

Mikveh and the Sanctity of Family Relations

Introduction

In recent years there has been a resurgent interest in the use of *mikveh* and the building of new *mikvaot* associated with Conservative synagogues. Often the initial impetus is for conversion purposes, but the *mikvaot* soon become a resource for the community for a variety of traditional and innovative uses including healing and celebration. This has come about as women have realized that a sphere that is exclusive to women is not necessarily negative – on the contrary, it can be valuable and empowering. Men too have become interested in *mikveh* before their weddings and – where feasible- to provide an egalitarian mirror to their wives' monthly immersion.

To help rabbis and those trying to navigate these laws against a background of their modern views and sensitivities, the Committee of Laws and Standards was asked several years ago to comment on how Conservative Jews should observe traditional restrictions on sexual relations during a woman's menstruation and immersion in *mikveh*. People were seeking guidance on what the laws are, how they should be understood, and whether any of them may be altered.

Jewish Law as evolved from Torah, Talmud and Codes of Jewish Law and as observed in traditional communities involves abstinence from conjugal relations from before the start of menstruation until after *mikveh* immersion. This period consists of menstrual days - a minimum of five – or, according to the Sephardic view, four – days (even if the actual period is shorter), plus an additional seven clean days. During this entire time, the couple is required to refrain not only from actual sexual relations but from any physical contact, however casual, and observe additional modes of separation (*harkhakot*, distancing such as not sharing the same bed, not passing objects to one another, etc.). The woman performs "self-checking" (*bedikot* with a piece of cloth), first, at the end of her period, to make sure her bleeding is completely over and then during the seven clean days. Following the seven clean days, at nightfall, the woman immerses in a *mikveh* or other body of natural water. Only then is the couple permitted - even encouraged - to resume all intimate relations. Women who experience bleeding for a day or two at other times of the month immerse the following day. If they bleed for three days or more, they wait until the bleeding is finished and then count seven days. There are types of blood which do not require waiting, but since many women (and sometimes even rabbis) do not know the difference, and many women are even embarrassed to ask a rabbi, they often take the strictest approach. The accumulated laws, customs, folk traditions, attitudes, and language surrounding the use of *mikveh* became at best burdensome, and at worst intolerable.

The following three responses represent various ways to present a more appealing and manageable system of observance which retains the core values and messages of previous generations and of the Torah's laws. While they differ in approach, theology and some conclusions, each of the *teshuvot* represents earnest efforts to encourage sexual

abstinence during a woman's menses and the use of *mikveh* to conclude the period of abstinence. They embrace the essential message of the Torah and rabbinic writings to encourage holiness through moderation in sexual and interpersonal relations as in every other area of life, affirming the intrinsic beauty of the ebb and flow in relationship, limiting physical drives in the same way that Shabbat limits the drive for power and wealth, and *kashrut* limits the appetites for food and drink.

Rabbi Berkowitz affirms most of the traditional observance, including the seven additional days, affirming them as entrenched rabbinic law. She does provide flexibility on non-sexual physical contact during the time of separation, and she determines the seven "clean" days can be counted as soon as the period ends, even if this is sooner than the traditional five day minimum. In general, Rabbi Berkowitz recommends education, creation of positive environments for *mikveh* experiences, and reframing of attitudes toward these laws for increasing popular observance.

Rabbis Grossman and Berkowitz no longer frame these laws in the language of purity and impurity, a framework which they consider applicable in Temple times. They focus on the holiness of relationship aspect linked to Leviticus 18, and thus suggest neutral language such as *Hilkhot Niddah*, *Hilkhot Kedushat Yetzirah* (Grossman) or *Hilkhot Kedushat Mishpahah* (Berkowitz).

Rabbi Grossman permits resumption of relations after seven days from the beginning of the period (assuming bleeding has stopped), based on the reasoning and teaching of Rabbi Joel Roth, who sees the stringencies as a custom from which people may be released. She permits relations during mid-cycle staining (especially for fertility purposes) since according to her outlook, such blood does not necessitate abstention and immersion. She also allows some physical closeness during the time of separation, limiting it to the sign of affection societally acceptable between siblings and encourages *mikveh* use for a variety of alternative purposes.

Rabbi Reisner agrees with Rabbi Grossman about the permissibility of immersing after only seven days, though he arrives at this conclusion through different reasoning (that the addition of seven clean days applies only in the absence of a regular period). He agrees with Rabbi Berkowitz about retaining the theoretical category of *zavah*, but unlike both of the others he retains the biblical term *tumah* and hence also the terminology of *Tohorat HaMishpahah*.

The committee approved all three papers, feeling that they should all be legitimate options under the umbrella of Conservative Judaism. They all reflect the outlook of the Conservative Movement: commitment to *halakhah* and observance, as well as openness to creativity and flexibility when warranted. Rabbis should feel free to teach any or all of the *shitot* (approaches) or to draw from the various argumentations enough information by which to guide their congregants through specific personal questions. We hope this pamphlet will be a resource to rabbis, congregants, college students, Rosh Hodesh groups, and couples before a wedding, inspiring further reading, learning, discussion and commitment.

