

discussions about the details of sex life, and sexual phenomena." There are six tractates in the Mishnah devoted specifically to women: Yabamoth (Sister-in-law), Ketuboth (Marriage Deeds), Soṭah (The Suspected Adulteress), Gittin (Bills of Divorce), Kiddushin (Betrothals), and Niddah (The Menstruant). (In the Herbert Danby translation of the Mishnah into English this amounts to about one hundred pages.) The corresponding tractates in the Babylonian Talmud in the English Soncino edition run to eight volumes.

'Repel nature, and it recurs.' Repress it, and it grows up again, and not always in a healthy form. Where we should not dream of thinking that any sexual desire could be evoked, the Rabbis were always on the watch for it, dwelling on it, suggesting it. Though they were almost invariably married men, they yet seem to have often been oddly tormented by sexual desires; perhaps, too, the very absence of natural and healthy social intercourse between men and women drove them to dwell theoretically with double frequency upon every sort of sexual details and minutiae.¹⁵

2. IMPURE MENSTRUOUS WOMEN

As the *Encyclopaedia Judaica* points out, the state of ritual impurity "is considered hateful to God, and man is to take care in order not to find himself thus excluded from his divine presence."¹⁶ The same author also notes that it is certain that the rabbis did not regard impurities as infectious diseases or the laws of purification as quasi-hygienic principles; rather, they saw ritual purity as a religious ideal. It was one of the steps on the way to the spirit of holiness.¹⁷ Thus, though at times the incurring of uncleanness is involuntary, one of the main results is to somehow separate oneself from God, to be displeasing to God. The consequences of ritual impurity can be dire in the extreme. "A polluted person is always in the wrong. He has developed some wrong condition or simply crossed some line which should not have been crossed and this displacement unleashes danger for someone."¹⁸

While the temple in Jerusalem yet existed, the concern of the priestly class about ritual purity became so overriding that it was said of them, "to render a knife impure was more serious to them than bloodshed."¹⁹ In fact, the

Mishnah notes that "if a priest served (at the Altar) in a state of uncleanness his brethren priests did not bring him to the court, but the young men among the priests took him outside the Temple Court and split open his brain with clubs."²⁰ At the same time it must be remembered that by the beginning of the Common Era, "the prohibition against contracting impurity and the obligation of purity extend also to all Jews and to all localities."²¹

There were three main causes of impurity: leprosy, dead bodies of certain animals, and particularly human corpses, and issue from sexual organs (these laws were based mainly on Leviticus 11-17, composed by priestly writers in the fifth century B.C.E.). Of the three, the last is the most important and frequent, and clearly it is the woman that is mostly involved. If a man has an emission of semen outside of intercourse he is unclean; but if a man has intercourse with a woman, both are unclean--in both instances, however, only until the evening of the day of the emission.

The Levitical laws concerning the impurity of women are much more restrictive. When a woman has a menstruous discharge of blood, she is unclean for seven days, or as long as it lasts, whichever is longer. In addition, whoever she touches becomes unclean for a day, as does any thing she touches. Further,

whoever touches anything on which she sits shall wash his clothes, bathe in water and remain unclean till evening. If he is on the bed or seat where she is sitting, by touching it he shall become unclean till evening. If a man goes so far as to have intercourse with her and any of her discharge gets on to him, then he shall be unclean for seven days, and every bed on which he lies down shall be unclean (Lev. 15:23-34).

In the latter case a further, more severe punishment is specified: "If a man lies with a woman during her monthly period and brings shame upon her, he has exposed her discharge and she has uncovered the source of her discharge; they shall both be cut off from their people" (Lev. 20:18). In the end, the biblical threat against disregarding these laws concerning ritual purity was dire: "In this way you shall warn the Israelites against uncleanness, in order that they may not bring uncleanness upon the Tabernacle where I

Menstrual taboos linked to purity

dwell among them, and so die" (Lev. 15:31). The young priests referred to above apparently took it upon themselves to be God's executioners.

After giving birth a woman was also considered unclean for a period of time and in need of still further "purification" for an even longer period. What is especially interesting is that both periods of "impurity" were twice as long if a girl was born than if a boy was--which would seem to indicate that a girl was considered twice as defiling as a boy:

When a woman conceives and bears a male child, she shall be unclean for seven days, as in the period of her impurity through menstruation.... The woman shall wait for thirty-three days because her blood requires purification; she shall touch nothing that is holy, and shall not enter the sanctuary till her days of purification are completed. If she bears a female child, she shall be unclean for fourteen days as for her menstruation and shall wait for sixty-six days... (Lev. 12:2-5).

