

**Why were ancient Israelite mothers impure for 80 days after the birth of a daughter and 40 days after the birth of a son?**

*A Biological Consideration for the Extended Period of Impurity after the Birth of a Daughter in Ancient Israel*

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## Section I. Women's Period of Impurity after Birth

In Leviticus 12, we find the Ancient Israelite purification laws for women after childbirth:

If a woman conceives and bears a male child, she shall be ceremonially unclean seven days; as at the time of her menstruation, she shall be unclean. On the eighth day the flesh of his foreskin shall be circumcised. Her time of blood purification shall be thirty-three days; she shall not touch any holy thing, or come into the sanctuary, until the days of her purification are completed. If she bears a female child, she shall be unclean two weeks, as in her menstruation; her time of blood purification shall be sixty-six days.

When the days of her purification are completed, whether for a son or a daughter, she shall bring to the priest at the entrance of the tent of meeting a lamb in its first year for a burnt offering, and a pigeon or a turtledove for a sin offering. He shall offer it before the Lord, and make atonement on her behalf;<sup>1</sup> then she shall be clean from her flow of blood. This is the law for her who bears a child, male or female.

If she cannot afford a sheep, she shall take two turtledoves or two pigeons, one for a burnt offering and the other for a sin offering<sup>2</sup>; and the priest shall make atonement on her behalf, and she shall be clean.<sup>3</sup>

For many scholars, the ancient Israelite purity laws listed in Leviticus 12 immediately raise a number of interesting theological and ethical questions. What could be the reason behind the ancient Israelite practice of mothers undergoing a longer period of impurity<sup>4</sup> after the birth of their daughters than after the birth of their sons? What possible ethical or theological purpose could this discrepancy serve the Israelites living in the Ancient Near East?

This paper will begin by giving a brief explanation of the theological reasons for purity laws in ancient Israel and then summarize the purity laws concerning genital emissions in Leviticus. I will then argue that the most logical explanation for this increased time of impurity is due to the common occurrence for a newborn daughter to have a white or blood-tinged vaginal

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discharge during her first two weeks of life. Since all genital discharges had theological and ethical implications in ancient Israel, this phenomenon of an infant's false menstruation would be no exception, but would require accommodation and a time of purification. Because the increased time of purification required for a newborn daughter was not limited to Ancient Israel, but was also practiced within the Hittite culture for their newborn daughters, only explanations that are broad enough to cover the vast theological differences in these two cultures should be considered as plausible.

With this standard before us, I will consider the various other explanations for the longer period of impurity after the birth of a daughter which have been proposed by ancient as well as modern scholars.

#### The Reason for Purity Laws

What function did the purity laws have in ancient Israel? In Leviticus 15:31 we find a simple explanation. "Thus you shall keep the people of Israel separate from their uncleanness, so that they do not die in their uncleanness by defiling my tabernacle that is in their midst." The purity laws functioned as a system for maintaining theological holiness through ritualized behavior.

The list of things that were considered impure was extensive. Certain animals were considered unsuitable for consumption; childbirth rendered women impure for a time; swellings, eruptions or spots on the skin were considered impurities; mildew on the wall of a house was considered an impure disease; bodily discharges such as semen, pus or menstrual blood were included as impure as well as sexual activities and corpses.<sup>5</sup>

Arthur Ide gives a good explanation why bodily discharges such as blood would have been considered impure.

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...the ancient Israelites considered blood to be the source of life and thus the loss of blood was the loss (or at least the lessening) of life. It is for this reason that the men of Israel prohibited the eating or drinking of blood, ruling: ‘The life of every creature is the blood (dam) of it; therefore I have said to the people of Israel: You shall not eat the blood of any creature, for the life of every creature is its blood; whosoever shall eat of it (s/he) shall be cut off [from the community].’<sup>6</sup>

#### All Genital Discharges were Impure in Ancient Israel

Genital emissions in the Leviticus law were taken very seriously, meticulously described as to the extent of their impurity and categorized into two broad types, normal and abnormal.<sup>7</sup>

Normal genital emissions are characterized by having a fixed time frame for the impurity, such a certain number of days or weeks, while abnormal genital emissions required impurity for the duration of the ailment and always required a sacrifice at the temple once the ailment had passed.

For example, normal sexual intercourse rendered both the man and the woman impure.<sup>8</sup> Following coitus, they were both to bathe in water but were still considered impure until the evening. Males who had a seminal emission when they were alone could also be impure. They were required to bathe in water and were considered unclean until the evening.

