

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH PROJECT

Hilchos Nida Shiur 26

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Uprooting a Vesses Kavua

Simon 189:15-16

15 (29) If she changed (the time of) her periods but they (the cycles) weren't uniform, if for example she changed the first time to day 30th, and the second time to the 32nd and the third to 34th ; **42)** the original Vesses is uprooted **43)** and she doesn't have any Vesses.

If she (then) goes back to see **(30)** on the day of the original Vesses, it reverts to its first pattern, and she must suspect it always, until it will be uprooted from her three times.

(31) 44) The same applies when she stops seeing for three Onos (cycles), and after that [she] starts again to see on the day of the original Vesses.

16 Similar to this is the rule for the uprooting of a Vesses of Rosh Chodesh.

How so? If she was on the habit to have her periods on Rosh Chodesh **45)** and Rosh Chodesh passed but she didn't see; she must (still) suspect (the next) Rosh Chodesh until have passed three Rosh Chodesh. **46)** If three Rosh Chodesh passed and she didn't see, she need not suspect them.

If she goes back and sees on Rosh Chodesh, the Vesses reverts to its place.

Uprooting without Establishing

THE MECHABER SAYS

SEIF 15

(29) If she changed (the time of) her periods but they (the cycles) weren't uniform, if for example she changed the first time to day 30th, and the second time to the 32nd and the third to 34th ; **(42)** the original *Vesses* is uprooted **(43)** and she doesn't have any *Vesses*.

To uproot a *Vesses Kavua*, it is not necessary to establish a different *Vesses Kavua*. As long as for three successive times the period didn't occur on the time expected, her *Vesses* is uprooted and she is a woman without any *Vesses* who must suspect her past *Haflogo*, the *yom HaChodesh* and the *Ona Benonis*.

In the case of the *Shulchan Aruch*, this woman used to see every 20 days, but thereafter, she missed three times to see on the 20th day, without establishing a new pattern for her cycles. She saw once after 30 days instead of 20 days, once after 32 days instead of 20 days and once after 34 days instead of 20.

7 th of <i>Adar</i> (20) 3 rd period on the 20 th day	7 th of <i>Nissan</i> (30) Period	8 th of <i>Iyar</i> (32) Period	12 th of <i>Sivan</i> (34) Period
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The Shach Remarks:

The above mentioned rule is correct. Whenever a *Vesses Kavua* is missed three times, even if no other *Vesses* was established the *Vesses Kavua* is uprooted.

However, the specific example chosen by the *Shulchan Aruch* is somewhat controversial. Indeed, as brought by the *Shulchan Aruch* and its commentaries in *Seif* 5 and 7, when a woman has a period and then again 30 days later, 32 days later and 34 days later according to one opinion, she has established a *Vesses Kavua* to have her cycle increase two days for each new cycle.

According to that opinion, it is evident in our case that the "old" *Vesses Kavua* of 20 days is uprooted since the woman has in fact established a new *Vesses Kavua*.

Basic uprooting / Absolute uprooting

THE MECHABER CONTINUES

If she (then) goes back to see **(30)** on the day of the original *Vesses*, it reverts to its first pattern, and she must suspect it always, until it will be uprooted from her three times.

As seen above, there are two ways a woman may uproot her *Vesses Kavua*.

➤ Basic Uprooting

- Her *Vesses Kavua* didn't occur three consecutive times
- And she **didn't** establish a new *Vesses Kavua*.

➤ Absolute Uprooting

- Her *Vesses Kavua* didn't occur three successive times
- And she **did** establish a new *Vesses Kavua*.

When the *Vesses Kavua* was absolutely uprooted, it is completely forgotten like if it never happened. If any time later in life she will see once according to the "old" *Vesses Kavua* (even after she has uprooted the new one) it will be considered like a one time occurrence, like a *Vesses Sh'aino Kavua*.

For example, in case she used to see every 20 days and then saw three times on a row after 30 days, the *Vesses Kavua* of seeing every 20 days is now absolutely uprooted, 30 days cycle is her only *Vesses*. If later on she will see one time after 20 days it will be exactly as if she would have seen after 23 days a one time occurrence which does not establish a *Vesses Kavua*.

