

HALOCHOSCOPE

This week's question:

Is it necessary to *tovel* a glass table top?

The issues:

A) *Tevilas Kailim*, immersing newly acquired utensils

B) The status of glass

C) Defining a *Kli*

A) *Tevilas Kailim*

When a utensil is *tamei*, ritually contaminated, its uses are limited until it is cleansed. For most utensils, cleansing involves *tevilah*, immersion in a *mikvah*, ritual body of water. The details of a kosher *mikvah* are beyond our discussion. The main points are that it must be in the ground. It may not be made as a container and then attached to the ground. Its supply must be naturally collected rainwater. During collection it may not pass through containers or over or through utensils susceptible to impurity. Or it may be part of a naturally flowing body of water, such as a spring. If made of collected rainwater, it must be stationary. There is a minimum amount, after which more may be added in any way. The new water will become part of the existing kosher *mikvah*.

Tevilah is required for people or utensils that have contact with a source of *tum'ah*. These include corpses and carcasses, and certain emissions or conditions of the body. The main application of the laws of *tum'ah* is to foodstuffs that must be kept ritually pure. These include parts of offerings and tithes from crops or dough. Due to the absence of the temple, the uncertain lineage of the priesthood, and the unavailability of the purging process of the *parah adumah*, red heifer, this has no practical application nowadays.

Nowadays, the common application of *tevilas kailim* practiced is on utensils purchased by a Jew from a gentile. The Torah mentions this obligation in relating the laws regarding the spoils of the Midianite war. The simple context is the *kashering* of utensils that were used with forbidden foods. The Talmud applies it to *tevilah* as well. There is a minority view that it is not a Scriptural but a Rabbinical obligation. The *Yerushalmi* explains, when transferred from the possession of a gentile to a Jew, the utensil attains a level of *tum'ah*. Therefore, utensils made of six metals must be cleansed in purifying waters before use. In the gentile's possession they are not impure. In fact, there are situations when it is preferred to keep them in a gentile's possession. Most notably, on *Shabbos* one may not immerse a *kli*. Without *tevilah* it is still useless. *Tevilah* 'fixes' it. One solution is to transfer it to a gentile, then to borrow it from him. Certain utensils are so impractical to *tovel* that the poskim suggest this as a quasi-permanent solution for them.

It is implicit in the Torah that the utensils taken from Midian were used with food. Only these utensils require *tevilah* when purchased from a gentile. This includes utensils used for preparing, serving, eating and storage. Exactly which levels of preparation are

included is debated by the poskim. Some maintain that only the stages of preparation that make it ready to eat are included, which excludes knives for slaughtering. Some also maintain that the food need not come into direct contact with the utensil. If it is needed for the food to be served, albeit with a liner or cover, it is considered a food utensil.

Utensils purchased for resale, both by a Jew from a gentile and by a gentile retailer from a Jewish manufacturer, are debated by the poskim. As a rule, the end consumer has the obligation to *tovel*. There is also discussion on a utensil repaired by a gentile for a Jew, or vice versa. If a Jew purchased material and made the utensil, it does not require *tevilah*. If the Jew purchased a non-food utensil and converted it to a food use, with or without a physical alteration, the poskim debate whether *tevilah* is required. [See Parshas Matos 31:23. Shabbos 34a, Beitza 18a, Avoda Zara 75b, Poskim. Tur Sh. Ar. YD 120:esp. 1-5 8, OC: 323:7 Pri Megadim 451, commentaries.]

B) The status of glass

Ritual *tum'ah* by contact or containment applies to many more materials than need *tevilah* in our case. Some materials are immune to any ritual *tum'ah*, and all the more so should be excluded in our case. However, different rules are applied. Generally, metal utensils are susceptible to *tum'ah* as long as they have a use. Wooden utensils must have a receptacle to hold something. Baked earthen utensils can also become *tamei*, but can not be immersed to remove their *tum'ah*. We will not deal with cloth utensils here. Unbaked earthen or stone utensils, which includes glass, are not susceptible to *tum'ah*.

