we stated above, a patriarchal society held women to be dangerous to its stability, and also posited that a woman was subservient to a man (or her husband). Rituals in religion clearly express gender roles. The woman's place is in the home, while the man's place is outside in the world of economics, labor, and religion. Men have mobility while women are bound to their father's or husband's household. Rubin argues (2008, p. 17) that during late antiquity women were excluded from the public realm, and were discouraged from making themselves conspicuous in public. This resulted in men acquiring a stable and ongoing identity while women did not. A woman's status was established in accordance with the man who was the decisive figure in her life (father, brother, or husband). Furthermore, within the religious frameworks of such a patriarchal society, women are excluded from positions of institutionalized authority and power. Although they may be active participants in their society, their religious leadership roles are restricted.

In addition, the woman's biological cycle includes times when she is deprived of her usual status and placed outside the social boundaries of the household. As Rubin (2006, p. 11) shows, every month the Jewish woman experiences a cycle of separation and incorporation, or "rebirth." Her menstrual period requires separation and she is reincorporated into her household after using the ritual bath (*mikva*). It is important that the life of the Jewish woman was under the control of the men, the halakhic authorities, who made most decisions on the pattern of life style and behavior in the Jewish home. Women lacked social and halakhic power, and therefore had little influence on the social agenda. To summarize in Rubin's words, (2008, p. 33), "society adopts ideologies or cosmologies in accordance with its existential conditions. We have seen that when the social economic structure is patriarchal, egalitarian standing for women is inconceivable. Within this constrained structure, the rabbis enacted regulations that enabled a relatively respectable existence for the woman who was subject to a patriarchal regime."

In the traditional Jewish society, women are taught that the deity is addressed using the masculine gender, and that the Lord's message and teachings were transmitted primarily through men.⁸ That both the Torah and the Mishnah, our first rabbinic document, are primarily concerned with male figures is clear from the statement in Abot 1:1 "Moses received Torah from Sinai, and transmitted it to Joshua, Joshua to the Elders, the Elders to the Prophets, and the Prophets transmitted it to the Men of the Great Assembly." In Judaism men make the laws, decide on who can and cannot participate in rituals, and even write the prayers have traditionally excluded

⁷ See Sered 1994, p. 8 who discusses this issue in greater depth.

⁸ See Sered 1992, pp.15-16.

women from central areas of religious practice. It is therefore not surprising that the study of Jewish texts would appear in this list of areas in which there was discrimination against women, who were systematically barred from access to Jewish knowledge.⁹

Third Consideration: Structure of the Jewish Family

Rubin (2008, p. 6) suggests that the structure of a family unit is primarily determined by society's strategy of adjustment to its environment. In Israel in late antiquity, the Jews were primarily an agricultural society, which required an extended family organization. Workers were required to successfully develop and work the land. The larger the number of family members, especially males, the better for the family. In an industrial society, society's needs and strategy changed, and the nuclear family structure was then adopted.

The work exemptions

a. The Talmud Yerushalmi, Tractate *Megillah* 1: 6 (parallel in *Pesachim* 4:1) states, "The custom for women not to do certain work at the conclusion of the Sabbath [for the entire night] is not an accepted custom. Nevertheless, to do so only until the Sabbath prayers have ended is an accepted custom. On Monday and Thursday [not to work] is not an accepted custom. Not to work, until the [public] fast day is ended is an accepted custom. Not working an entire day prior to the Sabbath or holidays¹⁰ (*darvuta*) is not an accepted custom. On that day, not working from the time of *Mincha* and onwards (approximately 1.25 hours before sunset) is an accepted custom. Not working on *Rosh Hodesh* (beginning day of the month) is an accepted custom. Rabbi Zeira stated, the custom for women not to weave¹¹ (*mishtaye*) from [the beginning] of [the month of] Av and onwards is an accepted custom, since that is when the Temple Rock (upon which God wove the world and sustained it) ceased to function. What is the source, [Scriptures says in Psalms 11:2]? 'If the foundations are destroyed' etc. Said Rabbi Chinina, all these customs are accepted customs.

b. In a response from Rabbi Hayya Gaon, we are informed that after sunset between Passover and *Shavuot* it is the custom not to work. In Rabbi Yaakov ben Asher's Code of law *Arba'ah Turim* (Tur), *Orakh Chaim* section 493 this prohibition is restricted to women.

c. In the *Tur Orakh Chaim* 670 at the beginning of the laws of Hanukah, Rabbi Yaakov ben Asher, after ruling that work is permitted on Hanukah, states that "it is customary for women to refrain from work while the [Hanukah] candles are lit and not to be lenient [in this matter]. Furthermore, there are local [customs] that women do not work all day, and [also in this matter] are not lenient."

Work Exemptions in the Yerushalmi

⁹ See TB *Sotah* 21b, for further discussion on this topic, see Sered 1992, p. 16.

¹⁰ Below I will discuss an alternate interpretation of the word.

¹¹ A different translation of the Yerushalmi is also offered. This subject I will discuss below.

The text of the Yerushalmi implies that the customs discussed were popular, and were practiced by the women in their society. Rabbinic rationalizations are offered for only two of the work exemptions. The reason attributed for women not working on *Rosh Hodesh* is recorded not in the Talmud Yerushalmi, but in a later document: *Pirkei de Rabbi Eliezer* Chapter 54.¹² The book relates that in order to discourage the Jews from seeking false gods, Aaron asked them for the golden earrings of their wives and children to forge a golden calf, a false god. The women refused to hand over their jewelry, arguing that creating a calf is detestable and abominable, and that an idol has no power to save. The Lord therefore rewarded the women in this world with greater observance of *Rosh Hodesh* than the men. In the next world, the Lord will renew them, like the renewal of the moon. A proof text is offered from Psalms 103:5: “When the heavens and the earth will be renewed and your youth shall be renewed as the eagle.”

The holiday was originally designated as a holiday like all other Jewish holidays, to be celebrated by all Jews, men and women alike. Because of the good and righteous deeds of the Israelite women in the desert, *Rosh Hodesh* therefore was subsequently emphasized as a day for women.

It was not until the period of the *Rishonim*¹³ that the rationalization for *Rosh Hodesh* as a holiday primarily for women was elaborated on and fully accepted. In his halakhic guide *Or Zaura*, Rabbi Yitzchak of Vienna¹⁴ writes:¹⁵ “I saw in *Pirkei de Rabbi Eliezer* that God rewarded 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 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 year 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 is. Thus *Rosh Hodesh* is a holiday for women.”¹⁶ As a holiday for women, they then are exempted from work. Rabbi Yitzchak of Vienna adds a new dimension by calling the reward of the Israelite women a means of endearing them to their husbands.

Rabbi Shimon ben Tzemah Doron¹⁷ offers an additional pro-active component to the actions of the women in the desert. He writes: “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 Tabernacle, the women were more zealous than the men. It is written

¹² Ascribed to Rabbi Eliezer ben Hyrcanus and composed shortly after 833 CE.

¹³ The *Rishonim* are the rabbinical authorities dating from the ninth century until after the expulsion from Spain at the end of the 15th century.

¹⁴ Born in Bohemia (Czechoslovakia in the late 12th century and died in Vienna, Austria, in the mid-13th century.

¹⁵ Volume 2, Laws of *Rosh Hodesh*, s. 454.

¹⁶ Translation adapted from Puterkovsky 2003, p.226.

¹⁷ Also known as the Tashbbatz

‘And the men brought, along with the women [who brought spun items]’; and it is said, ‘And every wise-hearted woman spun with her hands and brought...’ also, ‘They spun goats’ wool.’¹⁸ The Rabbi then goes on to discuss the fact that the women refrained from offering their jewelry to mold the golden calf. Rabbi David Abudram¹⁹ also offers a similar pro-active reason for the designation of *Rosh Hodesh* as a women’s holiday. He writes; “Grounds have been cited for women refraining from work on *Rosh Hodesh*... In addition, the Midrash says it is because the women were zealous in bringing voluntary donations for the Tabernacle, as the verse says “And the men brought, along with the women²⁰,” and it was erected on the first of *Nisan*.²¹ And because they were not willing to donate their earrings for the golden calf they were given the reward of observing the *Roshei Hodashim*.”²² In addition to emphasizing the pro-active component, Rabbi Abudram adds that there is a connection between the day the Tabernacle was erected on *Rosh Hodesh Nisan*, which is symbolically representative of all the additional *Roshei Hodashim*, and the women’s reward *Rosh Hodesh* as their holiday.

