

THE CENTER FOR WOMEN IN JEWISH LAW

To Learn and To Teach

Study Booklets Regarding Women in Jewish Law

NUMBER FIVE

The Distancing of Menstruants from
the Synagogue and Sacred Rites

Rabbi Diana Villa and Rabbi Monique Susskind Goldberg

Translated from the Hebrew by

Rabbi Diana Villa



THE SCHECHTER INSTITUTE OF JEWISH STUDIES

JERUSALEM, JANUARY 2008

THE CENTER FOR WOMEN IN JEWISH LAW

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The Schechter Institute of Jewish Studies is grateful to the Dorot Foundation for its financial support of the Center for Women in Jewish Law



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Website: www.schechter.edu

Printed in Israel

ISBN 965-7105-53-5

Typesetting: Leshon Limudim Ltd., Jerusalem



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PREFACE

THE SCHECHTER INSTITUTE OF JEWISH STUDIES

The Schechter Institute of Jewish Studies is one of the leading academic institutions of Jewish Studies in the State of Israel. The unique approach of Schechter combines traditional and modern methods of study. Historical and textual discussions of Jewish sources are accompanied by cultural and topical discussions, which grapple with the ethical and social dilemmas of Israeli society today. The Schechter Institute offers courses of study towards an interdisciplinary M.A. degree in Jewish studies in classic fields such as Bible, Jewish Thought and Jewish History alongside innovative fields of study, which examine Gender, Education, the Community and Art from a Jewish perspective.

The students from all over the country who study at Schechter represent a broad spectrum of beliefs and world-views within Israeli society. They are attracted by the warm, open and pluralistic atmosphere at the Institute.

In the fields of applied research, the Schechter Institute runs the Institute of Applied Halakhah, the Center for Judaism and the Arts and the Center for Women in Jewish Law.

THE CENTER FOR WOMEN IN JEWISH LAW

The Center for Women in Jewish Law was established at the Schechter Institute of Jewish Studies in 1999 with the assistance of a grant from the Ford Foundation. The first purpose of the center – to study the status of women in the synagogue – is presented in my book *The Status of Women in Jewish Law: Responsa* published in 2001. The second purpose is to find halakhic solutions to the problem of modern-day *agunot* (anchored women) who are compelled to wait many years to receive a *get* (religious divorce) from their husbands. This problem is addressed in the book entitled *Za'akat Dalot: Halakhic Solutions for the Agunot of Our Time*, which appeared in 2006; and in the bi-annual *Jewish Law Watch*, which examined actual *agunah* cases that languished for years in the rabbinic courts without resolution. The booklets *To Learn and to Teach*, of which this is the fifth issue, deal with both of these subjects.

TO LEARN AND TO TEACH

The first three booklets in this series were devoted to the status of women in the synagogue. Those booklets were based on my book *The Status of Women in Jewish Law: Responsa*, but were intended for the general public. The goal was to make those responsa accessible to laypeople who do not have a strong background in Talmud and Jewish Law.

The fourth booklet deals with prenuptial agreements as a solution to the *agunah* problem.

This booklet goes back to the subject of the status of women in the synagogue, dealing with the relationship between menstruation and participation in sacred rites. After Rabbis Warman, Diana Villa and Monique Susskind Goldberg studied the issue together on the basis of the sources I provided, Rabbi Villa wrote the first chapter and Rabbi Susskind Goldberg wrote the rest of the chapters. As in the previous booklets, an effort was made to write the booklets in language as accessible as possible to all readers. Rabbi Diana Villa added a Glossary of Authors and a Glossary of Terms to assist the reader.

The booklets in this series appear in five languages – Hebrew, English, Spanish, French and Russian – in order to reach as many readers as possible in Israel and in the Diaspora.

We hope that these booklets will encourage the public to learn and to teach about the status of women in Jewish law and that learning will lead to action.

Rabbi Prof. David Golinkin
The Schechter Institute of Jewish Studies
Jerusalem
January 2008

Introduction**

It is a widely held notion that a menstruant woman must stay away from sacred rites* because she is impure. According to this assumption, a menstruant should not touch a Torah scroll or even enter a synagogue. Some people think she is even forbidden from praying or pronouncing blessings. The purpose of this booklet is to assess if there is any *halakhic* basis for these customs or if they are based on extraneous sources that penetrated deeply into popular consciousness.

I. The Laws of *Niddah*

This chapter will deal with the main laws of *niddah** and with the *halakhic* limitations imposed upon women during their monthly menstrual cycle, based on relevant sources in the Bible, the Talmud and the Codes.

1. In the Bible

When a woman has uterine bleeding she is considered impure. The Torah distinguishes between two conditions: that of the *niddah**, who bleeds during her menstrual period and that of the *zavah*, who bleeds outside the menstrual period.

a) The *Niddah*

The *niddah* appears in the list of impure people:

When a woman has a discharge, her discharge being blood from her body, she shall remain in her menstrual impurity seven days; whoever touches her shall be impure until evening. (Leviticus 15:19)

A woman who bleeds during her menstrual period must abstain from sexual contact¹ for seven days due to her impurity.

b) The *Zavah*

The Torah deals with the *zavah* laws in the following verses:

** A Glossary of Authors and a Glossary of Terms appear at the end of this booklet. The symbol * refers to the Glossary of Terms; the symbol • refers to the Glossary of Authors. The list of bibliographical abbreviations can be found at the end of the booklet in the "Bibliography" section.

1 See Rashi *ibid.*, s.v. *benidatah*.

When a woman has a discharge of blood for many days, *not at the time of her menstrual impurity*, or when she has a discharge beyond her period of menstrual impurity, she shall be impure, as though at the time of her menstrual impurity, as long as her discharge lasts... When she becomes purified of her discharge, she shall count off seven days, and after that she shall be pure. On the eighth day, she shall take two turtledoves or two pigeons, and bring them to the priest... (Leviticus 15:25-29)

A woman who bleeds for a few days after her menstrual period or at any other time except for the period itself,² is impure as long as there is a bloody discharge. She must count seven days from the moment she does not see any more blood. She purifies herself after seven days and brings a sacrifice. The Torah requires immersion for purification, and the Sages interpreted that this was the case here as well. These laws apply only to the *zavah* and not to the *niddah* according to the literal meaning of the text.

According to Leviticus 15, physical contact with both a *niddah* and a *zavah* transmits impurity to objects and persons. Based on the list of forbidden sexual relationships in Leviticus 18, the Sages conclude that sexual relations with these women are forbidden: "Do not come near a woman during her period of impurity to uncover her nakedness" (Leviticus 18:19). Whoever has relations with them is impure and is forbidden from entering the sanctuary (Leviticus 15:24). Women who are impure are not allowed to enter the sanctuary, just like all impure people, according to Leviticus 15:31, which states: "You shall put the Israelites on guard against their impurity, lest they die through their impurity by defiling my Tabernacle which is among them."³

2. In the *Talmud**

Even though *niddah** and *zavah* are two separate categories in the Bible, the boundaries between them became blurred in the *Mishnah** and *Talmud**. Rabbi Judah the Prince's enactment referred to by the *Talmud** (*Niddah* 66a) established that in "*Saddot*" – places in which there was no rabbinic authority available to consult when a woman wanted to ascertain if she was bleeding due to her menstrual period or because she was *zavah*⁴ – as soon as she saw blood for three

2 We learn from the words "*not at the time of her menstrual impurity*" in the context of the *zavah* that the *niddah* is the woman who bleeds only during the menstrual period itself.

3 See p. 12 and note 16 *ibid.*

4 See Rashi, *ibid.*, s.v. *besadot*: "A place with no Torah scholars where women do not know how to determine the starting time for menstruation, which days are *niddah* days and which ones are *zavah* days".

days,⁵ she was required to count seven days from the time the bleeding stopped. The Sages call these days "seven clean days*."⁶

The Talmudic section continues:

Rabbi Zeira stated: The daughters of Israel were stringent with themselves and even if they observed a drop of blood the size of a mustard seed, they waited seven clean days* on account of it.