The impurity of a purchased utensil only applies, Scripturally, to six specific metals: gold silver, copper iron, tin and lead, or their alloys. A mixture of these with others would depend on the major component(s), the parts of the utensil touching the food, how crucial that metal is for functioning, or whether it is holding the rest together. Other materials are not included in the Scriptural obligation. Some are included Rabbinically. Wooden and earthen items are excluded totally.

Glass utensils are included. Two main reasons are given. They resemble metal in that a break can be repaired by melting, distinguishing them from earthenware. In addition, glass utensils are made in a similar way to metal utensils, by melting the raw material. Therefore, the Rabbis attributed susceptibility to *tum'ah* to glass.

However, it is important to note that the Rabbinical status of glass was attributed to it in stages. First it was determined that glass should be considered susceptible to *tum'ah* due to its similarity to earthenware. Once it was considered possible to be *tamei*, it was decided to add characteristics of metallic *tum'ah*, as will be discussed. Then the issue of whether it could be cleansed by *tevilah* arose. Due to its common characteristics with metal, it was determined that it should be possible to *tovel* it. Some say that since glass has characteristics of both metal and earthenware, it is treated as a *safeik*, doubt. This is why it is given characteristics of both for its susceptibility, but is allowed to be *toveled*.

This series of decrees makes a difference when comparing other materials that are not Scripturally included, to glass. The poskim debate aluminum utensils. Scientifically it is a metal. It could be considered *halachically* so. Hashem could have revealed the existence of a seventh metal. According to one view, it was thus clearly excluded Scripturally. Would it have been included Rabbinically like glass? Glass started out *tamei* because of similarities to earthenware. Aluminum does not have earthenware characteristics at all.

Some maintain that it should be *toveled* without a *brocha*, unlike glass which is *toveled* with a *brocha*. Others actually believe that the Torah uses six *examples* of metals. Aluminum fits the criteria and is a true metal. To distinguish between it and glass, which is definitely Rabbinical, this view does not use melting as its criterion. Instead, the possibility of beating the metal into shape is used. Thus, aluminum could be Scripturally *tamei*, Rabbinically *tamei* like glass, or not at all *tamei*.

Earthenware becomes *tamei* by containing the *tum'ah* source in its air space, without necessarily touching it. Metal becomes *tamei* by touching it, without necessarily containing it. Glass becomes *tamei* like both, and can be cleansed by *tevilah*, like metal. The poskim explain, glass is not processed from a rock or ore, but directly from sand, like clay. However, earthenware retains its original make-up, simply baked hard. Glass takes on a new form, like metal. Therefore, it has additional metallic features. The poskim debate whether plastic utensils require *tevilah*. Some distinguish between the types of plastic. It is definitely produced by a process, and sometimes has added chemicals. Some is melted, some is baked, and some utensils can be repaired by melting them back together. Those who require *tevilah* do not require a *brocha* to be recited.

Thus far we have treated the *tevilah* issue of glass in terms of its *tum'ah*, and specifically its contact type *tum'ah*. The possibility is raised that the issue of *tevilah* on utensils newly purchased from gentiles stands apart from general *tum'ah*. Anything resembling the six metals mentioned in the Torah could be included in this *mitzvah*. Evidently, this *mitzvah* does not apply to all *tamei* type utensils, such as wooden utensils. Therefore, perhaps the intent of the Scriptural *mitzvah* is to include all melting items, including aluminum and glass and any other such material. Thus, those who do not subscribe to the theory that the Torah limits the *mitzvah* to these six metals, could also hold that glass is included in the Scriptural *mitzvah* here. In fact, the Talmud does not state that glass requires its *tevilah* 'Rabbinically'. It just says that since it can be melted and repaired it is like metal. This could be taken to mean that anything that can be melted and repaired, including newly discovered metals and glassware, is included Scripturally.

