

LIVED REGULATIONS, SYSTEMIC ATTRIBUTIONS Menstrual Separation and Ritual Immersion in the Experience of Orthodox Jewish Women

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The rules that govern Jewish Orthodox women's bodies, in particular those of ritual purity and immersion, are often criticized as patriarchal and an expression of oppression or domination. This study challenges the structuralist analysis of the regimen of ritual purity by examining how religious women themselves live and experience this system. The authors interviewed 30 Orthodox Jewish women living in Israel who observe these rituals in an effort to hear their experiences. The women's expression of their experiences moved beyond the conventional, schematic abstractions of the oppression-empowerment dichotomy into a multitextured range of responses. This article presents the ways in which they voiced this multiplicity of feelings and experiences.

Keywords: *women's ritual; niddah, mikveh, oppression, Jewish religious rites*

The demonization and regulation of women's bodies within religious patriarchies has been well documented in various cultures. Women have been subjected to a range of negative characterizations (e.g., as polluting, dangerous temptresses; Douglas 1966), and their bodies have been accused of being "inherently different from men's [bodies] in ways that made them both defective and dangerous" (Weitz 1998, 3). As a result, women have been systematically overdressed and undressed, locked indoors and exposed to public humiliation, and even burnt at the stake to placate men's fears about the hyperbolized, often mythologized, dangers their bodies are purported to pose (Arthur 1999; Daly 1999; Eilberg-Schwartz 1995; Polhemus 1978; Sanday 1982; Turner 1996). Menstruation in particular, an almost universal

AUTHORS' NOTE: *We wish to thank Shira Wolosky and Charles Buckholtz for their generous help and insightful comments.*

REPRINT REQUESTS: *Naomi Marmon and Tova Hartman, Hebrew University, PLS. PROVIDE ADDRESS.*

GENDER & SOCIETY, Vol. XX No. X, Month 2004 1-
DOI: 10.1177/0891243204264810
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taboo, has been studied extensively from a range of perspectives: Psychological, sociological, anthropological, and comparative religious. Feminist analysis has highlighted the extent of the oppression the various strictures surrounding the menstrual taboo effect—spoken and unspoken, encoded in texts, and transmitted orally.

Religious codes, which tend to reify these attitudes into explicit catalogues of restrictive norms, can be pointed to as obvious agents in this systemic silencing of women. The Jewish laws of modesty and *niddah* (the system of ritual purity and immersion) would seem to serve as Judaism's version of this familiar patriarchal device. Jewish feminists claim that these laws oppress and degrade women and their bodies because their restrictions imply that women are a "potential source of pollution and disorder whose life and impact on men must be regulated" (Baskin 1985, 14; see also Baum, Hyman, and Michel 1976; Biale 1984; Priesand 1975; Swidler 1976). Judith Plaskow (1990, 184-85) maintained that based on Jewish sources about women, "It is difficult to conclude anything other than that women are a source of moral danger and an incitement to depravity and lust." "It is precisely in this area [of sexual regulation]," said Paula Hyman (1976, 110), "that the second-class status of women within Judaism is highlighted."

This systemic or structural critique of patriarchal systems in general and Jewish religious law as a salient case in point—particularly the negative valuations attributed to menstruation and the oppressive practices that arise therefrom—has unquestionable force. We certainly concur with the basic insight that as a *mitzvah* (commandment) that is specifically incumbent on women yet governs and regulates the sexual relationships of married couples, *mikveh* immersion, like the menstruation rites of other cultures, "is a fecund symbol for both condensing and expressing a complex set of notions about women, life, and the world" (Delaney 1988, 76). At the same time, it is our claim that the theoretical power of this account leaves unanswered—perhaps unasked—just how religious women themselves live and experience their regimens and commitments: How they both see and do not see the disciplinary structures (see Foucault 1975 **PLS. PROVIDE REF.**) in which they reside and through which they, in very complex and countering ways, define themselves.

Foucaultian discipline structure is extremely relevant and powerful in analyzing these practices. *Niddah*, in fact, is a highly complex structure of what Foucault (1975) called "micropractices." In *niddah*, these would include awareness of beginning and end of menstruation as well as the postures of the body during this period of taboo, which can include cooking, sleeping arrangements, dress, and a very detailed range of regulations of intimate contacts. The discipline is there; however, it is not just punishment. There are certainly coercive penetrating elements. Yet how it is practiced becomes a medium of expression for the women who practice it, according to their own interpretation and voice.

The stark dichotomy often posited in structuralist thinking between rule on one hand and its interpretation/attribution on the other (including psychological attitudes and behavioral practices) is something we wish to challenge with what might be called a more hermeneutic approach. Just as in hermeneutics, a text cannot be

uncoupled from its interpretation—the interpretation is in some way constitutive of the text—a structuralist approach that attempts to separate rules from the women who live them seems inherently flawed. This is particularly salient in the Jewish context, where rules are in fact manifest in text. The text is read; the rule is lived. The hermeneutic frame opens what might appear in structuralist thinking as a rigid, oppositional dichotomy, toward the more nuanced realities of experiential life, and therefore applies to the women we interviewed.

