

# MIKVEH FOR WOMEN ON EREV YOM KIPPUR

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This article examines the sources and history of the custom of visiting a *mikveh* on *erev* Yom Kippur, and its particular application to women. While it is not intended to be the definitive treatment of *erev* Yom Kippur immersion, the author hopes that it will encourage further research and serious consideration of the issue. Gitelle Rapoport, a native of Chicago, Illinois, is a journalist and freelance writer with a particular interest in issues related to women and halakah and is a former coordinator of the women's *tefillah* group at Manhattan's Lincoln Square Synagogue. Ms Rapoport has an MA from New York University and has studied at The John Marshall Law School and the Drisha Institute for Jewish Education.

Just before a recent Yom Kippur, a Brooklyn-based Jewish newspaper ran a large advertisement: A renovated *mikveh* (ritual bath) in Borough Park would be 'open for women this *erev* Yom Kippur, from 6 a.m. to 3:30 p.m.' Throughout Borough Park, several hundred women immersed in *mikvaot* that day.

During that time, several Orthodox rabbis who were asked about the custom of women's immersion before Yom Kippur responded, 'I've never heard of it', and 'I've read about it but I don't know anyone who actually does it.' But on the day before Yom Kippur, according to *mikveh* attendants, 40 to

50 women visited a *mikveh* in the neighbourhood of one of these rabbis and 25 immersed in a *mikveh* a few blocks from the synagogue of another.

These women were observing a custom that is fairly widespread among Orthodox men but not so prevalent among women. Yet the custom persists among religious women in various communities - sometimes to the surprise of individuals who accidentally discover it. The sense of religious introspection and closeness to God often produced by this ritual could, and should, be available to more women, who need to be familiar with its purpose and procedures.

## History: Biblical and Talmudic Concepts

The custom of immersion on *erev* Yom Kippur, although not mentioned in the Torah or Talmud, has biblical associations and a long history. Ritual purification with water, interpreted by the rabbis as immersion in a *mikveh*, appears frequently in the Torah as a symbol of rebirth and renewal. According to one view, the Israelites immersed before receiving the Torah.<sup>1</sup> Individuals who had experienced physiological conditions involving the possible creation or loss of potential life - such as seminal emission, sexual intercourse and menstruation - had to purify themselves in order to enter certain areas of the Sanctuary and to eat sanctified foods.<sup>2</sup> Immersion in the 'living' water of the *mikveh* symbolized the renewed possibility of producing life.

Immersion is also associated with spiritual purity, renewal of one's relationship with God and repentance from sin - and thus with Yom Kippur, the Day of Atonement. On this day, God tells the Israelites, 'atonement will be made for you, to purify you'.<sup>3</sup> The *kohen gadol* immersed five times on Yom Kippur during the Temple atonement service.<sup>4</sup>

Immersion, repentance and Yom Kippur are linked directly in the Mishnah, in a discussion of Yom Kippur's atonement for sins. The Mishnah quotes God's promise to return the Jewish people to the land of Israel, despite their transgressions: 'And I will sprinkle pure water on you, and you will be purified.'<sup>5</sup> The Mishnah then quotes Yirmeyah: 'The *mikveh* of [literally, the hope of] Israel is God. All who forsake You will be ashamed ... for they have forsaken the source of living waters.'<sup>6</sup> Finally, Rabbi Akiva comments: 'Just as the *mikveh* purifies the impure, so the Holy One, blessed be He, purifies Israel.'<sup>7</sup>

But the practice of immersion before Yom Kippur is probably modeled on a practice established by the prophet Ezra at the beginning of the second Temple period. Relying on a talmudic analogy between receiving the Torah and learning Torah, Ezra ruled that, just as the Israelites had immersed to purify themselves from seminal emission before the revelation at Sinai, so contemporary Jews must immerse after seminal emission or intercourse before engaging in Torah study or prayer.<sup>8</sup> Ezra's goal

apparently was to focus people's minds on the service of God rather than the gratification of self, and to ensure 'that men [would] not be together with their wives [too often], like roosters'.<sup>9</sup>

Although the decree of immersion for purity after seminal emission was directed primarily to men, it apparently applied also to married women, who occasionally excrete their husbands' leftover semen within a few days after intercourse, thereby becoming ritually impure from a form of seminal emission.<sup>10</sup>

However, the requirement of immersion after seminal emission was not popularly accepted. Frequent immersion was inconvenient, and the decree may have tempted people to reduce Torah study or even marital sexual activity to unacceptably low levels in order to avoid the required ritual. Whatever the reason, talmudic sages nullified the decree.<sup>11</sup> Nevertheless, the practice was considered praiseworthy and by the ninth or tenth century many Jews were immersing, probably voluntarily, once a year - not on Yom Kippur, when immersion was generally not permitted, but on the day before.<sup>12</sup>

### Post-Talmud: Purity and Repentance

The earliest references to immersion on *erev* Yom Kippur appear in the ninth and tenth centuries. Both R. Saadia Gaon and R. Amram Gaon state that Jews should immerse, but neither sage explains why.<sup>13</sup> A few centuries later, however, *rishonim*, building on the biblical associations of purification, repentance and Yom Kippur, articulate two reasons: the achievement of *taharah* - physical/spiritual purity, based on the Torah's laws and Ezra's decree, and the facilitation of *teshuvah* - repentance from sin.<sup>14</sup>

Textual sources reflect both reasons, sometimes simultaneously. According to a frequently cited Midrash, Jews who fast and pray throughout Yom Kippur are 'as pure as the angels' or, alternatively, 'as

innocent as the angels' who serve God.<sup>15</sup> *Meiri* declares that immersion for purity is an appropriate way to usher in a day of forgiveness from sin.<sup>16</sup>

'All penitents are obligated to immerse,' especially before Yom Kippur, says *Shibbolei HaLeket*, illustrating with a Midrash: A young Jewish woman captured by idolaters was rescued by a man who instructed her to immerse 'so she [would] be purified from the sin' of having eaten non-kosher food while in captivity.<sup>17</sup>

Immersion is also an essential part of the halakhic process of conversion, symbolizing the convert's self-transformation; according to some opinions, even apostate Jews who return to Judaism should immerse.<sup>18</sup> Like converts, Jews who repent before Yom Kippur are spiritually 'reborn', and immersion is the physical expression of this rebirth.

### Immersion by Women: Did They? Should They?

Did women immerse before Yom Kippur like men? If the practice was modeled on Ezra's decree and performed for purification, it would have applied to at least some married women. If it was done for repentance, women need to repent just as men do, and immersion would apply to both equally.