On the other hand, if the *Vesses Kavua* was only basically uprooted, the "old" *Vesses Kavua* is not considered as completely eradicated; it is just on hold or temporarily suspended.

For the time being since it didn't occur three successive times it is uprooted and does not have to be suspected whatsoever; nonetheless, since she hasn't established a new *Vesses Kavua*, as soon as she sees even once on her "old" *Vesses*, she has "recovered" her "old" *Vesses Kavua* and must suspect it as such until it is again uprooted three times. She won't have to suspect any other dates.

The reasoning of this ruling goes as follow:

The source:

The *Beraisa*, mentioned earlier says :(Niddah 64: A)

- If she was in the habit to see on the 20th day and she changed to the 30th day, both are forbidden.
- If the 20th day arrived but she did not see, she is permitted to have Tashmish until the 30th day and she'll suspect the 30th day.
- If the 30th day came and she did see, the 20th day came and she did not see, the 30th day and she did not see and the 20th came and she did see; the 30th day has cleared but the 20th day becomes prohibited (for *Tashmish*) since her pattern came on time.

Day 20 Period	Day 20 Period	Day 20 Period	Day 20 No period	Day 30 Period	Day 20 No period
Day 30 Period	Day 20 No period	Day 30 No period	Day 20 Period		

This is *Rashi* and the *Rosh's* version of that *Beraisa*.

Rashi

Rashi (65:B, *Dibur hamatchil: v'neesar*) explains that when she sees again on the 20th, the 20th again becomes her *Vesses Kavua* as before, because she only saw twice on the 30th and not three times. Had she seen three times on the 30th, the 30th would have become her new *Vesses Kavua*. However, since she only saw twice on the 30th although she has missed the 20th three times it wasn't absolutely uprooted and is reestablished as her *Vesses Kavua* as soon as the 20th occurred once.

Bais Yosef

The **Bais Yosef** infers that if it is true that the "old" *Vesses* is not absolutely uprooted when the 30th occurred only twice. As long as these new timings do not constitute a new *Vesses Kavua*, it is comparable to the woman who changed three or more times to a different *Vesses* than her "old" one.

As a result the *Shulchan Aruch* wrote that when she used to see every 20 days and then saw after 30, 32 and 34 days; if she subsequently sees after 20 days, she reverts to her “old” *Vesses Kavva* of 20 days.

Days the Mechaber Omitted

SEIF 14

The Taz (28) asks:

According to what we just learned in this *seif* and the *Beraisa* (64:B), the rule of the *Mechaber* should be correct not only when she saw on the 20th after seeing twice after 30 days,

Day 20 Period	Day 20 Period	Day 20 Period	Day 20 No period
Day 30 Period	Day 20 No period	Day 30 Period	Day 20 Period

but even if the 20th only came after seeing twice after 30 days and neither seeing 20 days later nor 30 days later.

Day 20 Period	Day 20 Period	Day 20 Period	Day 20 No period	Day 30 Period
Day 20 No period	Day 30 Period	Day 20 No period	Day 30 No period	Day 20 Period

The two red cells with black dots were omitted by the *Mechaber*.

Taz

The **Taz** explains that this ruling of the *Mechaber* originates from the *Ramban* who has a different version in the *Gemara*. Indeed the *Ramban* argues with *Rasbi* and the *Rosh*, and doesn't distinguish between absolute uprooting and basic uprooting. According to the *Ramban*, whenever the “old” *Vesses* was missed three times it is absolutely uprooted and is not reestablished in one time.

The *Halacha*, of course, follows *Rashi* and the *Rosh*. The *Mechaber* was clearly *Possek* like them in our *seif* that this is a case of basic uprooting.

Shach

The **Shach 40**) interprets the words of the *Mechaber* in a case when she didn't see three times on day 20.

According to the *Shach*, it should be understood by inserting the following (in brackets):

If after changing once or twice for the 30th day, [and missing three times the 20th day] she saw at the end of 20 (days); 41) the *Vesses* of 20 returns to its place and day 30 is permitted.

