


C) Chinuch

Chinuch, training minors in *mitzvah* performance, can be understood two ways. It could mean that children, when old enough, should be shown how to perform *mitzvos*, so they are used to it. It could also be understood as a way to oblige youngsters as though they were small adults, so they can practice. The difference between these is when conditions are such that as adults they would be exempt. Also, if the activity involved in the *mitzvah* performance is such that as children they do not relate to its *mitzvah* aspects.

We would expect that young girls should be trained to follow the *minhag* that women refrain from *melacha*. If *melacha* is understood as housework, they should restrict their performance of these chores. If it is specifically sewing, they should be restricted from any sewing. The issue is complicated by the fact that it is a *minhag*. This usually falls into the category of *neder*, a ban. Minors cannot adopt bans, due to a lack of *daas*, knowledge. Some girls aged eleven and boys aged twelve are considered *mufla*, have sufficient knowledge to effect binding vows. Accordingly, certain communal *minhagim* are binding, but only for such 'senior' minors. Whether *chinuch* could be applied to a *neder* or *minhag*, when the child clearly has insufficient knowledge to adopt it, depends on the two approaches to *chinuch*. If a child is like a small adult, the adult lacking *daas* is not bound by a *neder*. If it is to train the child, one can train him. [See Halochoscope IV:23.]

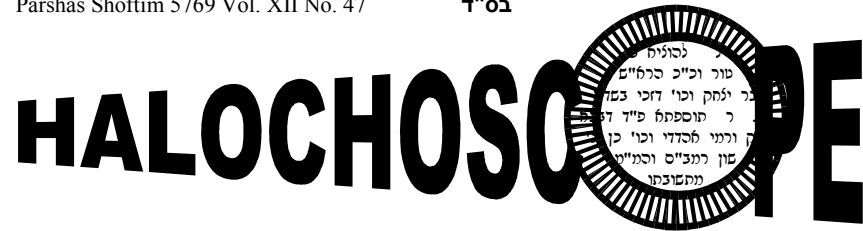
In conclusion, since the activity is not a chore, but is enjoyable, and it is done by night, it would be permitted even for adults. In addition, if the children are younger than twelve, the *minhag* would not be binding on them. *Chinuch* might not apply either. Therefore, it would appear that they may sew.

On the parsha ... *If there shall be found among you, a man or a woman ... who shall go and worship other gods ... take out that man or that woman who did the evil, to your gates, the man or the woman, and stone them ... [17:2-5]* Why does the Torah specify both man and woman, repeatedly, with regard to this sin of idolatry? [See Ramban] Perhaps it is to reiterate to the women that they, too are subject to this temptation. They should not think that their fortitude in the face of the temptation to worship the golden calf shows that they need not worry about this *yetzer hara*. Rather than resting on their laurels, they should be prepared to defend themselves against future idolatry. When the *moed* of *Rosh Chodesh* was given to the women, there was never an implication that they should refrain from *melacha*. Rather, they adopted it themselves as a constant reminder of the reason that they merited this. In general, adding new restrictions is frowned upon. Why is this *minhag* considered so meritorious? Some *nedarim* are considered commendable. When one is aware that he needs to curb a powerful inclination, he may undertake a *neder* to help him. May we suggest that this *minhag* was adopted as a means to ward off the *yetzer hara*? As our *parsha* indicates, this is an ever-present threat. By remembering their resistance at the time of the golden calf, the women remember the temptation of *avoda zara*. Thus, they undertook something concrete and practical, like a *neder* of sorts, making their *moed* more meaningful and *yomtovdik*. Even refraining from something small helps.

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This week's question:

May young girls sew a tote bag as a fun activity on the night of *Rosh Chodesh*?

The issues:

- A) Women refraining from work on *Rosh Chodesh*
- B) Which type of work is included in this?
- C) *Chinuch* in this context

A) Working on *Rosh Chodesh*

Rosh Chodesh is not a *yomtov* in the traditional sense, but based on the language of the Torah, the Talmud concludes that indeed, *Rosh Chodesh* is called a *moed*. The term '*moed*' comes from the Hebrew for a meeting. It is a meeting between the Jew and G-d. This is the term used for all holidays. They are meant to be days when a Jew is free from work and able to devote himself to spiritual matters and connection to G-d.