Rabbi Zeira says that the daughters of Israel were strict beyond the requirements in Rabbi Judah the Prince's enactment. As soon as they saw a drop of blood the size of a mustard seed, they started counting seven clean days*, even if the blood flow did not last three days. The Talmud refers to this custom as an example of a clear *halakhah* that does not require in-depth study.⁷ This restriction, by which both the *zavah* and the *niddah* count seven days once the blood stops flowing, equated *niddah* to *zavah*. Since then, there has been no practical *halakhic* distinction between them.

3. The *Niddah* in Post-Talmudic Times

Maimonides and Rabbi Joseph Caro rule⁸ according to the stringency of the daughters of Israel. Any blood, whether menstrual or just "a drop like a mustard seed", renders a woman impure and she must then count seven clean days* (white days*) beginning when the blood discharge ends (days in which blood is seen*⁹). This woman is "impure" during the days she sees blood and during the white days* and is forbidden to her husband (*Shulhan Arukh**, *Yoreh De'ah* 185:1).

Rabbi Joseph Caro and the Rema in his glosses (*ibid.*, 195) establish a series of restrictions intended to create a distance between husband and wife in order to avoid any possibility of a sexual relationship, whether during the menstrual period or during the seven clean days*.¹⁰ They include, but are not limited to,

5 The Sages interpreted that the expression "many days" in Leviticus 15 means a minimum of three days – see *Niddah* 38a, and Rashi *ibid.*, s.v. *zavah gedolah*.

6 *Niddah* 37a, 66a, 69a, Jerusalem Talmud *Berakhot* 5:1, 8d.

7 It is quoted as an example of "a *halakhic* decision that does not require in-depth study" in *Berakhot* 31a and we have explained it above following Rashi's interpretation. Some decisors interpret this phrase to mean a *halakhah* about which there is no disagreement. See Berkowitz, pp. 88 ff. and pp. 121 ff. and note 200 *ibid.* for a detailed analysis of what we have summarized here.

8 See *Mishneh Torah*, Laws of Forbidden Sexual Relations, Chapter 11 and *Shulhan Arukh**, *Yoreh De'ah*, Chapters 183-201.

9 According to the *Shulhan Arukh**, *Yoreh De'ah* 183:1, a menstruant woman counts at least four days as the time she sees blood. The Rema rules in his glosses (*ibid.*) that five days should be counted as the time she sees blood. When the blood flow stops, another week must be counted (*ibid.*, 196:11). It follows that a woman is forbidden to her husband at least 11-12 days a month.

10 They expand the laws of distancing that appear in Maimonides, Laws of Forbidden Sexual Relations, 11: 18-19. See also Berkowitz, pp. 116-120.

prohibiting any physical contact, sleeping in the same bed and eating from the same plate. In addition, neither husband nor wife is permitted to pour a drink for the other and the wife must refrain from making her husband's bed in his presence and from washing his face, hands and feet.

In summary, according to the Bible, a *niddah** is impure for only seven days. As of Talmudic times, she had to count seven clean days* (white days*) after her menstrual period. On this basis, the decisors ruled that a woman is impure during the days in which blood is seen* and during her white days*. Following these days, she must purify herself through immersion in a *mikveh*. Until she has done so, she is forbidden to her husband (*Yoreh De'ah* 195:1).

4. Reasons for the Laws of *Niddah*

A number of cultures relate to a woman's bleeding during her menstrual period as a dangerous and scary experience.¹¹ Ancient cultures found it difficult to treat bleeding as a natural process. Loss of blood was associated with loss of life and therefore menstruation provoked a fear of death. Since menstruation is also a sign that a new life will not begin, it symbolizes death.¹²

In many cultures, a menstruating woman distanced herself from society, either because she wanted to remain separated or because she was rejected by society in her menstrual state.

Jewish sources include the menstruant in the list of impure people who require distancing. This is expressed in two areas: distancing from the Tabernacle and the Temple; distancing the wife from her husband by prohibiting sexual relations.

Jewish thinkers throughout the ages tried to explain the reasons for the laws of *niddah** in different ways. We will now cite two reasons which can also be meaningful to modern Jews.

a) Avoiding routine in a couple's married life:

We have learned in *Niddah* 31b:

It has been taught: Rabbi Meir used to say: Why did the Torah require seven days for *niddah*? Because excessive intimacy breeds contempt. Therefore, the Torah said: Let her be impure for seven days, so that she

11 See Hayes; Buckley and Gottlieb, pp. 3-50 and Berkowitz, pp. 6-7.

12 "The menstrual blood, which inside the womb was a potential nutriment, is a token of dying when it is shed" (Adler, p. 168).

shall be as beloved by her husband as the day she stood under the bridal canopy.

When a husband is permitted to be with his wife at any time, he could develop loathing for her (see Rashi s.v. *mipnei* and s.v. *katz bah*). Rabbi Meir explained that because the Torah wanted to avoid that risk, it designated time periods during which intimate relations were not allowed. Thus every month, after the *niddah* period, when the couple resumed sexual relations, they would feel as if they were back under the wedding canopy.¹³

b) Conquering our impulses and sanctifying our lives:

Scholars in different periods have pointed out that Torah laws have an educational purpose. The Torah teaches each person to conquer his/her impulses: the eating impulse through the dietary laws; the buying impulse through laws that prevent oppression and require that we help the poor; and the sexual impulse, through the *niddah** laws, so that we can become a "kingdom of priests and a holy nation" (Exodus 19:6).

Rabbi Aaron Barth¹⁴ emphasizes the educational purpose of commandments such as *niddah**, an idea which can already be found in the words of Rav: "The *mitzvot* were given only to purify humanity" (*Genesis Rabbah*, Chapter 44 and parallel sources). In other words, the observance of commandments purifies people and elevates them to a higher moral level.

Rabbi Isaac Klein explained the law of *niddah** in a similar fashion.¹⁵ He stressed that Judaism does not require us to uproot the sexual impulse, but rather to limit it to the framework of the conjugal relationship. Even within that framework, there are times, like the *niddah** period, in which couples must abstain from sexual intercourse. In Rabbi Klein's opinion, a Jew who scrupulously observes the laws of *niddah** thereby introduces an element of holiness into his/her life and contributes towards a wholesome family relationship.

II. The Distancing of Menstruants From the Synagogue and Sacred Rites*

Most of the purity and impurity issues in the Torah are mentioned in connection with the Tabernacle. According to the Torah, any impure person is forbidden from entering the Tabernacle. The list in Leviticus, Chapter 15, includes people

13 See Berkowitz, pp. 59-61.

14 See Barth, pp. 46-50.

15 See Klein, pp. 510-511.

who are considered impure because of discharges from their sexual organs due to natural causes or illness. It includes the following cases: a) a *zav*, a man who has a discharge due to illness; b) a *ba'al keri**, a man who has a seminal discharge; c) a *zavah*, a woman who bleeds at a time other than her menstrual period; d) a *niddah**, a woman who bleeds during her menstrual period. According to the Torah, the Children of Israel are required to separate from these impure people lest they also become impure. Verse 31, towards the end of the chapter, states the reason for these separations: "You shall put the Israelites on guard against their impurity, lest they die through their impurity by defiling *my Tabernacle* which is among them". The Children of Israel must stay away from impurity,¹⁶ because the Tabernacle dwells within the encampment. This is such a severe prohibition, that a person who approaches the Tabernacle while impure is punished by death. Since the Tabernacle dwells within the encampment, those who are impure must leave the encampment.¹⁷

Another kind of impurity is that of a woman after childbirth. Leviticus 12:4 explicitly states that she must avoid entering the Temple during the days in which she is impure: "...She shall not enter the sanctuary until her period of purification is completed".

The prohibition about the impure entering the Tabernacle applies to the Temple complex as well.¹⁸ *Mishnah Kelim* 1:8 notes: "The Temple Mount is more sacred... neither *zavim* nor *zavot* nor menstruants nor women after childbirth may enter it."