It is indeed an unintended irony of structuralist analysis that precisely because the models themselves are so compelling, the necessity to listen closely to the voices of actual people seems, on some level, to be obviated. If such voices are sought out and solicited, there is a strong temptation to theorize them into preexisting categories and systemic abstractions rather than to place them in a dynamic relationship with theory, allow them to call the categories into question, or force us to recalibrate our understanding of the system itself. Thus, when one comes to rely too heavily on structuralist methods for understanding cultures, the nuances of individual lives are often obscured. In fact, as potent as the systemic critique of religious patriarchy admittedly is, it has not yet managed to articulate a multivocal account of the experiences of women living within these systems (for exceptions, see Kandiyoti 1991; Kaufman 1993).¹ This absencing of actual women's voices constitutes a conspicuous gap in knowledge and, consequently, a theoretical weakness.

This article examines case studies (Stake 2000) of Orthodox Jewish women vis-à-vis the practice of niddah. Our intention here is primarily cartographic: To map out the lived landscape of niddah observance in all its provocative complexity and in doing so convey something of the richness and sophistication of the women who are constantly negotiating its marked trails and hidden passes, its contours and its cliffs. "Social reality is characterized by discontinuities in which plurality and the coexistence of opposite meanings take place. To reduce those to a two-dimensional picture is to flatten and constrain the field of knowledge" (Perelberg 1990, 45). What emerges, then, is a picture of niddah practice as viewed from the perspective of the women who live within the Jewish legal (*halakhic*) system that looks very different from the characterizations of those lives as deduced or inferred from systemic analyses.

When thinking about the observance of niddah, we kept in mind that ritual acts can be conceptualized in terms of two constituent parts: Regulation and attribution. *Regulation* refers to the behavioral aspects of the ritual, *attribution* the reasons given for the behaviors. Steinberg (1997) pointed out that Orthodox Jewish tradition, and especially niddah observance, require fealty to ritual praxis irrespective of one's attributions or understanding thereof. He also noted, along with Yanay and Rapoport (1997), that while the practice of niddah has remained relatively constant among traditional Jewish women over many centuries, the attributions have varied radically at different times and in different places.

As discussed above, the rules that govern religious women's bodies are often criticized as oppressive methods of domination. In fact, a self-conscious discourse

of oppression figured prominently in our informants' descriptions of their experience observing the niddah laws. This, however, was only part of the picture: They also had many positive attributions with regard to the ritual and uplifting things to say about the effects and implications of niddah in their lives. What was most striking about the accounts these women gave was the ease and willingness with which they made distinctions: Among elements of these practices they found meaningful and/or beautiful, those they found neutral or unmeaningful, and those they found burdensome, unsavory, offensive, or oppressive. As we will show, it is the simultaneous validity of this multiplicity of responses—so often set in opposition—which in fact constitutes the vibrant discourse of observance.

METHOD

The authors conducted one-to-one, in-depth personal interviews with 30 Orthodox Jewish women in Jerusalem during the course of the year 2001. The interviews centered around the women's experiences with the rituals of niddah and *mikveh* immersion, including what these observances mean to them and how they affect their relationships with self, spouse, community, and God. An initial group was cultivated through informal contacts, which led to other contacts (snowballing). The women ranged in age from 25 to 57 and have been married between 4 months and 35 years.

All of the interviews were conducted in the mother tongue of the interviewee (either Hebrew or English). The majority were conducted in Hebrew and translated by the interviewer to English when transcribed from the audio recording. Each participant was interviewed once, with interviews lasting up to three hours. Interview sessions were conducted in the homes of the interviewees, at a time that was deemed comfortable and private. While similar topics were covered in each interview, an open format was employed, allowing the flow of conversation to follow the interviewee's lead. This meant that not every topic was discussed with each participant. The quotes below are representative of the reactions garnered.

In analyzing the interviews, we used the process of grounded theory development (Charmatz 1983, 1995) as well as elements of Gilligan et al.'s (1988) voice-centered analysis, which sensitized us to thematic patterns and the significance of linguistic cues. The strengths of the grounded theory method (Denzin and Lincoln 1994) were particularly appropriate for the goals of this study. This methodology allowed us to ground our analytical work firmly and concretely within both cultural context (Bruner 1990) and real-life situations (Mishler 1979; Tappan 1990). Thus, we utilized grounded theory not to prove or disprove hypotheses but rather to generate categories for theorizing our informants' experiences (Strauss and Corbin 1994).

While these observations can only be said to apply to the specific group of women interviewed (Altheide and Johnson 1998), it is our hope that their voices will help to illuminate the feelings of the larger population to whom they belong.

This work can also serve as a jumping-off point for further research into the experiences of different groups of modern women living within traditional valuative frameworks (Geertz 1966).

THE BURDENS OF OBSERVANCE

The basis for niddah practice is found in Leviticus (chap. 15, 18, 20). According to rabbinic tradition, a woman remains in niddah for a minimum of 12 days—5 for the period of the menstrual flow and 7 “clean” days thereafter. During this time, sexual intercourse and any physical intimacy is forbidden. At the end of the 7 clean days, a woman must immerse in the mikveh; husband and wife are then free to resume sexual relations.

An Awareness of Oppression

Throughout our interviews, there could be detected an undercurrent of these women’s grappling with the notion of oppression and its relevance to their lives. Often, they raised the issue unprompted, reflecting a general awareness of feminist claims regarding women’s roles in patriarchal religious structures. Deborah, for example, was clearly responding to this implicit discourse when, without our having asked her anything about oppression, she offered that “[the niddah laws are] not something that’s oppressive to me.”

