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The Biblical Law of *Niddah* and Its Muslim Parallels

Jan A. Sigvartsen

This chapter will look at the biblical law of *niddah* and its Muslim parallels. First, it will examine the laws of *niddah* in the Bible and their later developments within Judaism from the Second Temple Period until the present time. Second, it will explore the Muslim parallels, noting the similarities and differences with the Jewish regulations. Last, it will consider the role these laws have held in the Christian church and of whether these laws are relevant for Christians today.

It should be emphasized that this chapter will not address every sect's views or the minute details of the laws of *niddah* within each of these monotheistic religions. It will, however, look at the broader contextual picture and discuss some pertinent details of interest.

The Biblical Law of *Niddah* and Judaism

Jacob Milgrom argued the noun "*niddah*" has the general meaning of "expulsion" and "elimination."¹ A word study reveals this word occurs 29 times in the Hebrew Scripture and falls into three main categories (see Table 1): the first describes the water for purification; the second, general impurity or abominations;

Table 1. Meaning and frequency of *niddâ* in the Hebrew Scripture

Meaning/Theme	Frequency	Percentage	Passage
Menstrual Flow	15	51.7%	Lev 12:2, 5; 15:19, 20, 24, 25x3, 26x2, 33; 18:19; Ezek 18:6; 22:10; 36:17.
General Impurity/ Abomination	9	31%	Lev 20:21; Ezek 7:19-20; 16:33; Zech 13:1; Lam 1:17; Ezra 9:11x2; 2 Chr 29:5.
Purification (water)	5	17.3%	Num 19:9, 13, 20-21; 31:23.
Total Occurrences	29	100%	

the third, and the most common, menstrual flow or expulsion of blood. This noun developed from describing the expulsion of blood represents the state of menstrual impurity itself, and refers to general impurity and abomination. Milgrom observed:

1. Jacob Milgrom, *Leviticus* 1-16, AB 3 (New York: Doubleday, 1991), 744-745.

In addition, *niddâ* came to refer not just to the menstrual discharge but to the menstruant herself, for she too was “discharged” and “excluded” from her society not by being kept at arm’s length from others but, in many communities, by being banished to and quarantined in separate quarters.²

There are three additional terms related to menstruation: the word “*dāwâ*” describes menstrual sickness; the word “*zûb/zôb*” has the basic meaning of “flow, gush, issue, discharge” and has the idea of flowing liquid, like the normal and abnormal genital discharges; and the noun “*māqôr*,” which is in most cases figurative, although the literal meaning is fountain. It is used twice in the phrase “fountain of blood,” referring to menstruation. Tables 2-4 give the usage and frequency of each of these three words.

Table 2. Meaning and frequency of *dāwâ* in the Hebrew Scripture

Meaning	Frequency	Percentage	Passage
Mental Feeling	7	53.8%	Is 1:5; Jer 8:18; Ps 41:3; Job 6:7; Lam 1:13, 22; 5:17.
Menstrual Sickness	4	30.8%	Lev 12:2; 15:33; 20:18; Is 30:22.
Diseases (of Egypt)	2	15.4%	Deut 7:15; 28:60.
Total Occurrences	13	100%	

Table 3. Meaning and frequency of *zûb/zôb* in the Hebrew Scripture

Meaning/Theme	Frequency	Percentage	Passage
Genital discharge (normal and abnormal)	31 [16x man, 12x woman, and 3x both]	56.4% [29.1%, 21.8%, 5.5%]	Lev 15:2x2, 3x3, 4, 6, 7, 8, 9, 11, 12, 13x2, 15, 19x2, 25x4, 26, 28, 30, 32, 33x2; 22:4; Num 5:2; 2 Sam 3:29.
Description of the Promised Land: “ <i>flowing with milk and honey.</i> ”	19	34.5%	Exod 3:8, 17; 13:5; 33:3; Lev 20:24; Num 13:27; 14:8; 16:13, 14; Deut 6:3; 11:9; 26:9, 15; 27:3; 31:20; Josh 5:6; Jer 32:22; Ezek 20:6, 15.
Movement of water in a stream	5	9.1%	Is 48:21; Jer 49:4 (blood); Ps 78:20; 105:41; Lam 4:9 (blood).
Total Occurrences	55	100%	

Table 4. Meaning and Frequency of *māqôr* in the Hebrew Scripture

Meaning	Frequency	Percentage	Passage
Poetic - Source (of life): goal of prudent action	8	44.4%	Zech 13:1; Prov 5:18; 10:11; 13:14; 14:27; 16:22; 18:4; 25:26 (negative).
Poetic: God the Source of Life	4	22.2%	Jer 2:13; 17:13; Ps 36:9; 68:27.
Fountain (of blood): Menstruation	2	11.1%	Lev 12:7; 20:18.
Poetic: Dry fountain (Judgment)	2	11.1%	Jer 51: 36; Hos 13:15.
Figuratively - Fountain: Reproduction organ	1	5.6%	Lev 20:18.
Poetic - Figuratively: Fountain of tears (eyes)	1	5.6%	Jer 8:23.
Total Occurrences	18	100%	

2. Jacob Milgrom, *Leviticus 17-22*, AB 3A (New York: Doubleday, 2000), 745.

The Biblical Laws of *Niddah*

The biblical laws of *niddah* are a part of the Purity Laws described in Leviticus. Jiří Moskala observed in his doctoral dissertation³ that there are seven thematic sections of Leviticus 11-15 which all deal with various forms of impurity. These seven sections fall into four categories: dietary laws, childbirth, skin diseases and mildew, and genital discharges (see Table 5). Milgrom believed these sections have been ordered according to the seriousness of the impurity and the decreasing length of their purification.

Table 5. The seven thematic sections of Leviticus 11-15

Category	Thematic Section	Biblical Reference	Length of the Purification
1	1. Dietary Laws	Lev 11:1-47	The unclean animal is permanent unclean
2	2. Childbirth	Lev 12:1-8	40 or 80 days
3	3. Skin Diseases	Lev 13:1-46	x+8 days
	5. Purification Sacrifices	Lev 14:1-32	
	4. Mildew and Mold	Lev 13:47-59	7days: if unclean => destroyed if inactive => wash + 7 days if healed => wash => clean
	6. Purity Rules: House	Lev 14:33-57	7 days: if active => remove infection + 7 days if active => destroy if inactive => clean
4	7. Genital Discharges	Lev 15:1-33	Man: Long-term, x+8 days / Short-term, 1 day
			Woman: Short-term, 7 days / Long-term, x+8 days

- Each section elaborates on the laws of clean and unclean introduced by Lev 10:10.
- Each section is introduced by the formula: “The Lord said to Moses (and Aaron)” (Lev 11:1; 12:1; 13:1; 14:1; 14:33; 15:1).⁴
- Each section ends with the concluding formula: “These are the regulations concerning/for” (Lev 11:46; 12:7; 13:59; 14:32; 14:57; 15:32).⁵
- The sections are ordered according to the decreasing length and seriousness of their purification

It is important to emphasize that Table 5 shows that there are several sources for impurity and that none of them is the result of human activities. An unclean animal cannot be blamed for being unclean in the same way as a woman cannot prevent her monthly menstruation. This suggests there is nothing inherently wrong with being ritually unclean. A person is not bad or immoral for being impure. In fact, every human, ranging from the High Priest to the next door neighbor, goes through the cycle of cleanness and impurity. It might come as a surprise for most Christians to know that Jesus, by this definition, was probably impure at least several times in his lifetime.⁶ It should also be clear from this list that

3. See Jiří Moskala, *The Laws of Clean and Unclean Animals in Leviticus 11: Their Nature, Theology, and Rationale (an Intertextual Study)*, ATSDS 4 (Berrien Springs, MI: Adventist Theological Society, 2000), 167-168.

4. Moskala pointed out that the introduction formula is missing in the fourth section (Lev 13:47), but the delimitation is based on the clear change of topic: uncleanness related to mildew and mold. See Moskala, *Laws*, 168, n. 1.

5. Moskala observed that this concluding formula is used as the introduction formula in the fifth section (Lev 14:2). See Moskala, *Laws*, 168 n. 2.

