

WOMEN AND WATER

Menstruation in Jewish Life and Law

Edited by

Rahel R. Wasserfall

1999

Brandeis University Press

Published by University Press of New England

Hanover and London

Tirzah Meacham (leBeit Yoreh)

An Abbreviated History of the Development of the Jewish Menstrual Laws

Chapter 15 of Leviticus serves as the basis for the Jewish menstrual laws. The Hebrew term used for menstruation in Lev. 15:19, 20, 24, 33 is *niddah*, which has as its root *ndb*, meaning "separation," usually as a result of impurity. It is connected to the root *ndd*, "to make distant." Later, but still within the biblical corpus, this meaning was extended to include concepts of sin and impurity. The Aramaic Bible translations (Onkelos, Pseudo-Jonathon, and Neofiti) use the root *rbq*, "to be distant."¹ Both roots reflect the physical separation of women during their menstrual periods from physical contact or from certain activities in which they would normally engage at other times.

Separation because of menstruation had both public and private aspects. Because of the prohibition against entering the Temple in a state of ritual impurity, this manifestation of female physiology clearly limited cultic contact for women of childbearing years, which in turn served as a factor determining female status in a patriarchal environment. In the private sphere, food or objects that required a ritual state of purity could not be touched by menstruating women without becoming contaminated or made unfit for priestly consumption. Touching a menstruating woman yielded impurity until sunset. Touching what she sat or lay on contaminated the person, who was then required to bathe and wash his clothes and was impure until sunset. Coitus transferred to the man the entire seven days of impurity, as well as the power to contaminate (Lev. 15:24). In Lev. 18:19, the people of Israel are enjoined not to approach a woman sexually during her separation. In Lev. 20:18 coitus with a menstruant is

forbidden, carrying the punishment of *karet*, excision from the Jewish people. Modern Orthodox practice is based on a harmonistic reading of these three chapters and of Leviticus, chapter 12. The destruction of the Temple put many purity laws in abeyance. Menstrual laws, however, remained in force and became more restrictive in the private sphere, chiefly in areas concerning physical separation from one's spouse and internal examinations.

The verses dealing with women must be understood both in their own context and in the context of the larger legal system. We will begin with an examination of Leviticus, chapter 15, which covers several topics: verses 2–15 state the laws concerning a *zav*, a man with an abnormal genital discharge, often (and probably correctly) translated as gonorrhea; verses 16–17 deal with a man who ejaculates semen; verse 18 refers to semen impurity due to coitus; verses 19–24 state the laws concerning menstrual impurity; verses 25–30 concern a *zava*, a woman with a uterine discharge of blood not at the time of her period, or as a result of a prolonged period.² Each of the five sections in the chapter describes the type of genital discharge. For the male, in the case of the *zav*, the reference is to mucus-like discharge from a flaccid penis (according to rabbinic interpretation) and to normal ejaculate for other men. In the case of the female, the reference is to a discharge of blood from the uterus with no distinction between the abnormal blood of the *zava* and the normal menstruation of a *niddah*. Each section also prescribes the length of time the impurity lasts and objects that are subject to that impurity. The *zav* and the *zava* must count seven clean days after the abnormal genital discharge ceases. The *zav* must bathe in “living waters” (a spring or running water). Both must bring a sacrifice. For normal male seminal discharge and contamination by semen during coitus, a purification ritual is prescribed that includes bathing and waiting until sunset. For normal menstruation, only a waiting period is prescribed in the Bible, though bathing is part of the purification ritual for those who have been contaminated by the menstruating woman or who have touched the objects she contaminated. Such bathing and laundering of clothes is required for the person contaminated by the *niddah* or the *zava*.

Leviticus 15 has an obvious chiasmic structure (A-B-B'-A') in which the verses dealing with abnormal male discharge (A) are followed by those concerned with normal male discharge (B). V. 18 serves as the intersection point where male and female genitals meet (become one flesh, *basar ehad* in Genesis 2) in coitus.³ Normal menstruation serves as B', while abnormal uterine bleeding, A', ends the section. This structure suggests that there is more in common between these male and female discharges than the fact that the discharges are from the genitals and cause impurity. This is the most intense concentration of verses dealing with reproductive organs in

the Bible. It is clear from the terminology that in the case of the normal male the text is referring to semen, *zer'a*, while in the case of the female the discharge is blood, *dam*.