These women’s awareness of feminist discourse and their desire not to think of themselves, or be viewed by others, as oppressed deeply informed their responses to the questions we posed. Once again without external prompting, in discussing how she and her husband moderate their intimacy during the times of niddah, Yael, the wife of a rabbi, first raised and then attempted to exorcize the specter of oppression: “[Niddah] shouldn’t be very oppressive. But every time, it’s true—there’s no doubt, there are. We go more covered, we try to go with pajamas . . . or all kinds of things that cover—there are all these things.” Despite her suggestion that “it shouldn’t be oppressive,” there is nonetheless the implicit concession that although perhaps ideally these laws should not be oppressive, that is nonetheless an unavoidable dimension of how they are experienced.

Although these women seem familiar in a general way with feminist vocabulary—familiar enough, for example, to appropriate the use of the term “oppression” to certain elements of their experience—ultimately we must ask if they are speaking the same language. To formulate an answer, we must first ask, What do these women mean when they use the term “oppression”? We suggest deconstructing the term into three subcategories, ranging in magnitude from (1) the imposition of severe inconvenience (e.g., a job with long hours or an “oppressive” commute), to (2) the stifling of ambitions and drives (e.g., career tracking), to (3) more literal and direct forms of subjugation (e.g., sexual harassment and exploitation, systemic wage discrimination). These are, of course, soft categories, with plenty of overlap

among them. Still, for heuristic purposes, they are useful in untangling some of the threads of our informants' discourse of oppression.

“Particularly Difficult”: The Unique Challenges Surrounding Niddah

Some of our informants reported experiencing the laws of niddah differently from other religious obligations. They found it “particularly difficult,” and this distinction can be accounted for by a number of factors. Leah depicted her difficulties with niddah as stemming from a combination of the newness of the mitzvah, the newness of the relationship it circumscribes, and the area of the relationship on which it lays claim:

This is really the first time that you have to deal with something that is really hard. What—do you struggle over transgressing Shabbat? . . . Things that are new for us we learn, we deal, we try, we improve . . . but these are really difficult. . . . I am sure that I am not the only person who is struggling with this difficulty . . . mainly in that a relationship is new and everything is new.

By contrasting this mitzvah with those surrounding Sabbath observance, she distinguishes between areas of observance that have become second nature through a lifetime of acculturation and the hardship of a new mitzvah to which she has become obligated through marriage.

Other women named different aspects of niddah observance as annoying or onerous. Chana, a mother of teenage children, spoke of the burdensome rigor of the internal checks required twice daily on the cessation of bleeding:

Well, I can say that it is certainly a burden! And the seven clean days are very difficult because you always feel that you have to be connected to the clock and see if it's time to do another check, and make sure that it doesn't get too late. That is a real pain.

While Chana discussed the burdens connected to time pressures, Rivka disdained the physically intrusive aspect of the obligation: “The checks are not pleasant. . . . It annoys me that I have to shove something into my body.”

These women's complaints about the niddah ritual fall roughly into the category of inconvenience as outlined above. This is not to dismiss or belittle their grievances, only to highlight the fact that they are framed more in terms of logistical annoyances than as threats to identity.

“A Horrible Feeling”: Niddah, Marriage, and Distortions of the Self

Yael felt differently. She also related directly to the particular difficulty of taking on niddah observance at the time of marriage, and her complaint begins with the characterization of niddah as an inconvenience or burden. However, the context in which she understands this burdensomeness expands and becomes tied to other

marriage-related identity hardships, which taken together become emblematic for her of a deeper form of oppression:

It's a certain burden, and we don't always love it. . . . At the beginning it's a horrible feeling because *they* are changing this for *you* and that for *you*—*they* change your family name, things that are difficult; that is, they do reduce a certain essence/identity (*mahut mesuyemet*). . . . *She* has to leave the family that gave her an identity and change *her* name, *she* has to cover *her* hair—and *she* already doesn't belong to everyone as *she* did before. (emphasis added)

Yael notes that the “burden” and “difficulty” of taking on niddah observance at this particular juncture of the life cycle is exacerbated by the constellation of other changes imposed on women at this time. Cumulatively, these changes brought about a “horrible feeling.” Unlike Leah, she relates to her observance not as a positive choice but as a series of abuses “they” are imposing on “you,” “she,” and “her”—absenting herself completely as a first-person voice from her own discourse (Brown and Gilligan 1992; Gilligan et al. 1988). This dissociation bespeaks an acute inner dissonance vis-à-vis the nexus of niddah and marriage that, for Yael, is far from resolved.

Yosefa's displeasure with niddah was not limited to its effect on her life immediately following marriage:

My problem is not just how hard it is to do the checks twice a day—not just that I can't have intercourse—it's that I can't be touched. My needs for being touched are not just sexual; they're human.

Yosefa expressed a profound sadness at the denial of nonsexual contact during niddah, which she experiences as a basic human need. After giving birth, she “stained” continuously for three and a half months, which, according to *halakha*, assigned her the status of niddah for that entire period. During that time, she underwent frequent and acute emotional crises, which she attributed to the denial of physical contact with her husband. She was aware that in cases of extreme emotional duress, *halakha* allows for leniencies. She also knew that to procure such an exemption would require petitioning a rabbi. “I know if I called my rabbi, told him I was crying all the time, he'd say okay; but why do I have to be mentally ill before I can get permission?” Yosefa felt that to enter into the legal fiction of mental illness would represent a compromise to her integrity even more damaging than the ordeal she was currently suffering. She related to the niddah laws as dehumanizing for the manner in which they disregarded her basic emotional needs.