6. Jesus would have become impure when burying his father, Joseph, and when touching lepers and dead people. He might even have had a natural genital discharge.

greater defilement is not necessarily an indication of less social worth. Making a distinction between holy and unholy, between clean and unclean, is all bound up with the Temple (Lev 10:10). A person would sin if he mixed the unclean or the unholy with the holy. It was not a sin to be ritually unclean, but it would become a sin if that person intentionally came in contact with the holy, such as the Temple or items belonging to the Temple. It is also important to acknowledge that the Israelite religion severed the link between impurity and the concept of demonic forces, a belief which was commonplace in the ancient world. From a struggle between the gods and demonic deities, the issue became a question of obedience or defiance of God's commandments.⁷

Leviticus 15:19-24

The appendix of this chapter shows Milgrom's structure of Leviticus 15. This outline of the chapter shows the different types of genital discharges that cause ritual impurity. It is important to note the chiasmic structure which is centered around the union between man and woman, with male discharges covered in the first half of the chapter and the female equivalents in the second half. Leviticus 15:19-24 contains the following instructions about menstruation:

- *“If a woman has a discharge, and the discharge from her body is blood, she shall be set apart seven days.”*

- *“Whoever touches her shall be unclean until evening.”* Interestingly, the text does not mention what happens if she touches someone else. This suggests that she does not transmit impurity by her touch. Further support for this view can be made by referring to the case of abnormal male discharge. If such a person has rinsed his hands, he does not transfer his impurity to another individual. Since a man's case is considered more serious than that of a menstruating woman, it could be assumed that this rule would also hold true for the woman.

- *“Everything that she lies on [bed] during her impurity shall be unclean; also everything that she sits on [chair] shall be unclean. Whoever touches her bed shall wash his clothes and bathe in water, and be unclean until evening. And whoever touches anything that she sat on shall wash his clothes and bathe in water, and be unclean until evening.”* It is interesting that only the bed and her chair are singled out since they are the only two items which would have had prolonged potential contact with the women's discharge. This is a further indication that things she touches for a limited time with her hands would not be rendered unclean.

- *“If anything is on her bed or on anything on which she sits, when he touches it, he shall be unclean until evening.”* This indicates that for an object to function as a carrier of impurity, it has to be on the bed or the seat she is sitting on. It implies that as soon as the woman leaves the seat or the bed, the object will no longer be a carrier.

7. Jacob Milgrom, *Numbers*, JPS Torah Commentary (Philadelphia: Jewish Publication Society of America, 1990), 344-346.

•“If any man lies with her at all, so that her impurity is on him, he shall be unclean seven days; and every bed on which he lies shall be unclean.” This case is most likely referring to an unintentional act where both people are surprised by an early discharge. This view would harmonize with the prohibition given in Lev 18:19 and Lev 20:18 which forbids intercourse with a menstruating woman. Regardless of the reading, the man would become unclean and would be prohibited from touching sacred objects and entering sacred space.

Although changing clothes and bathing in water is not specifically mentioned among the instructions regarding menstruation, it can be assumed. In all other cases of temporary impurity, the person goes through a purification process which includes washing clothes or changing clothes followed by a purifying bath in order to become clean. This assumption fits with the later Jewish tradition of the Mikvah and the indication that Bathsheba’s famous bath was at the conclusion of her menstrual period (2 Sam 11:2, 4).

It is also implied from this passage that a menstruating woman remained in her home, but was not isolated from her family, as was common in some of the neighboring cultures.⁸ If she had been isolated, there would be no need for giving laws concerning the transfer of impurity to the people sharing her living space. This passage does not leave any indications that she lived anywhere else than in her home. This point is once more supported by the Bathsheba story. She was having her purification bath in her home inside the city since David was able to observe her from the roof of his palace.

The two other cases involving female discharge of blood are abnormal female discharge (Lev 15:25-30) and childbirth (Lev 12). Both of these cases build on the normal female discharge with added length of impurity and added sacrifice to complete the purification. Table 6 gives the length of separation and the purification rites for each case of female impurity, listed according to the seriousness/length of the impurity.

Table 6. *Niddah* – Length of separation and purification rites

Case	<i>Niddah</i>	Key Biblical References	Length of Uncleanness	Purification Rites	Sacrifice ⁹	Categories of Uncleanness
1	Uncleanness after Childbirth	Lev 12:1-8	Boy: 7+33 days Girl: 14+66 days	Bathing Laundering Evening	1 bird 1 bird/lamb	Temporary (Acquired)
2	Abnormal Female Discharge	Lev 15:25-30	x+ 7 pure days	Bathing Laundering Evening	1 bird 1 bird	Temporary (Acquired)
3	Normal Female Discharge	Lev 15:19-24	7 days	Bathing Laundering Evening	—	Temporary (Acquired)
4	Marital Intercourse	Normal Lev 15:18	Until evening	Bathing Laundering Evening	—	Temporary (Acquired)
		Menstruating Lev 15:24	Man = Woman 7 days	Bathing Laundering Evening	—	Temporary (Acquired)

8. See, e.g., Kathleen O’Grady, “Menstruation,” *Encyclopedia of Women an World Religion* 2:649-652; Emily E. Culpepper, “Zoroastrian Menstruation Taboos: A Women’s Studies Perspective,” in *Women and Religion: Papers of the Working Groups in Women and Religion 1972-73*, ed. Judith Plaskow and Joan Arnold Romero (Missoula, MT: Scholar’s Press, 1974), 204; William Robertson Smith, *Lectures on the Religion of the Semites*, Elibron Classics Series (1894; repr., Chestnut Hill, MA: Adamant Media Corporation, 2005), 446-448; Milgrom, *Leviticus 1-16*, 763-765, 949-952.

Leviticus 12 - Childbirth¹⁰

Leviticus 12, which deals with the regulations concerning impurity after childbirth, spells out two additional regulations relating to normal female discharge. This is inferred from the blood connection between the two passages:

- “She shall not touch any hallowed thing,” (v. 4b)
- “nor come into the sanctuary until the days of her purification are fulfilled.” (v. 4c)

It is important to note that there are no indications in the text that the child became impure through the birth process or the touch from the mother during her period of impurity. The mentioned purification activities are related only to the woman. This is one more break from the neighboring cultures, Greek, Anatolian, Hittite, Babylonian, and Egyptian,¹¹ which all considered both the mother and child impure and in need of purification.

A close reading of this passage gives an indication that the mother could proceed with normal sexual contact with her husband and was considered pure after the first stage of her purification process. The only remaining prohibition during the second phase of the purification process was to avoid contact with the holy: the Sanctuary and objects related to that sphere. This issue, however, was hotly debated by later Jewish sects.¹²

Leviticus 18:19 and Leviticus 20:18

The last prohibition given concerning the menstrual period, with its analogs, is found in Leviticus 18:19 and is repeated in Leviticus 20:18. It is a prohibition against sexual relations with a menstruating woman. These two verses are unique since they appear in a list of moral prohibitions and not in a list of purity regulations as in the previous cases. It is important to note that this ban is only connected with sexual relations and not with the Temple. Hyam Maccoby observed that “intercourse with a menstruant is the only way of incurring impurity that is also a forbidden act. Every other way of incurring impurity is free from sin, since impurity in itself is not sinful.”¹³ Maccoby pointed out that the ritual laws intersect with the moral laws in the law of *niddah*. Therefore, the law of *niddah* is both a purity law and a moral law.

Leviticus 18 deals with laws concerning illicit sexual practices, and these prohibitions hold the central stage of the chapter (see Milgrom’s outline of Leviticus 18 in the appendix).¹⁴ The prohibitions against forbidden sexual relations are divided into two sections: the first section defines the relationships which would be considered as incestuous; the second section lists an additional five

9. The first bird for sin offering and the second bird/lamb for burnt offering.

10. See Appendix for a structure of this chapter.

11. Milgrom, *Leviticus 1-16*, 762-764.

12. The Karaites, Samaritans, and Falashas were all of the opinion that sexual contact could not take place before the second stage of the purification was completed. See Milgrom, *Leviticus 1-16*, 748.

13. Hyam Maccoby, *Ritual and Morality: The Ritual Purity System and Its Place in Judaism* (New York: Cambridge University Press, 1999), 38.

14. Milgrom, *Leviticus 17-22*, 1516-1517.

sexual practices. They are sexual relations with a menstruating woman (probably the wife, an accepted sexual partner), the neighbor's wife, male homosexuality, and bestiality. The list also includes a prohibition against offering up children to Molek.¹⁵

Leviticus 20 gives a list of serious offenses that the people of Israel should avoid. According to Milgrom's outline of the chapter (see appendix),¹⁶ the list of penalties for sexual violations is the central section in this chapter. These penalties are listed according to the severity of the punishment of the crimes. The first set of violations carries the death penalty; the second group, the penalty of *kārat*; and the last section, the penalty of childlessness.

