**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

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Dedicated by Steven Weiner & Lisa Wise in tribute to

Mr. Yechiel Saiman of blessed memory.

His presence in our community was such a privilege and treat for us,

and he is very deeply missed.

We send our warmest wishes of comfort to his wife Chana

and to all of their children and grandchildren.

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Erev Yom Kippur

What are the mitzvot and customs of Erev Yom Kippur? Why are they significant? How do they apply to women?

# Tosefet Yom Kippur

In some respects, Yom Kippur, the holiest day of the year on the Jewish calendar, actually begins on the previous day.

In *Parshat Emor*, the Torah commands us to observe Yom Kippur and its afflictions (*inuyyim*)*,* such as fasting, on the tenth day of the seventh month (Tishrei). It then makes a surprising reference to the ninth of Tishrei:

*Vayikra* 23:27-28, 32

But on the tenth day of this seventh month, it is *Yom Ha-kippurim*, it shall be a sacred festival for you, and you shall afflict your souls and bring a sacrifice to God. You shall not do any labor on this same day, for it is *Yom Kippurim*, to atone for you before the Lord your God. For every soul that is not afflicted on this same day shall be cut off from its nation….It is a *Shabbat Shabbaton* for you, and you shall afflict your souls, on the **ninth of the month** in the evening, from evening until evening, you shall rest on your Shabbat.

What role do the *inuyyim* play on the ninth of Tishrei? The Talmud records two suggestions, the first in the name of Rabbi Yishmael:

*Rosh Ha-shana* 9a

Rabbi Yishmael: 'We add from the workday to the sacred,' what is our source? It is derived from what is taught [in a baraita]: “And you shall afflict your souls on the ninth.” Could it mean on the ninth? Scripture teaches “in the evening.” “In the evening” could mean, from when it gets dark. Scripture teaches “on the ninth.” How is that? One begins fasting while it is still day. This teaches that we add from the workday onto the sacred. I have [established the obligation] only with its entrance; from where [can I derive it] with its exit? Scripture teaches “from evening until evening.”

According to Rabbi Yishmael, there is a positive mitzva to begin our observance of the *mitzvot* of Yom Kippur, such as the obligation to fast, a bit before sunset on the previous day, the ninth, (and continue until a bit after nightfall, into the eleventh) in order to add to the sacred time at the expense of the workday. These time periods before and after Yom Kippur are called *Tosefet Yom Kippur* and have been established as halacha.[[1]](#footnote-1)

Since the imperative derives from a verse, the *mitzvot* of Yom Kippur take effect on *Tosefet Yom Kippur* on a Torah level.[[2]](#footnote-2) However, since the ninth and eleventh are not Yom Kippur proper, the punishment of *karet* (spiritual excision) does not apply to violators during the *tosefet*, since they technically do not violate the tenets of Yom Kippur itself. Rather, they simply fail to perform the positive commandment of "*tosefet*." The Talmud makes this case:

*Yoma* 81a

“On this same day shall be cut off” – the punishment of *karet* applies to that very day, and there is no punishment of *karet* on the *tosefet*…

Additionally, the Talmud teaches that even though fasting on Yom Kippur might seem to be a positive time-bound mitzva from which women are usually exempt, women's obligation in it is clear.

Our sages understand the obligation to afflict oneself, including fasting, as a negative commandment as well as a positive one, even though "though shalt not" language regarding affliction does not appear in the Torah. The Talmud explains:

*Yoma* 81a

Reish Lakish said, why is no prohibition stated with affliction?... Rav Acha bar Ya’akov said, derive “*Shabbat Shabbaton*” [Yom Kippur] from *Shabbat Bereishit* [Shabbat observed weekly based on the seventh day of Creation]. Just as there, [the Torah] did not punish unless it prohibited, so here it did not punish unless it prohibited

Since the obligation to fast entails a negative commandment, women are fully obligated in it, even though it is time bound:

*Sukka* 28a-28b

Yom Kippur is derived from Rav Yehuda in the name of Rav, for Rav Yehuda said in the name of Rav, and it was also taught in the school of Rabbi Yishmael: Scripture says “man or woman” (*Bemidbar* 5:6) – the verse equates a woman to a man for all the punishments in the Torah.

We still might have thought that women would be exempt from *Tosefet Yom Kippur*, since it is technically a positive time-bound mitzva with no negative commandments yet in force. But the Torah explicitly obligates women in it, by adding the seemingly superfluous definite article "the" before the word "citizen" in the following verse, which the Talmud expounds:

*Vayikra* 16:29

It shall be to you a law forever, in the seventh month on the tenth of the month you shall afflict your souls, and you shall do no labor, the citizen and the stranger who lives among you.

*Sukka* 28a-b

Isn’t it taught [in a baraita] “**the** citizen” to include the women citizens who are obligated in affliction…Why do I need a verse?...[Women’s obligation on] Yom Kippur is derived from Rav Yehuda in the name of Rav, as Rav Yehuda said in the name of Rav…’Scripture equated a woman to a man for all the punishments in the Torah’…it is needed only for the *tosefet* of affliction. I might have thought that since the Torah excluded the *tosefet* of affliction from punishment and warning, that women are not obligated at all; this teaches us [otherwise].

