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Contemporary Interpretation of Halakhic Law Regarding Menstruation

By

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Abstract:

This thesis examines contemporary interpretations of Jewish ritual purity practices surrounding female menstruation, focusing on niddah, the period of bleeding during menstruation, and mikvah, the ritual process of immersion in a body of water used for cleansing. These practices, rooted in biblical purity laws and subsequently codified through rabbinic authority, have historically served to regulate the female body within a patriarchal religious framework. By utilizing a feminist historical anthropology framework, this study explores how modern Jewish communities, including Orthodox, Conservative, and Reform, engage with classical sources such as the Torah, Talmud, and Halakhic commentaries to renegotiate the gendered dimensions of religious observance. The argument presented in this paper examines the shifting meanings and lived experiences of observant women adhering to niddah and mikvah. Throughout the paper, attention is given to these women's interpretive strategies and ritual adaptations to illuminate how they reconfigure or resist rabbinically constructed frameworks. These practices are actively being reimagined with evolving theological and feminist discourses. In doing so, women see ritual purity not only as a site of constraint but as an empowering practice they can manipulate to find sources of agency. This thesis challenges prevailing scholarly narratives that characterize ritual purity traditions as inherently oppressive, arguing that the locus of oppression lies not in the practices themselves but in the structures enforcing them. Niddah and mikvah, therefore, function as contested spaces of religious meaning-making, where observance is reframed as a dynamic process of negotiation. These rituals become sites of theological innovation, where tradition and transformation intersect in ways that reflect broader tensions within contemporary Judaism, particularly those involving modernity, gender, and religious authority. Ultimately, this study aims to contribute to a growing body of scholarship that reconsiders the relationship between ritual practices and Jewish law while also emphasizing the fluidity of ritual practices and the transformative potential of lived religion.

Introduction:

As one of the three Abrahamic religions, Judaism grounds its ritual practices, such as *niddah* and *mikvah* (Hebrew: miqveh), deeply within its tradition. A central component to this discourse is *niddah,* which conceptualizes the system of ritual purity.[1] Once a Jewish woman marries, these purity laws assume a pivotal role in shaping the marital dynamics and traditional experiences for her, highlighting the laws' significance in both legal and theological dimensions of Jewish life. An element to this is partaking in the *mikvah,* a ceremonial immersion in a bath to regain religiously governed "purity" of the body following the bleeding period of menstruation.[2]

[1] Tova Hartman. *Feminism Encounters Traditional Judaism: Resistance and Accommodation*. Waltham: Brandeis University Press, 2007), 82.
[2] Rivkah Slonim --, et al. *Total Immersion: A Mikvah Anthology*. (Northvale, N.J.: J. Aronson, 1996), xv.

This practice, a focal point of Jewish tradition, has emerged as a result of hermeneutical interpretations shaped by rabbinic authority, the central governing body,[3] aiming to encapsulate the core tenets of Jewish law, known as Halacha.

Rooted in the ancient purity laws of Leviticus, these practices are thought to have been established to regulate menstruation and sexual separation.[4] These regulations reflect a contested biblical framework focused on centering the discourse around ritual purity as being intimately tied to accessing the sacred Abrahamic God. In the biblical context, there is a deep-seated debate among scholars who portray menstruation as a socially constructed state of ritual impurity, necessitating a period of separation from the Divine.[5] Such menstrual laws articulate the dichotomy between the conceptualized pure and the impure, ultimately reflecting deeply embedded religious conceptions of the female body and its place within sacred spaces.[6]

Over time, the meaning and implementation of *niddah* and *mikvah* have been gradually reinterpreted, moving beyond their original association with the physical experience of menstruating toward a more ritualized process of purification. This shift has reconfigured these practices within the broader theological and legal frameworks of Judaism, highlighting women's role within the community. In recent decades, feminist scholarship and evolving conversations around tradition and modernity have further complicated this landscape, foregrounding the intricate relationship between religious observance and bodily autonomy.

In the present day, *niddah* and *mikvah* continue to function as evolving practices through which contemporary Jewish communities negotiate questions of gender, spirituality, and

[3] Michael S. Berger. *Rabbinic Authority*. (New York: Oxford University Press, 1998), 3.
[4] Elizabeth Goldstein. *Impurity and Gender in the Hebrew Bible*. (Lexington Books, 2015), 55.
[5] Mary Douglas. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. (London: Routledge, 2002), 21.
[6] Tirzah Meacham. "An Abbreviated History of the Development of the Jewish Menstrual Laws," in *Women and Water*, ed. Rahel R. Wasserfall. (Boston: Brandeis University Press, 1999), 27.

belonging, all the while navigating the boundaries of Halakhic tradition. In response to this, this thesis examines areas where these communal values diverge, while also exploring how various communities interpret and adapt ancient sources in light of the changing societal norms. Attention to perceptions of the gendered body reveal how women negotiate gender hierarchies, often interpreting received traditions and texts in ways that empower rather than oppress. [7]

Central to the preservation and enforcement of these rituals is rabbinic authority, which has long served as the primary governing power overseeing communal norms, especially those concerning the purity standards for Jewish women. However, while these practices are often presented as unbroken continuations of ancient customs, they frequently reflect an idealized projection of biblical life rather than its historical reality. Rabbinic narratives concerning women's roles were constructed centuries after the periods they purportedly represent, relying on interpretation to fill in the gaps left by a lack of contemporaneous records. As a result, contemporary ritual observance can function as a form of social control, reinforcing gender norms and legitimizing rabbinic authority by anchoring it in selectively remembered tradition. In order to disrupt this dynamic, scholarship must move toward centering women's experiences, both past and present. This means seeking to find an understanding for how women may have lived with, contested, or reshaped these practices, and critically examining how their voices have been mediated or silenced within the historical and textual record. Thus, the three questions leading the research are 1) How do contemporary Jewish communities engage with classical rabbinic discourses (including the Talmud and the Torah) regarding menstruation, and in what ways are these texts invoked to facilitate modern menstrual practices, including in areas such as

[7] As explored later in the paper, Jewish feminist scholars such as Judith Plaskow and Rachel Adler argue that the practices are oppressive. Their interpretations are countered by ethnographic testimonials discussed in Tova Hartman's *Feminism Encounters Traditional Judaism and* Naomi Marmon and Tova Hartman's collective work.

ritual observance? 2) What are the differing approaches to menstruation in various Jewish denominations (Orthodox, Conservative, and Reform), and how do these approaches reflect both historical and modern interpretations of Jewish law? 3) How can the divergent applications of *niddah* practices be interpreted by historical scholars as reflections of broader trends in religious adaptation over time?

Employing a feminist historical anthropological framework, this research integrates textual analysis from near-contemporary sources, including testimonial literature and case studies, supported by ethnographic perspectives. The first section situates the rituals of *niddah* and *mikvah* historically and scripturally, tracing their development from biblical to rabbinic tradition. The second section examines contemporary ritual practices across denominational lines, emphasizing the role of community, authority, and embodied experiences. Finally, the third section applies feminist and anthropological theories of ritual and power to evaluate how women and scholars engage with these practices. Within this framework, feminist scholars have raised questions about whether the laws of *niddah* inherently perpetuates gendered oppression or whether this tradition can be observed in ways that empower women. However, oftentimes they fail to recognize that the practice itself is not oppressive, but rather the enforcement of it is. Accordingly, by centering women's voices and practices, this thesis highlights the evolving interpretations of ritual purity as a dynamic process shaped by ongoing historical and religious influences, rather than viewing menstrual practices as fixed remnants of a patriarchal past.

Background:

For Jewish adherents, menstruation ideology is rooted in the tenets of Halacha (*pl. Halakhic*), the body of Jewish law derived from the written Torah. These legal principles collaborate with broader rabbinic conceptions of a women's place within religious and

communal order. For scholars, a rich site for uncovering these constructed meanings of the laws can be found within the *Talmud,* a body of text formulated to preserve both the transcribed literature and oral traditions of the Jewish community.

Reinforced by religious and societal perceptions of menstruation, Jewish ritual traditions have established a powerful precedent for women's roles within the religion.[8] The communal discourse surrounding this plays a significant role in creating spaces where women are exposed to the potentiality of feeling pressured to conform to patriarchal values. This pressure has led scholarship grounded in the feminist historical perspective to stress women's religious experiences as being frequently mediated through narratives that reinforce traditional gender roles.[9] For the women who adhere to the ritual traditions, the affect and expression of these influences has shifted over time, ultimately reflecting the ongoing projection of idolized gendered expectations between the evolving communal and theological discourses by the rabbinic authority.

Another heavily debated topic dominated by rabbinic authority is how to best interpret the Torah. For example, the Torah provides a detailed framework for understanding menstruation as a state of ritual impurity, oftentimes deemed a taboo in societal standards. In Leviticus 12 and 15, menstruation is described as a condition that requires physical or symbolic separation from the community for a specific period. Accordingly, Leviticus 15:19 states: "When a woman has a discharge of blood that is a menstrual discharge from her body, she shall be in her impurity for seven days, and whoever touches her shall be unclean until the evening." (Lev. 15:19 [New

[8] Charlotte Fonrobert. *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender*. (Stanford: Stanford University Press, 2000), 15.
[9] Judith Plaskow. *Standing Again at Sinai: Judaism from a Feminist Perspective*. (San Francisco, New York: HarperOne, 1991), 173.

