

CENTER FOR MODERN TORAH LEADERSHIP



SHOULD WOMEN BE ALLOWED TO CLEAN FOR PESACH?

By Rabbi Aryeh Klapper

Pesach-cleaning is as time-sensitive a mitzvah as one can imagine. Given the standard explanations for women's exemptions from "time-caused commandments", one can reasonably imagine a position that exempts women from Pesach-cleaning, and perhaps even a position that sees the task as so inherently masculine that women are discouraged or forbidden from engaging in it.

There may in fact have been such a halakhic position. Until the 20th century, however, it was based not on calling it a *mitzvat asah shebeazman garma*, but rather on a lack of trust. Tracing the discussion of whether such a position existed may cast interesting light on some challenging contemporary issues.¹

On Bavli Pesachim 4b, Rav Nachman bar Yitzchak quotes a beraita:

*All are believed regarding the elimination of chametz
even women, even slaves, even minors*

After some back and forth, the Talmud concludes that the beraita is dealing with a case where the woman/slave/minor claims to have done inspection/*bedikat chametz* on the house themselves. But why isn't it obvious that we believe them?

What would I have thought?

Let the rabbis not believe them.

So the beraita teaches us:

*Since bedikat chametz is rabbinic,
as Biblically it is sufficient to merely annul (the chametz)
verbally –
the rabbis believed him about a rabbinic matter.*

In other words: since *bedikat chametz* serves the Biblical legal task of ensuring that we don't possess chametz on Pesach, and we don't generally believe women/slave/minors about Biblical matters, we would have thought to not believe them here. However, because inspection is not *necessary* for the Biblical task, which can be accomplished as well by nullification/*bittul*, we choose to believe them.

Most rishonim are unwilling to accept the implication that women are not believed about matters of Biblical law. Their standard interpretive strategy is to read the Talmud's discussion as relating only to slaves and minors. In that case, why is it necessary for the beraita to state that women are believed? Because *bedikat chametz* is uniquely tiresome and detail-oriented, and we might have thought that women have no patience for such tasks! We conclude that they are nonetheless believed.

The idea that *bedikat chametz* is exceptional seems indicated by the phrase "Let the rabbis not believe them", which implies that this is a

matter of rabbinic discretion rather than Biblical law. However, five of the eight manuscripts transcribed by the Friedberg Genizah Project lack the word רבנן and therefore lack this implication.

If *bedikat chametz* is not exceptional, it remains possible that women are not believed about other Biblical matters, especially those requiring tiresome work. Some rishonim take this position, although standard halakhah rejects it. I venture to say that a hallmark of genuine Modern Orthodox halakhic thinking is assigning this position the role of Beit Shammai in the place of Beit Hillel, meaning that it has no halakhic force at all.

The same beraita is cited in Yerushalmi Pesachim 1:1. The standard printed editions, which are accurately copied from the Leiden Manuscript, read:

*All are believed regarding the elimination of chametz,
even women and even slaves.*

Rabbi Yirmiyah (said) in the name of Rabbi Zeira:

Strike "even women" from here.

*Women atzman are believed
because they are atzilot*

and they inspect kol shehu kol shehu.

הכל נאמנין על ביעור חמץ,

אפי' נשים אפי' עבדים.

ר' ירמיה בשם ר' זעירה

לית כאן אפי' נשים

נשים עצמן הן נאמנות

מפני שהן עצילות

והן בודקות כל שהוא כל שהוא.

As is often the case with the Yerushalmi, the text is difficult to read, and many emendations have been proposed.

The opening statement is clear that women are believed regarding chametz elimination. However, Rabbi Yirmiyah states that one should remove "even women" from the text, implying that women aren't believed. The problem is that the following line reads "Women *atzman* are believed"! But the problem with that line is that "*atzilot*" is generally translated "lazy", and "because they are lazy" does not sound like a reason to believe them.

Tosafot Eruvin 29a reads:

*The Yerushalmi also implies
the existence of a position holding that women are not
believed regarding bedikat chametz
because they are atzilot and they inspect kol shehu*

וכן משמע בירושלמי

דאיכא מ"ד דנשים אינן נאמנות בבדיקת חמץ

¹ This essay, to this point, is taken from one I published on [my Times of Israel blog on March 29, 2018](https://www.timesofisrael.com/blog/2018/03/29/should-women-be-allowed-to-clean-for-pesach/). The last paragraph will also come from there. However, the original version is based almost entirely on acharonim's analysis of a passage from Talmud Yerushalmi, whereas this version roots several of those readings in rishonim. Comparing the two may also cast light on some of the challenges of studying Yerushalmi.

מפני שהן עצילות ובודקות כל שהוא

Tosafot's text of the Yerushalmi seems to have been **אין נאמנות** rather than **הן נאמנות**. In other words, Rabbi Yirmiyah removes women from the beraita and then explains at length why they are not believed.

