

# HALOCHOSCOPE



Congregation Shaaray Tefillah, Pittsburgh, PA

Correction to last week's issue: In the references at the end of sections A and B, instead of "Slach Sadch" read "Achuzas Sadch".

This week's question:

Which utensils require *Tevilah*, immersion in a *Mikvah*? If someone inadvertently immerses new utensils with labels or stickers attached, does he need to reimmerse them?

What are the issues?

- (A) *Tevilas Keilim*, the Mitzvah of immersing new utensils.
- (B) The materials that require *Tevilah*.
- (C) *Chatzitzah*, when an adhesion invalidates the *Tevilah*.
- (D) In cases of doubt, what should one do?

### (A) What is *Tevilas Keilim*?

The obligation to immerse new utensils in a *Mikvah*, a body of water Kosher for immersion, [See Halochoscope Vol 1 No 6] is Scriptural. It is based on the verses in Parshas Matos referring to the spoils of the war between the Jews and the Midianites. It only applies to articles acquired by a Jew from a gentile. A utensil never owned by a gentile does not require *Tevilah*. If, however, a gentile purchased it from a Jew and sold it to another Jew, the second Jew must immerse it. However, a Jewish merchant is not obligated to immerse the utensils he buys for resale; only the consumer is obligated because the vendor did not purchase it to use with food. Therefore, when purchasing utensils from a Jewish store one should complete the transaction before the *Tevilah*, since *Tevilah* while still in the possession of the storekeeper is not applicable and therefore invalid. (This should be borne in mind in those stores that have their own *Keilim Mikvah*). [See Avoda Zora 75b commentaries. Poskim. Shulchan Aruch Yoreh Deah 120. Taz 10. Aruch Hashulchan 44. Pischei Teshuva 9.]

It is implicit in the Torah that those utensils taken from Midian were for use with food. Therefore, only those utensils that are used for food require *Tevilah*. This includes anything used in the preparation, serving, eating or storage of food, but only those used in direct contact with the food. Accordingly, the racks on a gas range do not need *Tevilah*, whereas the broiler-pan does. A bottle-opener is not used in contact with the food, even a can-opener, which sometimes touches the food (and should therefore either be washed very well between uses for meat and milk, or better still, should only be used for one of them) still does not require *Tevilah*, because it is not meant to be used in contact with the food. [See Avoda Zora 75b. Sh. Ar. Y.D.

120:4-5 Rema] There is a lot of discussion in the Poskim regarding utensils used only in the early stages of food preparation, and regarding those used primarily for non-food, but occasionally, or rarely, for foods. [See Sh. Ar. Y.D. 120:5,8 and commentaries. See section D.]

#### (B) Which Materials Require Tevilah

Scripturally, utensils made of the six metals mentioned in the text in Parshas Matos need Tevilah. That is: gold, silver, copper, iron, tin and lead or their alloys. Although utensils made of other materials, such as earthenware or wood, can be defiled with *Tum'ah*, impurity, regarding the Tevilah of a utensil acquired from a gentile the Torah specifies only these materials. Rabbinically, we also immerse glassware. The reason given in the Talmud that glass was added while earthenware and wood were not is that it is possible to repair broken glass by melting it like metal. Earthenware, once broken, cannot be melted back together. However, we find that elsewhere the Talmud disregards this distinction and equates glass and earthenware, both having a different way to become *Tamei* than metal. One way to reconcile this is that really glass is similar to earthenware, both being made from dirt of some sort. However, metals also originate as a rock in the form of ore, such as iron-ore. They are then processed so that they change totally from their ore form to the point that they can be smelted. Glass, whereas it does not require the same chemical process from the raw material, does totally change form and can also be smelted together. Therefore, regarding certain Halachos it is treated like earthenware, but for Tevilas Keilim it is treated like metals. [See Avoda Zora 75b, Shabbos 15b-16b, Tosafos (16b). Sh. Ar. Y.D. 120:1. Darkei Teshuva 13. Aruch Hashulchan 24-25. Biur Hagra 19.] Since the Torah does not generalize to require Tevilah for all metals, but specifies six, a question arises regarding other metals, specifically aluminum. It fits the guideline for glass, that it can be melted and repaired, but the Sages of the Talmud did not extend the Halacha to include all other metals, only to include glass. It could be suggested that they only mentioned glass because it was commonly used for food utensils in Talmudic times, but that any material that fits the same guidelines is included in the ordinance. The prevailing practice is to immerse aluminum. [See Darkei Teshuva 120:14. Igros Moshe Y.D. Vol 3. No 22. See section D.] Plastic is a more difficult issue. Some plastics can be melted and reused, but others are difficult, or impossible to recycle. Furthermore, plastic is not a metal whereas aluminum is, and there is reason to assume that the Rabbinical ordinance would include metals because of their similarity to the six mentioned by the Torah, but not to include plastics. The general practice is not to require Tevilah for plastics, but some authorities require Tevilah. [See Yabia Omer Vol 4 Y.D. No 8. Minchas Yitzchok Vol 3 No 76-78; Vol 4 No 114.]

Disposable utensils that cannot be used more than two or three times and are usually only used once are probably not defiled with *Tum'ah*. Therefore, they are generally not immersed, although some people immerse them anyway. [See Minchas Yitzchok Vol 5. No 32. Igros Moshe Y.D. Vol 3 No 23.] Consequently, if they are made of materials that do not become *Tamei* Scripturally anyway, such as glass or aluminum or plastic, there is even less reason to require Tevilah.

