

הלכות טבילת כלים

Hilchot Tevilat Kelim Summary

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Nature of the Mitzvah

The Source

1. The Mitzvah of Tevilt Kelim is derived (Avodah Zarah 75b) from Bamidbar 31:23, *Vetaher, Ach Bemei Niddah Yitchata*, but it's not explicit in the Torah. In fact, none of the *Monei HaMitzvot* (counters of Mitzvot) count it towards 613, presumably for that reason! Is this a Mitzvah Min HaTorah or MiDeRabbanan?
2. We will constantly be considering the ramifications of the status of this Mitzvah in our discussions, so it pays to spend some time contemplating whether the Mitzvah is Min HaTorah or MiDeRabbanan.
 - a. Many Rishonim (Tosafot, Ohr Zarua, Ramban, Rashba, Ritva, Ran) hold it is a Mitzvah Min HaTorah, while the Rambam seems to hold it is MiDeRabbanan.
 - b. A good litmus test is how the Rishonim approach the Halacha of a collateral (mashkon), which is an unresolved inquiry in the Gemara. If they say one should be Machmir, they must hold it is Min HaTorah. If they rule one should be meikel, they must hold it is MiDeRabbanan.
 - c. Indeed, the language of the Rambam screams DeRabbanan – “MiDivrei Soferim,” “Remez,” “MiPi HaShemua Lamdu,” “Amru Chachamim” and he is meikel by a collateral to not require Tevilah.¹
 - d. Peculiarly, the Ramban seems to hold MiDeOraita, but note how in his commentary on the Torah he is unsure considers the possibility that it is MiDeRabbanan.
3. All in all, there are many conflicting impressions we can get from the Rishonim. The Radbaz thinks most Rishonim hold MiDeRabbanan, and the Chida argues that most Rishonim hold Min HaTorah. Rav Ovadia works hard to fight for the DeRabbanan view and argues that even if it is a Mitzvah min HaTorah, the Yeshuot Yaakov points out how only the obligation to immerse the keli in the Mikveh is Min HaTorah. The prohibition to *use* the keli beforehand is only MiDeRabbanan according to all opinions as a means of encouraging one to take the keli to the Mikveh and not procrastinate.

¹ One could also interpret them to mean Halacha leMoshe MiSinai. What does one do about Mashkon? The Rambam holds Safek Halacha leMoshe MiSinai is muttar, unlike the other Rishonim, namely the Ramban. Although practically all Poskim interpret the Rambam as holding MiDeRabbanan, I wanted to make this point to demonstrate how the other Rishonim will say it's a Halacha leMoshe MiSinai and lechumra, because they disagree on both points with the Rambam.

The Purpose

4. The purpose of Tevilat Kelim is to transfer the utensil from the Tumat HaGoyim to Kedushat Yisrael (Yerushalmi). The Issur veHetter of Rabbenu Yonah Ashkenazi articulates this as “Gerut” for Kelim.

Bodies of Water Fit for Immersion

A Mikveh is a body of stagnant (ashboren) rain water (mei geshamim/notfin), and a Ma’ayan is a body of running (zochalin) spring water (mei ma’ayan). A Mikveh is Pasul if the water is flowing, but a Ma’ayan is kosher if the water is stagnant. Both a Mikveh and a Ma’ayan of 40 Seah of water are valid for Tevilat Kelim. Rivers and lakes could be a problem, as the water might be flowing rain water or mayim sheuvim (drawn), which invalidates the mikveh. Some bodies of water may be manmade, and some men’s mikvaot might not be kosher for kelim and women.

One can immerse the keli with his hands if he either holds it loosely or first wets his hand with the mikveh water. The Rama thinks you have to pass the keli from one hand to the other while staying under the water, but his opinion was not accepted.

The Gemara and Ramabm make no mention of the Beracha on Tevilat Kelim, but that is not surprising, as the Gemara is not a siddur. There are many texts of our siddur that do not appear in Shas. The custom is to recite Al Tevilat Keli on a single Keli and pluralize it as needed. We recite a beracha on kelim purchased outside of Eretz Yisrael, as the majority come from factories not owned by Jews. If one forgot to recite the beracha before, he may not recite it afterwards.

