

# NORDISK JUDAISTIK

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ARTIKLAR • ARTICLES

EVYATAR MARIENBERG

*Menstruation in Sacred Places. Medieval and Early-Modern  
Jewish Women in the Synagogue*

7

PETER STEENSGAARD PALUDAN

*Velsignelser og amuletter. Haredi folkreligiositet i israelsk  
valgkampe*

17

STEFANIE V. SCHNURBEIN

*Darstellungen von Juden in der dänischen Erzählliteratur  
des poetischen Realismus*

57

RECENSIONER • REVIEWS

79

MEDDELANDEN • REPORTS

98

FÖRFATTARE •  
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Med dette delnummer har vi i redaktionen i Lund desværre ikke nået vort længe efterstræbte mål: at kunne udgive *Nordisk Judaistik* i det år, der anføres i titlen. I Volume 23 No. 2, 2002 lovede jeg »at udsende både Volume 24 som dobbeltnummer og Volume 25.1 inden sommerferien«. Dette løfte kan jeg holde, dog med et helt års forsinkelse! Jeg må erkende, at min optimisme ikke kan layoute et tidsskrift...

Vi udgiver *From Bible to Midrash. Portrayals and Interpretative Practices* som Volume 24 med *Nordisk Judaistik*-omslag og som selvstændig bog til almindelig salg, og dette bind og 25.1 sendes sammen til vore abonnenter her i sommeren 2005. Vi beder om betaling nu for Volume 25 – og håber at kunne udgive Vol. 25. 2 i slutningen af dette år.

Dette nummers bidrag er meget varierede, men fælles for dem er at de berører enten skandinaviske forhold eller er skrevet af udenlandske forskere med tilknytning til Norden. Interessen for vort tidsskrift er fortsat stor, og abonnementstallet er pænt konstant, så vi klarer os økonomisk, men kun takket være det omfattende ulønnede arbejde, som ydes af alle.

*Hanne Trautner-Kromann*

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# MENSTRUATION IN SACRED SPACES

## Medieval and Early-Modern Jewish Women in the Synagogue<sup>1</sup>

EVYATAR MARIENBERG  
*Tel Aviv University*



**ABSTRACT** How sacred is the Synagogue? Can a woman enter this holy place while menstruating? What is more sacred: the space, or the Holy objects within it? In the classic sources of the *Halakhab*, the Jewish Law, one can find no restrictions on women from entering a synagogue while being in the state of *Niddah*, the state of menstrual impurity. Nevertheless, in the medieval period, more and more sources indicate that many women avoided going to the synagogue when at this state. Why? Was this custom created by women, or by men? Where did it originate? The article suggests it was the same religious mentality that pushed Jewish and Christian women to avoid going to their respective Houses of Worship while menstruating. The custom was socially problematic, as it prevented women from participating, at least passively, in the service, and from being a visible part of the community in its weekly reunion. It is suggested that in order to solve this issue, the notion of the sacrality of the synagogue was reduced to some extent in the mind of many Jewish women in the early-modern period. The Sacred was the Torah Scroll, the holiest object in the synagogue, and not so much the Synagogue itself. By doing that, women created a new viable solution: they could enter the synagogue without feeling to be transgressing its sacrality. Their respect to the Holy was shown by them avoiding looking at the Torah Scroll when it was presented to the worshippers.

In this paper I would like to discuss attitudes found in medieval and early-modern Jewish sources regarding the presence and actions of women, while menstruating, in the Jewish Sacred Space, the Synagogue.<sup>2</sup> There are certainly equivalences to this issue in the Christian world. Some interesting sources were discussed by Rob

Meens and others.<sup>3</sup> For reasons of brevity, I will not discuss these parallels here.