To understand more fully the connection between semen and blood, we must turn to Leviticus, chapter 12, which deals with birth impurity. This chapter also uses the concept of *niddah* and the laws mentioned in chapter 15 as a reference point. The text refers to conception as a very active female process, “female semination.” Verse 2 of this short chapter may be translated: “A woman who seminates (*tazri'a*) and gives birth . . .” The chapter goes on to delineate the laws of separation after birth,⁴ the blood of purification, birth sacrifices, and the purification ritual in the Temple. The time of ritual impurity after a birth is likened to *niddah*. Following this is a time during which any blood seen does not cause ritual impurity. The blood during this period is called *dam tobar*, blood of purification. *Tazri'a*, which I have translated as “seminated,” is the causative form of the root *zr'* and also the root of the word *zer'a*, semen, mentioned in chapter 15. The Aramaic translations use the root '*adi*, “to be pregnant, carry.” The best of the manuscripts of the Aramaic translation attest to an active form of this root, meaning “to give off seed.”⁵

The idea that menstrual blood and fertility are connected is found in several midrashic sources and in the *tannaitic* material.⁶ In Mishnah Niddah 9:11, R. Yehuda connects virginal blood and menstrual blood to fertility: “R. Yehuda says: ‘Every vine [woman] has wine [menstrual and virginal blood] within her. But one which does not have wine [menstrual and virginal blood] within her—she is *darqetei* [infertile].’” In Babylonian Talmud, Tractate Niddah 64b records the statement of a sage of the *tannaitic* period, R. Meir, who makes a very positive connection between blood and fertility: “Each woman whose [menstrual and other] blood is great, her children are numerous.”

Despite some modern interpretations by biblical scholars, anthropologists, and feminists viewing menstrual laws as a taboo system, it is likely that Leviticus, chapter 15, is, in fact, a medical or scientific chapter in the Bible, dealing with ideas of seed and seed impurity. Uterine blood was seen as female seed, the parallel to male semen. This idea was quite widespread in the ancient Near East and is clearly stated in the Greek medical texts, in Aristotle, and in later Roman texts.⁷ The idea itself is an attempt to explain female physiology on the basis of a male paradigm. Males ejaculate seed. Females menstruate when they are not pregnant but not during pregnancy. Menstrual blood must therefore be the female contribution to conception. The paradigm, of course, loses its coherence when one tries to correlate female orgasm, conception, and menstruation, but it was one fairly logical model of reproduction available in antiquity. Only when ovulation came to

be understood in the nineteenth century could female fertility be separated from menstruation and female sexuality.⁸

The difference in seed impurity between males and females essentially reflects differences in male and female physiology. Male ejaculation is completed quickly, and the semen is generally either deposited in a woman's body or absorbed by clothing, bed covers, or some other material. This would account for the short duration of the impurity—until nightfall. Irregular loss of seed or seedlike substance, as in the case of the *zav*, is more complicated because it is lost not by ejaculation but by slow oozing from a flaccid organ. This, in fact, makes it much more like female discharge. Abnormal male discharge and normal and abnormal female discharge progress over a period of time, none of them having an exact moment like ejaculation that marks the discharge. Therefore, they are apt to be deposited on a variety of places and types of furniture.

The difference between the *niddah* and the *zava* is the time factor. Normal menstruation is considered to end within seven days, which may reflect either the choice of a significant number (as found in other rituals) or the fact that nearly all women complete their periods within seven days. Abnormal uterine bleeding is that which comes at a time other than the menstrual period or exceeds the seven days allotted to menstruation by several days. It is uncertain when the *zav* and the *zava* will complete their discharge; consequently, they must simply wait until there is no longer any discharge and then count seven clean days.

Although the resulting differences between male and female seed impurity limited women's cultic contact, it seems that both sets of rules were motivated by the same concern for seed pollution rather than by a motive to restrict female sexuality or to exclude women from society. However, if we add to a woman's menstrual impurity of seven days the impurity that she contracts from male seed pollution during sexual contact (one day for each day in which there was intercourse), the woman's ritually pure time is greatly limited. The man's ritual impurity is one day for each day in which there was an ejaculation unless he had intercourse with a *niddah*, in which case he had the same period of ritual impurity. A nonmenstruating woman, such as one who is pregnant, nursing, or menopausal, would have no menstrual impurity.⁹ In contrast to the normal state for males and females, the abnormal states of the *zav* and the *zava* parallel one another quite exactly: length of abnormal discharge plus seven clean days. The difference is in the purification ritual for the man; he must bathe in "living waters," whereas the woman simply waits until the seven clean days have been completed.

We must consider one other aspect of the pollution: its transmission. In Lev. 15:17–18, normal coitus yields impurity until sundown for both the man and the woman. Ejaculation as a result of masturbation or nocturnal

emission has the same consequences for the man. For the *zav* there are several additional rules, involving not only touching things which he had polluted, but direct contact with his genital discharge (which because of its nature may be found in many places) and saliva (possibly while speaking with him). This would mean that sexual contact with a *zav* would also yield only a short period of impurity, and that period of impurity is transmitted only to a person in contact with his emissions. This is similar to the short period of impurity transmitted to a person in contact with whatever a menstruating woman has sat or lain upon—that is, wherever menstrual or abnormal uterine blood is likely to be found. If she has intercourse with someone during the seven days, whether or not she is actually still menstruating, she transmits to that person her entire seven-day period of impurity.