In summary, glassware definitely requires *tevilah* with a *brocha*. Assuming that *tevilas keilim* is a Scriptural obligation, glassware might be included in this. Most poskim maintain that it is Rabbinically included. [See Avoda Zara 75b, Poskim. Tur, Sh. Ar. YD 120:1, Pri Chadash, Darkei Teshuva 13-14 21. Igros Moshe YD II:164 III:22. Yvakesh Daas 44. Halochose V:32 VI:21.]

C) Defining a Kli

The status of *kli* is relevant primarily to the laws of *tum'ah*, *muktzeh* and commerce. The main determining factors are that it has a use and that it is portable. A wooden table is clearly a utensil. In former times, the table was often detached from its base and served somewhat like a tray. It sometimes had a rim, above or below the edge, forming a receptacle. A metal table would be considered a *kli* even if it is flat. A very large wooden table that is not intended to be moved, such as one built in a room and too large to remove, might also not qualify. A metal table might qualify despite its size, provided it is not fastened to the ground. Thus, for regular *tum'ah*, tables would be immersed. Glassware is given the attributes of metal. A glass table, that need not have legs, is like a metal table.

For *tevilas keilim* purposes there is another determining factor, that it be considered

a food utensil. Many types of utensil fall into a gray area, due to the questionable closeness to the food at the time of use, or due to the main use as opposed to minor uses. The main two discussions about closeness to the meal regard whether the utensil is in direct contact with the food, and whether the stage of preparation it is used for is close enough to the eating. Based on the first issue, items such as the stand for a pot on a stove, or the stove itself, do not qualify. Similarly can and bottle openers do not touch the food. On the second issue there is a debate about slaughtering knives, and in turn a debate about items like potato peelers. There is also some discussion about utensils that are essential for the production or serving of the food, but never touch it directly, but with a liner.

In terms of the minor uses, certain items are not used regularly with the food, but they do touch it occasionally. There is also discussion about portable parts of fixed larger items. In former times, an oven was built in to the brick. Shelves were inserted into slots and removed, and large kettles were left full of hot water, for uses with cooking and washing. Some of these very large items pose problems with their *tevilah*, as well as raise issues with the *brocha*, due to the doubt. In some cases the poskim recommend giving the utensils as a gift to a gentile, then permanently borrowing it for use.

There is a debate on whether a metal table requires *tevilah*, even if it used with a cloth. The food placed on the surface, the fact that it is needed to facilitate the eating, or the occasional direct use make it a food utensil. It seems *Sefardic* Jews would tend to stringency and *Ashkenazic* Jews to leniency. It is possible that a glass table would be considered less stringent, because the entire obligation is considered Rabbinical. On the other hand, the purpose of the table top 'cover' in this case is actually to make it easier to eat right off the surface. Therefore, while one need not *tovel* it, nor give it to a gentile, it is highly recommended that one should make a point of not using the surface directly, even with a tablecloth. [See Tur Sh. Ar. YD 120:1 4 5, etc., commentaries. Darkei Teshuva 5 7 8 15 20 41 etc. Tevilah Keilim (Cohen) 11:120, n125.]

On the Parsha ... *When Hashem will excise the nations ... and you will dwell in their cities and in their houses. Separate three cities [of refuge] ... [19:1-2]* The earlier references to the land and its earlier inhabitants refer to *mitzvos* to avoid learning from the actions of the former populace. There is no mention of the houses. Why are they mentioned here, where there is also no mention of learning from their behavior? [See Haamek Davar] It is possible that the reference is to a subconscious influence. Unintentional murder comes about through negligence. In fact, *chaza'l* mention that there were regions where there were more murders, even unintentional. This must have been due to an environment of negligence. Perhaps, when moving into the houses of the nations, there had to be a purification process. Albeit, this would not mean a physical *tevilah*, but some kind of removal of the association with the former owners. It is even possible that the former gentile owners were upright people. That is why no mention is made of their customs. It is the transfer of the property to Jewish hands that makes for a 'bad fit' that affects the behavior of the Jew. It must be 'purified'. This is similar to *tum'ah* on the vessel after purchase from the gentile.

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