Is synagogue a Sacred Space? Some may argue it is not. Unlike churches, they may say, synagogues are not consecrated with a special liturgical formula. Only the scriptures they contain are holy, not the building. From a purely theological point of view, this assertion might have some truth in it: the source of sacrality in the synagogue is a sacred object, and not the space *per se*.<sup>4</sup> But from the point of view of the majority of worshippers, this may not be the case. As Steven Fine has shown some years ago, both literary sources and archaeological remains dating back to the Greco-Roman period call the synagogue a »Holy Place».<sup>5</sup> Much later, many medieval and early modern Jewish legal sources speak clearly about the »Holiness of the Synagogue» when they advocate respectful conduct in it. In short, although it is true that there is no prescribed formal ritual of consecration of a synagogue similar to Christian rites, most Jews considered their synagogues to be sacred spaces. We will follow their own judgment on the matter.

### Talmudic Sources

Sexual relations with a woman who is in the state of menstrual impurity, *Niddah* in Hebrew, are prohibited by the book of Leviticus.<sup>6</sup> In the Talmudic literature (2nd–6th centuries), some texts discuss the ritual impurity of the *Niddah*, but most sources deal with issues related to the prohibition of sexual relations. Although the Talmud prescribes some relatively minor restrictions on the *Niddah*'s domestic activities, no restrictions related to the public sphere are prescribed. There is no textual base in the classic Talmudic literature justifying the exclusion of menstruating women from the synagogue. Did Talmudic-era women go the synagogue during their period or did they abstain from it? This we can not answer, but can just formulate some thoughts. Even though the Talmud does not mention such practices, one can understand their existence, if they did indeed exist, on at least two grounds. One is textual, the other is »anthropological». The text of reference is, again, from Leviticus:

She shall touch no hallowed thing, nor come into the sanctuary, until the days of her purifying be fulfilled.<sup>7</sup>

Although this text refers to a post-partum woman, it is possible that it was used by some, in the Talmudic period, as a proof-text for excluding menstruating women from the synagogue.<sup>8</sup> In the *Baraita de-Niddah*,<sup>9</sup> a work which seems to be composed in the second half of the first millennium CE, maybe in Palestine, such use of the verse from Leviticus appears:

The (menstruating) woman ... will not put her foot in a house full of books, nor in a house prepared for a prayer... 'And she shall not come into the sanctuary' (Lev 12, 4) – she is not allowed to enter places of study and synagogues ...<sup>10</sup>

As we said, another possible reason for an exclusion of menstruating women does not need a scriptural base. If the woman is considered to be impure, it is almost »understandable«, in a religious context, to exclude her from the »pure«, sacred place of worship.

What was the reality in the Talmudic period? As we still do not know from which branch of Rabbinic Judaism the *Baraita de-Niddah* emerged, it will be hazardous to try to learn »history« from it. Hence, we would remain with our initial conclusion: in the classic Talmudic sources women are not described as excluded from synagogues during their period. Whether this reflect the reality, we can not answer at this moment with certainty.

### **Women's Exclusion in Medieval European Jewish Sources**

We shall move now to the medieval and the early-modern period. In medieval times, the synagogue is often referred to as a »Small/Partial Temple« (in Hebrew, »Mikdash Me'at«).<sup>11</sup> As such, temple-like conduct should be applied to it, one may argue. The quotation from the *Baraita de-Niddah* we have seen was known to some medieval authors, especially because it was quoted by another respected book, the *Sefer ha-Mikso'ot*.<sup>12</sup> Some of these authors considered the *Baraita de-Niddah* to be an authentic part of the Talmudic literature, and thus to have at least some Halakhic<sup>13</sup> value. Others simply used the biblical text about the post-partum woman to justify such exclusion.<sup>14</sup> Having said that, it should be noted that most early medieval authors<sup>15</sup> who dealt with this question declared that menstruating

women are permitted to enter the synagogues. Nevertheless, many added, if women decide to abstain from the house of worship when they are *Niddah*, their act is praiseworthy. Such an opinion is found in various books coming from the circle of the French Rabbi Salomon ben Isaac (Rashi, 1040–1105), probably the most venerated medieval Jew:

...And there are women who avoid entering synagogue during their menstruation and touching a/the<sup>16</sup> book. This is only a supplementary restriction. [And they don't have to do so....but] it's a purity (custom) for them, and they do well, and are to be praised.<sup>17</sup>

Similar declarations are common in the 12th and 13th centuries, formulated by Eliezer ben Joel Halevi's («Ravyah», 1140–1225),<sup>18</sup> or by the Italian Rabbi Zedekiah ben Abraham Anav (died 1240).<sup>19</sup>

In the 14th century, it seems that some authors try, not always successfully, to adopt a more clear cut attitude. Isaac ben Meir Dueren (second half of 13th century) seems to be particularly hesitant regarding this issue. Two lines after saying that it is forbidden for a menstruating woman to go to a synagogue, he declares that Rashi permitted this, without mentioning that according to Rashi's circle, it is nevertheless a «good custom» not to go!<sup>20</sup>

In the 15th century, a shift occurs. Israel ben Pethahiah Isserlein (1390–1460), the foremost rabbi of Germany in his time, introduces new considerations to the halakhic discussions about this question.<sup>21</sup> Initially, he seems to be more severe than many of his predecessors, considering the custom of menstruating women avoiding synagogues to be more than just a «good custom». Then, he brings in a new consideration, which changes the picture, at least to some extent. During the High Holidays, women who stay outside of the synagogue will suffer from great sorrow. To avoid this pain, he permits them to enter the synagogue.<sup>22</sup> With this permission, he enables women who follow his ruling to be in the synagogue despite being *Niddah*, at least in special events, and not to feel as if they have transgressed any law. A few generations later, this permission appears again in one of the most important halakhic work for observant Ashkenazi Jews to this day. Moses Ben Israel Isserles («Rema», 1525–1572), in his famous work, the «Mappah», states:



Some wrote that a menstruating women, during the days she sees (blood) should not enter the synagogue nor pray nor mention the (Holy) Name, nor touch a/the book, and some say she is permitted to do all, and this is the basic law, but the custom in these countries is like the first opinion, and during the clean days<sup>23</sup> they used to permit. And even in places where the custom is to be severe, during the days of repentance and alike, when many gather to go to the synagogue, they are allowed to go to the synagogue like other women, because this is for them a great sorrow that all gather and they stand outside.<sup>24</sup>

Let us remain in the 16th century, but at the south of Europe. Benjamin Ze'ev ben Mattathias of Arta (died *circa* 1540) was apparently asked about women who avoid synagogue during their period. This is how he responded:

And about your amazement at women who refrain from coming to synagogue while they see blood,<sup>25</sup> in order not to see the Torah scroll – no reason to be amazed! What they do is because of honor, not because it is forbidden for them to do so...<sup>26</sup>

Some generations later, in 17th century Italy, another author, Shabetai Be'er, seems to be genuinely surprised upon receiving a question regarding such practices. When he begins to explore the issue, he realizes that it is a complex one. On one hand, he is not able to ignore major authorities like Isserles. On the other hand, not only can he not find Talmudic sources to support such customs, he also asks, what contact do women have with sacred objects that might be problematic when they are considered impure?<sup>27</sup> If we consider this question seriously, says Be'er, it would be more reasonable to prescribe restrictions upon impure men,<sup>28</sup> as they enjoy much greater access to the Torah scrolls. Furthermore: how can it be that especially in the holiest time of the year, the High Holidays, this restriction can be ignored? For these reasons, says Be'er,

I did not find any argument for forbidding it, and no base to this custom in all of Italy, and certainly, I did not hear of a Biblical source, nor a logical one... Even menstruating women can touch the Torah scroll and read it.<sup>29</sup> This is why I cannot find any base for this restriction except in places

where (women) have this severe practice, but there is not any prohibition whatsoever.<sup>30</sup>

Shabbetai Be'er's conclusion is clear. Women in places in which the custom is to avoid synagogue may, if they wish to, continue observing it, but they can not justify their act by any other reason except for the preservation of an old custom.