In the Babylonian Talmud, the primary source used by the rabbinic authorities for adjudication, there is no record or mention of *Rosh Hodesh* as a woman’s holiday or the woman’s exemption from work. Rather, the Talmud is concerned with the problem of whether all Jews are or are not allowed to work on *Rosh Hodesh*. Three different tractates, BT *Arichin* 10b, BT *Moed Katan* 2a, and BT *Shabbat* 24a, state that work is permitted on *Rosh Hodesh*. BT *Megillah* 23b, however, concludes that one should not work on *Rosh Hodesh*. This contradiction was not examined until the period of the *Rishonim*. In the commentary of the *balei haTosafot*,²³ published in Vilna edition of the Babylonian Talmud, two explanations are offered. One states that that when the Talmud concludes that work should be avoided on *Rosh Hodesh*, it is referring to women. The second consideration is that the BT in *Megillah* does refer to men, but is citing a custom rather than a legal prohibition.

The Position of Other Rishonim²⁴

Most *Rishonim* primarily focused on the concerns of the Babylonian Talmud, which does not discuss the women’s exemption from work on *Rosh Hodesh* found in the Palestinian Talmud.²⁵

¹⁸ *Responsa Ha Tashbbatz* vol. 3, par. 254. Translation adapted from Puterkovsky, 2003, p. 230

¹⁹ Authored Abudraham. Lived in Spain in Seville Spain in the late 13th – 14th centuries.

²⁰ Laws of *Rosh Hodesh*, opening words *leminchah mitpallim*.

²¹ The first day of the Hebrew month of *Nisan*

²² Translation from Puterkovsky 2003, p. 229.

²³ Tosafists were a school of medieval rabbis, in France and Germany, who wrote a series of critical commentaries on the Babylonian Talmud. See Ephraim Urbach 1955.

²⁴ For a summary of the views of the rabbinical authorities, see Zevin 1955, pp. 143-144, and Yosef, 1995 pp.248-252.

²⁵ Rabbi Slomo Yitzchaki (Rashi) (born 1040 and died 1105 in France), however, in his commentary on Megillah 22b, quotes the *Pirkei Rabbi Elazar* discussed above and adds an additional proof text from Samuel I, 20:18-19 to demonstrate that work is prohibited on *Rosh Hodesh*. The passage in Samuel I indicated that the day preceding *Rosh Hodesh* is a workday, therefore suggesting, in contrast, the following day, *Rosh Hodesh* is a workday. Other *rishonim* as the Rabbi Yom Tov ibn Asevilli (Ritva, Spain c. 1320) argues that the passage and observance of *Rosh Hodesh* as a non-working holiday only refers to ancient times.

They simply accepted the ruling of the Yerushalmi, and understood it to mean that women should not work on this holiday. These *Rishonim* did not categorize the restriction from work as a prohibition, but rather as a custom.²⁶ For example, Rabbi Avraham Av Beis Din²⁷ in his halakhic compendium *Sefer HaEshkol* (volume 2, section 4), Rabbi Avraham HaYarchi²⁸ in his manual of laws and customs the *Sefer HaManhig* (section 41-4), and Rabbi Menachen HaMeiri²⁹ (commentary on TB *Megillah* 23b) explicitly state that such behavior by women should be categorized as a custom. The author Of *Sefer HaManhig* seems to summarize the view of the *Rishonim* when he writes (in his discussion of working on *Rosh Hodesh*) that “women are a nation unto themselves.” In other words, many of the *Rishonim* gave little credence to women’s customs. The *Baalei HaTosafot* (commentary on BT *Megillah* 22b) and the Rabbi Mordechai ben Hillel (commentary on BT *Megillah* section 406) suggest that this is an outright prohibition against women working. The *Baalei HaTosafot* uses the term *asur* (prohibited) while the Rabbi Mordechai ben Hillel’s language only implies this conclusion.³⁰

Two *Rishonim*³¹ show greater concern for the women’s position. Rabbenu Yerucham ben Meshulam³² (Netiv 11, vol. 1, 52) argues that some women err when they think that the custom of not working on *Rosh Hodesh* refers only to weaving. The exemption is all-encompassing, and no work should be permitted. Either they refrain from all work entirely, or they erase (one cannot "cancel" a custom) the custom completely. Rabbi Yerucham also recognizes that the custom of not working is not universal but rather individual, thus implying that—while not disregarding the rabbinic sources--refraining from work was not actually part of his social reality. Historically there is no evidence that women refrained from work on *Rosh Hodesh*, and this motivated the rabbi to include a ruling beyond a halakhic interpretation and analysis of texts. Shimon bar Tzemach³³ in his book of responsa (Volume 3, question 244) disagrees with Rabbi Yerucham, and explains that since women were faster than men in working to erect the Tabernacle, it would be acceptable for women to refrain only from weaving on *Rosh Hodesh*. In his halakhic compendium *Shibolei Leket*, Rabbi Tzidkiyah HaRofei³⁴ takes the custom of women not working a step further than most *Rishonim*. He argues³⁵ that once this is an accepted and practiced custom, it must adhere to the rules concerning custom. In other words, he argues that a

²⁶ This can also be implied from the words of Rabbi Asher ben Yechiel , born in Germany c. 1250, and died in Spain c.1327, (commentary on BT *Megillah* 22b) who evades the tern prohibit. See Shmuel 1995 p. 103.

²⁷ Known as Ravad II was born in Provence c. 1110 and died there c. 1179.

²⁸ Born in Provence in c. 1155 and died in Spain in c. 1215.

²⁹ Born in Provence c. 1249 and died in Provence c. 1306.

³⁰ Rabbi Efraim Karnofogel (Yeshiva University) pointed out to me that there is a basic difference how the early *Rishonim* from Provence and the early *Rishonim* from Ashkenaz (Germany and related countries) viewed such customs. Provence viewed it as *minhag* (custom) and Ashkenaz as a prohibition.

³¹ Being *Rishonim* of a later period the difference between Provence and Ashkenaz mentioned in the above footnote is not applicable. There seemed to have been sufficient influences between the different countries to blur any differences or minimize the differences between the rishonim irrelevant of their geographical location..

³² Born in France c. 1280 and died in Spain c. 1350.

³³ Born in 1361 in Either Spain or Algiers and died in Algiers in 1444.

³⁴ Born in Italy c. 1230 and died in Italy in c. 1300.

³⁵ Paragraph 169.

custom has the rules similar to one taking a vow and that to annul it, when that is possible, requires a ritual process.³⁶ In fact, the *Shibolei Leket* attributes the custom of women not working on *Rosh Hodesh* to the time of Moses.

The primary concern of the *Rishonim* was whether men were required to refrain from work on this day. The majority of the *Rishonim* rule that men are permitted to do all types of work on *Rosh Hodesh* without restrictions. Rabbi Mordechai ben Hillel³⁷, however, in his commentary on BT *Megillah* section 806 rules that men should not do heavy work such as plowing and sowing the fields. Although the ruling is not to prohibit men from work (or most types of labor) Rabbi Yom Tov ibn Asevilli (Ritva),³⁸ in his commentary on BT *Megillah* 23b, suggests that originally, at the time of the Jerusalem Temple, men did not offer sacrifices.³⁹ Rabbi Shalom of Neustadt⁴⁰ explicitly discusses the concern for men in his work *Hilchot UMinhagei Maharash* (paragraph 467). Quoting in the name of his teacher, he poses the question as to whether men are permitted to work on *Rosh Hodesh*. Citing earlier *Rishonim*, Rabbi Mordechai ben Hillel and Rabbi Asher ben Yechiel, he states unequivocally that men are permitted to work and that it is the custom to forbid women to do so.

Codification of the Law against Working.

Rabbi Yaakov ben HaRoshin in his halakhic compendium *Arba'ah Turim* (popularly referred to as the *Tur*) *Orakh Chaim* section 417 paragraph 1, records the law concerning the prohibition of working on *Rosh Hodesh*, and discusses at length the issue as to whether men are prohibited from working on *Rosh Hodesh*. As stated above, a contradiction is found in the Talmud as to whether or not a man may work on *Rosh Hodesh*. In BT *Megillah*, 22b, it is stated that it is prohibited to work, and in BT *Haggiga* 18a it is argued that working is permitted. In order to reconcile this contradiction, the *Tur* adopts the view expressed by *Rishonim*. For example, the *Baalei HaTosafot* in BT *Megillah* 22b, that the permission refers to men; when it rules that work is prohibited on *Rosh Hodesh*, this prohibition refers to women working on *Rosh Hodesh*. The proof text offered by these Rabbis from *Perkei de Rabbi Elizer* (stated above) explains why women are exempted from work on *Rosh Hodesh*.⁴¹

The *Tur* concludes his discussion by presenting elaboration and further explanation of the prohibition of work on *Rosh Hodesh*. “The festivals were instituted corresponding to the Patriarchs, Passover corresponds to Abraham...*Shavuot* corresponds to Isaac... *Sukkot* corresponds to Jacob... and *Roshei Hodeshim* [plural for *Rosh Hodesh*], which are also called

³⁶ See Fishbane 2008 chapter 9 for a discussion on annulling a practiced custom.

³⁷ Born in Germany in approximately 1240 and died in Germany in 1298.