But textual evidence of actual practice from the ninth through to the fifteenth centuries is inconclusive; sources that discuss the custom do not refer specifically to women but do not necessarily exclude them. Language such as 'every individual immerses' or 'all Israel immerse' could refer literally to all Jews or, as in other rabbinic literature, to males only.<sup>19</sup> The statement, 'all of Israel are accustomed to immerse ... because a *baal ker*i [man with a seminal emission] is [otherwise] prohibited from prayer' seems limited to men, but could include women who have expelled semen.<sup>20</sup>

Perhaps women never collectively assumed the obligation to immerse

before Yom Kippur, while men did, suggests Rabbi Moshe Sternbuch.<sup>21</sup>

Immersion for purity might have been less significant to women. Firstly, married women already immersed monthly after menstruation, while most men did not immerse regularly and might have felt a need for purification before Yom Kippur. Secondly, men's seminal emission, especially outside sexual intercourse, was associated with self-gratification and *kalut rosh*, a 'light-headed', frivolous state of mind inappropriate to the holiness of Yom Kippur.<sup>22</sup> According to R. Yehudah Henkin, daytime immersion outdoors in a river, mentioned in early texts, would have been avoided by women as immodest.<sup>23</sup>

Thus, women may have chosen not to immerse for practical rather than halakhic reasons. On the other hand, some women may have immersed the night before Yom Kippur, as some do today. It is even possible that women immersed in indoor *mikvaot*<sup>24</sup> but that the practice was not recorded by halakhic authorities, who usually focused on the behaviour of men.

The first unequivocal statement that women immerse before Yom Kippur appears in the fifteenth century *Sefer Maharil*, a record of customs and law by R. Yaakov Moellin. Married women, he says, may immerse at this time for the purpose of purification from semen.<sup>25</sup> But it is obvious that 'the essence of [this] immersion is because of repentance' - and the proof is in popular practice: pre-Yom Kippur immersion 'is customary for men and women, young boys and unmarried girls, those who are bar mitsvah and bat mitsvah' - i.e., everyone to whom repentance applies, or all adult Jews.<sup>26</sup>

### 16th-20th Centuries: Rabbinic Inclusion of Women

Later authorities follow *Maharil's* lead, mentioning women specifically in their treatment of immersion on *erev* Yom Kippur. In his commen-

tary to the *Arbaah Turim*, *Remah* discusses procedures to be followed by married women who immerse for purity from seminal emission and notes *Maharil's* emphasis on immersion for repentance, but does not mention unmarried women.<sup>27</sup> Neither *Shulchan Arukh* nor *Remah's* accompanying gloss discusses women immersing,<sup>28</sup> but *Magen Avraham* refers to women, paraphrasing *Maharil*: 'Even young boys and unmarried women, who are subject to the mitsvot, immerse.'<sup>29</sup> Although it is not clear whether *Magen Avraham* is referring to contemporary as well as earlier women, he never says that women have ceased observing the custom.

Elsewhere, *Magen Avraham* records the view of *Mateh Mosheh* that it is inappropriate for women to immerse on *erev* Yom Kippur because of the Midrash that compares Jews on Yom Kippur to angels.<sup>30</sup> According to another, unrelated Midrash, angels are male; thus, it is pointless for women to try to resemble them. *Magen Avraham* does not necessarily agree with this view, however, and it appears in only a few other texts.<sup>31</sup>

During the next two centuries, although some authorities are silent about *erev* Yom Kippur immersion by women,<sup>32</sup> there are clear voices of approval: a significant number of major *acharonim* acknowledge without objection that married and unmarried women immerse before Yom Kippur or assert explicitly that women should do so. Ashkenazic writers include the authors of *Mateh Efrayyim*, *Kitzur Shulchan Arukh*, *Mishnah Berurah* and *Shulchan Arukh HaRav* and contemporaries R. Moshe Sternbuch, R. Yehuda Herzl Henkin and R. Avraham David Spector.<sup>33</sup> Sefardic authorities include *Ben Ish Chai*, *Kaf Hachayyim* and R. Chalfon Moshé HaKohen.<sup>34</sup> R. Refael Barukh Toledano cites *Ben Ish Chai's* statement that women should immerse, but says this is not customary in Morocco.<sup>35</sup>

Some halakhists sanction pre-Yom Kippur immersion by married women who are still *niddah*. *Minchat*

*Yitschak*, for example, discusses a woman who has not yet immersed in a *mikveh* after her seven 'clean' post-menstrual days in order to resume sexual relations. If she immerses before Yom Kippur for the unrelated purpose of repentance, 'in accordance with the custom mentioned in *Shulchan Arukh*,' she recites a blessing the following night, when she immerses again to change her *niddah* status.<sup>36</sup>

*Ben Ish Chai* goes further: an appropriately motivated married woman may immerse on *erev* Yom Kippur even before her seven 'clean' days are complete, to achieve 'purity of the soul'.<sup>37</sup> Immersion before Yom Kippur is 'customary ... among women who are pious', pray and learn Torah.<sup>38</sup> And in his own household, the women 'immerse on *erev* Rosh Hashanah and *erev* Yom Kippur, and the unmarried girls ... do the same...'<sup>39</sup>

#### The Modern Period: Objections to Women's Immersion

In the modern period, immersion of women before Yom Kippur becomes controversial. A number of authorities disapprove of immersion by unmarried women, or, occasionally, by married women who are *niddah*, arguing that it could lead to halakhically prohibited sexual activity, by accident or by design.<sup>40</sup> This disapproval may have coincided with a decline in observance of the custom among women in general and unmarried women in particular; halakhic authorities are more likely to criticize an infrequently observed practice than a prevalent, well-established one.<sup>41</sup> The negative attitude of some rabbis may have both reflected and influenced popular practice.

Opponents of immersion by unmarried women base their argument on the custom that unmarried women do not immerse after menstruation (except once before their wedding) and on a responsum by the fourteenth century Spanish sage *Rivash* exploring the reason for that custom.<sup>42</sup>

*Rivash* responds to the following question: Why did the sages not require regular post-menstrual immersion for unmarried women? After all, such immersion would eliminate their *niddah* status; if they subsequently engaged in sexual activity, they and their partners would not violate the severe biblical prohibition against intercourse by or with a *niddah*.