### The Torah Scroll

Let us now look again at the text of Be'er, but from a different perspective. Be'er does not think in terms of sacred space, but rather, in terms of sacred objects. For him, the physical contact with the sacred object is what counts, not the presence in the sacred space. He represents, in a way, a more »intellectual«, or theological, point of view than most of his predecessors. He is certainly not the first to make this distinction, but he is using it in a very marked way. In sources prior to the 15th century, although sometimes a sacred object, a book, most probably the Torah Scroll, was mentioned together with the sacred space, the synagogue, it was generally not described as the sacrality *par excellence* that women tend to, or should, avoid.<sup>31</sup> The space in itself was holy, and avoidance of it was considered a praiseworthy act.

On the other hand, since the 15th century, the scrolls seem to be more and more the »thing« to be avoided. Jacob ben Judah Landau, a 15th century German Rabbi, provides us with an interesting observation regarding this:

And I, the author, saw in my country that women have the habit to enter the synagogue. They pray, and they respond to every sacred saying.<sup>32</sup> They are only careful not to look at the Torah scroll when the cantor shows it to the people.<sup>33</sup>

In the 16th century we have seen this same accent in Benjamin ben Mattathias' responsum, although there menstruating women after all apparently avoided the synagogue altogether. According to the question he was asked,

women... refrain from coming to synagogue while they see blood *in order not to see the Torah scroll*.

How did this new custom of consciously avoiding the view of the Torah scroll get created? Unlike the avoidance of the synagogue that might have, as we have shown, some roots in Talmudic and even biblical literature, this new idea can not be explained using classic sources. In order to try to understand it, we should go back and summarize what we have seen.

### **Conclusion: From a Sacred Object to a Sacred Space, and Back**

In the Talmudic period, we do not know whether women went to synagogues while *Niddah* or not. Jumping to the 11th–13th centuries, we have seen that refraining from synagogue was considered by several rabbinic authorities to be a good custom, but not an obligatory one. In the 14th century, one can find in the writings of some rabbinic authorities that refraining from the synagogue is more than just a custom. To this severe attitude authors in the 15th and 16th centuries respond by adding a new reason for permitting the presence of menstruating women in the synagogue: remaining outside in the High Holidays will cause them distress. To avoid it, they may enter the sacred space.

In all these sources, although the Torah Scroll is sometimes mentioned, the prohibition seems to be related to the synagogue itself. As the space in itself was considered sacred, it was agreed by many that menstruating woman should preferably avoid it. The empathetic permission that appeared in the 15th century seemed problematic to some authors, already at the same generation. They wanted something more definitive. If such entrance is forbidden, this prohibition should be kept during the holidays. If it is not, women should be certainly permitted, maybe even encouraged, to enter the synagogue at all times of the year. A solution came using a more »rational« attitude: empathy was not needed any more to justify women entering to the synagogue. The prohibition, it was said, is not in relation to a sacred space, but to a sacred object. In a way, the advocates of this idea pushed for a return to the more »pure« notion about the »real« source of sacrality of the synagogue. This shift provided women with a solution that became more comfortable for them. They would not have to avoid coming to the synagogue, an act that not only might



during the Greco-Roman Period, University of Notre Dame Press, Notre Dame 1997. I am very grateful for Prof. Fine for his generosity and useful comments regarding the subject of this paper.

6. Lev 18, 19; Lev 20, 18.

7. Lev 12, 4 (KJV).

8. Another biblical text, Lev 15, 19–31, states, among other things, that coming to the Temple after a contact with a menstruating woman can be fatal. I have not yet seen medieval Jewish texts using this reference to justify the exclusion of menstruating women from synagogues.

9. For a detailed study of this text see the first half (pp. 15–301) of my own doctoral dissertation: Evyatar Marienberg, *Niddah: Etudes sur la Baraita de Niddah et sur la conceptualisation de la menstruation dans le monde juif et son écho dans le monde chrétien de l'époque médiévale à nos jours*, Thèse de doctorat, EHESS, Paris 2002. I am currently preparing a critical edition of *Baraita de-Niddah* for publication.