The Torah's comparison of *Rosh Chodesh* to *Yomtov* is invoked to require eating, preferably a festive meal. Some poskim consider it Scriptural. Others maintain that the reference is *asmachta*, a Scriptural link to reinforce a Rabbinical ordinance. Nonetheless, in regard to its general status there appears to be some Scriptural connection to *moed*. The Talmud says that even though it is a 'holiday' it is permitted to do *melacha*, 'work' on *Rosh Chodesh*. Evidently, as a *moed*, it would be logical to have forbidden *melacha*.

Rosh Chodesh is also a day of atonement. The offerings made in the Temple included a communal atonement offering. This was for certain sins of the general community. The liturgy of the *Rosh Chodesh* service includes a reference to atonement. In the words of one author it is the 'monthly holiday for healing the soul'.

The Talmud says, though *Rosh Chodesh* is a holiday, *melacha* is permitted. Women have a custom to refrain from working on *Rosh Chodesh*. Some call it a *Tosfos Yomtov*, additional *Yomtov*. The *Moadim* correspond to the forefathers. *Pesach* corresponds to Avraham, who hosted the angels on *Pesach*. *Shavuos* corresponds to Yitzchok, for the *shofar* blasts at the giving of the Torah were with the horn of the ram of Yitzchok. *Sukos* corresponds to Yaakov, who made booths, for his livestock. The twelve *Roshei Chodoshim* correspond to the twelve tribes. When the Jewish men sinned with the golden calf, these *Yomim Tovim* were taken from them and given to their wives. Since the women did not succumb to the temptation, the *moed* of *Rosh Chodesh* is their *Yomtov*.

This practice to refrain from *melacha* is considered a *minhag tov*. *Minhag* means 'the way people practice', or a 'living tradition'. It usually refers to a *halachic* debate in which there is no final consensus, and different groups follow each of the views. In our case, it refers to a practice that was not instituted Rabbinically, but was adopted like a self-imposed ban. This could refer to an ancient custom. Once institutionalized by women in early generations, the custom becomes binding on the women of all later genera-

tions. It could also mean that this is a nice practice that women may adopt themselves, but are not bound to. If a woman adopts it, she may not opt out of it later. It becomes like a self-imposed practice to do a certain *mitzvah*. Most follow the first view. There is even a view that it was adopted as a statute in the days of Moshe, after the incident of the golden calf. The prevailing custom does not seem to be to refrain from all work. Therefore, some say that each woman may make her own personal undertaking. She should decide which *melachos* she wishes to refrain from. If she has never refrained from all *melachos*, she is not duty-bound to do so. Women must, however, choose something to show the difference – for them – between *Rosh Chodesh* and all other days. In this way, it is considered *minhag yisroel*, a universal living tradition, that on *Rosh Chodesh*, all Jewish women refrain, in some way, from work.

There is a third view. This *minhag* is not meant to restrict the women, but to make it easier for them. If they themselves wish to do *melacha*, they may do so, even if it is strenuous. Their husbands may not compel them to do *melacha*, with the exception of their accepted everyday household chores. He may also not compel his servants to do *melacha*. However, there is a difference between his servants and his wife. He may compel his servants to do light work, but not his wife. Apart from the fact that in present day homes the division of work is different than in the earlier times, this view is considered a minority view, and is not followed. The *minhag* is considered a restriction.

There is a Talmudic principle that one visits his Rabbi on *Yomtov*. There is an indication, based on *pesukim* and the Talmud, that women were accustomed to visiting the Rabbi on *Rosh Chodesh*. This is in keeping with the concept of a women's *Yomtov*.