The penalty for violating the prohibition against intercourse during the menstrual period is the penalty of *kārat* (v. 18e). This case law repeats the activity causing this penalty thrice as if to underscore the seriousness of the act which brought this penalty. The penalty of *kārat* is the same penalty prescribed for breaking the prohibitions in Leviticus 18 (v. 27-29). This is a divine penalty different from the death penalty executed by man (Lev 20:2-3). This divine penalty befalls either the guilty person or his descendants (Num 16:33 [ll 'abad]; Mal 2:12; Ps. 103:13), since it is a removal of the entire family line so his name will disappear among the people. Milgrom made the case that this penalty could also relate to the afterlife, which would be in line with the personal usage of the verb. This would mean that the penalty would remove his name both in this world and the world to come.¹⁷

The ultimate result from breaking the prohibitions in Leviticus 18 and Leviticus 20 is expulsion from the land. If they follow these regulations, they will continue to be a separate people who behave differently (have their unique culture) from that of the neighboring cultures. God's argument is that if you behave like my people, I will treat you as My people and you will stay in My holy land, but if you behave like the people of Canaan you will also meet their destiny (Lev 18:3-5, 24-30; 20:22-26). This point is driven home by Ezekiel, who lists intercourse with a menstruating woman as one of the causes for the Babylonian exile (Ezek 18:6; 22:10).

Tables 7-9 summarize the regulations given in the Hebrew Scripture concerning the state of *niddah*. Table 7 lists the prohibitions, Table 8 gives the activities which transmit impurity, and Table 9 indicates the activities which the menstruant is not barred from.

Table 7. Prohibitions during the menstrual period as outlined in Leviticus

Case	Prohibition	Reference
1	Go to the Sanctuary	Lev 12:4b
2	Touch anything Holy - Any object that belongs to the Devine Sphere ¹⁸	Lev 12:4c
3	Intercourse	Lev 18:19; 20:18

15. It could be argued that sexual relations belonging to this section are forbidden since they will not produce any offspring and would, therefore, break God's command to fill the earth. This argument is problematic since there are no biblical prohibitions against intercourse after menopause or with a barren woman (Sarah, Rebekah, Rachel, Manoah's wife, and Hannah).

16. Milgrom, *Leviticus 17-22*, 1728, 1743.

17. Milgrom, *Numbers*, 405-408.

Table 8. Activities which transmit impurity

Case	Activity	Reference
1	Intercourse: -The man obtains the impurity of that of a menstruating woman	Lev 15: 24, 33
2	Her bed / Lying in her bed	Lev 15: 20a, 21, 26a, 27
3	Her chair / Sitting in her chair	Lev 15: 20b, 22, 26b, 27
4	Touching her: contact with her body, not with her clothes	Lev 15:19c
5	Only if an object is on the bedding on which the menstruating woman is reclining or on the chair on which she is sitting can the object function as a carrier of impurity	Lev 15: 23

Table 9. Activities not barred from the menstruant

Case	Activity	Reference
1	Touching anyone and anything -Her hands do not transmit impurity, only the items she sits and lies on =>She can prepare her family’s meals and perform the necessary household chores	Lev 15: 19c, 20, 26
2	Remain in her home => not isolated from her family	Lev 15:20-22, 26-27 (implied)

Concluding Remarks Concerning the Biblical Laws

The above regulations concerning the laws of forbidden sexual practices and the concept of *niddah* should not be surprising. Forbidden sexual relations and periods when intercourse with an accepted partner is off limits fit very well within the “freedom-with-limitations” culture God established for His Holy people. Before the fall, humans could eat from every tree in the garden except from one. After the fall, “the plants of the fields” were added to their food menu, but animals were off limits. After the flood, humans were permitted to eat meat, but only that of clean animals. They also had to remove all the blood from the meat before eating it. God also enforced limitations on work and the produce of humans’ work. Humans can work every day but one, which belongs to God (Exod 20:8-11; Deut 12-15), and all the produce belongs to them, except for 10% which belongs to God. All aspects of humans are regulated by God: food, work/income, and procreation, reminding humans of God’s sovereignty and humans’ own limitations.

Table 10 shows all the narrative passages in the Bible where *niddah* plays a role. The first case is in Genesis, which recounts the story of Rachel who has stolen her brother’s household idols. The second is the well-known bath of Bathsheba and the following affair with David in 2 Samuel. The third records Mary’s purification after the birth of Jesus. The last is the narrative about the woman who had been bleeding for 12 years and was healed by Jesus. There is also one passage which alludes to a man’s impurity. In 1 Samuel 20:26, King Saul assumed that David was unclean since he was not present at the feast.

18. A person has to be in the state of ritual purity in order to touch anything belonging to the Divine sphere: see Gen 31:34-35 (Rachel and Laban’s household idols); Lev 7:19-20 (Well-being offering); Num 9:6 (Paschal offering); Lev 22:3-9 and Num 18:11, 13 (Priestly prebends); Deut 26:14 (Tithes); 1 Sam 21:5-6 (David and the holy bread).

Table 10. *Niddah* and biblical narrative

Case	Reference	Character	Narrative
1	Genesis 31:33-35	Rachel	Rachel and Laban's household idols
2	2 Samuel 11:2, 4	Bathsheba	David commits adultery with Bathsheba
3	Luke 2:22-39	Mary	Purification right after childbirth, 40 days after giving birth to Jesus
4	Mk 5:25-34 Luke 8:43-48	Woman with abnormal female discharge	Sick for 12 years and was healed when touching the hem of Jesus' garment

Second Temple Period/Rabbinic Judaism

In the period following the recording of the *niddâ* laws in Leviticus, the term evolved from a narrow definition of the menstrual discharge to include the menstruant herself. This term was also used by Ezekiel (36:17) and Ezra (9:10-11) as a metaphor for moral impurity and degradation. These two changes were possibly triggered by the destruction of the First Temple. This greatly impacted the woman's daily life and her status in society. She regularly became the "discharged," the one that should be avoided during her menstrual period. This led many sects of the Second Temple period to quarantine the woman during her period in separate quarters to protect the larger community from the impurity.¹⁹

Not much is known about the purification bath following the menstrual period before the Second Temple and Rabbinical periods apart from the case mentioned above. It was during this period that many of the laws and regulations concerning the construction of the *mikva'ot* and its water were formed and later written down in a separate tractate of the Mishnah.²⁰ It also became necessary for the woman to perform the ritual of the Mikvah in order to be considered pure (b. Šabb. 64b). Over time, the ritual nature of the bath was emphasized. Today, a woman has to be completely clean before she enters the pool. She has to immerse herself, fully, three times and each immersion has to be accepted as completed by a witness. She would also recite a blessing of intention between the first and the second immersion.²¹ The importance of the mikvah is seen in Jewish law, which states that building a mikvah takes precedence above the building of a Synagogue.²²

Complex laws concerning *niddah* developed during the Second Temple period and the following Rabbinical period. In fact, a whole tractate of the Mishnah was devoted to this topic. One complicated issue dealt with in this tractate was the fact

19. It is known that the following Jewish communities imposed quarantine on the woman during her menstrual period and after childbirth: Arabians, Samaritans, Karites, Falashas, Sectarrians of Qumran, and within certain Rabbinic communities. See, Milgrom, *Leviticus 1-16*, 765 and 11QTemple 48:14-17.

20. Although the Mishnah was not completed before the end of the second century C.E., it reflects early traditions. This is supported by archaeological excavations at Qumran, Masada, and Jerusalem in which several Mikva'oth following the laws recorded in the Mishnah have been discovered. For a summary of the mikveh in Judaism, see David Kotlar, "Mikveh," *Encyclopaedia Judaica* (2007), <http://www.encyclopedia.com/article-1G2-2587513881/mikveh.html>.

21. For information about ritual immersion in the mikveh during *niddah*, see Blu Greenberg, *On Women and Judaism: A View from Tradition* (Philadelphia: Jewish Publication Society of America, 1981), 109-111.