True to their genre, these *teshuvot* are halakhic responses, replete with Hebrew citations and dense with source material. For a more complete, accessible overview of *mikveh* and its uses, symbolism, reasons for observance, feminist concerns and contemporary issues and innovations, please see Rabbi Miriam Berkowitz's forthcoming book, *Spiritual and Practical Guide to Mikveh* by Schechter Institute Press. A forthcoming volume about family and lifecycle by the Rabbinical Assembly/Aviv Press will also feature a section about *mikveh*. See www.rabbinicalassembly.org, under "contemporary *halakhah*" to read these and other *teshuvot* approved by the Law Committee.

Submitted Respectfully, December 5, 2006/ 14 Kislev, 5767

Rabbi Miriam Berkowitz

Rabbi Susan Grossman

Rabbi Avram Reisner

"Reshaping the Laws of Family Purity for the Modern World," Rabbi Miriam Berkowitz, Accepted by the CJLS on Sept. 13, 2006 by a vote of 11 in favor, 1 opposed and 7 abstaining (11-1-7).

"Mikveh and the Sanctity of Being Created Human," Rabbi Susan Grossman, Accepted by the CJLS on Sept. 13, 2006 by a vote of 14 in favor, 1 opposed and 4 abstaining (14-1-4).

"Observing Niddah in our Day: An Inquiry on the Status of Purity and the Prohibition of Sexual Activity with a Menstruant," Rabbi Avram Israel Reisner, Accepted by the CJLS on Sept. 13, 2006 by a vote of 13 in favor, 2 opposed and 4 abstaining.

Suggested Reading

Women and Judaism

Aiken, Lisa. *To be a Jewish Woman*. Northvale, NJ: Jason Aronson, 1992.

Diner, Hasia R., and Benderly, Beryl Loeff. *Her Works Praise Her: A History of Jewish Women in America from Colonial Times to the Present*. New York: Basic Books, 2002.

Goldstein, Elyse. *ReVisions: Seeing the Torah through a Feminist Lens*. Woodstock, VT: Jewish Lights Publishing, 1998.

Greenberg, Blu. *How to Run a Traditional Jewish Household*. New York: Simon and Schuster, 1983.

..... *On Women and Judaism: A View from Tradition*. Philadelphia: Jewish Publication Society, 1981.

Haut, Rivka and Grossman, Susan, eds. *Daughters of The King: Women and the Synagogue. A Survey of History, Halakhah and Contemporary Realities*. Philadelphia: Jewish Publication Society, 1992.

Hauptman, Judith. *Rereading the Rabbis: A Woman's Voice*. Boulder, Co: Westview Press, 1998.

Hyman, Paula E. and Moore, Deborah Dash, eds. *Jewish Women in America: An Historical Encyclopedia*. New York: Routledge, 1997.

Orenstein, Debra, ed. *Lifecycles, vol.1: Jewish Women on Life Passages & Personal Milestones*. Woodstock, VT: Jewish Lights Publishing, 1994.

Plaskow, Judith and Christ, Carole. *Weaving the Visions: New Patterns in Feminist Spirituality*. San Francisco: HarperCollins, 1989.

Umansky, Ellen, and Diane Ashton, eds. *Four centuries of Jewish Women's Spirituality: A Sourcebook*. Boston: Beacon Press, 1992.

Mikveh

Abramov, Tehilla. *The Secret of Jewish Femininity: Insights into the Practice of Taharat hamishpacha*. Southfield, MI: Targum/ Feldheim, 1988.

Adler, Rachel. "In Your Blood, Live: ReVisions of a Theology of Purity." *Tikkun*, vol. 8, no. 1, Jan./Feb. 1993 (also listed under "books on purity" below).

Eider, Shimon. *Halachos of Niddah*. Lakewood, N. J.: Feldheim, 1988.

Goldstein, Elyse. "The Mikveh as Spiritual Therapy." *Journal of Reform Judaism*, Central Conference of American Rabbis, Winter/Spring 1995.

Grossman, Rabbi Susan. "Feminism, Midrash and Mikveh." *Conservative Judaism*, Winter 1992, pp 7-17.

Kaplan, Aryeh. *Waters of Eden: The Mystery of the Mikveh*. New York: NCSY/ Union of Orthodox Jewish Congregations, 1976.

Klem, Yonah. "No Ordinary Bath: The Use of Mikveh in Healing from Incest." *Jewish Women Speak Out: Expanding the Boundaries of Psychology*. Kayla Weiner and Arinna Moon, eds. Seattle: Canopy Press, 1995.