Shifra was even more strident in her condemnation of niddah: “Not being able to touch each other is torture. . . . It's hard enough that you don't have sex when you want; but the touching. . . . To go to bed in a separate bed is just . . .” Shifra's speech became halting, her tone increasingly livid, as she described the intense frustration and inner turmoil of feeling bound inextricably to a ritual that is a source of unremitting personal torment.

To say that these women felt stifled by the niddah requirements would be a grave understatement; “suffocated” comes closer to encapsulating their responses. They experienced the ritually imposed cycle of separation and closeness as a series of deprivations and degradations in violent opposition to their psychological and emotional health. Knowing that they could be touched in the near future did nothing to relieve this distress; on the contrary, the absence of a sexually neutral space within which to relate to their husbands was a key deprivation and common complaint.

Legal Impotence: The Requirement To Ask a Rabbi

In addition to the significant emotional and physical difficulties presented by niddah observance, our informants also expressed frustration with its authoritarian structure. If a woman observing niddah sees a blood stain, either while she is not menstruating or on the cloth of one of the internal checks during the seven clean days before immersion, she is instructed to ask a rabbi whether this stain renders her unclean. She (or her husband) brings the cloth or her undergarments to the rabbi, who examines them and makes a ruling about her status. In this dynamic, our informants described feeling demoralized, divested of personal power—deprived not only of authority as a passive heir to this legal code but of an education sufficient to grant an understanding of its arcane bylaws.

Many of their accounts resonated with the third category of oppression—systemic subjugation—and thus with the feminist claim that religious women’s obligations, and the control of the body and sexuality, constitute a patriarchal exercise of domination and social control (Turner 1996).

I spoke to my husband, and then I asked a Rabbi. I didn’t really like that. To tell the truth, that was always something that really put me off in this whole matter because it’s very personal and private. And to go take your physiological evidence to someone—I was never comfortable with it. (Deborah)

Deborah’s words conveyed a sense of dehumanization in life’s most delicate sphere, such that she felt reduced to a kind of medical exhibit. Her humiliation was exacerbated by having to petition a man for menstrual validation and sexual permission—which in addition to being viscerally repellent reminded her that these obligations were part of a system in which men dominate women’s sexuality. Tina also expressed her experience of violation and domination in an almost physical way:

What really bothers me are the checks that I have to do inside my body: I sometimes have this feeling that it is the long hands of the rabbis of hundreds of years literally entering my body to check me.

Responses to Rabbinic Authority

Our informants described a range of responses to this sense of rabbinic subjugation. Deborah maintained her observance of the niddah ritual itself while eventually factoring out the rabbinic component. “I decided I had enough sense to make these decisions on my own.” Yertl made a similar decision—although hers can be viewed as somewhat more subversive and extreme, given that her husband is a rabbi who regularly answers niddah questions from women in their community. “Don’t you think it’s strange that during 25 years of marriage he never asked me, ‘Don’t you have a question?’ But I would never ask him or anyone.” Like Deborah, Yertl can be seen as practicing a kind of civil disobedience, appropriating authority where she feels authority has been traditionally misplaced.

Another informant expressed her hostility toward this aspect of niddah observance by manipulating the system to the point of mockery. Whenever she would have a stain that required consultation, she would “shop around” to see who would offer her the most lenient opinion, playing the power of the rabbinic authorities against one another. While her story added a cynical twist to a common frustration, and expressed her personal rebellion against this part of the system, it is important to note that at the end of the day she remained within the system—continuing to observe the laws and ultimately accepting rabbinic authority (albeit the most lenient version of it she could find) rather than casting off the system as a whole or even this particular ritual.

Tina noted that during the course of history, male impurity faded as a practical halakhic category, and men’s mikveh immersion was deemed obsolete. She related the story of a friend, strictly religious in all other aspects of her life, who ceased observing niddah as an act of resistance against this historical bias. “Well, too bad,” Tina quoted her friend as saying. “I’m stopping.”

BEARABLE TO BENEFICIAL, AUTHORITY TO POWER: POSITIVE RESPONSES TO OBSERVANCE

Our informants accept the obligations of halakha in their lives even when they personally dislike them and had little hesitancy acknowledging this difficulty. At the same time, many of them spoke at length of the benefit and value that the observance of *mitzvot* in general brings to their lives and extolled the importance of upholding them. Using terms such as “beauty” and “enhancement,” they stressed not only the voluntary and at times enthusiastic nature of their participation in halakhic ritual but a sense of value and benefit in the particular halakhic realm of niddah. Some had to search to find these benefits, while others claimed to experience them naturally and vividly. Some found that they made other, unsavory aspects of niddah observance bearable, some made no attempt to connect the two realms, and others spoke exclusively of empowerment and beauty.

Ritual as Rote: Commitment to Halakha as the Basis for Observance

One dominant strain in our interviews placed the value of niddah observance not locally within this particular set of rituals but rather as a component of halakhic observance as a whole. Many of these women spoke openly about the negative elements of niddah observance, but in the final analysis, they all concluded that the value of halakha as a way of life, and the benefits of membership within the religious Jewish community, outweighed these concerns. They related to the halakhic lifestyle as a whole greater than the sum of its parts.

Chava, who has been married for almost 35 years, made it clear that it was only because of her commitment to a religious way of life that she observed this mitzvah and that she did so despite profoundly negative feelings toward the ritual itself: “I hated the whole thing—from beginning to end. I only did it because I had to, but my life would’ve been much better without it.”