It must be emphasized that being in a state of ritual impurity was not in itself sinful because menstruation and ejaculation are part of normal physiology. The sin mentioned in Lev. 15:31 is the act of polluting of God's cultic space by one's presence while ritually impure. One may ask: If there is no sin involved in being impure, why is a sin offering brought for the atonement of the *zav* and *zava*? The answer, I believe, lies in the abnormality of their condition: they may be in a dangerous state of health. Biblical and rabbinic theology often attributed illness to divine retribution for sins. The clearest example of this might be Miriam's leprosy, which was the result of her sin of speaking against Moshe in Numbers, chapter 12. It is likely, therefore, that the sin offering was required to atone for the actual sin that caused the abnormal condition.¹⁰

The idea that medical or scientific assumptions underlie Leviticus, chapter 15, finds support in the lack of actual prohibition of sexual relations during menstrual impurity in this chapter, where there is merely the single warning not to pollute the Temple when in a state of ritual impurity from seed pollution. As we have seen, however, Lev. 18:19 prohibits sexual intercourse with a *niddah*, and Lev. 20:18 mentions the punishment of *karet* if one has coitus during menstruation. In Lev. 20:21, the sin of adultery or incest with the wife of one's brother is described using the word *niddah*, thus extending the meaning of the word to include a clearly forbidden sexual act.¹¹ In other parts of the Bible, the term *niddah* includes abominable acts, objects, or status, especially sexual sins and idolatry.¹² This usage of the term may have influenced subsequent reactions to the state of menstruation, as the term *niddah* came to be a metaphorical expression for sin and impurity in general.

The biblical position on menstrual impurity can be summarized in the following manner: normal menstruation lasted seven days. There was no particular cleansing ritual—one merely waited the prescribed seven days. There may have been an underlying assumption that the woman bathed

following the cessation of her period, but according to the text, only those who had contact with whatever she sat or lay on were required to bathe, wash their clothes, and wait until evening. This is probably due to the possibility that the beds or chairs came into contact with her menstrual blood.

Direct contact with the menstruant transmits ritual impurity until evening, but no explicit reference is made to bathing for such a person. Coitus transmits the entire seven-day period of impurity to the man and also consigns to him the power to pollute whatever he lies on for the same duration. Again, no mention is made of his bathing, but it may have been assumed as an analogy to other kinds of contact. Later sages certainly did read the text as if the conditions, which were not always stated in full for each case, were indeed to be assumed and transferred from place to place. In many cultures, however, where there are menstrual segregation policies or other avoidance techniques, there is no specific purification ritual other than waiting to the end of the menses. We should not be surprised to find that, in a climate where rainfall is not plentiful, a waiting period alone was prescribed. Archaeologists have not found public bath houses or private *miqvaot* in Israel earlier than the Hellenistic period, which had a bathhouse culture.

Uterine bleeding at a time when the woman's period was not due, or prolonged uterine bleeding lasted for several days beyond her period, placed her in the category of *zava*. Lev. 15:26–27 uses normal menstruation as the reference point; when describing the means of pollution by contact with her bed or chair it states "like the bed (chair) of her menstruation." Once the discharge ceases, she must count seven clean days. She then must bring two bird offerings to the priest at the Temple, one for a sin offering and one for a burnt offering, and he atones for her impurity. There is no reference to bathing and no prohibition of coitus with a *zava* stated in the text, although this may have been assumed.

Rabbinic Period and Normative Judaism

The rabbinic period transformed the biblical practices and remade them into a new, normative Judaism. The uncertainties about the text were clarified, generally by extending, transferring, or comparing the meaning in one verse to another by means of certain legal midrashic methods. Such transformation took place in all areas of biblical practice, and many new legal issues developed at this time. For our purpose, it is very significant that this transformation took place in a period of strong Hellenistic influence, not only in terms of bathing practices but also in terms of the low status of women in Greek culture.

The rabbinic period is divided into two sections: first was the *tannaitic* period. It began at the destruction of the Temple in the first century of the Common Era and ended in the middle of the third century. There were a few sages who preceded that period whose sayings are recorded in *tannaitic* texts, for example, Hillel and Shammai. Next came the *amoraitic* period, from the third to the sixth centuries. The major literary creations of the *tannaitic* period were the Mishnah, which formed the basis of the later talmudic discussions; a document parallel in structure and content to the Mishnah called Tosefta, which was redacted slightly later than the Mishnah but also contains earlier and parallel material; and the Midreshei Halakha, the legal midrashim, which were based on the last four books of the Pentateuch. During the *amoraitic* period the Palestinian and Babylonian Talmudim (henceforth PT and BT, respectively) were created, as were several collections of Palestinian aggadic literature. The *tannaitic* period was a time of political upheaval. The Temple had just been destroyed, creating a need for a new Judaism not based on the Temple. Legend has it that Rabban Yohanan ben Zakkai convinced Vespasian, the Roman governor, to release the imprisoned sages and allow him to remove them to Yavneh as a school site. Thus, a new epoch began.

Ritual Purification through Immersion

Among the first assumptions made about menstrual laws in the *tannaitic* sources was that bathing was required of the woman to purify herself. This was done, no doubt, as a parallel to the requirements for purification for those who had contact with her. The most common place in the land of Israel to do this bathing was in a ritual pool capable of holding a certain volume of water. Immersion of the entire body was required. The pool had to be filled with water that was collected naturally, that is, the water could not be drawn and poured into the pool. The pool could be constructed in such a manner as to collect rain, spring water, or water from a river. There is an entire tractate of Mishnah, *Miqvaot*, that delineates the laws of these pools. Some were constructed; others were caves in which water naturally collected but became stagnant during the six-month dry season. However, as long as the quantity of water remained sufficient, it purified the woman, proving that the ritual impurity is indeed ritual, not physical.