³⁸ Spain c. 1320

³⁹ The *Musaf* sacrifice brought on *Rosh Hodesh* as in other holidays that work is prohibited or restricted is offered as the reason for not working.

⁴⁰ Austria, 14th century.

⁴¹ See also *Tosafot* BT *Haggiga* 18a, BT *Rosh Hashana* 23a, BT *Shabbat* 24a where they discuss this contradiction in the Babylonian Talmud.

festivals, correspond to the twelve tribes. Now, when they sinned concerning the golden calf, these were taken away from them [the men] and given to their wives, to commemorate that they did not take part in the sin.”⁴² The holiday was originally not designated as a women’s holiday, but as a holiday of the Jewish people. Through their good behavior, the women earned this day as their own.

A representative of the *achronim*,⁴³ the *Levush*,⁴⁴ is concerned in his code with the problem of what is entailed by women’s not working on *Rosh Hodesh*. He begins with consideration of how the law developed. After stating that the Torah did not prohibit labor on *Rosh Hodesh*, he follows the lead of the *Tur*, writing that since on *Rosh Hodesh* a *Musaf* sacrifice is brought to the Jerusalem Temple as on other biblical holidays, (when work is prohibited or restricted to all Jews) women’s practice is not to work. As a proof text to his argument he offers and even elaborates on the rationalization of *Pirkei de Rabbi Eliezer*. He then continues his discussion, writing “Possibly this is why the Torah did not prohibit [the women] do all types of labor inasmuch as they are subservient to their husbands. They are only permitted to suspend working with the permission of their husbands.” The *Levush* continues to curtail the women’s possibility for observing a holiday exempt from labor and continues, “Women only would practice this prohibition for labor for which they would receive financial gain, but for work that was not for financial gain, such as to sewing and fixing household utensils, their practice was not to prohibit. [This was] since from the beginning their purpose was simply to differentiate from [other] week days...” The *Levush* also states that men should avoid heavy work such as plowing and sowing. For this law, he offers a proof text from Samuel I 20:19.

Rabbi Joseph Caro in his code of Jewish law section 417 paragraph 1 follows suit. “On *Rosh Hodesh*, performing labor is permitted. The practice of those women who do not perform labor [on *Rosh Hodesh*] is commendable.” The *Rama*⁴⁵ adds in his gloss; “If it is the practice [in that locality] to perform some of the labors and not to perform some of them they should follow the practice (*minhag*).” Concerned with whether women should not or do not work on *Rosh Hodesh*, Rabbi Caro resolves the issue by attributing it to local custom rather than to institutionalized law. Since the topic was discussed by the *Tur* and other rabbinical authorities, it would have been difficult for Rabbi Caro to ignore this issue. Rather, he reduces its potency by categorizing it as a custom rather than a prohibition.

Additional Views of the *Achronim*

⁴² Translation adapted from Puterkovsky 2003, p.227.

⁴³ Rabbinical authorities that followed the period of the *Rishonim*.

⁴⁴ Compiled a ten volume code of Jewish law structured after the *Arbaah Turin* and Yosef Caro’s *Shulhan Arukh*. Each section’s name begin with the word *Levush*, thus his acronym “The *Levush*.”. Authored by Rabbi Mordechai Yaffa, Born in Prague in c. 1535 and died in Poland in 1632..

⁴⁵ Rabbi Moshe Isserles, known as the *Rama*, was born in , Poland c. 1530 and died in Poland in 1572.

In an earlier work in his commentary, the *Beit Yosef* on the *Tur*,⁴⁶ Rabbi Caro elaborates on this law; “I have seen women whose practice it is to abstain from tasks done for financial profit, but who do sew/mend household clothing. Nevertheless, it seems that not even this should be done; as it is the practice of women to abstain from work, they should take care not to do any form of work whatsoever. It may indeed be that this really what they initially accepted upon themselves – to make a differentiation from normal workdays – and because of that they refrain from work done for profit.”⁴⁷ Rabbi Caro continues his argument that since it is the practice or custom of the women that decides how they should conduct themselves, one should rule accordingly without compromise. However, as he stated in his *Shulhan Aruch*, it is a custom that women do not work.

In the standard editions of the *Tur*, the commentary of Rabbi Yoel Sirkis’ *Beit Chadash* (known as the Bach) appears alongside the *Beit Yosef* commentary.⁴⁸ The Bach takes a unique stance in his explanation of the reward women received for not participating in the sin of the golden calf. Their reward, he states, is that the husbands cannot force their wives to work on *Rosh Hodesh*. There is no obligation for the women to abstain from work on this day. This is what the *Pirkei deRabbi Eliezer* means when he writes, “God gave them the reward of observing *Rosh Hodesh* more than men.”⁴⁹ He continues to clarify, “Thus, although it is termed a ‘prohibition,’ 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 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.”⁵⁰ The Bach would seem to follow the lead of the *Manhig*, who stated that women are subservient to men.

Rabbi Areyeh Leib ben Asher Gunsberg⁵¹ in his casuistic novella *Turei Even*, commenting upon on BT *Megillah* 22b, offers a different approach to the issue of working on *Rosh Hodesh*. He argues that since the proof offered to exempt women from work is based on *agaddah* and not halakha, it has no legal basis, thus Rabbi Ginsberg is implying that women not to work on the first day of every Hebrew month is a weak custom that can be flexible. He continues to discuss the issue of men refraining from work on this day, and suggests that halakhically they are prohibited from working. His argument stems from the concept that whenever the *Musaf* sacrifice is offered, as on *Rosh Hodesh* and holidays, work is prohibited. He concludes that although work was prohibited since the time of the Temple in Jerusalem, the Rabbis were concerned for the economic situation of the Jew. To prohibit men from working one day a month

⁴⁶ Rabbi Caro’s commentary was published in the standard editions of the *Tur* alongside the text of the *Tur*.

⁴⁷ Translation from Puterkovsky, 2003 p. 238.

⁴⁸ Popularly referred to as the *Bach*, he was born in Poland in 1561 and died there in 1640.

⁴⁹ Rabbi Yisrael Meir Hacoheh in his *Beur Halakhah* a complimentary commentary to his *Mishnah Berurah*, argues that the *Bach*’s ruling does not include household chores. Even on *Rosh Hodesh* the husband can compel his wife to perform household work.)That is very interesting, and you don’t comment on it.

⁵⁰ Translation by Puterkovsky, 2003, pp. 241-242.

⁵¹

could have disastrous economic results for many, and therefore work was permitted on *Rosh Hodesh*.⁵²

In *Mishnah Berurah*, a commentary on Rabbi Caro's *Shulhan Arukh*, Rabbi Israel Meir Hacoen (the Hafetz Hayim),⁵³ applies a complementary in-depth discussion of the law, entitled *Beir Halakhah*. In his analysis of the laws of *Rosh Hodesh* (*Orakh Chaim* 417) he pursues a literary pattern which virtually and blindly follows the statements of the *Rishonim* and *Achronim*, while ignoring the social reality of the time.⁵⁴ He writes, "In truth, though, although we could say that Rabbeinu Yeruham intends to be lenient here, even so, we should not be lenient. Most of the earlier halakhic authorities 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.⁵⁵ 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 the *Avudraham*, *Sefer HaManhig*; the opinion of *Rashi* and *Balei HaTosafot* in *Megillah* and other places that are definitely consistent."⁵⁶ The Hafetz Hayim sides with the view that a woman should not work on *Rosh Hodesh*, even though there is no evidence that was the reality in his time and geographical location (Eastern Europe).

However, Rabbi Michel Halevi Epstein, in his nine-volume compendium of Jewish law, the *Arukh Hashulchan*, manifests an awareness of his social reality.⁵⁷ The case of women and *Rosh Hodesh* is no different and follows his halakhic pattern. He states in *Orach Hayim* 419 paragraph 10; "If there is a custom to do some forms of work but not others, we follow the custom, as long as it is known that there is already such a custom. But, without this, women are forbidden to do any type 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." At the end of the nineteenth century most Jewish families in Eastern Europe were struggling to survive, living in very poor economic conditions. The women of the household did not sit home with leisure time to spare, but rather contributed insofar as possible to the family income and thus worked on *Rosh Hodesh*. Puterkovsky (200, p. 241) summarizes Rabbi Epstein's view; "On one hand, halakhic authorities are careful to preserve observance of an age-old women's tradition, and hold *Rosh Hodesh* as a holiday – 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." While her statement is not relevant to most of the rabbinical authorities discussed, it is applicable to the ruling of Rabbi Epstein.

⁵² For an analysis of the *Turei Even*, see Goldstein 2008 ,pp. 160-162.

⁵³ Born in 1838 and died in 1933. Lived in Radin, Belorussia.

⁵⁴ See Fishbane 1991 for a discussion and analysis of the *Mishnah Berurah* system of adjudication.

