

Thick *Schach*

■ Please consider an addendum regarding the density of *schach* to the information-packed article by Rabbi Ari Zivotofsky (“What’s the Truth about...*Schach*,” fall 2003).

1. The author cites the practice of Rav Chaim Volozhin to use thick *schach* that would enable him to sit in the sukkah even in light rain. It is similarly reported that Rabbi Aharon Kotler instructed that the *schach* be extra thick, although he did not specify rain-proofing as the reason.

2. The desire of leading rabbis to fulfill the mitzvah of sukkah even in a slight drizzle is evident from *piskei halachah* (halachic rulings) and rabbinic practice. Rabbi Shlomo Zalman Auerbach rules that during Chol Hamoed one may sit under an umbrella while in a sukkah, and thereby fulfill the mitzvah despite the inclemency (*Halichot Shlomo* 2, 8:20). It is reported that the Brisker Rav did just that when it rained on Chol Hamoed.

3. Rabbi Zivotofsky cites the *Yerushalmi*'s ruling that stars must be visible through the *schach*. Neither the *Yerushalmi* nor any of the major commentators provide a rationale or a source for this opinion. Rabbi Yehuda Kelemer offers the following suggestion: In Bereishit (15:5), the Torah records that God instructed Avraham to go outside in order to see and count the stars. From inside the house, one cannot see stars, implying that the criterion for being outside is the ability to see stars. Thus, to satisfy the halachic requirement to leave the house and dwell in a sukkah, one must

be able to see stars from within the sukkah.

Jonathan Wiesel
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More on Mikvah

■ Thank you for publishing the excellent critique by Rabbi Hillel Goldberg (“A Critique of *The Mikvah Project*,” winter 2003).

I agree with Rabbi Goldberg that we must have *halachah* as our basis. I would like to add though, that without a foundation of *yiras Shamayim*, which is what I feel is lacking in *The Mikvah Project*, no endeavor can produce long term and holy results.

As a *rebbeztzin* in a small Jewish community, one of my responsibilities is teaching *taharas hamishpachah* (family purity laws). Over the past twenty-two years of teaching these ancient laws to women of various ages and backgrounds, I have found that what works best is, what I call, “a double *hei* approach”—*halachah* and *hashkafah*. I believe both to be vital and inseparable when teaching these *mitzvos*.

During the *hashkafah* (the “whys”) part, we discuss the philosophical reasons behind the *mitzvos*, as well as their sacredness and beauty. We also discuss personal and historical examples; we look at the sacrifices women made in times of war (such as in Masada), and see how they risked their lives rather than not keep the laws of family purity. We also try to eradicate the misconceptions. Then we begin the *halachos* (the “hows”).

For so many who weren't raised with a solid Jewish foundation (through no

fault of their own), *mitzvos* need to be taught with patience, sensitivity, respect and *ahavas Yisrael* (love for fellow Jews) in order for them to be understood and accepted with love.

Thank you, Rabbi Goldberg, for helping me rededicate myself to the holy task of teaching *taharas hamishpachah*.

Esther Tauby
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Canada

Although Rabbi Hillel Goldberg apparently viewed *The Mikvah Project* at The Mizel Center for Art and Culture in Denver, he missed the definition of our project, displayed at the entry. Our exhibit is a documentary. In his article, Rabbi Goldberg states: “The premise of *The Mikvah Project* is that a mikvah should be used in conjunction with any personal need or emotional development.” But a documentary has no premise, no “should.” We do not have such a mission statement. Whether or not Rabbi Goldberg agrees with what women are doing, *The Mikvah Project* simply shows what is happening in *mikvaot* across the United States today. It is time to take notice.

During my many years as an Orthodox wife, I often took women to the mikvah. Once, I was approached by a survivor of incest who wanted to immerse. I refused to take her, telling her that mikvah observance was for married women; but she persisted. Ultimately, I was touched by her desire to use the mikvah as a way of reconnecting with God, and called a well-known Chassidic scholar who is deeply respected for his humanity and knowledge.

I take issue with Rabbi Goldberg's negative view of women who use the mikvah for personal reasons, because the [above-mentioned] *rav* told me to take this unmarried woman to the mikvah (stipulating that she not pronounce a blessing). He asked that she think about making a commitment to further her Jewish observance. She did so, and kept her promise to herself and to God. The immersion was an emotional and powerful event for her and for me as well.