10. *Baraita de-Niddah* (Horowitz 1890: 3,3; 3,4 / Marienberg 2002: §166; §190). This and all following translations are mine. Different works quote parts of the *Baraita de-Niddah*. In some of them the parts quoted contain the question of going to the synagogue, although in an indirect way: it is said that family members of the menstruating woman, if they were exposed in various ways to her impurity, can not attend synagogue unless they were purified in a ritual bath (*Baraita de-Niddah* (Horowitz 1890: 1, 2 / Marienberg 2002: §13)). *A fortiori*, if they can not attend synagogue, it is obvious that the woman herself should stay out. See such quotations in *BL MS Add. 27129*, f. 131b (published by Schechter in *JQR* 3 (1891), pp. 339–342); *Roke'ah*, p. 206; *Kolbo*, a. 145.

11. On certain aspects regarding the evolution of this concept see Israel M. Ta-Shma, «Synagogal Sanctity – Symbolism and Reality» (Hebrew), in: S. Elizur, M.D. Herr, G. Shaked, A. Shinan (eds), *Knesset Ezra – Literature and Life in the Synagogue*, Yad Ben-Zvi, Jerusalem 1994, pp. 351–364. See also a discussion of dif-

ferent factors in medieval Ashkenazic thought that emerged from or led to this concept: Jeffrey Robert Woolf, *art. cit.*, pp. 273–278.

12. The *Sefer ha-Mikts'o'ot* is lost, although quotations from it exist. See for example in *Otsar ha-Geonim, Berakhot* 20b (pp. 48–49). Mordechai Akiva Friedman published a similar text: «Menstrual Impurity and Sectarianism in the Writings of the Geonim and of Moses and Abraham Maimonides» (Hebrew), in: *Maimonidean Studies* 1 (1990), pp. 8–10. A quotation of the *Sefer ha-Mikts'o'ot* exists in the work of Isaac ben Meir Dueren (second half of 13th century), *Sha'arei Dura*, 29, and also in the work of Jacob ben Judah Landau (died 1493) in his *ha-Agur*, a. 1388. We will return to this important text later.

13. From «Halakhah», Jewish Law.

14. In the *Mahzor Vitry*, a work from medieval northern France (The core of this work is attributed to Simhah ben Samuel of Vitry, 11th century, but in its current state it includes additions up to the 14th century), one can see an attack against such an interpretation of this biblical text, an attack that by its very existence testifies that such an interpretation was well known in medieval Northern France. See *Mahzor Vitry*, p. 606

15. «Early Medieval» in Jewish context: although Jews lived in Europe from at least the first century CE, we do not have any European Jewish text prior to the 10th century CE. Therefore, «Early» means 10th–11th centuries.

16. Two possible translations. I do not know if this practice refers only to the Torah scrolls («the Book») or to other sacred books as well («a book»). The later interpretation is the one found in the *Baraita de-Niddah* 3, 4, and even more clearly in the *Megilat Ahima'az*, a Hebrew text from 11th century southern Italy. For the Hebrew text see *Megilat Ahima'az* (Hebrew), Edited by Benjamin Klar, Tarshish, Jerusalem 1974, p. 30. For an English translation see Marcus Salzman, *The Chronicle of Ahimaaz*, Colum-

bia University Press, New York 1924, pp. 87–99.

17. *Sefer ha-Pardes*, p. 3. See also in *Mahzor Vitry*, p. 606; *Ha'Oreh*, p. 167–168. Note that the *Pardes's* statement about avoiding touching a/the »book« is missing in *Mahzor Vitry*.

