



Chatzitza and Contraceptive Devices

"And he shall wash his clothes and immerse his body in water, and he will be pure." (Vayikra 14:9)

This verse is the source of the law of *Chatzitza* (an interposition between a person's body and the water of the *Mikva*) with regard to *Tevila Chaza"l* (*Sukkah* 6a) explain that the words "in water" imply that "there shall not be any matter between him and the water".

The laws of *Chatzitza* are numerous and complex. Contemporary Poskim have addressed numerous questions regarding *Chatzitza*, from cosmetics (e.g. nail polish or permanent makeup) to medical devices (e.g. catheters or feeding tubes). There are a number of rules that define which things constitute a *Chatzitza* and which are "*Batul* to the *Guf*" (considered part of the body and therefore not an interposition).

This week's essay will discuss the Halachic issues of *Chatzitza* related to contraceptive devices. Each device will be presented individually and the opinions of the Poskim outlined. The Halachic issues related to contraception are complex and will not be discussed here.

By way of introduction, we will first review some of the basic rules of *Chatzitza* that are relevant to this discussion.

"Mi'ut She'eino Makpid"

Many of the laws of *Chatzitza* concern "*Hakpada*" – the irritation or bother felt by the person due to the item or substance. A person is "*Makpid*" about something that he doesn't want to remain on his body¹. *Hakpada* is also dependent

¹ Mud, for example, is something that the majority of people are '*Makpid*' about.



upon "*Rov U'Mi'ut*" - whether the *Chatzitza* covers the majority ("*Rov*") or minority ("*Mi'ut*") of the body.

As a general rule, if the *Chatzitza* covers the majority of the body and the person is *Makpid* about it ("*Rubo U'Makpid*"), it is considered a *Chatzitza min Ha'Torah*. If it appears on the majority of his body but he is not *Makpid* about it ("*Rubo V'eino Makpid*") or if it only appears on the minority of his body but he is *Makpid* about it ("*Mi'ut U'Makpid*") then it is only a *Chatzitza Miderabanan*. If he is not *Makpid* about it and it only appears on the minority of his body then it is not a *Chatzitza* at all² (*Niddah* 67b).

The *Rema* (YD 198:1) rules that *Lechatchila* a woman should not immerse with anything at all on her body, even something that would not be considered a *Chatzitza*. However, later *Poskim*³ have qualified this ruling, and permit *Tevila* without removing the substance or item if there is a great need or when it would be impossible or difficult to remove it in a normal manner.

Makom Balu'a

It is a basic rule that the internal areas of the body that are not accessible to the water of the *Mikvah* do not require *Tevila* and are not subject to the rules of *Chatzitza* (see *Mikvaos* Chapter 8 and commentaries ad. loc.)

Beis haStarim

Beis haStarim refers to any area of the body that is usually covered or enclosed by the body itself, although it isn't inaccessible (e.g. the oral cavity). The vagina is considered a *Beis haStarim* (see *Niddah* 42b).

Although the water of the *Mikva* needn't reach the *Beis haStarim*, there is one important caveat: In many areas of *Halacha* we find a rule known as "*Kol ha'Ro'uy L'Bilah Ain Bilah Me'akeves Bo*" which means that *the Torah requires the potential for*

² *Rashi* explains that this is because the item on his body is "*Batul*" to it, i.e. it is considered insignificant and as if it is a part of the person's body and not a *Chatzitza*.

³ See *Chochmas Adam* 119, *Aruch haShulchan* YD 198:9



something to take place even if it needn't actually occur. In this case, the Torah⁴ would require that the water of the *Mikva* **be able** to reach the *Beis haStarim*, even though they needn't actually reach it at the time of *Tevila*. The *Shulchan Aruch* (YD 198:38) rules that a woman doesn't need to open her mouth in order for the water to enter, but she shouldn't close her lips very tightly either. It follows logically that there must be no *Chatzitza* inside a *Beis haStarim*.

The *Chelkas Yoav* (YD 30) ruled (based on the *Halacha* that a knot intended to remain tied for seven days or longer is considered a permanent knot (*Kesher shel Kayama*) *miDerabanan*) that if a woman intends for gauze to remain in her ear for seven days or longer, it is "*Batul to the Guf*" and does not constitute a *Chatzitza*. Rav Shlomo Zalman Auerbach *zt"l* (cited by *Nishmas Avraham* YD 198:1) attested that the Poskim generally used this logic of the *Chelkas Yoav* as a reason to be lenient in cases where something must remain in a *Beis haStarim* for thirty days or more⁵.

Let us now turn our attention to various contraceptive devices and examine whether or not they should be considered a *Chatzitza* for *Tevila*.

1. The "*Taba'as*"

Over two hundred ago the Poskim began discussing a "*Taba'as*" (pessary) that was utilized by women suffering from uterine prolapse and whether or not it was considered a *Chatzitza* for *Tevila*. The pessary was generally made of wax and was inserted deep into the vagina.

The *Noda biYehuda* (*Mahdura Tinyana* YD 135) ruled that if the pessary was deep enough that her husband would not notice it during intercourse, then it would be considered to be in a *Makom Balu'a*. A *Makom Balu'a* of the body needn't even have the potential to be in contact with the water of the *Mikva*, so there is no concern of *Chatzitza* at all. However, if her husband would be aware of the pessary

⁴ In several places (for example, see *Kiddushin* 25a, s.v. *Kol*) *Tosfos* write that the requirement that water of the *Mikva* be able to reach the *Beis haStarim* is a *Halacha Min haTorah*. The majority of the *Rishonim* (see *Ramban*, *Rashba* and *Ritva* ad. loc.) dispute this and hold that it is a *Derabanan*. Many of the Poskim have ruled that it is indeed a *Din Derabanan*.