Originally, in biblical times, intercourse was forbidden only during the seven- or fourteen-day period, but by rabbinic times there were many attempts to expand that restriction to the entire forty- and eighty-day periods--with substantial success.²²

In the rabbinic period, which began, of course, already in the late Second Temple period, i.e., first and second centuries B.C.E., "the laws relating to the menstruous woman comprise some of the most fundamental principles of the halakic system, while a scrupulous observance of their minutiae has been one of the distinguishing signs of an exemplary traditional Jewish family life."²³ Already in the early part of the second century C.E. the rules concerning menstruation were said to be "essential laws" (gufei Torah).²⁴ Judging from the quantity of writing produced, the ancient rabbis obviously thought the regulation of the "niddah," the menstruant, to be of extreme importance. The Mishnah devoted ten chapters to the tractate Niddah, while the contemporary Tosefta had another nine chapters; at least four chapters of additional commentary are still extant in the Palestinian Talmud, while the full text of ten chapters of commentary by the Babylonian Talmud is extant. It is interesting to note that Niddah is the only tractate out of the twelve

in the more generic "order" of Tohoroth (concerning cleanliness and uncleanness) that has a gemara (that is, has a commentary on the Mishnah teachings) in the Babylonian Talmud. The English Soncino edition of Niddah is over 500 pages long.

In connection with a similar point a Jewish woman editor wrote:

The laws of niddah raise several issues of concern to women.... Perhaps the most vexing is: Why were the restrictions imposed upon the menstruating woman retained after the destruction of the Temple, while all other forms of tum'ah were allowed to lapse? Women of childbearing age are thus the only Jews regularly tameh 50% of the time. It is difficult to avoid the implication that we are dealing here with the potent residue of an ancient taboo based on a mixture of male fear, awe, and repugnance toward woman's creative biological cycle. Furthermore, is there really no stigma attached to the concept of tum'ah, especially as practiced in the isolation of the niddah? She is treated, after all, as though bearing a rather unpleasant contagious disease. The prolongation of her period of tum'ah for seven days after the cessation of her menstrual flow reinforces the impression that the menstrual blood itself has powerful contaminating properties which must be guarded against.²⁵

Followed 50% of the time (i.e. 2 weeks every month)

The rabbis fixed the menstrual cycle at 18 days; during the first seven after blood first appeared the woman was unclean; for the next eleven she was clean, unless blood appeared. The restriction was greatly expanded, however, as early as the end of the tannaitic period when Jewish women were accustomed to observe seven "clean" days;²⁶ "if even a spot of blood as large as a mustard seed appeared,"²⁷ they would be considered unclean for the next seven days. This practice, of course, could make many women unclean a majority of the time.

One of the comments of the English Soncino edition editor, Isidore Epstein, is of special interest:

Graver in its consequences and in full force to the present day [1948] is the law of Niddah. The

reasons for the Niddah ordinances are many and varied. They promote sexual hygiene, physical health, marital continence, respect for womanhood, consecration of married life, and family happiness. But over and above these weighty reasons, they concern the very being of the soul of the Jew. They safeguard the purity of the Jewish soul, without which no true religious, moral and spiritual life--individual or corporate--as Judaism conceives it, is attainable. ²⁸

That the niddah regulations would promote marital continence is apparent; that they necessarily would foster consecration of the married life and family happiness, or, indeed, sexual hygiene and physical health, is not. But to claim that they promote respect for womanhood is puzzling. It is difficult to see how declaring a person unclean and contaminating of everyone and everything within touch would encourage self-respect or respect from others. To go beyond this and say that the essence of the Jewish soul and the developing of a true religious, moral and spiritual Jewish life is absolutely dependent upon the "banishment" (as the word niddah means in its root) of all women for forty per cent of every year during thirty years or more of their adult lives is even more confounding; it would seem to project misogyny into "the very being of the soul of the Jew."

Perhaps the question of uncleanness resulting from a discharge from the female sexual organs was fairly straightforward in biblical times, but by the rabbinic period the deciding of such questions had become extremely complex and often of great moment. Only a rabbi, who of course was always a male, could make the decisions. Page after page of the talmudic tractate Niddah is devoted to stories of how cloths with blood stains would be brought or sent by women to the rabbis to judge their "purity," normally by color and smell: "To decide a law relating to a menstruous woman demands, besides a profound knowledge of the halakhah, experience in various medical matters, and at times also the ability to assume the grave responsibility of disqualifying a woman from pursuing a normal married life and of--at times--separating her forever from her husband." ²⁹ Where-as nowadays whether the discharge was "unclean" menstrual blood or not can be easily resolved, previously this problem was often one of paramount human significance and an obstacle to married life for many women. Consequently, the works of the codifiers in all periods contain hundreds of

responsa dealing with the subject out of a manifest desire to alleviate this hardship, "though with a very scant possibility of doing so." ³⁰