22. Michael Kaugman, *Love, Marriage, and Family in Jewish Law and Tradition* (Northvale, NJ: Jason Aronson, 1992), 212.

that not every female discharge was considered unclean. Therefore, detailed laws developed to help a person to determine which discharge was clean and which was impure (b. Nid. 19a-20b). Unfortunately, these laws became so complex that women had to rely on expert examination. In order to simplify the regulations and leave the decision in the hands of the woman, women themselves, with the support of the Rabbis, created the idea of 7 white days, by combining the laws of *niddah* with that of the *zavah*. This meant that the seven-day total period of her impurity was increased to seven clean days in addition to the days of menstruation.²³

The Second Temple period saw the appearance of several new Jewish sects, which gave a new plurality to Judaism. The different sects tended to differ in their interpretations and practices of Jewish laws, which became a source of tension. To generalize, the Qumran community was probably the strictest sect while the Rabbis were on the liberal side, especially the school of Hillel. Hannah Harrington observed that one reason for this was the Essene's classification of Jerusalem as a Temple city, while the Pharisees tried to make the laws operable within a Gentile society.²⁴ It is important to note that the Rabbis living in Israel were much more conservative than the Rabbis from Babylon on this issue. Commenting on Gen 31:35, Nachmanides wrote about a view on the menstruating woman which makes a drastic break from the Priestly laws and Rabbinic Judaism.²⁵ It is speculated that it reflects the view of the Karaites or an unknown Jewish sect of this time period:

In ancient days menstruants kept very isolated for they were ever referred to as *niddoth* [literally, excluded ones] on account of their isolation since they did not approach people and did not speak with them. For the ancients in their wisdom knew that their breath is harmful, their gaze is detrimental and makes a bad impression. . . . And the menstruants dwelled isolated in tents where no one entered, just as our Rabbis have mentioned in the *Baraita* of Tractate Niddah: "A learned man is forbidden to greet a menstruant. Rabbi Nechemyah says, 'Even the utterance of her mouth is unclean.' Said Rabbi Yochanan: 'One is forbidden to walk after a menstruant and tread upon her footsteps, which are as unclean as a corpse; so is the dust upon which the menstruant stepped unclean, and it is forbidden to derive any benefit from her work.'"²⁶

The destruction of the Second Temple had a seismic effect on Judaism and the law of *niddah*. Without the Temple, all the purity laws of the Hebrew Scripture

23. Rachel Biale, *Women and Jewish Law: The Essential Texts, Their History, and Their Relevance for Today* (New York: Schocken Books, 1995), 152-153.

24. Hannah Harrington concluded: "In comparing the rabbinic understanding of impurity of discharges with that of the sectarians at Qumran, I find a much less stringent interpretations of Scripture among the Rabbis. . . the sectarians of Qumran excluded all women (not just menstruating women) from Jerusalem, regard even excrements as defiling, and declare a three-day impurity period for those with seminal emissions. Hence, the Rabbis, viewed in contrast to their own contemporaries, were not seeking to intensify the Bible's purity rules but were trying to make them operable within a Gentile society. The sectarians, by contrast, are found, partly due to their strict, unbendable interpretation of Scripture, in the Judean desert, isolated from the world." See Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations* (Atlanta: Scholars Press, 1993), 260.

25. See Michael Goldman, "Baraita De-Niddah," in *Encyclopaedia Judaica*, CD-ROM edition, ed. Judaica Multimedia (Shaker Heights, OH: Judaica Multimedia, 1997) and Biale, *Women and Jewish Law*, 169-172.

26. Ramban (Nachmanides) and Charles B. Chavel, *Commentary on the Torah: Genesis*, trans. Charles B. Chavel (New York: Shilo Publishing House, 1971), 387-388.

previously tied to the Temple became obsolete or were reapplied.²⁷ The general understanding was that the law of *niddah* was no longer a part of the public life;²⁸ only the prohibition against intercourse during the menstrual period was still applicable since it was a moral law. This is the reason why all biblical laws referring to male discharges disappeared and are no longer observed in Judaism. The laws concerning *niddah* recorded in Leviticus 12 and 15 were only applicable within the marriage, and the laws which developed after the destruction of the Temple had the purpose of lessening the temptation for intercourse between husband and wife during her menstrual period. This is why a couple should sleep in separate beds, avoid physical contact, and perform activities associated with the intimate relations²⁹ between husband and wife.³⁰ The woman was only untouchable by her husband, not by other people. This also explains why a woman goes to the Mikva for her first time when she prepares for her wedding; this assumes that pre-marital sex is out of the picture.

The common Halakhic view was that a menstruating woman could enter and take part in the Synagogue service since it was of no consequence if people came in contact with her.³¹ An impure person could even touch the Torah scroll, the most sacred item, since it is immune to impurity. The legal reasoning goes that since everyone is in a state of impurity due to the lack of the ashes of the *red heifer*, touching something impure does not make a difference. If you are impure, you are impure. The strongest argument for this view was that the Synagogue should not be equated with the Temple, and the laws related to it should not be carried over to the Synagogue. This is the argument found in the *Sefer HaPardes*, legal rulings which grew out from the school of Rashi:

And there are women who avoid entering the synagogue while they are menstruating, and also avoid touching a Torah Scroll and this is a needless stringency, which they need not observe. For why should they act this way? If it is because they think that the sanctity of the synagogue is the same as that of the Holy Temple, then even after immersion why may she enter? . . . And if it [the Synagogue] is not the same as the Holy Temple, let them enter! What is more, we are all impure and nevertheless enter it. From this we may derive that the synagogue is not the same as the Holy Temple and the menstruant may enter it. However, the synagogue is still perceived as a place of purity for them, and therefore they act in a proper and praiseworthy manner.³²

27. The process of reapplying and broadening the scope of the biblical purity laws had already started in the Second Temple Period (inferred from archaeological findings) and were the cause for much debate between the many religious groups (reflected in the multiple religious/historical sources). See Eyal Regev, "Non-Priestly Purity and Its Religious Aspects According to Historical Sources and Archaeological Findings," in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel Poorthuis and Joshua Schwartz (Boston: Brill, 2000), 223-244.

28. Jeffrey Robert Woolf, "Medieval Models of Purity and Sanctity: Ashkenazic Women in the Synagogue," in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel Poorthuis and Joshua Schwartz (Boston: Brill, 2000), 267.

29. There are three activities the *niddah* could not perform of all the domestic activities: (1) filling his wine cup, (2) washing his face, hands, and feet, and (3) preparing his bed. These three activities were considered by the Rabbis to characterize the special relation in a marriage (b. Ketub. 61a). See also Rashi, Responsa, No. 336.

30. Biale, *Women and Jewish Law*, 158-160.

31. The legal code compiled by Rabbi Joseph Caro (1488-1575 C.E.), records the following custom: "All persons who are impure read the Torah, and recite the Shema, and pray [in the synagogue]." Joseph Caro, *Shulhan Arukh, Orah Hayyim* 84:1. Translated and Quoted in Biale, *Women and Jewish Law*, 168.

32. Rashi and C. L. Ehrenreich, eds., *Sefer Ha-Pardes: Liturgical and Ritual Work Attributed to Rashi* (Budapest: Bi-Defus ha-Ahim Kattsburg, 1923), 3. Translated and quoted in Woolf, "Medieval Models of Purity and Sanctity," 268.

It is interesting to note that although Rashi argued from a legal position that a menstruating woman should not be excluded from the synagogue, he, nevertheless, admired women who voluntarily avoid the synagogue, thereby showing their high regard for the Holy sphere. He considered the custom noteworthy, as long as it is a voluntarily decision made by each individual woman.³³

The Ashkenazic Jews, however, saw a strong link between the synagogue and the Temple, even going as far as equating the two. This view influenced the halakhic tradition relating to the laws of *niddah*. Since the Synagogue was still considered a place of purity, and they believed that the Synagogue had replaced and taken the place of the Temple, they would argue the purity laws were still applicable, at least for the woman. In the same way as an impure woman was prohibited from entering the Temple, it became a common practice for the woman to stay away from the Synagogue during her menstrual period.³⁴ The Ashkenazic view is succinctly summarized by Rabbi Moses Isserles (1525-1572 CE) from Cracow, Poland:

Now there are those who have written that a *niddah*, during the days that she sees [blood] ought not to enter the synagogue, nor pray or mention the Holy Name or touch a [Torah] book (Hagahot Maimoniyot) and there are those who say that she is permitted [to do] all those things; and that is the [correct] essence [of Halakhah] (Rashi, on Hilkot Niddah). But the custom in these countries is according to the first view. And during the 'white days' it is the custom to permit even in the places where they are accustomed to rule more strictly. On the High Holidays and Yom Kippur, she can enter the synagogue like other women for otherwise it would cause her great sorrow to remain outside while everyone congregates [in the synagogue].³⁵

The halakhic tradition concerning the concept of *niddah* was also highly nuanced in the period after the destruction of the Second Temple. This period saw the light of two main halakhic traditions, the Ashkenazic and the Sephardic.³⁶ The Ashkenazic tradition was generally stricter than that of the Sephardic, which is also reflected in their differing attitudes towards the case of *niddah*. The Ashkenazic attitude changed, however, towards the end of the eleventh century when the Babylonian Talmud became the exclusive authority of halakhic law. This caused the need for harmonization between the Talmudic law and the Ashkenazic tradition, which was seen in Rashi's comment above.³⁷

33. It could be argued that his high regard for this tradition may be due to his Ashkenazic background and his need to harmonize the legal rulings regarding *niddah* found in the Talmudic and the Ashkenazic legal traditions. By saying this, he potentially harmonized the law and his tradition. He may also have been a supporter of women themselves having a conclusive voice in determining practices that concerned them.

34. Biale, *Women and Jewish Law*, 167.

35. This comment by Moses Isserles is recorded as a gloss to Rabbi Joseph Caro's ruling in *Shulchan Arukh, Orach Hayyim* 84:1. Translated and quoted in Biale, *Women and Jewish Law*, 168.