Revised Standard Version]).[10] Within the rabbinic dialogue, this perspective has evolved through patriarchal conceptions to frame menstruation as a multifaceted condition imbued with spiritual and moral implications, transposing the biological element. Menstruation has thus become situated as a ritualized event affecting a woman's role within the Jewish community. As such, the discussion of menstruation has evolved into a site where biological realities intersect with deep-seated religious values.

Another key doctrine central to dialogue surrounding Leviticus is the prohibition of sex between married partners while the woman is menstruating. Leviticus addresses this issue stating: "If a man lies with a woman during her period and uncovers her nakedness, he has laid bare her flow, and she has laid bare her flow of blood; both of them shall be cut off from their people." (Lev. 20:18 [New Revised Standard Version]).[11] While the adherence to communal law is clear, an added layer is invited into the conversation with the threat of expulsion from the community. This concept demonstrates a clear boundary of gendered expectation during menstruation, commonly challenged when examining the ritual practices.

Another avenue through which scholars have identified the potentially oppressive functions of these ritual practices lies in the etymological analysis of the term *niddah*. The word *niddah* adheres to the Phoenician rule of vowel omission, following the conventions of Aramaic linguistic tradition. Tirzah Meacham argues that the translation stems from the root *ndh,* meaning "to make distance."[12] Meanwhile, Charlotte Fonrobert argues that the root *ndh* descends from the Akkadian cognate *nadu,* and translates to "to chase away or put aside."[13] The different

[10] Oxford University Press. *The Holy Bible: Containing the Old and New Testaments with the Apocryphal/Deuterocanonical Books: New Revised Standard Version*. (New York: Oxford University Press, 1989).
[11] Oxford University Press, *The Holy Bible: New Revised Standard Version*.
[12] Meacham, *Jewish Menstrual Laws*, 23.
[13] Fonrobert, *Menstrual Purity*, 17.

translations highlight significant implications rooted in gendered power dynamics. The translation "to make distance" suggests a more passive action and implies a form of separation that could be interpreted as either emotional or physical disengagement. This implication would align with suggestions of scholars who suppose that the ritual practice is simply traditional and not rooted in patriarchal subjugation of women. In contrast, "to chase away, put aside" denotes a more active action, implying a deliberate expulsion. This translation carries stronger connotations of power and control, potentially aligning with patriarchal norms that associate with the exertion of male authority, particularly through the lens of *mikvah* adhering Jewish women. Defining the word in this more forceful way narrows in on the implicit biases present in the view of the traditional practice of *niddah*. By framing the practice as either "chasing away" or "putting aside," the focus shifts to the role the rabbinic authority has in separating men from women and reinforcing a gendered hierarchy. This shift places the responsibility of maintaining purity on women, while positioning men as the agents of controlling the narrative.

Historically, the preservation of these purity standards supposed onto women can be traced back to the Temple cult, the ancient Jewish community lasting the first and second Temple periods (1000 BCE to 136 CE).[14] The earliest reference to the term *niddah* can be found here, written with in the Priestly Code and the Holiness Code circumscribed by Leviticus. [15] These laws reflect the broader societal belief in the need to separate the sacred from the profane, as menstruation was seen as a state of impurity that symbolized the "death of potential life."[16]

[14]Lee I. Levine. *Jerusalem: Portrait of the City in the Second Temple Period (BCE-70 CE)*. (Philadelphia: The Jewish Publication Society, 2002), xiii.
[15] Rahel Wasserfall ed. *Women and Water: Menstruation in Jewish Life and Law*. 1st ed. (Hanover: Brandeis University Press, 1999), 4.
[16] Wasserfall, *Women and Water*, 4.

Over time, these laws became less about maintaining ritual purity within the Temple period and more about regulating the lives of Jewish women. The boundaries between public and private roles for women became shaped by these practices, as menstruating women were segregated, and in some cases, confined to separate spaces known as "houses of impurity."[17] While the nature of these separate spaces is heavily debated among anthropologists and theologians alike, the social context of primitive communities, smaller size, lower anonymity, and stable roles, likely supported the integration of menstrual rituals such as physical separation into daily life.[18] From here, an argument can then be made that modern communities, with their larger size, greater anonymity, and fluid roles, have shifted toward greater privacy within these practices as indicative of the increased taboo and privatization efforts surrounding menstruation.

This transforming factor in social organization has contributed to the changing symbolic associations, including the conflation of impurity with moral and physical affliction. Although menstrual impurity was not originally constructed as being sinful, the notion of impurity became intertwined with an understanding of disease and illness as divine punishment for sin.[19] One belief in the heavily contested scholarship regarding the ancient worldview is that these states of impurity transitioned within the communal discourse to be depicted as potential threats to the sanctity of God's cultic space. Leviticus is once again drawn into the scholarly debate as supporting documentation. The scripture reads, "Thus you shall keep the people of Israel separate from their uncleanness, so that they do not die in their uncleanness by defiling my tabernacle that is in their midst" (Lev. 15:31 [New Revised Standard Version]).[20] The idea of ritual impurity was thus closely connected to the broader understanding of divine retribution.

[17] Wasserfall, *Women and Water*, 5.
[18] Edmund Leach. *Social Anthropology*. (Oxford University Press, 1983), 43.
[19] Goldstein, *Impurity and Gender, 9-10.*
[20] Oxford University Press, *The Holy Bible: New Revised Standard Version*.

This association would later influence the perception of menstruation, particularly when the term *niddah* evolved to become a metaphor for sin and impurity in rabbinic literature over the ensuing years.

By the medieval period, the maintenance of this ritual purity was reinterpreted once again by rabbinic authority. One of these analyses is forwarded by Rachel Biale. She critically examines the work of Rabbi Shlomo Tizchaki, mononym Rashi, who evaluated the Talmudic *niddah* teachings in the tenth century CE. Rashi professes,

> And they [menstruants] will not be purified until our King 'shall throw upon us water to purify us'… When she becomes clean again, she launders in water those clothes which have a stain and the rest of things which she sat in, she just rinses in water and that suffices. And this custom is proper in order to prevent the habituation of sin. However, the prohibition of impurity does not pertain here.[21]

Here, the importance of water purification is heavily focused upon to cleanse the ritually impure. These ideas were often absorbed into normative rabbinic literature and as a result, influenced behavior of the community, particularly among less educated adherents. Because of this, the *mikvah* practice soon became more popular within the ritual tradition narrative.

Due to the heavily influence of medieval writers, such as Rashi, on reevaluating Jewish scholarly literature, the medieval rabbinic conceptions were transcribed into a book titled, *Beraita deNiddah*. The book began circulating later in the medieval period, particularly among Ashkenazi Jews, exploring th new dimensions of menstrual laws and reformulating them to relate to their cultural traditions.

These new definitions maintained their importance until the rise of modernity and the advent of Reform movements in Judaism in mid-19th century. The Reform movement, oftentimes aligning with progressive and feminist ideals, began to question the relevance of menstrual laws,

[21] Rachel Biale. *Women and Jewish Law: The Essential Texts, Their History, and Their Relevance for Today*. Reprint edition. (New York: Knopf Doubleday Publishing Group, 1995), 161.

especially in light of advancements in hygiene and medicine.[22] The movement began categorizing menstrual laws as primitive, with the rhetoric changing to acknowledge that the previous conception for ritual observance had originated in a time when public bathhouses were common, but now obsolete in the era of private plumbing. [23]

Comparative Analysis:

In contemporary times, particularly with the rise of feminist thought and the challenges posed by secularization, *niddah* and *mikvah* have become focal points for broader debates about women's roles in Jewish religious life. The Orthodox, Conservative, and Reform movements have each approached these rituals in different ways, reflecting the spectrum of responses to the intersections of religious traditions and contemporary values. And while these movements have different theological and Halakhic frameworks, all have engaged in ongoing reinterpretations of *niddah* and *mikvah*, with varying degrees of resistance and/or accommodation to modernity.

In the Orthodox movement, the observance of *niddah* and *mikvah* is foundational to Halacha, and these practices are treated as central elements for their religious observance. Orthodox Judaism emphasizes the importance of adhering to Halacha as it has been interpreted and passed down through generations of rabbinic authority. The observance of *niddah* and *mikvah* are seen not merely as rituals, but rather deep spiritual experiences that connect these women with centuries of tradition. As a result, the process of *mikvah* immersion is traditionally performed at night, the end of the Jewish day, with the timing being symbolic of purification and renewal.[24]

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[22] Elliot N. Dorff. *The Jewish Tradition: Religious Beliefs and Healthcare Decisions*. (Chicago: Park Ridge Center, 2002), 4.
[23] Wasserfall, *Women and Water*, 6.
[24] Rabbi Miriam Berkowitz. *Reshaping the Laws of Family Purity For the Modern World*. (The Rabbinical Assembly, 2006), 2.