The Evolution of Normal Menstruation, *Niddab*, into Abnormal Bleeding, *Ziva*

During the *tannaitic* era the biblical waiting period of seven days for normal menstruation remained in force.¹³ Several details were added to the concept of *niddab*, including sexual separation from one's spouse for twelve

hours before menstruation began, the idea that uterine blood in the vagina pollutes, checking vaginally with cloths to ascertain the beginning and end of menstruation, the requirement of women in the priestly households to check vaginally for possible blood before and after eating the priestly tithes, a clarification of the colors of impure blood and the size of the bloodstain, and the status of irregular bleeding resulting from birth, pregnancy, nursing, abortion, menopause, famine, and so on. Restrictions were also put on hymeneal blood. Although there is some question regarding the frequency of menstruation in antiquity, because of pregnancies, prolonged nursing, and in some years borderline nutrition, the extensive discussions and regulations demonstrate not only that the sages were excellent observers of this phenomenon but also that at least some women, perhaps many, menstruated regularly.

The minimum time between one menstrual period and the next was established in the *tannaitic* period. It was set at eleven days with the term *halakha leMoshe miSinai*, that is, a law whose source is not biblically derived but whose legal status is nearly equivalent to such a law. This concept of eleven days as a minimum between one menstrual period and the next, combined with the seven days of *niddah*, is called *pitvei niddah*, the beginnings of the menstrual reckoning. This meant that a woman was *niddah* for seven days. If she then saw blood during the next eleven days (days 8–18), it was considered abnormal bleeding, *ziva*, which would put her into the category of *zava*. She would then wait seven clean days and the next blood she saw would be considered her next period. The seven days of *niddah* would then begin again followed by the eleven days between periods. A woman with a normal cycle would fit easily into this pattern because the eleven days were a minimum. Anyone having any kind of irregular bleeding, however, would be obligated to make such calculations until she had seven clean days. Then she could start with the normal seven- and eleven-day system.

Another crucial clarification during this period was the meaning of “many days” in Lev. 15:25. The sages interpreted the phrase as three consecutive days, which meant that if a woman saw blood for three consecutive days during the eleven days mentioned above, she became the *zava* mentioned in the Torah and must wait the seven clean days. If, however, she saw blood for only one day or two consecutive days, she was considered a minor *zava* and required only to sit one clean day for each day she saw blood. This was a new category not mentioned in the Bible. This system required careful reckoning of one’s menstrual cycle.

Rabbi Yehuda haNasi, considered to be the redactor of the Mishnah, made a statement (see Appendix A) that started a trend of thinking in which the category of normal menstruation was eliminated and all uterine

bleeding came to fall in the category of abnormal bleeding, *ziva*.¹⁴ His statement reflects the possible confusion in keeping track of one’s period, especially in light of the new system of *pitvei niddah*. If a woman erred in her menstrual history, she might end up having sexual relations at a forbidden time. If this was done intentionally, the punishment was *karet*; if done accidentally, the woman was obligated to bring a sin offering. Atonement by sacrifice, however, could not be made after the destruction of the Temple in the year 70. Great efforts, therefore, were made to prevent accidental sins of this nature.

Over the next two generations, the elimination of the category of *niddah* and the view that all uterine bleeding was *ziva* was quickly accepted. There were probably objections to it, for it went far beyond the biblical requirements for the menstruating woman and significantly reduced the possibilities of normative halakhic sexual contact. There also may have been concern for fertility because some sages thought that conception is most likely near the time of one’s period and another opinion set the time for conception near immersion (BT Niddah 31b). It is likely that the issue of fertility was settled quickly by observation of its enhancement in the majority of the population. The time for immersion was very close to ovulation if we assume a twenty-eight- or thirty-day cycle and a period lasting about five days. The seven clean days would then set the time for immersion at the night after the twelfth day’s sunset. Unfortunately for the few women with consistently much shorter cycles, such an extension of sexual abstinence doomed them to infertility. This extended period of abstinence coincidentally allowed a woman to practice a form of rhythm birth control by delaying her immersion in the *miqveh* for just a few days. To explain how the reduction of sexual contact became normative, we must assume that this was an era of asceticism, possibly related to mourning for the continued state of exile and the destruction of the Temple.