The reason, *Rivash* explains, is that mandatory immersion would have backfired. Sexual intercourse involving an unmarried woman who is not *niddah* is at least a rabbinic and possibly a biblical prohibition, but in either case, it is a less severe offense than intercourse with a *niddah*. Therefore, 'because the single woman is prohibited [from sexual contact] ... if she were to immerse, she would be an obstacle, in that [people] would be lenient with the prohibition because she is ... prohibited only by rabbinic law.' People would recognize the absence of the *niddah* prohibition after immersion, treat lightly the remaining prohibition of non-marital sexual contact and succumb to the temptation to sin.<sup>43</sup>

Monthly immersion for single women, concludes *Rivash*, would have been 'a stringency that could lead to a leniency' and therefore the sages did not mandate it. He does not say, however, that they prohibited it.<sup>44</sup> Nonetheless, some later authorities apply *Rivash's* reasoning to unmarried women, and/or married women counting the seven 'clean' days, on *erev* Yom Kippur. According to *Sedeh Chemed*, immersion by unmarried women before Yom Kippur is 'a *chumrah* [stringency] that will result in the danger of a *takkalah* [misfortune]'.<sup>45</sup> R. Shelomoh Zalman Braun says, 'In our time, unmarried women are not accustomed to immerse, according to what *Rivash* has written.'<sup>46</sup>

R. Ovadiah Yosef applies *Rivash's* reasoning to unmarried women and to married women within the seven 'clean' days, concluding that 'it is preferable to [act according to the halakhic concept of] *shev ve'al taaseh*

[sit and don't do]' - i.e., it is better not to perform a possibly meritorious act than to risk a serious violation of the law that the act may entail.<sup>47</sup>

But other authorities see the issue differently. Immersion on *erev* Yom Kippur, they say, is unique. Firstly, it is done only once a year, on a voluntary basis, for a unique spiritual purpose. The risk of widespread transgression is consequently far lower than in *Rivash's* scenario of mandatory immersion by masses of unmarried women throughout the year.<sup>48</sup> Secondly, *erev* Yom Kippur immersion does not automatically remove *niddah* status, because it does not involve the procedures required for monthly *niddah* immersion. Post-menstrual immersion for all unmarried women would have been dangerous precisely because it would have been identical to the immersion of married women, including all of the rabbinically required preparations: the *hefsek taharah* (thorough self-inspection for cessation of flow), counting seven consecutive 'clean' days with daily checking for blood, combing hair, cutting nails, inspecting the body for any *chatsitsah* (dirt, adhesions or other substances that would prevent the water's complete contact with the body) and supervision by another woman to ensure complete immersion. Even authorities who disapprove of any *chatsitsah* in this immersion do not require the same strict standard of inspection that they do for immersion after menstruation or for conversion, which are halakhically required rather than voluntary.<sup>49</sup>

Women who immerse before Yom Kippur generally omit these preparations. Thus, say *Ben Ish Chai* (in certain cases), R. Chayyim Tsevi Ehrenreich, R. Yehudah Henkin and R. Avraham David Spector, this immersion does not alter pre-existing *niddah* status. It leaves intact the prohibitions on a *niddah's* sexual activity, and *Rivash's* concern is inapplicable.<sup>50</sup>

Theoretically, a woman who immersed after menstruation without counting seven consecutive 'clean' days might eliminate biblical *niddah* status, though not rabbinic *niddah* status. The reason is that, biblically, a *niddah* immerses seven days after the onset of menstruation and then becomes ritually pure; only a *zavah* (a woman with an abnormal flow of blood) must wait seven additional days after bleeding has ceased.<sup>51</sup> Nevertheless, in order to eliminate even biblical *niddah* status, a woman would have to check herself thoroughly for blood and for any *chatsitsah* before immersing.

In addition, argues R. Henkin, halakhah presumes that we can no longer be sure if a menstruating woman is a *niddah* or a *zavah*, and therefore places all menstruants in the technical category of *zavah*, who must wait the extra seven days. Consequently, any woman who did not count these days before immersing would still be barred from sexual relations even under biblical law, he concludes.

In practice, unless the timing and preparations were exactly the same as for standard post-menstrual immersion, a woman immersing for Yom Kippur today could never be certain of her precise halakhic status.

But if the timing were right, might some women deliberately perform the necessary procedures, immerse on *erev* Yom Kippur and engage in sexual activity later? It is possible, but improbable. Yom Kippur evokes such awe in observant Jews that any woman diligent enough to perform these meticulous preparations would be unlikely to use a visit to the *mikveh* on the eve of this day as an aid to transgression later. Even if a woman's post-menstrual preparations plus immersion did result in her becoming ritually pure, she would retain this status for a few days to two or three weeks at most, until her next menstrual period. The opportunity for sexual activity in a non-*niddah* state would be brief, indeed, and the opportunity for reliance on pre-Yom Kippur

immersion would not return for an entire year.

Eliminating *niddah* status for illegitimate sexual purposes is not difficult, even without *erev* Yom Kippur immersion. People determined to perform an activity that violates Jewish law can usually find ways to do so. According to the *Shulchan Arukh*, for example, a woman who immerses in the ocean in loose, flowing clothing instead of in a *mikveh* may no longer be halakhically *niddah*.<sup>52</sup> In today's anonymous society, women who wished to engage in illicit sexual behavior without violating the *niddah* prohibitions could accomplish their purpose at any time of year, simply by performing the appropriate preparations, visiting a *mikveh* in a large Jewish community and pretending to be married or prospective brides. They would not necessarily have to explain anything, because *mikveh* attendants rarely inquire about marital status.

Would some women immerse before Yom Kippur with the proper intentions but take advantage of the opportunity for a sexual relationship afterward? Halakhic tradition certainly recognizes the power and danger of sexual temptation, even on Yom Kippur. According to the Talmud, the *kohen gadol* was kept awake the entire night of Yom Kippur to guard against seminal emission, which could result from inappropriate sexual thoughts.<sup>53</sup> The same passage describes unmarried Babylonian Jews who stayed awake on Yom Kippur night, trying to emulate the *kohen gadol*. Although their intentions were good, they eventually engaged in forbidden sexual relations.<sup>54</sup>

On the other hand, suspecting the piety and motives of other Jews is a serious matter. The elders who suspected the *kohen gadol* wept along with him, because 'anyone who suspects those who are righteous will be physically punished'.<sup>55</sup> The possibility of sin must be balanced against that of a positive outcome. In an annual Yom Kippur custom, says the Talmud, 'The young

women of Jerusalem would go out and dance in the vineyards, any [young man] who had no wife would go', and the women would encourage the men to choose among them.<sup>56</sup> Of course, this mixed gathering on Yom Kippur could have led to sin - but it could also lead to marriages, and it was permitted.

Another fear is that unmarried women would violate the law through ignorance. Since they are less familiar with the laws of menstruation and *mikveh*, they might believe that pre-Yom Kippur immersion, even without the required preparations, removes *niddah* status and permits sexual activity. The distinction between the voluntary immersion of *erev* Yom Kippur and the rigorous requirements of post-menstrual immersion could become blurred.

Although this concern is legitimate, in communities where *erev* Yom Kippur immersion is common, its special purpose is widely recognized and the risk of halakhic violations is consequently minimal.<sup>57</sup> In other communities, rabbis, teachers and *mikveh* attendants could, and sometimes do, educate girls at an appropriate age and women about the custom, thereby reducing or eliminating the danger of error. One practical device, used at *mikvaot* in Brooklyn and Jerusalem, is a large, clearly visible sign indicating that 'this immersion does not render one ritually pure' for purposes of sexual intimacy.<sup>58</sup>

The propriety of adopting a religious custom that is not generally observed in one's community is a complex issue beyond the scope of this article. Communal practice is halakhically significant and should be respected, but diverse practice within halakhic parameters is not undesirable, and the absence of a custom is not necessarily a rejection of it. Moreover, the 'community' of many Jews today is based at least partly on shared ideology rather than geography, and a person's commu-

nity custom may be difficult to determine. The ultimate decision rests with the individual woman and the halakhic authority whom she consults.

