

HALOCHOSCOPE

This week's question:

When purchasing a pepper-grinder, it is sometimes already filled with peppercorns. Assuming that the grinder requires *tevilah*, immersion in a *mikveh*, may it be used as is until the peppercorns are all used up? Or should they be emptied out now so that it can be immersed before using the grinder?

The issues:

A) *Tevilas Kailim*

B) Types of *kli* that require immersion

C) Food prepared in a utensil not yet *tovelled*

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.

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. However, if the Jew alters it for food usage, then wishes to use it for a non-food usage, he need not *tovel* it before using it for non-foods.

Before immersing a utensil, a *brocha* is recited. The immersion is not a *kashrus* issue, which would only apply if the utensil was permeated with forbidden flavor. *Kasher-ing* a used utensil purchased from a gentile is required, due to the likelihood of it being forbidden. This is not a *mitzvah*, but rather a way to avoid forbidden food. *Tevilah* is considered a *mitzvah*, that applies to any utensil, due to its *tum'ah*. However, in some instances the obligation to immerse is debatable. In many of these situations, the poskim do not decide the issue conclusively, and require the immersion, due to doubt, but no *brocha* is recited. If there is indeed no requirement to immerse, the *brocha* is being recited in vain. Therefore, it is preferable not to recite it. The *mitzvah* is valid regardless of whether the *brocha* was recited. If *tevilah* is not required, it is better not immerse the utensil as a self-imposed *chumra*, stringency. This might lead one to recite a *brocha* in vain. [See Parshas Matos 31:23. Shabbos 34a, Beitzah 18a, Avodah Zara 75b, Poskim. Tur Sh. Ar. YD 120:esp. 1-5 8 9, OC: 323:7 Pri Megadim 451, commentaries.]

B) Types of *kli* that require immersion

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 according to most poskim] of food or drink. Exactly which levels of preparation are included is debated by the poskim. Some maintain that only the stages that make it ready to eat are included, which excludes knives for slaughtering. Some maintain that the food need not come in 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. There is some discussion about multi-purpose utensils, such as a pocket knife. [Regarding converting utensils to or from food usage, see section A.]

A pepper grinder is used in direct contact with the 'food'. However, a few questions are raised with regard to spice grinders' status for *tevilah*. Pepper in particular is not considered food in its own right. It seasons other food. Furthermore, even ground, it is not ready to eat. On the other hand, once it has been added to the food, it assumes the 'identity' of the food. The food is now seasoned with the spice, and becomes one with it. Often, the food still requires cooking. Thus, according to some poskim, it should not require *tevilah* at all. However, it is mentioned specifically in reference to *tevilah* with regard to another issue. The container could be made of wood, with a metal blade. Since the blade is integral, it requires *tevilah*. Due to the controversy, it has become the accepted practice to *tovel* it without a *brocha*, or to *tovel* other *kailim* at the same time and to include the pepper-grinder in the *brocha*. Nowadays, pepper is usually purchased ready-ground.

Those who purchase the grinder usually want the freshly-ground flavor. Generally, it is used at the table as well. Thus, it does not require cooking. It is used directly as a *kli seuda*, food utensil. It should certainly require *tevillah*.

The entire *kli* must be immersed, including the handle. This is called a *yad*, a stick protruding from the *kli*, or an *ozen*, an 'ear'. Even if the handle is of a material that does not require *tevilah*, such as wood or plastic, the *kli* is immersed with the non-metal handle. If the utensil has electrical parts, some poskim maintain that these parts are, by definition, not meant to come in contact with any food or liquid. Unlike regular handles that sometimes touch the food, the electrical parts cannot be considered part of the utensil in terms of *tevilah*. This is also based on other considerations relevant to the laws of *tum'ah*. Others maintain that the utensil must be totally immersed, but not the wire or cord. [If the utensil is thoroughly dried before use, there will be no negative effect. However, some circuit boards have sensitive components that can break if they get wet. On certain utensils, these are not very well protected. In such instances, it is advisable to place some tape on the areas where the water could enter and do harm. Some poskim say that if the *kli* would be damaged, one should have a Jew alter it professionally. Or it can be given to a gentile and borrowed back indefinitely.] [See Kailim 13:6 15:4 Shabbos 60a Avoda Zara 75b, Poskim. Tur Sh Ar YD 120:1 4-7 (Darkei Teshuva, esp. 60) 10, commentaries.]