The definite article in "*ha-ezrach*" establishes that women are obligated in *Tosefet Yom Kippur*. In practice, community calendars take *Tosefet Yom Kippur* into account when printing the starting and ending times for Yom Kippur.[[3]](#footnote-3)

# Eating

Let's turn now to the Talmud's second explanation for why the Torah mentions the ninth of Tishrei:

*Rosh Ha-shana* 9a-b

And Rabbi Akiva, this “and you shall afflict your souls on the ninth” – what will he do with it? According to what Chiyya bar Rav from Difti taught, as Chiyya bar Rav from Difti taught, “and you shall afflict your souls on the ninth,” – and do we fast on the ninth? Don’t we fast on the tenth? Rather to tell you that everyone who eats and drinks on the ninth, Scripture considers him as if he fasted on the ninth and tenth

On this reading of the verse, the Torah's mention of the ninth hints at a Divinely sanctioned opportunity to receive credit for observing an additional day of *inuyyim* such as fasting. Paradoxically, we avail ourselves of this opportunity by **eating** on the ninth.

Traditional sources suggest two reasons for why eating on the ninth should have this effect:

**I. Preparation for Affliction** Rashi teaches that we eat and drink on the ninth to prepare ourselves for the fast on the tenth. Our preparation for the sake of affliction is tantamount to extending the affliction by a day.

Rashi *Yoma* 81b s.v. *kol ha-ochel*

And thus is the meaning of the verse “and you shall afflict … on the ninth,” to say, prepare yourself on the ninth so that you will be able to fast on the tenth, and because the verse expressed it in terms of affliction, to tell you: behold, it is as if one fasts on the ninth.

How does eating on the ninth prepare us for the tenth? Rosh explains that when we eat properly before the fast, we fast better:[[4]](#footnote-4)

Rosh *Yoma* 8:2

Meaning, prepare yourselves on the ninth to renew and strengthen [yourselves] with eating and drinking in order that you should be able to fast the next day, [this injunction is] to show God’s love for Israel.

Alternatively, we can interpret the preparatory eating as a way to highlight the active desisting from eating that follows it:

*Perisha* OC 604:2

He commanded them to eat and drink first….so that God’s commandment, that He commanded us to fast on the tenth day, should be clear and revealed…

**II. Yom Tov** We typically mark sacred days with festive meals. Eating and drinking on the ninth might provide a path to fulfill these Yom Tov observances even though we cannot perform them on Yom Kippur itself:

*Sha’arei Teshuva* of Rabbeinu Yona, Sha’ar 4

For on the other *Yamim Tovim* we sit down to a festive meal for the joy of the mitzva, for the reward for the joy of *mitzvot* is very great and exalted, as it is said (*Divrei Ha-yamim* I 29:17): “And now, Your nation that are found here, I have seen giving to You with joy,” and it is said (*Devarim* 28:47) “as retribution that you have not served the Lord your God with joy and with goodness of heart,” and since there is a fast on Yom Kippur, they were obligated to sit down to a festive meal for the joy of the mitzva on *Erev Yom Kippur*.

On this reading, the ninth of Tishrei may have some properties of Yom Tov. Our festive pre-fast meal completes Yom Kippur, establishing two days of merit before God equivalent to the merit of two days of affliction. According to this view, since the feasting is not a preparation for the fast, it should also apply even to someone not planning to fast.

Women Eating

In practice, eating during the daytime[[5]](#footnote-5) of the ninth of Tishrei is considered a mitzva,[[6]](#footnote-6) and fasting is prohibited:

*Shulchan Aruch* OC 604:1

It is a mitzva to eat on *Erev Yom Kippur* and to increase [one's] meals. Rema: And it is forbidden to fast on it.

Are women obligated in the mitzva? Rabbi Akiva Eiger is known for raising this question without resolving it:

Responsa Rabbi Akiva Eiger *Mahadura Kama* 16

I am unsure regarding all the healthy women, whether they are obligated to eat on *Erev Yom Kippur*, for it is possible that they are exempt as from all positive time-bound *mitzvot* … or not…for it is as if one fasted on the ninth and tenth, so obviously anyone who is obligated in the fast of the tenth is obligated to fulfil “and you shall afflict…” to eat on the ninth, and it requires further study when there is time.

He suggests that anyone obligated in the *inuyyim* would be obligated in eating on the ninth of Tishrei. On the other hand, even *Tosefet Yom Kippur*, which added to observance of the *inuyyim*, required a special verse to obligate women, so there is room for doubt. Sedei Chemed suggests a different explanation for why women should be obligated:

Sedei Chemed *Ma’arechet Yom Ha-kippurim* 1:3

According to the reason that it is to prepare oneself so as to be able to fast the next day… if so, women also need that, and on the contrary, they are weaker than men. And thus is written in *Minhagei Maharil*….

If this mitzva **prepares** us for fasting on Yom Kippur, then women surely need to fulfill it. Sedei Chemed goes on to note that Maharil, who lived four hundred years before Rabbi Akiva Eiger, seems to have taken women's obligation for granted:

*Sefer Maharil* (*Minhagim*), Laws of Erev Yom Kippur 9

They asked Mahari Segal about [a woman who] took a vow not to eat meat or drink wine except on *Shabbatot* and *Yamim Tovim*. What is the law for her on *Erev Yom Kippur*? And he replied that she is permitted to eat whatever she wishes and to make her heart rejoice on this day, since it is also called Yom Tov….

According to Maharil, eating and drinking on the ninth is a form of feasting on Yom Tov, in which women partake. Indeed, halachic consensus is that women are obligated to eat on the ninth of Tishrei.