After the destruction of the Temple, synagogues and houses of study became the main religious institutions in Judaism in place of the Temple.¹⁹ Since it was no longer possible to bring sacrifices, prayer and the study of Torah became the only rituals.²⁰ The Sages considered synagogues to be a "minor sanctuary",²¹ and prayer was explicitly connected to sacrifices.²² Even so, in *tannaitic* (see *tannaim**) or *amoraic* (see *amoraim**) sources there is no requirement that impure people must be separated from the synagogue, from the study of

16 As Rashi• explains *ibid.*, the word "*vehizartem*" [you shall put on guard] is from the root "*nzr*": "*vehizartem* – *nezira* means staying away from".

17 See Numbers 5:2-3.

18 See Golinkin, p. 187, par. 8.

19 Synagogues in which people studied Torah and prayed existed in the Second Temple period, but it was only after the Temple's destruction that they received their central status. See Heinemann, pp. 17 ff.

20 See *Berakhot* 26b, *Ta'anit* 2a, Maimonides, *Laws of Prayer* 1:5; Heinemann, *ibid.*, Elbogen, in the introduction to his book.

21 See *Megillah* 29a: "Yet I have been a minor sanctuary for them" (Ezekiel 11:16), Rabbi Isaac said: this refers to the synagogues and houses of study in Babylonia".

22 See above, notes 20 and 21.

Torah or from prayer. In the generations that followed, most decisors continued to allow them to enter the synagogue, while a minority was stricter insofar as *niddah** impurity was concerned. They ruled that menstruants must distance themselves from sacred rites* in general and from the synagogue in particular in order that holiness not be defiled. We will now examine the different approaches of the decisors.

1) According to Jewish Law, a *Niddah** May Perform Sacred Rites*

When we examine *tannaitic* (see *tannaim**) and *amoraic* (see *amoraim**) sources, we see that the Sages did not distinguish between *niddah** and other impure people, and allowed all of them to pray, pronounce blessings, study Torah and enter the synagogue.

a) The *Tosefta**

We have learned in *Tosefta Berakhot* 2:12 (ed. Lieberman, p. 8):

Zavim (men who have a discharge due to illness) and *zavot* and menstruating women and women after childbirth are permitted to read from the Torah, the Prophets and the Writings, and to study *Mishnah**, *midrash*, *halakhot* and *aggadot*, but those who have a seminal discharge are forbidden [to engage] in all [of the aforementioned activities].

According to this *baraita**, menstruating women and most impure people are not prohibited from reading the Bible and studying the words of the Sages. There is only one exception, a *ba'al kerit**, who is forbidden from doing any of these things.²³ A *ba'al kerit** is a man who had a seminal discharge for any reason whatsoever.²⁴ As noted above (p. 12), the book of Leviticus includes a man with a seminal discharge in its list of those who are impure. According to *tannaitic* (see *tannaim**) sources, the *ba'al kerit** is the only impure person prohibited from reading the Torah and this is apparently due to Ezra* the Scribe's, enactment that a *ba'al kerit** must immerse before he engages in sacred rites* (*Baba Kama* 82a).²⁵

23 This *baraita** also appears in the Babylonian *Talmud*, *Berakhot* 22a, with a minor yet significant change. It says there: "*Zavim* and lepers and *those who sleep with menstruating women*" etc. The tendency is clear: it was difficult for the author of this *baraita* to accept that a menstruating woman (or any woman at all) could read a Torah scroll – see Golinkin, p. 221 and note 29 *ibid.*, and Lieberman, *Tosefta Kifshutah*, p. 20. The Jerusalem *Talmud Berakhot* 3:4, 6c quotes the *Tosefta*'s* version of the *baraita**.

24 The word "*kerit*" derives from "*mikre*", circumstance, in Deuteronomy 23:11, where the primary meaning appears: a person who had an incident at night, who had a seminal discharge at night.

25 See Hanoach Albeck's commentary to *Mishnah** *Berakhot* 6:4; *Mishnah** *Berakhot* 3:4, and Dinari, pp. 23-26.

Some maintain that these prohibitions are not related to impurity. They learn this from the Jerusalem Talmud* (*Berakhot* 3:4, 6c):

Said Rabbi Jacob bar Abun: they only ordained that one must immerse oneself [after discharging semen] so that Jews should not act [in their sexual behavior] like roosters who have sexual intercourse, get right up and eat.

According to the Jerusalem Talmud, the prohibitions imposed upon the *ba'al kerî** are not related to impurity, but rather to the Sages' desire to restrict men's sexual activity. They did not want a man to act like a rooster as far as his sexual mores were concerned.²⁶ This enactment by Ezra* was eventually annulled because most of the community could not abide by it.²⁷

b) The Babylonian *Talmud**

We have learned in a *baraita** in *Berakhot* 22a:

It has been taught: Rabbi Judah ben Bathyra said: Words of Torah are not susceptible to impurity. Once a certain disciple was mumbling near Rabbi Judah ben Bathyra. He said to him: My son, open thy mouth and let thy words be clear, for words of Torah are not susceptible to impurity, as it says: "Is not my word like fire" (Jeremiah 23:29). Just as fire is not susceptible to impurity, so words of Torah are not susceptible to impurity.

In other words, according to Rabbi Judah ben Bathyra, an impure person may engage in Torah study, since words of Torah are not susceptible to impurity. According to this story, it seems that Rabbi Judah ben Bathyra did not accept Ezra's* enactment that requires a *ba'al kerî** to immerse himself before he engages in sacred rites*.

We can sum this up as follows: Neither the *Mishnah** nor the *Talmud** suggest that a menstruating woman may not enter a synagogue, pray, read the *Shema* or read or study Torah. *Niddah** impurity, which was described above (Chapter 1), does not prevent her from engaging in sacred rites*, since "Torah words are not susceptible to impurity".

²⁶ See also Maimonides*, *Laws of Prayer and Priestly Blessings* 4:4.

²⁷ See Maimonides*, *ibid.*, 4:5; *Shulḥan Arukh**, *Orah Ḥayyim* 88:1; *Mishnah Berurah**, *ibid.*, subparagraph 3 ("As it was a decree that most of the community could not abide by. They annulled it because time was wasted that should have been devoted Torah study and because it prevented fulfilling the commandment to be fruitful and multiply"); see p. 17 below; Schepansky, pp. 210-213; Dinari, pp. 25-26.

c) The *Geonim**

In accordance with these sources, the accepted opinion in the *yeshivot* (*academies*) of the *Geonim** was that menstruants could pray and attend synagogue. The following is Rabbi Natronai Gaon's answer to a question as to whether a *niddah** is required to recite blessings and pray:

We have seen that a woman who is *niddah** prays and recites blessings during her period without apprehension. Granted that she is forbidden to her husband; is she released from observing commandments?! For Ravina said (*Bekhorot* 27b): "A *niddah* separates *ḥallah*" – since she is required to separate it, she cannot do so without pronouncing a blessing. What is the difference between a blessing and prayer?²⁸

In other words, even though a menstruant is forbidden to her husband, she is still required to observe the commandments and to recite the accompanying blessings. Natronai Gaon proves his opinion from Ravina's comment in the Talmud* regarding a menstruant's obligation to separate *ḥallah*. Since the separation of *ḥallah* also includes a blessing, a menstruant must also pray, since there is no difference between pronouncing a blessing while separating *ḥallah* and prayer.

Most of the *Geonim** allowed a menstruant to engage in sacred rites* by claiming that there is no basis for such prohibitions in Talmudic law. However, it seems that the distancing customs were already widespread in their time. We learn about this from numerous *geonic* (see *Geonim**) responsa in which they stress that these stringencies are unfounded.²⁹

d) Rashi* (France, 1040-1105)

It was apparently quite common in the 11th century for French Jewish women to refrain from attending synagogue while they were menstruants. Rashi's* teaching on the subject attests to this:

And some women prevent themselves from entering the synagogue during their period, They do not need to do so. For why do they do so? If it's because they think a synagogue is like the Temple, why do they enter it even after their ritual immersion?... If it is not like the Temple, they should certainly enter. Besides, we have all had seminal discharges, and

28 *Otzar Hage'onim* to *Berakhot*, Responsa section, parag. 116, pp. 48-49.

