

PUBLIC STATEMENT ON TEVILA IN MIKVAOT – "Take good heed of yourselves"

The recent [Ministry of Health instructions](#) concerning the Corona outbreak require all Israeli citizens to remain at home in order to avoid exposure to the virus. The objective of these instructions is to curb the spread of the virus that is now also advancing at worrying rates in Israel and not just overseas.

Alongside the general social isolation, religious communal life is also turning inwards – to the home. Minyanim are being cancelled, weddings postponed, and community events are being put on hold. As halakhic instructors, we have received a flood of questions over the last few days asking about the safety of *tevilah* (immersing in the mikveh) however due to uncertainties concerning the state of the water, cleanliness and hygiene of the mikvaot, we felt that it was preferable to obtain a clear picture of the actual reality before issuing a halakhic response. We therefore wish here to inform the public of what we have learned regarding the state of the mikvaot over the years. In so doing, we hope to allow the public to make an informed decision about observing the mitzva of *tevilah* as long as the Ministry of Health refrains from ensuring a proper standard in each and every mikveh.

The "[Mikvaot in Israel](#)" paper composed by the Institute of Zionist Strategies in 2015 included a study of the sanitation in the public mikvaot for women in Israel. The findings revealed that about 75% of the mikvaot for women in Israel operate without a valid business license, this despite the fact that the Ministry of Health determines that "proper sanitary and other conditions can only verified in a mikveh possessing a business license."

The State Comptroller warned as early as 2004 that sanitary conditions in the mikvaot were unsatisfactory and under-supervised i.e., that the scrutiny required daily to ensure the sanitary quality of the water in the mikvaot had not been performed and that the periodic checks that were conducted yielded unsatisfactory results. **Prof. Itamar Grotto**, then the Head of Public Health Services and today the Deputy Director-General of the Ministry of Health, replied to the authors of the study that the Ministry of Health had been forced to prioritize issues according to the threat to public health, and that without an increase in the Ministry's budget, no further progress had been made in this area.

The most disturbing point raised by the study was the reply given in response to the question asked of the local authorities about the mikvaot that had been examined and which, although found to be in poor sanitary condition, had not been closed by the regional doctors, despite the fact that they possess the authority to do so. The reply given was that closing the mikvaot without providing an alternative solution would cause the religious public, for whom this service is vital, great distress.

The authors of the paper, [Michal Achrak-Wein](#), Ariel Finkelstein and Dvir Schwartz, published several recommendations including: obligating local authorities to publish regular updates about a mikveh's business license, displaying the business license at the mikveh itself, closing mikvaot without a business license, increasing sanitary supervision, and training *balaniot* (mikveh attendants) to regularly disinfect and assess the cleanliness of the water.

Just as there was no improvement in the situation between the time of the State Comptroller's 2004 report and the publication of the IZS study in 2015, it would appear that the shortcomings have yet to be amended today and that the same situation therefore persists.

Miri Shalem, CEO of the Institute for Zionist **Strategies testified at a session of the Knesset Committee on the Status of Women and Gender Equality held on June 5 2017, that the Director-General of the Ministry of Religious Services admitted that they simply lack the means or ability to enforce the business licenses at the mikvaot.** In light of the current Corona outbreak, we sent a request to senior officials at the Ministry of Religious Services to receive information about any steps taken in this direction in recent years. **We will post updates on social media as soon as we receive them.**

Conversations with *balaniot* working at the mikvaot reveal a disturbing and grim picture. The *balaniot* alone monitor and disinfect the water and any supervision is conducted once a year in small settlements and once a month in the large cities. Although the *balaniot* may err in their implementation of the instructions (whether because of human error or a low level of awareness stemming from lack of scientific knowledge), the Ministry of Health and local Religious Councils have almost no mechanisms in place for supervising the results of disinfection during and after mikveh's use. In contrast, swimming pools are monitored on a fortnightly basis by the Ministry of Health for chlorine and bacteria levels in the water and pools that fail to meet standards are closed immediately. It would seem that discovering sanitation deficiencies in a mikveh do not lead to its closure and the women using it are therefore unwittingly exposed to health risks.