# Immersion

Another *Erev Yom Kippur* ritual is immersion in a mikveh, a custom that some observe on *Erev Rosh Ha-shana* as well. Traditional sources mention three different reasons for immersing. Let's look at each and its potential application to women.

**I. Ritual Purity** A mishna in *Berachot* teaches us that our sages debated whether men who have had a seminal emission, and women who expel semen (as is typical after marital relations), should immerse prior to reciting prayers or learning Torah.

Mishna *Berachot* 3:6

A *zav* who had a seminal emission, and a *nidda* who expelled semen…require immersion, and Rabbi Yehuda exempts.

In practice, we follow the view of Rabbi Yehuda ben Beteira that a person does not need to immerse after emission or expulsion of semen, and may freely pray and study Torah.[[7]](#footnote-7) However, some men have the custom to be stringent, and many more have the custom to be stringent specifically on *Erev Yom Kippur*. This is the case even though those practicing this ritual may be ritually impure in other ways (e.g. from *ziva*), which this immersion does not affect.

Tosafot make this point and add that, since immersion of this sort is not obligatory, a person immersing prior to Yom Kippur for seminal emission or discharge should not recite a beracha over immersion:

Tosafot *Berachot* 22b s.v. *Ve-leit hilcheta kavatei*

Like Rabbi Yehuda ben Beteira, who said, words of Torah are not susceptible to ritual impurity. Some explain: specifically for Torah, but for prayer, one requires immersion, and Ri explains that there is no difference. One who immerses on *Erev Yom Kippur* should not recite a *beracha*, and if one recites a *beracha* it is a *beracha* in vain.

Shulchan Aruch rules accordingly.

*Shulchan Aruch* OC 606:4

One can immerse … whenever one wants, as long as it is before night; and one does not recite a *beracha* over the immersion. Rema: One needs to immerse only one time, without *viduy* (confession), on account of seminal emission; and pouring nine *kabim* of water is also effective.

"Nine *kabim*" here refers to an alternate way of addressing seminal emission or discharge for those who lack access to a mikveh: pouring that volume (12.5-22 liters) of liters of water over one's head (or nowadays showering with that amount). This alternate method of purification works **only** in the context of the custom to observe seminal impurity. It has no effect on more serious forms of impurity, such as *nidda*.[[8]](#footnote-8)

A person who observes the custom of immersion on *Erev Yom Kippur* out of concern for seminal impurity can shower with nine *kabim* when a mikveh is unavailable. Since this is recognized as an act of purification in the case of seminal impurity, it arguably might also serve as a symbolic purification in the spirit of the day (discussed below).

To this day, it remains customary for men to immerse for ritual purity on *Erev Yom Kippur*.[[9]](#footnote-9) There is a less widespread custom for women to immerse *Erev Yom Kippur*, which Maharil relates to this rationale. He writes that the custom of immersion for seminal impurity could be said to apply to a woman who has had relations within three days of Yom Kippur, because that is the time window in which semen she might discharge is considered viable. He suggests that she clean herself internally before immersing unless that will interfere with conception.

Sefer Maharil (*Minhagim*) Laws of *Erev Yom Kippur* [4]

Some explain that the immersion on *Erev Yom Kippur* is because of purity, as it says in the midrash, Israel are clean like angels. And Mahari Segal said, that according to this, it seems that a woman who had relations within three days before Yom Kippur needs to wash herself internally with warm water so that she will not expel semen, and afterwards immerse, as with the giving of the Torah, when they also abstained for three days, as it is written: Be ready for three days, do not go near a woman (*Shemot* 19:15), and specifically not close to the time of her immersion or close to the time she expects her menses, since at those times she should not wash internally lest she destroy seed that might lead to pregnancy…

Maharil adds that the key impetus for special ritual purity prior to Yom Kippur is to resemble angels, our next rationale to explore.

**II. Resembling Angels** A midrash teaches us that the Jewish people resemble angels on Yom Kippur, in a few respects: fasting, going barefoot (symbolized by not wearing leather shoes), standing over the course of the day, being at peace, and being clean of sin.

*Pirkei De-Rabbi Eliezer* “Chorev” 45

Sama’el saw that there was no sin found in them on Yom Kippur. He said before Him: Master of all worlds, do you have one nation like ministering angels in Heaven? Just as the angels of Israel do not eat or drink, so Israel do not eat or drink on Yom Kippur. Just as the ministering angels…are barefoot on Yom Kippur, so Israel are barefoot on Yom Kippur. Just as the ministering angels are stationary, so Israel stand on their feet on Yom Kippur. Just as there is peace among the ministering angels, so there is peace among Israel on Yom Kippur. Just as the ministering angels are clean of all sin, so Israel are free of all sin on Yom Kippur…

Ra'aviyah views immersion prior to Yom Kippur and changing to white garments as an expression of our aspiration to actualize the midrashic ideal:

Ra’aviyah II: *Yoma* 528

The *Perushim* had the custom to immerse, as we say in Midrash Tanchuma *Parshat Va-et’chanan*, “*Shema Yisrael*…” and our rabbis say… until “but on Yom Kippur they are clean like angels. He says [“Baruch Shem Kevod”] out loud, and they wear white for this reason.

Although these ideals would seem to apply regardless of gender, *Sefer Ha-minhagim* suggests that they do not apply to women:

*Sefer Ha-minhagim, Hagahot Ha-minhagim Aseret Yemei Teshuva*

Rav Yudel and Maharash said, that women should not immerse on *Erev Yom Kippur* because they cannot be like angels and they do so in error, because this immersion is not relevant for them.