Which Materials Require Tevilah

Basic Materials

1. Min HaTorah, only metal Kelim require Tevilah, based on the Pasuk by the war with Midyan.
2. Glass requires Tevilah MiDeRabbanan, because it resembles metal in that it can be melted down and reconstituted just like metal. Pyrex and duralex are glass for all intents and purposes.
3. There are six metals listed explicitly in the Torah: gold, silver, copper, iron, tin, and lead. There is a great debate about the Tevilah requirement of other metals, such as aluminum chromium and titanium that weren’t discovered yet in the times of Chazal. Some argue that other metals still require Tevilah Min HaTorah, because either the Torah’s list is not meant to be limiting, or the six metals listed are meant as general categories. Rav Moshe Feinstein boldly claims that all other metals only require Tevilah MiDeRabbanan, just like glass.
4. Minchat Yitzchak originally thought plastic would require tevilah, as it is similar to glass in this way, but he took it back because Rav Ovadia insisted we cannot expand the boundaries of Gezerot Chachamim. Rav Dovid Cohen of the cRc discovered how Rav Moshe Feinstein defends his expansion to include other metals by saying that Chazal themselves included everything that falls within the radius from the six metals to glass. Plastic and nylon fall outside of that boundary, so they are excluded.
5. Finally, we began the sugya of Kunya, kelim made of one material and coated in another, and discussed the Shulchan Aruch’s conclusion that we follow the outer layer as long as the inside of the keli is coated, while the Rama says not to recite a Beracha in any case. We will return to this and discuss the status of china in the future.

Complex Materials

6. Kunya: If a keli is entirely coated in metal, inside and out, it requires tevilah with a beracha. Inside only requires tevilah, but machloket if there's a beracha or not. Outside only is a machloket if tevilah with no beracha or not at all. China is glazed with glass all around, but many say it does not need Tevilah since the coating is so thin or merely decorative/protective, not functional.
7. Ma'amid: if a keli can only retain its function through the support of another material, a ma'amid, some say the requirement for tevilah follows the material of the ma'amid, and others argue it does not. We assume it does not, but there is room to be machmir and be matbil without a beracha. Teflon is metal coated on the inside with synthetic material and can only be used with the metal base, so we assume Melkar haDin it does not require Tevilah.
8. Ikar and Tafel: The primary components of the keli determine the Tevilah requirement for the entire keli, even the nonessential parts. If a keli has components that would require tevilah, such as metal or glass, but they are not critical to the normal functioning of the keli – i.e. they are tafel - such as a metal spout for a pitcher, even though the food touches the metal, the keli, even the metal spout, does not require tevilah, since the pitcher can function without the spout. On the other hand, a Keurig machine is primarily made of plastic, but there's a metal needle that pokes a hole in the cup and squirts out water. Since that is critical to the machine's functioning, the entire machine may require tevilah.

Klei Seudah (Which Kelim Require Tevilah)

Defining Klei Seudah

“Klei Seudah Amurin baParasha” – only kelim that touch the food and are used to make food edible (such as via cooking) or to serve/eat the food (i.e. they're “brought to the table”) require Tevilah. Everyone agrees that kelim used to transfer food over the threshold of edibility require Tevilah; they disagree regarding kelim used while the food is still inedible and after is already edible.

Prior to Becoming Edible

Kelim that touch food at the inedible stage do not require Tevilah Melkar HaDin, according to both the Shulchan Aruch and the Rama, but the Rama recommends being machmir. Different approaches are given to understand the limitations of the Rama's stringency: some say he means anything that could potentially be used with edible food as well requires Tevilah (Shach), while others vehemently oppose this view (GRA and Peri Chadash). Some just say that anything used in the process to make food edible, even at earlier stages should be immersed (Taz). This is why we often find kelim on Tevilat Kelim lists that are to be “toveled without a bracha,” as Ashkenazim will follow the Shach and/or Taz as a chumra, whereas Sepharadim do not need to as strongly. All in all, the function of a keli is critical in determining its tevilah requirement.

After Becoming Edible

Rav Moshe argues that minor improvement by a keli, such as toasting bread, does not constitute klei seudah, but we saw how we do not accept that, since we accept the ruling of the Beit David that bread knives require Tevilah with a Beracha. Bread is already edible, and cutting it cannot possibly be a significant enough tikkun.