29 Such as Rav Yehudai, Rav Natronai, Rav Amram and Rav Zemah* Gaon. See examples in Dinari, p. 19, note 19. For *Geonim* with conflicting opinions, see below, pp. 19-20.

are impure from being in proximity with the dead and with creeping things, and yet we enter the synagogue. Therefore you learn that a synagogue is not like the Temple, and they may enter. But, in any case, it is a pure place and they act appropriately.³⁰

Rashi• opposes this women's custom, and explains that the synagogue is not a Temple, and therefore impure people, including menstruants, are not forbidden from entering it. We should note that there is no mention here that women should not pray or pronounce God's name.

The last sentence of Rashi's ruling clearly contradicts the opinion which precedes his concluding remark. Therefore, we can surmise that it does not reflect Rashi's• opinion, but was an addition by an editor or copyist, perhaps one of Rashi's• students.³¹

e) Maimonides• (Spain and Egypt, 1135-1204)

Maimonides• maintained that impure people can pray. As he writes in his Laws of Prayer and Priestly Blessings 4:4:

All who are impure wash their hands only – like those who are pure – and pray. Although they are able to immerse in a ritual bath and be rid of their ritual impurity, immersion does not prevent them [from praying].

In other words, ritually impure people do not need a special immersion in order to pray. They wash their hands for prayer, just like those who are ritually pure.

Maimonides• does not distinguish between menstruants and other impure people. He writes in Laws of Torah Scrolls 10:8 as follows:

All who are impure, *even women who are menstruating* and even a non-Jew, may hold a Torah scroll and read from it, *for words of Torah are not susceptible to impurity*, provided that the holder's hands are not dirty or soiled. They must therefore wash their hands and then they may touch it.

Maimonides'• relies upon the *baraitot** in *Tosefta** *Berakhot* 2:12 and in *Berakhot* 22a cited above. The fact that Maimonides• emphasizes "even women who are

30 *Maḥzor Vitry*, p. 606, in a digest of Rashi's• teachings.

31 This ruling by Rashi• regarding women entering the synagogue can be found in another two collections of Rashi's• school's legal writings: *Sefer Likutei Pardes LeRashi* (Munkacs, 1897, fol. 5b), and *Sefer Ha'Orah* (ed. Shlomo Buber, Levov, 1905, Vol. 2 [1], pp. 167-168). These writings, as well as *Maḥzor Vitry*, were written by Rashi's• disciples, and one of them may have added the sentence that can be found in all three versions. For a similar occurrence in which a sentence is added that contradicts everything that preceded it, see Goldberg and Villa, p. 214.

menstruating and even a non-Jew" apparently reflects a contemporaneous polemic with opinions that were stringent with regard to ritual impurity of menstruants and non-Jews.³²

Maimonides* distinguishes between impurity and uncleanness. The prohibition to pray or to touch a Torah scroll applies only to those whose hands are dirty, according to *Sukkah* 26b, and has nothing to do with impurity.

f) Rabbi Joseph Caro* (Spain and Israel, 1488-1575)

Rabbi Joseph Caro* bases his rulings in the *Shulḥan Arukh** on the Talmudic Sages and on Maimonides*.

1. In *Yoreh De'ah* 282:9, Rabbi Joseph Caro* repeats the ruling of Maimonides* and writes:

All who are impure, even women who are menstruating and even a non-Jew, may hold a Torah scroll and read from it, provided that the holder's hands are not dirty or soiled.

In other words, impure people, including menstruants, may touch a Torah scroll.

2. In *Orah Hayyim* 88:1, he writes:

All who are ritually impure may read Torah, read the Shema and pray, except someone who has a seminal discharge, since Ezra separated him from all those who are impure and forbade him to be engaged in Torah study, in reading Shema and in prayer until he immerses, so that scholars should not act like roosters with their wives. Later on, that enactment was annulled, and it was ruled that even someone with a seminal discharge may engage in Torah study, the reading of the Shema and prayer without immersion.*

According to Rabbi Joseph Caro*, all those who are ritually impure may read Torah, study Torah and pray. A person with a seminal discharge is not required to immerse because his impurity is more severe, but rather due to the Sages' intent to restrict men's sexual relationships, as explained above (p. 14). However, this enactment was eventually annulled (see note 27). Nevertheless, according to Rabbi Joseph Caro*, it is not at all forbidden for a menstruant to pray and read and study Torah.

32 According to Dinari, p. 32, Maimonides* adds the issue of holding a Torah scroll as a polemic against the Karaites who forbade this.

In summary, according to Jewish law, based on the Talmud, the Geonim*, Rashi*, Maimonides* and the Shulhan Arukh*, a menstruant is allowed to enter a synagogue and to engage in sacred rites*.*

2) Distancing the *Niddah* from the Synagogue and Sacred Rites*

We have seen until now that there is no *halakhic* basis for distancing a menstruant from sacred rites*. However, there is evidence that in ancient times and in certain circles, there were customs regarding distancing a menstruant.³³ The fact that only menstruants and not all who were considered impure were distanced from the sacred, indicates a perspective that *niddah* impurity differs from other forms of impurity.

a) *Baraita* D'massekhet Niddah*

Extreme stringencies related to distancing *niddah* from sacred rites* can be found in a text known as *Baraita* D'massekhet Niddah*, which was probably written in Israel in the sixth or seventh centuries, apparently by a sect that did not follow normative *halakhah*.³⁴

One of the characteristics of this text is that it deals at length with superstitions according to which a menstruant is dangerous, a point of view which was non-existent in the *Mishnah** and *Talmud**. In addition, many laws in *Baraita* D'massekhet Niddah* do not appear in rabbinic literature.³⁵ According to the approach of *Baraita* D'massekhet Niddah*, one must avoid all contact with a menstruant. The following warning can be found already at the beginning of the *Baraita**: "The following women bury their husbands: those who do not observe *niddah** laws carefully (p. 3)". The danger is not limited to the *niddah*'s husband, but extends to all those who are in contact with her. We read, for example: "A menstruant should not cut her nails, lest one of them fall on the ground... if a person steps on them he will get sick with boils" (p. 16). "Rabbi Judan said: any priest who blesses the congregation when his mother, wife or daughter is impure, the prayers become an abomination and he causes himself to slide into oblivion" (p. 25).³⁶ Another example: "A woman who is *niddah** should not touch the dough or the baked product and should not place it in the oven, lest one of

33 Dinari, p. 17.

34 Cohen, p. 108 and Dinari, p. 19 based on Lieberman, p. 22, who writes: "This *baraita* was apparently written by an inhabitant of the land of Israel belonging to a sect that did not act according to the Torah and *halakhah*".

35 See Cohen, *ibid*.

36 See also Zimmer, pp. 136-137, who mentions the custom of *Hassidey Ashkenaz** that a *kohen* should avoid blessing the congregation while one of his relatives is menstruating.

the baked goods become impure and one of the scholars eat it – causing his knowledge to be ruined and eventually forgetting everything he studied" (p. 18).

*Niddah** impurity is so severe that even her spittle transfers it to others:

Rabbi Ḥanina said: if a menstruant spat on the bed, and her husband or sons stepped on it, they are totally impure and barred from going into the synagogue until they immerse in water, since the spittle of a menstruant is impure (p. 3).

According to the *Baraita** *D'massekhet Niddah**, a synagogue is similar to the Temple, and no impure person may enter it. Therefore it says regarding a *niddah**: "'She shall not enter the sanctuary' (Leviticus 12:4), she is not permitted to enter houses of study and synagogues" (pp. 30-33). The *niddah*'s impurity is so severe that she is not only forbidden from entering the synagogue, but she is must also be distanced from anything holy. "A menstruant woman may not take care of the *hallah* and lighting Shabbat candles" (p. 27). She is also forbidden from praying and reciting blessings: "Rabbi Judan said: It is forbidden to recite a blessing when a *niddah** is present, to make sure that she does not think about this, say 'Amen' and thus defile herself" (p. 17). In other words, the word "Amen" is considered a desecration when pronounced by a *niddah**, a blessing and a prayer even more so.