Similarly, Deborah “accepted [niddah] from the point of view that it is halakha,” maintaining, “I certainly do not see the logic in it.” She has a strong enough voice to state unequivocally that she feels burdened by what to her are incomprehensible strictures; yet ultimately, she chooses to subsume that voice to the goal of maintaining a religious lifestyle. In such an encompassing system, spiritual meaning and value are not necessarily to be found in every particularity of observance. Rather, the primary source of value is drawn from the fact of adhering to a lifestyle and deferring to a system in which, on the whole, one believes. Deborah articulated this position very clearly:

Why do I wait a certain number of hours between meat and milk, and why do I refrain from turning on the electricity on Shabbat, and why do I do lots of other things? From my point of view, it all belongs to the same category. It’s halakha. . . . It’s the way I live my life. . . . Do I feel a fantastic rush every time I do something? No!

Likewise, Rachel, who has seven children, noted that when she took on the obligations of the laws of niddah upon marriage, she felt “a great amount of happiness because I knew I was doing the right thing.” This sentiment recurred in many of the interviews.

A number of our informants placed even less stock in the niddah ritual *per se*. For us as observers, who prefer to place ritual activity—especially rituals as seemingly charged as niddah and mikveh—in contexts of valence and meaning, these women’s voices are important to keep in mind inasmuch as they resist placement on even a nuanced axis of oppression/empowerment. For them, niddah is simply internalized as one among many halakhic rituals, which themselves are indistinguishable from the other rituals of daily life. For example, Jane said, “I do not feel oppressed; for me it is not intrusive, it is a vestige of something. It is one of the things that do not have that much meaning, but I do them anyway.”

Despite her indifference *vis-à-vis* meaning, Jane did claim to find benefit in the niddah ritual:

I find no meaning in the ritual per se, but I do find benefit in the constant renewal of sexual interest. And there is a positive effect in having to find other means of communication [aside from sex]. This was not the reason for it, but it is a happy side effect. The point could've been made in less than two weeks a month, but still there is something to be gained.

Interestingly, Jane feels no need to translate these “happy side effects” of her niddah observance into sites of religious meaning, much less project them back into the ritual’s initial intent, that is, transform them into a form of apologetics. The ritual justifies itself: One divine commandment among many. No other explanation or justification is required.

Halakhic Enfranchisement: Subjective Authority in the Legal Sphere

One form of benefit many of our informants claimed from their niddah observance was a sense of halakhic enfranchisement, which translated for them into feelings of personal and collective efficacy (Bandura 1997; Weissberg 1999). As an encompassing legal system consisting of not only prescribed activities but commandments to perform, halakhic authority is constituted through the assignment of responsibility over mitzvot governing different spheres of life. The vast majority of these mitzvot, and certainly those invested with particular significance, are placed largely or wholly in the hands of men.

Not so niddah—women are the sole arbiters of this central mitzvah. This responsibility and authority gave many of our informants a sense of being valued and appreciated as subjects and agents in religious life. Being fully responsible for both their own and their husbands’ compliance with the laws was understood by some of our informants as a form of authority and respect. For example, Yael stated,

You are checking, you are doing the checks every time, and only you and God know what’s going on there—not even your husband. It’s all the responsibility of the woman! You can say it came out clean, you can say all these things, and no one will know if it’s true or it’s not true, but it’s up to you. It’s a truthfulness that you have to know (with) yourself. You have to get there really clean.

On one hand, it is somewhat striking that Yael would recognize and allow for the possibility that someone else would have control over her most intimate bodily sphere. It can be seen as a testament to the extent to which she has internalized the patriarchal dominance of the halakhic system that she takes this possibility for granted. Nonetheless, the fact that within this system she does maintain authority over the interface of her body with a critical facet of religious law is understandably seen, within its lived context, as an important locus of religious authority. When they decide how to apply a given injunction, or when they choose to alter their observance in a way that better suits their psychological makeup or emotional needs or not to follow a given bylaw to the letter, these decisions evince individual expression and personal control for many of our informants. Inherent in the system,

they feel, is an esteem for woman as halakhic arbiter and actor, faith in her honesty and decision-making ability. Being entrusted with the reigns of observance in this important mitzvah imbues them with a sense of empowerment and halakhic consequence, significance and worth (Staples 1990; Weissberg 1999).

Essential Validation: The Niddah Period and Respect for Women's Needs

A number of our informants appreciated the niddah cycle's legislation of a nonsexual sphere within married life. Shoshana framed this appreciation in terms of the ritual's intrinsic "intent":

The meaning of the separation is that during a woman's cycle, during those two weeks, a woman might be feeling more sensitive/delicate (*adin*), and involvement in sexual relations bothers/disturbs (*mafria*) during this period. It is a period of quiet with myself.

Sara added that in addition to respecting a woman's biological-emotional needs, the laws of niddah also place welcome limitations on spousal discourse. Noting that women sometimes have difficulty refusing their husbands' sexual advances, she described as an intended benefit the imposition of an external, impartial, and inherently legitimate separation that obviates the need to rebuff a husband's desire for sex. She felt this advantage especially keenly after giving birth:

You know, I think about couples who don't observe, and you have to start saying, It's good for me now or it's not so comfortable. It's good in my view that there is time. It's not nice. At that time the woman is so concentrated on herself, and you don't want sex.