The basis for this view seems to be a midrash (that is difficult to comprehend), which associates the words "*ir gibborim" "*a city of heroes*,"* understood as angels, with "*gevarim*," men:[[10]](#footnote-10)

*Vayikra Rabba Emor* 31

R’ Yehoshua in the name of R’ Acha opened: “To the city of heroes [*gibborim*] the wise one went up” (*Mishlei* 21:22). [*Gibborim*] is written [without a *vav*] as “*gevarim*” [men], for all of them are men and there is no female among them.

Even if we grant that angels have some sort of innately masculine quality, it is by no means clear that we seek to resemble them in that regard on Yom Kippur. Rav Yehuda Henkin makes this argument in support of women immersing on *Erev Yom Kippur*, and observing other practices that resemble the qualities of angels.

Responsa *Benei Banim* III:5

We do not seek to resemble the angels in their aspect of masculinity, but only in matters of Yom Kippur. And in this, women can certainly also resemble…. For on Yom Kippur in eating and drinking and walking barefoot and being clean of sin – there is no distinction between men and women.

**III. Repentance** Although he cites other views, Maharil sees immersion prior to Yom Kippur primarily as an expression of repentance and symbolic purification from sin. In his community, females of all ages would immerse prior to Yom Kippur, which led him to understand that the rationale must be more expansive than ritual impurity, inclusive of all genders and ages.[[11]](#footnote-11)

*Sefer Maharil* (*Minhagim*), Laws of *Erev Yom Kippur* 3

Immersion on *Erev Yom Kippur*: Mahari Segal said: There are those who rule that one should immerse after the pre-fast meal in the evening, since the immersion is primarily for repentance, and it is proper for it to be as close as possible to Yom Kippur itself. Mahari Segal said that he is inclined to bring a proof that it is for repentance, for then men and women, and youths and maidens who are bar mitzva or bat mitzva, have the custom to immerse. It would make sense for men to immerse due to seminal emission…, but why would women immerse – for they (do not) [all necessarily] expel semen. And also old women, and also youths and maidens where it is clear to them that their bodies are free from impurity; rather, it is certainly for repentance. Similarly in the Yerushalmi there is a story of a girl who was captive among non-Jews and when they redeemed her, they had her immerse because [her captors] had given her forbidden food to eat. Similarly the immersion of the convert when he converts, we have him immerse for repentance. Similarly this immersion is for repentance, even if he immersed on *Erev Rosh Ha-shana* and did not have any seminal emission afterwards and did not become impure, in any case he immerses again now to become pure for repentance.

Maharil suggests the redeemed captive and the convert as models for this type of spiritually transformative immersion. The captive was forced to violate *kashrut*. The non-Jew presumably did not keep *mitzvot* prior to conversion. When they immerse in the mikveh, they symbolically leave behind transgression and emerge sanctified.

A mishna draws on imagery in *Yirmiyahu* and *Yechezkel* to connect the themes of ritual purity, atonement, and repentance:

Mishna *Yoma* 8:9

Rabbi Elazar ben Azarya expounded this: “[For on this day it will atone for you to purify you] from all your sins before God you will be pure” (*Vayikra* 16:30). Sins between a person and God, Yom Kippur atones. Sins between a person and his fellow, Yom Kippur does not atone until he appeases his fellow. Rabbi Akiva said: Happy are you, Israel! Before whom do you become pure? Who purifies you? Your Father in Heaven, as it is said “And I will cast upon you pure water and you will be pure” (*Yechezkel* 36:25) and it says “God is the mikveh of Israel” (*Yirmiyahu* 17:13) – just as a mikveh purifies those who are impure, so the Holy One, Blessed be He, purifies Israel.

The mishna offers two rabbinic explications of a verse in *Vayikra*. The verse’s meaning depends on how we punctuate it. According to Rabbi Elazar ben Azarya, it teaches us that Yom Kippur itself only atones for "all your sins before God," but not those that affect other people. However, Rabbi Akiva understands it to mean that on Yom Kippur "before God you will be pure." Rabbi Akiva cites a verse from *Yirmiyahu*, who refers to God as "*mikveh Yisrael*," the hope of Israel, which can be read as Israel’s mikveh.

According to Maharil, we give concrete expression to our pursuit of repentance by immersing in the mikveh as we enter into the Day of Atonement.

The passages in *Yechezkel* and *Vayikra* cited in the mishna each repeat the root “*tahor*” (pure) three times. Sefer Chasidim explains that this explains the custom to immerse three times:

*Sefer Chasidim* 394

Women are accustomed to immerse three times [corresponding to] in ”**pure** water and you will be **pure**…I will **purify** you” (*Yechezkel* 36:25), “and he shall **purify** him and sanctify him from the impurities of *Benei Yisrael*” (Vayikra 16:19), “to **purify** you …before God you shall be **purified**” (*ibid*. 30). Therefore, one who immerses on *Erev Yom Kippur* dunks his head under the water three times.

To Rambam, immersion is always a sort of metaphor for how we stand in *teshuva* before God:

Rambam, Laws of *Mikva’ot* 11:12

Just as the one who has intention to become pure, since he immersed, he is pure, even though there is no change in his body – thus the one who has intention to purify his soul from the impurity of souls, which are the thoughts of evil, since he committed to separate from those counsels and brought his soul into the pure waters of knowledge, behold, He says, “I will cast upon you pure waters and you will be pure from all your impurity and from all your idolatry I will purify you” (*Yechezkel* 36:25).

