

# HALOCHOSCOPE <sup>TOI</sup>PE

A set of crystal goblets was *Toveled*, ritually immersed in a *Mikvah*, body of water. The plastic labels were first peeled off. Later, it was discovered that some of the ink had left its impression on the crystal. Does this invalidate the *Tevillah*?

The issues:

- (A) *Tevilas Keilim*, the *Mitzvah* to immerse new utensils
- (B) Materials that require *Tevillah*
- (C) *Chatzitza*, adhesions; which kind invalidate *Tevillah*?
- (A) *Tevilas Keilim*

The obligation to immerse new utensils in a *Mikvah* is Scriptural. The rules of *Mikvah*, a ritually kosher body of water, are detailed, and beyond the scope of this 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 water supply must be gathered by collecting rainwater naturally and without passing through containers, or over or through utensils susceptible to impurity. It may be part of a naturally flowing body of water, such as a spring. However, if it made up of collected rainwater it may not flow or even leak. Once the minimum amount has been collected, water may be added to it in any way deemed necessary. The new water will become part of the kosher *Mikvah*.

Scripturally, laws of *Tevillah* relate to defilement of people or utensils associated with contact with such items as corpses or dead animals. The main applications of this defilement is to food stuffs that are parts of offerings and to the tithes separated from crops. Due to the absence of the *Bais Hamikdash* and the uncertainty of the lineage of priesthood, (along with the unavailability of purging by the *Parah Adumah* procedure,) this has no practical application nowadays.

However, the common application of *Tevilas Keilim* nowadays is to utensils purchased by a Jew from a gentile. The Torah refers to this obligation in relating the laws regarding the spoils of the Midianite war. The *Yerushalmi* explains, when transferred from the possession of a gentile to that of a Jew, the utensil attains a level of *Tum'ah*, spiritual contamination. Thus, utensils made of six types of metal must be cleansed in waters of ritual purification before use. While in the possession of the gentile they are not impure. In fact, on *Shabbos*, when

Tevillah is forbidden due to the "fixing" of the utensil, one solution is to transfer possession of the utensil to a gentile, then use it without Tevillah.

It is implicit in the Torah that the utensils taken from the Midianites were used with food. Thus only such utensils require Tevillah when purchased from a gentile. This includes those used for preparation, serving, eating and storage.

The Poskim debate whether a Jew who purchased utensils for resale is obliged to immerse it, and if he immerses it, whether it helps absolve the final consumer (if he is Jewish). Similarly, if a gentile purchased a Jewish made utensil not for personal use, then sold it to a Jewish end user, does the consumer need to Tovel it? The middle owner did not intend to use it with food. Accordingly, it is recommended that one purchasing a utensil should not immerse it until he has completed the transaction. However, if it was immersed by the vendor, or while still in his possession, some say that it does not require Tevillah again. If it is immersed again no Brocha should be recited. The issue of labels has a unique relevance here too (see section C). [See Parshas Matos 31:23, commentaries. Avoda Zara 75b, Poskim. Tur Shulchan Aruch Yoreh Deah 120:1-5 8, commentaries.]

### **(B) Materials requiring Tevilah**

The Torah specifies six metals that require Tevilah, gold, silver, copper, iron, tin and lead. Scripturally, only these and their alloys are included in the obligation. Mixtures are determined by the majority of their composition. A utensil made up of different parts, with some of them metal, it would depend on such factors as which parts touch the food, whether the majority or minority of it is metal, or whether the minority parts are crucial to its function or to its staying together.

Other materials are not included in the Scriptural obligation. Some are included in the Rabbinical obligation, and others are exempted. Wood and earthenware receptacles are generally susceptible to Tum'ah by contact with a source of impurity, or by containing such substances. However, the impurity of transfer of possession does not apply to them, and they do not require Tevilah. Glassware is not susceptible to Scriptural Tum'ah at all. However, it requires Tevilah for transfer from gentile possession. The reason given by the Talmud is that it is similar to metal (which is why it is Rabbinically susceptible to other types of Tum'ah as well.) Just as metal can be melted and repaired when it is broken unlike wood or pottery, glass can also be recycled in this way. Glass is likened to metal for Tevilah, but to earthenware in the way it becomes Tamei. The Poskim explain, it is similar to earthenware in that it is not processed from a rock ore, but directly from earth or sand.

However, while earthenware retains its original makeup, though in a baked form, glass, like metal, takes on a totally different form.