Rabbi Goldberg criticizes such non-halachic immersion for the sake of furthering an individual's commitment to Jewish observance. But I saw how immersing in the mikvah helped this woman to heal. Isn't mental health a prerequisite for halachic observance? Isn't that why the mentally ill are exempt from much of Jewish law?

The Mikvah Project is composed of two sets of images. The first is a series of underwater photographs of simulated (not actual) immersions, all exceptionally modest out of respect for the nature of the mikvah. The second is a series of faceless “portraits” of women from across the United States, whom we interviewed about their mikvah experiences and about their lives in that context.

We conducted our project with great sensitivity to *halachah*, in spite of Rabbi Goldberg's assertions. In several Jewish communities, in deference to the local Orthodox contingency, panels of Orthodox rabbis were consulted before the exhibit opened.

Throughout, we have requested of each local venue that the images be displayed in a closed gallery and that a sign be posted stating, “This exhibit is designed for women,” out of respect for halachically observant men for whom it would be inappropriate to view the nude images. Interestingly, women do not see these pictures as sexual. The models appear contemplative and inner-focused. Rabbi Goldberg, however, clearly sees them as sexual and concludes that the misguided “need” to photograph naked women in the mikvah is “related to the distortion of sex in the general society.”

But the essence of our exhibit—which Rabbi Goldberg does not even acknowledge—is the women themselves, the participants in the project as well as viewers across the country. Mikvah immersion has had a deeply religious impact on all of our subjects. And after attending the program, women in cities across the country, often wearing wigs and long skirts, have approached us to say, “You have moved me. This is how I feel in a mikvah. No one ever spoke out like this before.” A number of women have sought out the mikvah for the first time after reading the testimonies in *The Mikvah Project*.

The mikvah has been opened up to the extended Jewish world as a women's sanctum, a private and feminine holy space. Every one of our subjects saw the mikvah as a powerful place of prayer. When Rabbi Goldberg trumpets the warning that “Today, we have the opposite extreme: the erroneous view that the mikvah is a cure-all. A mikvah is to be used for any emotional need...,” he demeans the women's desire for holiness, reducing it to “mere” emotional neediness, to the “weakness” of women.

Besides, haven't *rebbees* for generations recommended mikvah immersion for personal problems? Does Rabbi Goldberg himself ever go to the mikvah before Shacharit or Sabbath prayers or holidays, as has been customary among Jewish men for generations? For a long time people have used the mikvah for reasons not addressed in the *halachah*. The common thread in all of these extra-halachic immersions is a desire for holiness and spiritual health, the center point of religious impetus.

Rabbi Goldberg shows serious irresponsibility when he states that “*The Mikvah Project* describes a lesbian using a mikvah as a celebration after publicly revealing her practices.” She went, not as a “celebration after publicly revealing her practices” (these words occur nowhere in our project), but as a private and pained reach towards God after being rejected by

her parents. Later he says:

To lump together a lesbian and a woman who uses the mikvah for taharas hamishpachah is to eviscerate halachah, to render utterly remote the essential, indispensable distinction between the permitted and the forbidden.

That the woman is a lesbian is a fact not of our making. But she went to the mikvah as an act of prayer. Her conclusion from her mikvah experience was that God was in control of her life. This is a message for many viewers regardless of their orientation. As far as our lumping together the permitted and the forbidden, what was forbidden about her immersion? We were not focusing on the sexual practices of any of our subjects, only on their immersions.

It seems to me that Rabbi Goldberg is misrepresenting our project to support his own agenda. An ounce of sensitivity to the depth of devotion and feeling in the words of our subjects might have given him pause before he equated their mikvah usage to using *tefillin* straps to tie up a package, implying that the women who immerse in this ancient pool—all seeking God—have a lack of respect for the integrity of this awesome ritual. Rabbi Goldberg, you have disappointed us all.

Leah Lax
Houston, Texas

Rabbi Goldberg responds

Leah Lax, curator of *The Mikvah Project*, criticizes me on seven grounds.