Immersion for Single Women or Married Women in Nidda

Above we saw that Maharil mentioned people of all genders and ages immersing in the mikveh. Mishna Berura seems to take it as a matter of course that anyone who had reached bar or bat mitzva would immerse on *Erev Yom Kippur*:

*Mishna Berura* 606:17

One can immerse – the author (Shulchan Aruch) wrote briefly; earlier, he should have written that it is a custom to immerse … on *Erev Yom Kippur*, and even youths and maidens, because they are above bar or bat mitzva, immerse

Why, then, would one ever object to the practice of women immersing? Two situations require special attention: married women who have not completed the process of ritual purification after becoming menstrually impure (*nidda*) and unmarried women.

**Married women** From the onset of a woman’s menstrual period, she and her husband are forbidden from engaging in physical contact. After her *nidda* bleeding has stopped, a married woman counts seven clean days before immersion in the mikveh. After this immersion, she and her husband are permitted to resume intimate contact.[[12]](#footnote-12)

What if a woman is in *nidda*, perhaps even in the middle of her seven clean days, on *Erev Yom Kippur*? Halachically, she can immerse, continue counting her clean days, and immerse again upon completing the count. However, there is a concern that a couple might mistakenly believe that they can engage in a physical relationship following the first immersion, without waiting for the second.

Furthermore, women may not immerse prior to nightfall at the end of the seven clean days. Women typically may not immerse during the daytime even on the eighth day, lest their daughters who get wind of it can come to the mistaken conclusion that immersion on the seventh day is permissible:

*Nidda* 67b

Rabbi Yochanan said: Whether at the right time or not at the right time, she immerses only at night, because of her daughter following [this example].

**Single women** There is a halachic concern that couples with the misconception that *nidda* is the only bar to premarital relations might engage in them if single women could immerse. Thus, immersion is generally prohibited to unmarried women:

Responsa Rivash 425

What is remarkable: How did they not decree immersion for a single woman, so that the masses not come to sin through her? And there is no place to wonder here! For since the single woman is prohibited, as I have written. On the contrary! If she were to immerse, there would be a stumbling block with her: For they would be lenient with a woman who is prohibited, since she is only prohibited rabbinically.

For these reasons, Sedei Chemed opposed the immersion of unmarried women altogether, even prior to Yom Kippur:

*Sedei Chemed Yom Ha-kippurim* 1:6

There is concern of sin in the immersion of maidens, and if so, it is reasonable not to allow maidens to immerse even on *Erev Yom Kippur*, since it is a stringency that leads to a concern of sin

Given these concerns, Rav Ovadya Yosef rules accordingly, and also opposes married women immersing during the seven clean days.[[13]](#footnote-13)

Ben Ish Chai, however, rules in favor of the practice, both on *Erev Rosh Ha-shana* and on *Erev Yom Kippur*. He notes that this was the practice of his own family, even when women were in the midst of observing *nidda*:

Responsa *Rav Pe’alim* IV, YD 16

…It is the custom of the women of our household and our relatives to immerse on *Erev Rosh Ha-shana* and *Erev Yom Kippur* for purposes of purity from relations, even though they are pure from *nidda*. And furthermore, even a woman who has not immersed following *nidda*, because she is still within the seven clean days that are not complete, they also immerse within the seven clean days for purposes of purity alone, so that she should come to the synagogue and pray on the *Yamim Nora’im* in purity, and after the seven clean days she will then immerse according to halacha for the sake of [resuming contact with] her husband. Furthermore, even the maidens in the house also do thus, to immerse before Rosh Hashana so that they should come to the synagogue and pray in purity….. There is no proof from the reason Rivash wrote why they did not establish immersion for single women to object to our case, for one can say that in that case the single women have no purpose or reason to immerse, and if they would tell them to immerse in order that the masses not come to sin through them, this would be an enactment for sinners, and as if they set them up to fail, which is not so in our case, where she immerses for a purpose and has a reason so that she should pray and enter the synagogue in purity, therefore….. here when they immerse within the seven clean days for the sake of purity for a pure prayer…they do not cut their fingernails and they also don’t [intensively] comb the hair on their heads, and thus several practices of a woman’s immersion for her husband are omitted, but only for the purpose of spiritual purity and cleanliness for worship and prayer of the *Yamim Nora’im*, therefore, we should not rebuke them for this…

According to Ben Ish Chai, a single woman is only barred from immersing when there is no practical reason for her to immerse other than promiscuity. A married woman in the midst of the seven clean days will not come to confusion (or sin) because it is clear that she is not undertaking the usual full preparations for ritual immersion. By the same token, a woman with a daughter could instruct her daughter about the distinction between this immersion and others.

In practice, this immersion takes place during the day, does not require more than a basic shower and combing in advance, and no *beracha* is recited.

What meaning might a woman find in immersing before Yom Kippur?

In a post for the Eden Center, Chaya Houpt expends on what immersing Erev Yom Kippur has meant for her and her daughter:[[14]](#footnote-14)

Chaya Houpt, Reflections on my First Tevilla on Erev Yom Kippur, The Eden Center Blog

Up until now it was clearly understood that only my husband goes to the mikveh on Erev Yom Kippur, but this time I went, and not alone – in a moment of spontaneity I took my 8 year old daughter with me….When we finally, gently, entered the water together we were enveloped by excitement and amazing gratitude.  This is the same mikveh where I yearned and prayed time and time again to be blessed with her. The natural way with which she embraced the water and the water embraced her (and us), and our prayer and the feeling of abundance and light – I prayed that her next encounters with the mikveh waters will be as perfect, enabling, compassionate and blessed, at least as much as  this one – and I felt the Heavens open.