18. See: *Sefer Ravyah*, Vol. 1, p. 45. The *Ravyah* is quoted also by Meir ben Yekutiel ha-Kohen of Rothenburg (died 1298) in his *Haggabot Maimuniyyot, Hilkhot Tefila*, Ch. 4. See also in Isaac ben Moses of Vienna (the *Ravyah's* disciple, 1180–1250), *Or Zarua*, Vol. 1, a. 360; Mordekhai ben Hillel ha-Kohen (1240?–1298), *Mordekhai, Berakhot*, end of chapter 3.

19. *Shibbolei ha-Leket, Hilkhot Niddah*. In this text (just like the *Pardes*, but different from *Mahzor Vitry*), the custom of not touching a/the »book« is praised.

20. Isaac ben Meir Dueren, *Sha'arei Dura, Hilkhot Niddah*, 18. On the importance of this book see the affirmation of Israel Ta-Shema, »based wholly upon the traditions of Germany and France, [the *Sha'arei Dura*] became the basis of Halakhah in this difficult sector (of Niddah and laws of forbidden food)» (Israel Moses Ta-Shema, »Dueren, Isaac ben Meir«, in: *Encyclopedia Judaica* CD-ROM).

21. Israel ben Pethahiah Isserlein, *Terumat ha-Deshen*, II (Pesakim u'Khetavim), a. 132. See also in a book by one of his disciples, Joseph Ben Moses (1423–1490?), *Leket Yosher, Orah Hayyim*, Berlin 1903, Vol I, p. 131 and Vol II, p. 23.

22. See about this argument in Yedidya Dinari, *The Rabbis of Germany and Austria at the close of the Middle Ages* (Hebrew), Mossad Bialik, Jerusalem 1984, pp. 81–82.

23. The »seven white/clean days« are the supplementary days that the woman has to count after the cessation of bleeding, before she can go to the *Mikveh*, the ritual bath. According to the written, »Elite«, Halakhah, these days are no different than the first ones. In reality, probably because of the lack of bleeding, they were often considered to be less se-

vere. On this see Israel M. Ta-Shma, »On some Franco-German *Nidda* Practices» (Hebrew), *Sidra* 9 (1993), pp. 163–170.

24. Moses ben Israel Isserles, *Map-pah, Orah Hayyim*, 88, 1. On this text see Moshe Rosman, »A Prolegomenon to the Study of Jewish Cultural History», *Jewish Studies, an Internet Journal* 1 (2002), pp. 111–112. See also in Abraham Abele ben Hayyim ha-Levi Gombiner (1637–1683), *Magen Avraham, Orah Hayyim* 88, c.

25. The period of »seeing blood« is in opposition to the »seven days« in Isserles' text.

26. Benjamin Ze'ev ben Mattathias of Arta, *Shut Binyamin Ze'ev*, 153.

27. Shabbetai Be'er, *Be'er Esek*, Venice 1674, q. 37.

28. A man can also, at least in theory, become impure, for example after ejaculation.

29. See Tossefta *Berakhot* 2, 12.

30. Shabbetai Be'er, *Be'er Esek*, Venice 1674, q. 37.

31. It is true that in the *Sefer ha-Aguddah*, composed by Alexander Suslin ha-Kohen of Frankfurt (died 1349), it is said that »And now some enter because of the »honor of humans«, and they do not see the Torah scroll.» (*Sefer ha-Aguddah*, end of *Niddah*), but it seems this is a later gloss. In a similar text at the end of *Berakhot* such a statement is missing. Dinari (Yedidya Dinari, *The Rabbis of Germany and Austria at the close of the Middle Ages*, (Hebrew), Bialik Institute, Jerusalem 1984, p. 81 note 50) also considers it to be a gloss.

32. This means saying »Amen« and similar formulas.

33. Jacob ben Judah Landau, *Sefer ha-Agur*, a. 1388.

34. See Ruth Langer, »Sinai, Zion, and God in the Synagogue: Celebrating Torah in Ashkenaz«, in: Ruth Langer and Steven Fine (eds.), *Liturgy in the Life of the Synagogue*, Eisenbrauns (forthcoming). I warmly thank Prof. Langer for sending me this article before its publication.