This renewal process has transformed into a key focus for preserving the ritualized aspect of these traditions, for they are considered integral to maintaining the unification of the Orthodox family unit. Charlotte Elisheva Fonrobert expands on this articulating that,

> The flourishing literature by orthodox women and for orthodox women on Jewish womanhood, and its emphasis on the meaningfulness of rituals, such as menstrual separation attests to this. Often, the argument is made that the observance of menstrual rituals, especially the immersion in miqveh at the end of the period of menstruation, connects women with previous generations of Jewish women. Thus, the observance of menstrual rituals can be represented as a form of Jewish women's heroism.[25]

Here it can be interpreted that the purity laws are viewed as divinely ordained for they supply a connection to the past. The strict adherence to traditional law reflects the Orthodox adherent's commitment to preserving the authenticity and continuity of Jewish practice as it has been observed for centuries. Due to this, deviations from the established rituals are seen as potential compromises of the denomination's concepts regarding purity. As a result, Orthodox women are expected to follow these rules diligently with disciplined observance, for they are viewed as essential to maintaining religious and family sanctity.

Furthermore, Tova Hartman and Naomi Marmon's ethnographic study of Orthodox Jewish women presents a nuanced analysis of the family sanctity notion and challenges binary frameworks of the "oppressive"[26] nature of traditional practices. Drawing on in-depth interviews, the authors demonstrate how women's experiences with *niddah* are shaped by a complex interplay of religious obligation, and embodied practice. And, while the ritual emerges from a Halakhic tradition historically implicated in the regulation of women's bodies, the study reveals a range of interpretations and practices that resist uniform categorization.

[25] Fonrobert, *Menstrual Purity*, 16.
[26] Oppressive is inside quotations due to the fact that although most Jewish feminists view these practices as oppressive, many Orthodox female adherents do not feel that they are inherently oppressed, therefore it is important to recognize the implicit bias being challenged and stay authentic to these women's interpretations.

For some participants within Hartman and Marmon's study, *niddah* is experienced as emblematic of patriarchal control. This is exemplified by one of the women who depicts the rabbinic authority as an intrusive presence.[27] Yet even with such critiques, many women articulate modes of agency by reconfiguring their observance. Another participant, for instance, asserts her capacity for independent religious decision-making, exemplifying what the authors term a quiet "rebellion."[28] This term embodies a form of strategic negotiation within traditional values that enables empowerment without necessitating rejection of Halakhic norms.

The theme of empowerment also emerges in a separate ethnographic study conducted by Nancy Marmon, who extends her exploration of Orthodox Jewish communities by incorporating interviews with Hasidic women. In the study, she divided her group into two categories: those who obeyed the specific Talmudic interpretation of no sexual contact during *niddah* law, and those who did not. One of the participations admits,

> This mitzvah fits with my feminist belief that as women we should know our bodies and cycles, and that the relationship should be going along with the rhythm of a woman's natural cycles. The law respects that. The fact that you have periods in your relationship without contact, what that allows is for the person to really remain an individual… It allows you to maintain your own space, your own individuality, and you don't have someone who has sort of a claim to your body all the time – your body is your own for half of the month. I think that all those things are really good.[29]

If this candidate's words were to be taken at face value, it would be easy to conclude from a feminist perspective that she has internalized the patriarchal and misogynistic laws to the point where she feels that she is not the owner of her own body, during the times when she is not participating in *niddah*, but rather her husband is that owner. Rather a stronger interpretation to better understand the participant's mindset is that the speaker sees value in aligning a

[27] Naomi Marmon and Tova Hartman. *Lived Regulations, Systemic Attributions: Menstrual Separation and Ritual Immersion in the Experience of Orthodox Jewish Women*. (Gender and Society, 2004), 394.
[28] Marmon and Hartman, *Lived Regulations,* 397.
[29] Naomi Marmon. "Reflection on Contemporary Miqveh Practice." In *Women and Water: Menstruation in Jewish Life and Law*, ed. Rahel R. Wasserfall. (Hanover: Brandeis University Press, 1999), 236.

relationship with the natural rhythms of her body, suggesting that the periods of separation mandated by *niddah* allow women to maintain individuality and personal space. This allowance mitigates her being constantly physically available to her partner, and challenges traditional, often male-centered interpretations of the law, reclaiming it as a practice that honors a woman's agency. This perspective challenges traditional narratives, opening space for reinterpretations that center female autonomy within religious frameworks.

One such reinterpretation is offered by Debra Renee Kaufman, whose case study presents a nuanced understanding of Orthodox views on *niddah*, emphasizing its potential to support women's agency. Her ethnographic project details the reversion to Orthodox process for women who either were raised secular, or women who briefly left the Orthodox denomination and later returned. She writes,

> When I asked about the family purity laws, these newly orthodox women almost unanimously, used the graceful rather than the demonic to characterize their experiences and feelings about *niddah* and *mikvah.* Most rescued the understanding of themselves as unclean and referred to the counting of the postmenstrual days as the white, not clean days. During *Niddah*, explained one particularly articulate woman, who although a *baalat teshuvah* [revert to Orthodox], had come so far in her own studies that she taught seminars on the laws of *Niddah*, 'the woman falls between categories of life and death.' She noted that she often calls upon non-legal but traditional sources of explanation to frame discussions of *Niddah* and *Mikvah*. 'For instance, when it is questioned why women and not men are still subject to impurity rituals, I look to traditional explanations… You can find one that suggests that women are closer to God because of their ability to create life and that they are therefore subject to purity rituals.'[30]

The varied responses from women regarding the observation of *niddah* highlight the complexity of Halakhic observance in the modern world. While many women experience discomfort and/or a sense of bodily control, others find empowerment and spiritual fulfillment within the practice. From this reasoning, *niddah* serves as both a site of resistance and a tool for asserting personal autonomy. This is evident by their labeling of "clean" days as the "white" connecting the

[30] Debra Renee Kaufman, "The Sexual and the Sacred: Newly Observant Women Speak," in *Total Immersion: A Mikvah Anthology*, ed. Rivkah Slonim. (Northvale, N.J., and London: Jason Aaronson, 1996), 113.

practice back to the days of "whitening"[31] in the Temple period. Through their stories, a conception can be drawn that *niddah* can be both a source of subjugation and a framework for reclaiming agency, depending on how it is interpreted and lived. This dual potential within *niddah* underscores the broader diversity of interpretation across Jewish denominations, each negotiating tradition and modernity in distinct ways

Meanwhile, the Conservative movement adopts a more flexible approach to Jewish law, striving to uphold the integrity of Halacha while thoughtfully engaging with contemporary values and social realities. Within the Conservative perspective, the laws of *niddah* and *mikvah* are seen as vital elements of Jewish tradition, but they are allowed to be publicly reinterpreted in a way that takes into account the evolving needs of contemporary society. This movement reflects an attempt to bridge the traditional with the modern, especially in areas where changes in social norms may require reevaluating how ancient laws are applied today.

One of the significant areas of flexibility in the Conservative movement is the interpretation of *mikvah*. While the practice of immersion remains, its symbolic meaning is often expanded. The *mikvah* is no longer seen strictly as a means of ensuring marital purity, but rather understood as a ritual that can enhance emotional intimacy and communication within the marriage. For example, couples may use *mikvah* as an opportunity to renew their spiritual and emotional connection, viewing it as a ritual that fosters deeper communication rather than merely one that preserves physical purity of the woman. In this sense, the *mikvah* practice becomes an expression of the deeper spiritual dimensions of marriage rather than simply a mechanical ritual set forth by previous rabbinic authorities that enforce separation.

[31] Wasserfall, *Women and Water*, 5.

Additionally, the Conservative movement represents a middle ground between the arguments against or for abandoning traditional Jewish practices. This representation acknowledges the importance of *niddah* and *mikvah* while simultaneously providing room for the incorporation of contemporary values. Writing on this provision, Conservative Rabbi Susan Grossman supplies that,

> My own random sampling of colleagues and observant Conservative women has shown that the majority of observant Conservative women who take seriously the sense of being obligated to Torah and mitzvot, observe mikvah today without the seven extra white days and would object to having to keep an additional seven white days. Contemporary Conservative women prefer keeping this original tannaitic proscription for many diverse reasons. One reason may be the reality of contemporary society that makes it very difficult for couples to spend time together. An unprecedented number of our congregants are on the road each week traveling for work. When added to obligations for night meetings (for work or community service) plus childcare and other responsibilities, couples today find it difficult to attend to the intimate aspects of their lives that are such an important part of a healthy marriage… Under such conditions, the difference between keeping seven or 12 (or more) days of abstinence can make the difference between whether the couple can or cannot have relations that month and whether they will even both try to observe these timeless laws of sexual sanctity.[32]

Rabbi Grossman's analysis highlights the challenges faced by modern couples when observing *mikvah* laws, particularly the seven additional days of abstinence after menstruation, as expected by Orthodox women. Grossman provides an example of how couples today find it difficult to attend to intimate aspects within a healthy marriage, citing the demands of contemporary life. For instance, she explains how many individuals are "on the road each week traveling for work," on top of balancing work and childcare obligations, thereby making it difficult to maintain the traditional observances of *mikvah* and sexual sanctity.