This separation allowed Sara to focus her energies internally in this time of transition and tumult, without feeling bad about doing so. It gave her the time she needed while menstruating or recuperating after birth, which perhaps her husband would not be sensitive to or need for himself.

Rachel felt similar benefits. "I usually enjoy sex. But there are times when *a woman* needs the physical and times when she doesn't want it. It's good that the laws respond to that" (emphasis added). Her account presents an interesting contrast to those of Yosefa and Shifra above, who complained precisely of the absence of a nonsexualized space within the niddah cycle's on/off sexual dialectic. Rachel's speech pattern was interesting inasmuch as it reflected an unwillingness, inability, or possibly obliviousness to this alternate perspective: She began by describing her enjoyment in the first person, but moved to an inclusive third person as she related to a feeling she assumed is common to all women.

Like Rachel, Rivka spoke of the benefit of this separation in facilitating her ability to be more of an individual within the relationship: "I needed the space. . . . I think that the mitzvot and the world of Torah are built with a lot of contemplation about the nature of people." By respecting her in this way, Rivka said, the laws

affirm her inherent feminine sensibilities and encourage her to relate more deeply to herself and her preferences.

Among our informants who expressed sentiments consonant with those quoted above, Bruria was the most unequivocal. She felt that the niddah cycle enhances her marriage:

The mikveh gives me a wonderful feeling, when I go, I feel like my husband is waiting for me like an honored guest, like he waits Friday night for the Sabbath angels. . . . It makes me feel like our relationship moves to a higher level.

She claimed that it also enhances her sense of inner peace and self-esteem:

Every time, there is this feeling of renewal, and I feel that I enter the water as a religious person who is accepted for who I am, without makeup, without colors: I have an intrinsic net worth, without any props.

Bruria introduced novel interpretations of the meaning and purpose of niddah, openly acknowledging that these interpretations were her own and engaging in an inner dialogue as to whether “there is intellectual honesty in giving this modern meanings that perhaps were not the original intent.” She concluded, “I think there is.”

It would be possible to interpret the above characterizations as variations on the theme of patriarchal apologetics, or even false consciousness—an internalization of patriarchal demands that is so deep that it results in total identification, which is then formulated using a rhetoric that draws on feminist language. It is equally possible, though, that the resonance these women express with the halakhic system’s take on women’s life cycles emerges from a sense of identification that is genuine and profound, based primarily on their experience of their biological and emotional rhythms. These informants feel that their tradition embodies a feminist voice in that it responds to needs of women’s bodies, minds, and souls, that it is not merely prescriptive, telling them what they can and cannot do with their bodies, but descriptive of their own deepest understanding and experience of themselves.

The truth of these women’s consciousness is, of course, impossible to know. Whether somewhere on the spectrum between oppression and validation or simply unique to each individual woman, what was most interesting to us was the manner in which these informants use the tradition to articulate their needs to their partners in an authoritative way. Whether the needs themselves are essential or constructed—if this distinction is still relevant—what is clear is that their assertion and articulation are facilitated greatly by tradition’s definitive imprimatur. Halakha has given these women legitimation for a “no” voice within their sexual relationships—a voice that within both traditional and modern patriarchies, has to varying degrees been silenced and denied. The law gives the only voice that can possibly counter the irresistible authority and power of men’s sexual desire, granting women the power of an oppositional patriarchal voice: The power of the rabbis/God negotiating with

the power of their male partners. Those women who do feel the need to refrain from sexuality feel that they come to the negotiating table with the only voice that can counter the voice of men's desire, that is, the more powerful men's voice of tradition. Their "no" voice, then, becomes a voice that bears rabbinic affirmation.

This appeal to tradition to articulate women's needs with patriarchal authority constitutes an interesting, even novel, form of resistance. It is a resistance that is limited inasmuch as it operates within the assumptions of a patriarchal context and reflects the acceptance of the paradigm of silencing women. Nonetheless, its practical efficaciousness in establishing sexual boundaries resonant with the needs of our informants is a palpable benefit for which they express profound appreciation.

Possessing a Voice in Sexuality

In addition to respecting their desire to be nonsexual, the halakhic framework, according to many of our informants, sanctions women's sexual desires within the framework of marriage. The Torah (Ex 21:10) charges every married man with the mitzvah of *onah*, that is, the commandment to provide his wife with her conjugal rights. Thus, the halakhic system establishes a sexual sphere within marriage that is distinct from procreation and encourages women to expect, demand, and enjoy an active and vital sexual relationship with their spouses.

Although the mitzvah of *onah* is separate from the directives of *niddah*, they overlap inasmuch as part of the husband's *onah* requirement obliges him to sexual relations on the night of mikveh immersion and encourages women to communicate to their husbands (either symbolically or verbally) when they are sexually available.

A woman can also initiate physical things. It's good to say that I want this or that, especially because the woman is supposed to enjoy. In fact, the husband is not fulfilling his commandment of *onah* if you don't enjoy. So that means that if you want sex, or whatever, then he has to agree, and you have the right to ask for it. (Yael)

Contrary to Freud's (1963) image of the silent and passive woman sexual partner, because of the mitzvah of *onah*, Yael feels as though "she has the right to ask" when she wants sex.