Further motivation for this radical shift may have been a weakening in the traditions of blood checking. According to Mishnah Niddah 2:6, there were five colors of impure blood. There were eleven days in which that blood might be considered *ziva*. Bloodstains had to be of a given size. The color of blood changed as it dried, and the color and texture of the fabric influenced the way it appeared. Thus, the sages to whom such blood samples were brought for examination had to be experts. Several sources indicate that sages stopped checking blood or at least certain kinds of blood; some no longer taught the younger sages through an apprenticeship.¹⁵ It is likely that with increased asceticism this system, which required discussion concerning sexual matters between married women and men who were not their spouses, was a source of embarrassment.¹⁶ If the number of competent sages decreased, other modes of dealing with doubt had to be

employed. The most efficient means would be to eliminate the distinctions between the categories. In light of the severity of the repercussions, any development that sought to maintain this system would have to be in the direction of eliminating the less stringent category and expanding the more stringent one. The decree brought by R. Zera (see Appendix A) in the name of the daughters of Israel suited that need.¹⁷ (See Appendix B for further discussion of impurity and the different kinds of blood.)

Other Influences Toward Stringencies: Family Purity

In the late Middle Ages, widely distributed books in Ashkenaz contained several extreme formulations of menstrual laws, apparently influenced by the book *Beraita deNiddah*. The authorship of this book is uncertain. It does contain early material that was not accepted as normative in earlier periods. Among the prohibitions are that the dust of the menstruant's feet causes impurity to others, that people may not benefit from her handiwork, that she makes food and utensils impure, that she may not go to synagogue, that she may not make blessings even on the Sabbath candles, and that if she is married to a priest, he may not make the priestly blessing on the holidays. Some of the descriptions of the negative powers of the menstruating woman are reminiscent of Pliny's descriptions of crop damage, staining mirrors, and causing ill health. These notions entered the normative legal works and influenced behavior, particularly among the less educated, who were not knowledgeable in rabbinic literature.¹⁸

In the late nineteenth and early twentieth centuries another term became popular as the designation for menstrual laws: the Hebrew *Taharat haMishpaha*, which means "purity of the family" or "family purity." Originally, a similar term was used to refer to the soundness of the family, to indicate that there was no genealogical defect such as bastardy or non-kosher priests. The particular term and its usage in reference to menstrual laws seem to have derived from German through Yiddish: *reinheit das familiens lebens*. It was probably generated by the Neo-Orthodox movement as a response to the Reform movement's rejection of some of the normative menstrual laws, particularly use of the *miqveh*. The Reform movement claimed that the law was instituted at a time when public bathing facilities were the norm but was no longer valid with the advent of home bathtubs and greater concern for personal hygiene. This argument had previously been made by the Karaites in Egypt and was uprooted by the vigorous objection of Maimonides in the twelfth century. In modern times an intense interchange with Orthodox rabbis on the topic erupted. As part of the neo-Orthodox response, a philosophy of the elevated state

of modern womanhood emerged, along with the sanctity of her commandment to keep the family pure.

The term *family purity* is euphemistic and somewhat misleading, since the topic is, in fact, ritual impurity. Family purity became connected with the idea of purity of a nation, particularly by early Israeli rabbis like Rav Kook. It is likely that this was also motivated by the desire to create a Torah-observant state and avoid the curse of the nations who preceded Israel in the land, who were "vomited out" for their abominations. The polemics concerning such abominations occur in chapters 18 and 20 of Leviticus, where the prohibition of sexual relations during the time of menstruation first appears.

The term was taken up with great enthusiasm by those involved in rescuing the remnants of European Jewry after the Second World War. Many of the young women had no older female relatives to instruct them in menstrual laws. Committees were formed to disseminate information in over twenty languages, all of which took up some version of the term family purity or purity of family life as the translation of the concept. The booklets are directed to particular target audiences and are phrased, at least in the view of the committees that wrote them, in appropriate terms for each audience. The postwar pamphlets were directed by the need to preserve the remnants of the people and to fortify traditional Judaism. Some of them played on the guilt feelings of the survivors, who were trying to recreate the world their parents and grandparents had left. Others preyed on fears and folktales of deformities that would result from improper sexual expression. The latter were generally directed to groups who were considered more "primitive" in their worldviews and less well educated. More recent manuals are highly sophisticated, with numerous notes and appendices. The bottom line of all of the works is to convince the readers of the efficacy of the family purity laws and of the need to rely on a competent rabbi to answer any questions and to check the discharge, if necessary, to ascertain whether it is among the five colors of impure blood.

Movements within Judaism

During the rise of Reform Judaism in the mid-nineteenth century, many of the commandments connected with physiology were categorized as primitive. The most obvious of these was circumcision; but in the era of private plumbing, ritual bathing also went by the wayside. Given general society's hesitation to engage in sexual relations during menstruation, it is likely that the Reform movement maintained a notion of privacy creating an attitude of "staying out of the bedroom." Later, the Reform movement, in tune

with the feminist movement, used menstrual laws as an example of negative, sexist, Orthodox attitudes toward female physiology. Most recently, there have been Reform women rabbis who have advocated use of the *miqveh* as a spiritually cleansing process following unsuccessful relationships, both spontaneous and induced abortions, divorce, childbirth, and sometimes even menstruation.

The Conservative movement, in its desire to remain faithful to halakha but be in tune with changing mores, finds itself at cross purposes with menstrual laws. The halakhic stance is that there may be room to reduce the waiting period from twelve days (five for the actual period and seven clean days) to eleven days. However, most rabbis simply avoid the topic in their premarital counseling because they themselves are uncomfortable with the topic or feel that most couples would be uncomfortable with the idea. On the other hand, among many young couples connected to the Jewish Theological Seminary, observance of menstrual laws in some form seems to be on the rise. The observance may be based on the biblical law—that is, seven days of menstruation—rather than menstruation plus seven clean days.

