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ד"ס

Parashat Tazri'a Part II Regarding the New Mother

1. Explanations

The enormous value G-d attaches to life underlies a great deal of the Torah's program. Procreation is most prominent among His blessings. Why, then, does the Torah declare the woman who gave birth, extending life to the next generation, ritually impure? And why is the impurity of such long duration, seven days for a male child and fourteen days for a female, both periods immediately followed by a lengthier period, though not of typical impurity, but during which the mother remains prohibited from sancta and sanctuary? It is only after forty days have passed from giving birth to a boy and eighty days in the case of a girl that the new mother can complete her purification process with her sacrifices.

Some commentators have assumed that the bleeding and bodily discharges associated with childbirth – despite their having been brought about by the bestowal of life – were nevertheless considered a wasting away of the vitality of the mother's life forces and symbolic of death. This was especially the case in the premodern world given the extremely high mortality rate that then prevailed for both baby and mother in childbirth and in the time period shortly afterwards. According to them, the principle underlying these laws is to be equated with that which lies behind the other bodily impurities that follow in the Torah's exposition, a degree of association with death (see our previous study regarding the explanations for the laws of impurity). It has also been thought that the period of impurity is designed to prompt the mother to identify with her situation, submit to G-d's will and merit His favor, an explanation relevant to the other bodily impurity cases as well.

However, why should the impurity after giving birth to a girl last longer than after having a boy (fourteen

days to seven), as well as last longer than for other major impurities, such as the cases of abnormal genital flows and uterine bleeding or contact with a corpse? Furthermore, why is such a long period of time (forty or eighty days) ordained before the mother is permitted to have contact with sancta and sanctuary?

Based on knowledge of ancient Near Eastern cultures, which similarly assigned impurity to the mother (and usually to the newborn baby as well, an application not countenanced by the Torah), present-day scholars have proposed explanations. Some follow the general lines of Maimonides' interpretation of sacrifices. In that regard he stated:

It is impossible to go from one extreme to the other suddenly...Man, according to his nature, is not capable of suddenly abandoning that to which he was long accustomed...As it was then the deeply ingrained and universal practice with which people were brought up to conduct religious worship with animal sacrifices in temples...G-d in His wisdom did not see fit to command us to completely reject all these practices – a demand that man could not conceive of accepting, according to human nature which inclines to habit...He therefore allowed these practices to continue but transformed them from their idolatrous associations...that their purpose should be directed toward Him...This was accomplished without confusing people's minds by prohibiting the worship they were accustomed to and with which alone they were familiar.

Guide for the Perplexed 3:32

In ancient Near Eastern societies, the frequent deaths of mothers and babies in childbirth or shortly thereafter was widely attributed to the activity of demonic, antilife spirits, jealous of man and hostile to

him. It was believed that upon the occasion of human childbirth these spirits were upset and found particular satisfaction in taking the lives of the new mother and her infant. In acknowledgment of the danger faced by this pair, these societies declared mother and child impure for an extended period of time, subduing the hubris that might set in, while efforts were made to protect them. Invariably, during this period pagan rites were practiced that included the recitation of magical incantations and the casting of spells to ward off the demonic forces. Since the fear of possible death associated with childbirth is natural, universal, and deeply set in the human psyche, based on real concerns, at the time of the lawgiving these imagined “protective” rituals could not easily be eradicated. Many people would not believe that the Torah did not want the mother to perform protective rites. Consequently, the Torah retained the external format of the impurity period but “sanitized” it from pagan notions by excluding the details closely linked with idolatry and by attaching symbolism of G-d’s covenant with Israel to the regulations.

Thus, until they became more advanced in their religious thinking (a matter not so quickly accomplished), Israelites could continue believing that a period of impurity was beneficial to mother and baby without veering from the Torah’s monotheistic theology. Impurity was limited to the mother, the child totally excluded, and no religious rites whatsoever were mandated during this time. Indeed, the sacrifices the woman brings were prescribed for the conclusion of the forty or eighty days, and necessarily only then, so they could not be construed as magically curative or as rites designed to avert evil. The practices popular in some neighboring societies of quarantining women during this time and requiring their social isolation were also excluded. The period of actual impurity was restricted to seven and fourteen days, with the eighth-day circumcision of a boy, an act that invokes the covenant and brings its powerful symbolism into play, effecting a reduction by half.