### Contemporary Practice

In order to determine the extent of pre-Yom Kippur immersion by women, I carried out an informal, non-scientific telephone survey of *mikveh* attendants and administrators at 40 *mikvaot* in 1993. I re-interviewed 18 of them in 1995 and 15 (plus one new one) in 1996. *Mikvaot* do not always keep accurate records, and my data are based mainly on oral reports and recollections. Further research into the practice at *mikvaot* in the United States and elsewhere is welcome.

In 1993, 1994 and 1996, seventeen of the 40 *mikvaot* were open specifically for women during the day of *erev* Yom Kippur, in the New York City boroughs of Brooklyn, Queens and Manhattan; and in Morristown, New Jersey; Oak Park, Michigan; Brighton, Massachusetts; and Los Angeles, Chicago and Denver. In 1996, *mikvaot* in Monsey, New York, and Boca Raton, Florida, reported daytime hours for women.

The remaining *mikvaot* were closed altogether during the day or open only the night before Yom Kippur because, as several attendants explained, during the day 'the *mikveh* is needed for the men,' who immerse in far greater numbers than women. According to some attendants, *mikvaot* cannot be used for women and men on the same day for reasons of *tzeniut* (modesty). A New Jersey attendant said, 'There is only one parking lot, and the *posekim* [rabbinic authorities] don't want the men to see women going to the *mikveh* and have improper thoughts. So they don't let women come during the day.' But some *mikvaot* admit both women and men, through separate entrances and at separate hours.

Women who immerse before Yom Kippur come from a variety of backgrounds but most commonly

from chasidic families or communities. *Mikveh* attendants in Monsey, Chicago and Los Angeles reported that Sephardic as well as Ashkenazic women have come, but a *mikveh* serving a large Brooklyn Sephardic community has not been open for women.

The numbers of women who immerse vary widely. In 1993 and 1994, 'two or three' women immersed in Canarsie, Brooklyn, and approximately 12 women (compared with several hundred men) on Manhattan's Upper West Side. Over 40 women attended the main *mikveh* in Lakewood, New Jersey, the night before Yom Kippur in 1993; in 1995 and 1996 that *mikveh* and two smaller ones were open to women for a few hours during the day. In Flushing, New York, 30 women immersed in 1995, and 40 in 1996. 'One or two' women visited the *mikveh* in Teaneck, New Jersey, in 1996.

Other *mikvaot* reported much larger numbers: for example, 200 in Monsey, New York, in 1996; an estimated 400, 200, and 250 or 300 (in consecutive years) in Crown Heights, compared with approximately 2,000 men per year; and an estimated 1,500 to 2,000 women each year at three *mikvaot* in Borough Park, compared with 4,000 to 5,000 men at 50 *mikvaot*.

Outside the New York metropolitan area, at Chicago's main *mikveh*, 30 to 35 women immersed in 1993 and 1994; 40 in 1995; and 45 in 1996. (A few hundred men immersed each year.) One Los Angeles *mikveh* reported almost no women in 1994; another, 15 to 20. Ten women immersed in Denver one year, and 15 to 20 two years later, compared with 200 men. In Oak Park, Michigan, approximately 50 women immersed in 1995.

The great majority of women who immerse on *erev* Yom Kippur are married, but only three attendants said they would bar unmarried women. One admitted, 'I don't feel comfortable with [them], but it fell into my lap when I became the

*mikveh* lady and I haven't been able to undo it ... I never looked it up'. Another attendant said 'it would be a *chesed*' to allow anyone to immerse before Yom Kippur, regardless of marital status. One *mikveh* requires unmarried women to make an appointment before or after regular *mikveh* hours the night before Yom Kippur, in order to grant more privacy to the married women present for monthly immersion. Other attendants said that a small number of unmarried women come each year, that they would not be turned away or, most commonly, that 'we don't ask questions' about marital status.

Women who immerse range in age from their twenties to their sixties. Some mothers take their young daughters with them.<sup>59</sup> One woman whose teenage daughters accompany her said, 'If they come now, they'll be slightly prepared for it when they get married.' Another explained, 'The younger generation has an exposure to *mikveh*, knows about *tumah* and *taharah*, and is not afraid of it.'

Although most attendants said they ask rabbis for guidance when necessary, they generally expressed confidence in their own knowledge and in women's religious commitment. 'If someone [unmarried] comes to immerse before Yom Kippur, of course you trust her' to have the right intentions, said one supervisor. 'Who's going to go be together with a man on Yom Kippur night?!' One attendant, asked about the permissibility of single women's immersion, replied, 'There's nothing to ask. This is a *minhag* [religious custom] ... It's up to each individual.'

Almost all of the attendants said that procedures for pre-Yom Kippur immersion differ from those for post-menstrual immersion. Only four supervise the immersion and inspect women for a *chatsitsah*, although they do so routinely before post-menstrual immersions. One woman said she supervises pre-Yom Kippur immersions only for safety reasons. Five attendants said they

would not even require women to remove jewelry, but one admitted that a rabbinic adviser disapproved of that leniency, and other attendants disagreed with it.

The great majority of attendants said they would allow *erev* Yom Kippur immersion by a woman who had not yet completed her seven post-menstrual 'clean' days, but all of them were aware that she would have to immerse again after the seven days were completed. Two attendants said they believed that a woman could immerse even while menstruating if she wore a tampon.

Women, like men, do not recite a *berakhah* when immersing before Yom Kippur, in accordance with the predominant halakhic opinion that this immersion is a voluntary custom to be performed without a blessing.<sup>60</sup> According to halakhic texts, the best time for *erev* Yom Kippur immersion is late afternoon, either before the *minchah* prayer or after the final meal of the day, close to Yom Kippur.<sup>61</sup> But women go when *mikvaot* are available to them. Hours are generally set by *mikveh* administrators.

Women immerse on *erev* Yom Kippur for a variety of reasons: a feeling of connection to other Jewish women, maintaining family custom, achieving purity and preparing for the sanctity of Yom Kippur.

'I feel that it's one time a year that I have to purify myself,' said one middle-aged woman. A young woman in her thirties, who has observed the custom as a married woman and as a divorcee, said, 'I had little children in the house, and the main preparation [for Yom Kippur] was all the physical stuff: food, haircuts, etc. I was so engrossed in *gashmiyyut* [physicality] that I needed to break away. I needed a spiritual preparation. It was just me, the *mikveh* waters and *Hashem* [God], and I was able to put everything else aside.'

A married woman who first immersed on *erev* Yom Kippur while still single said, 'I felt it was a privilege to go. But it meant even

more to me after I was married, because I saw a different meaning to *mikveh*. I felt a closer connection to the Almighty - it's a spiritual experience that can't be expressed in words.'

