

## The Best Kept Secret? Conservative Views of Mikvah

by Rabbi Susan Grossman

Nina Badzin wonders why the joys of mikvah were such a secret.

The traditional Jewish laws relating to menstruants (niddah) contain the potential for great beauty and significance but have also been the source of great pain and prejudice. Over the centuries the menstrual laws were expanded to proscribe a menstruant's contact with the Torah, involvement in the synagogue, and even at home. Such traditions compromised the existential beauty of mikvah and the sanctification of a woman's bodily cycle, particularly in the context of marriage. These traditions were not based on Jewish law and therefore can easily and appropriately be relegated to folkways and abandoned.

Thankfully, a growing number of Jewish women have risen above this negativity (or are unfamiliar with it) to embrace the observance of the laws of hilkhot niddah as women's mitzvot, women's commandments. This is part of a larger effort by Jewish women during the last four decades to reappropriate, through redefinition and reinterpretation, traditional areas of women's observance.

Such efforts link the experiences of contemporary women with that of our foremothers and create meaningful frameworks within which to celebrate the uniqueness of being a female member of the covenant, even as women enter the mainstream of Jewish observance, which long has been barred to us. Some women have turned to the celebration of menses and immersion in the mikvah as a Jewish Our Bodies Ourselves, an affirmation of the wholeness of our bodies, created in God's image and functioning according to God's will, with the generative potential that enables us to be partners with God in creating life. It is for this reason that rather than using the 20th century Orthodox name taharat mishpaha, purity of the family, for these laws, which carries the negative categorization of a menstruant as a source of impurity, I prefer the name kedushat yetzirah, the laws of sanctity of creation, which acknowledges the beauty of our bodily cycles as part of God's plan for creation.

Some Jewish women also have embraced the mikvah's powerful symbolism of transformation (as for a convert) as a symbol of personal healing and renewal. Women visit the mikvah to mark the renewed hope for pregnancy upon completing the first menstruation following a miscarriage. Some immerse to strengthen prayers for the ability to carry life to term in cases of infertility. Others seek holiness after rape or wholeness after a hysterectomy or mastectomy. While all these situations are covered by the Gomer prayer, recited upon recovering from illness, some women find that the public setting of that prayer, recited during services and in front of the congregation, seems too public for such private grief. Instead, countless women have found profound comfort in immersing in the primordial waters of the mikvah, whose source comes directly from heaven.

Nina raises another aspect of these laws – the aspect that relates to a woman within the context of a loving and committed relationship. For millennia, the laws of niddah were seen as contributing to the stability and sanctity of a marriage. On one hand, a period of monthly abstinence transformed the marital relationship from being solely focused on sexual satisfaction to a foundation of intellectual and interpersonal companionship and compatibility. On the other, a period of monthly abstinence served to rekindle regularly the physical desire between a man and a woman that might otherwise become stale over the years. Sometimes it is what we cannot have that we most desire. Enforced separation and the concomitant setting aside of time for the resumption of sexual intimacy each month, something that may otherwise be ignored due to our busy lives, can support the long-term health of a marriage.

It is true that we are obligated to observe regardless of our ability to find compelling significance and meaning – to be taamei mitzvot. Some women observe the niddah laws simply because they are commanded to do so; hilkhot niddah are mitzvot, part of the received tradition of how we live as Jews. For others, the effort to make sense of how we relate to Torah and its commandments is itself a holy act of devekut, of finding our way to walk toward God's holy mountain. In such a light, the laws relating to menstruation can offer a meaningful and beautiful opportunity to sanctify our intimate relationships and express our profound appreciation for having been created in God's image.

With this in mind, what follows is a brief explanation of one choice available for Conservative practice and a few of the sources upon which this is based.

Let me begin where Nina began:

*Rabbi Meir used to say: Why did the Torah say (that the status of ) menstruant (lasts) seven days? Because (if ) he (the husband) would become accustomed to her (his wife), he would loathe her, (therefore) the Torah made her impure for seven days so that she would be as beloved to her husband as at the moment she entered the chuppah (Babylonian Talmud Niddah 31b).*

Rabbi Meir, speaking to the men of his second century CE audience, argues that “absence makes the heart grow fonder,” suggesting that the Torah ordained a seven-day period of abstention from relations to encourage marital fidelity and long-term passion.