⁵⁵ See *Shibole Haleket*, who says it was established as a statue in the time of Moses.

⁵⁶ Translation adapted from Puterkovsky, 2003 p. 239.

⁵⁷ See Fishbane 2008 for an analysis of the *Arukh Hashulchan*.

As we have discussed, in contrast to most *Rishonim*, the *Achronim* were concerned with the plight of the women on *Rosh Hodesh*. That concern is manifested by Rabbi Yosef (1994, p. 251). He argues that if women should refrain from work on *Rosh Hodesh* because they should not do heavy or difficult labor, may they use a washing machine to clean clothes? This, in his understanding, is not to be considered as tiresome or difficult labor. He rules that it is permitted. Rabbi Yosef is also aware of this reality when quoting the *Arukh Hashulchan* (page 152, ff. 3), adding "Especially in our times, when if a woman refrains from working on *Rosh Hodesh* she will be dismissed from her employment."

Discussion – *Rosh Hodesh*

Moon worship, or the symbolic representation of the moon, is found throughout many cultures.⁵⁸ The moon plays a role in the festivals and rituals of many religions worldwide. As a result of the cyclical nature of the moon and the cyclical nature of women's menstrual cycles, moon rituals became a time for women to celebrate. Jewish exposure to moon rituals and festivals is no surprise. Whether it be through the Sumerian and Chaldean or the Romans, or dating from the time they left Egypt throughout their history in the land of Israel, the Jews were exposed to various moon goddesses and moon festivals.⁵⁹ Cross-cultural influences are found in the ritual behavior of the moon celebrations. Both pagan and early Jewish moon celebrations included bonfires, music, dance, prayers, food and drink.⁶⁰ Although the Bible speaks of celebrating the new lunar month and this ritualistic behavior was practiced throughout ancient times, the religious and spiritual significance of the moon was primarily found in pagan cultures the Rabbis were impelled to "Judaize" this ritual and thus offer a rabbinic rationalization. Thus suggesting that, beginning in biblical times, prayers, and ritual behavior connected to the moon and especially the new lunar month were identified as Jewish.

As stated above, there is no evidence that *Rosh Hodesh* was actually observed as a women's religious holiday that included prohibition from work. The first reference inferring that *Rosh Hodesh* is related to women is found only in the Jerusalem Talmud. I suggest that this practice was an accepted custom of the women during late antiquity. The rabbis could attempt either to reject it or incorporate it under their authority. They chose to sanction it; thereby legitimizing it within their rabbinical control. In order to understand this phenomenon as a religious practice of women for women within a patriarchal society, I suggest exploring two approaches. Throughout the cultures and religions of the world, even within a patriarchal society, there have always been religions dominated by women.⁶¹ These religions were often a means for women to express their rebellious feelings against their subservient status within their social and religious structures. Such behavior is not surprising within a social structure of extended families where

⁵⁸ For a discussion on the moon in different cultures, see Berrin 1966, pp. xxxi-xxxiv, Rosen, 2000, Golby 1998.

⁵⁹ See Puterkovsky, 2003 pp.13-16 for a discussion on this topic and Philipson 1924.

⁶⁰ See Novick 1966 p. 14.

⁶¹ See Sered 1994 who discusses these religions and offers examples from the Middle East, Asia, Africa and North America.

the women were socially segregated and restricted in their public appearances, especially in the presence of men. Examples of how reversal behavior was manifested in the Greek and Roman eras can be seen in the women's festival of Bona Dea and the Thesmophoria.⁶² Both festivals were connected with human and agricultural fertility. The rituals of this festival acquired an overtone of reversal and even rebellion in terms of normal female behavior, inasmuch as women were considered "emotional, self-indulgent, inebriate, gluttonous, irrational, weak-willed" (Versnel 1992 p. 49) and therefore restricted from different types of behavior; women were restricted from drinking wine and performing sacrifices.⁶³ At these festivals women drank wine and sacrificed animals. Versnel (1992 p. 48) further elaborates on this theme and writes that through these rituals they took over part of the men's domination while expelling men from their central position, and adopting their dominant roles. These rituals of reversal offered temporary liberation from male dominance.

Jewish women in antiquity and late antiquity living in similar patriarchal societies might have also developed comparable reversal rituals and even festivals. Because of its monthly cycle, *Rosh Hodesh* was a natural period to be taken over by women. The only rebellious or reversal ritual that we can identify is women's refraining from work on that day. According to Talmudic law, a husband can compel his wife to work on all other days. We must be cognizant of the fact that the Talmud was a document prepared by the rabbis (men) in a patriarchal society. The Talmud does not inform its readers of the origin of the holiday, the reason why this day is designated as a holiday for women, or other rituals associated to this day. Rather, it simply states that the custom of women of refraining from work on *Rosh Hodesh* is acceptable. We can only speculate that the rebellious actions of the women lay behind this day and its ritual. Rather than confronting the women with total prohibition, the Rabbis preferred to incorporate it into their legal system and thus turn it from a rebellious women's behavior into male-sanctioned religious conduct. Furthermore, rationalization by the rabbis would be necessary to incorporate the holiday as a woman's day under their supervision and sanction, thus coopting any female power or authority.

An alternate interpretation I suggest is that the women were not rebelling but rather seeking to enhance their religiosity by adopting a religious activity that was basically discarded by men. If we examine the sources available, we find that the practice of refraining from work does not seem to be designated exclusively as a woman's ritual or holiday. While there is no empirical evidence that men or women actually abstained from work on *Rosh Hodesh*, the sources indicate that the holiday of *Rosh Hodesh*, like any day in which an offering of the *Musaf* sacrifice was brought, should have included a prohibition on work. I posit that due to the economic hardship of

⁶² For a detailed description of the festivals see Versnel 1992 and his bibliography.

⁶³ Versnel (1992 p. 50) points out the only way to mould a woman from a natural into a cultural being, and incorporate them into society was through marriage. He further states (p. 52) "They usurped man's political roles (dominant functions in the centre of the state), man's cultural privileges (sacrifice, wine) man's language (sexual jokes), and discarded their own specifically female roles (care for the house) and sexual codes (chastity by staying in the house and submission to the phallogratia of their husbands)."

not working one additional day a month, and the fact that such a prohibition against work was not stated in scripture, the Rabbis chose not to enforce the prohibition not to work. However, the women adopted the holiday, which then became known as a women's festival. Only after women designated *Rosh Hodesh* as their own holiday did they incorporate the possibility of refraining from work as an expression of their rebellious approach to their subservient status. As stated above, a woman was obliged to abide by her husband's instructions concerning her workload at all other times during the year.

My second suggestion can be supported by the anthropological theory argued by Susan Sered (1994, p. 42) who writes: "The ethnographic literature suggests that three sets of factors tend to be associated with women's religions. The first of these three factors is gender dissonance – situations in which culturally accepted notions of gender are either highly contradictory and/or rapidly changing. The second factor is matrifocality – a cultural emphasis on the maternal role, often coupled with either matrilineary and/or matrilocality. The third factor is a relatively high degree of personal, social, or economic autonomy for women." Although the case of *Rosh Hodesh* is not representative of a religion, none of these three factors would motivate the creation of a Jewish women's holiday such as *Rosh Hodesh* within the structure of a male-dominated society.

As to the model that I offered from the Greek and Roman period, Ross Kraemer (1994)⁶⁴ in her study of women and religion in the Greco-Roman period employs the theory of grid-group developed by Mary Douglas⁶⁵ to explain when society could be open to women's religious activism. "Group refers to the degree to which individuals feel themselves to be part of a community, to the degree to which the individual is incorporated in the group in shared households, work, resources, and leisure time activity. Grid refers to the extent to which rules and regulations govern an individual's activity."⁶⁶ Kraemer's conclusion is that in the Greco-Roman social structure, a strong group and low grid constellation is correlated with increased religious authority and option for women. She continues to argue that when women are well incorporated into associations (high group) and when rules and hierarchy are relaxed (low grid), women become more religiously active. I have suggested throughout my analysis of rabbinic literature of late antiquity⁶⁷ that the society of the rabbis was high group and high grid constellation. For that reason, basing the behavior of women within the rabbis' social order on the religious behavior of women in the Roman world would require greater evidence than what is available to us.

Cross Cultural Religion - A Comparison

⁶⁴ Also quoted in Sered 1994. P. 46.

⁶⁵ Douglas's theory is presented in many of her publications. See for example 1978.

⁶⁶ I have quoted the description of grid-group from Sered 1994, p. 46.

⁶⁷ See Fishbane 2007.