Other women reportedly felt that pre-Yom Kippur immersion was 'a spiritual high', 'one way we prepare ourselves to do *teshuvah*,' and 'a *chizzuk* [strengthening] for Yom Kippur' that 'satisfies a psychological need.'

While *mikveh* attendants are overwhelmingly supportive of this custom and of the women who observe it, more than a few rabbis are wary of it. Some object to pre-Yom Kippur immersion by married women who are not actually menstruating but still *niddah*, because they might be tempted to have forbidden sexual relations with their husbands.<sup>62</sup> But most objections focus on immersion by unmarried women, and the arguments are often framed in terms of public policy rather than halakhic permissibility. In a recent book, the chief rabbi of the Old City of Jerusalem is quoted as saying that both *niddah* married women and all unmarried women should be discouraged from immersing on *erev* Yom Kippur; moreover, 'it should not be specified that some say that unmarried women also immerse.'<sup>63</sup> In contrast, R. Henkin writes that a rabbi 'should not stop those who wish to immerse' at this time, including single women, unless 'he sees that there is a hazard in the matter' - i.e., he believes that a serious violation of Jewish law would result.

Some rabbis are unaware that contemporary women observe the custom. A Brooklyn rabbi, informed that some unmarried women in his community immerse, said, 'I wasn't aware of it, but they're doing wrong.' In a neighbourhood where outdoor placards publicized the availability of a *mikveh* to women and girls, one rabbi announced publicly that the custom of unmarried women is not to immerse before Yom Kippur. Later, privately,

he said he would consider ruling on a case-by-case basis for unmarried women who wished to immerse for a specific reason. Meanwhile, according to an attendant at a local *mikveh*, some unmarried women immersed there despite his disapproval.

One rabbi explained that he is concerned about the effect that permitting immersion could have on women who do not observe the custom: 'When some people take on a *chumrah* [stringency], others who don't do it are looked down upon. This is not done by the majority of religious women ... I don't like starting new *minhagim*.' He added, however: 'If women already had adopted the custom of doing this, I might ... perhaps make more of an effort to accommodate them.'

### Conclusion

Unlike some recently created Jewish rituals with little or no basis in Jewish tradition, immersion in a *mikveh* on the day before Yom Kippur is an authentic Jewish practice - a centuries old *minhag Yisrael*, surrounded by biblical associations. Today, when the struggle toward repentance must proceed without Temple or High Priest, a Jew who immerses at this time becomes in effect a *kohen gadol*, physically expressing a readiness for repentance and for serving God. While not necessarily meaningful to everyone, immersion can be a powerful spiritual act, offering an opportunity to connect with past generations and to prepare emotionally for the holiest day of the year.

Performance of this ritual requires knowledge of its purpose, of what it does and does not accomplish. There are risks of its being misused, but also potential benefits. The experience may enhance spirituality, especially for women who do not attend the *mikveh* at any other time, because they are not married or not menstruating. Pre-Yom Kippur immersion may even encourage monthly halakhic immersion among women who do not yet observe it.<sup>64</sup>

At any rate, the prospect of wider observance of this custom raises a variety of questions:

Are *mikveh* attendants and rabbis ready to give women accurate information about the significance and purpose of the immersion?

How realistic is the fear that the practice would lead to promiscuity and other serious violations of halakhah? Should we suspect the motives of every woman who adopts the custom or trust her to act *leshem shamayim* (for the sake of heaven)?

Is immersion before Yom Kippur more likely to generate thoughts of holiness or thoughts of sin? Does immersion hinder or help the process of repentance and the struggle to come close to God?

Some individuals and communities have already found their answers. Others have yet to weigh the risks against the positive possibilities. Ultimately, however, whether or not the door to the *mikveh* remains open to all Jewish women on *erev* Yom Kippur may depend on how many women wish to walk through it.

### Acknowledgments

I wish to thank R. Yehudah Herzl Henkin for sending me a detailed responsum that provided several sources and ideas for this article, and to express special appreciation to R. Saul J. Berman and R. Daniel Greenwald for their helpful comments and assistance. My thanks also to Aliza Berger-Cooper, R. David Freedman, R. Leo Landman, Aryeh Merzel, R. Joseph Ozarowski, R. David Weiss-Halivni, the staff at the Hedi Steinberg Library at Yeshiva University's Stern College for Women and the many consci-entious, unrecognized *mikveh* attendants who patiently answered my questions and who trust Jewish women to act 'for the sake of heaven'.

### Notes

1 Shemot 19:10 and commentaries by Ramban and Ibn Ezra ad loc; Shemot 19:14-

15 and Rashi, 19:15, *al tigeshe el ishah*; *Mekhilta de Rabbi Yishmael*, ed. Meir Friedmann (Vienna, 1870), *Masekhta Debachodesh*, Yitro, *parasha* 3; Yevamot 46b and Keritot 9a; Rambam, *Mishneh Torah*, *Hilkhot Issurei Biah* 13:3.

2 Vayikra 7:19-21, 12:1-5, 15:16-28, 22:1-7; Bemidbar 19:1-22 on impurity of a corpse.

3 Vayikra 16:30.

4 Vayikra 16:4 and Rashi, *verachats bamayim*; Vayikra 16:24 and Rashi, *verachats et besaro*; Mishnah Yoma 3:3, 3:6.

5 Mishnah Yoma 8:9 quoting Yechezkel 36:25.

6 Ibid., quoting Yirmeyah 17:13.

7 *Tosefot Yom Tov* explains that God mercifully helps motivated individuals begin the process of repentance through purification.

8 Mishnah Berakhot 3:5-6; Berakhot 20b-22a, with Rashi, 21b, *zav sheraah ker*; Bava Kamma 82a-b; *Mishneh Torah*, *Hilkhot Tefillah* 4:4-5.

9 Berakhot 22a; Yerushalmi, Berakhot 3:4; *Mishneh Torah*, *Hilkhot Tefillah* 4:4; *Sefer Hachinnukh* (historically attributed to R. Aharon HaLevi of Barcelona), *Parashat Metsora*, *Mitsva* 180; Shulchan Arukh *Orach Chayyim* (henceforth, OH) 88:1.

10 Mishnah Berakhot 3:6; Berakhot 21b and 26a, including Rashi, Berakhot 21b, *zav sheraah ker* and *poletet shikhvat zera*, and 26a, *zav sheraah ker* and *shepaltah shikhevot zera*; *Mishneh Torah*, *Hilkhot Tefillah* 4:5, *Hilkhot Avot HaTumah* 5:9. See also R. Leopold Winkler, *Levushei Mordekhai*, part 1, *Yoreh Deah* (henceforth YD) no. 123, and R. Moshe Sternbuch, *Moadim Uzemanim*, vol. 6 (Jerusalem, 1964-65), p. 111.