C) Emptying the utensil

The pepper grinder is also used as a storage vessel for the whole peppercorns. *Klei otzar*, storage vessels, are debated with regard to the requirement for *tevillah*. However, that discussion centers on the fact that they are not necessarily used as *klei seuda*. If the storage vessel is also used to serve from, it becomes a *kli seuda* as well. The pepper grinder in our case is used at the table. Therefore, its *kli otzar* status is not that relevant.

There is another part to the storage aspect. When food is purchased in a utensil, the utensil does not require *tevillah* before it is emptied of the food. The utensil was sold as packaging material, to be discarded after use. If the utensil can be used again, the poskim debate whether it would require *tevillah*. It was turned into a permanent *kli otzar* or a *kli seuda* by the Jewish consumer. In some respects, it is like a Jew fashioning a *kli* from raw material. Disposable containers are shown to be considered non-*kailim* in terms of real *tumah*. Therefore, they should not require *tevillah*. The same logic would apply to empty jam jars. It can also be shown that the jar is considered secondary to the food sold inside it. When using *maaser shaini* money, the tithe set aside for purchasing foodstuffs in Yerushalayim, one may include the price of the container, if it is always sold inside it. Later, one may use this container for personal uses.

It is hard to make the same case for our pepper grinder. It was not purchased for the pepper inside it. It is not secondary to the pepper. Indeed, the main cost of the grinder is the utensil's value. The pepper is included as a promotional extra. The purchaser definitely had that in mind. Therefore, this pepper grinder must definitely be *tovelled*.

We have mentioned that one may use the food inside the package before *toveling* it. That is, the food may be emptied out slowly until it is finished, and then the owner will *tovel* it. However, this might only apply to a food package. In our case, the food is really separate from the package. It could be removed and stored in a different container.

If food is prepared in a non-kosher utensil, it is forbidden, depending on the circumstances. However, food prepared in a utensil before *tevillah* does not become forbidden. The food may be used. Whereas, food prepared in a forbidden utensil absorbs the forbidden taste, food prepared in utensil before *tevillah* does not absorb the *tumah*. The *tevillah* is a *mitzvah*, but does not forbid the food. The poskim discuss whether it should first be removed from the utensil, or whether one may leave it there and eat it off that utensil. This would mean that one is now using the utensil again before *tevillah*. It was used once to prepare the food, and is used a second time to serve it and eat it. Even if one knowingly ignored this Scriptural *mitzvah*, he is not penalized by having the food forbidden.

If the food is such that the utensil is not absolutely essential, such as pieces of something that can be removed, one may eat them off the utensil. Thus, if one is served a latter of chicken, one could take a piece of it straight off the platter. He would need to use his fingers, or something that was either *tovelled* or does not require *tevillah*. Even this option should be used only in emergencies. If the utensil is essential, one should avoid using it a second time. Thus, if one is served soup in a bowl that was not *tovelled*, he should empty it into a *tovelled* bowl or cup before consuming it, or he could just not eat it. In our case, the pepper is already inside a utensil that requires *tevillah*. In terms of pure storage, one could argue that it may be left there until it is used up. However, if it is used directly with the food, one is now making a second use of it before *tevillah*. In addition, the second usage involves a totally different aspect of the utensil's use in the food preparation. While we have mentioned that this is itself debated, we have shown that in our case, the objections to its *tevillah* requirement might not apply. Therefore, it does require *tevillah* before usage as a grinder. The whole peppercorns cannot be consumed without being ground. Therefore, the contents should be removed and the grinder should be immersed before usage. [See Refs to earlier sections. YD 120:1 (RAE BHGRA Ar Hash 39 Darkei teshuva 5 70) 17 (Darkei Teshuva 114 Ar Hash 17), commentaries. Igros Moshe YD:II:40 41 III:22 23.]

In conclusion, the contents must be removed and the grinder *tovelled* together with a utensil that requires definite *tevillah* with a *brocha*.

On the parsha ... *The copper .. he made with it the base-sockets for the entrance .. and the base-sockets for the courtyard .. [38:31]* The torah does tell us about the the material used for the pillars of the courtyard. We are told that they are decorated with silver at the top and with rings around them. The oral tradition is that they were coated in copper. [See *Yalkut Shimoni* 425, end] Presumably, they were wood inside. Perhaps this is why the materials are not spelled out. The copper altar was also wood, coated in copper. It is called the copper altar, as is the gold alter. The Talmud debates whether they are considered metal utensils or just coatings, in regard to *tevillah*. [See Chagigah 26b-27a] These *amudim* were considered both. To avoid calling them one more than the other, the Torah does not mention either. When a utensil could be considered both wood and metal, due its different parts, its metal functions require *tevillah*.

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