The *Baraita D'massekhet Niddah** is the first text to mention that a menstruant is forbidden from having contact with anything holy, including the idea that any blessings that she recites become curses and desecrate God's name. Even though all the above-mentioned rulings do not follow Talmudic law, they were very influential in future generations.

b) Sefer Hamiktzo'ot (eleventh century)

As mentioned above, most of the *Geonim** did not consider it necessary to distance a menstruant from sacred rites*, and therefore she was allowed to recite blessings, pray and attend the synagogue. We also saw that the *Geonim** wrote many responsa against the stringent viewpoint regarding distancing menstruants. Those *Geonim** protested against the women's self-imposed custom that was apparently widespread at the time, to distance themselves from sacred rites* during their period.

However, some *Geonim** were more stringent regarding distancing menstruants from the sacred. Their responsa are quoted in *Sefer Hamiktzo'ot**, a book that was apparently written in the eleventh century.³⁷ *Sefer Hamiktzo'ot** is not extant, and

37 See Assaf's Introduction as well as Mack, pp. 509-510, regarding the time and place of this text.

we know about it only through quotes by the *Rishonim**, one of which states as follows:

A woman may not enter a synagogue while she is menstruating until the white days*, as it says "She shall not touch any consecrated thing" (Leviticus 12:4), etc. This is brought in the name of Rav Zemah? Gaon and this is the custom in both academies, and [she is] even [forbidden to stand] outside the synagogue.

This is so regarding the days she is menstruating; how do we know that it also applies to the days she is guarding [white days*]? ... It is written "Until her period of purification is completed" (*ibid.*). And it is not only forbidden to enter the synagogue, but also to answer "Amen" when she hears any blessing, as Rabbi Judah said [in the above-mentioned *Baraita** *D'massekhet Niddah*]: "It is forbidden to recite a blessing when a *niddah** is present, to make sure that she does not think about this, and say 'Amen' and thus defile herself".³⁸

According to Dinari (pp. 21-22), two viewpoints are expressed in this paragraph. According to the first opinion, a menstruant is only forbidden from entering the synagogue when she is menstruating. According to the second opinion, the more restrictive one, a woman may not pray even during her white days* and she cannot even hear a blessing lest she say "Amen". The source of this latter prohibition is a quotation from the *Baraita D'massekhet Niddah** which we discussed above.³⁹

These sections from *Sefer Hamiktzo'ot** prove that towards the end of the *Geonic** period it was customary to prevent menstruants from saying *Amen* and entering the synagogue, at least during their period*. Since *Sefer Hamiktzo'ot** also quotes the *Baraita** *D'massekhet Niddah**, we can assume that these stringencies originated in that work.

c) Early Ashkenazic Sages

In the early Middle Ages, the customs of distancing a *niddah** from sacred rites* were common in German and French communities, apparently due to the influence of the *Baraita D'massekhet Niddah** and *Sefer Hamiktzo'ot**. Women in those communities avoided pronouncing blessings, praying and entering the

38 *Otzar Ha'Geonim to Berakhot*, Responsa section, paragraph 121 = Assaf, p. 2.

39 For other examples of the *Baraita** *D'massekhet Niddah*'s* influence on *Sefer Hamiktzo'ot**, see Assaf, Introduction, p. 11.

synagogue during their periods. These stringencies were recorded in the rulings of some of the twelfth and thirteenth-century *Ashkenazic* decisors.

1. Rabbi Elazar of Worms, author of *Sefer Harokeah* (Ashkenaz, ca. 1160-ca. 1230)

There is a clear influence of the *Baraita D'massekhet Niddah** on the *niddah** laws of Rabbi Elazar of Worms. He quotes a series of distancing customs in the name of *Ma'aseh Hageonim* and warns that menstrual impurity is dangerous.⁴⁰

Regarding staying away from the synagogue, he writes: "... [a menstruant] is forbidden to enter the synagogue until she immerses in water, since the spittle of a menstruant is impure".⁴¹ This prohibition originates in the *Baraita** *D'massekhet Niddah* and it is obvious that the author of *Sefer Harokeah* accepted these stringencies as law.

2. Rabbi Eli'ezer ben Yoel Halevi, the *Ra'aviah** (Ashkenaz, 1140-1220)

... A *niddah**... are allowed to do all of these things [prayer and blessings]... But women restricted themselves and isolated themselves during their menstrual periods that they do not enter the synagogue and, even when they pray, they do not stand before their friends. *And I saw this written in the words of the Geonim who quoted a baraita, which is not in our Tosefta**. And this is a valid custom, etc.⁴²

The *Ra'aviah** admits that, according to the law, menstruants are allowed to engage in all sacred rites* just like other impure people. However, he testifies that women in his time avoided going to synagogue during their menstrual periods. It would seem that menstruants were accustomed to praying, but not next to pure women. But this is not clear, because if she has the power to defile other women's prayers, she can certainly defile her own prayer and she should not pray.⁴³ Therefore, Dinari explains,⁴⁴ we must interpret that the *Ra'aviah*'s* intention was that pure women did not pray next to menstruants, so that the menstruants would not answer "Amen", thus defiling God's name, as we saw above in the *Baraita D'massekhet Niddah** (p. 19).

40 *Sefer Harokeah**, Laws of *Niddah*, paragraph 318, p. 205.

41 *Ibid.*, p. 206. The author of the *Rokeah** combined two laws from the *Baraita** – see above p. 21.

42 *Sefer Ra'aviah**, Aptowitz edition, Vol. 1, Berlin, 1913, Tractate *Berakhot*, paragraph 68, p. 45.

43 This is also the way the *Ra'aviah*'s* student, Rabbi Isaac of Vienna (the author of *Or Zarua**) understood him – see below.

44 Dinari, pp. 27-28.

It is reasonable to surmise that when the *Ra'aviah** mentioned "the *Geonim**" he meant *Sefer Hamiktzo'ot*, which we mentioned above (pp. 19-20), because this prohibition is not found in any other writings by the *Geonim**. The "*Baraita*" mentioned by the *Ra'aviah** is the *Baraita** *D'massekhet Niddah**.⁴⁵

Even though the *Ra'aviah** concedes that the law allows menstruants to engage in sacred rites*, he considered the women's custom to restrict themselves to be "valid".

3. Rabbi Isaac of Vienna, author of the *Or Zaru'a* (Ashkenaz, ca. 1180-ca. 1250)

There are women who avoid entering the synagogue and touching a Torah scroll – it is just a severity, but they do a good thing. My teacher, *Avi Ha'ezri* [*the Ra'aviah**] told me that some women do not pray behind a menstruant and he said he found this explicitly in the *Baraita D'massekhet Niddah**. He told me that he saw many stringencies there. The rule is: a person should be as stringent as he can in connection with *niddah** and he will be blessed for this.⁴⁶

Rabbi Isaac of Vienna mentions here the stringencies from the *Baraita D'massekhet Niddah** regarding distancing a menstruant from sacred rites*. He learned these laws from his teacher, the *Ra'aviah**. Like him, the author of *Or Zaru'a** concedes, that these are customs and not laws, but he agrees with his teacher that it is good to observe these customs.

We must stress that very few Ashkenazic decisors in the twelfth and thirteenth centuries refer to these stringencies. These decisors were connected to *Hassidey Ashkenaz**, who were very involved in mysticism. The authors of *Sefer Harokeah* and *Or Zaru'a** were both students of Rabbi Judah the *Hassid** (d. 1217). The following story is told about him in *The Responsa of the Maharshah*, at the end of No. 29:

Rabbi Judah the *Hassid**, from Speyer, had to emigrate from his native country to Regensburg, due to the fact that his wife touched his chest, even though he had warned her: "do not touch my chest when you are not pure". She forgot and touched it, and there were sacred secrets written in the booklets in that chest.

45 Dinari's opinion (p. 28) is that the *Ra'aviah** had a more complete version of this *Baraita* than the one available to us, where the prohibition of menstruant women praying next to pure ones was apparently mentioned.

46 *Or Zaru'a**, Vol. 1, Zitimir, 1866, Laws of *Niddah*, paragraph 360.