Additionally, Grossman argues that the realities of modern life require an adaptation of these laws, allowing couples to balance their religious obligations with their secular schedules. The additional days of abstinence may become a barrier to observing *mikvah* laws entirely, and

[32] Rabbi Susan Grossman. *Mikveh and the Sanctity of Being Created Human.* (The Rabbinical Assembly, 2006), 12-13

thus, she calls for a re-evaluation of Halakhic framework that remains rooted in tradition but is flexible enough to meet the needs of modern couples. She writes,

> Observance of a woman's menstrual period through self-care and reflection, followed by immersion in the warm waters of the mikvah with its blessing then can become part of a ritual designed to raise within us a radical sense of appreciation and wonder, like the rituals of reciting the blessings on going to the bathroom, eating, or engaging in a myriad of other normal human functions. Such blessings, expressing appreciation for being created as we are, can be pertinent to all women, whether married or single, sexually active or celibate.[33]

Here, Rabbi Grossman's perspective reimagines the *mikvah* as a practice of appreciation and spiritual connection, rather than only for purification or separation, similar to the Orthodox practice. By incorporating self-care and reflection, this reimagining aligns menstruation with other sanctified human functions ultimately highlighting the female body's natural processes as opportunities for gratitude and spiritual awareness. Extending the ritual's relevance to all women, this Conservative view reframes menstruation as an expression of reverence for the female body rather than a site of impurity, regardless of marital or sexual status. From this understanding, it can be assumed that the *mikvah* as a symbol of exclusion is transfigured into one of empowerment, inviting women to embrace their natural cycles as part of a broader spiritual practice. Grossman continues this thought stating,

> Finally, in order to support, pedagogically, the embracing of the mitzvah of self-control and distinguish it from the negative attributes and disadvantages women have been placed under by the continuing identity of the observance of sexual abstinence during a woman's menstruation with the purity system, it is recommended, though not legislated, that rabbis and teachers begin to utilize a different terminology than has previously been used: substituting for *Tohorat HaMishpaha*h [purity of the family] either *Kedushat HaMishpahah*, the sanctity of the family, or preferably the more neutral term *Kedushat Yetzirah*, the sanctity of creation, for the entire category of observance, and, in either case, substituting for the word *niddah*, the more neutral term *ishah medammemet*, for the menstruant.[34]

The proposed shift in terminology from *Tohorat HaMishpahah* to *Kedushat HaMishpahah*, or *Kedushat Yetzirah*, aims to move away from negative associations of impurity and instead focus on sanctity and spiritual elevation. Additionally, by replacing the phrasing of *niddah* to that of

[33] Grossman, *Mikveh and the Sanctity*, 19.
[34] Grossman, *Mikveh and the Sanctity*, 24-25.

ishah medammemet, her interpretation seeks to neutralize language around menstruation, allowing for the removal of the taboo stigma. This redirection reflects a broader effort by the women within the movement, and the Conservative rabbinic authority, to make the Jewish practice more inclusive. Additionally, replacing the language simultaneously offsets the stigmatizing rhetoric that has been historically associated with menstruation, all the while empowering women by presenting menstruation as a sacred process. These adjustments are also addressed by Conservative Rabbi Miriam Berkowitz.

Rabbi Berkowitz's approach adds to the *niddah* conversation by citing a more balanced and progressive reinterpretation. Her main tactic is reflecting upon the movement's commitment to evolving the Jewish practice while also respecting its traditional framework. Berkowitz's argument critiques the complexity of post-biblical *niddah* laws, which, she maintains, was influenced by medieval medical misconceptions and superstitions.[35] These outdated understandings, coupled with a rigid interpretation of ritual purity, have led to her proposing change within the communal dialogue.

Her proposal for Halakhic modification also seeks to simplify these ritual practices, emphasizing leniency in areas such as the attributed length of menstruation, the counting of "clean days," and the process of verifying the cessation of bleeding for the month.[36] These adjustments align with Conservative Judaism's core principle of Halakhic flexibility, advancing women's agency while respecting traditional commandments. In addition to this, Berkowitz stresses the importance of women's autonomy, encouraging women of her congregation to rely on medical expertise, rather than solely on the rabbinic authority, for questions concerning menstruation. This change is a positive reflection of the Conservative movement's ongoing

[35] Berkowitz, *Family Purity*, 34.
[36] Berkowitz, *Family Purity*, 28.

commitment to gender equality and the empowerment of women within Jewish law. This nuanced approach ensures that the spiritual and communal purposes of the *niddah* laws remain intact, while the legal framework becomes more respectful of women's dignity.

By maintaining a deep respect for the Halakhic process both Rabbi Berkowitz and Rabbi Grossman's vision reflects the dual aims of Conservative Judaism: to preserve Jewish tradition and observance while addressing modern challenges. As demonstrated by their writings, there is a particular regard to gender equality, medical advancements, and personal autonomy. Their respective approaches, therefore, represent an attempt to bridge the gap between the traditional and the contemporary, offering a thoughtful reimagining of Jewish ritual practices that honor the women of both past and present.

In comparison to both the Orthodox and Conservative movements, the Reform movement takes the most liberal approach to the laws of *niddah* and *mikvah*, viewing them as optional rather than obligatory. Reform Judaism places significant emphasis on individual autonomy and spiritual interpretation. In this movement, while the role of adhering to tradition is important, the concept takes the foreground to ritual flexibility.[37] As such, the observance of *mikvah* is not seen as a requirement but rather as a voluntary practice that individuals can choose to engage in if it resonates with their personal spiritual journey. This emphasis on personal choice and interpretive freedom naturally aligns with broader feminist values, which further inform the Reform movement's evolving understanding of gender roles and ritual practice.

From a Jewish feminist interpretation, women are not seen as subordinate to male authority in their observance of Jewish law within the synagogue. Rather, women are encouraged to develop their own understanding of Jewish traditions, allowing women to shape their own

[37] Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics*. (Jewish Publication Society, 1998), 24.

religious practice in a way that aligns with their personal beliefs and values. In particular, for many Reform Jewish women, the *mikvah* is considered a meaningful ritual that can be embraced for personal or spiritual reasons, but it is not regarded as a compulsory act. This consideration can be used as a tool to mark important milestones in life, such as a rite of passage or a preparatory step before marriage. The *mikvah* can also serve as a symbolic opportunity to reconnect with Jewish heritage and traditions, rather than marital purity. As a result, the practice can take on a more personal and reflective meaning, while also emphasizing individual spiritual growth over ritual obligation.[38]

Similarly, the laws of *niddah* are often viewed through a flexible and interpretive lens. Due to the open rules allowing Reform women to not be bound by the same strictures related to menstrual purity and sexual separation, women report feeling empowered having been given the choice to decide how they want to engage with these practices, if at all. The movement rejects the traditional gender roles traditionally imposed by these rituals in more conservative denominations, instead embracing a model of egalitarianism and personal choice.

By examining Reform Rabbi Elyse Goldstein's personal interpretation of this alignment under the weight of Halakhic laws, a powerful critique can be constructed of the negative associations historically linked to women's bodies in the religious context. Her work challenges the longstanding belief which supplies that menstruation is inherently impure or that menstruating women are unworthy of sacred spaces. Rather, she argues that traditional Halakhic perspectives have been shaped by patriarchal and societal biases historically supplying the narrative. Her work reinterprets the Hebrew terms *tamei* (impure), and *tahor* (pure),[39] which,

[38] Adler, *Engendering Judaism,* 24-27.
[39] Elyse Goldstein. *The Torah: A Women's Commentary*, ed. Dr Tamara Cohn Eskenazi and Rabbi Andrea L. Weiss PhD. (CCAR Press, 2017), 674.

according to Goldstein, should be understood as ritual experiences qualifying women for sacred spaces over that of moral judgment from the community. This ideological shift holds different implications across Jewish denominations. Within Orthodox communities such reinterpretations are often met with resistance, as they challenge the foundations of rabbinic legal continuity and traditional gender roles. Nonetheless, even in some modern Orthodox circles, Goldsteins insights contribute to subtle conversations about the language and framing of purity laws. In contrast, Conservative Judaism has demonstrated a greater openness to reinterpreting ritual laws through feminist lenses. Goldstein's argument, then, provides a theological foundation that supports ongoing efforts within Conservative communities to reinterpret *niddah* practices in ways that affirm both religious integrity and gender equity.

Goldstein's personal reclamation of this idea is exemplified in her creation of a new blessing for menstruation. As a challenge to the patriarchal undertones of the traditional prayer, *b'rachah*, Goldstein created a new prayer for herself and the women in her congregation. The prayer previously stated, "Blessed are You, Adonai our God, Ruler of the Universe, who has not made me into a woman" and was revised by Goldstein to newly end with "who has made me a woman."[40] By rejecting the diminishing agency tactics, this transfiguration allows her to reaffirm the sanctity of menstruation and challenge the patriarchal framing of women's bodies in religious liturgy. This act represents a revolutionary agenda that enables women to reclaim their bodily experiences as sacred and empowering, rather than that of shameful or unclean.

On top of this, Goldstein advocates for the creation of new rituals that recognize menstruation as a continuous, sacred act rather than that of temporary impurity. Drawing from the idea of the "covenant of blood" in Jewish scripture, she imagines menstruation as a regular

[40] Goldstein, *The Torah: A Women's Commentary*, 674.

reaffirmation of the covenant between women and God, similar to how circumcision marks the male entry into the covenant.[41] Goldstein's interpretation highlights the potential for spiritual renewal offered by menstruation, effectively proposing that the emblematic experience can be viewed as an ongoing connection to the Divine, while also providing an opportunity for spiritual growth.

