Episode Book

EPISODE #5612

Who Keeps Working During Sukkot?

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SYNOPSIS

The Torah mandates rest on the pilgrimage festivals — and mandates that every able Israelite male appear in Jerusalem. Those two commands collide the moment eighty thousand pilgrims arrive. This episode traces the ancient infrastructure that made it work: roads cut into bedrock, innkeepers paid in sacrificial hides, wells dug with public money, and a Temple that doubled as the economic engine of the whole festival. It also asks the question Daniel sent in — how did employers and workers survive losing weeks to travel every year? The answer is stranger than expected, because the medieval and pre-modern work year may have been far shorter than ours. Plus: what Israeli law actually says about Chol HaMoed, and why government employees may have the most generous terms of anyone.

TRANSCRIPT



Corn

Sukkot. Right now. Which means somewhere in Jerusalem tonight there's a sukkah with a plastic roof, a string of fairy lights, and a guy asleep in a folding chair because his kids claimed the good mattress.



Herman

And five full working days ahead of him, legally speaking. That's the part people forget.



Corn

That's the part Daniel's asking about. Here's what he wrote in this week. He says we did an episode on daily life during the pilgrim festivals, and one of those is happening right now, so he wants to pull on a specific thread. When the whole society is supposed to stop working, who actually keeps working? Somebody had to run the tourism, somebody had to man the accommodation, the city's population doubles, and yet the ideal is universal rest. And then the long pilgrimages on foot, which were mandated and could not be done quickly. In whatever sector of the economy was most prevalent, how did people and employers make that work? Did the ancient world just have a totally different relationship with time and work and days off than we do? And then he brings in the modern bit, which is the part I find interesting. Israeli law has this provision, at least as he last understood it, that if an employer has a custom of giving the whole intermediate days off, they're obligated to continue doing so. If they never had that tradition, they don't have to. He flags that government employees probably have the most generous terms. And he ties it to the slow travel thing we've talked about, where the journey is the destination.



Herman

That's a lot of threads.



Corn

It's a lot of threads. And the whole thing sits on one tension, which is that an ideal of universal rest runs straight into the fact that somebody has to keep the lights on.



Herman

Right. So let's set the frame, because the framework is what makes the tension sharp. Three pilgrimage festivals, the Shalosh Regalim. Passover, Shavuot, Sukkot. The Torah's requirement is that every able Israelite male appear at the Temple in Jerusalem, and that's Exodus twenty-three and Deuteronomy sixteen. Now the first and last days of Passover and Sukkot are holy convocations. No melakha. No labor at all. That's Exodus twelve, Leviticus twenty-three.



Corn

And the middle?



Herman

The middle is Chol HaMoed. And the term itself is a paradox. It literally means the secular days of the holiday. Rav Asher Meir calls it exactly that, a paradoxical expression. You've got this chunk of days that is neither a full festival nor an ordinary weekday. It's suspended between the two.



Corn

What's actually permitted?



Herman

Two categories. Work needed for the enjoyment of the holiday itself, so a family trip, that kind of thing. And davar ha-aved, work that cannot be postponed without loss. The classic example is watering fields, because crops die if you leave them a week. Commerce is permitted only to prevent a loss, never to seize a profit. You can make a sale on Chol HaMoed to avoid even a small loss, but you can't trade to make a large profit.



Corn

And the stakes on this?



Herman

The Sages treated profaning Chol HaMoed as comparable to pagan worship. Meir's phrasing is that it's treated as the most serious prohibition in the Torah.



Corn

So the ideal is near-total rest, and the penalty for treating it casually is about as severe as the system gets.



Herman

That's the setup. Now watch what the same system does when eighty thousand pilgrims show up.



Corn

So somebody's working.



Herman

Somebody's working. And the sources are surprisingly explicit about it. There's a whole infrastructure program. Special measures were taken to repair the roads leading to Jerusalem and to dig wells along the route. That's Shekalim, tractate one and tractate five. This is public money, organized in advance, for the express purpose of moving pilgrims.



