

Would You Recite Kol Nidre on Passover? A Critique of *The Mikvah Project* By Hillel Goldberg

If you were desperate to meet a FedEx deadline to get a very important package ready, and you needed to tie it up, but you ran out of string and rope, would it cross your mind to take your (or your husband's or son's) *tefillin*, cut off the straps and tie up the package with them?

Imagine that it is Sukkot. Your kids are driving you nuts. They need a new game. Would you suggest they take the family *etrog* and use it as a ball with which to play catch? If there were a four-year-old learning to hold a bat, would you hand him the family *lulav* so he could practice with it?

The highest ritual object is the Torah, and the highest religious act is Torah study. If you wanted to engage in Torah study, would you go to the synagogue, open the ark, take out the Torah scroll and study straight from it?

Strictly speaking, a Chanukah menorah is not a ritual object. One may take candles, melt their bottoms, let the wax drop on a board, stick the candles down on the board and kindle them. Even so, would you consider using a menorah not on Chanukah?

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Would you use the menorah for a party or even for a spiritual purpose such as a wedding; would you light your Chanukah menorah to provide light and set the mood?

No, people do not do that. In fact, all of these examples are grossly irreverent. A sacred object is assigned

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a sacred use. A sacred object is not to be tampered with. *Tefillin* straps are not for package wrapping; *etrogim* are not for batting practice; a Torah scroll is not for daily study. All ritual objects convey a sense of holiness; they and their uses are carefully defined in *halachah*. However, when it comes to the mikvah, it is all the rage to tamper with it—to use it for purposes other than those for which it is assigned. No doubt, some who tamper with the mikvah are searching for spirituality, which is an improvement over previous generations who abandoned rather than

engaged in the mikvah. In order to elevate this search for spirituality, to imbue it with integrity, it is critical to be clear about what a mikvah is and what commitments one makes in using it.

Although all ritual objects are instruments of holiness, the mikvah takes priority (even over a Torah scroll) when a community is just starting out and is limited in funds. The collection of funds for the construction of a mikvah takes precedence over a Torah, over land for a cemetery, over anything. Only the uses assigned to a mikvah under *halachah* can justify this primacy. When it comes to mikvah, clarity is paramount.

The Mikvah Project, a series of photographs of women in *mikvaot*, is circulating the country. The project is a collaboration between Janice Rubin, a Houston-based photographer, and Leah Laz, a writer and teacher, and is sponsored by individuals and well-known Jewish foundations.

Some of the picture captions are sensitively and directly explanatory of the main, sacred purpose of a mikvah, which is *taharat hamishpachah*. Not every married woman who uses the mikvah finds it to be an uplifting experience, and the caption on one picture reflects this. This view, too, falls within the purview of the purpose

of a mikvah, since this ritual object, like all ritual objects in Judaism, constitutes a challenge: to grow spiritually through it. Some people grow at faster rates than others, and some struggle. As long as one is struggling with the halachic purpose of the ritual object, this falls within its sacred purview.

Other captions, however, assign to the mikvah all manner of uses not prescribed as sacred. Why is the ritual of mikvah being depicted this way? Why not *tefillin*, *lulav*, Torah scroll? What is it about mikvah that seems to invite violation? The answer, clearly, is related to the distortion of sex in the general society, whose mores invade even the most private and modest of all Jewish ritual objects, the mikvah. How else can one explain the need to photograph naked women in the mikvah (even if little but the head and shoulders is exposed)? It is no less a distortion to use a mikvah for purposes that *halachah* does not assign to it than it is to use a Torah scroll for purposes not assigned to it. For example, one of the captions in *The Mikvah Project* describes a lesbian using a mikvah as a celebration after publicly revealing her practices; another caption describes a woman repeatedly using a mikvah after ending an abusive marriage. The premise of *The Mikvah Project* is that a mikvah should be used in conjunction with any personal need or emotional development. Once the *halachah* is abandoned, how closely any personally chosen use of a mikvah approximates the *halachah* becomes purely accidental. At the same time, those who use the mikvah for non-halachic purposes reflect a level of commitment to *halachah*, even if unconsciously. It is this level of commitment that must be defined, and for two purposes: first, to identify a profound contradiction that non-halachic users of a mikvah engage in; and second, to actualize the potential halachic commitment of these users.

The contradiction is this: Why do non-halachic users of the mikvah insist on specifically using a mikvah? Why not a bathtub? Why not a swimming pool? The answer, of course, is that these pools have no spiritual power.