According to this story, Rabbi Judah the *Hassid*^{*} was exiled from his country because his wife touched mystical books while she was menstruating. The menstruant is perceived here as someone who can harm her relatives, just as in the *Baraita D'massekhet Niddah*^{*}.

According to Dinari (p. 29), the influence of *Baraita D'massekhet Niddah's*^{*} on *Hassidey Ashkenaz*^{*} is understandable in light of the centrality of the *Heikhalot Literature*^{*} in these circles. He writes:

Rabbi Professor Saul Lieberman recently proved the link between the *Baraita D'massekhet Niddah*^{*} and *Heikhalot Literature*^{*}. This *baraita* includes some mystical elements and the author of the Book of *Heikhalot*^{*} demanded that a Sage who enters the *heikhalot* must observe the stringencies of the *Baraita D'massekhet Niddah*^{*}.⁴⁷

It is hard to prove that Dinari's premise is true, but it is evident that this circle of *Hassidey Ashkenaz*^{*} believed that the *Baraita D'massekhet Niddah*^{*} was an authoritative *halakhic* text and therefore they observed its prohibitions.

3) Evolution of the Customs to Distance Menstruants from Sacred Rites^{*}

In the Middle Ages, Sephardic communities did not accept the restrictions that distance menstruants from sacred rites^{*}, while Ashkenazic communities tended to accept them.⁴⁸ Maimonides^{*} (above pp. 16-17) and Rabbi Joseph Caro^{*} (above p. 17) following in his footsteps, rule explicitly that a menstruant may engage in sacred rites^{*} and even hold a Torah scroll. On the other hand, Ashkenazic communities accepted these stringencies, sometimes as legal rulings and sometimes as customs.

These distancing customs included refraining from entering the synagogue as well as praying, reciting blessings and touching a Torah scroll and other holy books. These customs were wholly or partly entrenched among women. As Dinari observes (pp. 33-34): "As a rule, women's customs that were transmitted from mother to daughter, constituted powerful factors that were very difficult to disregard".

47 Dinari, p. 29 and note 76b *ibid*. We also observe the clear influence of *Baraita D'massekhet Niddah* on the *Zohar's* stance regarding menstruants' stringencies; see, for example, *Zohar* on the Book of Exodus, Margalioth edition, Jerusalem, 1984, Vol. 2, fols. 3a-b.

48 Rabbi Joseph Caro^{*} testifies (*Beit Yosef* on the *Tur*, *Orah Hayyim* at the end of paragraph 88): "our women [of Spanish origin] are not at all accustomed to stay away from the synagogue".

As we shall see below, the Ashkenazic decisors had to deal with this phenomenon. On the one hand, they sought to compromise with the existing custom and felt compelled to defend the women's custom. On the other hand, they tried to limit the distancing customs because they were only stringencies. Some examples follow:

a) Rabbi Israel Isserlein* (Germany, 1390-1460)

Rabbi Israel Isserlein* allowed menstruants to come to the synagogue, at least during the High Holidays:

I allowed them to go to the synagogue on the High Holidays and the like, when many women gather at the synagogue to listen to prayers and Torah readings. And I relied on Rashi* who allows it in his Laws of *Niddah* in order to make women content, since it would make them sad and heart-stricken if everyone was gathering as a community and they would have to remain outside.⁴⁹

Rabbi Isserlein* admits that there is no *halakhic* proscription prohibiting menstruants from entering the synagogue. Therefore, even though it was the Ashkenazic women's custom to refrain from doing so, he permits them to enter, especially during the Days of Awe, so as not to cause them grief.

Regarding prayers and blessings, Rabbi Isserlein's opinion is quoted by his disciple, Rabbi Yosef (Yozl) of Hoehstadt: "And Rabbi Isserlein ruled that they [the menstruants] must bless the candles and pronounce all the blessings".⁵⁰

b) Rabbi Jacob ben Judah Landau, the author of *Sefer Ha'agur (Ashkenaz and Italy, fifteenth century)**

Rabbi Landau mentions the stringencies of *Sefer Hamiktzo'ot** and *Or Zaru'a**⁵¹ in his *Sefer Ha'agur*. After mentioning these stringencies, he writes:

And I, the author, observed that in my country women are accustomed to enter the synagogue, pray and respond to all holy rites*. They only take care not to look at the Torah scroll when the reader shows it to the people.⁵²

49 Rabbi Israel Isserlein, *Terumat Hadeshen, Pesakim Uketavim*, No. 132.

50 Rabbi Joseph ben Moses, *Leket Yosher, Orat Hayyim*, p. 131.

51 See above pp. 19-20 and 22. We should recall that these stringencies originated in the *Baraita D'massekhet Niddah**.

52 *Sefer Ha'Agur*, Laws of Ritual Immersion, paragraph 1388.

In other words, the author of *Sefer Ha'agur* is aware of the many restrictions with respect to menstruants and their relation to sacred rites*, but he testifies that in his country,⁵³ menstruants used to enter the synagogue, pray and pronounce blessings. The only remnant of the distancing customs was that women did not look at the Torah scroll when it was shown to the people.

c) Rabbi Moses Isserles, the Rema* (Poland, 1525-1572)

As we have seen above (p. 17), Rabbi Joseph Caro* in *Shulḥan Arukh**, *Orah Ḥayyim*, paragraph 88 rules that menstruants may read and study Torah and pray. Rabbi Moses Isserles, the Rema*, wrote in his glosses:

There are authorities who wrote that a woman who is a *niddah** should not enter the synagogue, pray, mention God's name or touch a Torah scroll during the days when she experiences her menstrual flow (*Hagahot Maimoniot*, Chapter 4). On the other hand, there are authorities who say all of this is permitted to her, and this is the main opinion (Rashi, *Laws of Niddah*), but the custom in these countries is like the first opinion. But during the white days*, the custom is to permit. Even in a locality where the practice is to be stringent, on the High Holidays and the like, when many gather to go to the synagogue, *niddot* are permitted to go to the synagogue like other women. [The reason is] that if they had to remain outside when all are gathering to go to the synagogue, it would be very distressing for them (*Piskei Mahari*, No. 132).

The Rema* refers to the distancing customs, agrees with Rashi* (above, pp. 15-16) that this is not the law and yet testifies that this is the custom observed by the communities in Poland. Since it is only a custom, some decisors were lenient regarding the white days*. Furthermore, following Rabbi Israel Isserlein (above, p. 24), the Rema* allows *niddot* to enter the synagogue on the High Holidays, even during their menstrual period, in order not to distress them.

d) Rabbi Abraham Gombiner, the author of *Magen Avraham (Poland, 1637-1683)**

in response to the opinion quoted by the Rema? that menstruants may not mention God's name, Rabbi Abraham Gombiner, the author of *Magen Avraham**, comments:

53 According to Cohen, p. 111, Rabbi Landau means Germany, since he was born and educated there; however, he may mean Italy, where he published his book.

There are those who say women are Biblically obligated to recite Grace after Meals. If so, how can they disregard a positive Biblical commandment on the basis of an unfounded custom? Therefore, it seems to me, that she should at least hear others recite Grace after Meals, and if there is no one else present, she should say it herself in a soft voice. This is even more so regarding *Kiddush*, which is a Biblical obligation (*Orah Hayyim* 88, subparagraph 2).

In other words, since women are obligated Biblically to recite Grace after Meals and *Kiddush*, this positive biblical commandment cannot be disregarded in order to observe a custom that has no *halakhic* basis.

However, the author of *Magen Avraham**, accepts the custom of women not to enter the synagogue or look at a Torah scroll while they are menstruating: "and they do this as a custom based on respect and not because it is forbidden" (*ibid.*).

A series of decisors, such as the author of *Hayye Adam** and the author of *Mishnah Berurah**, followed the *Magen Avraham**; they did not accept the stringencies connected to prayer and pronouncing God's name, but did not oppose the women's custom of not entering the synagogue or looking at a Torah scroll.