In my work on women's sorcery in the Talmud, I argued that any attempt to understand what induced the development of a sisterhood or, in our case an independent religious system within the rabbinic social order, can be no more than a hypothesis. In a case where the data is limited, as in our instance, our discovery of the woman's perspective can only be defossilized through the symmetry or the methodology of comparison to cultures with similar characteristics. Even in circumstances where the social and cultural characteristics are analogous, one may not ignore the fact that each social order has its own influences, ones which might produce characteristics similar to those of other cultures. This consideration is especially problematic when the cultures compared are from different historical eras. Lack of data and methodological shortcomings restrict us from applying the evolutionary framework of historical analysis or even other comparative methods used to study the Israelite religion in the context of contemporary traditions of the same era. In addition to the constraints of historical differences, there is a need for an awareness of the researcher's cultural bias in interpreting the resemblance.

With this caution in mind, I would like to suggest a possible surface parallel for the development of a sorority of women in the rabbinic society of the Talmudic era. This analysis based upon anthropological theory is not set in the context of cultures which are only related by belonging to the same time and place, but rather of contiguous religions separated in time and which display very similar characteristics.

Janice Boddy (1989) studied a group of women in Northern Sudan of the Zar (spirit) Cult, in which the women claim to be possessed by spirits and practice rituals deemed necessary to pacify them. This cult provides the opportunity to perform non-socially accepted behavior and even to receive items not ordinarily given to women. Their belief in spirits and their powers (a form of the supernatural) goes unchallenged in the Muslim society of Northern Sudan; it is for them a holistic social reality. The Zar is a cult of women who function within the reality of their Muslim social religious structure as Muslim wives and mothers, faithful to their Muslim culture and religion (except for the cult practice). Boddy also points out that "women see no incompatibility between Zar and Islam; to them the possession ritual is part of a general religious enterprise." The characteristics of this culture, especially the women's place, their restrictions, the religious laws that govern them, their obligations and limitations with their husbands and family, their fertility role, and in general, their status and societal role, are comparable with that of women portrayed in the Talmud. Moreover, with such high-grid, group cultures as Zar and the Talmud, there is a similar attitude to physical realities such as the woman's body, blood, the home etc. In other words, in both social orders, the woman's special space and symbolic boundary limitations are securely organized and bounded.

Muslim men view woman's participation in the Zar as a female weakness linked to their inherent moral frailty. I would maintain that the Talmud redactors, as well as the *Rishonim* discussed above, understood the woman's role in Judaism from the same perspective, thus formally giving minor credence to their customs as behavior as long as it did not threaten the patriarchal social and religious order.

Boddy illustrates that women of the Zar cult express their identity and maintain their integrity and personhood through their spiritual rituals. The Zar has the “capacity to offset the determining tendency of cultural dispositions and imperatives. The dedication to it cautions villagers and women in particular to keep cultural values in proper perspective, to acknowledge their inherent relativity.” (Boddy 1989, p. 117). This they do not by denying their ascribed inferiority but rather by transcending it. When a woman’s self-image and expectations clash with experienced realities, as they often must in a male-dominated society, the result – as Boddy shows – is a paradox. There are two prongs to the women’s perspective of her place in the religious and social order. First, she is an integral part of society but subservient to the male. Second, within the acceptance of their status and role, the rituals that women use are an oblique attempt to redress the effects of their subordinate social status. I suggest that the holiday of *Rosh Hodesh* was accepted and adopted by women within the framework of the existing patriarchal religion, but the opportunity to refrain from work, although formerly addressed to men, was an opportunity for women to express their desire for role reversal.

Additional Illustrations from the Talmud Yerushalmi

Taking the above methodological framework into consideration, we can now apply this analysis to additional periods of time when women are exempt from work. A basic consideration is that of work exemptions presented by the Talmud Yerushalmi. These are also times when the Jewish male is restricted from work. For the women to adopt these working restrictions is not, as Guckman (1952) calls it, a rebellious ritual⁶⁸ but rather a complimentary ritual. Women, as in *Rosh Hodesh*, sought to express their religious feelings within rabbinic Judaism and not outside of it. They sought to transcend their inferior status through their religious behavior. An additional example presented by the Talmud Yerushalmi is concerned with women working during the first nine days of the Hebrew month of Av, a period when the Jewish people are instructed to mourn the destruction of the Jerusalem temple. As in the case of *Rosh Hodesh*, the Talmud Yerushalmi does not offer a preferred (but rejected) practice alongside the accepted custom. The Talmud presents the custom as acceptable in the case of women.

The First Nine Days of the Hebrew Month of Av.

Throughout antiquity and late antiquity within the division of labor between men and women, husbands and wives, the woman’s labor typically consisted of lighter household work while men were active in the public domain performing heavier construction and agricultural work.

⁶⁸ Gluckman (1952, p. 3) explains rebellious ritual; “But whatever the ostensible purpose of the ceremonies, a most striking feature of their organization is the way in which they openly express social tensions: women have to assert license and dominance as against their formal subordination to men, princes have to behave to the king as if they covet the throne, and subjects openly state their resentment to authority. Hence, I call them rituals of rebellion. I shall argue that these rituals rebellions proceed within an established and sacred traditional system, in which there is dispute about particular distributions of power and not about the structure of the system itself.”

Women were especially associated with weaving and the loom.⁶⁹ The Talmud Yerushalmi accepts the custom that women are permitted to work during the first nine days of Av. These same nine days at the beginning of the Hebrew month of Av are also discussed in the Babylonian Talmud, but address the laws of men. BT Yebamot 43b states that “from the first day of the month [Av] until the fast one must restrict himself from trade, building and planting...” Within the then division of labor, these activities represented the male areas. For men to stop work entirely for nine days would be economically difficult if not disastrous. Therefore, the Talmud suggests curtailing the workload rather than a total prohibition. The same economic results for women of not weaving for nine days would be less challenging; therefore, they adopted the custom of entirely suspending weaving, the woman’s sphere of labor, during this time period. Similar to *Rosh Hodesh*, this is an additional example of women expressing their religious sincerity and independence, but within the structural framework of Judaism. The rabbis chose to support this approach and incorporate the woman’s custom under their authority and thus their supervision. This law is codified in Rabbi Caro’s *Shulhan Arukh* in *Orakh Chaim* section 551 paragraph 8.⁷⁰

During the period of the *rishonim*, Rabbi Mordechai ben Hillel (known as the “*Mordechai*”)⁷¹ in his commentary on BT *Taanit* offers a second interpretation to the statement in the Talmud Yerushalmi we have just discussed. Instead of “to weave”, he interprets the Aramaic word *mishtaye* to mean “to drink wine” and therefore concludes that one should not drink wine during the first nine days of the month of Av. The Tur in section 551 of *Orakh Chaim* adopts both translations and in the Talmud Yerushalmi concludes from this law that men and women are prohibited from drinking wine and donning new clothes because weaving exemplifies the making of new garments during the first nine days of Av.⁷²

If we follow the literary pattern of the Talmud Yerushalmi, we are forced to adopt the translation “to weave.” Our discussion and analysis has shown and will continue to show a similar and consistent pattern. These customs are adopted by the women and are related to the intended prohibitions for men which they either enhance or are embraced totally after having been discarded by the Jewish observant man.

Three Additional Customs

Three additional customs are discussed in the Talmud Yerushalmi that follow the same literary and methodological frameworks, but add a new component. These are the prohibition on work at the conclusion of the Sabbath, on Mondays and Thursdays and before the Sabbath. In each case,

⁶⁹ This concept is also expressed in the Torah in Exodus 35, 25 and in Proverbs 31,19. The Talmud expresses the same approach in TB Yomah 66b. Maimonides in his *Mishnah Torah* Laws of Ishut chapter 25 law 5 summarizes the above proof texts. Also see Mishnah *Ketubot* chapter 5, mishnah 5.

⁷⁰ The *Tur* in this same section employs the TP statement as a proof text for men and women not to buy new cloths and not to drink wine during this period. He does not codify the law specifically for women.

⁷¹ Born in Germany c. 1240 and died in Germany 1298.

⁷² For a discussion of the *rishonim* and *achronim* that discuss this topic, see David 1992 pp. 200-203.

the rabbis reject the preferred custom of the women and instead offer the women a diluted compromise. Although it is not stated that the more elaborate custom is what the women wanted, and that the lesser one is the rabbis' compromise, I would conclude this based upon my discussion of the rituals of *Rosh Hodesh* and of not weaving during the nine days. Women sought a greater religious experience, thereby augmenting the men's religious obligations. While in these two instances, the rabbis chose to empower the women with these customs, in the other three cases they preferred not to. It is not clear why the rabbis discarded these customs in favor of the more insipid *minhag*. Since this was a patriarchal society under the authority of the rabbis, it might be suggested that such exemptions could disrupt not only the stability of rabbinical society but also the balance in the household headed by the husband/father. That is something that the rabbis frowned on. In the two cases discussed previously, if the desired custom had been prohibited, it might have incited rebellious behavior. Thus, the rabbis chose to place it under their authority rather than risk the possible danger of the custom or ritual turning into an independent act by the women, a phenomenon which, as I discussed above, was not strange to other cultures. The three remaining occurrences would seem not to be as integral to the woman's ritualistic actions, and thus could be modified without being discarded completely. An examination of the rabbinical sources will show that they were actually no different from the restrictions observed by men.