The succeeding period of thirty-three or sixty-six days was of a much less stringent nature. It was a time during which the mother was in a state of “awaiting expiation” that would be brought about by her sacrifices. During this time she was merely forbidden to enter the sanctuary or have contact with sancta, but not restricted for anything else. After the assumed

ablutions that could take place after the seven or fourteen days, she was permitted to engage in conjugal relations with her husband and was understood by the sages to even be permitted to partake of “second tithe” food. Indeed, to prevent new impurity (and additional hardship) from setting in during this second stage, the Torah explicitly declared any uterine blood discharge, a common occurrence for weeks after childbirth, to be *דָּמֵי טַהֲרָה* (“blood of purity”), that is, not defiling. After forty days the mother is assumed to be out of danger. The eighty-day waiting period before entering the sanctuary upon birth of a girl is possibly a symbol of the girl entering the covenant, the eighty days paralleling the eighth-day circumcision of the boy.*

Some present-day scholars explain the second phase of the mother’s separation from the sanctuary, prolonging the totals to the significant lengths that it did, as designed to avoid another childbirth rite that had been popular in Ugarit (an important ancient metropolis in Syria). At a certain point after the childbirth the new mother was brought to the local shrine where thanksgiving offerings were presented to the gods and a request was made for additional fertility. Fertility rites were often accompanied by sexual acts reenacting the births of the gods. The Torah’s monotheistic demands and high moral standards kept new mothers far from the sanctuary for at least forty days, beyond the time a new birth would be celebrated, so no such sanctuary ceremony would develop around them (see B. Levine *Olam HaTanakh*, Lev., p. 83; JPS Commentary, Lev., p. 250).

2. A Point of Confusion

Through the centuries a feature of the Torah restrictions regarding new mothers has often been seriously misconstrued. This was surely due to the influence of neighboring cultures, but also apparently because certain ancient modes of thought and practices were deeply entrenched in Israel, possibly even in the human psyche, and difficult to uproot. The Rambam states:

This that you will find in some places and in responses of some Geonim (generally, heads of the two leading Torah-study academies in Babylonia between the 6th and 11th centuries) that a woman who gave birth to a male may not have

conjugal relations until after forty days and upon birth of a female until after eighty days, even if she did not see blood beyond seven days, is not a legitimate custom (*minhag*) but an error in those responses and the path of heresy (*apiqorsoot*) in those places, a matter learned from the Sadducees. It is meritorious (a *misvah*) to compel them to remove [this error] from their hearts and return them to the words of the *h□akhamim*, to count seven clean days only.

MT, Laws of Forbidden Relations 11:15

Samaritans and Karaites did consider the new mother's impurity to continue through the forty or eighty days and to include the prohibition of conjugal relations for the whole period. The rabbinic tradition, however, of understanding the Torah's intention as stated in the above-quoted excerpt from the Rambam, is well-founded in the Torah text and clearly is its straightforward meaning. We will point out several salient proofs.

First, regarding a woman who gave birth to a boy, the Torah states that "she shall be unclean seven days; as in the days of her menstrual infirmity she shall be unclean" (Lev. 12:2). After the first clause prescribes the number of impure days for the mother of a boy, the second clause compares the quality and features of her impurity to those of menstruation, and they apply for only seven days. This understanding is supported by the counterpart statement of the law in the case of giving birth to a girl: "she shall be unclean two weeks as in her menstruation" (v. 5). Accordingly (and assuming ablution), the mother of a male is impure as a *niddah* for seven days only, while the mother of a female is such for fourteen days, and not more. A primary feature of the *niddah* status is the prohibition of conjugal relations for seven days (providing her menstruation ended by then and assuming ablution). The same seven (or fourteen) is obviously applicable to the new mother.

Second, the direct continuations of the statements of the seven and fourteen days with the regulations of the thirty-three and sixty-six days are obviously contrasting the nature of the days. The only restrictions stated for the latter days are "she should not touch any sancta and she should not enter the sanctuary." Obviously, those are the only restrictions applicable to those days. Otherwise, why was it

necessary to state that during these days she is prohibited to these two interactions? She had already been so prohibited from the restrictions stated in the first phase! The explanation is that the Torah was lessening the prohibitions to her and releasing her from any impurity vis-à-vis the nonsacred domain but retaining a prohibition toward sanctuary and sancta. Indeed, the formulation itself א□ תגע בקל קדש ("she should not touch any sancta" [v. 4]), followed by ואל תבא □ המקדש ("she should not enter the sanctuary") appears to restrict her only to what was associated with the sanctuary. In straightforward interpretation, this language would permit her to touch (and eat) *terumah* and *ma'aser*, items whose purity must be respected but are of a lesser status than *qodesh* (holy), items that with the menstruation regulations upon her she had been prohibited to during the first phase. Thus, this clearly implies that for the thirty-three or sixty-six days she no longer is to be considered impure as during menstruation.**

Finally, in the verses describing the thirty-three and sixty-six days she is not termed "impure." A special law applies to her during that period; she is to ישב טהרה בדםי ("reside with blood of purity" [v. 4]). The word ישב, which in its most basic meaning translates as "sit," is here understood, as it very often is, in the sense of "live." The most natural explanation is that she is granted a leniency; despite the fact that she may have blood emissions, during this second phase she is no longer considered to be as during menstruation, when blood emission renders her impure.