Sara echoed this sentiment: "Whatever the woman wants is the obligation of the husband. I remember that they spoke to us about how important it is that a woman should also enjoy." This halakhic premium on women's sexual fulfillment can be seen as a stark challenge to broad-based claims that religion represses women sexually and that women's pleasure is achieved through surrender, passivity, and recognition of themselves as sexual objects (Nicholson 1994).

Jane concurred that this element of *niddah* affirms, very practically and directly, her own needs within the sexual relationship and validates a woman's rights to sexual fulfillment and desire more generally:

The general feeling of the mitzvah of onah makes me feel that the tradition goes against the idea that sex is all about him and his needs. . . . The mikveh joins the larger value of what does *she* need, what does the woman deserve.

Just as our informants above felt that the tradition speaks with them in validating their “no” voice within their sexual relationships, similarly, these women felt that it “joins” their “I want/I need/I desire” voice—another voice traditionally silenced by men’s power. Their sexual fulfillment is validated and underwritten by a patriarchal tradition that in this instance stands and speaks unequivocally with them, demanding of its men participants, as a requirement of membership in good standing, that they listen.

Postponing Immersion: Halakhic Authority and Sexual Power

Because women are the arbiters of niddah observance, it also functions as a locus of women’s power. By, for example, refusing to go to the mikveh or delaying their immersion, they command the *halakhically* sanctioned authority to withhold sex from their husbands. This authority is significant in that it turns on its head the general Western construction that “heterosexual sex means that men enact their social power over women” (Choi and Nicholson 1994, 22). Because Orthodox women are conscious of the potential to delay immersion and thereby halt sexual relations, this awareness serves as an instrument of power even when they choose not to act on it.² Accordingly, these laws imbue women with a sexual standing that counters the Foucaultian notion “that the discourses associated with female sexuality specifically act to regulate and control women, and to maintain men’s position of power” (Ussher 1994, 148). The women we interviewed clearly perceive themselves as, to a large extent, regulating and controlling their sexual relationships and, as such, as occupying positions of power not only within the discourses associated with their sexuality but within their actual sexual practice. A number of our informants cited instances when communities of women banded together, refusing (as a group) to go to the mikveh until an injustice done by one of the men in the community against a woman peer was rectified. The historicity of these stories is far less important than what they reveal about the sense of not only individual but communal influence with which Orthodox women feel empowered by the laws of niddah.

Miriam, a Chassidic woman and mother of eight, delayed going to the mikveh as a form of birth control. Having evaluated her sexual and emotional needs and decided that she “didn’t want to have children too quickly,” she found herself unable to get a rabbinic sanction to use contraceptives. She then took matters into her own hands, utilizing the power invested in her by the halakhic system to subvert rabbinic authority, determine her own sexual destiny, and curb her husband’s sexual activity by simply waiting an extra day or two before she went to the mikveh.

Mikveh can be used as an overt tactic of power, a sexual weapon.

There was one time that I thought not to go to the mikveh. There was something that was bothering me, something that was bothering us, that we hadn't resolved, so I didn't feel like going. But then I realized that that is not right. (Yael)

Despite the fact that she decided against it, that she consciously thought about delaying means that she is aware of the power she wields.

The knowledge of the subversive potential held by this aspect of niddah observance is something some of these women came to on their own. For others, it was inherited knowledge, passed down to them by their mothers to help them find more maneuverability and negotiability—and ultimately a kind of power—within the patriarchal system than may first seem apparent. The type of power these women described resonates with Perelberg's (1990) concept of "the power of the weak." This power is distinguished, first of all, from an idea of authority (Bendix 1973, cited in Perelberg 1990), which is "linked to the idea of legitimization, the right to make particular decisions, and to command obedience." Power, on the other hand, "lies in the possibility of imposing one's will upon the behavior of other persons" (Bendix 1973, cited in Perelberg 1990, 290). Perelberg emphasized that these "oblique" or peripheral power strategies are in no way equivalent to direct forms of authority, but insisted equally that

The fact that power can be exercised from a subordinate position is fundamental to both the way in which gender roles are constructed in different societies and the respective positions from which men and women perceive themselves (see also McCormack and Strathern 1980, who have pointed out that most societies tend to present a more complex pattern of interaction between men and women than one would perceive by examining the 'official' system of rights, duties, and authority). (P. 45)

DISCUSSION AND CONCLUSION

The women we interviewed reported a range of attributions to the niddah ritual, as well as a range of responses to the same attributions and the basic niddah regulations. Some women felt oppressed by the practice of niddah. There were those who felt vehemently that the regulatory aspect of niddah itself impinged on their psychological and emotional well-being in ways damaging and profound. They felt subjugated, harassed, and in some cases abused by a rabbinic authority that intruded in the most private aspect of their lives, put their excretory functions on display, and exposed their sexuality for patriarchal supervision and control. Others also described the regulatory element of niddah as oppressive but seemed to mean it as a term of inconvenience rather than the more penetrating and severe connotations implied by the systemic critique.

Complicating the picture, however, were those among our informants for whom regulation per se was not inherently oppressive. The fact that their sexuality was regulated was not a significant categorical distinction from the other requirements of their halakhic lifestyle. In fact, some expressed appreciation for the sexual

regulations affected by niddah, the structure that it gave to their sexual practice (which they felt was deeply consonant with essential biological and emotional needs), and the cycle of abstinence and desire, of individuality and coupling, that it facilitated in their relationships with their husbands. Yet others resisted attribution altogether, relating to niddah strictly as a behavioral phenomenon, a series of acts to be accomplished—a “checklist,” as one put it—and expressed disinterest, indifference, and even hostility vis-à-vis attempts to imbue it with different meanings.