SEIF 15

Reestablishing After Missing 3

THE MECHABER CONCLUDES

(31) 44) the same applies when she stops seeing for three *Onos* (cycles), and after that [she] starts again to see on the day of the original *Vesses*.

The *Mechaber's* case:

- A woman who used to see every 20 days and has a *Vesses Kanna* for it.
- However, she no longer sees neither 20 days later nor after an additional 20 days nor after yet another 20 days after that.

The *Mechaber* concludes that although she has, for now, uprooted her *Vesses Kanna* by missing three cycles (*Onos*), nonetheless, if she'll see subsequently on the day of her past *Vesses* of 20, the *Vesses* of 20 is reestablished and she must suspect it again as a *Vesses Kanna*.

Period	20 days later Period	20 days later Period	20 days later Period	<i>Vesses Kanna</i> (every 20 days)
20 days later No period	20 days later No period	20 days later No period	Lost her <i>Vesses</i> <i>Kanna</i>	Few days later Period
20 days later Period	Back to original <i>Vesses</i> <i>Kanna</i>			

There is however a big argument between the **Bais Yosef** and the **Maharshal** concerning this case as a result of their interpretation of the **Tur**.

Tur:

The **Tur** in this *Simon* writes:

"If she modified her cycles but didn't regularize them, e.g. she changed once to the 30th day, the second time to the 32nd and the third time to the 34th; her original Vesses (*Kanna* of 20) is uprooted and she doesn't have any Vesses."

If she stopped seeing and didn't have a period, after the 20th day has passed and she had made a Bedika and didn't find anything; she doesn't have to suspect anything anymore.

If subsequently she started over to see, she must suspect the 20th day from this period since the original period (of 20) wasn't yet absolutely uprooted. This applies whether she stopped to see or if she changed for periods (cycles) which are not identical, since she never completely uproots her original Vesses as long as she doesn't establish a new one with three identical periods (cycles)."

There are two ways to interpret the *Tur*:

Bais Yosef on the Tur:

The **Bais Yosef** explains that when the **Tur** writes: "If ...she didn't have a period after the 20th day has passed ... she doesn't have to suspect anything anymore"; the *Tur* means that she didn't see three times after 20 days.

Then, since she didn't see three times: not on the 20th day, not on the 40th (39th) day and not on the 60th (58th) day, she doesn't have to suspect the 20th day anymore.

However, if she sees once later after 20 days, since she hasn't established a new *Vesses* she reverts to her "old" *Vesses* in one time.

According to the *Bais Yosef*:

If a woman has a *Vesses Kavua* to see every 20 days, and she doesn't see 20 days later, if she doesn't see at any other time, she must still suspect 20 days after the day when she was expected to see and didn't see.

For the 3 rd time after 20 days. Period	20 days later. No period	←no period→	40 days later. Must suspect	60 days later. Must suspect
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Additionally, the *Bais Yosef* says that when the *Tur* concludes: “If subsequently she started over to see, she must suspect the 20th day from this period ... since she never completely uproots her original *Vesses* as long as she doesn't establish a new one with three identical periods (cycles)”, the *Tur* means that after not seeing for over 60 days, she saw once and then had another period 20 days later. She then, by having this cycle of 20 days again, reverts to her “old” *Vesses Kavua* of 20 days.

Three cycles of 20 days	← 80 days → No period	After 80 days Period	20 days later. Period	Reverts to her <i>Vesses</i> of 20.
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It is only in that case that she must suspect 20 days later.

However, if after not seeing for over 60 days she sees once (e.g. after 80 days) she need not suspect 20 days later. By not seeing for three of her “old” cycles of 20 days (3 x 20 days = 60 days), she attained somewhat the statute of a woman who is *mesulekes domim* - temporarily not seeing blood, like a pregnant, nursing or menopausal woman. She is completely disengaged from her “old” *Vesses*. When she sees again one more time she doesn't have to suspect 20 days later.

Three cycles of 20 days	20 days later Must suspect	40 days later Must suspect	60 days later Must suspect	After 80 days Period	20 days later does not suspect	80 days later does not suspect
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Although her past two periods are separated by an interval of 80 days, she doesn't have to suspect this interval either since these 80 days do not constitute the interval of a cycle but a span of time when she was out of seeing altogether.