The Talmud specifically states that *melacha* is not forbidden on *Rosh Chodesh*. Presumably, this refers to men. There is an apparent contradiction to this, where the Talmud discusses how many *aliyos*, people called to the Torah, apply on different days. On regular weekdays, such as Mondays, Thursdays, and fast days, three *aliyos* are called. More than this number would be burdensome on working men. On *Rosh Chodesh* or *Chol Hamoed* four are called. There is less concern for working men, apparently, because they don't work then. A minority derive from here a practice of men to refrain from work, not as a *halachic* ruling, but as a *minhag*. This would seem to have been a different type of *minhag* than that followed by the women. The women considered it a minor *yomtov*, during which *melacha* is forbidden. The men wanted to treat the day specially, so they refrained from work. There is also a view that men are forbidden to do *melacha* that is forbidden on *Chol Hamoed*. [see below] The views of poskim range from considering men who refrain from *melacha* to be mistaken, or even completely ignorant, to praiseworthy. [See Tetzaveh 29:42 Ki Sisa 33:7 Beha'alo secha 10:10 Pinchas 28:15, commentaries. Sukah 27b Rosh Hashanah 16b Megillah 22b Chagigah 18a Shavuos 2a 9a 10a Erchin 10b Yerushalmi Taanis 1:6 Pirke d'R Eliezer 45 (RDL 22), commentaries, Poskim. Kuzari 3:5. Tur Sh Ar OC 417:1 419, commentaries, Mor Uketzia, Kaf Hachaim 28.]

B) Type of work included

Clearly, in practice, not all *melacha* is forbidden or refrained from under this *minhag*. There are sources that indicate that all *melacha* was indeed forbidden. Others maintain that *melacha* was forbidden on the level of *Chol Hamoed*. This would include *melacha* that is not needed that day, unless it is a *davar heavaid*, likely to cause a loss if

it is not performed. In one view, this applies equally to men and women. Alternatively, it applies to men, but women are indeed forbidden to do all *melacha*. This would strain marriages, where the woman usually prepares food for the family, in fact as an early institution of Ezra. [It is always possible that this *minhag* predates the institution, since it seems to date back the times of Moshe.] Especially on this day, there is a *mitzvah* to eat a *seuda*. An adaptation of this view maintains that heavy work is forbidden for men as well, except for *davar heavaid*. For women even *davar heavaid* heavy work is forbidden, if it is not part of their regular schedule. Even those that are their regular work, should be taken over by men wherever possible. Light work is permitted.

An early source cites a version of the *minhag*, that women would not spin thread, but they would sew and do other *melachos*. Why? At the time of the golden calf, the men were eager to donate their gold. The women resisted. The remedy for the sin of the golden calf was the construction of the *Mishkan*. The women showed more eager participation than did the men. They also had a very special role, as a reward for their resistance to participation in the golden calf. They would be the ones to spin the thread. There was also a highly specialized manner of spinning, that was apparently only done then. This was all considered a special privilege of the women. Accordingly, they refrained from the work that they did for the *Mishkan*, the spinning, on their newly acquired *Yomtov*.

In practice, the *minhag* is followed by each community, or even each woman, according to her, or their, personal practices. They choose which *melachos* to refrain from. Some poskim recommend that women refrain from all *melacha*, even though they have not had this practice previously. There is also a practice of refraining from personal work, but performing work needed for their livelihood. The basis for the variety of *minhagim*, and for the right to choose which *melachos* to restrict, is that it was never an imposed ruling. As a self-adopted *minhag*, the women are only bound to it according to the way they agreed to it at first. If it proves to be too difficult in one form or another, one can assume that this was not intended in the original undertaking.

In our case, the girls will be sewing. Some might have the *minhag* to restrict this, or perhaps their community practices this way. We do not follow the view that the *minhag* is beneficial rather than restrictive. However, this activity is being done for fun. It stands to reason that the original undertaking did not include this. Though this would probably be included in *melachos* forbidden on *Chol Hamoed*, the quasi-voluntary nature of this undertaking would seem to indicate that activity seen as *oneg*, enjoyment, was never intended to be restricted. This sewing is not being done as housework, or any work.

An opinion is cited that distinguishes between the night and the day of *Rosh Chodesh*. Only work done *befarhesia*, in public is forbidden. Working by night is considered *betzina*, private. In addition, the *minhag* is not more stringent than the restriction of work on a *taanis tzibur*, a communal penitential fast proclaimed for rain. The most serious of these included a prohibition against *melacha*. While the restriction on eating began on the preceding evening, the prohibition against *melacha* began by day. This is based on a Scriptural comparison of fasts to a *Yomtov*. The same Scriptural reference mentions a gathering of elders, which is only done by day. Since this *minhag* to refrain from *melacha* is due to a minor form of *Yomtov*, its *melacha* restriction should be no more stringent than on a *taanis tzibur*. [See Megillah 22b, Poskim. Tur, Sh Ar OC 417:1, com-