1. *Agenda*. I freely admit my agenda: the integrity of *halachah*, and the integrity of outreach (*kiruv rechokim*). The agenda that Ms. Lax does not admit to having, but which her project and letter make abundantly clear, is the following: to popularize mikvah use beyond that which is halachically required, and, accordingly, to distinguish between nudity and sexuality, and between a female's immersion and sexuality, and to claim that the project accurately reflects mikvah use across the United States.

2. *Abuse and non-halachic immer-*

sions. On an individual basis—as opposed to a public policy—a competent *posek* could permit an unmarried female survivor of sexual abuse to use a mikvah. This is not the issue. Rather, given this one woman’s specific circumstances, the issue is whether the *rav* also permitted all non-halachic immersions, without need for inquiry into each specific case. Ms. Lax does not indicate that this *rav* declared a public policy, yet she uses his decision to justify one. Did Ms. Lax ask this *rav* whether it was permissible to display photos of naked women, including a lesbian, immersing for non-halachic purposes? Did she consult her Chassidic scholar selectively, using him to justify her inclusion of a survivor of incest, but not conferring with him on her whole project? Nothing in her letter suggests that she sought or secured approval by any *posek*, Chassidic or otherwise, for *The Mikvah Project*.

3. *Modesty*. It is a sad day if we must resort to a distinction between pornography, which these photos are not, and nudity, which these photos are, to teach Torah, including *taharat hamishpachah*. Not only sad, but unnecessary. And not only unnecessary, but counterproductive. In my experience in building and supervising *mikvaot*, the most effective way to teach mikvah is one-on-one, woman-to-woman—privately. The most private mitzvah requires the most private teaching—the exact opposite of this photo exhibit of naked women. If so much sensitivity is reflected in *The Mikvah Project*, as Ms. Lax claims, why was it necessary to consult rabbis after the project’s completion? Modesty needs no consultation. *The Mikvah Project* is the opposite of modesty. As to her request for a closed gallery for the project: This is naive. At the Denver exhibit, I walked right in; (I had no idea what I was heading for). I saw no sign. There were several entrances. Were a sign prominently posted, it would have attracted, not repelled, many boys and men today. There’s no way an immodest public exhibit—naked women—can be mounted modestly.

4. *Non-sexual, inner-focused nudity*. Ms. Lax confuses the intentions of the photographic subjects with the conditions that generate the responses of the viewers. Her subjects may have been contemplative and inner-focused, and filled with prayer. The genius of Judaism has been to require inner spiritual reality to conform to outer behavior. Publicly displayed nudity in photographs is a condition that must be taken on its own terms, not on inner intentions. The idea that an inner intention, no matter how noble, can trump public violations of *halachah*—a public display of nudity; the equation of halachic and non-halachic immersion—derives from the distortion of sex in the general society. If I am wrong, why was there no such project a half-century ago? Ms. Lax’s belief that public nudity is a fine way to teach the most modest practice in Judaism is distinctly contemporary, due to the breakdown of modesty in society and the routinization of indecent exposure.

5. *Impact on participants and viewers*. The essence of this exhibit is not the participants (see above, #4); it is the exhibit’s conditions that confront the viewers. If some viewers were inspired, I am pleased. The religious quest is unpredictable, and untoward realities have been known to trigger spiritual growth. Equally, one does not design a public policy that violates *halachah* as a method to teach Torah.

Still more: Ms. Lax provides no evidence that her project promoted the halachic observance of mikvah. She writes, “A number of women have sought out the mikvah for the first time after reading the testimonies in *The Mikvah Project*.” If she means to imply that the project stimulated observance of *taharat hamishpachah*, this is very misleading. These testimonies include all manner of immersions not for *taharat hamishpachah*. The essence of her exhibit, whose agenda she won’t acknowledge, is that a mikvah immersion for any reason, by any person, is good. This is a gross distortion of what the Torah teaches in

Lev. 11:36, 15:16, 22:6-7, in *Torat Kohanim*, tractate *Mikvaot* and *Yoreh Deah* 201. Ms. Lax thinks that it is good that she has “opened up” the mikvah to the extended Jewish world. I acknowledge that this is exactly what her project aspires to do. And I object. Mikvah is for certain people, at certain times. *Havdalah* (separation) is essential to the Torah.