Examples

We went through a bunch of examples:

| Din | Items |
|--|---|
| Tevilah with a Beracha | Stainless steel pots and pans, pot lid/cover, metal cutlery, cake tray, bread knife, food dicer |
| Machloket Beracha or not | |
| Tevilah without a Beracha | Anything that only touches foods that are inedible |
| Machaloket Tevilah without a Beracha or none | Skinning knife, shechitah knife, sieve, sifter, meat thermometer, coffee grinder |
| No Tevilah | Dishrack, stovetop grates, cake tray cover, countertops, dentures |

Storage Containers

Acharonim debate whether or not glass or metal containers used purely for storage require Tevilah. On the one hand, they do not modify the food at all, but, at the same time, they are touching edible food. Some like the Ben Ish Chai advocate for Tevilah with a Beracha and report that to be their custom, whereas others like Rav Ovadia settle for Tevilah without a Beracha. Even so, Rav Ovadia grants credence to those who are lenient and don't require Tevilah at all.

Electrical Devices

The Chelkat Yaakov was the first to deal with Tevilah for electrical appliances. He thought that if the keli is only usable when plugged into the wall, it is not susceptible to Tuma and, therefore, does not require Tevilah. Poskim debate this novel approach. Many reject it categorically, but some combine it with other considerations when forging a leniency. A common approach is to take the device to the mikveh and just wait a number of days or weeks until it dries, but others argue that the delicate nature of these electronics and possibility of short circuit and corrosion render one an "Anus" and exempt from attempting Tevilah before use. Rav Ovadia and others recommend selling the item to a goy and borrowing it back indefinitely. Keurig machines prove to be an interesting opportunity to assess the range of views on this issue. Sous vide heating element doesn't touch the food, so it is definitely pattur. Even the basin might not, as the food is always in a plastic bag.

Means of Acquisition

In order to effect a requirement of Tevilat Kelim, the utensils must be purchased in a manner that parallels the episode of the war with Midyan. As such, borrowed or rented kelim do not require Tevilah, but a stolen one does. The status Keli left by a goy as a collateral is unresolved, and most Rishonim conclude Safek DeOraita leChumra, and a Beracha should not be recited. The Acharonim point out will not apply to glass which is already only obligated on a rabbinical level. If the goy has already abandoned it, Tevilah is required with a Beracha (if one did not immerse it beforehand), but if he is definitely returning for it, we assume it is still a Safek.

Intended Purposes

Derech Array

When one purchases a keli for non-Seudah purposes, such as scissors to cut paper, they certainly do not require Tevilah. But what if he decides that he needs them to cut lettuce one day? That's called Aray, as it's just a temporary change of purpose. We assume like the Shulchan Aruch and Pri Chadash that it's perfectly acceptable to do this without Tevilah, as the need for Tevilah is informed by Rov Tashmisho, the majority of usage. The Issur veHetter and Rama prohibit it, but the Aruch HaShulchan interprets the stringency to only be with respect to utensils made for Seudah purposes in the first place. Items not

manufactured for Seudah purposes may according to all opinions be used temporarily for Seudah purposes. The Pri Toar thinks this way, as well, and Zivchei Tzedek recommends being Machmir.

Lending

One who purchases a keli for Seudah purposes and decides to use it for non-Seudah purposes prior to Tevilah certainly may do so. Similarly, if one such a Keli to a friend who will use it for non Seudah purposes, it does not require Tevilah.

If one purchased it for *non* Seudah purposes, however, and then he lent it to his fellow to use for Seudah purposes, such as if his friend needs to borrow his paper scissors to cut lettuce, Shulchan Aruch is lenient, but Ashkenazim require Tevilah, as even the owner could be required to do Tevilah if he just changes his mind about the keli's purpose. Most assume a Beracha would not be recited. If it was sold to the friend for Seudah purposes, everyone would agree Tevilah is required.

Business

A merchant/store owner's ownership of merchandise is purely commercial. None of the kelim he sells are considered klei seudah; as such, they are not chayavim in Tevilah until purchased by a Jew for Seudah purposes.

