


HALOCHOSCOPE



be used a few more times, might not require *tevilah*. The implication of this source is that if it will only be used once, it does not require *tevilah*, and only if it will be used more than once is there a doubt. However, this source makes it very clear that if it is fit to last a long time, but that the user decides that it is cheap enough to throw away after one or two uses, it still requires *tevilah*.

A second source first cites a debate on whether to apply all the rules of *tevilah* of regular *tum'ah* to the *tevilah* of utensils purchased from a gentile. The stringent view, however, cites a situation where he feels that the two may be compared, to allow a prevailing practice to continue. Certain vessels are not used regularly to store certain liquids, because the liquids spoil in those containers. Therefore, any short term usage must be considered temporary. While there is no dispensation for temporary usage of a regular *kli*, these utensils have no form of full usage. In this instance, a support of sorts may be found in the rules of *tum'ah*. Certain utensils give an unpleasant flavor to the food, and are therefore not considered susceptible to *tum'ah*. Certainly, utensils that are not even made to be used more than once should not require *tevilah*.

If one designates a *kli* that was made with one purpose, for another purpose, it might be considered the same as making it fresh in the hands of the Jew. Thus, it would be like buying the materials from a gentile and using them for a utensil. This is the subject of a debate. If one decides to use a disposable *kli* more than once, he might need to *tovel* it, based on the sources mentioned. However, the buyer is the one who chose to change its usage. In addition, it is aluminum. In addition, one of the sources does not necessarily require *tevilah* even if one uses it more than once. The other source does not discuss using it a second or third time. Due to the many doubts about its requirement, and that at most, many poskim consider it a Rabbinical requirement, one would not need to *tovel* it. In keeping with the rule that one should not practice stringency lest he will recite a *brocha* in vain, perhaps it is best nor to *tovel* these disposable utensils at all.

However, all of this only applies to a flimsy, disposable utensil. A regular barbecue requires *tevilah*. The base, that holds the coals, is not used directly with the food. The grille part is used with the food and is usually made of a material such as steel or iron, which requires *tevilah* Scripturally, and with a *brocha*. [See Igros Moshe YD III:22-23. Minchas Yitzchok V:32. Tevilas Kailim 1:7 n10 11:n113. Hakashrus 4:24 n59.]

On the Parsha ... And to the sons of the pilagshim Avraham gave gifts, and he sent them away from upon Yitzchok his son ... [25:6] This teaches us that [Avraham] gave them the name of *tum'ah* [Rashi, Sanhedrin 91a] Where do we see this in these words? Avraham was distinguishing between Yitzchok, to whom he gave his heritage, and the sons of Keturah, to whom he gave gifts [R Hirsch] that were not 'heritage'. Perhaps Avraham gave the other sons all vestiges of his former life before converting – his status when he was *tamei* as a gentile. Perhaps this is why we learn the laws of *tevilas kailim*, that are, like conversion, to purify the utensils from the *tum'ah* of the gentiles, from the utensils captured from Midian, the descendants of Keturah.

♫ Sponsored by the Silver family on the occasion of the birth of a granddaughter, a daughter to Mendel and Goldie Darabaner, on the 22nd of Cheshvan. ♫

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This week's question:

If a cheap barbecue will be used only once, does it require *tevilah*, immersion?

The issues:

- A) *Tevilas kailim*, immersing utensils
- B) *Tashmish arai*, temporary usage
- C) Temporary *kailim*

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. 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, Avoda Zara 75b, Poskim. Tur Sh. Ar. YD 120:esp. 1-5 8 9, OC: 323:7 Pri Megadim 451, commentaries.]