A woman cited in an article on immersion before Yom Kippur speaks about its importance among the rush of preparations for the holiday:[[15]](#footnote-15)

Gitelle Rapoport, “Mikveh for Women on Erev Yom Kippur,” p. 34

A young woman in her thirties, who has observed the custom as a married woman and as a divorcee, said…'the main preparation [ for Yom Kippur] was all the physical stuff: food, haircuts, etc. I was so engrossed in *gashmiyyut* [physicality] that I needed to break away. I needed a spiritual preparation. It was just me, the *mikveh* waters and *Hashem* [God], and I was able to put everything else aside.’

Immersing before Yom Kippur can establish that mikveh immersion has significance independent of marital intimacy, providing a moment to connect directly with our Creator and Hope.

# Viduy

*Teshuva* is a prerequisite for the atonement we seek on Yom Kippur. Rambam presents Yom Kippur as a sort of annual deadline for performing *teshuva*, which makes the afternoon of Yom Kippur a peak time for it.

Rambam, Laws of *Teshuva* 2:7

Yom Kippur is a time of repentance for every individual and for the masses, and it is the ultimate time of pardon and forgiveness for Israel; therefore, everyone is obligated to repent and confess on Yom Kippur, and the mitzva of *viduy* on Yom Kippur is to begin on the eve of the day, before one eats… And even if one confessed before eating, he confesses again on the night of Yom Kippur at *Ma’ariv* and confesses again at *Shacharit* and at *Mussaf* and at *Mincha* and at *Ne’ila*. When does one confess? The individual after his *tefilla*, and the prayer leader in the middle of his *tefilla* in the fourth *beracha*.

For Rambam, the central mitzva act of repentance, to be performed by "everyone" before the pre-fast meal, is the verbal acknowledgment of sin known as *viduy*.

Rambam, Laws of *Teshuva* 1:1

All the *mitzvot* in the Torah, whether positive or negative, if a person transgressed one of them, whether deliberately or in error, when he does *teshuva* and repents of his sin he is obligated to confess before God, blessed be He, as it is written, “a man or woman who do … and they confess their sin that they did” (*Bemidbar* 5:6-7), this is verbal confession. This confession is a positive mitzva. How do we confess? One says: “Please, God, I have sinned, I have transgressed, I have strayed before You and done such and such, and behold, I have regretted and I am ashamed of my deeds and I will never do this thing again,” and this is the essence of *viduy*, and whoever confesses a lot and extends the matter, this is praiseworthy.

A *baraita*, Rambam's source for *Erev Yom Kippur* *viduy*, lays out the overall structure of when to recite it:

Yoma 87b

Our rabbis taught: the mitzva of confession on *Erev Yom Kippur* is at dark, but the Sages said, he should confess before he eats and drinks, lest he become disturbed at the meal, and even though he confessed before he ate and drank, he confesses after he eats and drinks, lest a sin happened at the meal, and even though he confessed at *Ma’ariv*, he confesses at *Shacharit*, *Shacharit* – he confesses at *Mussaf*, at *Mussaf* – he confesses at *Mincha*, at *Mincha* – he confesses at *Ne’ila*.

The obligation to recite *viduy* at each of the five prayer services of Yom Kippur builds to the ultimate moment of atonement at *Ne'ila*. The *viduy* prior to Yom Kippur, lest the meal itself get in the way of fulfilling the mitzva, dovetails well with the other repentance-oriented acts of *Erev Yom Kippur*, immersion, eating (which Halacha views as an extension of the *innuyim* of Yom Kippur itself) and *Tosefet Yom Kippur*. But there is a bit of a lacuna in the baraita's account of reciting *viduy*, which says to recite it "after eating" rather than "at *Ma'ariv*," and Ramban picks up on it:

Ramban *Yoma* 87b

It seems according to the precise reading of this language that the *viduy* he confesses after eating is not in the *Ma’ariv* prayer, because it is not taught, “and even though he confessed before he ate and drank, he confesses at *Ma’ariv*,” as it is taught [in the continuation of the baraita] “and even though he confessed at *Ma’ariv*.” Furthermore, it is taught that the *viduy* of Erev Yom Kippur is “at dark” – that is, after he eats and drinks, but that the sages had him confess earlier, before he eats, lest he become disturbed at the meal. Regarding this it says that even though they required him to confess earlier, the primary *viduy* does not lose its place, and he needs to confess after he eats and drinks – that is, at dark. *Ma’ariv* is not called “after he eats and drinks,” because it is not adjacent to that eating, and the *Ma’ariv* prayer has a name.

According to Ramban, the Tosefta teaches us to recite *viduy* prior to eating on *Erev Yom Kippur* only as a backup. We also must recite *viduy* after eating, before *Ma'ariv*, during the minutes of *Tosefet Yom Kippur*, and this *viduy* is the essential one leading into Yom Kippur.

In deference to Ramban's opinion, Ashkenazim recite *Tefilla Zaka*, a powerful prayer that incorporates *viduy*, after *seuda ha-mafeseket*.

*Mishna Berura* 607:1

There are *poskim* who maintain that one also needs to confess after eating before dark, and it is proper to be stringent in accordance with this opinion, and therefore today we have the custom to recite *Tefilla Zaka* then.