Leviticus 15:1-15 gives the detailed description of the impurity of male abnormal genital emissions (zav), such as those experienced from venereal disease. In this man’s case, every bed, everything that he sits on, every saddle, and everyone that touches him or who touches those things that were under him is considered impure until evening. Even his spit is considered impure, and every pottery item that he touches is required to be broken, and every wooden vessel he uses must be washed. Once free of his emissions, he must wait seven days, wash his clothes and himself; and on the eighth day bring two turtledoves or two doves to the temple door to the priest where they will be given to God as a burnt offering and as a sin offering.

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In an almost identical way, a woman who has abnormal vaginal bleeding (zavah) also has instructions concerning her impurity:

If a woman has a discharge of blood for many days, not at the time of her impurity, or if she has a discharge beyond the time of her impurity, all the days of the discharge she shall continue in uncleanness; as in the days of her impurity, she shall be unclean. Every bed on which she lies during all the days of her discharge shall be treated as the bed of her impurity; and everything on which she sits shall be unclean, as in the uncleanness of her impurity. Whoever touches these things shall be unclean, and shall wash his clothes, and bathe in water, and be unclean until evening. If she is cleansed from her discharge, she shall count seven days, and after that she shall be clean. On the eighth day she shall take two turtledoves or two pigeons and bring them to the priest to the entrance of the tent of meeting. The priest shall offer one for a sin offering and the other for a burnt offering; and the priest shall make atonement on her behalf before the Lord for her unclean discharge.<sup>9</sup>

While a sin offering and a burnt offering were required only for the impurity of a woman's or a man's abnormal discharge, the levitical purity laws were even more explicit and cautious with the instructions concerning women's normal menstrual bleeding (Niddah).

When a woman has a discharge of blood that is her regular discharge from her body, she shall be in her impurity for seven days, and whoever touches her shall be unclean until the evening. Everything upon which she lies during her impurity shall be unclean; everything also upon which she sits shall be unclean. Whoever touches her bed shall wash his clothes, and bathe in water, and be unclean until the evening. Whoever touches anything upon which she sits; when he touches it he shall be unclean until evening. If any man lies with her, and her impurity falls on him, he shall be unclean seven days; and every bed on which he lies shall be unclean.<sup>10</sup>

According to these descriptions in Leviticus, a woman's menstrual blood was seemingly especially powerful, being the only genital emission that could cause the transferring of that impurity via sexual intercourse to the male for his own seven days of impurity. And any male who sought to have intercourse with a female who was known to be niddah, was in Leviticus 18 categorized with those who committed incest, adultery, homosexuality and bestiality.<sup>11</sup>

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Given these strict regulations for female menstruation, consider for a moment the normal condition of pseudomenstruation in female infants. “Physiologic leucorrhea is a normal vaginal discharge common among female infants during the first two to three weeks of life. It is clear or white, slippery when fresh and sticky when dried. Some neonates have associated withdrawal bleeding when maternal estrogenic stimulation of the uterine endometrium wanes.”<sup>12</sup>

Because all genital emissions in Ancient Israel were strictly regulated and bloody vaginal emissions were considered especially potent, it would be entirely plausible and in keeping with the ancient intent of the levitical purity law that the eerie and inexplicable bloody vaginal emissions in baby girls would inspire a doubling of the time of impurity for these mothers and their infant daughters.

While it is true that we have no levitical example that the vaginal discharge of infant girls would be considered niddah in the Ancient Near East, we do have some later evidence from the Mishnah in 200 C.E.

A girl one day old [if she suffers a flow] can become unclean by virtue of being a menstruant. A girl ten days old [if she had passed her first seven days in the uncleanness of a menstruant, and then she suffered flows on the next three consecutive days] can become unclean by reason of a flux [vaginal discharge other than a normal period.]<sup>13</sup>

Here we have clear evidence that newborn vaginal discharge is not merely a modern phenomenon brought on by birth control pills or hormonally laced dairy products. This important biological fact was known, and according to these Rabbis’s interpretation of the law it would render the newborn daughter impure.