It cannot be said that persons or things connected with menstruation were considered indifferently in ancient Palestinian Judaism. According to the Mishnah, "heedlessness of the laws of the menstruant" was one of the three transgressions for which women died in childbirth! ³¹ Further, the uncleanness of a menstruating woman was considered "the most loathsome impurity." ³² In fact, it was compared with the greatest horror in Judaism, an idol:

Rabbi Akiba said: Whence do we learn of an idol that like a menstruant it conveys uncleanness by carrying? Because it is written, Thou shalt cast them away like a menstruous thing; thou shalt say unto it, Get thee hence. Like as a menstruant conveys uncleanness by carrying, so does an idol convey uncleanness by carrying. ³³

Israel M. Ta-Shma notes that "this idea was prevalent already in the Bible, where the uncleanness of the menstruous woman occurs as a noun and as a metaphor for the height of defilement (Ezek. 2:19-20; Ezra 9:11; Lam. 1:17; II Chron. 29:5)." ³⁴ In each of these citations the noun niddah occurs and is usually translated as "impurity" or a synonym of it. It is clear from the Mishnah text Shab. 9, 1, quoted above, and others that the early rabbis understood the word niddah to refer primarily to the uncleanness of a menstruous woman, and in a transferred sense to impure things more generally. It is not apparent that in the earlier biblical texts the primary meaning was not basically that which was banished or impure generally; it was also applied in some instances to menstruous women, so that by rabbinic times there occurred a narrowing of the meaning of the word niddah to the uncleanness of a menstruous woman. Whenever the rabbis saw a form of the word niddah in the Bible, they apparently understood it to mean not simply impure, but impure as a menstruous woman is impure. If this analysis bears up under further careful investigation, it would provide an additional bit of evidence that the status of women, at least in some ways, worsened in Judaism from the earlier biblical period to the rabbinic period.

One woman Jewish scholar wrote the following about the relationship between tum'ah (impurity) in general and niddah impurity:

The point at which tum'at niddah was isolated from the general category of tum'ah and made a special case was the point at which pathology entered halacha. At that point, tum'at niddah became divorced from the symbolism of death and resurrection and acquired a new significance related to its accompanying sexual prohibitions. Whereas tum'at niddah had been a way for women to experience death and rebirth through the cycle of their own bodies, it became distorted into a method of controlling the fearsome power of sexual desire, of disciplining a mistrusted physical drive.³⁵

The evil of having intercourse with, or even simply touching, an unclean, menstruous, woman was apparently thought so great that this effect could be fatal for the man as well. The following story makes that clear and also give a picture of how "segregated" the Niddah, the menstruating wife, was:

There was once a certain man who had studied much Scripture and had studied much Mishnah and attended upon many scholars, who died in middle age. His wife kept asking the rabbis, why did he die in middle age? There was not a person who could answer her. One time she encountered Elijah, of blessed memory. My child, he asked her, why art thou weeping and crying? Master, she answered him, my husband studied much Scripture and studied much Mishnah and attended upon many scholars, yet he died in middle age. Said Elijah to her, During the first three days of thine impurity,³⁶ how did he conduct himself in thy company? Master, she replied, he did not touch me, God forbid! even with his little finger. On the contrary, this is how he spoke to me: Touch nothing lest it become of doubtful purity. During the last days of thine impurity,³⁷ how did he conduct himself in thy company? Master, she replied, I ate with him and drank with him and in my clothes slept with him in bed; his flesh touched mine but he had no thought of anything. Blessed be God who killed him, Elijah exclaimed, for thus it is written in the Torah, Also thou shalt not approach unto a woman as long as she is impure by her uncleanness.³⁸

According to the Talmud a menstruous woman did not even have to come into contact with a man to have a fatal, physical or spiritual effect on him: "Our Rabbis taught: ... if a menstruant woman passes between two (men), if it is at the beginning of her menses she will slay one of them, and if it is at the end of her menses she will cause strife between them.... When one meets a woman coming up from her statutory tebillah,³⁹ if (subsequently) he is the first to have intercourse, a spirit of immorality will infect him; while if she is the first to have intercourse, a spirit of immorality will infect her."⁴⁰ All this must be understood against the background of various superstitions then current among the Jews concerning menstruating women (similar beliefs, of course, were present elsewhere in the ancient world).⁴¹ It was believed that her breath caused harm, that her glance was "disreputable and created a bad impression," and that menstruous blood was deadly if drunk. If a menstruous woman looked for a long time at a mirror it was thought that red drops resembling blood would appear on it; she polluted the air around her and was regarded as sick and even as afflicted with the plague.⁴²