In Sefardi communities, it is customary to recite "[*Lecha Ei-li Teshukati*](http://www.daat.ac.il/daat/sifrut/shirim/even-ezra-2.htm)," a *piyyut* of stunning intimacy that also includes elements of *viduy*.

Rav Avraham Ibn Ezra, *Lecha, Ei-li, Teshukati*

Return me, and I will return/ And You'll desire my repentant return. And teach me Your paths/ And straighten my ways. And You'll hear my prayer/ And answer my plea. With all my heart I have sought You/ Respond, O God, to my seeking. I'll offer my teardrops as libations to You/ Erase my sin with my tears. And my soul has said my part/ It is God and my portion. Gather please my iniquities/ In your kindness on the day of my ingathering

Although there is a special significance to confessing on *Erev Yom Kippur* and on Yom Kippur, it is a positive mitzva that is not time-bound. Women are therefore obligated in *viduy,*[[16]](#footnote-16) and should also make an effort to recite one of these prayers (or a short, traditional *viduy*) after the meal. Since the original text of *Tefilla Zaka* contains some male-oriented references, it requires adaptation for women. [Here is a link](https://www.kipa.co.il/userFiles/zaka_yomKipur.pdf) to a version disseminated by Rav Amnon Bazak of Yeshivat Har Etzion, and an excerpt of one of its highlights:

*Tefilla Zaka*

Since I know that there is almost no righteous person on earth who does not sin between a person and his fellow, financially or physically, in deed or speech. Over this, my heart is anguished within me for upon sins between a person and his fellow, Yom Kippur does not atone until he appeases his fellow, and upon this my heart is shattered within me and my bones quiver, for even the day of death does not atone. Therefore, I cast my entreaty before You, that You have mercy upon me and grant me grace and kindness and mercy in Your eyes and in the eyes of all people. And I hereby forgive with complete forgiveness everyone who has sinned against me…

The *viduy* within these prayers, intermingled with other themes of Yom Kippur, usher us into the spirit of the day when it really begins, on the day before.

As part of the transition, there are a few additional practices on *Erev Yom Kippur*. Right before candle-lighting, we light *yahrzeit* candles for deceased parents[[17]](#footnote-17) and a candle that will burn at least twenty-five hours to use for Havdala.[[18]](#footnote-18) Right after, it is customary for those with children to bless them before leaving for synagogue, including the beracha that they live righteously.[[19]](#footnote-19)

# Further Reading

Rav David Brofsky. “The Laws and Practices of Erev Yom Kippur.” VBM Shiur. Available here: <https://www.etzion.org.il/en/laws-and-practices-erev-yom-kippur>

Gitelle Rapoport. “Mikveh for Women on Erev Yom Kippur.” *Le'ela*, September 1998: 29-38. Available here: <http://theedencenter.com/wp-content/uploads/2019/12/Leelah-article.pdf>

1. Rambam, *Hilchot Shevitat Asor* 1:6 (see next note), *Shulchan Aruch* OC 608:1 [↑](#footnote-ref-1)
2. Rambam, however, only views *Tosefet Yom Kippur* as a Torah-level obligation with respect to afflictions, and not with respect to prohibited labor:

   Rambam, *Hilchot Shevitat Asor* 1:6

   Just as refraining from labor applies both daytime and nighttime, so the refraining of affliction applies both daytime and nighttime, and one needs to add from the workday onto the sacred when it enters and when it exits, as it says (*Vayikra* 23), “and you shall afflict your souls, on the ninth of the month in the evening,” meaning, begin to fast and afflict oneself from the evening of the ninth close to the tenth, and similarly with its exit, one lingers a little in his affliction into the night of the eleventh close to the tenth, as it says, “from evening until evening, you shall rest on your Shabbat.” [↑](#footnote-ref-2)
3. A Talmudic passage describes widespread and unwitting laxity with *Tosefet Yom Ha-kippurim*. Some early authorities understand the passage to be referring specifically to women.

   *Beitza* 30a

   Leave Israel be, it is better for them to sin in error than to sin deliberately. These words apply to Rabbinic *mitzvot*, but not to Torah *mitzvot*. This is not so – it makes no difference whether it is from the Torah or Rabbinic, we do not say anything at all to them [those who inadvertently violate the mitzva]. For *Tosefet Yom Ha-kippurim* is from the Torah, and they ate and drank until dark and we did not say anything at all to them.

   Rambam, *Hilchot Shevitat Asor* 1:7

   Women who eat and drink until dark, and they do not know that it is a mitzva to add from the workday onto the sacred, we do not rebuke them, so that they will not come to do this deliberately, for it is impossible to place a policeman in the home of every single one to caution his women, and leave Israel be, that they sin in error and not deliberately, and thus in everything similar to this. [↑](#footnote-ref-3)
4. Shibbolei Ha-leket says the opposite. Eating a lot the day before makes the fast more difficult:

   Shibbolei Ha-leket *Seder Yom Ha-kippurim* 307

   Or one can say that because he eats well on *Erev Yom Kippur*, and fasts Yom Kippur, his affliction is more difficult for him… [↑](#footnote-ref-4)
5. Gera infers this from a comment of Rashi that the meal is not till the daytime:

   Rashi *Ketubot* 5a s.v. *It lei ravchya*

   To slaughter at night, since the festive meal is not until the next day

   *Beiur Ha-Gera* OC 604:2

   The essence is that the mitzva to eat a lot applies only during the day [↑](#footnote-ref-5)
6. Minchat Chinuch takes it as a given that one need not eat bread, similar to the festive meal on Purim:

   *Minchat Chinuch* Mitzva 313

   For on *Erev Yom Kippur*, when there is a mitzva to eat, the obligation is not specifically bread as on Shabbat and Yom Tov, for we have not found anywhere anything other than a mitzva to eat, and one fulfils the obligation with anything, as it is in Magen Avraham, laws of Megilla regarding Purim, and here it is also certainly so, and this seems simple. [↑](#footnote-ref-6)
7. *Berachot* 22a

   It is taught [in a baraita]: Rabbi Yehuda ben Beteira used to say: words of Torah are not susceptible to ritual impurity.