To synthesize Goldstein's perspective, her work calls for the Reform community to reimagine religious practices in a way that affirms the sacredness of women's bodies and experiences. By reframing menstruation as a sacred act of covenant, Goldstein offers a transformative vision for women in the Jewish faith, one that empowers women to embrace their bodies, reject patriarchal assumptions, and create rituals that reflect their unique spiritual connection to the Divine.

In many instances, these rituals have been interpreted as a reinforcement of gendered power dynamics, where women's bodily processes are viewed as polluting or dangerous in a spiritual context.[42] This notion has profound implications for how women understand their roles within the tradition, as well as how they engage with Judaism's spiritual and legal structures. From a Jewish feminist perspective, menstruation laws are emblematic of patriarchal assumptions about women's bodies and spiritual roles in Judaism. The fundamental assumption underlying these practices is that women, due to their biological functions, occupy a secondary position in the religious and social order.[43] By associating menstruation with ritual impurity, these laws suggest that women's bodies are inherently incompatible with the ideal of spiritual

[41] Goldstein, *The Torah: A Women's Commentary*, 674.
[42] Biale, *Women and Jewish Law*, 161.
[43] Plaskow, *Standing Again at Sinai,* 173.

purity that defines sacred practices. This logic relegates women to a passive role in religious life as the laws have been historically formulated and enforced by a male-dominated religious authority, one that viewed menstruation through a lens of suspicion and fear. Leading male scholars, who historically controlled religious scholarship and interpretation of the law, established practices that kept women on the margins of religious life, effectively reinforcing male authority over religious spaces and communal leadership.[44] Feminist theologians argue that this gendered interpretation of menstruation contributes to a larger pattern of male-dominated religious authority which systematically excludes women from positions of power.[45]

Moreover, Reform feminist scholars assert that these laws reflect an underlying view of women's bodies as unclean or in other iterations, as dangerous. In this context, menstruation becomes symbols of biological difference and spiritual imperfections, in turn producing the requirement for women to undergo purification before being reintegrated into the religious community. By categorizing menstruation as something that requires purification, these laws perpetuate the notion that women's bodies are inherently disruptive to the spiritual and social order.[46] This "disruption" notion reinforces the idea that women are forced to always prove their spiritual worth in religious institutional settings.

Reclaiming this spiritual worth as a form of agency for women is another central tenet of Reform Judaism. Reform Jewish feminists such as Judith Plaskow have been at the forefront of efforts to reshape how menstruation is understood within the Jewish community, pushing for a

[44] Biale, *Women and Jewish Law*, 161.
[45] Plaskow, *Standing Again at Sinai*, 174-179.
[46] Biale, *Women and Jewish Law,* 149.

reframing of the *niddah* laws that reflects women's experiences and affirms their spiritual roles. Plaskow provides,

> When biblical narratives provide small hints of women's experience within the framework of families, regulated by patriarchal law, biblical treatment of sexuality is, for the most part, utterly lacking in women's perspectives.… If women's Otherness consists in being named as objects in a male constructed version of reality, then texts on sexuality provide the core for the projection of women as Other…The heart of the Jewish ambivalence towards sexuality is roughly this: the sexual impulse is given by God and thus is a normal and healthy part of life… Yet sexuality – even within marriage – also requires careful, sometimes rigorous control, in order that it not transgress the boundaries of marriage or the laws of *niddah* within it.[47]

Here, Plaskow critiques the biblical tradition for its systematic exclusion of women's voices, particularly in narratives concerning sexuality, arguing that although biblical texts occasionally offer brief glimpses into women's experiences, these moments are embedded within familial structures governed by patriarchal law, silencing female voices from being heard. Plaskow addresses this phenomenon by means of dissecting the perpetuation of misogynistic texts via the rabbinic authority. It is due to these narratives, that women participants have been routinely defined by their relationships to men, being positioned, as Plaskow alludes to, as the "Other." To clarify her arguments, she deconstructs how laws such as *niddah* reflect an ambivalence that sanctifies sexual impulse, all the while simultaneously regulating to disproportionately impact women. Her work calls for a re-reading of tradition that reclaims women's voices and reconfigures the theological discourse on gender and sexuality from within the Reform tradition.

An example of this reconfiguration can be seen in Rachel Havrelock's work. Havrelock offers an innovative perspective on the centrality of the body within Jewish purity laws, challenging traditional interpretations and providing a fresh lens through which to understand its significance. Her analysis of ritual purity and impurity in the case of the *m'tzora* (commonly

[47] Plaskow, *Standing Again at Sinai*, 174-179.

translated as "leper"),[48] or rather the forced separation of Jewish women during their menses, highlights the human body as a symbol of both transformation and identity. She argues that the transition from impurity to purity is not just physical but deeply symbolic, with the body's purification process serving as a metaphor for spiritual renewal. This gradual movement from exile to reintegration reflects the fluidity of communal identities, suggesting that the transitioning of symbolism can be changed through ritual and experiential intervention by women pushing back against the projected roles.

Additionally, Havrelock explores the body's role in retaining memory, with illness and trauma leaving lasting marks that reflect both past experiences and the potential for healing. She writes, "The human body is both an indicator of change and a vessel of memory."[49] Her analysis indicates that during menstruation, the body becomes a site of both continuity and change, linking personal experiences to broader themes of suffering and renewal. Ultimately, Havrelock presents the body as a space where identity is constantly constructed and deconstructed, building an allowance for individuals to shed old identities while preserving the memory of past experiences in purification rituals.[50] This transformative process highlights the deep connection between body and community, offering a new method for Reform women to follow without male domination. With the traditional focus on menstrual blood as the agent of impurity, this lens reflects a specific view of women's bodies, one that has been used to justify their marginalization

[48] Rachel Havrelock. *The Torah: A Women's Commentary*. Ed. Eskenazi, Dr Tamara Cohn, and Rabbi Andrea L. Weiss PhD. (CCAR Press, 2017), 672.
[49] Havrelock, *The Torah: A Women's Commentary*, 672.
[50] Havrelock, *The Torah: A Women's Commentary*, 672.

and exclusion.[51] This rigid categorization of women as either "pure" or "impure" based entirely on the female body enforces harmful gendered binaries.

By restructuring these categories, the Reform movement challenges the detrimental implications of impurity, while also promoting a more inclusive theology that centers women's lived experiences. While there is still a patriarchal basis for the domination for the sect, the intentionality of incorporating modernity into the practice opens the possibly for the reimagining of the Jewish tradition; one that affirms women's spiritual and physical agency, transforms how women are understood within Halacha, and reshapes the future of Jewish practice to be more equitable and inclusive.

The Reform movement's ideological shift in perspective aligns with feminist critiques of traditional religious practices. Feminists argued that menstrual laws were emblematic of a broader system of patriarchal control over women's bodies, with the practice of *niddah* reinforcing women's subordination in religious life. This critique was echoed in the rise of women's rabbis in the Reform movement, who advocated for the use of the *mikvah* as a spiritually cleansing process following events such as divorce, childbirth, or abortion.[52] The reimagination of these laws by Jewish women across time and space reveal their enduring adaptability, challenging the notion of tradition as a static force, and highlighting the dichotomy of living in a modern world while still adhering to a faith ritual practice.

Discussion:

The varying approaches to *niddah* and *mikvah* across the Orthodox, Conservative, and Reform Jewish movements offer a critical lens through which to assess the relationship between

[51] Adler, *Engendering Judaism,* 24-27.
[52] Wasserfall, *Women and Water*, 6.

religious practice and female agency. In Orthodox contexts, adherence to *niddah* laws is governed by a stringent Halakhic framework in which male rabbinic authority predominates. While some women may derive spiritual meaning and a sense of embodied discipline from these practices, the interpretive authority remains largely external to them, thus limiting their capacity to shape or contest the norms that govern their ritual lives. Female agency, in this context, is often mediated through compliance with a tradition that affords women limited interpretive or legal authority.

Conversely, Conservative Judaism preserves many aspects of traditional practice while simultaneously allowing for a more egalitarian and interpretively flexible approach. Within this framework, *niddah* and *mikvah* can function as negotiated spaces wherein women may exert greater influence over their ritual observance. Feminist scholarship and evolving communal norms within the Conservative movement have enabled some women to reclaim these practices as spiritually affirming and personally empowering, particularly when the rituals are shaped through dialogic engagement that includes women's voices and experiences.

Reform Judaism, which does not mandate observance of *niddah*, reconfigures *mikvah* as a voluntary, oftentimes individualized ritual, employed in contexts such as significant life transitions. This model foregrounds personal autonomy and reclaims ritual meaning on self-determined terms. While this shift enhances individual agency, it also raises questions about the ritual's communal and theological coherence when detached from traditional Halakhic frameworks.

