

Tevila Under Medical Constraints

In *Hilchos Nida*, the *Shulchan Aruch* rules (Y.D. 197:2): “If her husband is in town, it is a Mitzva for her to Tovel on time, to avoid abstaining from Pru uR’vu for even one night.”

The Gemara (*Nida* 30a and *Yoma* 8a) records a *Machlokes Tana'im* as to whether *Tevila b'Zmana* is a Mitzva. The *Rishonim* disagree as to which opinion is normative. *Tosfos* cite *Rabbenu Chananel* who rules that it is a Mitzva, while *Rabbenu Tam* maintains that it is not. *Rabbenu Tam* supports his position by noting that women today do not perform *Tevila b'Zmana*, as they count *Shiva Neki'im* even when they only see a drop of blood¹ (which does not render them *Nidos mid'Oraisa*). The widespread deviation from *Tevila b'Zmana* demonstrates that it cannot be a Mitzva, as the universally accepted practice would not neglect an actual obligation.

Among those who hold that *Tevila b'Zmana* is a Mitzva, there is a further *Machlokes Rishonim* whether *Tevila sheLo b'Zmana* (i.e., *Tevila* performed after the prescribed time) fulfills a Mitzva. According to the *Ra'avad*, since contemporary women do not perform *Tevila b'Zmana*, their delayed *Tevila* does not constitute a Mitzva. The *Maharik* (*Shores* 35) argues similarly. However, according to the *She'iltos* (*Acharei Mos* 96), the *Tevila* remains a Mitzva. *Tosfos* likewise report that the *Rash* would ensure that his daughter performed *Tevila*, even during the harsh winter months and even when her husband was away, to fulfill the Mitzva.

This also seems to be the position of the *Tur*. After citing *Rabbenu Chananel*, he adds: “Therefore, it is a Mitzva for her to immerse herself immediately after the days she counts.” These words, as the *Beis Yosef* points out, are surely superfluous. They are precisely what *Rabbenu Chananel* himself states. The *Beis Yosef* explains that one might have thought that since *Tevila* today is not performed *b'Zmana*, even those who usually hold that *Tevila b'Zmana* is a Mitzva would agree that delayed *Tevila* is not a Mitzva. The *Tur* therefore emphasized that since the delay in performing *Tevila* today (i.e., counting *Shiva Neki'im* even for a single drop of blood) is due to a *Takanas Chazal*, the *Tevila* is still considered *b'Zmana* and is a Mitzva.²

¹ [Editor's note: This practice is often known as the *Chumra* of R' Zeira. See *Nida* 66a.]

² [An important *Nafka Mina* is whether *Tevila* overrides the Halachos of *Tisha b'Av* and *Yom Kippur* when marital relations are forbidden. If *Tevila b'Zmana* is not a Mitzva, there is no basis for immersing on these days. If it is a Mitzva, it overrides the *Issur* of *Rechitzta*.]

The *Beis Yosef* concludes:

I say that this is not the custom; rather [we ascribe to the view that] Tevila b'Zmana is not a Mitzva; after all, no woman immerses when her husband is not in town. Nevertheless, it appears that if her husband is in town, it is a Mitzva to immerse b'Zmana because the Gemara relates (Eruvin 63b) that Yehoshua was punished for preventing the Jewish people from procreation for one night. If she delays Tevila to upset her husband, she has sinned.

Accordingly, the *Mechaber* rules in *Shulchan Aruch* that *Tevila b'Zmana* is not a Mitzva, but if a woman's husband is in town, it is a Mitzva for her not to delay *Pru uR'vu*. The *Taz* (*ibid.* 2) and *Shach* (*ibid.* 3) agree, noting that this is why widows and unmarried girls do not immerse.

This discussion has practical ramifications in multiple medical scenarios. Is there a Mitzva to immerse *b'Zmana* in cases where procreation is not possible, such as when one spouse is incapable of having children, whether naturally or due to surgical intervention (e.g., tubal ligation or hysterectomy)? Similar questions arise when pregnancy can only be achieved through medical treatments, or when marital relations are entirely precluded due to one spouse's illness.