This leads to four practical contemporary issues:

1. Tevilah in a houseware store by the Jewish owner before the customer purchases the item. Acharonim debate whether one can do Tevilah prior to deciding to use them for Seudah. Although they no longer belong to a Goy, the Kelim are not designated for Seudah use yet. One must also be concerned for the Kashrut/Hashgacha of the in-store mikveh.
2. Tevilah by a customer of a gift he plans to wrap food on top of and give somebody else (the candy dish question). Presumably the recipient will not take the candy off the tray and take the tray to the mikveh prior to usage. Similar issues as the previous one.
3. Borrowing (in a less formalized industry) Kelim to use for a large event and then return to the merchant. Some are meikel at least in a difficult situation if not outright, while others are not.
4. Hotels, kiosks, restaurants, and caterers. Many argue their ownership is purely commercial, while others disagree, since the intention is for serving food.

Factory Production and Repairs

Non Jewish Craftsmen with Jewish Materials

Contemporary mass production and old school mom and pop repair shops are both very relevant with respect to Tevilat Kelim. If a Jew hands a Goy raw materials or a broken keli and the Goy produces a brand new keli or fixes the broken one, it may or may not require Tevilah. The Rishonim debate whether or not we assume that "Uman Koneh Beshvach Keli" (that the craftsman acquires a share in the appreciation of the keli he works on), which would seemingly have ramifications here. Regardless, many including Shulchan Aruch pasken that as long as the Jew owns the materials the Goy's involvement is irrelevant, as the item never loses its "Shem Yisrael" and gets a "Shem Akum," which would require Tevilah. Chazon Ish notes how the whole conversation about Uman Koneh Beshvach Keli is irrelevant if it is not also upholdable in civil law.

The Rama is machmir in cases where the given item is not only repairs but turned from a non-keli (i.e. it cannot hold a reviit) into a keli. The Zivchei Tzedek and Ben Ish Chai recommend being Machmir for the Rama, but Rav Ovadia advocates for Shulchan Aruch only. Ben Ish Chai qualifies his point that tevilah with a beracha would be required if the entire bottom was broken and replaced, but if it was split in half just glued together, no beracha would be recited.

The Rama is further concerned if the non-Jew contributes some of his own materials, but whether or not he would require a Beracha is subject to debate among the Acharonim. As such, Zivchei Tzedek concludes Safek Berachot Lehakel. If the goy is merely adding a decorative layer to an otherwise functional Keli (i.e. retinning), Peri Chadash is lenient but Mishnah Berurah requires Tevilah without a Beracha. In such as case, even the Ben Ish Chai does not require Tevilah, as he reports that the custom in Baghdad was to be lenient.

Jewish Craftsmen with Non-Jewish Materials

If a Non-Jew hires a Jewish craftsman to fix his keli and then decides to sell the fixed keli to the Jew, then Tevilah would be required, as the Jew’s fixing it does not remove the “Shem Akum.” The Rama, however, does not allow one to recite a Beracha, potentially because he’s concerned that we do assume Uman Koneh Beshvach Keli. Zivchei Tzedek concludes Sabal, against Maran and the Pri Chadash on this one.

The Rama does not require Tevilah, though, in a case where the Jewish craftsman contributes some of his own material to the repair. This becomes a major Halachic tool with Kelim that are difficult to immerse, as one could commission a Jewish repairman to “break” and then “repair the Keli.” Rav Belsky (OU A-174) explained that in order to qualify for this halacha, the utensil must be so “broken” that (a) it is no longer usable and (b) requires an Uman to repair it.

Melting Down and Recycling into a New Keli

An old keli purchased from a Goy, regardless of intention at time of purchase, that was melted down and reconstituted into a new keli does not require Tevilah. (Pri Chadash)

Factories

Chochmat Adam had a huge chiddush, tha as long as the owners or workers are Jewish, there’s what to rely on to permit using the glass kelim produced in a huta (Factory) without tevilah.

| | | <u>Owner</u> | |
|----------------|------------|---|--|
| | | Jewish | Non-Jewish |
| <u>Workers</u> | Jewish | No Tevilah Required | Shulchan Aruch: Yes Rama: Safek Chochmat Adam: Safek |
| | Non-Jewish | Shulchan Aruch: No Rama: Yes Chochmat Adam: Safek | Tevilah Required |

Is the Chochmat Adam correct? Well, many disagree with him in principle, Rav Moshe said it doesn't apply in a factory where the machines make everything and workers merely assist, plus the workers are paid hourly and not per piece. Some suggest the Chochmat Adam agrees to both of those point and was discussing a different case.