Corn

That's a state project. That's not a guy with a shovel.



Herman

That's a budget line. And then there's the accommodation side, which is where it gets strange. Innkeepers were compensated, but not in cash. The hides of the sacrifices were left to compensate the innkeepers for lodging the pilgrims, and no other fee was allowed. That's Yoma twelve a.



Corn

Say that again. The hides.



Herman

The animal skins from the Temple offerings. That was the payment. No cash fee was permitted.



Corn

So the tourism sector of the ancient world ran on leather.



Herman

It ran on the byproduct of the sacrificial system. Which tells you something important. The Temple wasn't just the religious center. It was the economic engine of the entire festival. The offerings generated the revenue that paid the people housing the pilgrims who came to make the offerings.



Corn

That's a closed loop.



Herman

It's a completely closed loop, and it means the pilgrimage economy wasn't a market economy in any sense we'd recognize. There's no hotel invoice. There's no nightly rate. There's a distribution of hides.



Corn

And the archaeology backs the accommodation side?



Herman

There's a Greek inscription from a Herodian-era synagogue south of the Temple Mount. The Theodotus Inscription. It records a synagogue built with the hostel, and guest rooms, and the baths for foreigners who need them.



Corn

Baths for foreigners.



Herman

Purpose-built. That's not a spare room. That's pilgrim infrastructure with plumbing.



Corn

And the roads?



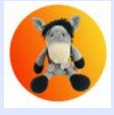
Herman

Yigal and Yotam Tepper excavated roads with steps cut into bedrock leading up to Jerusalem. They interpret them as pure roads, prepared specifically for pilgrims.



Corn

Steps cut into bedrock.



Herman

Into the rock. That's not maintenance. That's construction.



Corn

So the ancient answer to "who keeps working" is: a lot of people, funded by the Temple, paid in hides, and the roads they walked were cut by somebody who was definitely not observing a rest day.



Herman

And the scale of what they were accommodating is worth sitting with. Jerusalem's normal population in the late Second Temple period is estimated at forty to sixty thousand. During the festivals it doubles, to eighty to a hundred and twenty thousand. That's Daniel Schwartz's figure.



Corn

Doubles. That's a city absorbing its own population again, several times a year, on foot.



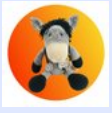
Herman

And the ancient numbers people cite are wildly higher. Josephus claims over two million at Passover. There's a census in the Tosefta attributed to Agrippa that implies twelve million.



Corn

Twelve million.



Herman

In a city of fifty thousand. Steven Fine's line on this is the one to remember. He says you can never trust numbers in this period, because modern people love numbers and ancient people didn't. He calls it a modernist question.



Corn

Which is a polite way of saying Josephus was doing public relations.



Herman

Josephus was absolutely doing public relations. But the crowding was real, and the tradition itself admits it. The Mishnah in Avot lists it as one of the miracles of the Temple era that no man said to his fellow, the place is too congested for me to lodge overnight in Jerusalem.



Corn

That's a miracle because it was obviously not true the rest of the year.



Herman

That's exactly what makes it a miracle claim. The fact that they had to say it tells you what the baseline was.



Corn

Alright. Now the part I want to push on. The journey. You can't do this in a day.



Herman

You can't. From the Galilee, the shortest route runs through Samaria, and that's three days. But it was widely avoided, because of Samaritan attacks. So most people took the eastern route, crossing the Jordan into Perea, and that's five to seven days. The western coastal road is the longest of the three.



Corn

So a Galilean family is looking at a week each way. Minimum.



Herman

Minimum. And that's before you count the festival itself. Christian History Magazine makes the point that Jesus, doing the seventy-five mile Nazareth to Jerusalem route annually for the three feasts, would have walked a minimum of about thirteen thousand five hundred miles before he even began his ministry.



Corn

Thirteen thousand miles.



Herman

On foot. Before the ministry starts.