We should not confuse Ms. Lax’s aspiration with reality. Where is her proof that mikvah today is widely used by divorcees and others not practicing *taharat hamishpachah*? We reach the heart of Ms. Lax’s agenda: to paint a few exceptions as the rule, thus derogating mikvah from its primary halachic use, *taharat hamishpachah*, and expanding mikvah for non-halachic use. I challenge Ms. Lax to provide systematic evidence that *mikvaot* across the country are now widely used in conformity with the photos in her exhibit. She writes of my belief in the “‘mere’ emotional neediness” and “‘weakness’ of women.” I invite the reader to re-read my article and see whether I wrote or implied any such thing.

6. *Personal problems and preferences*. I am not aware of one *rebbe* who has recommended mikvah immersion for personal problems on a level that transforms or eclipses the halachic uses of a mikvah. Nor do I know of any *rebbe* who has equated halachic and non-halachic use of a mikvah, which is what *The Mikvah Project* does by picturing, say, a divorcee alongside a married Jewish woman. After the destruction of the Second Temple, the menstruating woman became the sole individual whose halachic status is elevated by mikvah use. When she is married, the center point of the religious impetus of mikvah is she, and she alone. Any spiritual benefit that accrues to another mikvah user, male or female, is qualitatively lower—a critical distinction that *The Mikvah Project* obliterates. So does Ms. Lax’s letter, with its vague references to “holiness” and “spiritual health”—as if, for Jews, these were secured outside of the framework

of *halachah*. Holiness is not a personally chosen framework; it is a relationship with God achieved through a Divine framework, including the *halachot* of mikvah construction and use.

Since these *halachot* teach that, after the destruction of the Temple, only the menstruating female is commanded to use the mikvah, the requirements for, and limitations on, her use are stricter. This is a high privilege. Ms. Lax does not understand this pivotal point, as her exhibit homogenizes all mikvah use. And even qualitatively lesser uses of a mikvah, such as by men, are mostly prescribed in halachah, and are not, as Ms. Lax writes, a purely personal matter.

7. *Misquoting; misreading*. I did not quote Ms. Lax’s testimony about the lesbian. However, I ask anyone to view her photo, read the accompanying testimony and conclude that the overall effect is anything but a celebration of the woman’s practices. Also, her immersion could not have been a “private” reach toward God because she permitted its public display. Nor, no matter how pained or prayerful this immerser was at the moment of her immersion, could she teach viewers that “God was in control of her life,” for the context of her teaching, the characteristic of her prayer, was her self-definition as a lesbian. This is a critical point. Let me be perfectly clear. I can say: “A basic way to reach God is not to eat ham.” I cannot validly say the same thing if, while saying it, I am eating ham. I cannot teach that “God is in control of my life,” that is, “He made me a lesbian,” while I am immersing in a pool of water that, by careful definition and construction under *halachah*, forbids this immerser’s intimate practices. Ms. Lax implicitly concedes this by advancing the spurious distinction between immersion and sexuality. “We were not focusing on the sexual practices of any of our subjects, only on their immersions,” Ms. Lax writes—to defend herself against the charge

that she lumped together the “permitted”—a woman who uses a mikvah for *taharat hamishpachah*—and the “forbidden”—a lesbian who uses the mikvah—that there is nothing forbidden about the latter’s immersion. But if God made one a lesbian, as Ms. Lax writes, why must she distinguish between the ritual object that is primarily associated with intimacy and the intimate practices of the immerser? Ms. Lax wants to validate homosexuality, and then deny that her exhibit does so. Is it, in fact, forbidden for a lesbian to immerse? She answers the question in the negative, as if I had said otherwise. My characterization of the lesbian concerned her intimate practices, which are forbidden. Anyone can immerse in a mikvah; its ritual fitness is not affected thereby.

Just because an immersion is not forbidden does not mean it is commanded or is wise. *The Mikvah Project*, to be charitable, does not reflect wisdom about the denigration of, and the teaching of, modesty in today’s culture, about the halachic definition and purpose of a mikvah, particularly its integral link to intimacy, and about the distinction between individual cases and public policy in *halachah*. **JA**

In a future issue, Jewish Action will present alternative methods of mikvah outreach.