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**


Mikveh


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


Yoatzot.org.


**Purity**


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.


Relationship


Resources for Creating Rituals


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