3. Another Point of Confusion

It should also be noted that the restriction on the new mother that prohibited her from having contact with sanctuary and sancta only applied to the sanctuary and its sancta in the times when sacrifices were offered. Her status has no *halakhic* application concerning entering a synagogue or house of Torah study, carrying the Torah or reading from it, as well as reciting prayers and blessings. This is also the halakha as regards women during menstruation (*m. Ber.* 3:6, implied; *t. Ber.* 2:12; *y. Ber.* 3:4; *MT, Laws of Tefillin, Mezuzah and Sefer Torah* 10:8; *Shulh□an Arukh* OH 88, YD 282:9). This standard talmudic-based view clearly reflects the straightforward interpretation of the Leviticus passages regarding giving birth and menstruation (Lev. 12 and 15:19-30, respectively).

A baraita explains the concept involved: אין דברי תורה מקבלין טומאה ("The words of Torah do not receive impurity" [b. Ber. 22a]).

In some locales and sometimes in accordance with rabbinic leadership, as the Rambam pointed out, the practice was to be stringent in many matters regarding parturition and menstruation despite the talmudic consensus. One cause of this anomaly penetrating rabbinic circles appears to have been a misleading sectarian composition, possibly written in the land of Israel not long after the close of the Talmud, prominently titled *Baraita d'Masekhet Niddah*. Its author appears to have been influenced by the harsh and rigorous beliefs of certain neighboring cultures, probably including the Persian.*** Unfortunately, beginning in the gaonic period, several eminent rabbis mistakenly accepted it to be an authoritative work representing a genuine alternate rabbinic view stemming from talmudic times (see Ramban on Gen. 31:35, Lev. 12:4, 18:19).

This work supports an approach to law that promotes extreme stringencies, including rejection of the talmudic conclusion that the halakha follows the school of Hillel, famous for leniency in halakhic decisions. It contains many severe and demeaning regulations concerning women during menstruation. It prohibits her from cooking and baking for her husband. Others are not to benefit from any work she may do. She may not sit with her household at a meal. She may not kindle the Shabbat lights. She is prohibited to enter a synagogue or house of Torah study, and after childbirth is not to do so for forty days for a boy and eighty days for a girl, of course based on misconstruing the "sancta and sanctuary" clauses of our Leviticus 12:4 verse. Others are prohibited from reciting a blessing in her presence in order to avoid causing her to utter "amen." They must refrain from greeting her and are required to avoid her very breath and the earth of the ground she treads on, lest they become defiled. She may transmit impurity by her gaze alone.

Baraita d'Masekhet Niddah is imbued with a foreign spirit thoroughly contrary to that of the Torah. Although the Torah legislated a number of impurity regulations for the *niddah* and *zabah* (a woman who had an abnormal blood flow beyond the standard days of the menstruation cycle) as it did for the male with a

genital flow (Lev. 15), it ignored most of the rigorous regulations concerning these women that were common in the surrounding cultures.

How did a work not grounded in biblical and talmudic law, insensitive and impractical, gain a following in a number of traditional Jewish communities through the centuries? In the land of Israel during late Second Temple times, in many circles, menstruating women were indeed treated harshly in certain ways. This was usually intended to reduce contact with them and preclude the possibility of their transmitting impurity to others who desired to enter the sanctuary or to partake of its sancta. (This is a disposition contrary to the Rambam's interpretation in the *Guide* concerning the original intent of purity law; see our study on *Parashat Tazri'a Part I*). In some circles it appears that menstruants spent much of their time in special houses, not necessarily sleeping in them but doing their work in them (*m. Nid. 7:4*), a reflection of what was the custom in the surrounding non-Jewish communities.