#### (C) Chatziza, adhesions

The Torah specifies "Only the gold..." which teaches us that when immersing Keilim, there should be no adhesions on them. This is called *Chatziza*,

an interference, preventing part of the utensil from coming in contact with the water. If a utensil was immersed with a *Chatziza*, it is as if the *Kli* was not immersed at all, and after removal of the *Chatziza*, must again be fully immersed. It is not enough to just immerse the part that was covered. However, there are a few guidelines to follow. If a *Kli* was covered over most of its surface with something that one intends to remove later, it must be reimmersed Scripturally. If it was only partly covered or mostly covered with a substance that one does not care to remove, it must still be reimmersed Rabbinically. If the adhesion only covers a small part, and one does not care to remove it, the Tevilah is Kosher. The criteria for what is must be removed is either: the owner himself cares enough to remove it even though others usually do not, or: he himself doesn't care, but most people do. [See Mikvaos 9:5. Niddah 67b etc. Sh. Ar. Y.D. 120:13 and 202:1-2. Aruch Hashulchan 3.]

Gum (rubber) is a *Chatziza* listed by the Talmud, which probably renders most of our sticky labels *Chatzitzos*, although they usually have synthetic gum. Most people anyway like to remove the labels before use. Therefore the Tevilah is invalid unless the labels are removed beforehand. (Sometimes a solvent such as acetone or nail-polish remover is needed to remove the gum properly). [See Aruch Hashulchan Y.D. 202:6]

Handles must also be immersed regardless of the material. However, if the handle is loose or not attached properly and it will anyway be removed later, it is not considered a part of the *Kli* and is a *Chatziza*. Accordingly, a utensil made of separate parts that are dismantled for use or something like a pen-knife which is sometimes covered should be separated, loosened, or opened so that the whole thing is reached by the water. [See Mikvaos 10:1. Sh. Ar. Y.D. 120:12. Aruch Hashulchan 18 and 202:3.]

An overly long handle which will be cut down need not be immersed all the way, only up to the point which will remain with the utensil. The cut surface of the handle which will not have been touched by the water is, nonetheless, considered immersed. Partly based on the reason for this Halacha, there is an opinion that an electrical appliance need only be immersed up to the part that will be used in contact with food and that the remaining electrical parts are not a *Chatziza*. Others say that an electrical appliance should be totally immersed and left to dry out for a day or two. Alternatively, one can put very damp cotton into the cracks and holes that have electric parts in them. As a last resort, when there will be definite damage to the appliance from the Tevilah, one can give the *Kli* to a gentile as a gift and then permanently borrow it back. [See Mikvaos 10:5. commentaries Chulin 73a Tosafos. Sh. Ar. Y.D. 202:9 Aruch Hashulchan 11-12. Igros Moshe Y.D. Vol 1 No 57-58. Minchas Yitzchok Vol 2 No 72, Vol 3 No 77. Darkei Teshuva 120:112.]

#### (D) Cases of Doubt

Using Hashem's Name in vain is forbidden Scripturally. Therefore, when immersing utensils in cases of doubt, one should not say the *Brocha* on Tevilah. We have mentioned many cases where there are good reasons not to immerse something, but that, nonetheless, some authorities either require or suggest Tevilah anyway. In these cases, one should immerse new utensils that definitely require Tevilah (with a *Brocha*) together with the questionable one. Otherwise, one should simply not recite the *Brocha*. [See e.g. Sh. Ar. Y.D. 120:1,3,5,9, etc.] This includes those materials discussed in section B and those utensils mentioned at the ends of sections A and B.

Food prepared or served with a utensil before its Tevilah is not forbidden

to eat. Nonetheless, one should not use a utensil if it is known to be unimmersed. If someone is using utensils which were probably not immersed, he may eat solid food off a plate with his fingers. This is not considered using the utensil because solid food is not contained by, but resting on, the plate. [See Sh. Ar. Y.D. 120:16 Rema. Igros Moshe Y.D. Vol 3 No 22.]

There is an opinion that if one is not eating in a private home, but in a catering establishment, a restaurant or a hotel, since the owner is not using the utensils personally, only commercially, one may use these utensils. Still, a restaurant owner should not rely on this to dispense with his own obligation. [See Binas Odom 65. Minchas Yitzchock Vol 1 No 44. (Please note: the above mentioned Igros Moshe forbids using unimmersed utensils for liquids even in a hotel.)]

© 1993 Rabbi Shimon Silver

#### ANNOUNCEMENTS

##### SCHEDULE:

SHABBOS MINCHA	8:25 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY - FRIDAY	7:00 AM
MINCHA SUNDAY - THURSDAY	8:35 PM
CANDLE-LIGHTING MATOS-MASEI	8:30 PM
Plag Hamincha-earliest time to light candles	7:16 PM
MINCHA EREV SHABBOS MATOS-MASEI	7:00 PM

##### SHIURIM:

GEMORO MAKOS	SUNDAY	7:15 AM
HALACHA B'YUN	MONDAY	9:00 PM
HILCHOS SHABBOS	SHABBOS	8:15 AM
HALACHOS OF BUSINESS	THURSDAY	4:30 PM

This issue of HALOCHOSCOPE has been sponsored by David Fax in memory of his mother, Zelda bas R' Yitzchok Yosef, a'h, whose Yorzeit was on the 10th of Tamuz.

Anyone interested in subscribing to Halochoscope may send their name and address, along with a check for \$36 made out to Congregation Shaaray Teffillah, to the address below. Please note in the "memo" of the check that this is for a subscription to Halochoscope.

Any and all comments and suggestions are welcome and can be addressed to:  
Rabbi Shimon Silver  
Congregation Shaaray Teffillah  
5741 Bartlett Street  
Pittsburgh, PA 15217