36. Abraham Heschel suggested that the Sephardic culture and religious attitudes are very different from the Ashkenazic. The Sephardic Jews were extraverted and were in dialogue with the larger world, while the Ashkenazic Jews were introverted and kept to themselves. The Sephardim aspired to personal and rationally defined perfection and tried to take a middle course, avoiding extremes. The Ashkenazim were ever striving for the undefinable perfection, always seeking higher [see Abraham Joshua Heschel, *The Earth Is the Lord's: The Inner World of the Jew in East Europe* (Woodstock, VT: Jewish Lights, 1995)]. It could be argued that these two opposing mind sets are also reflected in the attitude towards the menstruant. The Sephardic rationale led them to conclude that the laws of *niddah* did not apply to the Synagogue, while the Ashkenazic ever-striving quest for heightened spirituality in their daily life led them to equate the Synagogue with the Temple and thereby reapply the laws of *niddah* to the Synagogue.

37. For further reading about the law of *niddah* in the Ashkenazic tradition, see Woolf, "Medieval Models of Purity and Sanctity."

Niddah and the Muslim Parallel

In Islam, there is only one primary text dealing specifically with the case of a menstruant. The rest of the picture must be pieced together by the many hadiths, oral traditions attributed to Muhammad concerning this topic. The key text in the Koran is recorded in the second chapter, which was the first surah revealed at Medinah:

They will question thee concerning the monthly course. Say: 'It is hurt; so go apart from women during the monthly course, and do not approach them till they are clean. When they have cleansed themselves, then come unto them as God has commanded you.' (Koran, 2:222)

The following regulations are extrapolated from this verse:

- Sexual intercourse is prohibited during the menstrual period.
- The menstrual period is completed by a (ritual) bath. A bath could be taken as soon as her bleeding had stopped since there is no stated minimum of maximum length of time for her menses.
- The woman should be in a state of purity for sexual intercourse.
- The regulation seems to have a moral aspect since God is taken into the picture, stating that when the wife is pure, the husband can have sexual contact with her as God has commanded.
- The regulation seems to be connected to her pain, so this might be the reason her husband should not have intercourse with her.

These regulations are very similar to the laws given about *niddah* in the Hebrew Scripture. In the same way as the biblical law of *niddah* was both a purity law and a moral law, so is the regulation given in the Koran. There is, however, one major difference. In the Hebrew Scripture, the sexual impurities were contagious, and even after the removal of the ritual aspect of these laws, following the destruction of the Temple, the husband was still required to abstain from physical contact with his wife during her monthly menstruation. Islam, on the other hand, did not have any regulations preventing physical contact. Although the above passage seems to indicate a husband should not have any contact with his wife during her menstrual period, the text implies that the issue is sexual contact. This point is driven home by hadiths going back to two of Muhammad wives, Aisha and Maymuna:

Aisha said, "The Prophet and I used to wash from one vessel when we were both ritually unclean from sex. . . . I would drink when I was menstruating, then hand it to the Prophet and he would put his mouth where mine had been and drink; and I would eat flesh from a bone when I was menstruating, then hand it to the Prophet, and he would put his mouth where mine had been. . . ." She also said: "The Prophet would recline in my lap when I was menstruating, then recite the Quran." She also said: "The Prophet said to me, 'Get me the mat from the mosque,' and when I said I was menstruating, he said, 'Your menstruation is not in your hand.'" Maymuna said: "God's Messenger used to pray in a woolen garment which was partly over him and partly over me while I was menstruating." (Baghawi, *Mishkat al-Masabih* 3.13)³⁸

38. Francis E. Peters, *Judaism, Christianity, and Islam: The Classical Texts and Their Interpretation*, 3 vols. (Princeton, NJ: Princeton University Press, 1990), 2:325-326.

These hadiths indicate that normal physical contact with a menstruating woman does not transfer impurity. A hadith going back to a third wife of Muhammad, Umm Salama, goes a step further; she reported:

Umm Salama reported: While I was lying with the Messenger of Allah (may peace be upon him) in a bed cover I menstruated, so I slipped away and I took up the clothes (which I wore) in menses. Upon this the Messenger of Allah (may peace be upon him) said: Have you menstruated? I said: Yes. He called me and I lay down.³⁹

Furthermore, the only part of a woman's body which should not be touched during her period was her genitalia. This is an important difference since the Rabbinic Sages required the couple to sleep in separate beds. This underlines the effort among the sages to limit sexual temptation by building "fences" around the main prohibition: intercourse during the menstrual period. In Islam, they believed men would be able to control their desire and the only way an impure person could transfer his impurity is through sexual contact.

There were grave consequences, however, if a Muslim man was not able to control himself during this period. An-Nawawi states:

If a Muslim believes it is permissible to have intercourse with his menstruating wife, he becomes an unbelieving apostate. If he does it, not thinking that it is permissible, but out of forgetfulness or not knowing that it is forbidden or not knowing that his wife was menstruating, then there is no sin or expiation upon him. If he does it on purpose, knowing that it is forbidden, he has committed a grave sin and must repent.⁴⁰

This is a close parallel to the Leviticus law code, which gave the penalty of *kārat* to a couple who broke the regulation on purpose, while if it happened unintentionally, the husband should also be unclean for seven days.

There are also regulations concerning post-childbirth bleeding and women with prolonged flows of blood in the Muslim legal code. The period of impurity lasted until she had stopped bleeding or a maximum duration of forty days.⁴¹ This is similar to the forty days in Judaism, although the biblical period could not be shortened. There are no indications within the Muslim traditions that the period of impurity was lengthened if the woman gave birth to a girl. In this sense, the Rabbinic Jewish regulations are in one way closer to the Muslim regulation. When changing the regulations for normal menstruation, a change was also made to the case of childbirth. The new regulations had the woman start counting her 7 or 14 days following her 7 white days.

39. Imam Abul-Husain Muslim, "The Book of Menstruation (Kitab Al-Haid)," in *Sahih Muslim*, trans. Abdul Hamid Siddiqi (Book 3, no. 581). Online: <http://theonlyquran.com/hadith/Sahih-Muslim/?volume=3&chapter=1>

40. Sayyid Sābiq, *Fiqh-Uṣ-Sunnah*, 1:71b. Online: <http://hadithcollection.com/fiqh-ussunnah/328-Fiqh-us%20Sunnah%20Section%2005.%20Menstruation/20782-fiqh-us-sunnah-volume-001-purification-and-prayer-fiqh-1071b.html>

In the Shia tradition, the man has to pay a penalty in order to be forgiven for such a deed. The amount the man would pay in the weight of gold coins in grams when asking for forgiveness from God is as following: (1) if he has intercourse with her during the early days of her menstruation he pays 3.457g, (2) if he has intercourse during the middle of the days of her menstruation he pays 1.729g, and (3) if he has intercourse during the last days of her menstruation he pays 0.865g. See <http://www.al-shia.org/html/eng/books/beliefs/islam-says/islam-says.htm>.

41. Sayyid Sābiq, *Fiqh-Uṣ-Sunnah*, 1:70a.

In the case of prolonged flows of blood, Islam teaches that she should act according to her customary period and count the remaining as days of prolonged blood flow. She should wait her customary days and then perform her ritual bath and be counted clean although her bleeding has not stopped. She is then free to do all the activities, including intercourse, which a ritually pure person can perform.⁴² Table 11 shows a comparison between the length of uncleanness for the different cases of impurity in Judaism and Islam.

Table 11. Length of uncleanness in Judaism and Islam

Case of <i>Niddah</i>	Hebrew Scripture	Rabbinic Judaism	Islam
After Childbirth	Boy: 7+33 days	Boy: 7 white days +7	x≤40 days
	Girl: 14+66 days	Girl: 7 white days +14	
Abnormal Female Discharge	x+7 days	x+7white days	Same as normal female discharge
Normal Female Discharge	7 days	1+(5≤x)+7 white days	x days
Marital Intercourse	Until evening	—	<u>Tartibi</u> Ghusl - Sequential wash Ertimasi Ghusl - Full immersion

Two more passages in the Koran have relevancy for a menstruating woman and they deal with different forms of impurity and the relation with the spiritual realm:

O believers, draw not near to prayer when you are drunken until you know what you are saying, or *defiled* – unless you are traversing a way – until you have washed yourselves (Koran, 4:43)

O believers, when you stand up to pray wash your face, and your hands up to the elbows, and wipe your heads, and your feet up to the ankles. *If you are defiled, purify yourselves*; but if you are sick or on a journey, or if any of you comes from the privy, or *you have touched woman*, and you can find no water, then have recourse to wholesome dust and wipe you faces and your hands with it. (Koran, 5:6)

The following regulations are extrapolated from this verse:

- During the menstrual period a woman should cease to carry out her prayers, both obligatory and voluntary.⁴³
- If in a state of defilement, a full purification bath is required before prayers.