Corn

So we're not talking about a long weekend. We're talking about a substantial fraction of the working year, every year, for adult men.



Herman

And this is where Daniel's question gets sharp. Because if you're a farmer, or a craftsman, or a laborer, you've just lost two weeks to travel plus the festival. How does that not destroy you economically?



Corn

And the answer can't just be "they were more religious." That's not an explanation, that's a shrug.



Herman

No, it isn't. So let's look at what the actual time budget looked like, because I think the modern intuition here is badly wrong. Juliet Schor's work on this is the place to start. Her line is that before capitalism, most people did not work very long hours at all. The tempo of life was slow, even leisurely.



Corn

That's a strong claim.



Herman

It's a strong claim, and she backs it with numbers. A fourteenth-century English casual laborer was working on the order of fourteen hundred and forty hours a year. A medieval English worker generally, around twenty-three hundred. By eighteen forty, the average UK worker is at three thousand one hundred to three thousand six hundred hours. And the nineteen eighty-seven US average is nineteen hundred and forty-nine.



Corn

So the medieval casual laborer worked fewer hours than the modern American.



Herman

Considerably fewer. And the holiday count matters as much as the daily hours. The medieval English workday was not more than eight hours by Thorold Rogers's estimate. Holiday leisure in medieval England took up probably about a third of the year.



Corn

A third.



Herman

France reportedly guaranteed fifty-two Sundays, ninety rest days, and thirty-eight holidays. Travelers noted Spanish holidays totaling five months a year.



Corn

Five months. That's not a work culture, that's a work rumor.



Herman

And it gets better, because there's an anthropological study that complicates the whole progress narrative. Dyble and colleagues, published in Nature Human Behaviour in twenty nineteen, looked at Agta hunter-gatherers in the Philippines. The ones who took up farming work about thirty hours a week. The foragers work about twenty. And women in the farming communities had roughly half the leisure time of women in foraging



Herman (continued)

communities.



Corn

So farming made it worse.



Herman

Farming made it worse. Mark Dyble's line is that for a long time the transition from foraging to farming was assumed to represent progress, but as soon as anthropologists started working with hunter-gatherers they began questioning that narrative, finding that foragers actually enjoy quite a lot of leisure time.



Corn

So Daniel's question, did the ancient world have a totally different relationship with time and work, has a stranger answer than he's expecting. It's not that they were different. It's that they may have had more of it.



Herman

More leisure, not just differently shaped leisure. Which reframes the pilgrimage entirely. If you're working fourteen hundred hours a year instead of two thousand, two weeks on the road is a much smaller slice of your life. The pilgrimage isn't an impossible ask. It's an ask that fits a calendar that already had a third of the year off.



Corn

And that connects to the slow travel thing Daniel raised. If the journey is the destination, then the multi-week walk isn't overhead. It's the point.



Herman

It's constitutive. The walking is part of the religious act, not an obstacle to it. Which is why nobody in the sources is trying to optimize the route. They're not looking for the fast way. They're avoiding Samaria because of the danger, not because of the delay.



Corn

Alright, so that's the ancient picture. Ideal of rest, near-total on the holy days, heavily constrained on the intermediate days, and an entire service economy running underneath it, funded by the Temple, paid in hides, on a calendar that had a lot more slack in it than ours does. Now bring it forward. What does Israeli law actually do with Chol HaMoed?



Herman

Almost nothing, and that's the answer. Chol HaMoed is not a legal holiday in Israel.



Corn

Not a holiday.



Herman

There's a closed list of rest days under the Law and Administration Ordinance. Shabbat, two days of Rosh Hashanah, Yom Kippur, the first and eighth days of Sukkot, the first and seventh days of Passover, and Shavuot. That's the list. Chol HaMoed is not on it.



Corn

So the intermediate days are legally ordinary working days.



Herman

Legally ordinary working days. And under the Hours of Work and Rest Law of nineteen fifty-one, there's no statutory shortened workday, no holiday pay, no wage premium. Nothing. The law is silent.



