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Aging and the aged in Jewish law

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MENOPAUSE

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Solomon B. Freehof

QUESTION: What are the Biblical and Rabbinical references on menopause? (Rabbi S.E.W. on behalf of Dr. M. G.)

ANSWER: There is, of course, the Biblical reference to Sarah (Genesis 18: 11): "There had ceased to be with Sarah the way of women." Unfortunately, none of the *midrashic* references to this verse make any comments which deal with this physiological condition. Incidentally, none of the modern Talmudic medical books seems to deal with this condition (Preuss, Greenwald, et cetera).

There is, however, some mention of this in the legal literature. The first reference is in the *Mishnah* (*Niddah* I: 5) where the question is asked: What is an old woman? The answer given is: Every woman with whom three regular periods have passed "near her older years." This last phrase refers to the fact that the *Mishnah* deals also with a young girl who may miss three periods because she has *not yet* become regular.

The Talmud (*Niddah* 9a), discussing this *Mishnah*, gives a sort of "social" definition of the words, "near her older years." One rabbi says, "All whom her friends consider old." The other rabbis say, "All whom people call 'mother' and she is not embarrassed at it." The *Tosfos* (ad loc.) objects to this on the ground that the definition should not depend upon how *she* feels (i.e., that she should not resent being generally called "mother"). Therefore, quoting the Jerushalmi, the *Tosfos* says that it means every woman who *should* be called old (and misses three periods).

These definitions of menopause are of importance with regard to the laws of uncleanness (*Niddah*), and so on. Hence they are codified in two references in the *Shulhan Arukh*. In *Yoreh Deah*

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184: 3, there is a discussion of the law that a man must keep from contact with a woman the day before her period; the other reference is that one need not keep away from a young person who has not yet had three successive regular periods—and then the *Shulhan Arukh* adds, "So it is with an old woman whose blood has ceased" (i.e., the test is the passing of three periods).

In *Yoreh Deah* 189: 28, the law is more specific. In this section the law deals with the question of irregular periods. It says (28): "So it is with an old woman who has passed three periods and has not seen blood, having grown old. She is to be considered as having ceased to have regularity; and she no longer needs to be concerned (as to ritual cleanliness) with regard to her original date." See also Isserles, who explains that she (like a young girl) need not be concerned with irregular reappearance of blood. That is to say that after three regular periods have passed, then the occasional irregular reappearance of blood has no significance legally. This opinion is based on Joseph Caro (*Bet Joseph*) and on Solomon ben Aderet (rabbi in Barcelona, thirteenth century).

A later and fuller statement of the law is found in *Hokhmat Adam* 112: 37 (Abraham Danzig, of Vilna, 1747–1820): "An old woman who can be called 'mother' in her presence, and she is not ashamed, usually has ceased to have 'the way of women.' If three average periods have passed, that is, ninety days, she is to be considered as having ceased to have menstruation. She need no longer have concern for any recurrence that is not regular....," and so forth.

In general, one may sum up the law by saying that a woman who is generally considered old (i.e., by their standards in those days) has the same menstrual status as a young girl. With a

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In general, one may sum up the law by saying that a woman who is generally considered old (i.e., by their standards in those days) has the same menstrual status as a young girl. With a young girl, if three, regular, successive periods have not yet occurred, she is not to be considered as having menstrual maturity. So an old woman, if she misses three regular periods, is no longer to be considered as regular.

This is about all there is (or at least all I can find) on this question.

Those who wish to spare their family from the agonizing decision of a living will, a form frequently used with a proxy designation statement that reads as follows:

Living Will Declaration
To My Family, Physician, and Medical Facility

I, _____, being of sound mind, voluntarily make known my desire that my dying shall not be artificially prolonged under the following circumstances:

If I should have an injury, disease or illness regarded by my physician as incurable and terminal, and if my physician determines that the application of life-sustaining procedures would serve

procedures be withheld or withdrawn and that I be permitted to die. I want treatment limited to those measures that will provide me with maximum comfort and freedom from pain. Should I

Solomon B. Freehof, *Recent Reform Responsa*, #48, (Hebrew Union College Press, Cincinnati, 1963).

...and that a man a half will not be considered a young girl. In general, one may sum up the law by saying that a woman is generally considered old (i.e., by their standards in those times) has the same menstrual status as a young girl. With a young girl, there are regular periods, but with an old woman, she is not to be considered as having regular periods. If she misses three regular periods, she is no longer to be considered as regular.

In *Yerushalmi* 179:28, the law is stated as follows: "This is about all that is (for a girl) who can find no sign and has not yet given blood, having grown old. She is to be considered as having ceased to have regularity, and she no longer has concern for the blood (i.e., with regard to her husband's duty)." See also *Isurim*, who explains that she (like a young girl) need not be concerned with irregular appearance of blood. It is to say that after three regular periods have passed, the occasional irregular appearance of blood has no significance (legality). This opinion is based on Joseph Caro (*Be'er Joseph*) and Solomon ben Adret (*Minhagim* in Barcelona, thirteenth century).

A later and fuller statement of the law is found in *Shulchan Arukh* (172:37) (Abraham Danzig, of Vilna, 1747-1820): "A woman who can be called 'mother' in her presence, and is not advanced, usually has ceased to have the way of women. Three average periods have passed, that is, ninety days, she is considered as having ceased to have menstruation. She no longer has concern for any recurrence that is not regular, so forth."

In general, one may sum up the law by saying that a woman who is advanced (i.e., who has passed those days) has the same menstrual status as a young girl. With