How does this play out when you don't know where it's coming from? Does the majority play a role in Chutz LaAretz and/or Eretz Yisrael? Opens the door to a whole conversation about Rov and Kavua. Not for now.

Don't forget to find out who the supplier is!

Ok, so basically, if the factory is owned by a Jew, meaning it's his raw materials, there's lots of room to say the Kelim do not require Tevilah as long ad we can guarantee they remain in Jewish ownership until they reach the consumer's possession. How do we do that with factories in China?

Six Kinyanim for Metaltelin – remember this is a chiyuv DeOraita, so we need to make sure we do a Kinyan that works on the level of DeOraita to change ownership. Just like Mechirat Chametz. Ketzot Hachoshen and Netivot HaMishpat have a whole discussion about what to do, quoted in Mishnah Berurah Hilchot Pesach. About six Kinyanim. Halachic issues: either doesn't work Min HaTorah or with a Goy. Unique logistical issues in our context, as well.

| Kinyan | Definition/Example | Halachic Challenges | Logistical Challenges |
|-------------------------------|---|--|---|
| 1. Maot | Paying with \$\$\$ | Doesn't work for a Goy according to Rabbeinu Tam | Need a Mashgiach present for every run. |
| 2. Meshichah/Hagbaah | Pulling/Lifting item | Doesn't work for a Goy according to Rashi | Need a Mashgiach present for every run. |
| 3. Dina Demalchuta | Law of the land (Oral agreement) | Machloket if it works Min HaTorah | |
| 4. Minhag HaSochrim (Situmta) | Handshake | Most assume does not work Min HaTorah | Have to figure out how in China |
| 5. Chatzer | Purchasing land and acquiring movables on it | Most assume works Min HaTorah, but minority disagree. Can't always acquire items in seller's kelim | Hard to believe done correctly |
| 6. Agav | Purchasing land and acquiring movables anywhere at the same time. | Machloket Baalei HaTosafot if it works Min HaTorah | Need a Mashgiach present for the Kinyan Goods must be already in factory possession |
| 7. Chalipin/Sudar | Lift up a handkerchief to demonstrate greater level of commitment | Machloket if it works by a Goy or not. | Need a Mashgiach present for the Kinyan |

Nobody rules out all six.

Kinyanim that are MiDeRabbanan might work Min HaTorah, but it's a big Machloket, so we're machmir lechatechilah.

Also debatable is how much the Jew needs to own – all metal or just food contact. At least doesn't have to get the non metal/glass, but no, even tafel requires tevilah and ownership.

The Pesach Problem

A Keli manufactured or owned and immersed by a Jew requires a new Tevilah if ownership is transferred to a Non-Jew and then to a subsequent Jew, even if it never left the domain of the Jew. (Shulchan Aruch Yoreh Deah 120:11) As foreign as this situation may be to us, it is in fact relevant in two contexts, the factory question above, and Pesach for every single Jew.

Due to the nature of the sale of Chametz, some Poskim argue one must sell the Kelim that one's Chametz is stored in, because, in order for the Kinyan Chatzer to be effective, the movables must be stored in the buyer's vessels, not the sellers. As such, great debate has spanned centuries of Halachic history with Poskim taking a variety of approaches to this issue, which remains unresolved today. Although nowadays, most of the Shetarot Mechirah don't sell the kelim, as we cover Chatzer's deficiency by combining it with other Kinyanim, such as Agav and Maot, there are still some that do. LeMaaseh, Rav Ovadia says even if one did such a thing, a beracha would not be recited when taking the kelim to the mikveh.

When No Mikveh is Available

When one is stuck on Shabbat (when it's probably prohibited to take a Keli to the Mikveh, but that's a whole sugya for another time) or in a place with no physical mikveh available, what is he to do if he wants to use his kelim? This is also applicable to kelim that cannot be taken to the mikveh, because they are either too large or would break (electrical devices) as a result. This was also especially relevant before Pesach 2020. Thanks to the Coronavirus pandemic, kelim mikvaot were closed and everyone was home for Pesach, including many people who would be making Pesach for the first time and would need to purchase new kelim. At times, they could kasher their kelim but that may prove too complicated or difficult for people or the kelim.