With few exceptions, the interviewees did not relate to the fact that these regulations have been couched within a discourse of defilement. While aware of these voices, our informants dismissed them as antiquated remnants of a premodern consciousness. They did not see themselves as second-class citizens being segregated from a fearful or disdainful society or from husbands skittish at the potential ill effects of menstrual blood; nor does observance provoke feelings of degradation or shame.³ Indeed, many of our informants have maintained ancient practices while abandoning the ancient or medieval classifications and valuations. It seems that for these women, defilement has largely evaporated as an attribution for niddah, following its evaporation from modern consciousness as a whole. What is left is a system of sexual regulations that itself elicits a wide range of alternative attributions and diverse emotional responses.

Among this wide range of accounts, some resonated with elements of the systemic analysis, some challenged it, and others seemed to hover outside of its purview altogether. It is possible to view all of these as “resistances,” in the broad Foucaultian sense of responses to power (Foucault 1980, 95-96). It should be noted, of course, that the phenomenon of the oppressed identifying and collaborating with the oppressor is not new and certainly could be presented as a plausible explanation for some of these women’s affirmation and justification with niddah as nonoppressive, beneficial, and essentially correct. These women could be interpreted as suffering from a range of cognitive-emotional disorders—for example, false consciousness, Uncle Tom–style oppressor identification, and patriarchal collaboration. We felt, however, that privileging systemic analysis in this way would constitute an abstraction and flattening of their experience. Overvoicing them in these ways would inevitably sacrifice a more nuanced and inclusive appreciation of their experiences.

By listening in this way, we could hear the women’s thoughts and experiences move beyond the schematic abstractions of prevailing concepts and into a highly textured range of responses. By refusing to implicate them on an axis of collaboration-resistance, or to locate them within a simple oppression-empowerment dichotomy, we were better able to hear the ways in which they manage a broad range of voices at times in concert, at times in conflict, and at times content merely to coexist. We were able to hear not only hidden “knots of resistance” (Foucault 1980) but knots of experience more broadly. We find Gruenbaum (2000, 57) to be instructive and appropriately cautionary in this regard:

For the most part, Western feminists have found themselves in a dilemma. . . . To label women of a different culture as having a false consciousness . . . sounds like a deligitimization of the culture or belief of others . . . and thus too often the result has been a pedagogy of missionizing, telling others what they ought to do differently for reasons justified only by the enlightened outsiders' beliefs.

Following Irvine (1995), we were able to hear clear voices of oppression and regret alongside the benefits, positive attributions, and pockets of power our informants described, without feeling compelled to justify the former and explain away the latter. Like Kaufman (1993), we found that women's lived experience of *niddah* incorporates not only diverse reactions but a sophisticated weaving of responses vis-à-vis this patriarchal practice. While we cannot discount the possibility that our interviewees spoke through voices laden with forms of false consciousness, collusion, and apologetics (both calculated and naive), we wish to affirm the possibility of a ritual performativity that is deeply and authentically integrated with alternative attributions of meaning. It must be emphasized that such alternative attributions cannot themselves be reified into inherent, systemic truths about the nature and/or intent of *niddah*. The depths of sadness, frustration, and anger experienced and expressed by these women cannot be underestimated or dismissed. Just as the positive responses of women who feel held and spoken with by the tradition fall outside the purview of an analysis that focuses primarily on structures and texts, so too those who feel abused and demoralized in ways not systemically obvious are unwittingly ignored. Further studies concentrating on the accounts of women living within highly structured patriarchal systems will contribute to a deepening appreciation of the complex negotiations and nuanced responses that constitute these women's experiences of their own lives, in their own words.

NOTES

1. Kandiyoti's (1991) structural analysis examines the differences between the lived experiences of Islamic women in different Muslim countries and their roles and position in the modern nation-states of the Middle East. Unlike the present work, her focus is on the effects of the political projects of states on women's lives. Kaufman (1993) gave voice to the experiences of newly religious Jewish women, individuals who have chosen to reject their upbringing in a feminist and secular environment and move to a life of commitment to religious teachings. Similar to our work, she spoke to them about how they understand their lives within the context of what is considered an oppressive patriarchal system and gave voice to their wide range of experiences. However, she assumed a dichotomy between their lives before becoming religious (with an emphasis on individual freedom and feminist opportunity) and their lives after the choice to live in a closed and patriarchal system, asking questions of how and why they chose to embrace this way of life rather than simply allowing them to speak in their own categories of meaning.

2. The use of the laws of *niddah* as a source of women's power is consistent with Rahel Wasserfall's (1992) findings in an ethnographic study of *niddah* in the Israeli-Moroccan community. She noted, "*Niddah* is also a symbolic site where the division of power between husband and wife is enacted" (p. 309). In the Moroccan society, it is the man's duty to send his wife to the *mikveh*. As an assertion of their power, women sometimes demand that their husbands "beg" them to go.

Women tell of putting off their visits to the *miqve* [*sic*] and not paying heed to the constant demands of their husbands to go to the ritual bath. Indeed, delaying the *miqve* and thereby sexual relations seem in the eyes of these women to be the principle source of feminine power. (p. 322)

3. This can be contrasted with Shweder's (1991) account of Oriya Brahman society, in which "menstruating women . . . share with men the belief that during menstruation they are unclean and untouchable."

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