It could be argued that abstaining from prayers when in a state of ritual impurity refers to the prayer services in the Mosque. If this is the case, it parallels the biblical law that an impure person cannot enter the holy sphere before the days of purification are fulfilled. There are, however, no indications in the Hebrew Scripture that prevent a person from praying when in the state of ritual impurity.

42. Sayyid Sābiq, *Fiqh-Uṣ-Sunnah*, 1:72-74d.

43. See also Shaiḥ Al-Bukhari, *Shaiḥ Al-Bukhari*, trans. M. Muḥsin Khan (vol. 1, Book 6, no. 327, 329), http://sahih-bukhari.com/Pages/Bukhari_1_06.php

Table 12 shows ten Muslim prohibitions during the menstrual period. In addition to the restrictions already mentioned, she was not allowed to fast, perform the circumambulation of the Ka’ba, read and recite the Koran, touch a copy of the Koran, remain in a Mosque, or be reckoned in a period of voluntary continence. In addition, her husband could not divorce her during her menstrual period. These prohibitions do not have any counterpart in Rabbinic Judaism.

Table 12. Ten Muslim prohibitions during the menstrual periods

Prohibition		Reference
1	Performance of prayer	Kur’ān , IV, 46; V,6
2	Obligatory prayer [not valid]. She does not need to make up missed prayers when her menstrual period has ended	Sahih Al-Bukhari , vol. 1, p. 196, no. 327
3	Fasting: The obligatory fast (fast during the month of Ramadan) will have to be complete when her menstrual period has ended	Sahih Muslim , vol. 1, pp. 47-48, no.142
4	Circumambulation of the Ka’ba	Sahih Al-Bukhari , vol. 1, pp. 177-178, no. 293; Sahih Muslim , vol. 2, p. 607, no. 2791
5	Reading/Reciting the Quran [If needed she is permitted to recite 1-2 verses to ward off evil]. However, the prohibition does not apply to other books which contain Quranic passages such as commentaries of the Holy Quran or works of Islamic jurisprudence	Fiqh-us-Sunnah , vol. 1, pp. 52d-53
6	Touching a copy of the Quran	Kur’ān , LVI, 77-9
7	Remaining in a Mosque [or even walking through it unless of necessity]	Fiqh-us-Sunnah , vol. 1, pp. 54
8	Sexual contacts [intercourse]	Kur’ān , II, 222
9	Formal repudiation of a wife [the divorce would be invalidated]	Sahih Al-Bukhari , vol. 7, p. 129, no. 178; Sahih Muslim , vol. 2, p. 756, no. 3457.
10	Being reckoned in a period of voluntary continence	

There are four major ritual impurities which require a full bath in order to become ritually clean in Islam. These are (1) after sexual intercourse, whether it is actual or imaginary; (2) after a woman’s monthly menstruation; (3) once bleeding stops following childbirth; and (4) after death, before the funeral service.⁴⁵ A ritual bath was also required for each of these cases in Ancient Judaism, but due to the destruction of the Temple and the resulting irrelevancy of the impurity laws associated with the Temple, only cases 2 and 3 are still valid. There are two ways of performing the obligatory bath (Ghusl) required by a major ritual impurity; the first method is sequential and the second, a full submersion in water. In order for the obligatory bath to be valid, two essential requirements need to be met. First, it is required that a statement of intent to perform Ghusl is given since it is a ritual fulfilling God’s command. Second, the water should reach every part of the body. These two requirements are the same in Judaism for the Mikvah ritual to be accepted. Although there is no parallel to the sequential Ghusl in Judaism, it should be noted the number three is a part of both rituals. To perform the Mikvah ritual, the

44. The ten prohibitions are outlined by the jurist Ibn Qudama (d. 1223 CE). See Peters, *Judaism, Christianity, and Islam*, 2:326.

45. Kamil Y. Avdich, *Survey of Islamic Doctrine* (Cedar Rapids, IA: Unity Publishing, 1979), 32.

woman has to immerse three times in the pool. A person performing the sequential bath must wash his hands three times and pour water on his head three times.

Conclusion

Comparing the two monotheistic religions, it becomes apparent that they have many similarities. The prohibition against intercourse during the menstrual period is shared by both of them, and intentionally breaking this restriction has grave consequences. The essential requirements for the obligatory bath by full submersion are almost identical to the Mikvah ritual. There are, however, three fundamental differences between Judaism and Islam. First, the impurity rules are still valid in Islam, but not in Judaism. Second, the length of impurity is much shorter in Islam for the same case of impurity. Third, Muslims do not consider impurity contagious, and physical contact between husband and wife is therefore not avoided during the menstrual period. It is interesting to note that although the impurity laws are no longer relevant in Judaism, the laws regulating the menstrual period are more stringent than in Islam.

The Biblical Law of *Niddah* and Christianity

The case of a menstruating woman was also a debated issue in the Christian Church. A careful reading of Luke-Acts depicts Jesus and other important figures in the Early Church as law-abiding and conscious of purity laws,⁴⁶ but not much interest was shown in the purity laws recorded in Leviticus 12-15 by the earliest Christian commentaries and none of these chapters were included in the liturgical cycle.⁴⁷ Over the course of time, however, the interest in these chapters increased, and commentaries elaborated and dealt with them in more detail. Peter Tomson observed that “since the days of the Church Fathers, Christian exegetes have maintained that with the coming of Jesus, purity laws were abolished along with all Jewish rituals.”⁴⁸ This view could be due to the Christian tendency to define themselves as non-Jews. When reading the Early Church Fathers, it becomes apparent that the Church leaders felt a need to restrict the appeal of Judaism and even to discredit the religion. It could be argued that this was a reaction against the Church members’ attraction to Judaism and that many were following Jewish practices. Peter Tomson argued that Origen’s (184-254 CE) and Chrysostom’s

46. Bart J. Koet, “Purity and Impurity of the Body in Luke-Acts,” in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel Poorthuis and Joshua Schwartz (Boston: Brill, 2000), 98-105.

47. Gerard Rouwhorst, “Leviticus 12-15 in Early Christianity,” in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel Poorthuis and Joshua Schwartz (Boston: Brill, 2000), 181-182.

48. Peter J. Tomson, “Jewish Purity Laws as Viewed by the Church Fathers and by the Early Followers of Jesus,” in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel Poorthuis and Joshua Schwartz (Boston: Brill, 2000), 74. This is the basis for the opinion voiced in the *Didascalia Apostolorum* (c. 200-250 CE). This is a collection of pseudo-apostolic church laws originating from Syria presented as having been written by the Apostles at the time of the Council of Jerusalem (Acts 15). In chapter 26 [vi, 22], it is argued that normal fluids of sex and intercourse in marriage are clean, and that men should not reject women during their menstrual periods:

Do not load yourselves again with that our Lord and Saviour has lifted from you. And do not observe these things, nor think them uncleanness; and do not refrain yourselves on their account, nor seek after sprinklings, or baptisms, or purification for these things. . . . And when (your wives) suffer those issues which are according to nature, have a care that, in a manner that is right, you cleave to them. (R. Hugh Connolly, *The Didascalia Apostolorum* [Oxford: Clarendon, 1929], Online: <http://www.bombaxo.com/didascalia.html>)

(347-407 CE) strong attack on the purity laws indicates the popularity of purity observance in the third century Church.⁴⁹ Gerard Rouwhorst suggested: “From the third and the fourth century onwards, the celebration of the Eucharist by the priest as well as the reception of the Holy Communion by monks and laymen became bound by certain purity rules which in a considerable degree are based upon some passages of Leviticus.”⁵⁰ One example of this view is found in the second Canon of Dionysius, the Archbishop of Alexandria (247 CE). This letter gives the following answer to an inquiry made by the Bishop Basilides: “Menstruous woman ought not to come to the Holy Table, or touch the Holy of Holies [the body and blood of Christ], nor to churches, but pray elsewhere.”⁵¹

Two competing views on ritual purity, issued in the sixth and the seventh century, became authoritative for Church leaders in the following centuries. The seemingly lenient view was held by Pope Gregory the Great (540-604 CE). He argued that the biblical purity laws should be read on a spiritual level rather than in a literal way. From this, he held that each person was free to make up his/her own mind on these laws. Rob Meens summarized:

For Gregory it was inward convictions that counted, not outward behavior. Women should make up their own mind: when they decided not to approach the body and blood of the Lord when menstruating, they were to be praised, but when they got carried away by the love of the sacred mystery they were not to be prevented from going to church or from receiving communion.⁵²

While women were not prevented from attending church or communion during menstruation, they were certainly not given a neutral option. If she decided to abstain, she was praised, but if she chose to participate, she was not—a rather loaded choice. The view held by Pope Gregory I is a good example of *benevolent sexism* which is discussed in the chapter “The Dawn of the Battle of Sexes – Genesis 3:16.”