For a select group of individuals, the desire to always remain in a state of ritual purity was a noble quality leading to refinement of character and holiness. For others, however, the strict commitment to the maintenance of purity of body, foodstuffs, and vessels became a highly technical matter, consuming much of their time and energy, yet possessing little, if any, religious value. Sometimes it became a compulsive drive, almost more important than the value of life. In the Talmud, the sages related a particular episode intended to describe a lamentable but widespread disposition:

A certain case occurred when two priests were running up the ramp (each desiring to be first in order to have the right to remove the ashes from the altar). As one came within the four cubits of the other, the latter took a knife and stabbed the other in his heart. Rabbi Sadoq stood on the temple steps and said: "My brethren of the House of Israel, pay heed...[He chastised the people about the evil of taking another's life.] All broke out crying. The father of the [stricken] youth arrived and found him still slightly breathing and said: "He should be your atonement, my son is still breathing so the knife did not become defiled." This teaches you that violating the purity

of the vessels was more painful to them than the spilling of blood. (*b. Yoma* 23a)

After the destruction of the temple (70 C.E.) some continued to carry on “in purity” just as they had been doing during temple times, anticipating its rebuilding. Some groups, in their eagerness to be “pure,” absorbed a number of stringencies of the neighboring cultures and elaborated upon their practice. Thus, shortly after the close of the Talmud (c. 500–600 C.E.) sectarians were able to produce, and find a receptive audience in traditional communities for, a work such as *Baraita d’Masekhet Niddah*.

In addition, it must be taken into account that the comprehensive transformation brought about by the laws of the Torah was an evolutionary process. In the early stages the worldview and practices of ancient Israel may have been somewhat similar to those of the neighboring cultures. Menstruation was widely considered a source of broad general contamination and an object of revulsion, the woman during that time to be totally avoided, even cast out, until she became clean. Among the masses these views were passed down through the centuries and to some degree remained rooted in language and custom, as implied in scriptural metaphors. Referring to idols, we read “you shall cast them away like a menstruous woman; ‘out’ you shall say to it” (Isa. 30:22); when the sword, pestilence and famine arrive, “Their silver they shall cast into the streets, their gold will be treated as a *niddah*” (Ezek. 7:19); when the enemies are all about, “Jerusalem is as a *niddah* among them” (Lam. 1:17).

Several aggadic statements in the Talmud, although not intended to be taken literally, reflect the ancient view that a woman during menstruation posed danger, such as: “A *niddah* who passes between two men, if she is at the beginning of her menses, she causes one of them to be killed; if she is at the end of it, she causes strife between them” (*b. Pesah*. 111a).

In any event, the legislation in Leviticus regarding both parturition and menstruation represents a major step forward, not always fully appreciated, in providing for the dignity of women.

In the present-day traditional Jewish world there remain some remnants of the influences of *Baraita d’Masekhet Niddah* since, throughout the generations, a minority of authorities had accepted it. Some of its strictures have been deeply rooted in certain communities for a significant period of time. However, the movement toward women’s dignity and equality, buttressed by the findings of modern scholarship, has brought about a thorough reevaluation of the subject. There is now greater recognition that, at best, its stringencies were never valid and should be relinquished so that the Torah’s purpose may be more fully implemented.

Endnotes

* See our study *On Number Symbolism in the Torah from the Work of Rabbi Solomon D. Sassoon*. Ronald Benun has pointed out that application of Rabbi Sassoon’s analytic methodology to the passage’s literary structure lends supports to such symbolic interpretation. The message proper contains exactly eighty words. As often is the case, the count excludes the superscription of verses 1 and 2a, the subscription of verse 7b (“This is the teaching regarding the childbearing woman...”) and the post-subscription “addendum” of verse 8, all sharply demarcated elements in the passage’s structure. Besides the fact that it follows the subscription, the addendum characteristic in this case is manifest in the alternate vocabulary: *וְשָׂה* instead of *בְּבֵשׁ*, *לְקַחְהָ* instead of *תְּבִיא*, and a reversal of the usual order of *בֶּן יוֹנָה* and *תָּר*.

** Despite the *peshat*, it was midrashically possible to expound the phrase *בְּכֹל קִדְשׁ אֶת תְּהַנֵּעַ* to include *terumah* in the prohibition (*Sifra; b. Mak.* 14b).

*** Y. Elman states: “Jewish [menstruating] women did not have to remain isolated on spare rations in a windowless hut for up to nine days, as was prescribed for Zoroastrian menstruant women” “Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition” *The Cambridge Companion to Rabbinic Literature*, 2007, Cambridge University Press, 165-197, Charlotte Elisheva Fonrobert and Martin S. Jaffe, eds., p. 176.