⁵ Based on the *Bais Yosef* (OC 317) who implies that a knot intended to last 30 days or longer is unanimously considered a *Kesher shel Kayama miDerabanan*



during intercourse then it is considered to be in a *Beis haStarim* where the laws of *Chatzitza* are relevant. Since the women would generally remove the pessary during birth or menstruation it is considered a "*Mi'ut Ha'Makpid*" which is a *Chatzitza Miderabanan* as explained earlier and she would have to remove it for *Tevila* as well.

This ruling of the *Noda biYehuda* is the subject of a wide-ranging discussion among the Poskim. There are those who contend that one may even be lenient in a case where the pessary is not inserted deeply into the vagina because removal can lead to prolapse that would be dangerous (or at the least very painful). This could render the pessary as a "*Mi'ut She'eino Makpid*" since the woman is not *Makpid* that it be removed; on the contrary, she would prefer that it remain in place⁶.

2. Intrauterine Device (IUD)

An intrauterine device is shaped like a "T" and placed in the uterus by a doctor or medical professional. The hormonal IUD secretes progestin that thickens cervical mucus and thins the lining of the uterus, preventing sperm from reaching and fertilizing an egg. This type of IUD is effective for 3-5 years. Alternatively, a copper IUD does not contain hormones, but releases spermicidal copper ions into the uterus preventing fertilization. The copper IUD can be effective for up to 10 years. A thin string extends from the device into the proximal vagina through the cervix.

Rav Shlomo Zalman Auerbach zt"l (cited by *Nishmas Avraham* YD 198:12(1)) and the *Tzitz Eliezer* (11:63) both rule that the intrauterine device itself is not a *Chatzitza* for *Tevila* because it is situated in a *Makom Balu'a* of the body⁷. However, the thread that protrudes into the vagina, is subject to a *Machlokes*.

Rav Shlomo Zalman held that the thread of the device could raise an issue of *Chatzitza* because it is found in the vagina which is a *Beis haStarim* and not a *Makom*

⁶ The fact that she removes it when she gives birth is not because she is "*Makpid*" about it but because of a tangential concern about impeding the birth. See *Shu"t Chasam Sofer*, Vol 2, YD 192, 193 and *Shu"t Rabbi Akiva Eiger* 60)

⁷ See also *Pischei Teshuva* (198:16), *Aruch Hashulchan* (198:55) and others.



Balu'a. He would therefore advise that women wash the area around the thread so as to ensure that it was not stuck to the vaginal wall⁸.

The *Tzitz Eliezer* (ibid.), however, held that the thread does not constitute a *Chatzitza* because it is only loosely positioned in the vagina and the diameter of the canal is much wider than the thread. Moreover, it only protrudes into the vagina by up to two centimeters and can therefore still be considered to be situated in a *Makom Balu'a*⁹.

3. The “NuvaRing”

NuvaRing is a flexible, polymer ring, that a woman inserts independently into her vagina, usually near the cervix, for a period of three weeks up until the week that she expects her period. The ring releases hormones (estrogen and progestin) that prevent the sperm cells from fertilizing the egg and are absorbed systemically to prevent ovulation.

Many women prefer the NuvaRing as a contraceptive because it is easy to use and provides a relatively low dose of hormones when compared with oral contraceptive pills. Moreover, the hormones emitted by the NuvaRing do not pass through the liver and are not absorbed by the digestive system.

The Poskim disagree over whether the NuvaRing is a *Chatzitza* for *Tevila*. Rav Moshe Shaul Klein (*Sheilos Moshe* Part 3, p77) contends that it certainly should be a *Chatzitza* because it is not inserted deeply into the vagina. According to the *Noda biYehuda* (above), the only reason to be lenient in the case of the *Taba'as* (pessary) is that it is inserted deeply into the vagina and therefore is situated in a *Makom Balu'a*. This is not the case with the NuvaRing.

Furthermore, the NuvaRing may be removed for a few hours at a time if so desired. This demonstrates that its removal does not constitute a medical danger and does not cause any pain to the woman. Therefore, it cannot be considered a “*Mi'ut She'eino Makpid*” as the woman is *Makpid* about it.

⁸ Rav Elyashiv zt”l (*Kovetz Teshuvos* 3:174) concurred with Rav Shlomo Zalman, adding that a woman should request that her doctor shorten the thread as much as possible.

⁹ The *Minchas Yitzchak* (6:87) concurred with the *Tzitz Eliezer*.



However, Rav Moshe Faniri (*Avney Shoham*) ruled that the NuvaRing is not a *Chatzitza* for *Tevila*. First, it is designed to remain inside the woman for upwards of two weeks at a time and she does not even remove it during intercourse. Second, it is situated quite deep in the vagina, and could be considered to be in a *Makom Balu'a*¹⁰. Third, the ring is not actually attached to her body in any way.

Whereas the *Rema* is stringent that *Chatzitzos* that are only loosely attached to the body should be removed before *Tevila*, that is only where they can be removed easily. In this case, the ring cannot easily be removed, and if she forgets to replace it in the vagina after the *Tevila* she may cause herself to become a *Nidda* because of the bleeding that will likely follow due to withdrawal of the hormones. As mentioned above, many Poskim contend that the *Rema* would also agree that *Tevila* can be performed *Lechatchila* in cases where there is a medical reason not to remove the *Chatzitza*.

In conclusion, it is generally recommended that the NuvaRing be removed before *Tevila* in spite of the inconvenience. Specific cases may warrant leniencies but should be discussed with a *Posek*.

¹⁰ According to the *Noda biYehuda*, if a man would feel the ring during intercourse it is not considered to be in a *Makom Balu'a*. Nevertheless, the third argument is still true.