11 The talmudic justification for discontinuing the practice is R. Yehudah ben Beteira's opinion that 'the words of Torah are not susceptible to impurity' (Berakhot 22a). See *Tosafot* to Bava Kamma 82b, *ata ihu*; *Mishneh Torah*, *Hilkhot Keriat Shema* 4:8; R. Yaakov ben Asher, *Arbaah Turim* (henceforth *Tur*), OH 88, with commentary by *Beit Yosef* and *Bach* (*Bayit Chadash*).

12 The Talmud indicates that removal of substances that could interfere with immersion should be done on *erev* Yom Kippur, in case seminal emission occurs on Yom Kippur itself. Eventually, however, immersion for purity on Yom Kippur was forbidden. Rashi, Yoma 88a, *ule'erev yeshafshef*; *Mishneh Torah*, *Hilkhot Shevitat Asor* 3:3; OH 613:11-12; Sternbuch, pp. 45-46.

13 R. Saadia Gaon *Teshuvot HaGeonim*, *Shaarei Teshuvah* ed. Zeev Leiter (Pittsburgh, 1980s)

- no. 202; R. Amram bar Sheshna Gaon *Seder Yom Kippur*, *Seder Rav Amram Gaon* ed. Daniel Goldschmidt (Jerusalem, 1989) p. 160.
- 14 For the purity reason, see R. Tsidkiyyahu ben Avraham Anav, *Shibbolei HaLeket HaShalem*, ed. Solomon Buber (Vilna 1886, reprinted New York, 1959), quoting R. Yitschak or R. Simchah of Speyer, sec 310; *Rosh* on Yoma 8:24, cited by *Tur* OH 606, *venahagu litbol*; anonymous author, *Kol Bo*, *The Order of Erev Yom Hakippurim*, sec 68, p. 33; R. Shimshon bar Tsadok, *Sefer Tashbets*, para 122. For the repentance reason, see *Shibbolei HaLeket*, secs 283 and 310; and R. Yaakov ben Yehudah Landau, *Sefer HaAgur HaShalem*, ed. Moshe Hershler (Jerusalem, 1959-60), *Hilkhos Yom Hakippurim*, para 924.
- Traditionally, only one immersion is necessary for purification, but three are preferred for repentance. See e.g. *Remah* OH 606:4; *Arukh Hashulchan*, OH 606:6; *Mishnah Berurah* 606:4, para 21. The number 'three' is based on sequences of biblical verses referring to immersion, purity and/or Yom Kippur. See *Sefer Chasidim* ed. Reuven Margoliot (Jerusalem, 1956), sec 394, pp. 284-85, cited in Daniel Sperber, *Minhagei Yisrael* vol. 2 (Jerusalem, 1991) p. 187.
- 15 The analogy between Jews on Yom Kippur and angels is attributed to two midrashic sources: (1) *Midrash Tanchuma*, *parashat Va'etchanan*, cited by *Sefer Mordechai* on *Masekhet Yoma*, para 723, and *Rosh* on Yoma 8:24; and (2) *Pirkei de Rabbi Eliezer*, ch. 46, cited by *Tur* OH 606 (last sentence); R. Yitschak Abuhav, *Menorat HaMaor*, vol. 2 sec 295, para 6; R. David ben Yosef Avudraham *Sefer Avudraham HaShalem* (Jerusalem 1962-63), *Seder Tefillat Yom Hakippurim*, p. 279; and R. Eliyyahu ben Shelomoh Zalman, *Biur HaGra*, OH 606:4, who interprets the phrase as 'innocent of all sin'. In the Midrash editions I checked, the phrase 'as pure/as innocent as the angels' does not appear where these sources say it is. It appears in *Midrash Rabbah*, *Devarim*, *parasha 2 Va'etchanan* ed. R Avraham Steinberger (Jerusalem, 1982-83) para 36. See notes 30-31.
- 16 R. Menachem ben Shelomoh HaMeiri, *Beit HaBechirah*, 2<sup>nd</sup> ed. vol. 1 (Jerusalem 1964-65) on *Berakhot* 22a p. 77.
- 17 *Shibbolei HaLeket*, sec 283 quoting R. Simchah of Speyer and *Avot de Rabbi Natan*, *Nuscha* 1 ch. 8. See R. Yitschak ben Mosheh of Vienna, *She'elot Uteshuvo' Or Zarua* 1:112, cited by Sperber p. 186: 'If someone repented, he is immediately a completely righteous person...but he requires immersion to purify himself from the sin that made him impure.'
- 18 Shulchan Arukh YD 268:2; *Remah* YD 268:12.
- 19 R. Saadia Gaon, *Shaarei Teshuvah* no 202; R. Elazar ben Yehudah of Worms, *Sefer HaRokeach HaGadol*, *Laws of Yom Hakippurim*, sec 214; also *Rosh*, Yoma 18:24, and *Sefer Tashbets*, para 124, *ve'adam yakhol litbol*: literally, 'a man may immerse' but also 'a person may immerse'.
- 20 R. Aharon HaKohen of Lunel, *Orchos Chayyim*, *Laws of Erev Rosh Hashanah*, para 3, and *Laws of Yom Hakippurim*, para 16. See also *Meiri Berakhot* 22a.
- 21 Sternbuch, p. 111.
- 22 Rashi, *Berakhot* 22a *mikan amru*.
- 23 R. Yehudah Herzl Henkin, *Benei Banim* vol. 3 (Jerusalem, 1997) no. 5. All further citations to R. Henkin are from this responsum. Immersion in a river is mentioned in *Kol Bo*, sec 68; *Orchos Chayyim*, *Laws of Erev Rosh Hashanah*, para 3; and *Zohar* III, *parashat Pinchas*, 214b. Generally, women immerse after menstruation only at night; see YD 197:3-5.
- 24 R. Yitschak ibn Ghayyat, *Sefer Shaaarei Simchah* (Furth, 1860-61), Part 1, *Hilkhos Yom Hakippurim*, p. 59; R. Avraham ben Natan (*HaYarchi*) of Lunel, *Sefer HaManhig* (Jerusalem, 1950-51), *Hilkhos Tsom Kippur*, para 52, quoting R. Amram Gaon.
- 25 R. Yaakov ben Mosheh Moelin, *Sefer Maharil*, ed. Shlomo Spitzer (Jerusalem, 1988), para 4, p. 316. Women who had sexual intercourse within three days of *erev* Yom Kippur, he says, should douche before immersion so they will not expel any remaining semen afterward and become impure again. The three-day period, like the three-day separation of men and women before receiving the Torah, is based on the belief that sperm remain viable for that length of time. See *Shemot* 19:15 and Rashi, *al tigeshu el ishah*. *Maharil* adds that women who may be pregnant should not douche because they may destroy the embryo.
- 26 *Maharil*, para 3, p. 315. Rabbinic references to *betulot* immersing before Yom Kippur appear to mean 'unmarried women' rather than specifically 'virgins'. Many later authorities also cite both the repentance and purity reasons, e.g. R. Yeshayah Horowitz, *Shenei Luchot Haberit*, p. 228, *Mitsvat Hatevilah*; *Magen Avraham*, OH 606:8; R. Efrayyim Zalman Margoliot, *Mateh Efrayyim* 606:8. R. Shlomo Ganzfried, *Kitsur Shulchan Arukh* 131:6; R. Shneur Zalman of Lyady, *Shulchan Arukh HaRav*, *Hilkhos Yom Hakippurim* 606:11-12; R. Yaakov Chayyim Sofer, *Kaf Hachayyim* OH 606:55; *Mishnah Berurah* 606:4, para 21.
- 27 *Remah*, *Darkhei Mosheh*, *Tur* OH 606:3 citing *Maharil*.
- 28 OH 606:4 and *Remah* ad loc; see also R. Yosef Karo, *Beit Yosef*, *Tur*, OH 606.
- 29 *Magen Avraham*, OH 606:4 para 8.
- 30 *Magen Avraham*, OH 610:4, para 5, referring to R. Mosheh Mat, *Teshuvot Mateh Mosheh*, no. 840; the idea appears earlier in notes to R. Yitschak Tyrna *Sefer HaMinhagim*, *Yom Kippur*, para 142. The statement is based on *Midrash Rabbah*, *Devarim*, *parasha 2*, *Va'etchanan* (see above, note 15) and on *Yalkut Shimoni* to *Mishlei* 21:22, which interprets a metaphorical verse to prove that angels are male. See R. Shemuel Kolin, *Machatsit HaShekel*, OH 610:4, para 5.
- 31 *Magen Avraham* does not exclude women in OH 606:4, para 8, in his discussion of pre-Yom Kippur immersion. He refers to *Mateh Mosheh* only in the context of a view that women do not wear white on Yom Kippur (a custom noted by *Remah*, OH 610:4) because they are not like angels. But he notes that women may wear the traditional *kittel* (white robe) for the positive purpose of attaining humility. Similarly, the desirability of immersing for the purpose of repentance (606:4, para 8) would presumably override hesitations based on presumptions about women and angels. See *Machatsit HaShekel*, OH 610:4, para 5. R. Eliyyah Shapira, *Eliyyah Rabbah*, OH 606, para 9 quotes *Mateh Mosheh* and *Maharil*.
- 32 e.g., *Arukh HaShulchan*, OH 606:6; R. Avraham ben Yechiel Danzig, *Chayyei Adam*, *Hilkhos Yom Kippur* 144:7.
- 33 *Mateh Efrayyim* 606:8; *Kitsur Shulchan Arukh* 131:6; *Mishnah Berurah* 606:4, paras 17, 21; *Shulchan Arukh HaRav* 606:11-12. Sternbuch, p. 111; Henkin, op cit; Spector, *She'elot Uteshuvo' El David* (Kiryat Arba) pp. 112-24 (my thanks to Mr Tzvi Maurer for pointing out this source). Sternbuch says that 'in some places' women do not immerse at all, implying that in other places, they do.
- 34 Al-Chakham, *Rav Pe'alim*, vol 4, (*Yoreh Deah*), no. 16; *Torah Lishmah*, OH no. 166; *Sefer Ben Ish Chai*, *Hilkhos Shanah Rishonah*, *parashat Nitsavim*, no. 3 and *parashat Vayyelekh*, no. 8. *Kaf Hachayyim*, OH 606:5; R. Chalfon Moshe HaKohen *Teshuvot Shoel Venishal* vol. 5 YD no 99.
- 35 R. Refael Barukh Toledano, *Kitsur Shulchan Arukh HaShalem*, *Hilkhos Yom Hakippurim* 438:29.
- 36 R. Yitschak Yaakov Weiss, *Minchat Yitschak*, vol. 6, section 146. The immersion does not remove *middah* status, he says, because the woman does not intend that result. The *Shulchan Arukh*, YD 198:48, rules that a woman who immerses in a *mikveh* (apparently after the other necessary preparations) without the intent to become