The information described above is doubly disturbing at a time in which the State of Israel is contending with the outbreak of a global pandemic. Asymptomatic women carrying the virus may immerse in the mikveh without knowing that are infected. We wish to stress that a woman in **quarantine is not permitted to leave the house, even to immerse in the mikveh.** This is both a criminal offense and a serious Torah violation of "לא תעמד על דם רעך" ("Do not stand idly by the blood of your neighbor"). As for other women, the answer depends on the state of the mikveh. **The Ministry of Religious Services** published instructions for improving disinfection of mikvaot however the safety of the *tevilah* depends primarily on the degree to which the *balaniot* adhere to the instructions at each individual mikveh. Furthermore, surfaces at the mikveh must be meticulously disinfected between each *tevilah* (surfaces touched by the women such as handles and rails) and use of showers and toilets in the mikveh building should be avoided.

In light of to the findings presented above, we fear that these conditions are impracticable in most mikvaot in Israel due to a lack of business licenses and the absence of direct supervision over the state of sanitation. Those currently calling to rely on the establishment ignore its (pre-existing) deficiencies and it should be noted that **the Ministry of Health is not partner to these calls** despite its responsibility for overseeing the sanitation of the mikvaot.

Despite the **Ministry of Religious Service's** updated instructions, reports from mikvaot describe a lack of implementation in practice in at least some of the mikvaot. Furthermore, the *balaniot* were instructed to contact the local Religious Council with relevant questions and not the Ministry of Health responsible for sanitary supervision. It has further been brought to our attention that not all the mikvaot have been supplied with all the means for disinfecting the mikveh and protecting the *balaniot*, some of whom are in a high-risk group because of their age. The constant regular lack of ventilation at the mikvaot also raises a grave concern among the *balaniot* regarding all those present there, alongside fears over potential poisoning from an exaggerated chlorine level caused by lack of supervision. The *balaniot* carry out their mitzvah with great dedication and we are confident that they are doing everything in their

power, however they are in need of real-time professional guidance while working at the mikveh.

We must all act in accordance with the command "וַתֵּי בְרַחֲמֵם" ("And you shall live by them"). Therefore, in light of all of the above, we consider it our obligation at the present time to inform the women using the mikvaot of the lack of supervision at most of the mikvaot. In the absence of information confirming adherence to the instructions at her local mikveh, a woman must not endanger herself and thereby, public health, in order to immerse in the mikveh. Furthermore, there is no current possibility of immersing in a natural water source that constitutes a halakhically valid mikveh, both because of the safety risk and weather conditions, and primarily because of the Ministry of Health's updated instructions forbidding bathing at the beach which have also ordered the closing of the Kinneret beaches and the natural springs under supervision of the Israel Nature and Parks Authority.

It is with great sorrow that we have no other recourse but to conclude that if a woman cannot immerse in the mikveh because of risk to her health, the period of being forbidden to her husband should be extended until the end of the outbreak. The halakhic obligation to immerse in the mikveh is the culmination of the period of a couple's niddah and allows them to renew their physical intimacy. The prohibitions of the niddah period incur the punishment of *karet* (excision) and great efforts are therefore made to observe them. In the current unique situation, questions are asked regarding the halakhic prohibition of *karet* versus the risk of greater, general public excisions. As long as the safety of *tevilah* is unsupervised, we therefore call on women observing the mitzvot of family purity and their spouses to be stringent in matters of life and death. The halakha can still be observed while postponing the *tevilah* despite the obvious accompanying hardship.

This is an exceptional and challenging situation for couples under stress and in need of human warmth and seeking the comfort of a physical connection, but it is important to state: it is halakhically forbidden to put oneself in a situation of potential danger if there is no safe *tevilah* option. The present danger is not to the individual woman immersing in the mikveh but rather to the public at large. Many couples contend with long periods of being forbidden to each other in other contexts – after birth or miscarriage, and due to irregular bleeding. If either of the spouses is concerned about emotional difficulty or the risk of a worsening of a psychological condition as the result of the laws of niddah, it is recommended to personally consult with a rabbi or halakhic instructor. In any event, we wish to stress the great importance of cultivating the inter-personal bond and mutual reinforcement while deepening emotional and spiritual affinity, in contending with such a complex situation.

Our call expressed here remains valid until the Ministry of Health regularly and openly supervises the quality of sanitation at the mikvaot. We also intend, with God's help and *bli neder* to continue to strive for regulation of this area after the Corona crisis in accordance with the command "וּבְעֵרָתָהּ הָרַע מִקִּרְבָּךְ" ("Wipe out evil from your midst"), and would welcome your partnership in this cause.

We hope and pray that these measures will assist in eradicating the epidemic,
Because "It is a time of trouble for Jacob, but he shall be delivered from it" (Jer. 30:7)

Signed tearfully,

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