1. Not working on Saturday after conclusion of the Sabbath.

For example, the Babylobian Talmud *Shabbat* (150b) states that men are prohibited to work at the conclusion of the Sabbath before they recite the *havdalah*⁷³ prayer.⁷⁴ Furthermore, the Babylonian Talmud *Pesachim* 50 *b* states "One who performs work... upon the departure of Shabbat ... will never see a sign of a blessing [from that labor]." Rabbi Nisin (The Ran)⁷⁵ in his commentary to TB *Pesachim* clarifies that Talmudic statement is referring to the time after the men complete their prayers. It is during this timeframe that both men and women should cease from toil. He quotes the Talmud Yerushalmi text that we are discussing as a proof text. It is apparent that the women of the Talmud period adhered to the original text and preferred to be free of labor the entire Saturday night. They desired to extend the holiness of the Sabbath, express their religiosity and possibly enhance their spirituality even further than required and sought not to work all of Saturday night. The Talmud Yerushalmi rejects the custom for women of desisting from work for the entire night after the conclusion of the Sabbath, and states that women should abstain from work only until conclusion of the Sabbath prayers (prayed in the synagogue and as rule reserved for men). In contrast to prohibiting work all night, the Talmud declares that not working until prayers are ended is an accepted custom. The women are now

⁷³ A prayer first recited in the liturgy and then a ritual with wine, fire and spices to declare the completion of the Sabbath.

⁷⁴ Maimonides in his *Mishnah Torah* Laws of Sabbath chapter 29 law 8 rules accordingly.

⁷⁵ Born in Spain c. 1290 and died in Spain c. 1375.

placed within the same basic timeframe as the men and under the rabbis' authority.⁷⁶ In the *Shulhan Arukh* section 299 paragraph 10, Rabbi Caro does not discuss a specific ruling for women, and does not differentiate between men and women; neither group can begin work until the *havdala* prayer is cited. The Rama⁷⁷ in his gloss to this paragraph also does not refer to the Talmud Yerushalmi, simply stating: "Similarly, women who do not make *havdalah* during the prayer should be instructed to recite the formula "*hamavdil neyn kodesh lechol*" prior to inaugurating labor."

2. Not working on Monday and Thursday.

The Talmud Yerushalmi continues with an additional preferred and discouraged custom. "On Monday and Thursday [not to work] is not an accepted custom. Not to work, until the [public] fast day is ended is an accepted custom." This statement is in conjunction with the general discussion of the Talmud, fasting and not working when public fasts are declared in the time of drought. The Talmud commences with the statement that if one works on a public fast day, it is as if one were working on the Day of Atonement. On the Day of Atonement, work is totally prohibited, as it is on the Sabbath. The Talmud Yerushalmi immediately continues with the statements we discussed. Monday and Thursday are ambiguous. The commentators on the Talmud Yerushalmi would seem to suggest this refers to every Monday and Thursday during the year. There seems to have been an accepted custom that individuals would fast every Monday and Thursday. This is alluded to in TB Taanit 12b that states; "[regarding] an individual who accepted upon himself [to fast] every Monday and Thursday of the entire year." The fasting on Monday and Thursday seemed also not to be strange to early⁷⁸ Christianity and Islam. Both Talmuds, Babylonian (*Taanit* 12b) and Yerushalmi (*Taanit* chapter 1 halakha 6) based upon the Mishnah (*Taanit* chapter 1, Mishnah 6) are concerned with public fast days and they rule that on a public fast day one should not work. A proof text from Joel 1:14 is offered to support this ruling against working.

The codes of Jewish law authored by the Tur and Rabbi Caro in section 280 cite the intention of the fast of Monday and Thursday to mourn the various tragedies that befell the Jewish people such as the destruction of the Jerusalem Temple. However, the codes ignore the work issue for both men and women. In reality, most men do not adhere to this practice. However, the women sought the rejected custom of not working on Mondays and Thursdays. Women may have first intended to be included in this custom of fasting on these two days. In addition, they wanted to add a prohibition not to work, which would possibly have offered them a greater opportunity to

⁷⁶ The later rabbinical authorities discuss what a woman should be taught to do in order to begin work before the man of the house returns from the synagogue. See for example *Tur Shulhan Arukh* section 299 who summarizes the law. The Tur in fact employs the statement of the Talmud Yerushalmi to rule also for men that they first should complete the prayers before working.

⁷⁷ Rabbi Moshe Isserles born in Poland in c. 1539 and died in Poland in 1572.

⁷⁸ See for example the gospel of Luke 18:12 when a Pharisee tells Jesus that he fasts twice a week. Also see Wikipedia Encyclopedia the insert on "fasting" for a survey of different religions that have Monday and/or Thursday fasting. See also www.usc.edu/dept/MSA/fundamentals/pillars/fasting/tajuddin/fast_36html.

spend more time in prayer and other religious activities. For whatever reason, be it economic or simply a result of subservience to a male dominated society, the rabbis would and could include them only within an already existing ruling, namely, not to work on public fast days.

If we follow the literary pattern of the Talmud Yerushalmi, it is unnecessary to seek such an extreme insight. Regarding two additional cases of prohibitions on work, the eve of Sabbath and the conclusion of the Sabbath, the rabbis reject the preferred custom of the women and as an alternative offer a practice applied to men. The general discussion of the Talmud Yerushalmi relates to religious action to be carried out during a drought. At first, the Mishnah in *Taanit* chapter 1 informs its readers that there is a requirement to fast on Monday and Thursday, but work is permitted and, if the drought becomes protracted, additional fasts are decreed for the public with a prohibition or restrictions against work. The PT does not accept the possibility for women to observe the first set of fasts and add work restrictions to it. This fast is not a public fast, and is intended for individuals. Although the women sought to reinforce the men's call to the Lord for rain, the rabbis rejected this, and permitted them to identify with the men on the latter fast days.

3. Not Working before the Commencing of the Sabbath and Holidays.

The final preferred – and discouraged – ruling found in the above cited Talmud Yerushalmi states that “Not working an entire day prior to the Sabbath or holidays (*darvuta*) is not an accepted custom. On that day, not working from the time of *Mincha* and onwards (approximately 1.25 hours before sunset) is an accepted custom.” In the standard editions of the Talmud, the two printed commentaries offer opposing interpretations of the Aramaic word *darvuta*. Rabbi Moshe Benveniste⁷⁹ in his commentary *Pnei Moshe* translates the word to mean “willow branch,” referring to the holiday of *Hashanah Raba* at the end of the Succoth festival when such branches are used in the morning services. Thus, the preferred custom of the women was not to work on *Hoshana Rabba*. In his commentary *Korban Haeidah* Rabbi David Frankel⁸⁰ translates *darvuta* based upon the word *erev* meaning eve. Thus the Talmud, he argues, is referring to the eve of the Sabbath and holidays. The explanation of the *Pnei Moshe* is unclear. *Hoshanah Rabba* is the seventh day of Succoth. It is governed by all the laws of interim days (*Chol Hamoed*) when work is restricted. Within these times of labor restrictions, emphasis is placed upon “woman's work” of weaving and sewing.⁸¹ Why not accept the women's desire not to work on this day when work was already limited?

I posit that the latter interpretation of the *Korban Haeidah* follows the literary pattern I have suggested in my analysis of the Talmud Yerushalmi. The men as well as the women are prohibited from working on the eve of the holidays. This ruling is based upon TB *Pesachim* 50b that explicitly states that “One who performs work on the eve of Sabbath and festivals from the

⁷⁹ Born in Turkey c. 1609 and died in Turkey in 1671.

⁸⁰ Was born in Germany in 1707 and dies in Germany in 1762.

⁸¹ See *Orakh Chaim* section 541.

time of *mincha* and onwards will never see a blessing [from that work].”⁸² Many *rishonim*, for example Maimonides⁸³ in his *Mishnah Torah* (Laws of Yom Tov Section 8 paragraph 17), interpret this Talmudic statement as a prohibition. Furthermore, the *Kol Bo*⁸⁴ employs our *Talmud Yerushalmi*’s statement as his proof text to the proscription that no one was to work on the eve of the Sabbath and holidays. This law later is codified in the classic codes in section 251 of Orakh Haim. In two entire sections and nine paragraphs the codifiers discuss the types of work permitted and prohibited, and the time frames for them. Women in these discussions are not singled out; rather, they are included in the general discussion of the codes.