Meens also observed that regarding the case of entering church after sexual intercourse, Gregory thought that one should always wash and keep out of church for a short time. This was based on the idea that sexual intercourse was caused by man’s desire and that there is no desire without sin.⁵³ A person in such a mindset should not be in the church, since a person should be in the “right state of mind” when he is in God’s presence.⁵⁴

The strict ruling was given by Archbishop Theodore of Canterbury (668 CE). Meens wrote:

[Theodore] ruled in his collection of penitential decisions that a woman who entered a church during forty days after giving birth, should do penance for three weeks. The

49. Tomson, “Jewish Purity Laws,” 75-78.

50. Rouwhorst, “Leviticus 12-15 in Early Christianity,” 184.

51. Dionysius of Alexandria, *The Letter of the Blessed Dionysius, the Archbishop of Alexandria to Basilides the Bishop* (NPNF2 14:600).

52. Rob Meens, “‘A Relic of Superstition’: Bodily Impurity and the Church from Gregory the Great to the Twelfth Century Decretists,” in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel Poorthuis and Joshua Schwartz (Boston: Brill, 2000), 284-285.

53. Meens, “A Relic of Superstition,” 285.

54. Gregory classified ejaculation during sleep into three categories: natural superfluity or illness, gluttony, and evil thoughts. The third case is the most severe and a priest in this situation should abstain from saying Mass and receiving communion. It is not clear if this opinion also relates to non-priests. If it does, it is a very similar attitude as that of the Muslim tradition.

archbishop also forbade menstruating women from entering the church or from receiving Holy Communion, a provision applying to laywomen and nuns alike. If women nevertheless contravened this, they had to do penance by three weeks of fasting.⁵⁵

It is important to note that Theodore was not only prohibiting a woman from taking part in the Communion service in the period of her menstruation, but he considered it a sin in need of penance if broken. It should also be noted that Theodore followed the laws of Leviticus 12 prohibiting a woman to enter the church the first forty days after childbirth. However, he made no differentiation between the birth of a boy or a girl.

Bishop Timothy of Alexandria gave the following answers to the questions proposed to him concerning Bishops and Clerics at the Third Council of Constantinople in 680-681 CE. He followed the strict ruling of Theodore:

Question V. Can a man or woman communicate after performing the conjugal act over night?

Answer. *No. 1 Cor Vii. 5.*

Question VI. The day appointed for the baptism of a woman; on that day it happened that the custom of women was upon her; ought she then to be baptized?

Answer. *No, not till she be clean.*

Question VII. Can a menstruous woman communicate?

Answer. *Not until she be clean.*

Question VIII. Ought a woman in child-bed to keep the Paschal fast?

Answer. *No.*

Question XII. If a layman asked a clergyman whether he may communicate after a nocturnal pollution?

Answer. *If it proceeds from the desire of a woman, he ought not: but if it be a temptation from Satan, he ought; for the tempter will ply him when he is to communicate.*

Question XIII. When are man and wife to forbear the conjugal act?

Answer. *On Saturday, and the Lord's day; for on those days the spiritual sacrifice is offered.⁵⁶*

From this, it becomes apparent that the strict ruling, represented by Theodore and Timothy, follows closely the purity regulations of Leviticus relating to the Temple. A woman cannot take part in public religious life as long as she is menstruating or during the forty days following childbirth. It was not acceptable to have intercourse over the weekend or the night before taking part in the communion service. It could be assumed that the religious leaders considered the Church, especially the communion service, to have the same sanctity as the Jewish Temple. The custom of purification and churching is a further support of this view. This custom was rooted in the Jewish purity laws and followed the example of Mary, Jesus' mother, when she visited the Temple as the fulfillment of the stipulations of Leviticus 12. The celebration of the first visit that the mother made to the parish church after childbirth, after she had completed her required "religious quarantine," became a very popular ritual. The popularity only started to fade at the onset of the Reformation when the Protestants denounced it as Judaizing. The ritual ceased to exist in the Catholic Church in the 20th century.⁵⁷

55. Meens, "A Relic of Superstition," 286.

56. Timothy of Alexandria, *The Canonical Answers of Timothy* (NPNF² 14:612-613).

57. Charles Caspers, "Leviticus 12, Mary and Wax: Purification and Churching in Late Medieval Christianity," in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel Poorthuis and Joshua Schwartz (Boston: Brill, 2000), 295-309.

The tension in the Church caused by the Jewish purity laws started when the Jesus movement shifted from a purely Jewish sect to become a mainly Gentile church. The center of the issue was the Church's relationship with Judaism and the role of the Jewish laws in the Messianic era. Gregory the Great's supposedly more lenient views on ritual purity provided little competition with those of Theodore. Ultimately, it was Theodore's stricter ruling that gained the upper hand and had the most influence on the Church and its doctrines. The Reformation stirred the debate about the role of the Jewish purity laws and most of the reformers made a sharp distinction between the old and the new covenant, living under the purity laws of the Hebrew Scripture and being free under the law of grace in the Christian era.

Conclusion

This study demonstrates that the biblical law of *niddah*, and its Muslim parallels, played and still play an important role in Judaism, Islam, and during periods of Christian history. This leads to the question: Do Christians today need to adhere to these laws?

The following statement by William J. Webb represents the common attitude among modern Christians toward the concept of *niddah*:

One has to admit that we no longer apply the menstrual-intercourse prohibition today. We might generally comply with the text simply out of personal preference and comfort levels (This kind of compliance may be considered the same as taking a shower after intercourse and semen emission. While we may still do the text, we would not feel under any covenant obligation to do so). However, if by mutual consent, a husband and wife have intercourse during menstruation, would they be sinning today? Likely not. The New Testament has repealed the cultic impurity laws.⁵⁸

Webb was, in a sense, both accurate and inaccurate. It is accurate that the cultic impurity laws are no longer applicable, especially after the destruction of the Jewish Temple.⁵⁹ However, the conclusion that a couple is therefore free to have intercourse during menstruation is problematic. As noted earlier in this chapter, the issue of *niddah* also appears in lists of moral prohibitions. In other words, the regulations of *niddah* belong both to the set of moral laws and the set of impurity laws. The cultic impurity aspects have been canceled, but the moral aspect could still be in effect. If one aspect is no longer relevant, it does not automatically nullify the other.

This chapter also shows that a violation of the prohibition against intercourse during the menstrual period gave the penalty of *kārat*, a penalty that God himself would execute. It would not only affect the person and his family in this life, but it might also have consequences for the afterlife. It also noted that these prohibitions were not exclusively given to the Jews, but the context of Leviticus 18 and 20 deals with the sins the people committed who lived in the land before them. God told them that if his people behaved in the way of the Canaanites, they would suffer the same consequence: expulsion from the land. This point was driven home by Ezekiel, who listed intercourse with a menstruating woman as one of the causes for the Babylonian exile (Ezek 18:6; 22:10). An important observation of this study is that non-Israelite people were also judged by their adherence to this issue. Since God cannot judge a people or a person by laws which do not apply to them, the law of *niddah* may need to be considered a universal law.

58. William J. Webb, *Slaves, Women & Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove, IL: InterVarsity Press, 2001), 169.

59. It is important to note that the Rabbis also considered the cultic purity laws obsolete since the Temple was destroyed, although some of the laws were reapplied.

The *niddah* prohibitions were important to the Jews both before and after the destruction of the Temple and they were adhered to by Muslims. They played an important role in the Christian Church, but, again, what of modern Christians? How should they regard *niddah* prohibitions? There is certainly room for further discussion regarding this issue, both by religious organizations and by individual couples. This is outside the scope of this study, which is to explore the broader contextual picture and discuss some pertinent criteria that should be included in both those discussions.

Crucially, women need to have a very strong voice in these discussions, both within religious organizations and in their own homes. Women should not be forced into decisions that will contribute to their physical and moral discomfort, nor should they be given loaded choices as in the case of Pope Gregory I.

As the cultic aspect of this prohibition no longer applies and many modern Christian faiths do not regard their church as a replacement for the Jewish temple, the laws of *niddah* may no longer belong in the public square either—in the Church or in society at large. Instead, it could well be that the application of this prohibition is merely a personal issue that is best left to be negotiated by individual couples, and renegotiated in the future if their needs change with great sensitivity shown by both parties so neither feel pressured or forced to do something he or she is uncomfortable with. Whatever is decided, menstruation should not affect or limit how women or their husbands are treated or the roles they can perform within their churches or within their greater cultural context.