Among the Orthodox in North America and much of Europe we must distinguish between affiliation with an Orthodox synagogue and actual ortho-practice. A very significant percentage of Orthodox synagogue membership is made up of people who are more or less Sabbath observant and who keep kosher homes but who may be less conscientious about kashrut or other ritual matters outside the house. Hence, observance of menstrual laws varies considerably, as does *miqveh* usage.

Normative Orthodox practice would include separating from one's spouse sexually twelve hours before the expected arrival of the period; checking internally before sundown on the final day of one's period to ascertain that it has stopped completely; checking daily thereafter while counting the seven clean days; and finally, shampooing, bathing, trimming nails, and removing any dead skin; removing cosmetics, jewelry, and contact lenses; combing out tangles (or removing all hair for some groups), including underarm and pubic hair; flossing and brushing teeth; and cleaning nose and ear canals before presenting oneself to the female *miqveh* attendant, the *balanit*, for inspection. She checks to ensure that nothing intervenes between the body and the water and possibly to ascertain that it is the correct day for immersion. The *balanit* makes sure the blessing is recited and that the entire body, including the hair, is completely submerged. Certain conditions such as false teeth, scabs, and casts, create problems for which a rabbi must be consulted. Irregular periods are treated slightly differently in terms of separation. The woman checking the immersion may be able to answer some of the questions that arise, but a rabbi is frequently

called for a decision. Immersion on Friday evening requires slightly different conditions in order that the Sabbath not be transgressed.

Immersion for women must be done in the evening and at a ritually approved *miqveh*. Bathing in rivers is mentioned in the Talmud. Jewish families in rural areas often construct their own private *miqvaot*. In the early and mid-twentieth century there were several attempts to get rabbinic approval of private *miqvaot* constructed in homes, sometimes in closets, so that the couple could be absolutely private about their sexual lives. The main point of criticism was that the water supply to homes was not a natural gathering of water but rather fell into the category of drawn water, thereby making it unfit for a ritual pool. Some private homes do have kosher *miqvaot* constructed in accordance with halakha. It is an obligation of the Jewish community to provide and supervise the *miqveh*. These pools also may be used for male immersion in the daytime (but usually men have their own pools) or for the immersion of vessels made outside Israel. The level of sanitation in the *miqvaot* has been a point of contention. Poor sanitation and unattractive settings were seen as discouraging the fulfillment of the commandment. Some *miqvaot* have closed-circuit television so that a woman may avoid encountering a relative. Others are quite open about having friends or relatives accompany the woman.

The atmosphere in the *miqveh* is also determined by the *balanit* in charge. Often it is she who sets the tone of the encounter, perhaps by being rough in the examination or abrasive in her demeanor. She may also make the *miqveh* a warm and welcoming place, allowing the women to immerse several times for the sake of a special blessing or other customs, and she may send the woman off with a blessing.

In Israel, observance of the menstrual laws is nearly universal among those who are affiliated with an Orthodox synagogue. It serves as a dividing line between the Orthodox and everyone else. Other groups, even though not always Sabbath-observant, still maintain observance of menstrual laws, sometimes out of worry about the purported physical repercussions to children born of nonobservance or for themselves during childbirth, but perhaps also from concern about the possibility of incurring the punishment of *karet*. Mishnah Shabbat 2:6 mentions lack of care in observance of the menstrual laws as a reason women die in childbirth. The Israeli rabbinate tries to enforce observance of menstrual laws as far as possible. The most significant opportunity they have to do so is prior to a wedding, by refusal to conduct the marriage ceremony, which is entirely under the control of the Orthodox rabbinate, unless the bride has previously immersed in the *miqveh*. While registering for marriage in the rabbinate, the bride is sent to a woman in charge of instructing her in the laws of *niddah*, who also helps to set a wedding date on the basis of those laws. She is given a special

36 ❖ The Historical Context

card that allows her free entrance to the *miqveh*. The rabbi officiating at the wedding may require a form signed by the *balanit* stating that the woman did actually immerse. Of course, this may not be effective or may be subverted because a woman can always ask a friend to go for her or not give the accurate date. This has become a source of contention between the observant and secular communities in Israel, and charges of religious coercion have been leveled at the practice. There are also attempts by the male religious establishment to limit parties in honor of the bride at the *miqveh*, thereby interfering in the positive aspects of folk culture around the *miqveh* by controlling this female domain.¹⁹

Conclusion

In summary, Jewish menstrual laws have undergone enormous change from biblical to modern times. Some of the changes have come as a result of the loss of the Temple and the resultant inability to atone for inadvertent sins. The rabbinic clarifications of the biblical text added many laws and complicated the observance of them. The process of ascribing to the daughters of Israel the restrictive laws of the talmudic period was probably a convenient mechanism to gain consensus for the restrictive expression of priestly or rabbinic asceticism. The laws have been responsible for a high level of body awareness among Jewish women, albeit not necessarily in a positive sense. The biblical laws themselves may have limited women's sexual expression by legislating against coitus during menstruation, which in some women is a peak time of sexual desire. The additional rabbinic laws certainly functioned to limit sexual expression for everyone, especially once polygyny was no longer widely practiced and was finally forbidden altogether to the Ashkenazi community in the Middle Ages.