Only a mikvah does. And this is only because a mikvah is defined in the *Shulchan Aruch*, section *Yoreh Deah*, chap. 201. Deviate from the criteria in the *Shulchan Aruch*, and it's not a mikvah. After all, water is water. What gives certain configurations of water the power to purify, to be called a mikvah, while other waters have no spiritual significance? It is the requirements in the *Code of Jewish Law* that transform ordinary water into *water that purifies*. If someone wanting to use a mikvah were directed to a body of water that does not meet these halachic requirements, she would rightly protest: Fraud! Absence of spiritual integrity! No one would accept a large bathtub or a Jacuzzi as a substitute for a mikvah; no one would

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regard such pools as spiritually purifying because they do not meet the specifications of a mikvah as laid down in the *Code of Jewish Law*.

The irony becomes apparent: The desire to use a mikvah and no other constructed pool is a profound, if perhaps unconscious, acceptance of *halachah*. For a person to desire a mikvah, and also to desire to use it for a non-halachic purpose, is a poignant contradiction, a spiritual confusion, no different from using a Chanukah menorah for mood lighting at a wedding or from gathering the Jewish community to recite Kol Nidre on Passover. At the same time, the potential for halachic commitment is there. The thirst for a mikvah, as opposed to a bathtub, is a thirst for *halachah*. The tragedy in an enterprise such as *The Mikvah Project* is that it constricts, rather than expands, this potential for halachic observance. To lump together a lesbian and a woman who uses the mikvah for *taharat hamishpachah* is to

eviscerate *halachah*, to render utterly remote the essential, indispensable distinction between the permitted and the forbidden.

In order to capitalize on the halachic potential of non-halachic uses of a mikvah, we must identify the deeper issue: The great bulk of American Jewry has not learned to accept the Torah's teachings on intimate life in a balanced way. Extremes rule. For decades, one extreme was the rejection of the mikvah altogether because of the erroneous view that it denigrates women by "cleansing" them of unclean menses. In fact, in Frankfurt, Germany, in the first half of the nineteenth century, Reform Jewish opponents of mikvah were so rabid that they poured concrete into the local mikvah to make certain no one could use it. Faint echoes of this extreme position are found in Reform and most Conservative lay circles where a mikvah is used only for conversion. (Conversion is a legitimate but infrequent use of a ritual object intended mainly to be used once a month, not once in a lifetime.) 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: after a miscarriage, a divorce or any other trauma, or after a joyous event. It is to be used any time by any person who feels the need, no matter what it is.

Taken to these extremes, the mikvah is either for no one or for everyone. Both extremes need to give way to the balanced approach of the Torah by honoring the integrity of the uses that *halachah* assigns to the mikvah. The main assigned use is for married Jewish women, before menopause.

Clearly, a woman's personal crisis is often a springboard for a spiritual quest, and the pain involved in any spiritual crisis deserves the utmost respect and sensitivity. However, it is fallacious to believe that the best way to actualize halachic commitment is to allow people to use the mikvah in a non-halachic way in a time of crisis. Quite the contrary. If a person expresses an interest in a Jewish ritual object, and thereby evinces a sensitivity to *halachah*, even if not consciously, this

is precisely the moment to teach *halachah*. One captures the moment. Either one believes in *halachah's* inherent spiritual efficacy, or one does not. If one regards *halachah* as the Divinely given opportunity to connect to God, then one has the best chance of conveying this to another person by upholding the integrity of *halachah* and teaching its beauty. A person who desires to use a halachic institution in a non-halachic way is ripe for an explanation of her implied commitment to *halachah* and is due an explanation of the heights she can reach by following through on her halachic commitment, rather than by violating it. In addition to principle, a public

policy of violating the halachic uses of mikvah in the name of outreach will limit the mikvah's potential by misleading spiritual searchers ready for its halachic uses. As always, there may be a few exceptions, which only highlight the wisdom of the rule.

It is hardly an esoteric point to teach that the spiritual power or healing inherent in Judaism entails respect for the integrity of its ritual objects. My *Kiddush* cup is about the same size as the plastic cup that comes with laundry detergent. If I lost that plastic cup, I would not use a *Kiddush* cup instead, even though a *Kiddush* cup has no status as a ritual object. All the more so, a mikvah. The spiritual power of this

very carefully defined, sacred ritual object is accessed halachically.

We speak today of “Jewish continuity.” There is no more important and basic content to this personal, communal and, indeed, Godly necessity than procreation. In spiritual association with procreation, the Torah has assigned to the mikvah a use that became primary after the destruction of the ancient holy Temple. To respect the mikvah's integrity as such is to nourish a sacred future for *all* Jews. The Torah in all of its facets of holiness elevates every Jew—whether or not a mikvah use is assigned to him or her—to participate in the “kingdom of priests and a holy nation” (Exodus 19:6). 