APPENDIX

Leviticus 12 - Childbirth

The following structure of Leviticus 12 is based on John Hartley's outline of the chapter.¹

Introduction (v. 1)

- A. Regulations concerning separation following childbirth (vv. 2-5)
 - 1. Birth to a boy (vv. 2-4)
 - a. Time of impurity (v. 2) = Status as for normal female discharge
 - b. Instruction about circumcision (v. 3)
 - c. Additional time of impurity and her new status (v. 4)
 - 2. Birth to a girl (v. 5)
 - a. Time of impurity (v. 5a) = Status as for normal female discharge
 - b. Additional time of impurity and her new status (v. 5b)
- B. Sacrifices for purification (vv. 6-7a)
- C. Summary Statement (v. 7b)
- D. Appendix: Alternative sacrifices for a poor woman (v. 8)

Leviticus 15 - Genital Discharges

Milgrom gave two different structures for Leviticus 15.² The first structure presents the four main cases of genital discharges framed by an introduction and a conclusion. Each of these cases are introduced by the Hebrew particle *kî* (Lev 15:2, 16, 19, 25). The second structure recognizes that v. 18, which deals with marital intercourse, is the central focus of the chiasmic structure (ABC - X - C'B'A'). The key sections for this chapter have been highlighted in each of the structures.

Structure 1

- A. Introduction (vv 1-2a)
 - B. Male discharges, long-term (vv 2b-15)
 - 1. Definition (vv 2b-3)
 - 2. Consequences (vv 4-12)
 - 3. Purification by sacrifice (vv 13-15)
 - C. Male discharge, short-term (vv 16-18)
 - 1. Semen emission (vv 16-17)
 - 2. Intercourse (v 18)
 - C'. Female discharge, short-term (vv 19-24)**
 - 1. Menstruation (vv 19-23)**
 - 2. Intercourse (v 24)**
 - B'. Female discharges, long-term (vv 25-30)
 - 1. Definition (v 25)
 - 2. Consequences (vv 26-27)
 - 3. Purification by sacrifice (vv 28-30)
 - [Consequences for the Sanctuary and for Israel (v 31)]
- A'. Summary (vv 32-33)

1. See John E. Hartley, *Leviticus*, WBC 4 (Dallas: Word, 1992), 166.

2. Milgrom, *Leviticus 1-16*, 904-905.

Structure 2

- A. Introduction (vv 1-2a)
 - B. Abnormal male discharges (vv 2b-15)
 - C. Normal male discharge (vv 16-17)
 - X. Marital intercourse (v 18)
 - C'. Normal female discharge (vv 19-24)**
 - B'. Abnormal female discharge (vv 25-30)
 - [motive 9v 31]]
- A'. Summary (vv 32-33)

Leviticus 18 - Illicit Sexual Practices

The first structure gives an outline of Leviticus 18, observing that the prohibitions concerning forbidden sexual relations are the center of the chiasmic structure. The second outline shows the location of the prohibition against sexual relations with a menstruating woman in the list of prohibitions. The third structure, dealing with forbidden acts, shows that the prohibitions falls into two major sections. The first, is ordered by family relationships. The second, focuses on forbidden acts. The case of intercourse with a menstruating woman falls into the second group. The key sections for this chapter have been highlighted in each of the structures.

Structure 1³

- Introduction (vv. 1-2a)
 - A. Opening exhortation (vv. 2b-5)
 - 1. YHWH's self-introduction (v. 2b)
 - 2. Two prohibitions against following foreign practices (v. 3)
 - 3. Two exhortations to keep God's laws (vv. 4-5)
 - X. The prohibitions (vv. 6-23)**
 - A'. Closing exhortations (vv. 24-30)
 - 1. Admonition with historical substantiation (vv. 24-25)
 - 2. Threat of expulsion and excision (vv. 26-29)
 - 3. Exhortation to heed these prohibitions (v. 30a)
 - 4. YHWH's self-introduction (v. 30b)

Structure 2⁴

The Prohibitions - Forbidden Sexual Relations (vv. 6-23)

- I. Prohibitions against incests (vv. 6-18)
 - A. Primary relationships (vv. 6-17a)
 - 1. General law (v. 6)
 - 2. With a mother (v. 7)
 - 3. With a father's wife (v. 8)
 - 4. With a half-sister (v. 9)
 - 5. With a granddaughter (v. 10)
 - 6. With a stepsister (v. 11)
 - 7. With a paternal aunt (v. 12)
 - 8. With a maternal aunt (v. 13)
 - 9. With an aunt, wife of father's brother (v. 14)

3. Milgrom, *Leviticus 17-22*, 1516-1517.

4. Milgrom, *Leviticus 17-22*, 1523-1524.

- 10. With a daughter-in-law (v. 15)
- 11. With a brother's wife (v. 16)
- 12. With a mother and daughter (vv. 17a)
- B. Additional prohibitions (vv. 17b-18)
 - 1. Against sexual relations with a woman and her granddaughter (v. 17b)
 - 2. Against marriage to a wife's sister (v. 18)
- II. Prohibitions against certain sexual practices and sacrifice to Molek (vv. 19-23)
 - A. Against sexual relations with a menstruating woman (v. 19)**
 - B. Against sexual relations with a neighbor's wife (v. 20)
 - C. Against offering up children to Molek (v. 21)
 - D. Against male homosexuality (v. 22)
 - E. Against bestiality, male and female (v. 23)

Structure 3⁵

The Prohibitions - ordered by family relationship:

Relatives: the closest relatives (vv. 7-11) => parents' closest relatives (vv. 12-14)
=> relatives by marriage (vv. 15-16) => wife's closest relatives (vv. 17-18)

Non-relative: **intercourse with a menstruating woman (v. 19)** | intercourse with a married woman (v. 20) | Molek worship (v. 21) | Sodomy (v. 22) | Bestiality (v. 23)

Leviticus 20 - Serious Offenses

The first structure gives an outline of Leviticus 20, observing that the penalties for violating the sexual prohibitions are located at the center of the chiasmic structure. The second outline shows that the penalties are grouped into prohibitions carrying the death penalty, the excision penalty, and the childlessness penalty. Intercourse during menstruation falls into the second group of penalties. The third structure gives the elements of this case law. The last structure notes that the penalties are ordered by punishment based on the severity of the crime. Intercourse during menstruation falls into the middle category. The key sections for this chapter have been highlighted in each structure, except for Structure 3, which is the key case-law for this study.

Structure 1⁶

- A. Worship of chthonic gods (Molek and necromancy, vv. 1-6)
- B. Sanctification (v. 7)
- C. Exhortation for obedience (v. 8)
- X. Penalties for violation (vv. 9-21)**
- C'. Exhortation for obedience (vv. 22-25)
- B'. Sanctification (v. 26)
- A'. Worship of chthonic gods (necromancy, v. 27)

5. Milgrom, *Leviticus 17-22*, 1526.

6. Milgrom, *Leviticus 17-22*, 1728.

Structure 2⁷**Penalties for sexual violations (vv. 9-21)**

The Fundamental Cause: Dishonoring Parents (v. 9)

A. Prohibitions carrying the *death penalty* (vv. 10-21)

1. Adultery (v. 10)

2. Incest (vv. 11-12)

a. Sex with father's wife (v. 11)

b. Sex with daughter-in-law (v. 12)

3. Male homosexuality (v. 13)

4. Marriage of a man to a woman and the woman's mother (v. 14)

5. Bestiality (vv. 15-16)

a. By a male (v. 15)

b. By a female (v. 16)

B. Prohibitions carrying the *excision penalty* (vv. 17-19)

1. Marriage to sister (v. 17)

2. Sex during menses (v. 18)

3. Sex with paternal or maternal aunt (v. 19)

C. Prohibition carrying the *childlessness penalty* (vv. 20-21)

1. Sex with uncle's wife (v. 20)

2. Marriage to a sister-in-law (v. 21)

Structure 3⁸**V. 18**

Case: If a man lies with a woman during her sickness

Reason: 1. and uncover her nakedness

2. he has exposed her flow

3. and she has uncovered the flow of her blood

Penalty: Both of them shall be cut off from their people

Structure 4

The Penalties - ordered by Punishment, based on the severity of the crime:

Death (vv. 10-21) => **Excision (vv. 17-19)** => Childlessness (vv. 20-21)

7. Milgrom, *Leviticus 17-22*, 1743.

8. The structure of the key verse for this study is based on John E. Hartley's observation that each case law is composed out of the following four elements: case, penalty, reason, and declaratory formula. The combination of these elements varies from case to case, and not every decree contains all these elements. See Hartley, *Leviticus*, 330.