Of course, the best thing to do is to take the kelim to the ocean or sea, but that doesn't work if you don't live near one. Rivers are also problematic, as we've discussed above. One could only use plastic or aluminum kelim (relying on Rav Moshe) as much as possible, but that's not a practical solution for cooking.

The two last resort approaches presented by the Poskim are selling the kelim to a Goy and making them Hefker, ownerless. Each has its benefits and drawbacks, and, as such Poskim today are at odds as to which is better.

Selling a Keli to a Goy

Selling to a Goy is well documented in Shulchan Aruch with respect to the Shabbat without immersed kelim crisis. Shulchan Aruch recommends one simply sell his kelim to a Goy, but the Taz and Pri Chadash are ambivalent and emphatic about how this may be ineffective altogether. Nevertheless, it's an option for Sepharadim and all Poskim when nothing else works. It would require Kinyanin as outlined in the discussion about factories and Chametz, except here, depending on how many kelim we're talking about, more Kinyanim are usable:

1. Hagbaah – lifting the kelim. Put them all in a box and hand them to your neighbor as an absolute gift, have him hold them over his head, and then borrow them back indefinitely.
2. Meshichah – dragging. If the kelim are too big to lift, dragging also works if it's into his personal property, a shared property, or a simta (not for now), but not a Reshut HaRabbim or your property.
3. Odita – “admit” in front of two witnesses that these kelim belong to him. Use a shetar.
4. Social distancing may not make this all possible, so the Goy could appoint a Jew as his Shaliach/worker (poel) to accept the kelim on his behalf and even use kinyanim that only work for Jews, as Rav Tzvi Ben Yaakov.

Rav Belsky and Rav Asher Weiss recommend selling the Non-Jew a share of the kelim and not the whole thing, as this obviates the Taz and Pri Chadash's concerns and also works for things that are way too expensive to give away, such as massive industrial kelim.

Major organizations like the Israeli Chief Rabbinate and RCA organized sale of kelim before Pesach. The Rabbanut said just have Kavanna to reacquire whenever you're ready to take them to the Mikveh, and the RCA has periodic buyback opportunities.

Hefker

One could put the kelim outside of his home, declare them Hefker in front of three people, and then bring them back inside with intention to *not* acquire them. Again, when he's ready to take them to the mikveh, one should intend to acquire them and then immerse them. Rav Schachter wrote that one could even tell them over Zoom during the pandemic. Rav Asher Weiss states emphatically that kinyanim is a very problematic enterprise with 200 years of Poskim trying to figure out how to do mechirat chametz. Better to just do hefker!

Some also say one who is about to purchase a keli could have intention to “not acquire” the keli when taking it, but that is also difficult.

Eating at a Venue Where Kelim Were Not Taken to the Mikveh

The issue of what to do when eating somewhere where the kelim may not have been taken to the mikveh is especially important when one visits people who may not be sufficiently observant. What is one to do if he's faced with this situation? We already discussed the issue of restaurants taking their Kelim to the Mikveh.

Well, Chacham Einav BeRosho, if he can plan ahead, he should do his best to encourage them to take their kelim to the mikveh with darchei noam or ask for plastic utensils and plates. If that doesn't work, find a way to sell to a Goy. If that fails, and he must be present and eat at this venue, here is the information to consider when discussing a plan with one's rabbi.

With respect to private homes, we've mentioned how the Yeshuot Yaakov's view that the Mitzvah of Tevilah is Min HaTorah but the Mitzvah to not use the kelim prior to Tevilah is at most MiDeRabbanan as a means of encouraging one to take the Kelim to the Mikveh. As such, when one is in someone else's restaurant, he can't take the kelim to the Mikveh, because they won't let him take their utensils out of the restaurant to the mikveh and come back! Many Poskim, such as Rav Shlomo Zalman Auerbach and Rav Ovadia Yosef subscribe to this view, but Rav Moshe Feinstein does not. Even among those who subscribe to it, they don't all extend it to a private home. Rav Ovadia for sure does not, but Rav Avigdor

Nebenzal reports that his father and the Chazon Ish were willing to be lenient (some claim the Chazon Ish said otherwise). Rav Gideon Ben Moshe notes how even Rav Ovadia who is lenient on the restaurants in print would be machmir in practice and require them to immerse their kelim, so all the more so here one should try his best to get them to take their kelim to the mikveh and only sell if there's no other option.