It would seem that the women's yearning not to work would permit them to aspire to greater religiosity. They are requesting an entire day free of labor to devote themselves to religious and spiritual activities. As we have seen above, the rabbis were willing to include the women in the general prohibitions, and even single them out, but were not willing to permit them to extend their leave of absence from work even for religious reasons. For this would create a threat to the stability of the patriarchal social structure, or, as Durkheim referred to it, create a breakdown in regulatory norms. If, continues Durkheim,⁸⁵ “the collective order is disrupted or disturbed... At that moment when traditional rules have lost their authority, the richer prize offered these appetites stimulates them and makes them more exigent and impatient of control. The state of deregulation or anomie is thus further heightened by passions being less disciplined precisely when they need more disciplining.” In all the cases presented in the *Talmud Yerushalmi* the rabbis feared that permitting women such liberties as “time off” according to their preferences would become a threat and lead to a breakdown in their society, and even of their authority. The rabbis therefore formulated and curtailed their preferred customs in such a manner as to keep them under rabbinical control while not posing a threat to the patriarchal-rabbinical social structure.

Two Non-Talmudic Cases.

The final two periods discussed below are cited not in the Talmud but in later rabbinical documents.

1. In the evenings between Passover and *Shavuot* (*sefirat haomer*).

⁸² A discussion of the type of prohibition derived from this statement see Hacoheh, *Beyur Halakhah* section 251 paragraph 1.

⁸³ Rabbi Moshe Ben Maimon born in Spain 1135 and died in Egypt in 1204.

⁸⁴ Rabbi Aharon HaKohen of Lunel born in Provence 1280 and died in Spain 1340.

⁸⁵ Quoted from Cloward, 1959 p. 165.

The responsum of Hai Gaon⁸⁶ while discussing the laws of mourning of *sefirat haomer*,⁸⁷ which falls between Passover and Pentecost (Shavuot), states: “The custom of not working from sunset to morning is because the students of Rabbi Akiva all died after sunset and were buried after sunset. During this time, the nation refrained from working. Furthermore, it states (Leviticus 23:15): ‘seven complete weeks (*shabbatot*).’ from the language of ‘rest and refrain’ as it states (Leviticus 25:8), ‘seven weeks of years.’ Just as working the land is prohibited in the sabbatical year, so during the period of *sefirat haomer* [work is prohibited]. In other words, after sunset one refrains from working.”⁸⁸ The rabbi does not differentiate between men and women; all should cease from their work in the evenings. This ruling not to work on the evenings of *sefirat haomer*, by Rabbi Hai Gaon is first recorded by Rabbi Yerucham ben Mishulam.⁸⁹ Hai Gaon is also quoted by Rabbi David Abudram⁹⁰ Both *rishonim* follow the lead of Rabbi Hai Gaon and do not differentiate between men or women, or limit the time to refrain from labor at night. Rabbi Tzidkiyah HaRofe in his halakhic compendium *Shibolei HaLeket* already informs us that it was the custom of the women not to work after sunset between Passover and Shavuot. In addition to the standard explanation offered, he explains that since women brought death unto the world (through the sin of Eve) they (the women) are the first to be concerned with caring for the dead. Women therefore do not work during this time period in order to remember the righteous women who lived during the time of the deaths of Rabbi Akiva’s students, and who showed with such great dedication and devotion in caring for the students’ corpses.

It is not the concern of this essay to present and analyze the different rabbinical views of the *rishonim* and *achronim*. Zvi Cohen (1985, 60- 64) presents an inclusive list and views of these rabbis. The rabbinical documents deal with four major issues. 1. Who was prohibited from labor? Men, men and women, or just women? 2. What is the timeframe for the prohibition of refraining from work? From sunset to morning or just from sunset until after reciting the counting of the *omer*? 3. Are all types of work prohibited? Is it restricted like the interim days of Passover and Succoth, or is this limited to just specific types of work such as weaving? 4. Is this a general prohibition, or is it dependent upon the custom of each individual?

If we examine the codes that set the behavioral tone for the halakhic observant Jew, the Tur, in Orakh Haim section 493, states that he found that it is written to abstain from work from sunset until the morning, since that was the time period during which the students of Rabbi Akiva died.⁹¹ He continues that it is the custom of the women not to work from after sunset, based on

⁸⁶ 986-1038, Babylonia.

⁸⁷ These mourning rites are based upon a statement in TB *Yebamot* 61a claiming that twenty four thousand of Rabbi Akiva’s students die a cruel death during this period. The days between Passover and Shavuot are termed *sefirat haomer*, counting of the sheaves since the Torah in Leviticus 23:15 states “And you shall count from the morrow after the Sabbath from the day you brought the sheaf of the wave offering seven full weeks shall they be counting fifty days to the morrow after the seventh Sabbath.”

⁸⁸ For a discussion of mourning customs during this period, see Fishbane 2009.

⁸⁹ Born in Provence c. 1280 and died in Spain c. 1350.

⁹⁰ Lived in Spain in the late 13-14 centuries.

⁹¹ This is the primary reason offered for observing mourning rites between Passover and Shavuot.

the rationalizations of Rabbi Hai Gaon. Rabbi Caro in his *Shulhan Arukh, Orakh Chaim* section 493 paragraph 4, follows suit and simply states “It is the custom (*nahagu*) of the women not to work from Passover until *Atzeret* (Shavuot) from sunset onwards.” His addition of the words, “It is the custom (*nahagu*)” is important. The Levush presents the law similarly to Rabbi Caro, but adds the elucidations of the Tur. For these codifiers it was the custom of the women not to work in the evenings of *sefirat haomer*. The men had decided to discard it, for whatever reason, and like the other rituals we have discussed above, the custom was adopted by women.

The rabbis of the nineteenth and twentieth centuries were aware of the fact that this custom was in reality not widely observed by women (for men that was already a given reality), and offered limitations to the custom. For example, Rabbi Israel Meir Hacoen in his *Mishnah Berurah* section 493 sub-paragraph 19 after citing the Tur ‘s second reason states; “According to this reason, one is permitted to do work immediately after he has counted.” While the *Mishnah Berurah* limited the time span to a brief few minutes, it included the men in the prohibition in sub-paragraph 18. Rabbi Michel Halevi Epstein in his nine volume *Arukh Hashuahan* Orakh Chaim, section 493 paragraph, approaches this issue from his realistic perspective of halakha. After stating that it is the custom of women not to work between Passover and Shavuot after sunset, he offers the earlier rationalization concerning the devotion of the women to the dead. He then emphasizes that only women accepted this custom for themselves. Rabbi Epstein continues that the women should refrain from labor only until after the ritual of counting each night, a limited time span. He concluded his ruling “Today there are some women who adhere to this practice.” Rabbi Obadya Yosef in his halakhic compendium *Yalkut Yosef* (1988, pp.433, paragraph 51) further develops this approach. Rabbi Yosef quotes the rabbinical view that the time for not working is only until after one completes counting the *sefirat haomer*. He then rules that that this custom of women not working during *sefirat haomer* is not obligatory for anyone who has not adopted this custom.

The rabbis follow their halakhic pattern: a ruling discarded by men that involved refraining from working was adopted by women, but to avoid having women abstain from work for an excessive amount of time, the period was kept short.

Not working while the Hanukah lights are burning⁹²

The first reference to the prohibition not to work on Hanukah is recorded ⁹³in the twelfth century in Rabbi Yehudah HaChassid’s *Sefer Chassidim*. He rules that the prohibition against work on Hanukah is both for men and women. He does not clarify what kinds of labor are prohibited. The implicit conclusion is that what is forbidden refers to all eight days. Additional *rishonim* such as

⁹² For a detailed summary of the different rabbinical opinions see Friend 1994, pp.210-229.

⁹³ Born in Germany c. 1150 and died in Germany in 1217.

Rabbi Avraham Klausner⁹⁴ and the Rabbi Yaakov Moelin (Maharil)⁹⁵ agree that men as well as women are forbidden to work during Hanukah. In contrast to the Ashkenazi authorities cited above, Sephardic rabbis such as Rabbi Tzidkiyah HaRofei in his *Shibolei ha Leket*, Rabbi Aharon HaKohen of Lunel⁹⁶ in his *Orchot Hayim, Kol Bo*⁹⁷ and Rabbi Menachem ben Zerach's *Tzedah Laderech*⁹⁸ rule that the prohibition against work is only for women. The prevalent opinion amongst the *achronim* is that only women do not work. An example of an *achron* who does include men in this prohibition is Rabbi Yaacov Emden (Yabets)⁹⁹ in his *Mor uKeziah*. He argues that since it is a rabbinical holiday, the prohibition should include men. He also suggests that the prohibition of working on Hanukah exists so that a person engrossed in his work would not mistakenly use the light of the flame which is strictly forbidden, and is applicable to both men and women. The *Mishnah Berurah* section 670, sub-paragraph 3, follows the ruling of *Shulhan Arukh* but adds "There are places where men are stringent in this case [not working while the lights are burning]. Friend (1994, pp. 221-22), based on views of different *achronim*, demonstrates that originally Hanukah was celebrated like other holidays with restriction on work. Therefore, I posit that even according to the Sephardic rabbis the rule that only women should not work was not the original practice. Rather, initially both men and women were forbidden to work

The timeframe in which a person should not work varies among the *rishonim*. The *Sefer Hasidim*, *Shibolei Haleket* and the *Maharil* either imply or explicitly refer to the entire eight days of the holiday. Rabbi Klausner only limits work on the first and last day of the holiday, as in the holidays of *Succoth* and Passover. Most *rishonim* discussed above only prohibit work while the lights are burning.

