

Chapter 32

Having Period Two Times a Month or Three Times a Month

Every Jewish woman who has a period is a Nidah. As a Nidah she is forbidden to have any physical contact or kiss or have relations with any man. After a period of twelve days from the onset of bleeding after following procedures outlined in the books relating to Nidah observance the woman dips in a Mikveh and is again permitted to her husband. Only married women dip in a Mikvah in order to discourage unmarried women from being promiscuous.

What happens if a woman has a period two times or three times a month and all medical treatment to regulate her menstrual cycle to once a month fail? Then the Rabbis are mandated to invoke all the lenient rulings and minority opinions to re-characterize all the times -other than once a month- that the woman is bleeding as something else than Nidah. The woman would then count as becoming a Nidah the time she bleeds that is closest to the end of the month- once every 28 or 30 days apart. Other times that she bleeds she is permitted to her husband and does not have to dip in the Mikvah. This is radical, but such is the work of the Torah. G-D gave the rabbis the power to use all the loopholes in the Torah to make the Torah equitable. We are concerned with the plight and impossible consequences that can result to individuals as a result of Torah observance. If the woman must count 12 days from the time she bleeds twice or three times a month she never will be permitted to her husband, She will remain all her life a Nida. This is an impossible situation and inequitable. It is for situations like this one that the Torah empowered the competent rabbis who have mastered and practice the four parts of the Shulchan Aruch to find loopholes to enable this woman to have a normal sex life.

Just as in the case of an Agunah where the husband refuses to set the woman free by giving her a Get

we will rule like minority opinions -even like one rabbi, so too in this case too. Here also the woman is like an Agunah- she is eternally forbidden to have sex - and we must use every loophole that exists to help the woman. See Talmud Nida 66a- “isho shyeh lo vest toleh bevesto” . Once a woman has a specified time that she has her period , any other bleeding can be disregarded. Such is the interpretation of Rashba and Mordecai . Rashba Tores Habit- Shar ha ksumim ; Mordecha beginning Shavuot. This interpretation is widened to include those cases that the woman does not have a definite period that she has her menstrual flow. We will then determine that once every 30 days -once a month -she is considered Nidah and has to count 12 days before dipping in the Mikvah after observing all the laws described in the Kitzor Shulchan Aruch Rav Shlome Ganzfried translated as The Code of Jewish Law -English edition . See also my book Ohr Zisel On laws of Nidah that translates all the laws from Aruch Hashulchon Yoreh Dayoh - chapters 183-200. [Presently in manuscript]. For further substantiation for this position see - Ramo Yoreh Dayoh 187:5;Aruch Hashulchon 183: 54,55,56,59,60,66 Ibid 186;13,14,15. Ibid187;45,62;187: 1-93 ;183:1-68; Ibid 190:1,2 : Responsa Bris Avrohom Yoreh Dayoh vol 1 # 44-58; Responsa Nodeh Beyhudah Yoreh Dayoh # 44 , 55 ; Responsa Pnai Yehoshua Yoreh Dayoh #1 ; Responsa Mahriv # 25; Responsa Tzemech Tzedek Yoreh Dayoh # 97 ; Psokim Uksovim vol 4 -Responsa Laws - Yoreh Dayoh # 54 from Rav Isaac Herzog chief Rabbi of Israel during Israel’s war of independence.Responsa Maharsham vol 1 # 24, 68,80,81; Shev Shmate Shmte 6:7 and Nodei Beyhuda 59 as cited by Responsa Mahrsham Vol1 # 68. The Mahrsham Vol 1 #68 grants a dispensation to a woman who finds it impossible to ascertain that she has stopped bleeding -she still spots . He advises her to wear colored underwear and use colored tampons that contain no white.Responsa vol 1 # 81. Even if she can not obtain colored tampons , the dispensation still exists. Responsa vol 1 # 68. Every other woman who has no emergency must observe strictly all the details of the laws of Nidah -family purity. The sources cited give the Halachic reasoning for the dispensations. The dispensations are intended to prevent the marriage from ending in divorce since the observant couple would not be able to have sex otherwise since the wife would remain forever a Nidah.

Arye Leib Hakohen the author of the Kzos , Avnei Meluim and Shev Shmata Shmata 6: 7 and 19

