



Volume 6. Issue 57

Bnot Kutim

This week we once again met the notorious *Kutim*. These people were a group of non-Jews that settled in *Shomron* after the exile of the ten tribes. They converted, yet their motives were questionable. Furthermore they were not careful in the observance of many *mitzvot* and therefore question relating to them appear in the *Mishnayot*.

The story of the *Kutim* conversion is recorded in *Melachim* (2 17). They had seized land and settled in *Shomron*; *Hashem* then sent lions to attack them. Out of fear of the lions they converted. Even though conversion from ulterior motives does not necessarily invalidated a conversion (*Yevamot* 24b), the case of the *Kutim* is different since they never abandoned their idols (*Tosfot*).

The *Tanaim* debate whether the *kuti'im* are true converts. *R' Meir* argues that they were true converts. The *Tosfot* explain that such opinions must understand that they later converted properly. *R' Yosi* however maintains that they never truly converted – “*gerei arayot hem*” (*Menachot* 66a). The *Rambam* (on our *Mishnah*) explains that the debate is only at a “first teaching”, however now it is accepted that they are not Jewish.

The *Mishnah* (4:1) teaches that the daughters of *Kutim* are considered *nidot* from birth. Why? The *Gemara* (*Niddah* 31b) explains that the *Chachamim* learnt that *tumat niddah* can apply to women even if they are *k'tanot*. The derivation is made from the extra inclusive “*vav*” in the word “*ve'isha*” in the *pasuk* from which we learn *tumat niddah* (*Vayikra* 15:19). The *Kutim* disregarded this derivation. Consequently the *Chachamim* considered all *b'not Kutim* to be *tameh niddah* as they would not be concerned about *dam* of *k'tanot*. The *Gemara* explains further that this reasoning would not ordinarily be enough. The reason being is that only a minority of *k'atanot* would see *dam*. Nevertheless, the *Gemara* explains that the opinion cited in our *Mishnah* is the opinion of *R' Meir* who gives weight to a minority concern.

Note that the concern that they are *tameh* can only be in line with *R' Meir* as he maintains that the *Kutim* are real converts and *nidah d'oraita* only applies to *Bnot Yisrael*.

According to *R' Yosi* who maintains that *Kutim* are *gerei arayot*, certain *nidah* would be *d'rabbanan* and the ruling in a case of doubt would be *tahor*.

Many of the *Rishonim* ask why the *Gemara* was forced to say that the *Gemara* was only the opinion of *R' Meir*. The *Gemara* in *Shabbat* (13b) lists the eighteen laws that were decided upon when *Beit Shammai* outnumbered *Beit Hillel*. Amongst the list of *halachot* is the one mentioned in our *Mishnah*. The *Gemara* raises this law as one of the eighteen explicitly stating that it is in line with the opinion of *R' Yosi*! The *Ran* explains that the law there is framed as a decree and understood to be a measure preventing intermarrying with *Kutim*.

The *Ritva* answers (first answer) that that the *Gemara's* explanation in *Shabbat* that the law is a *gezeira* is according to *R' Yosi* yet our *Mishnah* is like *R' Meir*. The *Tosfot* however argue that the *Gemara* in *Shabbat* implies that the law is universally agreed upon and not held only by *R' Meir*. Therefore it would have been far simpler to explain that our *Mishnah* is based on the *gezeira* mentioned in *Shabbat* and shared by all. What forced the *Gemara* to explain that our *Mishnah* is like *R' Meir*?

The *Tosfot* answers that since the *Mishnah* continues with a further concern regarding their *re'iat dam* (“*hen yoshvot al kol dam*”) our ruling is based on a concern regarding *dam* and not intermarrying. Similarly the *Rashba* and *Ritva* (second answer) derives the same point for the fact that the *Mishnah* closes with the statement that their *tumah* is based on a doubt (and not “by rabbinic decree”). That explanation can only make sense according to *R' Meir*.

A question remains on *R' Yosi's* position on this law. We have explained that he maintains that *Kutim* are *gerei arayot* – they did not effectively convert. If that is the case *b'not kutim* should be not be different to a *goya* where the *gezeira* of *tumah* only applies from the age of three. The *Tosfot* explains that there was need for more excessive measures as the *Kutim* kept some *mitzvot*; consequently there was less of a natural separation.

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Revision Questions

נידה ג' ד' – ה' ג'

- What is the law regarding a *mapelet*:
 - *shilya*? (Regarding what does R' Shimon argue?) (ד': ג')
 - *Tumtum*?
 - *Androginus* and a male?
 - *Tumtum* and a female?
 - *Mesoras*? (ה': ג')
 - But is unknown if it is male or female?
 - But is unknown if it is a *vlad* or not? (ו': ג')
 - On the fortieth day? Forty-first day? (Regarding what does R' Yishmael argue?) (ז': ג')
- From what age are *bnot kutim* treated as *nidot*? Why? (ח': א')
- Explain the following: כפותים מטמאים משכב תחתון כקליון? Why? (ח': א')
- Explain the debate regarding when *bnot tzedukim* have the same law as *bnot kutim*. (ט': ב')
- Explain the debate regarding *dam nochrut*. (ט': ג')
- What else is debated in the same manner? (ט': ג')
- Explain the debate regarding *dam yoledet sh'lo tavla*? (ט': ג')
- What is the law regarding the *tumah* of a *yoledet b'zov*? (ט': ג')
- What is a *yoledet b'zov*? (ט': ד')
- What is the *zman kishuya*? (Include all opinions.) (י': ה')
- Regarding what cases is there a debate whether *dam kishuiya* can be *tahor*? Explain that debate. (י': ו')
- When is an *isha b'chezkat tahara*? (י': ז')
- What is the law regarding on that does not check at the time of her *veset*? (י': ז')
- In what case does R' Meir argue? (י': ז')
- Explain the debate regarding a *yotze dofan*. (יא': ה')
- What is the difference between when a *zav* and *nidah* become *tameh*? (יא': ה')
- What is the *shiur* for *tumat zav*? (יא': ב')
- For what ages can one become *tameh nidah*? *Zavah*? (יא': ג')
- What are the eleven laws listed in the *Mishnah* that apply to a one year old? (יא': ה')

Local Shiurim

Sunday -Thursday

15 minutes before *mincha*
Mizrachi Shul

Friday & Shabbat

10 minutes before *mincha*
Beit Ha'Roeh

Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
21 st March ו' ניסן	22 nd March ז' ניסן	23 rd March ח' ניסן	24 th March ט' ניסן	25 th March י' ניסן	26 th March יא' ניסן	27 th March י"ב ניסן
Nidah 5:4-5	Nidah 5:6-7	Nidah 5:8-9	Nidah 6:1-2	Nidah 6:3-4	Nidah 6:5-6	Nidah 6:7-8