4) Explicit Opposition to These Customs

Several decisors explicitly opposed the customs under discussion. Some examples follow:

a) Rabbeinu Yeruḥam*, the author of *Sefer Toledot Adam Ve'Havah** (Provence and Spain, 1290-1350)

Rabbeinu Yeruḥam* strongly opposed the custom that was apparently extant in fourteenth-century Provence, that impure women avoided entering the synagogue:

Some of them [impure women after childbirth] do not enter the synagogue during this whole period. It is a *minḥag b'ta'ut* (an erroneous custom) and a great heresy and they should be reproached.⁵⁴

54 *Sefer Toledot Adam Ve'Havah**, Volume *Havah, Netiv* 26, Section 3, fol. 223d. We mentioned above (p. 12), that a woman is considered impure for a certain amount of time after childbirth as well – see Leviticus 12:4 and *Shulḥan Arukh**, *Yoreh De'ah* 194:1.

b) Rabbi Joseph Yuspa Hahn, the author of *Yosef Ometz (Germany, seventeenth century)**

Rabbi Joseph Hahn opposed the stringencies which women accepted after childbirth. He writes:

Women after childbirth impose stringencies upon themselves which lead to leniencies against the honor of God, Blessed be He. They do not mention God's name during the whole childbirth period until they go to the synagogue, and thus they eat without washing their hands and without pronouncing a blessing and they do not recite Grace after Meals, in addition to not praying and not reading the *Shema*.⁵⁵

c) Rabbi Hizkiyah Da Silva, author of *Pri Hadash (Italy and Israel, 1659-1698)**

In the seventeenth century, these distancing customs also spread to the Sephardic communities. Rabbi Hizkiyah Da Silva's opposition confirms this. He writes the following in his commentary to the *Shulhan Arukh**:

Each and every man must issue a warning in his home that [menstruants] should not avoid praying, that they are allowed and obligated to pray.⁵⁶

d) Rabbi Elijah, the Gaon of Vilna, the Gra* (Lithuania, 1720-1797)

The Gra* also opposed the distancing customs of menstruants and women after childbirth and ruled accordingly: "A menstruant and a woman after childbirth may pray without delay, even while they are still bleeding, and they are allowed to pray in the synagogue immediately".⁵⁷

These rulings and warnings by the decisors testify that the distancing customs did not disappear during the time of the *Aharonim**. They only declined in Ashkenazic communities in the nineteenth century. Nowadays, they have practically disappeared and menstruants go to synagogue and pray without fear.

55 *Yosef Ometz**, Frankfurt am Main, 1928, Part 3, pp. 342-343.

56 *Pri Hadash* to Oraḥ Ḥayyim*, paragraph 88, s.v. *haga*. This section also teaches us that women are obligated to pray – see *To Learn and to Teach*, Number 3, pp. 7-16.

57 *Ma'aseh Rav*, paragraph 58. This was written by one of the Gra's disciple's in which he describes the Gra's customs. See also the Gra's commentary on *Oraḥ Ḥayyim* 88.

e) Rabbi Ovadiah Yoseph* (Iraq and Israel, born 1920)

Nowadays, however, many Sephardic women neither go to synagogue nor pray during their periods, as was customary in Ashkenazic and not in Sephardic communities in the past.⁵⁸ Because of this, Rabbi Ovadiah Yoseph* ruled on this issue as follows:

Women who are in their period, even while it is their menstrual flow, are obligated to pray and pronounce all blessings according to the law. They are also permitted to study and to engage in words of Torah, pronouncing God's name, since holy words are not susceptible to impurity. They are forbidden to be stringent with themselves and avoid praying and pronouncing blessings. And even if they were accustomed to be strict, they must annul their custom... and pray and pronounce blessings... Even so, they may still be stringent with themselves and not enter the synagogue, not touch a Torah scroll and not look at the Torah scroll when it is shown to the people.⁵⁹

Rabbi Ovadiah Yoseph* ruled that women are obligated to pronounce blessings and pray during their period, but he authorized them to be stringent with themselves and not enter the synagogue or hold a Torah scroll during that time. He thus followed the Ashkenazic decisors, who compromised with women's customs that had become rooted in the people.

III. Summary and Conclusions

After a comprehensive examination of the sources, we can summarize:

- 1) According to the Torah, a woman who has uterine bleeding is impure. Like other impure people, she may not approach the Tabernacle or the Temple. A menstruant woman transmits impurity to all objects and persons which she touches and therefore she was kept outside the encampment in which the Tabernacle dwelt.
- 2) After the destruction of the Temple, synagogues and houses of study became the main religious institutions of Judaism, replacing the Temple. Since it was no longer possible to bring sacrifices, prayer and the study of Torah were the only rituals. The Sages considered a synagogue to be a "minor sanctuary", and prayer was explicitly connected to sacrifices.

58 See above, note 48.

59 Responsa *Yehaveh Da'at*, Vol. 3, No. 8, s.v. *besikum nashim*.

3) Despite the comparison between the Temple and the synagogue, neither the *Mishnah** nor the *Talmud** require that impure people, including menstruating women, should refrain from going to the synagogue, studying Torah or praying. Most of the *Geonim**, *Rashi**, *Maimonides** and *Rabbi Joseph Caro**, do not require menstruants to distance themselves from sacred rites*. *In other words, from a halakhic point of view, there is no prohibition for a niddah* to engage in sacred rites**.

4) There were customs regarding distancing of menstruants in ancient times and in certain circles. These extreme stringencies can be found for the first time in a work known as *Baraita D'massekhet Niddah**, which was most likely written in Israel in the sixth or seventh centuries, apparently by a sect that did not follow normative *halakhah*. We find the same stringencies in *Sefer Hamiktzo'ot**, a book that was apparently written toward the end of the *Geonic** period. This work testifies that it was customary to be stringent, especially regarding a menstruant's prayer and entry to synagogue at least during her period. There is no doubt that the source of these stringencies was the *Baraita D'massekhet Niddah**.

5) In the early Middle Ages, these distancing customs from sacred rites* were common in communities in Germany and France, apparently due to the influence of the *Baraita D'massekhet Niddah** and *Sefer Hamiktzo'ot**. Women in those communities avoided pronouncing blessings, praying and entering the synagogue during their periods. According to *Rashi*'s testimony, these stringencies already existed in the eleventh-century. A small number of twelfth and thirteenth-century Ashkenazic decisors accepted and cited these stringencies. Those decisors were associated with *Hassidey Ashkenaz**, who were very involved in mysticism and influenced by *Heikhalot* literature*, which was clearly connected to the *Baraita D'massekhet Niddah**.

6) Sephardic communities in the Middle Ages did not accept the distancing of menstruants from sacred rites*.

7) These customs became entrenched partially or totally among women in Ashkenazic communities. These were women's customs that were transmitted from mother to daughter, and were very difficult to disregard. Therefore, many decisors felt compelled to address this issue. On the one hand, they sought to compromise with the *status quo* and protect the women's custom. On the other hand, they tried to limit the distancing customs, because they were only stringencies.

8) Some decisors explicitly opposed these distancing customs. Their opposition teaches us that distancing customs did not disappear during the time of the *Aharonim**. Distancing customs declined in Ashkenazic Jewish communities only

in the nineteenth century and, nowadays, they have practically disappeared among Ashkenazic women.

9) Nowadays, many Sephardic women neither attend synagogue nor pray during their periods, as had been the custom among Ashkenazic women in the past. Because of this situation, Rabbi Ovadiah Yoseph* ruled: "Women who are in their period, even during their menstrual cycle, are obligated to pray and pronounce all blessings according to the law".

10) *Conclusion: menstruant women are allowed to enter the synagogue and to touch Torah scrolls and other holy books. These women are obligated to pray and pronounce blessings like every other Jew.*

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Glossary of Authors

Bertinoro, Rabbi Obadiah of Bertinoro (Italy and Israel, ca. 1450 – ca. 1516): author of the classic, comprehensive commentary on the *Mishnah**.

Caro, Rabbi Joseph (Spain and Israel, 1488-1575): he wrote a commentary on the *Tur* (Rabbi Jacob ben Asher's *Arba'ah Turim*) called *Beit Yosef* and the *Shulhan Arukh**, to which the Rema's glosses were added, which helped make it the most influential code to this day.