Observance of the laws has become the focal point of arguments among the various streams of Judaism. Apologetics and accusations of sexism and male chauvinism have flowed regularly. The irony is that such charges are leveled today at Jewish men, who are as affected by this practice as Jewish women are. In antiquity, polygyny served as a possible outlet for male sexual frustration. Menstrual observance is not a blood ritual like circumcision; the latter may be difficult for some contemporary groups to accept, but it is still a blood-centered ritual in a very private sphere.

As women attempt to spiritualize the observance through meditation, extension of the rules, additional immersions, and creation of various customs and philosophy, the tendency toward stringency is evident in the way contemporary *niddah* manuals are written. Some of these manuals go so far as to deal with the question of how someone conceived in a state of ritual

impurity should be treated by those who are Orthodox from birth, reflecting the inherent divisions within the Jewish community and creating additional areas of conflict. Politicization of the issue is evident in the attempt of the rabbinate to control the use of *miqvaot* and to demand adherence to the laws. For those women interested in adding a dimension beyond observance of the laws there is also ample opportunity, particularly if there were to be a shift in control of this ritual area, to directly empower the women users themselves, including examination of bloodstains and answering halakhic questions.²⁰ For those viewing the observances as antiquated, restrictive, and superstitious, there is much material in the talmudic period and later periods to rely on.

NOTES

This essay is dedicated to the memory of Shoshana Shier, an ardent student and supporter of Jewish Studies and a quietly courageous woman.

Some of the material was produced in a different form as part of my doctoral dissertation for the Department of Talmud at The Hebrew University, Jerusalem (Meacham 1989). The dissertation is in the process of becoming a book on the development of the laws of *niddah*.

1. Some of the Aramaic translations on this verse and those in chap. 12 add "of her impurity" to the root *rbq*, creating the translation "in the separation of her impurity." See Meacham (1989), esp. chap. 4, sec. a: "The Term Niddah."

2. Abnormal uterine bleeding may be the result of several medical conditions: a carcinoma of the uterus or cervix, hormonal imbalance, a threatened or incomplete abortion, and cysts, to name but a few of the possibilities.

3. I am grateful to my spouse, Harry Fox, for calling my attention to the connection with Genesis here and for the many productive discussions of Torah we have had.

4. See Appendix B for a fuller explanation of the differences in birth impurity and blood of purification between the birth of a male and a female child.

5. For a much more complete discussion, see Meacham (1989), chap. 4, sec. b: "Female Seed."

6. *Tannaitic* literature includes Mishnah, Tosefta, and the Midreshei Halakhah (the legal exegesis on the last four books of the Pentateuch). This material was redacted in the third century of the Common Era. The Mishnah serves as the basis for the *amoraic* discussions in the Palestinian and Babylonian Talmuds, which were redacted around 350 C.E. and 500 C.E., respectively. These texts frequently quote the various collections of *tannaitic* literature. There are several midrashic collections from the *amoraic* period. *Bereisbit Rabbah* on Gen. 18:12 refers to a connection between menstruation and fertility.

7. See H. von Staden (1989), 288–96.

8. Despite the fact that the sages were excellent observers and describers of premenstrual and menstrual symptoms, one can mention several examples where female physiology is forced unsuccessfully to conform to a male physiological paradigm—for instance, urination and seed leakage. The sages excelled in observation, but their theories were limited by their science.

9. It was assumed that these women had their menstrual blood in abeyance due to pregnancy or nursing or that they no longer had menstrual blood due to their age. According to some sages, menstrual blood did not leave the body during pregnancy because it was the female contribution to the fetus or that it nourished the fetus. Some sages believed that menstrual blood was transformed into milk during nursing.

10. A similar idea may be seen in the sin offering after birth. In this case, in addition to the fact that giving birth is a life-threatening situation, which would require atonement, the sacrifice may also atone for Eve's original sin, which brought death into the world for living beings birthed by her descendants. In this sense the Pauline idea that Jesus' death on the cross is a sacrificial atonement for original sin and other sin reflects the priestly idea in Leviticus of atoning for original sin via birth sacrifices. Jews and Christians parted on the way in which original sin is atoned for, and hence, Christians abandoned the method found in Leviticus. In Judaism the method of atonement is, of course, in abeyance due to the destruction of the Second Temple. With the lack of such cultic methods of atonement, the idea of original sin waned in Judaism, whereas it became a central idea in Christianity. This section is a very brief summary of a paper presented to the Oriental Club of Toronto (February 1995), entitled "Original Sin." An expanded version may be found in Meacham (1996) and in an article entitled "The Sin-Offering of the Woman who Gives Birth" (Hebrew), which will appear in the same journal in the near future; it offers additional examples of the connection of birth, atonement, and original sin. A separate article addressing notions of original sin is also in progress.