ritually pure for sexual intercourse is permitted to engage in intercourse anyway. Some authorities require her to immerse again with the proper intent. See *Remah's* notes, ad loc. R. Shraga Feivush Schneebalg rules that pre-Yom Kippur immersion removes the *niddah* status of a 'pious woman' (i.e., without long hair) whose seventh 'clean' day falls on *erev* Yom Kippur, whatever her intent. *She'elot Uteshuvot Shraga HaMeir* (London, 1990), part 1, no. 28.

37 *Rav Pe'alim*, vol. 4, no. 16; see also *Levushei Mordekhai*, part 1, Y.D. no. 123.

38 *Torah Lishmah*, OH no. 166.

39 *Rav Pe'alim*, vol. 4, no. 16.

40 Rabbis opposing unmarried women's immersion include R. Chayyim Chizkiyah Medini, *Sedeh Chemed, Maarekhet Yom HaKippurim*, sec. 1, para 6; *She'arim Metsuyyanim BaHalakhah* 131:6, para 13; Finkelstein, *Elef HaMagen on Mateh Efrayyim*, 606:8, para 16; R. Eliyahu ben Mosheh Tzevi Posek, *She'elot Uteshuvot Mor Veoholot*, 1st ed. (Monroe, N.Y., 1990-91), *Ohel Erets Nod*, sec. 183, para 11, p. 84; and R. Ovadiah Yosef, *Sefer Tohorat HaBayit* (Jerusalem, 1987-88), part 1, *Dinei Issur HaNiddah*, para 7, *Mishmeret HaTohorah* notes, pp. 34-36. For opposition to immersion by any women who are *niddah*, see R. Yosef op cit and Moshe Harari, *Mikraei Kodesh*, 2nd ed. (Jerusalem, 1994), p. 47, note 66.

For sources pro and con, see R. David Auerbach, *Halikhot Beitah* (Jerusalem, 1983-84) pp. 279 and 287-88; and R. Yitschak Yaakov Fuchs, *Halikhot Bat Yisrael* (Jerusalem, 1983-84), pp. 268-69, and its English version, *Halichos Bas Yisrael: A Woman's Guide to Jewish Observance* (Jerusalem/New York, 1987), pp. 150-51. R. Fuchs' Hebrew text states: 'Some say that even unmarried girls who are bat mitsvah age immerse [before Yom Kippur], and there are some who are not accustomed to immerse.' The later English version changes the second half of the sentence to: 'but this [immersion] is not the general practice.'

41 See Hayim Soloveitchik, 'Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy,' *Tradition* 28:4, p. 67.

42 *She'elot Uteshovot Rivash*, no. 425. All quotations from *Rivash* in the text are taken from this responsum.

43 *Rivash* quotes *Chiddushei HaRamban* on Shabbat 13b, on the Talmud's account of a scholar who died young because he had physical contact with his wife when she was rabbinically, although not biblically, *niddah*. She had performed only the first of

the two post-menstrual immersions common at that time; one after the biblical *niddah* period, to attain ritual purity for non-sexual purposes, and another after the seven rabbinically prescribed 'clean days', to permit marital relations. After the destruction of the Temple, the first immersion was no longer required, and the rabbis abolished it as 'a stringency that could lead to a leniency'.