A key difference enlightened within this study is how the Orthodox movement holds fast to traditional interpretations of Halacha, viewing ritualized practices as divinely inspired commandments that must be strictly adhered to. Meanwhile the Conservative and Reform

movements have embraced more flexible and evolving approaches. The Conservative movement, for example, strives for a middle ground, holding onto the core principles of tradition, while also allowing for the reinterpretation of these rituals to meet the needs of modernity. This allowance creates space for a more inclusive understanding of gender roles and offers women greater autonomy in their religious practices, encouraging a balanced approach that respects tradition.

On the other hand, the Reform movement takes the most progressive stance, emphasizing personal choice and spiritual renewal. This emphasis allows for the reimagining of *niddah* and *mikvah* in ways that challenge traditional gender roles and empower women to redefine their own religious practices. For Reform Jews, these rituals are not mandates but rather, opportunities for personal and spiritual growth as seen through the lens of individual autonomy and expression.

Despite the differences in how *niddah* and *mikvah* are practiced across these movements, all three acknowledge the spiritual and symbolic importance of these rituals, albeit in different ways. The ongoing evolution of these practices underscore the dynamic interplay between tradition and modernity within these communities. As Jewish women continue to exercise agency in shaping their relationship with rabbinic and Talmudic law, the practices of *niddah* and *mikvah* remain central traditions that elevate the ongoing conversation between religious adherents who hold contemporary values.

Assessed together, these narratives complicate dominant feminist critiques that portray *niddah* solely as a mechanism of patriarchal control. Hartman and Marmon's study, for example, underscores the importance of attending to lived religious experiences, illustrating how Orthodox women actively reshape traditional experiences. Their findings call for a more expansive

theoretical framework within feminist scholarship, acknowledging the multiple ways in which women inhabit and transform religious law.

Breaking down the Orthodox practices, when stories arise where women find themselves feeling empowered rather shamed in their Halakhic adherence, this ideology can be simplified to Marmon and Hartman's term, a quiet "rebellion."[53] Despite the authoritative structures put in place, Jewish women have consistently contested and reinterpreted the laws of *niddah* and *mikvah*; and in some cases, located avenues of agency within their respective marriages as it provided them with a means of negotiating their own desires and aversions. Emily Martin elicits an explanation for this phenomenon writing, "if the shame and disgust attached to menstruation by the larger society sometimes allow women to escape their usual roles and act without the scrutiny of men, the positive feelings women themselves have about menstruation also allow them to act in their own behalf, not just as members of private families inside the home."[54] As demonstrated, for some, the ritual of *mikvah* has been used to avoid resuming sexual relations with an unwilling partner, offering a form of protection against marital dissatisfaction.

One famous anthropologist who tries to illuminate the gendered dimensions of religious rituals is Mary Douglas. Her concept of ritual purity offers an important foundation for examining *niddah* and *mikvah*. In *Purity and Danger*, Douglas argues that societies use categories of purity and impurity to establish boundaries between the sacred and the profane.[55] This framework can be applied to religious rituals that regulate menstruation, with *niddah* functioning as a mechanism to maintain these boundaries. In this context, menstruation is marked as a temporary impurity that necessitates a ritual separation from the sacred. However,

[53] Marmon and Hartman, *Lived Regulations*, 397.
[54] Emily Martin. *The Woman in the Body: A Cultural Analysis of Reproduction*. (Beacon Press, 2001), 101.
[55] Douglas, *Purity and Danger*, 21.

this purification process is not simply about physical cleanliness, but rather symbolically tied to broader religious conceptions of the female body. This symbolism connects back to that rabbinic concept within Judaism projected on women that menstruation disrupts the spiritual order, requiring women to undergo rituals like *mikvah* to regain their purity.

However, feminist theories also encourage a deeper understanding of these rituals. Judith Butler's theory of gender performativity, for example, adds complexity by arguing that gender is produced through repeated social performances.[56] In this sense, *mikvah* becomes more than a passive purification ritual, and is now a performative act where women actively embody and reinforce normative gendered roles. By participating in *mikvah*, women then actively perform and internalize societal expectations surrounding gender, turning the ritual into a site of participation in gendered identity. The act of immersion thus serves as a reassertion of the self within the confines of religious and gendered norms.

Continuing this discussion, a concept postulated by Clifford Geertz[57] and furthered Talal Asad is the anthropological theory surrounding religious rituals. Asad pioneered the concept that rituals practices become tools of governance and mechanisms of power.[58] As furthered by John Gledhill, Asad argues that religious practices function to consolidate authority by embedding interpretations of the sacred within institutionalized structures of power.[59] In the case of Jewish law, the rabbinic authority that interprets Halacha plays a central role in regulating women's bodies through rituals like *niddah* and *mikvah*. These practices have been institutionalized and codified in ways that reflect patriarchal values, with male religious scholars historically

[56] Judith Butler. *Gender Trouble: Feminism and the Subversion of Identity*. 10. anniversary ed. (New York: Routledge, 1999), 175.
[57] This information is located in Geertz's article *Religion as a Cultural System (1993).*
[58] Talal Asad. *Genealogies of Religion; Discipline and Reasons of Power in Christianity and Islam.* (Baltimore: Johns Hopkins University Press, 1993), 27-54.
[59] John Gledhill. *Power and Its Disguises: Anthropological Perspectives on Politics*. 2nd ed. (Pluto Press, 2015), 18.

controlling the interpretation and enforcement of these laws. Harvey Goldberg adds to this saying,

> Jewish life in the Diaspora implies few applications for the ideas of purity (tahorah), except with regard to death ritual and menstrual impurity. This situation has existed since well before the time when the Babylonian Talmud was written. Prohibited mixtures are not necessarily impure (tame), nor are they necessarily seen as dangerous (a term not indigenous to the biblical text), but they do disrupt the system of clear-cut categories and thus the logic of the law must restrict them.[60]

Analyzing from a feminist perspective, this raises important questions about how these rituals may reinforce gendered hierarchies, situating women's bodily experiences within male-dominated religious authority. Together, these theoretical approaches further contribute to acknowledging that *niddah* and *mikvah* serve as mechanisms of control. The ritualization component of menstruation acts both as a means of preserving spiritual purity and as a method of reinforcing societal norms governing women's bodies. And while *niddah* and *mikvah* have historically been seen as tools of patriarchal control, feminist reinterpretations highlight the potential for women to reclaim and reshape these practices in ways that affirm their autonomy and challenge traditional power dynamics.

One significant dimension these scholars illuminate within women's lived experiences is the expression and negotiation of agency. The concept of agency is central to feminist anthropology, especially when considering how women engage with practices that historically sought to control their bodies.[61] In this context, women's involvement in *niddah* and *mikvah* is about reinterpreting and reappropriating these rituals in light of their lived experiences. In many Jewish communities, particularly in Reform and Conservative movements, women have begun to reinterpret *mikvah* as a spiritual and personal practice over that of purification. This shift reflects a broader trend in which women reclaim the authority to define the meanings and boundaries of

[60] Harvey E. Goldberg. *Judaism Viewed From Within and From Without: Anthropological Studies*. SUNY Series in Anthropology and Judaic Studies. (Albany, N.Y.: SUNY Press, 1987), 59.
[61] Judith Butler. *Bodies That Matter: On the Discursive Limits of Sex*. (Hoboken: Taylor and Francis, 2014), 4.

their religious practices. Rather than seeing *mikvah* solely as a purification from impurity, it is now viewed by some as a transformative ritual that allows women to reconnect with their spiritual selves and assert their bodily autonomy. This reinterpretation positions *mikvah* as a site of personal empowerment, where women engage with their religious tradition on their own terms, rather than being confined by patriarchal interpretations of religious law.

Moreover, the increasing participation of women in religious scholarship and leadership positions challenges traditional power dynamics within Jewish communities. In Orthodox communities, where *niddah* and *mikvah* remain central religious practices, there is still considerable room for women to engage with and reinterpret these rituals, though often within more conservative boundaries. In these settings, women increasingly assert their voices in religious discourse, engaging with texts and traditions in ways that reflect contemporary feminist sentiment. This shift represents a broader negotiation in which women are not merely responding to religious authority but are actively reshaping their relationship to it.

This reinterpretation of *niddah* and *mikvah* also underscores the ongoing tension between tradition and modernity. For many Jewish women, particularly in liberal communities, these rituals embody a clash between the desire to maintain religious observance and the need to challenge gendered constraints. Yet, in reinterpreting these rituals, women do not necessarily reject tradition in its entirety. Instead, they seek to reformulate their place within it. This process of reinterpretation highlights the evolving nature of religious practice and emphasizes how ritual, far from being a fixed set of rules, is a dynamic space in which theological norms are continually renegotiated.