The *Tur* in his code *Orakh Chaim* section 670 rules: "It is the practice for women not to work while the [Hanukah lights] are burning and not to be lenient with them." The *Tur* continues to state that there are places where women refrain from work the entire day, and since they have adopted this as their custom, they are obligated to adhere to it and there is no room for leniency. In his commentary the *Beit Yosef* to the *Tur*, Rabbi Yosef Caro explains that women should not work in order to realize that it is prohibited to derive benefit from the glow of the Hanukah lights. In his *Shulhan Arukh* section 670 paragraph 1, Rabbi Caro only cites the section of the *Tur* that states that women should refrain from working while the lights are burning. He concludes the paragraph by stating that one should not be lenient with women on this matter. The *Levush Orakh Chaim* section 670 paragraph 1, also rules that even though work is permitted on Hanukah, women adopt the practice of not working while the lights are burning.

⁹⁴ Lived in Vienna, Austria in the fourteenth century.

⁹⁵ Born in Germany 1365 and died in Germany 1427.

⁹⁶ Born in Provence and died in Spain c1325.

⁹⁷ The author is unknown but there are those that attribute this work to Rabbi Aharon HaKohen of Lunel that prepared the *Kol Bo* as an abridged version of the *Orchot Chayim*.

⁹⁸ Born in France c.1310 and died in Spain in 1385.

⁹⁹ Born in Altona Germany in 1697 and died there in 1776.

Various additional reasons are given for the prohibition of work on Hanukah. Fried (1994 pp. 213-217) presents a comprehensive list of these explanations. Rabbi Yechiel Mechel Halevi Epstein in his *Arukh HaShulhan Orakh Chaim* Section 670 paragraph 8, in discussing the applicability of these explanations specifically to women, mentions the two primary reasons for women not working. He argues that women contributed to or benefited from the miracle of Hanukah. Rabbi Epstein explains that the Greeks decreed that before her marriage any woman first had to have sexual intercourse with the sovereign. The miracle of the holiday freed the women from this atrocity, thus adding a specific reason for women to celebrate. Secondly, there is a tradition that the king wanted to have relations with the daughter of the High Priest Jochanan, who was very beautiful. She accepted his proposition, but when he arrived she fed him dairy products to induce thirst, and then wine to intoxicate him. When he fell asleep, she decapitated him. This demoralized the enemy troops, who fled. Both miracles resulted from the actions of women, thus granting them the reward of not having to work (similar to *Rosh Hodesh* discussed above). The *Arukh Hashulhan* implies that both these events, which occurred at different periods in history, were interconnected with the Hanukah story.

Rabbi Epstein summarizes the different views in his conclusion of paragraph 8. If women desire to refrain from working the entire day during Hanukah, their practice should be discontinued. Some rabbinical authorities, however, take a different view. He then states that, according to some rabbis, women may only be allowed not to work on the first and last days of Hanukah. He concludes that he had not known of these customs, and that the women in his time and where he lived only refrain from work while the lights are burning.

As previously shown, we are confronted with a practice originally applicable to both men and women. The sources suggest that the preferred custom (not to work) was much longer than the minutes that the lights are required to burn. The rabbinical authorities shortened the period of not working. Although, as discussed above, different explanations are offered as to why women should be exempt from work, the primary understanding suggested first by the *Kol Bo*, and then followed by the majority of the rabbis throughout the history of halakhah, applies equally to men and women. They feared that the women would become involved in their work and forget not to use the lights of Hanukah or might even extinguish them, a rabbinical prohibition. This same explanation could have well been applied to men, but that was not the case. A similar approach to women is also visible in the discussion of the amount of time that the woman could refrain from work. In regard to the suggestion of two days or longer, the *Mishnah Berurah* section 670 sub paragraph 5 summarizes the views of the rabbinical authorities in declaring that if a woman does not work this will lead to boredom and sin. This apparently shows that the rabbis did not trust the women, a further example of male dominance in a patriarchal society.¹⁰⁰

Summary and Concluding Remarks

¹⁰⁰ This conclusion that the rabbis did not trust women is developed and verified throughout Wagner's (1988) monograph.

An examination of early rabbinic literature demonstrates the rabbis' insistence upon classification, and their discomfort with people or things that are ambiguous. This ambiguity is seen in how the rabbis viewed women.¹⁰¹ On the one hand rabbinic Judaism treats men as the norm, and on the other regards women by definition as an anomaly, a deviation from the male norm. Wagner (1988) demonstrates that the unclear status of the female emanates from a threat to the rabbinic social structure. Through the lens of the andocentric, male dominated culture, the woman is turned into object rather than being the subject of the laws. This concept is manifest in our discussion of times where women were permitted not to work. In such a social structure, women become subordinate to the male jurisdiction. Their role is marginalized and their economic and religious activities are restricted. In the sphere of public affairs and public domain, particularly communal or independent religious practices, the rabbis explicitly and implicitly bar women from active participation. Being restricted to the domestic arena becomes a means of serving the economic rewards of the husband/father, and therefore of the household. As we determined above, and as the Mishnah in *Ketubot* 5:5 establishes, the women's work was in the realm of weaving. The proceeds of her labor became the property of her husband. Neglecting her duties to participate in communal religious activities such as additional synagogue prayer and lengthy fasting periods penalized her productivity, and therefore her husband's earnings.¹⁰²

A second consideration is that this patriarchal society was under the strict authority of the rabbis. They wrote the laws and made the decisions that governed all areas of life including the status and role of women. Furthermore, they controlled the symbol system of their society, a phenomenon practiced by the dominant leadership of a social structure.¹⁰³ It was their rulings that restricted the women from communal life and determined what they could or could not do. In the rabbis' cosmos, the woman was not the subject but rather the object of the rabbinic male's needs. As Mary Douglas (1966, pp. 3-4) illustrates, systems in which women have the potential to contaminate men, but not the reverse (as rabbinic Judaism), reflect a society based upon hierarchy as opposed to symmetry.

The discussion concerned with women's exemption from work has illustrated a pattern that supports the above theoretical discussion. The primary issue is the role and needs of the men. Only under duress, as in the *Rosh Hodesh* illustration, did the rabbis assent to what appears to be the women's aspirations. The *Rosh Hodesh* ritual would seem to have been so well-established within the culture that the rabbis chose "to join them rather than fight them." This consent was only authorized after having being placed within the rabbinical sanctions and through a rabbinical rationalization. By placing *Rosh Hodesh* and, therefore, part of Jewish ritual and

¹⁰¹ See Wagner 1988 p.17 and whom, in this section, I base much of my theory upon. While Wagner deals primarily with Mishnah, this first rabbinic document is what created the mind set and motif for future rabbinic thought.

¹⁰² Wagner 1988 pp. 145-167 develops, explains the rationale behind this social organizational structure and demonstrates this issue at length. Her approach is based upon the woman's biological reality.

¹⁰³ In a society it is the symbols that govern its members and are identified by them are controlled by its leaders. An oppressed group seeking its own identity will develop its own symbols. For a discussion of the patriarchal system and the control of society's symbols see Lerner 1987 . 222.

symbols under rabbinical control, the rabbis limited female solidarity and female group cohesiveness which might have been problematic for the stability of a patriarchal social structure. As Lerner illustrates, wherever woman's groups and associations exist, this can increase their ability to counteract the dictates of the patriarchal system.¹⁰⁴ The additional possibilities discussed were either within the scope of general prohibitions – as on the eve of the Sabbath, exiting the Sabbath, Monday and Thursday and the nine days – or under the direct time framework controlled by the men such as *sefirat haomer* and Hanukah. The general prohibitions were primarily directed towards the men, though the rabbis acquiesced by including the women so as not to disrupt the men's religious functions. As we have seen, the time periods that women were permitted not to work were restricted to a minimum so as not to threaten both the economic and social stability of the family and society.

In conclusion, what I find perplexing is that in contemporary Jewish halakhic observant society there are great numbers of Jews who consider themselves to be “*Shulhan Arukh* Jews,” Jews who seek to fully adhere to the rules presented in the *Shulhan Arukh*. Many of the laws we have discussed in this essay have been codified, but are not observed today by most observant Jews, men or women. Why not? To explore this issue, I suggest, would first require that we analyze similar instances in the *Shulhan Arukh* that at present have been discarded and are not being observed – a project for future scholars.

¹⁰⁴ Lerner 1987, pp. 217-218.

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