Knohl, Eliashiv. *Man and Woman: Guidance for Newlyweds* (Hebrew), second edition (revised and expanded). Ein Tsurim: Shiluvim Institute, Yeshiva of the Religious Kibbutz Movement, 2005

"Living Waters: An Interview with Anita Diamant." *Ma'ayan*, Spring 2002, pp. 22-25.

Miller, Rabbi David. *The Secret of the Jew*, self-published in several printings, Oakland, CA, 1920's and 1930's.

Slonim, Rivka, ed. *Total Immersion*. Northvale, NJ: Jason Aronson, 1995.

Wasserfall, Rahel R., ed. *Women and Water: Menstruation in Jewish Life and Law*. Hanover, NH: Brandeis University Press, 1999.

Yoatzot.org.

Zimmerman, Deena R. *A Lifetime Companion to the Laws of Jewish Family Life*. Jerusalem: Urim Publications, 2005.

Purity

Adler, Rachel. "In Your Blood, Live: ReVisions of a Theology of Purity." *Tikkun*, vol. 8, no. 1, Jan./Feb. 1993.

Aescoly, A. Z. "Halacha and Customs among the Abyssinian Jews (the Falashas) in the Light of Rabbinic and Karaite Halacha." *Tarbiz*, 7/2 (no date), pp. 121-134.

Cohen, Shaye J. D. "Menstruants and the Sacred in Judaism and Christianity." *Women's History and Ancient History*, Sarah B. Pomeroy, ed. Chapel Hill: University of North Carolina Press, 1991.

..... "Purity and Piety: The Separation of Menstruants from the Sancta." *Daughters of the King*, Rivka Haut and Susan Grossman, eds. Philadelphia: JPS, 1992.

Douglas, Mary. *Purity and Danger*. London: Routledge and Kegan Paul, 1966.

Eilberg-Schwartz, Howard. *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism*. Bloomington and Indianapolis: Indiana University Press, 1990.

Goldstein, Elyse, "Taking Back the Waters: A Feminist Re-appropriation of the Mikvah." *Lilith*, Issue 15, Summer 1986, pp. 15-16.

Harrington, Hannah Karajian. *The Biblical Foundations of the Impurity Systems of the Qumran Sectaries and the Rabbis*. Ann Arbor: UMI Dissertation Services, 1992.

Kraemer, David. "A Developmental Perspective on the Laws of Niddah." *Conservative Judaism*. Volume 38, No. 3, Spring 1986. New York: Rabbinical Assembly.

Ner David, Rabbi Haviva. *The Laws of Nidah: A Case Study in the Power of Ritual Reinterpretation*, Doctoral Dissertation, Bar Ilan University, October 2005.

Singer, Jacob. *Taboo in the Hebrew Scriptures*. Chicago: Open Court Publishing Co., 1928.

Zlotnick, Dov. "Tevilat Niddah beMayim Hayyim," *Atara LaHayyim*. Daniel Boyarin, Menachem Hirshman, Shamma Friedman, Menachem Schmeltzer, Israel Ta-Shma, eds. Jerusalem: Magnes Press, n.d.

Relationship

Feldman, David M. *Marital Relations, Birth Control and Abortion in Jewish Law*. New York: Schocken Books, 1974.

Ginzburg, Yitzhak. *Brit HaNissuin*. Jerusalem: Gal Einai, 5755 (1995).

Gold, Michael. "God in the Bedroom." *Moment*, New York, August 1991, pp. 3-41.

..... *Does God Belong in the Bedroom?* Philadelphia: JPS, 1992.

Gordis, Robert. *Sex and the Family in the Jewish Tradition*. New York: Burning Bush Press, 1967.

Kohen, Seymour J. Translation and Introduction, *The Holy Letter (Iggeret Ha-Kodesh): A Study in Medieval Jewish Sexual Morality*, ascribed to Nahmanides. New York: Ktav, 1976.

Lamm, Norman. *A Hedge of Roses: Jewish Insights into Marriage and Married Life*. New York: Feldheim, 1966.

Resources for Creating Rituals

Adelman, Penina, *Miriam's Well: Rituals for Jewish Women Around the Year*. New York: BiblioPress, 1996.

Klem, Yonah, "No Ordinary Bath: The Use of the *Mikveh* in Healing from Incest," *Jewish Women Speak Out: Expanding the Boundaries of Psychology*. (Weiner, Kayla and Moon Arinna, eds.) Seattle: Canopy Press, 1995.

Ma'yan – Jewish Women's Project, a program of the JCC of the Upper West Side, ma'yan.org and link to Ritualwell.org (dozens of ceremonies, organized by symbol, theme or purpose).

Mayyim Hayyim – Liberal *Mikveh* of Boston. Mayyimhayyim.org offers training for *mikveh* attendants, study groups, personal rituals, and opportunities for immersion.

National Center for Jewish Healing – ncjh.org.

Ritualwell.org