Maharshah on the Tur:

The **Maharshah's** interpretation of the *Tur* is diametrically opposed.

A woman who has a *Vesses Kavua* to see every 20 days, once she doesn't see 20 days later, doesn't have to suspect this *Vesses* anymore as long as she doesn't have another period. She would then suspect the day 20 days later. Indeed, since her *Vesses* is to see every 20 days, once the 20th day has passed her cycles are greater than 20 days, why should she suspect them?

For the 3rd time after 20 days. Period	20 days later. No period	← No period →	40 days later. does not suspect
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The **Bais Yosef** considers that if she misses the 20th day and doesn't see at any other time ¹ she must suspect the 40th (39th) day, 20 days after the time she was expected to see. The *Maharshah* argues that it will constitute a cycle of 40 days not of 20 days as she was used to see.

On the other hand, when she sees again for the first time after more than a 60 day interruption (e.g. after 80 days) she'll suspect immediately 20 days later. She has only missed it once (after 20 days) and now that she had another period she must suspect 20 days later.

Three cycles of 20 days	20 days later Must suspect	40 days later does not suspect	60 days later does not suspect	After 80 days Period	20 days later Must suspect	80 days later does not suspect
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She does not, however, suspect the 80th day since an interval of more than three times (3x) her regular cycle is viewed as an interruption of periods, not as a long interval. If she would however see after 50 days, she would suspect both the 20th and the 50th day. This is similar to the case of the *Shulchan Aruch* in *Seif* 14 when she sees after 30 days instead of the usual 20.

¹ If she sees after the 20th, for example on the 30th day; she must suspect the 50th (49th) day, 20 days after the 30th day as brought by the *Shulchan Aruch* in *Seif* 14.

Taz on Tur:

- The **Taz (31)** is *Possek* like the *Bais Yosef* that she must suspect day 40 and 60.
- He also holds like the *Mabarshal* that as soon as she has her first period past 60 days she must suspect 20 days later.

Shach on Tur (Halacha):

The *Halacha* however follows the **Shach 44)** (*Nekudas HaKeseif* 7) who holds exactly the opposite.

- Concerning day 40 and 60, he is *Possek* like the *Mabarshal* that it need not be suspected.
- However, he is *Possek* like the *Bais Yosef* that after not seeing for three *Onos* (3x 20 days) when she has her first period thereafter she need not suspect 20 days later. It is only when she will have two periods separated by an interval of 20 days that she must suspect it again.

Uprooting a Vesses Kavua LeChodesh

THE MECHABER SAYS

SEIF 16

Similar to this is the rule for the uprooting of a Vesses of Rosh Chodesh.

How so? If she was on the habit to have her periods on Rosh Chodesh **45)** and Rosh Chodesh passed but she didn't see; she must (still) suspect (the next) Rosh Chodesh until have passed three Rosh Chodesh. **46)** If three Rosh Chodesh passed and she didn't see, she need not suspect them.

If she goes back and sees on Rosh Chodesh, the Vesses reverts to its place.

The process for uprooting a *Vesses Kavua LeChodesh* is similar to what we have seen previously concerning *Vesses Kavua* of *Haflogo*.

If a woman used to see every 6th of the month: the 6th of *Tisbri*, the 6th of *Cheshvan* and the 6th of *Kislev* and then didn't see on the 6th of *Teves* she has missed her *Vesses* once; it is thus still valid. However, if she saw on the 13th of *Teves*, she must suspect both dates (6th and 13th). She'll suspect the 6th of *Shevat* on account of her "old" *Vesses Kavua* to see

every 6th of the month, but if she won't see on the 6th, she must now suspect the 13th of *Shevat*.