11. These sections of Leviticus belong to the so-called Holiness Code and apparently reflect the philosophy of the priestly editors. Their attitude to menstrual blood seems to mark them as a reactive group of strict pietists who were attempting to make general Israelite society conform to priestly standards of purity. The priests benefited from their high level of ritual purity. They received tithes and parts of sacrifices brought by individuals, as well as parts of the daily communal sacrifices, all of which they could consume only when in a state of ritual purity. An ordinary Israelite came infrequently to the Temple and could have dealt with his ritual impurity on an ad hoc basis; however, being in a state of purity had profound ritualistic and economic ramifications for a priest.

12. The use of the term *niddah* to describe the impurity of the land due to sin is found in Lam. 1:8 and Ezra 9:11; abominable objects in Ezek. 7:19–20; and as antonym of holiness in 2 Chron. 29:5. See Meacham (1989), chap. 4 sec. a: "The Term *Niddah*." Susan Sontag (1978), 60–61, 71–72; and (1989) deals with a similar metaphoric development of the terms *tuberculosis*, *cancer*, and *AIDS*.

13. Tractate *Niddah* is found in Mishnah, Tosefta, Palestinian Talmud (through chap. 3 and the beginning of chap. 4), and the Babylonian Talmud. The legal midrash to Leviticus, *Torat Kobanim (Sifra)*, sections *tazri'a* and *mezar'a*, also deals with the topics. These are the richest sources of legal literature on the topic from the rabbinic period.

14. See Meacham (1989), esp. chap. 4, sec. c: "Development in the Laws of *Niddah*."

15. This idea was presented in a paper entitled: "Development in the Laws of *Niddah*" that I delivered at the Ohio State University Conference on Woman in Judaism in 1981. M. Gruzman (1981) also suggests such influence, as does Biale (1984), 153.

16. Many men now take the sample to the rabbi for his decision, which avoids the embarrassment.

17. In a prayer book from Renaissance Italy, this source is brought in a slightly different form: "They [the Sages] became more strict with the daughters of Israel." This version may represent the true history of the decree.

18. Dinary (1980) describes some of these customs. We see that a woman's impurity is still in use in the polemics against women's use of prayer shawls or phylacteries, despite the fact that in the twelfth century bodily impurity was not seen as an impediment to ritual acts. R. Moshe of Courzy explains in the introduction of his book *Sefer haMitzvot haGadol* (Jerusalem: reprint, 1973) that fulfilling the mitzva is more important than being in a state of purity. See, for example, the recent article by Aliza Berger, "Wrapped Attention: May Women Wear Tefillin?"

19. Sered (1997) has described this phenomenon as part of the conflict over holy spaces between the rabbinate and women.

20. In fact, a two-year training program for women has recently opened in Jerusalem. The graduates will answer halakhic questions on the issues of menstruation for women, thereby acting as legal experts, *posqot*.

BIBLIOGRAPHY

- Berger, Aliza. 1998. "Wrapped Attention: May Women Wear Tefillin?" Pp. 75–118 in *Jewish Legal Writings by Women*. Edited by Micah D. Alpern and Chana Safrai. Jerusalem: Urim Publications.
- Biale, Rachel. 1984. *Women and Jewish Law*. New York: Schocken Books.
- Dinary, Yedidya. 1980. "The Impurity Customs of the Menstruate Woman: Sources and Development" (Hebrew) *Tarbiz* 49: 302–24.
- Gruzman, Meir Z. 1981. "The History of the Laws of *Niddah* as Relating to 'Yemei *Tobar*'" (Hebrew). Ph.D. diss., Bar Ilan University, Ramat Gan.
- Meacham (leBeit Yoreh), Tirzah. 1989. "Mishnah Tractate *Niddah* with Introduction: a Critical Edition with Notes on Variants, Commentary, Redaction and Chapters in Legal History and Realia" (Hebrew). 2 vols. Ph.D. diss., Hebrew University, Jerusalem.
- . 1995. "The Blood of Desire." *Kovot: The Israel Journal of the History of Medicine and Science* 11:82–89.
- . 1996. "A Possible Commentary on the Doubling of Days for the Woman Birthing a Female Child" (Hebrew). *Sbenaton leMiqra uleHeqer baMizrab ha-Qadum* 11:153–66.
- . 1999. "The Sin Offering of the Woman Who Gives Birth": *Sbenaton leMiqra uleHeqer baMizrab ha-Qadum* (Hebrew). Forthcoming.
- Sered, Susan. 1997. "Arbiters of Female Purity: Conversations with Israeli Ritual Bath Attendants." *Narratives Study of Lives* 5:40–58.
- Sontag, Susan. 1978. *Illness as Metaphor*. New York: Farrar, Straus and Giroux.
- . 1989. *AIDS and Its Metaphors*. New York: Farrar, Straus and Giroux.
- Von Staden, Heinrich. 1989. *Herophilus: The Art of Medicine in Early Alexandria*. Cambridge: Cambridge University Press.