gives the following Halachic explanation. Every woman has a period . Most have a period once a month. Consequently , every woman must observe all the restrictions of the laws of Niddah Mikvah whenever their period occurs. The overwhelming majority of women do not menstruate more than three or four days. When a woman claims that she has bleeding more than the three or four days at her period or a few times a month or every time following intercourse she in effect is in conflict with what the overwhelming majority of women experience. True she may be bleeding, but the source of the bleeding can very likely be other than what is considered menstrual bleeding coming from the womb. Would we believe the claim of this woman that she is having menstrual bleeding the effect must be to destroy her marriage. This woman at the instant of marriage obligated herself to her husband with marital rights. Her Husband obligated himself to his wife to provide her with marital rights. True once a month for a period of twelve days the husband agreed to relinquish his marital rights in deference to her Nidah state. However when a woman claims that she has a period several times a month or is unable to cleanse herself after her period the husband is not obligated to believe her. The husband relies on the evidence from the overwhelming majority of women who do not have such problems. Therefore he can claim that he does not accept that she had menstrual bleeding. The bleeding can have come from the vagina, or from any other organ like the kidneys or the cystis urinaria . This is logical since after the first three or four days of bleeding most of the bleeding is not attributed as coming from the uterus or womb . It could have come from the cystis urinaria or the vagina. See Shev Shmata Shmata 4:1 .Of course a physician must be consulted for medical and gynecological complications that must be healed. But as far as the Halachic situation the woman can attribute the additional bleeding as coming from above mentioned organs since they are closer to the place where the bleeding was detected in the vicinity of the vagina. See Mahrsham Vol 1 # 68 who cites Toras Cha. on his commentary to Talmud Bava Basra page 23 who uses this logic. Even if the wife does not have a wound or injury and does not experience pain , the husband can refuse to believe her that this is menstrual bleeding . Nodah Beyahudah as cited by Mahrsham Vol 1 # 80 produces proof that the overwhelming instances of bleeding at times other than when a woman has her monthly period is not menstrual . See also Aruch Hashulchon Yoreh Dayoh 183:13; Shev Shmateh 3:11 beginning;Chsam

Soffer Yoreh Dayoh # 142; Therefore this woman is making a claim that contradicts a Rov delaisa kamon and is not believed. This is similar to the case where a person claims that he inspected an animal and found the animal having an illness that renders it unkosher- traif. Unless the person making the claim was the ritual slaughterer -who slaughtered this animal and had in his control to render the animal not kosher if he so desired , he is not believed . A stranger is not believed when the owner contradicts him or does not believe him. See Yoreh Dayoh chapter 127:1. The reason is because the majority of animals are healthy and do not have diseases that render them not kosher. See Shev Shmata 6:7 middle. See Aruch Hashulchon Yoreh Dayoh 39:1. The same logic applies to our case when the woman contradicts the overwhelming majority of cases of women who do not have menstrual bleeding other than once a month and the husband does not accept that this is menstrual bleeding. The rabbis instruct the husband not to accept that this is menstrual bleeding similar to the situation in Yoreh Dayoh 127. Otherwise every woman can use this excuse to escape remaining married. See Rav Yoneson Eisbitz in Craise Upliasi Yoreh Dayoh 187. The above reasoning is furthered by the fact that a woman in order to become ritually impure -in the Nidah state Biblically must feel the instant that the blood emerges from the womb-not when she senses that the flow of blood has soiled her tampon or garments. See Aruch Hashulchon Yoreh Dayoh 183:66; Ibid 190:1; Responsa Pnai Yehoshua Yoreh Dayoh #1; Responsa Nodeh Beyehudan # 59. Otherwise she is impure according to Rabbinical Laws. In our case when a woman claims to have bleeding several times a month or can not be cleansed the Rabbis relaxed their restrictions and relied on the Biblical law that the woman must sense the release of blood from the womb . This is next to impossible to experience. Therefore coupling all the various factors we will grant this woman a dispensation and enable her to remain with her husband and save their marriage. We will also permit her to take a bath when she must determine after her period stopped that there is in fact no more bleeding. The bath will ensure that she does not find any blood upon examination. This is done only if the woman continuously finds blood on the garment that she uses to examine herself .On the fourth night following the beginning of bleeding the woman must first examine the outer layers of the vagina-without examining in depth as far as possible as is normally done -to see that there is no bleeding or spotting. Mahrsham Vol 1 # 68 middle. If she still

finds bleeding or spotting then the following night she pays attention that there is no sensation of blood coming from the womb. If she does not feel any blood , no further examination is made. Nodeh Beyehudan Mahdura Kama # 57. She then takes a bath . Following the bath she will examine herself to see that there is no spotting. After finding no bleeding or spotting she will count seven clean days. She will repeat this process during one of these seven days or nights. After the completion of the seven days at the eighth night she goes and dips in the Mikvah and is permitted to her husband. See Tahras Yisroel 187:70; Mahrsham Vol 1 # 68 very end citing Responsa Ateres Chachomim #17. The prohibition of taking a bath under normal circumstances would be Rabbinical . See Orech Hashulchon Yoreh Dayoh 99:27. In our case to save the marriage the Rabbis relaxed their ruling. We will also permit her to wear colored tampons and undergarments. Any bleeding on colored tampons and undergarments-other than when a woman has her monthly period- are not considered dam niddah- menstrual bleeding and she is not rendered a Nidah forbidden to her husband. Thus one can see that the Rabbis employed all their ingenuity to save marriages .

In all other situations Jews must observe meticulously all Laws be they Rabbinical or Biblical. Only in emergency situations are we mandated to rule like the minority opinions -even like one rabbi. See Taz Even Hoezer 117:15.