44 For the terminology of prohibition regarding unmarried women's immersion, see R. Yehudah Ashkenazi, *Be'er Hetev*, OH 303:1, para 1, quoting another commentary by the same name (probably R. Yeshayah ben Avraham HaLevi): 'Young unmarried women [or here, virgins] are forbidden to immerse.' But in a comment on *Remah*, YD 183:1, para 1, *Be'er Hetev* says that unmarried women have 'no need for immersion'. See also R. Shabbetai ben Meir HaKohen, *Sifte Cohen*, YD 197, para 3.

45 *Sedeh Chemed* para 6.

46 *She'arim Metsuyyanim BaHalakhah*, 131:6, para 13; *Kitsur Shulchan Arukh* OH 131:6.

47 *Sefer Tohorat Habayit*, p. 36. He also cites *Shevet Halevi's* (R. Shemuel Halevi Vosner) statement that, while this immersion is forbidden for women counting the seven days, it is permissible for married women 'in the days of actual impurity': apparently still menstruating. See also *Yabbia Omer*, vol. 1, *Orach Chayyim*, no. 30, para 15, and vol. 5, YD, no. 27, *veim kenim hadevarim*; R. Yitschak Yosef (R. Ovadiah's son), *Sefer Yalkut Yosef* (Jerusalem, 1987-88), 'Laws of Erev Yom HaKippurim,' para 1, pp. 82-83, and note 4, p. 83, and *Sefer Otsar Dinim* (Jerusalem, 1989-90), *Hilkhot Yom HaKippurim* 21:11. R. Chayyim Tzevi Ehrenreich, cited in notes to *Sefer Yalkut Yosef*, argues that unmarried women's immersion before Yom Kippur is not a problem when its purpose and procedures are properly understood, but that the custom is not established in communities he knows. *Ketseh HaMateh to Mateh Efrayyim* 606:8 para 14.

48 *Rav Pe'alim*, vol. 4, no. 16; Henkin, op cit.

49 On self-inspection before post-menstrual immersion, see YD 198-99, especially end of 199:8. On requirements for *erev* Yom Kippur immersion see e.g. *Mateh Efrayyim* 606:8; *Mishnah Berurah* 606:4; para 26; *Kitsur Shulchan Arukh* 131:6; *Ben Ish Chai*, *Hilkhot Shanah Rishonah*. See note 34.

50 *Ketseh HaMateh*, 606:8 para 14; Henkin, op cit; Spector, p. 113; *Rav Pe'alim* vol. 4 no. 16 argues that married women who immerse during the seven 'clean' days without combing their hair or cutting their nails to prevent a *chatsisah* consequently realize that the immersion does not make sexual

relations permissible.

51 *Vayikra* 15:19, 15:25, 15:28; YD 199:8.

52 YD 198:46.

53 *Mishnah Yoma* 1:6 and commentary by R. Ovadiah of Bartenura, ad loc; *Yoma* 18b and Rashi, *im hayah chakham doresh*.

54 *Yoma* 19b, cited by *Sedeh Chemed* para 6.

55 *Yoma* 19b and Rashi, *hakhoshed bikeshirim*; Mosheh doubted that the Israelites would believe his report of God's appearance to him and was therefore temporarily afflicted with a skin disease. See *Shemot* 4:1 and 4:6.

56 *Mishnah Taanit* 4:8; *Taanit* 26b, 31a.

57 *Ketseh HaMateh* 606:8, para 14.

58 Henkin, op cit.

59 According to R. Henkin, this custom exists in Israel. In a private communication, R. Henkin reported that in 1993, 72 women immersed on *erev* Yom Kippur in Kiryat Moshe, Jerusalem, as compared with several hundred men.

60 For the majority opinion, see e.g. *Rosh Yoma* 8:24 (who notes that the comment in *Rosh Hashanah* 16b that purification is necessary 'before a major festival' is not a basis for *erev* Yom Kippur immersion); *Tosafot*, *Berakhot* 22b, *veleit hilkheta kevatei*; *Sefer Hamanhig* para 52; *Kol Bo*, sec 68; *Sefer Tashbets* para 123; *Tur* OH 606, *venahagu litbol* and *Beit Yosef*, ad loc; R. Mordekhai Jaffe, *Levush Malkhut* vol. 1 OH 606:3: OH 606:4.

Other scholars contend that immersion before Yom Kippur is the only obligation remaining of Ezra's decree, and a *berakha* is permitted or even required. See R. Saadia Gaon, op cit; *Shibbolei HaLeket*, sec. 310; R. Yehiel ben Yekutiel Anav, *Tanya Rabati*, sec. 78; *She'elot U'Teshuvot* of R. Yisrael Chayyim of Bruna, no. 49; R. Avraham Bornstein, *She'elot Uteshovot Avnei Nezer, Orach Chayyim*, part 1, no. 452; R. Tzevi Pesach Frank, *Mikraei Kodesh: HaYamim HaNoraim*, ed. Y. L. Frank and S. D. Rosenthal (Jerusalem, 1977-78), pp. 123-24; R. Yona Metzger, *Sefer MiYam HaHalakhah* (Tel Aviv, 1991-92), p. 163; *Sternbuch*, pp. 111-13.

61 *Seder Rav Amram Gaon*, p. 160, cited by *Rosh*, *Yoma* 8:24; *Tur* OH 606; *Maharil*, paras 3-4; *Magen Avraham*, OH 606:4, para 8; *Mishnah Berurah* 606:4, para 18. *Shulchan Arukh*, OH 606:4, says that immersion may be performed at any time before nightfall.

62 e.g. Harari p. 47 note 66. R. Henkin argues that theoretically, immersion by married women during their seven 'clean' days is more problematic than immersion by unmarried women, especially since the talmudic case cited by *Rivash* involved a

married woman who had immersed before the end of the rabbinic *niddah* period. But he concludes that today, married women may immerse for Yom Kippur at that time because the immersion cannot be assumed (and in practice is not assumed by couples) to eliminate *niddah* status.

63 Harari, quoting R. Avigdor HaLevi Nebenzahl, pp. 47-48, notes 65-66.

64 Spector, pp. 113-4. A few days before Yom Kippur of 1996, in the Chicago area, a group of 15 Reform Jewish women who had become interested in the ritual of religious immersion toured a *mikveh* and

learned the theory and practice of both pre-Yom Kippur and post-menstrual immersion from an Orthodox teacher. According to the organizer of the group, one of the women subsequently said that for the first time in her life she is seriously considering adhering to the laws of *mikveh*.

#### Editor's Note

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A Jewish Woman from Morocco, 1878. She is wearing a Jewish ceremonial dress *keswa el kbira*, given to a bride by her father as part of her dowry and worn for special occasions such as weddings and circumcisions.