The Torah limits the list of metals to six. This raises the question on aluminum, a metal that can be smelted like glass. Is it included in the Rabbinical extension of the Mitzvah of Tevilah? The original ordinance did not include aluminum, because it was not commonly used for food utensils at the time it was instituted. The prevailing practice is to immerse aluminum without reciting the Brocha. Most Poskim do not require Tevilah for plastics, despite their similar properties to glass. Unlike aluminum, they are not metal, and have less in common with the original Mitzvah or Rabbinic ordinance. Disposable utensils are the subject of debate, both on their status as utensils susceptible to Tum'ah and on their need to be immersed. Therefore, if they are made of aluminum or plastics that are anyhow questionable in their obligation for Tevilah, most people do not immerse them.

The Poskim discuss a lead coating on earthenware, where food touches the lead but the lead does not hold the utensil together. Being a Scriptural obligation, such coatings require Tevilah. This is further applied to lead glaze, made up of part lead part glass. Many Poskim require Tevilah for these dishes. Though the Scripturally required part, the lead content is small, the glass content requires Tevilah Rabbinically. [Nowadays, glazed china does not contain lead, reducing the issue to a question on Rabbinically required Tevilah on the glass ingredient. Many Poskim maintain that no Tevilah is required. If one wishes to do it anyhow he should not recite a Brocha.] Lead crystal is generally guaranteed to contain 24% lead oxide, meaning that it is considered an essential ingredient. This raises its status from Rabbinically requiring Tevilah, to possibly Scripturally requiring it. The same applies to the rarer silver crystal. [See Avoda Zara 75b Shabbos 15-16, Poskim. Tur Sh. Ar. Y.D. 120:1, commentaries, Darkei Teshuva 13-14. Igros Moshe Y.D. III:22-23. Minchas Yitzchok III:76-78 IV:114 V:32. Yabia Omer IV:Y.D.:8.]

### **(C) Chatzitza**

With regard to immersion of people, the Torah requires the *Basar*, skin, to be immersed totally in the water. This implies that the whole body must be under the water at the same time, and that no part of the skin may be covered up so that water can not get to it. For utensils also the Torah says "only" the gold etc. must be immersed. This teaches us that corrosion must be removed from the surfaces. This also implies that no adhesions may prevent its getting wet.

Utensils often have attachments made of other materials that are part of the

utensil. In respect to unintended adhesions, there are three levels of Chatzitzta. If foreign matter covers the majority of the utensil, and is so significant that one would normally remove it, it is a Scripturally qualified Chatzitzta. Rabbinically, even if it is not significant enough to be removed, it is a Chatzitzta. If it covers a minority of the surface area, but is significant, it must be removed. This applies whether the prevailing practice is to remove the adhesion before using or washing the utensil, even if the owner does not care himself, or whether the prevailing practice is to disregard it but the user is more particular.

Some materials do not prevent penetration of the water, such as loose dust or paper, or bond with the water, such as liquids. The Talmud and Poskim specify certain matter that must be removed, two of which apply in our case. A label is attached with gum, or at least, synthetic rubber of some sort. Rubber is one of the materials listed as a Chatzitzta. Blackness, in our case the hardened ink, is another. People like to remove labels from utensils. However, some Poskim maintain that on crystal goblets the label is considered an adornment. Indeed such labels are decorative, and seem to take the place of a stamp (often found on chinaware). They are hard to remove without a solvent. Furthermore, those who accept Tevilah done by a vendor would have to accept a Tevilah with a label. It is retained intentionally as an integral part of the utensil, since it advertises it.

In our case, however, they were removed, showing that the user considered them significant enough to remove. The issue then is whether the remaining ink acts as a Chatzitzta. It is a faint impression which will eventually wash off. The reason it seems to have been left behind is that the printing was on the label's back. Then it was coated with gum. The label was thus attached to the crystal, gum first, then ink, then plastic. A thin film of the gum must have been left behind, keeping the ink attached to it. If it were larger and more noticeable, no doubt the fact that it is crystal would deem it significant in the eyes of the majority of users. However, given its size, it would depend on the preference of the owner. Such a small and insignificant adhesion does not matter to most users, despite it being present on something as special as crystal. If this owner finds it bothersome and wishes to remove it, it would constitute a Chatzitzta. [See Mikvaos 9:2 3 5, Niddah 67b, Eruvin 4b Sukah 6a Poskim. Tur Sh. Ar. Y.D. 120:13, 198:1 202:1-2, commentaries. Tevilas Keilim 5:2-5.]