This situation can be distinguished from the case of the women who want to be able to do anything men do and outdo them, since there exist things men can not do. Men do not have a period and obviously are not required to go to the Mikveh and make a blessing -Aruch Hashulchon Yoreh Dayoh 200:2. Men are not permitted to make a blessing even if they do go to the Mikvah. Men can't bear children and obviously are not required to go to the Mikvah after they have a child and make a blessing like women do . Women light the Sabbath candles and recite a blessing, not men . Only if there are no women do men light the Sabbath candles with a blessing. Women when baking take Chala a portion of the dough and make a blessing and burn it. It was given to Kohanim . Nowadays when we do not know the true status of Kohanim , we burn the dough. In addition , the Kohanim in order to receive the Chala had to be pure - never being in a funeral parlor or touching someone who was . This scenario can not be realized

easily today. Thus we burn the Chala .Thus we see that women have many Mitzvochs that require making a blessing The Torah did not discriminate and favor the men. There exist no need for women to imitate the roles of men or adopt their Mitzvochs, like putting on Tefilen wearing Tzitzot or getting an Aliya- being called to the reading of the Torah. and come to the men's section of the synagogue. They thus will be imitating the Reform and Conservatives.

So too, women are exempt from performing all Mitzvochs that are tied to time. They are exempt from putting on Tefillen and wearing Tzizis because they are considered men apparel , in addition to being a Mitzvod bound by time. That is the reason that women are forbidden to put on Tefillen and wear Tzitzes even on a voluntary basis. Women are exempt from prayers in the synagogue with a Minyon and Krias Hatorah- reading the Torah. If by their presence at the synagogue mixed seating - and being called for an aliya to read the Torah they cause men to be aroused sexually, they are in violation of causing another person to sin. "Lifnai iver lo siten mikshol "- Before a blind and unsuspecting person you shall not place a stumbling block. Anyone who causes or is an accessory to have another person sin is responsible for the other person's sin. If one has the ability to prevent another person from sinning or committing a crime and fails to prevent him one is punished- Talmud Avoda Zoro 18a. If they ignore these considerations then their attitude is a symptom of ignorance and arrogance. Such people when organized as a group are undermining Judaism . We can not accommodate them and they and we are better of if we part company. See Ramo Yoreh Dayoh 334:3 and Taz Ibid 334:1 who cautions for restraint and not to encourage sinners to abandon Judaism by excommunicating them and throwing them out from the group. We should oppose their violations , but not cast them out.

Women are the most important transmitters of all our laws Biblical and Rabbinical .They are at home and children are exposed mostly to their mothers. The authenticity of Judaism is the fact that from day one millions of parents, especially mothers transmitted to their children and loved ones our tradition. Those laws passed on by the mothers never fell in to dispute. Thus the main principles of the laws of Nida Mikvah, Sabbath and holiday observance , Kosher and dietary laws, laws of prayer, Tzniot -modest behavior

and Jewish style of dress, and conversions never were in dispute See Rambam Mamrim 1:3; Responsa Chavet Yoer # 192. It is our duty to steer women in the right direction with wisdom and patience. Our tactics may change in each generation, but the goal must remain the same. 100 % fidelity and observance of all Biblical and Rabbinical laws . IN CASES OF HARDSHIP AND EQUITY EXCEPTIONS EXIST

Chapter 33

Mikveh - Halachic Construction of the Mikveh and what water is kosher ab initio and post facto

Prologue -the Laws of Mikvah construction are very complex.. It is imperative that one consult a Rabbi who has mastered and observes all the four parts of the Shulchan Aruch and not rely on this short summary . Likewise, one should use the existing Mikvoths that were most likely constructed in accordance with Halacha since most people involved with the construction and care of Mikvot are competent ROV
HAMETZUIN AZEL MIKVOT MUMCHIN CHEM Aruch Hashulchon Yoreh Dayoh 201:44,45,46.
This summary is written for research purposes . It can be used in cases where no Mikvah exists and unless a person relies on this summary they will not use any Mikvah

A woman who has her menstrual period must wait five days from the beginning of her period when she spotted any bleeding or spotting until such bleeding or spotting stops. Then she inspects her vaginal tract once at night and then in the morning to determine that she is indeed free of bleeding, This procedure is repeated for seven days . If she has not bled or spotted for seven days , then at night following the seventh day-the beginning of the eighth day [In Jewish law the new day starts at the night before] she bathes washes with soap and shampoos her hair and makes sure all her body and hair are clean and her hair have no knots -and one hair is not tied with another. She will comb her hair and inspect that no hair is tied with another hair. Aruch Hashulchon Yoreh Dayoh 199: 4-7. She will cut her nails of her hands and feet and make sure that there is no dirt any where in her nails. She should remove all nail polish of different colors or nail color and all cosmetics. She will be careful that she will not touch any substances that are sticky that can attach to her body and hair before she goes and dips in the Mikvah , spring, well , lake, river or ocean .