   For a detailed discussion of this immersion, *takanat Ezra*, please see <https://www.etzion.org.il/en/simanim-88-893-takanat-ezra> . [↑](#footnote-ref-7)
8. *Berachot* 22a

   Our Rabbis taught: A man who had a seminal emission, over whom they poured nine *kabim* of water– is pure. [↑](#footnote-ref-8)
9. *Bei'ur Halacha* 606:4

   One can immerse etc. – see Mishna Berura, and that is that even men who are not scrupulous all year long regarding immersion; nevertheless, on Erev Yom Kippur, one must immerse and be clean for the sacred day. [↑](#footnote-ref-9)
10. Magen Avraham 619:10

    That they stand – that is, at the time of Ma’ariv, but one who stands all night will not be able to pray with intention during the day, and they should be careful not to delay relieving themselves, and if they became weak they can lean on something, see the beginning of Siman 585, and the reason for standing is to follow the example of the angels, and therefore women should not stand, as I wrote at the end of Siman 610. [↑](#footnote-ref-10)
11. Magen Avraham cites this point of Maharil's as well, though he gives precedence to the ritual purity rationale (citing another ruling of Maharil):

    Magen Avraham OC 606:8

    According to this, a woman who had relations within three days needs to clean herself internally with warm water so that she will not expel semen, and specifically if it was not close to the time of her immersion or close to the time of her expected menses, that at those times women are accustomed to conceive and one should be concerned that she will destroy semen that would lead to pregnancy. And some say that the reason for immersion is because of repentance, for even youths and maidens who are *benei mitzvot* immerse, and even someone who immersed on *Erev Rosh Ha-shana* and did not have a seminal emission [since then] immerses again, and according to this, one should immerse three times. [↑](#footnote-ref-11)
12. For more on these laws, see <https://www.yoatzot.org/becoming-tehorah/525/> [↑](#footnote-ref-12)
13. Rav Ovadya Yosef, *Taharat Ha-bayit I*, p. 36

    It is preferable to refrain from action. And thus, the women who are in the midst of seven clean days should not immerse on *Erev Rosh Ha-shana* and *Erev Yom Kippur*, for there is concern of stumbling and sin. [↑](#footnote-ref-13)
14. Available here: <http://theedencenter.com/reflections-first-tevilla-erev-yom-kippur-2/> [↑](#footnote-ref-14)
15. Available here: <http://theedencenter.com/wp-content/uploads/2019/12/Leelah-article.pdf> [↑](#footnote-ref-15)
16. *Sefer Ha-chinuch* 364

    That we are commanded to confess before God on all the sins we have committed when we regret them, and this is the matter of *viduy*….. and this mitzva applies in every place and at every time, for males and females. [↑](#footnote-ref-16)
17. *Aruch Ha-shulchan* OC 610:6

    They also make a *yahrzeit* candle for one’s father or mother that are deceased, or one of them who is deceased, and it is also proper, and thus was written in a few of the authorities and this is a rectification for the soul, for the soul is called a candle, as it is written (*Mishlei* 20:27): “The soul of a person is the candle of God” and also the deceased require atonement, as is written in *Sifrei* (*Devarim* 210) [↑](#footnote-ref-17)
18. *Sefer Kolbo* 70

    We recite *Havdala* over a cup [of wine], *borei peri ha-gefen*, *borei me’orei ha-esh*, and *ha-mavdil*, and when we recite the *beracha* over the light, we recite the *beracha* only over a light that rested from labor, such as a lamp that was lit continuously the entire day, but not over a light kindled from wood or stones, according to the reason for the *beracha* of light on Yom Kippur, because its enjoyment ceased on that day and now is permissible again, and therefore a light that rested is required. [↑](#footnote-ref-18)
19. *Chayyei Adam*, 144:19

    The custom is to bless the children before entering the synagogue, because then the sanctity of the day has already taken effect and the gates of mercy are open. The formula that we bless, “May God make you…” [the *beracha* given every Shabbbat] and “May it be the will of our Father in Heaven that He place in your heart love of Him and fear of Him, and that fear of God be before you all the days of your life that you not sin, and that your desire be for Torah and *mitzvot*, your eyes look toward truth, your mouth speak wisdom, and your heart meditate with awe, your hands be occupied with *mitzvot*, your feet run to do the will of your Father in Heaven, and my He grant you righteous sons and daughters, who engage in Torah and *mitzvot* all their lives, and may your font be blessed, and may He provide you with a livelihood in a permissible, comfortable, and plentiful way from His generous hand, and not through gifts of flesh and blood, a livelihood that leaves time for serving God, and may you be written and sealed for a good long life among all the righteous of Israel, Amen. [↑](#footnote-ref-19)