Since a menstruous woman was unclean and contaminated everything and everybody she came into contact with, even indirectly, she really was "banished," at least already in mishnaic times. No food was to be eaten with her: "Rabbi Simeon ben Eleazar [second century, C.E., a student of Rabbi Meir] said: Come and see how far purity has spread in Israel! For we did not learn, a clean man must not eat with an unclean woman."⁴³ At this point the English Soncino edition notes: "But there was no need to interdict the first [eating with an unclean woman], because even Israelites ... would not dine together with an unclean woman." In fact she was excluded from her home and stayed in a special house, known as "a house of uncleanness,"⁴⁴ and remained there "all the days of her impurity." The tannaitic text of The Fathers According to Rabbi Nathan again makes this, and other restrictions, quite clear:

What is the hedge which the Torah made about its words? Lo, it says, Also thou shalt not approach unto a woman ... as long as she is impure by her uncleanness (Lev. 18:19). May her husband perhaps embrace her or kiss her or engage her in idle chatter?⁴⁵ The verse says, thou shalt not approach. May she perhaps sleep with him in her clothes on the couch? The verse says, thou shalt

not approach. May she wash her face perhaps and paint her eyes? The verse says, And of her that is sick with her impurity (Lev. 15:33): all the days of her impurity let her be in isolation.⁴⁶ Hence it was said: She that neglects herself in the days of her impurity, with her the Sages are pleased; but she that adorns herself in the days of her impurity, with her the Sages are displeased.⁴⁷

Also Rabbi Akiba in the first century noted that, "when I went to Gallia, they used to call a niddah 'galmudah.'⁴⁸ How galmudah? (As much as to say), gemulah da (this one is isolated) from her husband."⁴⁹

The restrictions on menstruous women continued to expand even after the early rabbinic, tannaitic, period, particularly in the religious sphere. These increasing limitations were brought together in a small work entitled, Baraita de-Niddah,⁵⁰ which was probably composed during the latter part of the geonic period, i.e., circa tenth century C. E. The menstruous woman was forbidden to enter a synagogue, as was her husband also if he had been made unclean by her in any way, i.e., by her spittle, the dust under her feet, etc. She was also forbidden to enkindle the Sabbath lights,⁵¹ and no one could inquire after her welfare or recite a benediction in her presence. A priest whose wife, mother or daughter was menstruating was not allowed to recite the priestly benediction in the synagogue, nor could any benefit at all be derived from the work of a menstruating woman, whose very utterances defiled people!⁵² The appearance of the Baraita de-Niddah tended to strengthen greatly the application of its more stringent measures; this was especially true with regard to the prohibition against a menstruating woman entering synagogue.⁵³

The laws of niddah, which were written first by the (male) priestly writers of Leviticus and continually expanded by the (male) rabbis, must have contributed in the extreme to a sense of female inferiority and male superiority, at least on the unconscious level but probably most often on the conscious level. Rachel Adler makes the point clearly:

The state of niddah became a monthly exile from the human race, a punitive shunning of the menstruant. Women were taught disgust and shame for their bodies and for the fluid which came out of them, that good, rich, red stuff which nourished

ungrateful men through nine fetal months. The mikveh, instead of being the primal sea in which all were made new, became the pool at which women were cleansed of their filth and thus became acceptable sexual partners once more. Nor did it help when rabbis informed offended women that their filth was spiritual rather than physical.⁵⁴

3. MARRIED WOMEN

The ancient rabbis urged in the strongest terms that everyone, men and women, marry. Those men who did not marry spent all their time "in sinful thoughts";⁵⁵ "as soon as a man takes a wife his sins are stopped up";⁵⁶ in fact, "any man who has no wife is no proper man."⁵⁷ A girl who was not married when she reached puberty ran the serious risk that she would "become a whore."⁵⁸ Indeed, it is said that a woman will endure a bad marriage rather than be unmarried,⁵⁹ but this was not meant only, perhaps not even mainly, because of women's strong sexual drive, but rather because they might well then be without a means of support.

Of course, from the point of view of the race the basic purpose of sex is the propagation of the race. This is reflected in Judaism all the way back to the beginning of the book of Genesis: "Male and female he created them. God blessed them and said to them, 'Be fruitful and increase'" (Gen. 1:28). However, from around the last two hundred years before the beginning of the Common Era onward there developed a tradition within Judaism of viewing the proper purpose of sex to be not only exclusively restricted to within marriage, but even there to be restricted to the procreation of children. In this tradition the exercising of sex for the sake of pleasure, to say nothing of expressing affection, etc., was improper, indeed, sinful.⁶⁰ In the book of Tobit (ca. 200 B. C. E.) we read: "I take not this my sister for lust, but in truth."⁶¹ This line was continued in the Testaments of the Twelve Patriarchs:⁶² "For he knew that for the sake of children she wished to company with Jacob, and not for lust of pleasure."⁶³ The married Essenes maintained the same idea: "They have no intercourse with them [their wives] during pregnancy, thus showing that their motive in marrying is not self-indulgence but the procreation of children."⁶⁴ In the same era we find Philo continuing the tradition: in condemning infanticide he stated that those who commit it are "pleasure-lovers when