B) Tashmish arai

If one purchases a *kli* from a gentile for non-food usage, it does not require *tevilah*. This is true even if the *kli* is a food-grade utensil, such as a knife that could be used to cut foods or to cut parchment. If a second Jew then borrows this *kli* from the first, to use with food, there is some debate on whether it requires *tevilah*. In one view, the second Jew may use it temporarily, that is, this one time, without *tevilah*. The true owner was never obliged to immerse it. However, the first Jew may not use it for food preparation, even temporarily, before immersing it. The other view maintains that since the first Jew could not use it for food temporarily before immersion, the second Jew borrowing it may not use it for food either, until it is immersed. While many poskim conclude that one should therefore *tovel* it without reciting the *brocha*, in some circumstances, the lenient view is invoked. For example, let us say that one borrowed utensils from a store-keeper, who is exempt from *tevilah*. He does not plan to use the utensils for food preparation. The borrower will use them, perhaps for a large catered function, and will then return them. There could be some loss incurred if *tevilah* is required for all of these utensils. Some suggest that in this case, we may rely on the lenient view. Since the true owner is exempt right now, the borrower does not take his place as an owner-user, and is also exempt from *tevilah*. However, the terms of the liability for loaned utensils, or in certain cases a rental, can change the status of the borrower to that of a quasi-purchaser. Thus, even if he

plans to return the item intact, his liability might mean that in the interim he is a purchaser. He is required to immerse the utensil, since he 'purchased' it for food usage.

The limited application of this exemption has led to a common misconception about temporary usage. People think that a *kli* that requires *tevilah* may be used one time before immersion. Another ruling that might have led to this mistake is the 'trick' of giving the *kli* to a gentile to avoid *tevilah*. This is most likely to be relied upon for the short term. The usual situations would be on *Shabbos* or where there is no readily available *mikveh*. As soon as is possible, one would reacquire the *kli* from the gentile and *tovel* it. The appearance is that a one-time usage does not require *tevilah*. There is also a ruling that if a *kli* was indeed used before *tevilah*, the food is kosher. This might lead some to think that it may be used temporarily before *tevilah*. This is not the reason. As mentioned in section A, *tevilah* is not to remove non-kosher permeated flavor. It is purely a *mitzvah* due to a form of *tum'ah*. Therefore, the food cooked or prepared in a utensil that did not have *tevilah* is not forbidden. In summary, it is important to realize that if one owns a *kli* and intends to use it for food, he must immerse it before the first usage. [See references to section A, especially Tur EH 66:1-4. also Tur Sh Ar CM 52, commentaries.]

C) Temporary kailim

There is a situation where *tevilah* would not be required for one usage, but might be required for more than one usage. However, this is itself a matter of debate, and has no real bearing on the issue of using a regular utensil for one time without *tevilah*. This circumstance deals with disposable utensils. The use of disposable utensils is nothing new. In the applications dealt with by the Talmud, the *halachos* of regular *tum'ah* arise. Other instances concern the forming or destroying of a utensil on *Shabbos*. By applying this to a new utensil purchased from a gentile, it is possible to decide whether or not to require *tevilah*. The rules might not be the same.

In addition to the status of the disposable utensils, the material that they are made of raises its own issue. Usually, these are made of aluminum. This is not one of the six metals listed in the Torah with regard to the war with *Midian*. The poskim debate whether these six materials are a complete list. Some say that only these materials require *tevilah* Scripturally. Others maintain that it is an incomplete list. Yet others maintain that all metals are meant to be included within these six. Rabbinically, glass requires *tevilah*. This is due to its being similar to metal in that it can be repaired by melting, when broken. Earthenware cannot be repaired. If aluminum was never produced at the time that the Rabbinical institution was made, it was not included in the institution. However, some maintain that the institution was meant to include anything like the metals listed. Others maintain that aluminum would have been included had it been known. Therefore, it should be included nowadays. As a result, some have the practice to immerse aluminum with a *brocha*, while others immerse it, but without a *brocha*, or together with a utensil made of something that definitely requires *tevilah* with a *brocha*. The question about the requirement to immerse it is factored in to the issue of disposable utensils.

One source is a debate about version of a text that refers to utensils made from dried out fruit or vegetables, or their rinds. They are not susceptible to *tum'ah* because they will not last a long time. This implies that they can be used more than once, but not for long. Accordingly, modern utensils that are made to be disposed of after one use, that can still