One of the key ethical questions surrounding *niddah* and *mikvah* is whether these rituals inherently perpetuate gendered oppression or whether they can be reimagined in ways that

empower women. From a feminist perspective, the historical interpretation of niddah as a form of sexual separation and impurity has often been seen as a tool of patriarchal control. However, feminist reinterpretations challenge this view, suggesting that *niddah* and *mikvah* can function as rituals of spiritual renewal. In many liberal Jewish communities, *mikvah* is increasingly viewed not as a practice that enforces gendered oppression, but as a means by which women can reclaim their spiritual and bodily autonomy.[62]

Accordingly, the ethical debate is not merely theoretical; it plays out in the lived experiences of Jewish women. While some view *niddah* and *mikvah* as religious obligations that can be embraced with empowerment, others critique them as relics of an outdated and oppressive system. The tension between these views reflects broader theological shifts within Jewish communities, where the topic of gender roles is in ongoing negotiation. As feminist scholars continue to engage with these rituals, the question remains whether *niddah* and *mikvah* will evolve into practices that empower women and reshape their relationship to religious authority, or whether they will continue to serve as symbols of gendered subordination. Victoria Harrison's analysis of Plaskow's work adds depth to this conversation. Harrison writes,

> Plaskow looks for an alternative in the ancient Jewish kabbalistic tradition. There, she finds a distinction between the primordial Torah, which is identified with God's essence, and the incomplete and partial expression of this, which has been codified by men. It is a short step to the idea that each person, through study and prayer, can gain a unique perspective on the primordial Torah. However, declares Plaskow, as she presses this kabbalistic idea into the service of Jewish feminism, this image of the relation between hidden and manifest Torah reminds us that half the souls of Israel have not left for us the Torah they have seen. Insofar as we can begin to recover women's experience of God, insofar as we can restore a part of their history and vision, we have more of the primordial Torah, the divine fullness, of which the present Torah is only a fragment and a sign. This view of the original Torah as transcending the seemingly androcentric document that has been passed down through the generations and enshrined in the tradition gives Jewish feminists a new freedom to challenge and re-shape the text. This new freedom in dealing with the written form has converged with the rising tide of skepticism regarding any insistence that the scriptures of Judaism, Christianity and Islam are a literal record of God's direct speech.[63]

[62] Tova Hartman. *Feminism Encounters Traditional Judaism: Resistance and Accommodation*. (Waltham: Brandeis University Press, 2007), 82.
[63] Victoria Harrison. *Modern Women, Traditional Abrahamic Religions and Interpreting Sacred*. (HBTexts, Feminist Theology 15, 2007), 154.

Here, Harrison explains how Plaskow, one of the representatives of the Reform discourse, offers a compelling reinterpretation of Jewish tradition by turning to the kabbalistic distinction between the written Torah and its codified iteration, the Talmud. Within this framework, the written Torah is merely a partial manifestation of a deeper truth. Harrison goes on to explicate how Plaskow draws on this concept arguing that the traditional Torah reflects a masculinized interpretive history. Moreover, Plaskow's approach aligns with broader contemporary critiques across religious traditions that question the literalist view of scripture as the final word of the Abrahamic God. In synthesizing mystical theology with feminist hermeneutics, Plaskow opens a path for reimagining Jewish textual tradition.

Tamar Ross adds to the hermeneutical conversation during her interview exchange with Judith Plaskow. She states,

> Orthodox Jewish feminism, like Jewish feminism of the non-Orthodox variety, follows in the footsteps of the feminist movement at large. Like its predecessor, [Orthodox feminism] began with acknowledging the problem of women's subordination and continued by struggling to achieve equality as defined by male standards. Eventually, however, even Orthodox women who started out rebelling against the traditionalist "separate but equal" line of apologetics have developed awareness of the need to balance male ways of thinking by adding their uniquely feminine insights.[64]

In this context, Tamar Ross challenges traditional views of Jewish law by advocating for a feminist reinterpretation that includes women's voices without compromising core religious principles. This inclusion calls for a reimagining of Jewish texts and practices, suggesting that Jewish law should evolve to incorporate feminist insights. In addition, her work emphasizes that Jewish tradition can be dynamic, integrating gender equality without abandoning its sacred foundation, thus creating a more evolving religious practice.

[64] Judith Plaskow and Tamar Ross. *The View From Here: Gender Theory and Gendered Realities: An Exchange between Tamar Ross and Judith Plaskow*. (Nashim: A Journal of Jewish Women's Studies & Gender Issues, 2007), 240-241.

In similar regards to this, Reform feminists began adapting the pioneered the argument to understand and reinterpret their conceptions of the body and how it relates to Judaism. When analyzing the main argument of one of these pioneering feminists, Riv-Ellen Prell, Rachel Adler contends that efforts to achieve gender equality often replicate patriarchal norms under the guise of progress. Adler adheres that,

> Reformers use the Universalist, enlightenment model of their host culture to eradicate the special status assigned to women in Orthodoxy. Because 'all men are created equal,' Reform Judaism included women by categorizing them as 'honorary men.' But making women honorary men made them deviant men. It required viewing their differences for men as defects in their masculinity.… To enforce equality, it abolished the few women's mitzvot prescribed by Orthodoxy, making women even less visible than before.[65]

Here, Adler's critique of Riv-Ellen Prell's framework gains strength when situated within broader feminist challenges to liberal egalitarianism. As Adler points out, Prell's application of Enlightenment-based notions of universal equality, may inadvertently re-inscribe male norms as the standard for inclusion. By adopting a model in which equality is achieved by granting women access to traditionally male domains, Prell's framework risks erasing the value of women's ritual traditions. Adler rightly argues that this model does not liberate women as *women* but rather recasts them as "honorary men." This subsequently reinforces a binary in which male practices are normative and female practices are secondary. Moreover, Adler's analysis gains further traction by highlighting how the elimination of women's *mitzvot* in the name of egalitarianism may have diminished women's agency within Reform Jewish ritual life. By advocating for a model of religious life that honors diverse forms of participation, Adler offers a more robust and equitable vision than the one she finds in contemporary Reform liberal universalist rhetoric.

Overall, the traditional interpretation of Jewish purity laws can be challenged by proposing a transformative reinterpretation of the *mikvah* as a space of spiritual renewal and

[65] Adler, *Engendering Judaism,* 24.

empowerment, rather than one associated with shame or impurity. This shift forms part of a broader effort to reclaim sacred rituals and religious spaces from patriarchal interpretations that have historically marginalized women. By reconceptualizing menstruation as a moment of spiritual connection rather than disconnection, this perspective advocates for a more inclusive understanding of Jewish women's roles in religious and communal life.

Application:

When seeking to find an explanation for the rabbinic authority's idealized projection of biblical life regarding *niddah* and *mikvah* practices, it is best to look towards Max Weber's theories regarding religion-based taboos. Max Weber, a foundational figure in sociology, examined the role of religious taboos in shaping social order through ritual practices. He argued that taboos were integral components of a religious system that enforce social cohesion and embody a community's values, thereby reinforcing the moral structures of the religion. Weber's analysis of religion-based taboos is central to his broader theory of rationalization, whereby ritual practices play a crucial role in the construction and maintenance of societal norms and moral frameworks. He argues that,

> Wherever there exists a developed belief in spirits, it is held that extraordinary occurrences in life, and sometimes even routine life processes, are generated by the entrance into a person of a particular spirit, e.g., in sickness, at birth, at puberty, or at menstruation. This spirit may be regarded as either sacred or unclean; this is variable and often the product of accident, but the practical effect is the same. In either case one must avoid irritating the spirit, lest it enter into the officious intruder himself, or by some magical means harm him or any other person's whom it might possess. As a result, the individual in question will be shunned physically and socially, and must avoid contact with others, and sometimes even with his body.… Naturally, once this set of notions has developed, various objects or persons may be endowed with the quality of taboo by means of magical manipulations invoked by persons possessing magical charisma; thereupon, contact with the new possessor of taboo will work evil magic, for his taboo, may be transmitted.… The rationalization of taboos leads ultimately to a system of norms, according to which certain actions are permanently construed as religious abominations, subject to sanctions, and occasionally even detailing the death of the malefactor, in order to prevent evil sorcery from overtaking the entire group because of the transgression of the guilty individual. The usual process here is that something which has become customary, whether on rational grounds or otherwise, e.g., experiences relative to illness and other effects of evil sorcery, comes to be regarded as sacred.[66]

[66] Max Weber. *The Sociology of Religion*, trans. Ephraim Fischoff. (Boston: Beacon Books, 4th edition, 1991), 37-39. *The author acknowledges the prejudiced archetype of the Jewish community established in Weber's work due

Within this framework, a sociohistorical reasoning for Jewish ritual practices can be examined. Centered around the origin of the Jewish religion, the rabbinic authority's utilization of the communal belief in an Abrahamic God, endowed the governing body with the conscripted power to construct an idealized projection of biblical life rather than a historical reality. Drafted within their supplementary texts and oral teachings, menstruation is effectively symbolic of Weber's 'the spirit,' which can be likened to entering the body during the menses phase of the menstrual cycle. This perception, in turn, permits the patriarchal hegemony to label women "impure," and relate it back to biblical sources. The implication of impurity, in essence, allows said authority to prohibit certain activities for fear of contamination, and/or risk expulsion from the community. Once the taboo becomes a ritualized practice, the efficacy of that practice is thereby deemed as sacred within the community; and as a result, upheld by a religious standard for living a righteous life. It should be noted that Weber's claims for this form of sociocultural adaptation evolve for the Jewish religion once the imposition of capitalism arises. This is apparent by which his analytical work only dates to the point where Jewish communities are "relatively or all together absent from the new and distinctive forms of modern capitalism."[67] However, the absence of Jewish involvement in modern capitalism began to change with the onset of the Haskalah, controversially known as the Jewish Enlightenment, which prompted a significant transformation within the Jewish populace.

to his implicit and/or conscious biases. However, his analysis of the taboo figure is helpful in the pursuit of understanding the inner workings of how a religion functions.