However, the writers of the Talmud did not discern one important fact that is apparent from the purity laws in Leviticus 15. If the mother were considered impure for fourteen days following birth, anyone who touched her was also considered impure until evening. Since

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newborn's nursing schedules can vary from every two to four hours, the newborn daughter, by reason of touching her mother would have automatically be considered impure for fourteen days. Therefore the ancient purity laws of the Torah had already made accommodations for the possibility for a newborn daughter's impurity, and this later detailed talmudic explanation merely has made the possibility of newborn girls' impurity clearer.<sup>14</sup>

## Section II. Analysis of the Different Theories about the Length of Purification Times

Over the centuries, scholars have presented many different theories about the reason for the disparity in the purification times in Leviticus 12. Authors from the *Book of Jubilees* in 135 BCE to the *Mishnah* in 200 CE to *Missing Persons and Mistaken Identities* in 1997 have all addressed this disparity of gender directed purification time and presented compelling arguments about the theological purposes of this Leviticus 12 discrepancy. Let us briefly turn our attention to these theological arguments now.

### 135 BCE Disparity Based on Genesis and Entrance into the Garden of Eden

In the *Book of Jubilees* 3.8-9<sup>15</sup>, an answer to this debate about Leviticus 12 is woven into a version of the story of the Garden of Eden. "Woman was created in the second week, and thus the period of uncleanness for a female is two weeks; Adam was brought to the Garden of Eden after 40 days, and Eve only after 80 days, thus a woman's period of purification for a son is 40 days and for a daughter 80."<sup>16</sup>

While the *Book of Jubilees* creates a timetable that conveniently explains the Leviticus 12 difficulty, it runs counter to the evidence that comes to us from the book of Genesis. In the first creation account of Genesis 1, we read that God created both male and female on the sixth day of

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creation.<sup>17</sup> And while the second creation account has God creating Adam “in the day that the Lord God made the earth and the heavens,”<sup>18</sup> it is not clear that the gender of Adam was differentiated at the time that the human was placed in the Garden of Eden. Because the *Book of Jubilees* was written in a completely different era than Genesis, it cannot be used as a reliable source to document a previously unknown Israelite view that counted the number of days that passed in the garden, when there is no other evidence that precedes this tradition.

#### 70 CE Talmudic Disparity Based on the Number of Days to Form an Infant’s Sex

In the Babylonian Talmud the Rabbi Ismael<sup>19</sup> attempted to explain this purity law disparity in a more scientific way: He argues that a son is formed on the 41st day of pregnancy whereas a daughter is formed on the 81st. Rabbi Ismael cites an experiment, supposedly carried out in Alexandria. “A story is told of Cleopatra the Greek queen that when her maidservants were sentenced to death under a government order, they were subjected to a test (which was to force them to have intercourse with a man) and it was found that when they were executed, a male embryo was fully fashioned on the forty-first day and a female embryo on the eighty-first day.”<sup>20</sup>

This view is disputed in the *Mishnah* by the sages (up to 200 CE) who said that the creation of a male and the creation of a female were alike: each was fully fashioned after forty-one days.<sup>21</sup> While the writers of either Talmud would not have access to modern scientific knowledge, the extensive writing about miscarried fetuses in the later portions of the Talmud would lend credibility to the sages who viewed a fetus as fully formed on the forty-first day.

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Unfortunately, further difficulties arise with both of these arguments when we realize that the ancients most likely had no way to differentiate between normal menstrual bleeding (which shows that a woman is not pregnant) and implantation bleeding (which typically occurs during the first trimester of pregnancy when an embryo fastens itself to the uterine wall). Ancient scholars could have easily misinterpreted implantation bleeding as being a menstrual or a longer vaginal discharge, which could have thrown off their counting of gestational days. Due to the wide variation in the number of days which pregnant woman bleed, it is no wonder that these ancient scholars could not come to a consensus about the day when the sex of a fetus was formed.<sup>22</sup>

Daughters, Because of the Curse of Eve were Considered Especially Sinful <sup>23</sup>

In the response to this argument, there are several things to note about the purity laws of Leviticus. First of all, while the time required for purification after the birth of a daughter was twice as long as the time required after the birth of a son, there is no difference in the required sin or burnt offerings. If a newborn daughter were considered to have been more sinful or more impure than a newborn son, there probably would have been an additional or greater sacrificial component required, since levitical law specified different sacrificial requirements when the instances of impurity were different. For example, in the case of a leprous person the purity laws required the sacrifice of two male lambs without blemish, one ewe lamb without blemish, a grain offering of three-tenths of an ephah of choice flour mixed with oil and one log of oil.<sup>24</sup> This is a much greater sacrificial requirement in comparison to the offerings required after a birth or in the case of an impure discharge that continues after seven days. And since levitical law seemed to have no difficulty in adjusting the sacrificial requirements based on the situation (for example

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reducing the requirement for a financial situation), we could expect to see different sacrificial requirements for daughters if they were considered to be doubly impure. Males of any age were more highly valued than females.