Ezra, the Scribe: one of the leaders of the exiled Jews that returned to Israel around 450 BCE and built the Second Temple. The *Talmud** ascribes ten different enactments to him.

Isserlein, Rabbi Israel (Germany, 1390-1460): author of *Terumat Ha-Deshen*. Rabbi Joseph Caro* and the Rema* often ruled according to his opinion.

Judah the Hassid, Rabbi (Speyer, 1140-ca.1217): founder of *Hassidey Ashkenaz**. He wrote *Sefer Hassidim* (Book of the Pious), that includes legal issues, customs, ethics and liturgical commentaries. His most prominent students were the *Rokeah**, the *Ra'aviah** and Rabbi Moses ben Jacob of Coucy (author of *Sefer Mitzvot Gadol*).

Maimonides (Rambam), Rabbi Moses ben Maimon (Spain and Egypt, 1135-1204): physician, philosopher and halakhic authority. Author of the *Mishneh Torah*. Maimonides also wrote commentaries on the *Mishnah** and the *Talmud**, responsa, *The Guide of the Perplexed* and medical works.

Ra'aviah, Rabbi Eli'ezer ben Yoel Halevi (Germany, 1140-1220): one of the *Hassidey Ashkenaz**, author of *Sefer Ra'aviah**, a wide-ranging halakhic text that was printed only in the twentieth century.

Rabbeinu Yeruham (Provence and Spain, 1290-ca.1350): author of the halakhic code *Sefer Toledot Adam Ve'Havah*. Rabbi Joseph Caro* and the Rema* quote him frequently.

Rashi, Rabbi Shelomo Yitzhaki (France 1040-1105): his commentaries on the Bible and *Talmud** have become indispensable to understanding those texts.

Rema, Rabbi Moses Isserles (Poland, 1525-1572): author of *Darkhei Moshe* on the *Arba'ah Ha-Turim* by Rabbi Jacob ben Asher, and the glosses to Caro's *Shulhan Arukh** known as the *Mappah* (Tablecloth). These glosses supplemented Caro's code with the laws and customs of *Ashkenaz* and Poland. In this way, they contributed to its becoming authoritative throughout the Jewish world in the sixteenth century and a major code to this day.

Vilna Ga'on, Rabbi Elijah of Vilna – the Gra (Lithuania, 1720-1797): Rabbi Elijah son of Solomon Zalman Kremer, one of the most important eighteenth century scholars and head of the *Mitnagdim* (opponents to the Hassidic movement). He wrote many commentaries, including his commentary *Be'ur Ha'Gra* on the *Shulhan Arukh**

Yoseph, Rabbi Ovadiah (Iraq 1920 - Israel): important decisor in our times, former Sephardic Chief Rabbi of the State of Israel and the author of responsa *Yabia Omer* and *Yehaveh Da'at*.

Glossary of Terms

Aharonim: Talmudic interpreters and halakhic sages from the *Shulhan Arukh** to our days.

Amoraim: Rabbis of the Talmudic (see *Talmud**) period (220-500 CE), who taught and studied in the academies of Israel and Babylonia.

Ba'al kerī: a man who has a seminal discharge for any reason.

Baraita: a tannaitic (see *tannaim**) dictum not included in the *Mishnah**.

Baraita D'massekhet Niddah: written in the Land of Israel, in the sixth or seventh century. According to Prof. Lieberman, it was written by a sect or group which did not follow normative *halakhah*. It influenced *Sefer Hamiktzo'ot** and *Hassidey Ashkenaz**.

Clean days: see white days*.

Days in which blood is seen: the days a woman menstruates. The Sages stipulated a minimum of four or five days in which a woman is considered as though she "sees blood".

Geonim: The rabbis who led the Babylonian academies between the sixth and eleventh centuries. Their authority extended from Babylonia through North Africa and Spain. They wrote commentaries, codes and responsa.

Hassidey Ashkenaz: a movement that developed among Ashkenazic Jews beginning in the twelfth century, led by Rabbi Shmuel the *Hassid* and his son Rabbi Judah the *Hassid**, from the Italian Kalonymus family. *Hassidey Ashkenaz* were Jewish Mystics who demanded of themselves strict adherence to Jewish Law.

Hayye Adam: a volume that deals with issues related to *Orah Hayyim*. The author was Rabbi Abraham Danzig (Poland, Prague and Vilna, 1748-1820). The book has been published in approximately sixty editions; it was very influential in Ashkenazic communities in general and among the decisors in particular.

Heikhalot literature: mystical literature edited in Israel in the fifth and sixth centuries (it apparently includes material that dates as far back as the fourth century). From Israel, it reached Babylonia, Italy and Germany, and influenced *Hassidey Ashkenaz** greatly.

Magen Avraham: one of the principal commentaries on the *Shulhan Arukh**, written by Rabbi Abraham Gombiner (Poland, 1637-1683).

Mishnah: collection of mostly legal sources, edited by Rabbi Judah Ha-Nasi, around 200 CE.

Mishnah Berurah: Commentary by Rabbi Israel Meir Hacoen (known as the *Ḥafetz Ḥayyim*, Poland, 1839-1933) to the *Shulḥan Arukh*, *Oraḥ Ḥayyim*. This commentary is considered authoritative up to our days.

Niddah: a menstruant.

Or Zaru'a: a book written by Rabbi Isaac of Vienna (ca. 1180-ca. 1250). It includes legal rulings, commentaries and responsa based on the writings of the Ashkenazic *Rishonim**. Many important decisors quoted its rulings.

Pri Hadash: legal commentary by Rabbi Ḥizkiyah Da Silva (Italy and Israel, 1659-1698). It deals with *Shulḥan Arukh** *Oraḥ Ḥayyim*, *Yoreh De'ah* and *Even Ha'ezer*. He often rules independently.

Rishonim: Talmudic interpreters and halakhic sages from the eleventh to sixteenth centuries.

Sacred rites: blessings, prayers and the like.

Sefer Ha'agur: legal text written by Rabbi Jacob ben Judah Landau (Germany and Italy, fifteenth century). The book deals with *Oraḥ Ḥayyim* and *Yoreh De'ah* issues. Rabbi Joseph Caro* quotes his rulings in the *Shulḥan Arukh**.

Sefer Hamiktzo'ot: legal text from the end of the Geonic period (eleventh century).

Sefer Harokeah: legal text by Rabbi Elazar of Worms* (Ashkenaz, ca. 1165-ca. 1230), who is known as "*Ba'al Harokeah*", a disciple of Rabbi Judah the *Ḥassid** and one of the *Hassidey Ashkenaz**.

Sefer Ra'aviah: legal text by Rabbi Eli'ezer ben Yoel Halevi, the *Ra'aviah**. This book was widely quoted by Ashkenazic decisors and by the *Shulḥan Arukh**.

Sefer Toledot Adam Ve'Ḥavah: see *Rabbeinu Yeruḥam*.

Shulḥan Arukh: sixteenth century law code, written by Rabbi Joseph Caro*, to which the Rema's* glosses were added, which helped make it the most influential code to this day.

Talmud: a series of tractates which include the *Mishnah** written by the *Tannaim** and the *Gemara*, the discussions of the *Mishnah* by the *Amoraim**. The Babylonian Talmud became the basic source for all future halakhic development. The Jerusalem Talmud was edited in Israel a few generations before the Babylonian Talmud.

Tannaim: rabbis of the *Mishnah**. They studied and taught in the land of Israel from the late Second Temple Period until 220 CE. Besides the *Mishnah*, they authored many *baraitot* (see *baraita**) such as the *Midrash Halakhah* and the *Tosefta**.

Tosefta: a collection of *baraitot* (see *baraita**) which was edited according to the order of the *Mishnah* during the following generation, ca. 220 CE.

White days: seven clean days (without a blood flow) that come after the *days she sees blood**. They are so called, because women had a custom to wear white clothing on those days, so that they could tell clearly if there was any bleeding.

Yosef Ometz: legal text by Rabbi Joseph Yuspa Hahn (Germany, seventeenth century), Frankfurt's Rabbi and Head of the Rabbinic Court. His book was published in 1630. It includes laws and customs for the whole year, particularly local customs.

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