Corn

Then where does Daniel's provision come from?



Herman

Custom. Nohag. A shortened workday or paid time off on Chol HaMoed can arise from three sources. A collective agreement or extension order. A personal employment contract. Or an established workplace custom.



Corn

So it's not a statute about Chol HaMoed at all.



Herman

It's not. And this is worth being precise about, because Daniel's framing is right in substance but the mechanism is different from what he's picturing. There is no Chol HaMoed statute. What there is, is general Israeli labor law doctrine about binding workplace custom. Once a custom is established, it binds the employer. Cancelling it unilaterally after years no longer looks like a business decision. It looks like a worsening of employment terms.



Corn

Which is a much more interesting rule than a statute, honestly.



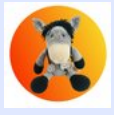
Herman

It's a much more interesting rule. And the practical version of it is memorable. One year this is generosity, three years it's already a custom, and in the fourth it's a legal dispute.



Corn

That's the whole doctrine in one sentence.



Herman

That's the whole doctrine. And it's the exact modern echo of davar ha-aved. Both systems are trying to hold two things at once. A communal rest ideal, and the fact that somebody has to keep the lights on. The ancient system did it by permitting work only to prevent loss. The modern system does it by letting the arrangement be set by what people have



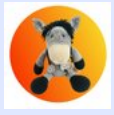
Herman (continued)

actually been doing.



Corn

So the custom is the law. The practice becomes the obligation.



Herman

And there's a real asymmetry in it. If your employer has always given the intermediate days off, you have a right. If they never have, you have nothing. Same country, same festival, completely different entitlements, depending on what the guy before you negotiated.



Corn

Which is a very honest picture of how work actually works.



Herman

It's more honest than a statute would be. Now, there are adjacent rules worth knowing. An employer can close for Chol HaMoed and charge the days to annual leave, but only with fourteen days' notice if it's a block of seven days or more, only against leave the employee has actually accumulated, and holiday days can't be counted as vacation. The holiday eve workday is capped at seven hours. And if you work on a holiday out of necessity, you're entitled to a hundred and fifty percent plus a hundred percent holiday pay, so two hundred and fifty percent of the day's wage.



Corn

Two hundred and fifty percent. That's a real number.



Herman

And there's a halakhic accommodation on the other side. Peninei Halakha notes that in Israel a business owner can legally stipulate in advance that Chol HaMoed will count against employees' statutory vacation days. So an observant employer can close without



Herman (continued)

taking a loss.



Corn

So the system has actually solved the ancient problem.



Herman

It's solved it by making it a contract term. Which is a very modern solution. The ancient world solved it with hides.



Corn

One thing I want to flag, because I think it's the honest thing to do. Daniel says government employees probably have the most generous terms. I couldn't verify that. I don't know what the government sector arrangement actually is, and I'd rather say so than guess.



Herman

Same. I looked and didn't find a clean source. It's plausible. It's not established.



Corn

And there's a second thing. The slow travel movement. Daniel frames it as a movement we've talked about. I'm not sure there's a formal movement with a documented origin that maps onto this. The instinct is right. The pilgrimage was slow by necessity and the slowness was part of the meaning. But I'd treat that as our framing, not as a thing with a founder.



Herman

Fair. The substance holds either way. The journey wasn't an inconvenience to be minimized. It was part of the religious act.



Corn

Which brings us back to the number that keeps bothering me. Forty percent.



Herman

Forty percent of a new employee's annual leave quota. Twelve days. One Chol HaMoed Sukkot closure week eats about forty percent of it.



Corn

So the modern version of the ancient problem is that the rest is real but somebody pays for it, and the somebody is whoever has the least leave accumulated.



Herman

Which is the newest employee. Every time.



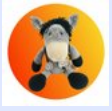
Corn

The guy with the least seniority funds the communal rest.



Hilbert

That's right.



Herman

It is, mostly.