While Rabbi Meir’s explanation is homiletic in nature, there is more than just a homiletic message here. This teaching reflects Rabbi Meir’s position on the proper observance of the law – that abstinence was required for seven days and seven days only. This was the original practice, originating in Leviticus 15:19: *When a woman has a discharge, her discharge being blood from her body, seven days will she be in her infirmity and all who touch her will be impure until evening. Rabbi Meir assumes that the total time of separation between the husband and the wife is seven days (not 12 or 14). He does not require any additional clean days, clearly following the peshat, the literal or simple meaning of the biblical verse.*

If this was the original rabbinic practice, how did the tradition of seven white days develop? To answer that we need to look at Leviticus 15: 25-28, about a zavah, a woman experiencing an unusual discharge:

*And if a woman has an issue of her blood many days not in the time of her impurity, or if she has an issue beyond the time of her impurity; all the days of the issue of her uncleanness... she is unclean... But if she be cleansed of her issue, then she shall number to herself seven days, and after that she shall be clean.*

The Babylonian Talmud (Niddah 66a) recounts how Rabbi Yehudah haNasi (Rebbe) ordained that the women of Sadoth had to keep these seven clean days after the end of their menses, like a zavah. Why? The great medieval commentator Rashi explains that the women of Sadoth could not distinguish between their regular menstrual bleeding and irregular bleeding. Further on the same page Rabbi Zeira says that the daughters of Israel extended upon themselves the humra – the stricture – of keeping seven clean days even if they saw a stain as small as a mustard seed. As far as we can tell, this is the source for why Jewish tradition added seven clean days following the end of menses. To ease the burden of the restriction, the rabbis determined that most women experience their actual menses for only five days. Add seven clean days and the total number of days of abstinence becomes 12 (rather than 14).

According to Rabbi Joel Roth, one of the preeminent halachicists of our movement, the reference to the town of Sadoth teaches us that Rebbe made his decision particularly for the women there, who could not distinguish between their menstrual days and other bleeding. In other words, his decision, his takkana, was beSadoth, regarding Sadoth, for those women and not all women – that is, not for our women. Citing Rabbi Zeira, Rabbi Roth further argues that the continued conflation of these two categories – menstruant and zavah – is tradition, not law. Precedents exist that allow a community to stop observing a tradition, even if widely observed, if it is founded upon the mistaken assumption that it is a legal requirement. That, according to Rabbi Roth, is the situation here. He has taught this ruling to successive generations of rabbinical students, who in turn taught their students. People can choose to follow traditional strictures, but I believe this leniency has made the observance of the Jewish menstrual laws requiring abstinence between husband and wife more observable for more couples. This leniency also is particularly helpful for a couple struggling with infertility.

It is also worth noting that the stricture requiring that couples not touch at all during a wife’s menses is just a stricture. It is no longer required. As a fence around Torah, such restraint helped a couple keep themselves from sexual contact. However, such restrictions were painful especially when one member of the couple required care or comfort. A good rule of thumb is to restrict physical contact during the days of menses to that permissible between siblings or casual friends.

A detailed discussion, including an indepth practical guide and specifics aimed at couples struggling with infertility, can be found in my teshuvah (religious legal decision) for the Committee on Jewish Law and Standards, Mikvah and the Sanctity of Being Created Human. My position is one of three decisions passed by the committee; the other two were by Rabbi Miriam Berkowitz and Rabbi Avram Reisner. All three teshuvot are available on the Rabbinical Assembly web site under Niddah: [www.rabbinicalassembly.org/law/teshuvot\\_public.html](http://www.rabbinicalassembly.org/law/teshuvot_public.html). I encourage you to read them to help discover your own personal practice of this ancient yet still wonderfully meaningful mitzvah. Don’t hesitate to ask your rabbi (or

rabbinic spouse) for assistance or to find a mikvah. This well kept secret is waiting for you to rediscover and make your own.

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