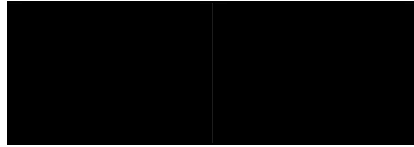
6 <i>Tishri</i> period	6 <i>Cheshvan</i> period	6 <i>Kislev</i> period	6 <i>Teves</i> no period	13 <i>Teves</i> period
6 <i>Shevat</i> must suspect	13 <i>Shevat</i> must suspect	6 <i>Adar</i> must suspect		

If she will not see on the 6th of *Shevat*, she only missed the 6th of the month twice; the *Vesses Kavua* is not uprooted yet. If she will then see on the 13th of *Shevat* she must again suspect both the 6th and 13th of *Adar*; the 6th for her “old” *Vesses*, and if she won't see on the 6th, the 13th for the new one.

6 <i>Tishri</i> period	6 <i>Cheshvan</i> period	6 <i>Kislev</i> period	6 <i>Teves</i> no period	13 <i>Teves</i> period
6 <i>Shevat</i> no period	13 <i>Shevat</i> period	6 <i>Adar</i> must suspect	13 <i>Adar</i> must suspect	

If she will then not see on the 6th *Adar*, it is then the third successive time that she doesn't see on the 6th and the “old” *Vesses Kavua* is uprooted. If she'll see then on the 13th of *Adar*, she has established a new *Vesses Kavua* for the 13th since she saw on the 13th three month on a row. Her previous *Vesses* for the 6th is now absolutely uprooted; even if she'll see later on the 6th it will only be considered as a *Vesses Sh'aino Kavua*.

6 th of <i>Tishri</i> period	6 th of <i>Cheshvan</i> period	6 th of <i>Kislev</i> period	6 th of <i>Teves</i> no period	13 th of <i>Teves</i> period
6 th of <i>Shevat</i> no period	13 th of <i>Shevat</i> period	6 th of <i>Adar</i> no period uprooted	13 th of <i>Adar</i> period established	13 th of <i>Nissan</i> must suspect
13 th of <i>Iyar</i> must suspect	13 th of <i>Sivan</i> must suspect			



The One Difference

There is but one difference between *Vesses HaChodesh* and *Vesses haHaflogo*.

When a woman has a *Vesses Kanna* to see on a specific day of the month, for example the 5th of the month, even if she didn't see the next 5th of the month she must still suspect the 5th of the following month.

For example if she saw the 5th of *Tishrei*, the 5th of *Cheshvan* and the 5th of *Kislev* she must suspect the 5th of *Teves*, 5th of *Shevat* and the 5th of *Adar* even if she didn't see any time in between.

5 <i>Tishrei</i> Period	5 <i>Cheshvan</i> Period	5 <i>Kislev</i> Period	5 <i>Teves</i> Must suspect	5 <i>Shevat</i> Must suspect	5 <i>Adar</i> Must suspect
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The reason is that the 5th of the month is a completely independent date and doesn't depend on anything but itself. Whether she has seen at all the previous month or at any other date doesn't interfere; as long as she didn't uproot it three times, she must still suspect the 5th of the month.

On the other hand, regarding a woman who has a *Vesses Kanna* for *Haflogos*, if she misses once the *yom haVesses*, there is no other day to suspect as long as she doesn't have another period.

Period after 20 days	Period after 20 days	Period after 20 days	No period after 20 days	Doesn't have to suspect any day
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The reason is that once she missed her usual interval, as long as she doesn't see again there is no date to start counting the interval from. (This follows the *Shach* and the *Maharshal's* opinion, as seen at the end of previous *seif*.)

Review Questions

1. What days must a woman suspect if she used to see every 20 days but has now seen once only after 35 days?
2. Must she also suspect *Ona Benonis* after 30 days?
3. If she changed to a onetime 25 days *Vesses*, must she suspect *Ona Benonis*?
4. If a woman used to see every 28 days and for three times did not see on day 28th but saw on three different intervals will she still suspect her previous *Vesses Kavua* to see on the 28th day?
5. What happens if she sees again on day 28th?
6. What are the two types of uprooting?
7. If a woman used to see every 20 days and saw after 70 days, must she suspect 20 days later?
8. What if she did not see for 95 days?
9. If a woman sees every 34 days but did not see this time after 34 days, is there any day that she must still suspect?
10. Is there any difference between a woman who misses her *Vesses HaChodesh* and one who miss a *Vesses boHaflogo*?