Rav Moshe argues that even in a restaurant, one may not be lenient, except if the food is a solid and doesn't really need the serving dish to hold it together – i.e. that wouldn't be considered usage – then Rav Moshe would permit taking it off the serving dish and putting it on one's plastic plate. For a food that does need the serving dish, such as liquid soup, Rav Moshe would not be lenient. Rav Shlomo Zalman argues that nobody is talking about emptying a serving dish. That is certainly ok.

Chacham Ben Tzion Abba Shaul is quoted as saying that if all else fails one can use the utensils if not doing so would cause embarrassment or hatred. If doesn't know for certain that they *didn't* take the kelim to the mikveh, then he can be lenient in any event.

Disposable Kelim

Food Packaging

We all know that when we buy metal or glass kelim used for food that we have to take them to the mikveh, but have we given enough thought to the fact that we might actually be doing this enough? We all use glass bottles of coke, pepsi, wine, snapple, and coffee; metal cans of precut vegetables and beans, and the list goes on. Have we ever thought that it could be a problem to drink out of that bottle before taking it to the mikveh? Maybe we're supposed to empty it out first and take it to the mikveh before drinking from it!

There are four prevalent Shitot among the Poskim:

1. Rav Moshe Feinstein: It only becomes a Keli when you open it, so it never had a shem goy. Also, the packaging is like the shell of the food and batel to it, so it's permissible to reuse the keli after emptying, as well. Rav Ben Tzion Abba Shaul subscribes to the first reason.
2. Rav Shlomo Zalman Auerbach: No, if you plan on keeping it after it's entirely emptied, it will require Tevilah, but emptying it in the meantime is called passive usage (Maharil Diskin's chiddush) and permissible. Rav Ovadia essentially agrees with this approach.
3. Rav Chaim Ozer Grodzinsky (She'erit Yosef 3:47 pg. 280 (Rav Shlomo Wahrman beshem his Rebbe Rav Leizer Silver)), Seridei Esh, and Mishneh Halachot: You don't have Kavanna to acquire the packaging, just the food.
4. Rav Hershel Schachter: Assur. One must empty out the bottle and take it to the mikveh prior to any usage.

Aluminum Pans

As we discussed very early on, Acharonim debate the nature of the obligation to immerse aluminum Kelim in the Mikveh. Some say it's like any of the six example metals listed in the Torah, and Rav Moshe Feinstein suggests that it's Pattur on the Torah level and only obligated on the Rabbinic one, like glass. So, seemingly, everybody should agree that aluminum pans require Tevilah: they're made of metal and used to cook food! In fact, that's exactly how Rav Schachter holds! Rebbetzin Schachter takes all the aluminum pans she buys to the mikveh before using them.

Rav Moshe Feinstein on the other hand says it might not even be a keli for Tevilah to be required! Based on a Rambam in Hilchot Kelim, he says if it's something that won't last a long time even though it'll be used a few times, it's not a keli or mekabel tuma. So, here, too, if you can only use it a few times al yidei hadachak, no need. Only if it's possible to last numerous uses does it need tevilah.

Big misconceptions arose from people's misunderstanding this Teshuvah.

Rav Schachter argues back that even if it'll eventually break, just because we throw them away right away doesn't mean everybody does. In poorer homes or countries, or just stam, people reuse them over and over and over again. Sof kol adam lamut, but that shouldn't be mevatel torat keli.

Rav Ben Tzion Abba Shaul reportedly held that even if you want to make it last, it's pattur, since it's disposable. Rav Warhman reports the same sevara of not acquiring the keli to apply here, as well.

Chacham Ovadia disagrees, which lead the Badatz Beit Yosef to ask Rav Ovadia Yosef Toledano to figure out how to mass produce aluminum kelim that don't need tevilah for their restaurants, as they have to follow all of Rav Ovadia's rulings. Rav Toledano penned two Teshuvot on the topic, which Rav Ovadia accepted, but Rav Asher Weiss did not. As such, pans imported by Taaman in Israel do not require Tevilah, as described by the Badatz Beit Yosef on it. Pans that only have a Badatz Eidah Charedit are made in Eretz Yisrael unless it says "תוצרת חו"ל" under the hasghacha, says Rav Oshri Azoulay.



ברוך ה' לעולם אמן ואמן