In *Missing Persons and Mistaken Identities*<sup>25</sup>, the feminist scholar Phyllis Bird attempts to explain the gender directed discrepancies in Leviticus 12 by pointing out that in Leviticus 27:2-8 there was a monetary difference in the labor values between males and females taking cultic vows. She accurately portrays the cost to a family of supporting daughters and correctly describes the instance of Genesis 46:8-27 where women were overlooked in a tally. However if the female infant of Leviticus 12 were indeed less valued or of less importance as Bird infers, we would expect to see less care and attention given to the time of female purification. Instead, the time of purification after a birth of a daughter in Leviticus 12 is extravagantly doubled, even when the work of the mother would undoubtedly have been desperately needed in the poorest of families. The valuation in Leviticus 12 has nothing to do with the economic realities of the Ancient Near East. It is an explicit statement of the levitical value placed upon holiness.

#### Increased Length of Time of Impurity after the Birth of a Hittite Daughter

An interesting discovery of this study is that the longer purification time required for a daughter is not peculiar to Ancient Israel. In Ancient Hittite birth rituals, the time period for cleansing are three months for a male, and four months for a female.

But (when) the woman gives birth, and while the seventh day after birth is passing –then the *mala* (offering) of the new-born on that seventh day they perform. And if a male child has been born, in whichever month he has been born –whether one day or two days remain than from that month they count off. But when the third month arrives, then the male child with *kunzigannahit* [public outing ceremony] they cleanse. For the seers are expert with the *kunzigannahit* and it to... they offer. But if a female child is born, then from that month they count off. But when the fourth month arrives, then they cleanse the female child with *kunzigannahit*.<sup>26</sup>

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The fact that the Hittites increase the time of impurity for a daughter by 1/3 (instead of doubling it) supports the idea that the reason behind the increased length of purification time was not intrinsic only to the theology of Ancient Israel, but based on some other fundamental principle that can easily cross theological and cultural bias.

Also in the Hittite birth rituals, the following is notable:

And if a male child is then born, then the midwife thus speaks: Look! Now I have brought the goods of a male child. But next year I will certainly bring the goods of a female child!

If it is a female child, then she speaks thus: “Now –look! –the goods of a female child I have brought. But next year the goods of a male child I will certainly bring!”<sup>27</sup>

Beckman points out that, “It is interesting to note that the mother’s next pregnancy should result in the birth of a child of the sex opposite to that of the child just born. No preference for male children is evidenced here.”<sup>28</sup>

Clearly, more exploration of Hittite purity laws is needed in order to understand fully these ancient birth ritual similarities and differences.

#### Conclusion

To conclude, it is important to note that many scholars have claimed that there is no reasonable explanation for the extended period of time of impurity for women who have given birth to a daughter.<sup>29</sup> Because the levitical law does not clarify this purity requirement, all explanations, including my own, are entirely retroactive and can never be completely validated. However, I would submit the following premises for your consideration. First, we are almost entirely certain that newborn daughters in Ancient Israel had the biological capacity for the common occurrence of a bloody vaginal discharge. Second, we have documented evidence that

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all genital emissions in Ancient Israel were very highly regulated and considered impure to greater or lesser degrees in their levitical context. Third, because the Ancient Israelites deemed women's menstrual blood to have held a particularly potent and transferable impurity, infant pseudomenstruation would probably have been treated with great caution. And finally, because the Hittite culture also extended the time for purity after the birth of their daughters in their own theological and cultural context, it is likely that some experience that would have been held in common by the two diverse cultures would be the common source of this practice. With these four premises it is possible to argue that the potential for pseudomenstruation by an infant girl could be viewed as a very logical explanation for the doubling of the mother's impurity time after the birth of a daughter in Ancient Israel.

## Notes

1. While men were allowed to come before YHWH during their purification sacrifices, women could not come before YHWH but had to depend on the intercession of the priest for this. Lev. 14:24.

2. These were the same as for a woman who bleeds longer than seven days as in Leviticus 15: 25-30. In this way, the seriousness of the impurity and sin after birth could be considered as no greater than that of a long vaginal secretion, in concession to one's financial status.

3. New Revised Standard Version. Wayne A. Meeks, Jouette M. Bassler, *The Harper Collins Study Bible*, (New York: Harper Collins, 1993).