[67] Weber, *The Sociology of Religion*, 250.

Beginning in the late eighteenth century, a large shift among Jewish congregations took hold during the period of the Haskalah. Among Jewish scholars, this historical migration saw the shift in literary focus to the intersections of modernity and tradition. As a byproduct, the interpretation and practice of the *niddah* laws came under scrutiny. Subsequently, many Jewish women began openly questioning the traditional framing of menstruation as a source of impurity and sought to reframe menstruation as a natural process that does not carry inherent moral negativity.

This trend lasted until World War II, when following the emancipation of concentration camps, pamphlets were distributed to female Holocaust survivors who were forced to integrate into secular society as the closed Jewish communities, such as the shtetl or ghetto, were decimated by war. A centralize concept within these pamphlets was the idea of family purity, as discussed by Tirzah Meacham. Family purity, in turn, once again gave Jews a religious purpose as it was structured towards traditional values. Meacham writes,

> The term [family purity] was taken up with great enthusiasm by those involved in rescuing the remnants of European Jewry after the second world war. Many of the young women had no older female relatives to instruct them in menstrual laws. Committees reformed to disseminate information in over 20 languages, all of which took up some version of the term, family purity or purity of family life as a translation of the concept. The booklets are directed to particular audiences and are phrased, at least in the view of the committees that wrote them, in appropriate terms for each audience. The post war pamphlets were directed by the need to preserve the remnants of the people and fortify traditional Judaism. Some of them played on the guilt feelings of the survivors, who were trying to recreate the world their parents and grandparents had left. Others preyed on fears and folk tales of deformities that would result from improper sexual expression. The latter were generally directed to groups who were considered more 'primitive' in world views and less well educated. More recent manuals are highly sophisticated, with numerous notes and appendixes. The bottom line of all of the works is to convince the readers of the efficacy of the family purity laws, and of the need to rely on a competent rabbi to answer any questions and to check the discharge, if necessary, to ascertain whether it is among the five colors of impure blood.[68]

In the post-Holocaust era, the promotion of *niddah* laws under the term "family purity" represented a strategic effort to reconstruct traditional Jewish life amid communal rupture. With

[68] Meacham, *Jewish Menstrual Laws*, 33.

generational transmission disrupted, these committees produced the pamphlets with the underlying goals: to affirm the authority of Halacha, reinforce rabbinic control, and reframe *niddah* as essential to preserving Jewish continuity. A notable biblical connection emerges in the pamphlets, particularly in the term "purity of family life," which bears a striking resemblance to the concept of "purity of life" articulated by William Albright in his 1940 analysis of the Book of Joshua.[69] In his work, Albright critically examines the period in which the Israelites under the leadership of Joshua, Moses's appointed successor, embark on a series of military campaigns aimed at reclaiming the so-called "Promised Land." If this connection is intentional, it suggests a deliberate invocation by the rabbinic authority to use biblical values in order to reinforce traditional Jewish norms, particularly those concerning gender roles and the regulation of women's bodies. This alignment may reflect a broader effort within the Jewish community, particularly in the context of post-Holocaust recovery, to reconnect with ancient religious practices and reinstate societal structures that were perceived as stabilizing in the face of modernity's disruptions. Such a move indicates an attempt to restore a sense of religious continuity, whereby the regulation of women's bodies becomes emblematic of a return to a more traditional Jewish identity. This restoration, however, does not occur behind the scenes, but rather unfolds within broader sociopolitical contexts, prompting critiques that link the renewed emphasis on bodily regulation to the pressures of assimilation into secular, capitalistic societies.

The two various critiques that play into the Jewish feminist conversation, center around the consequences of the Jewish people being forced to assimilate into a new society. Both critiques subsequently challenge Weber's argument in terms of the mark of human labor on capital. The first critique proposes that menstruation management was transmuted into a means

[69] William Foxwell Albright. *From The Stone Age To Christianity Monotheism And The Historical Process*. (The John Hopkins Press, 1940), 214.

of reproductive control. The interpretation of Halakhic law alludes to a basis for a Marxist-Feminist discussion under the lens of the *Social Reproduction Theory*. Utilizing this theory, Susan Ferguson proposes that the "production of goods and services and the production of life are part of one integrated process; or in other words: acknowledging that race and gender oppression occur capitalistically."[70] This theory posed relates to the Halakhic interpretation in two ways: 1) Due to the consistent racial persecution of the Jewish people by outside forces, the rabbinic authority has, in turn, implemented systematic gender oppression through the monitoring and management of women's reproductive capabilities as an attempt to transfer the persecution from men to women in line with misogynistic rhetoric, evident by the projection of the idealized gendered conception of biblical life; 2) By restricting sexual contract during menstruation, the rabbinic authority can therefore control Jewish women's reproductive and productive labor capabilities within the community, effectively limiting women from leaving the religion.

Following the Marxist dialogue within Jewish feminism, the second critique is Silvia Federici's usage of the theory of *primitive accumulation.* This theory can also be applied to understanding the perpetuation of *niddah* by hegemonic powers for contemporary Orthodox communities. The theory posits that the birth of capitalism destroyed women's autonomy over their bodies.[71] Prior to the Holocaust, the ritual practices of *niddah* and *mikvah* were phasing out due to secularization. The reintroduction of these rituals to the post-Holocaust Jewish community through pamphlets enabled rabbinic authorities to blend secular capitalist ideals with Talmudic

[70] Susan Ferguson. *Social Reproduction Theory: What's the Big Idea?*, ed. Florence Stencel-Wade. (Pluto Press, 2017), 1.
[71] Silvia Federici. *Caliban and the Witch*. (UK: Penguin Random House, 2004), 2. *While she uses this example to dissect the European witch trials, conceptions of a "witch" stemmed from antisemitic archetypes pervasive within Europe at the time.

conceptions of menstruation, thereby consolidating contemporary expectations grounded in Halakhic tradition.

Conclusion:

The study of ritual observance among Jewish women reveals a complex picture that defies simplistic categorizations of oppression or liberation. While many women express discomfort and frustration with the ritual, others find meaning and spiritual fulfillment in it. The spectrum of discourse among adherents underscores the insufficiency of binary feminist critiques and calls for a more context-sensitive approach to the study of ritual practices. Such an approach must account for the ways women actively reinterpret religious laws within the specific social and theological contexts of their daily lives.

This thesis challenges the notion that menstrual ritual practices are inherently oppressive. Instead, the research finds the possibility that women, even within patriarchal structures, can actively engage with religious laws, such as those surrounding the *mikvah* and *niddah,* in ways that are both meaningful and complex. The practice of immersing in the *mikvah* can be understood as an embodied space for women to assert control over their bodies. As such, lived experiences of these women underscore the importance of considering personal agency and interpretation in any discussion of religious law and gender. A more holistic understanding of *niddah* and *mikvah* practices requires recognizing the diverse roles that women play in shaping their religious lives, alongside a critique of the structural forces at play.

For this reason, the practice of *niddah* and *mikvah*, in their symbolic and spiritual dimensions, are not intrinsically oppressive. Rather, it is the enforcement of participation that introduces coercion and thus constitutes the true source of oppression. When individuals are compelled to engage in a ritual without the freedom to make that decision for themselves, the

oppressive force lies within the denial of agency, not in the ritual itself. This projection of oppression onto the practice obscures the fact that many women find empowerment and meaning through voluntary participation. Conversely, others may feel alienated or constrained, highlighting the importance of preserving personal choice. By failing to account for this complexity, critiques that label rituals as inherently oppressive risk erasing the diverse lived experiences of those who interact with them. A more accurate analysis requires separating the ritual from the structures that limit autonomy and requiring scholars to recognize that oppression emerges from the restriction of the individual's right to choose, not from the existence of the practice. By examining the diverse ways in which women relate to *niddah* and *mikvah*, scholars gain a deeper understanding into how religious practice intersects with gender in contemporary Jewish communities. These women's voices move beyond binary constructions of victimhood, offering a nuanced portrayal of how women ultimately redefine their relationship to religious authority and personal autonomy.

To conclude, the subsequent data has been analyzed with the intention of limiting implicit biases. Regardless of this intention, bias will evidently skew this analysis, if not ever so slightly. In addition, the study has proven some limitations with the location of equitable source material. For example, the Orthodox discussion centered around anthropological ethnographic studies which allowed for coherent ideology to be evaluated. Meanwhile, the Conservative discussion centered around the work of female rabbinic scholars. Although these scholar's work proves insightful as they both teach and practice the *niddah* doctrines, this author must still acknowledge the reality of the inherent privilege given to these women by participating in and perpetuating the rabbinic authority's power. Lastly, the Reform discussion centered around both rabbinic and Jewish feminist scholars who adhere to the Reform tradition, but not necessarily the

niddah and *mikvah* practices. This reality must also be recognized in order to address their own implicit biases supposed onto the work they produced.

For future research, direct interviews with women who actively participate in *niddah* and *mikvah* observance across denominational lines would allow for more grounded exploration of lived experience. Such firsthand engagement would further illuminate the dynamic ways in which women reinterpret and implement ritual practices in their daily lives.

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