The *Ben Ish Chai*³ (*Vayera* 24) and *Badei haShulchan*⁴ (13) hold that even when *Pru uR'vu* is impossible, there is still a Mitzva of *Tevila b'Zmana* due to the Mitzva of *Onah*. R' Shmuel Wosner *zt"l* (*Shiurei Shevet haLevi*, 3) argues further that even if actual marital relations are not possible, there is still a Mitzva of *Tevila* to engage in other forms of physical intimacy. He records that he received from his teachers that a woman should perform *Tevila* at the earliest possible opportunity so that physical contact with her husband may become permissible.

However, if a woman's husband is out of town, thus precluding *Onah* and physical contact, she has no reason to immerse, since the Halacha is that *Tevila b'Zmana* is not a Mitzva. In fact, immersing may even pose a *Sakana* of "*Dibuk haRuchos*", as discussed by the *Shevus Ya'akov*⁵ (3:77) and *Ben Ish Chai* (*Shana Sh'niya*, *Shemini* 20).

The *Ben Ish Chai* discusses what a woman should do when her husband is in town but she will not be sleeping in the same location as him (such as when he is hospitalized),

³ Chacham Yosef Chaim of Baghdad *zt"l* (1832-1909)

⁴ R' Shraga Feivel Cohen *zt"l* (1937-2022)

⁵ R' Yaakov Reischer *zt"l* (c.1670-1733). The *Shevus Yaakov* was replying to a student who reported that a *Posek* who had ruled that a woman should go to the *Mikva* as soon as she has completed her *Shiva Neki'im* even if her husband is out of town, and that women should perform *Tevila* after childbirth or miscarriage before 40 days had elapsed after delivering a male child or 80 days for a female, contrary to the accepted Minhag. In the former case, the woman was advised to place a child in her bed and a knife beneath the pillows to prevent *Sakana*.

particularly if he will not return for several nights. Does the *Sakana* of *Dibuk haRuchos* apply specifically on the *Leil Tevila*, or does it extend until the husband returns?

However, in *Shu"t Torah l'Shma* (216), the *Ben Ish Chai* seems less concerned about this matter:

The claim that there is a concern of Sakana to go to the Mikva when her husband is not in town due to Dibuk Ruach Tuma and Mazikim is not mentioned in the Gemara or in the early Poskim. On the contrary, the Gemara clearly implies no concern for this. For it is stated in Maseches Shabbos 129a that the daughter of R' Chisda immersed within thirty days [after childbirth] when her husband was away, and she became cold and was brought on a bed to [her husband] Rava in Pumbedisa.⁶ We see a concrete example regarding the great Chachmei Yisrael: the wife of Rava, who immersed even though her husband was not in town, and she did not fear any danger from impure spirits or harmful forces, even though these spirits were far more common in their time.

It is also apparent from the silence of the early Poskim that they were not concerned about this. See the Beis Yosef (Y.D. 197), who states: "I say that this is not the custom; rather [we ascribe to the view that] Tevila b'Zmana is not a Mitzva; after all, no woman immerses when her husband is not in town." What proof is that if there were such a fear of impure spirits and harm? Perhaps she did not immerse due to that danger! Therefore, it is clear that we do not fear this at all. Similar proofs can be adduced from the words of other Poskim as well; see the Shach (Y.D. 197:3). Nevertheless, since you wrote that people today are careful about this matter, it is good to be cautious.

R' Wosner concludes that she may go to the Mikva but should sleep in the same room as another woman or child. She may place a knife under her pillow if that is not possible. If the husband is returning from abroad, she may immerse on the day before his arrival.

⁶ [Editor's note: The Gemara there is discussing the duration of concern for *Pikuach Nefesh* following childbirth and quotes Rav Yehuda in the name of Shmuel that there is a *Chashash Sakana* for 30 days. The *Chachmei Naharda'i* explain this as referring to *Tevila* during that time, as she will still be weak and liable to catch a chill. Rava further limits this to when she is not with her husband, as he could provide physical warmth.]