4. The Hebrew words THR and TM are here presented in their cultural context of purity and impurity rather than as the commonly accepted translation of "Clean" and "Unclean". The reason for this is to remove the idea of the hygienic categories of observable dirtiness and cleanliness from the readers understanding. For a further discussion of this idea see: Jacob Neusner, *The Idea of Purity in Ancient Judaism*, (Luiden: E.J. Brill, 1973), 1.

5. This is a good summary of the Levitical categories of impurity. Neusner, *Idea of Purity*, 18-22.

6. Ide's interpretation and translation is of Leviticus 17:14. Arthur Frederick Ide, *Women in Ancient Israel under the Torah and the Talmud*, (Mesquite: Ide House, 1982), 4.

7. Rachel Biale, *Women & Jewish Law*, An Exploration of Women's Issues in Halakhic Sources, (New York: Schocken Books, 1984, 149.

8. Lev. 15:18.

9. Lev. 15:25-30.

10. Lev. 15: 19-24.

11. Biale, *Women & Jewish Law*, 155.

2. Jan E. Paradise, MD., "Vaginal Discharge," *Textbook of Pediatric Emergency Medicine*. Gary R. Fleisher, Stephen Ludwig, Fred M. Henretig Editors. 5<sup>th</sup> Edition. (Philadelphia: Lippincott, Williams and Wilkins, 2006), 678.

3. *The Mishnah*, Niddah 5.3 Trans. Herbert Danby, (London: Oxford University Press, 1933), 750.

4. This Talmudic interpretation would have been important if the mother of the child died in childbirth, and a child with a vaginal discharge was given to a wet nurse to feed.

5. This book was written in Hebrew by a Pharisee between the year of the accession of Hyrcanus to the high priesthood in 135 B.C.E. and his breach with the Pharisees some years before his death in 105 B.C.E. It is considered an apocrypha to the Hebrew Bible. *The Book of Jubilees*, R.H. Charles, trans. (London: A.C. Black, 1902).

6. Tal Ilan, *Jewish Women in Greco-Roman Palestine*, (Tubingen: J.C.B Mohr, 1995), 46.

7. Gen. 1:26-31.

8. Gen. 2:5.

19. Jacob Neusner dates this quote from the Rabbi Ismael before 70 CE. Jacob Neusner, *The Mishnah before 70*, (Atlanta: Scholars Press, 1987), 203.

20. Ilan. *Jewish Women*, Niddah 30 b.

21. *The Mishnah*, Niddah 3.7 Trans. Herbert Danby, (London: Oxford University Press, 1933), 748.

22. Modern science has shown that external masculinization begins at about week ten of fetal development, (70 days). At sixteen weeks of gestation (112 days), baby girl's ovaries contain early egg follicles. P.C. Sizonenko, *Pediatric Endocrinology*, edited J. Bertrand, R. Rappaport, P.C. Sizonenko, (Baltimore: Williams & Wilkins, 1993), 88-99.

23. Sicardus, a bishop who died in 1215 C.E. explains the gender disparity after childbirth in Leviticus 12 by arguing that a double curse lies on the feminine growth.: "Solutio: quia dupla est feminei germinis maledictio; habuit enim maledictionem Adea, et insuper, 'In dolore paries,' vel quia, sicut ait peritia pycorum, feminae in conceptu manent informes duplo tempore masculorum," (Solution: because a double curse lies on the feminine growth. For she carries the curse of Adam and also the (punishment) 'you will give birth in pain'. Or, perhaps, because, as the knowledge of physicians reveals, female children remain at conception twice as long unformed as male children." Trans. John Wijngaards) Sicardus, Bishop of Cremona *Mitrare V*, Chapter 11 (Parr. Lat. 213, 242) Parisiis: JP Migne, 1855. Additional discussion of Sicardus is done by Ida Raming in *Exclusion of Women from the Priesthood*. (Metuchen: Scarecrow Press, 1976), 58-60, 188.

24. Leviticus 14:10.

25. Phyllis Bird, *Missing Persons and Mistaken Identities*, (Minneapolis: Fortress, 1997) 28.

26. Beckman describes kunzigannahit as an "Outing Ceremony for the child, by which the child is both purified and presented to the community." Gary M. Beckman, *Hittite Birth Rituals*,

(Wiesbaden: Otto Harrassowitz, 1983), 143, 160.

27. Beckman, *Hittite Birth Rituals*, 35.

28. --- *Hittite Birth Rituals*, 35.

29. Biale, *Women and Jewish Law*, 152.

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