However, many acharonim, perhaps first among them the 19th century R. David Frankel in his Rashi-style commentary Korban haEdah, read Rav Yirmiyah in exactly the opposite direction, and deny Tosafot's claim that any such position ever existed. Whoever cited the *beraita* held that in principle women should be less credible than men regarding the elimination of *chametz*, but nonetheless **even** women are believed. By contrast, Rabbi Yirmiyah held that the words "even women" should be struck from the *beraita* because there is no reasonable distinction to make here between men and women, and he continues that "Women *atzman* (=intrinsically) are believed. The Yerushalmi's editor then backtracks to explain the position in the original text that read "even women": Women are lazy, and they do merely perfunctory inspections for *chametz*.

Rabbi Frankel's attributes this reading to Rabbeinu Nissim Girondi. I accept this, with the caveat that Rabbeinu Nissim takes the *beraita*'s position to be that women are believed only because the obligation is Rabbinic.

Alei Tamar (Rabbi Yissachar Tamar, 1896-1982) grounds the disagreement in a different text. The anonymous first position in Avot d'Rabbi Natan (B) 45 holds that the trait of *atzlanityot*, or laziness, is found more in women than in men. Rabbi Yose, however, holds there that the trait is found equally in men and women. The *beraita* in the Yerushalmi follows the first position, while Rabbi Yirmiyah follows Rabbi Yose.

Alei Tamar also notes that some rishonim had a Yerushalmi text with the lines in a different order than ours. Here for example is Maharam Halawa²:

לית כאן נשים,
מפני שהנשים עצלניות הן והן בודקות כל שהן
Remove "women" from here,
because they are *atzlanityot* and inspect kol shehu

Rabbi Tamar suggests that his version had the line "(But) woman *atzman* are believed!?" immediately following the *beraita*, as an attack that motivated Rabbi Yirmiyah's emendation.

Rabbi Chaim David Halevi, late 20th Century Sefardi Rav of Tel Aviv, in *Shu"t Mayim Chayyim* 1:28, refused to countenance any suggestion that women are less diligent than men about any mitzvot, let alone about *chametz*. Women are of course as or more diligent than men about mitzvot. The only reason that they would not be believed is specific to *chametz* - because they have been so involved in preparing the house, they can't believe there is any *chametz* left. So the final inspection is perhaps best done by men, since they will not be embarrassed if they find anything.

Rabbi HaLevi then points out that there is an entirely different stream of interpretation that for some reason escaped the notice of the standard commentators on the Yerushalmi. The clearest exemplar is the 13th century Rabbi Menachem haMeiri, who writes:

ובתלמוד המערב אמרו על סוגיא זאת "לית כאן נשים"
כלומר לא הוצרכו להכשיר בדיקתן מטעם זה
שמתוך שהן עצלניות בודקות כל שהן
ר"ל עושות מלאכתן במיתון ואינן טרודות בעסקים אחרים
ובודקות כל שהן –

רוצה לומר בכל כוחן יפה יפה

על דרך שאמרו גם כן: למה לאור הנר? מפני שהוא בודק כל שהוא
ויש מפרשים אותו בהיפך, ואין דבריהן כלום

In the Yerushalmi they say regarding this "Erase 'women' from here" –

*meaning that one can believe women even if the search is Biblically required

because since they are *atzlanityot* they inspect kol shehein meaning that they do their task patiently and are not distracted by other matters and they inspect kol shehein

meaning with all their strength, extremely well in the same manner that they said: Why by lamp light? Because it inspects kol shehu.

Some interpret it as saying the reverse, but their words have no value.

Meiri's position seems much more in accord with the contemporary iconography of women cleaning far beyond the demands of the halakhah (although certainly not beyond the dreams of all contemporary halakhists). This reading, as noted earlier by *Ahavat Tziyon V'Yerushalayim* (R. Ber Ratner, 1852-1917), is also taken by Rabbeinu Manoach in *Hilkhot Chametz u'Matza*, 2:17 (and possibly by several of the school of Ramban).

Rabbi Yerucham Fishel Perlow (1846-1934), however, brings us back to this essay's opening. Rabbi Perlow contends that all previous explanations of why the Yerushalmi and the Bavli consider differentiating credibility by gender with regard to *chametz* were forced and implausible. The only explanation he finds attractive – one he attributes rather speculatively to Saadia Gaon and the Tur – is that eliminating *chametz* is considered a positive commandment of *tasbbisu*, and that positive commandment is time-sensitive, and therefore women are exempt from it.

Every step of R. Perlow's explanation can of course be challenged.

One important takeaway from this intellectual history is that even the most sanctified contemporary religious sociology may not have deep or secure roots, especially in the area of gender. Woman as Pesach-cleaning sorcerers' apprentices is a pet meme of contemporary rabbis, who then style themselves as chivalric heroes writing to the halakhic rescue. But fine scholars have maintained that women are temperamentally unsuited to the task, or else that it simply is masculine religious work.

A question to ponder is the relationship between Talmud Torah and experience. How strong an intellectual or halakhic bias should we have toward interpretations and positions that comport with our sense of the world, even if they don't comport as well with our understanding of texts?

Chag kasher vesameiach!

² cf. Tosafot above