Hilbert

I did the scheduling for a regional bus company for a while. Big religious community on the routes. Every year I'd sit down in August and work out Sukkot. Who drives, who won't, and what you do with the days that aren't a holiday and aren't a Tuesday.



Corn

What did you do with them?



Hilbert

We called it the Chol HaMoed shuffle. The dispatchers, I mean. You'd build the roster three times before it held.



Herman

The custom doctrine is real, by the way. It binds. That part of Daniel's framing holds up.



Hilbert

It binds, but it doesn't start where people think it starts. It wasn't the company being generous. The drivers wanted it. Or the community expected it and the company went along because the alternative was worse. It wasn't a gift. It was a negotiation that nobody remembered having.



Corn

The custom is a fossil.



Hilbert

It's a fossil of an argument. And then it hardens, and then the fourth year it's a dispute, like your man said.



Herman

There was a written policy?



Hilbert

Chol HaMoed drivers got a bonus, but only if they worked the full week. No partial. Full week or nothing.



Corn

Why full week?



Hilbert

Because the bonus was cheaper than hiring temporary drivers. And the regular drivers wanted the money. So the rest was never universal. It was always split by who needed the work and who could afford to take it off.



Herman

The people taking the days off were the ones who could.



Hilbert

The ones who could. And the ones who couldn't drove. Same company, same festival, two completely different experiences of it. And everybody thought the arrangement was obvious, because it had always been that way. Nobody could tell you when it started.



Corn

That's the ancient picture too, isn't it. The hides, the innkeepers, the roads cut into bedrock. Somebody worked so that somebody else could rest.



Hilbert

Somebody always does. The question is whether anybody writes it down.



Corn

If nobody writes it down, it becomes custom, and then it becomes a right, and then it becomes a dispute.



Herman

Which is the whole arc. Generosity, custom, obligation, litigation.



Hilbert

That's the arc. And it takes about four years.



Corn

Four years. Same as the bus company.



Herman

The thing I keep turning over is that the ancient system didn't have that problem, because it never pretended the rest was universal. The holy days were universal. Nobody worked. But Chol HaMoed was explicitly stratified. The law said who could work and why. Watering fields. Preventing a loss. It was honest about the fact that the rest was partial.



Corn

The ancient law was more honest and the modern law is more equal.



Herman

The modern law is more equal on paper and more arbitrary in practice. It depends on what your particular employer happened to do four years before you got there.



Corn

Whereas the ancient law was arbitrary on paper and honest about it.



Herman

That's a real trade. I'm not sure which one I'd take.



Corn

I'd take the one where the rule is written down, even if the rule is unfair. An unfair rule you can argue with. A custom you can't.



Herman

Unless you wait four years.



Hilbert

It's usually longer than four. Four is when it becomes a dispute. It's usually been running a decade by then.



Corn

A decade of nobody writing it down.



Hilbert

Then somebody new starts, and asks why, and nobody can tell them.



Herman

The honest version of Daniel's question is that the ancient world didn't have a totally different relationship with rest. It had a more generous one, and a more explicit one. It said out loud who was exempt and who wasn't.



Corn

The modern world has a more equal one on paper, and it's held together by memory.



Herman

By memory and by whoever's willing to ask.



Corn

Which is the thread I'd leave open. The research couldn't pin the custom provision to a statute or a named ruling. It rests on general labor law doctrine. And the government terms Daniel mentioned, I couldn't verify either.



Herman

Both worth flagging rather than papering over.



Corn

The underlying thing isn't going away. As long as there are pilgrims, or tourists, or anyone who needs a city to function while everyone else rests, somebody works. The only question is how the society writes that down. Custom, contract, or statute.



Herman

Who pays for it. Which, on the evidence, is usually the newest person in the room.



Corn

Thanks as always to Hilbert Flumingtop, who produces this show, and who has now given us a bus roster to think about.



Herman

This has been My Weird Prompts.



Corn

If you enjoyed this, leave us a review, it helps. We'll be back soon.