

TEVILAS KEILIM REVISITED: QUESTIONS AND ANSWERS

by Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

Last week's column concerning tevilas keilim generated much discussion and requests for clarification. The following is a summary of questions and answers:

QUESTION:

Do utensils which are manufactured by a Jewish company but sold in a store owned by non-Jews require tevilah?

DISCUSSION:

Yes, they must be immersed.(1) While most poskim hold that a blessing is recited,(2) some hold that no blessing is recited in this case.(3)

QUESTION:

Is it permitted to eat food that was inadvertently cooked in a pot which was not immersed?

DISCUSSION:

Yes. Non-immersed utensils are not treif utensils and the food cooked in them does not become non-kosher.(4) Even if one knew that the pot was not immersed and cooked food in it anyway, the food may still be eaten.(5)

QUESTION:

Do utensils manufactured by a company owned by non-observant Jews require tevilah?

DISCUSSION:

No (6)

QUESTION:

Do utensils which were manufactured by a Jewish-owned company whose workers are not Jewish, or vice-versa, require tevilah?

DISCUSSION:

Most poskim maintain that the determining factor is the owner of the factory or company which manufactures the utensil - who the workers are is irrelevant.(7) The following rules apply:

If the manufacturing company is -

- a. owned by a Jew, no tevilah is required even if the workers are non-Jewish.(8)*
- b. owned by a non-Jew, tevilah is required even if the workers are Jewish.(9)*
- c. co-owned by a Jew and a non-Jew, tevilah is required.(10)*
- d. a public corporation (or a government agency¹¹) which is controlled by non-Jews, tevilah is required. If the corporation is controlled by Jews, tevilah is not required.(12)*

Important note: As stated before, if the utensil was bought from a non-Jewish store, it still requires tevilah even if it was manufactured by a Jewish-owned company. For example, utensils that were made in Israel are only exempt from tevilah if they are bought in a store owned or controlled by Jews.

QUESTION:

What should be done if - after research - one cannot determine if the utensil was manufactured by Jews or non-Jews?

DISCUSSION:

If the item was manufactured anywhere in the world except Israel, the utensil should be immersed and the blessing recited, as the vast majority of manufacturers world-wide are non-Jewish.(13) If the item was manufactured in Israel and the item was bought in a Jewish store, no tevilah is required at all. If one cannot determine where the item was manufactured, tevilah should be performed without reciting the blessing.

QUESTION:

Does a sticker left on a utensil invalidate the tevilah?

DISCUSSION:

In most cases, when the sticker should have been removed or will be removed at a later date, the sticker is considered a chatzitzah which invalidates the tevilah and the immersion must be repeated. In the atypical case where the sticker is supposed to remain on the utensil, then the sticker does not

need to be removed before tevilah and is not considered a chatzitzah.(14)

QUESTION:

If a utensil inadvertently falls into the mikveh, is the immersion valid or must it be repeated l'shem mitzvas tevilah?

DISCUSSION:

The immersion, although inadvertent, is valid and does not need to be repeated. Tevilas keilim does not need to be performed l'shem mitzvah.(15)

QUESTION:

May a boy under the age of thirteen or a girl under the age of twelve be given the task of performing tevilas keilim?

DISCUSSION:

Technically speaking, yes. As mentioned earlier, even utensils which fell into the mikveh inadvertently are considered immersed; surely then, if they were immersed by a child the tevilah is valid. But practically speaking, if an adult did not supervise the tevilah, we have no assurance that the utensil was immersed properly. Merely relying on the child's say-so, even a child who is generally responsible and trustworthy, is not always halachically sufficient, especially in cases where the obligation of tevilah is Min ha-Torah. The following rules apply:

- 1. Utensils made of gold, silver, copper, iron, tin and lead, which require tevilah min ha-Torah, may not be immersed by a minor(16) unless an adult supervises the tevilah.(17) If an adult failed to supervise the tevilah, then it must be repeated by an adult. The blessing, however, should not be repeated.(18)*
- 2. Utensils which must be immersed mi-derabanan, such as those made of aluminum,(19) glass(20) (including, pyrex, duralex and corelle), glazed earthenware, lead-coated earthenware, china, corningware or porcelain enamel,(21) l'chatchilah should also be immersed by an adult.(22) But if an adult is not available, they may be given to a responsible and trustworthy minor for tevilah.(23) The minor then recites the blessing over the tevilah.(24)*

QUESTION:

May tevilas keilim be performed by a non-Jew?

DISCUSSION:

Since tevilas keilim does not need to be performed l'shem mitzvah, it is permissible for a non-Jew to

perform the tevilah as long as a Jew is standing by and supervising that it is being done properly.(25) It is permitted even l'chatchilah for a Jew to recite the blessing and immerse the first utensil and then have a non-Jew immerse the rest of the utensils.(26) If a non-Jew claims that he immersed utensils but there was no proper supervision, the tevilah must be repeated. Whether or not a blessing should be recited over this tevilah will depend on several factors. A rav should be consulted.(27)

QUESTION:

If a utensil was mistakenly used several times without immersion, does it still need tevilah?

DISCUSSION:

Yes. The obligation of tevilah remains no matter how many times a utensil was previously used, even if years elapsed from the time it was purchased. Thus a newly-observant family must immerse all of their old dishes. If the dishes also need to be koshered, then the koshering is done first, followed by the tevilah.(28) But, b'dieved, if the tevilah was done first, the immersion does not need to be repeated after the koshering.(29)

FOOTNOTES:

1 Based on Y.D. 120:11.

2 See Darkei Teshuvah Y.D. 120:81 and Tevilas Keilim 3:2. See also oral ruling by Harav M. Feinstein (quoted in Oholei Yeshurun, pg. 41).

3 Igros Moshe Y.D. 3:21.

4 Rama Y.D. 120:16.

5 Igros Moshe Y.D. 2:41.

6 Chasam Sofer (quoted in Tzitz Eliezer 8:19); Doveiv Meishorim 1:85; Igros Moshe O.C. 3:4.

7 Aruch ha-Shulchan Y.D. 120:58; Darkei Teshuvah 120:81; Igros Moshe O.C. 3:4.

8 A minority view dissents and requires tevilah without a blessing; see Kitzur Shulchan Aruch 37:6.

9 A minority view dissents and permits - under extenuating circumstances - using utensils made of glass without tevilah in this case; see Pischei Teshuvah Y.D. 120:12.

10 Based on Shach Y.D. 120:26 See Beir ha-Gra 28. A minority view dissents and maintains that no blessing is recited over this tevilah; see Shoel u'Meishiv, kama, 2:73.

11 Igros Moshe Y.D. 2:39.

12 Harav M. Feinstein (oral ruling, quoted in Oholei Yeshurun, pg. 41). See also Tevilas Keilim, pg. 64, quoting Harav S.Z. Auerbach.

- 13 Chazon Ish Y.D. 37:15; Igros Moshe O.C. 3:4; Yabia Omer Y.D 6:12. A minority view holds that the blessing should not be recited; see Darkei Teshuvah Y.D. 120:81, quoting Teshuras Shai.
- 14 Tevilas Keilim, pg. 122, quoting Harav Y.Y. Weiss and Harav S. Wosner.
- 15 Shach Y.D. 120:28; Chochmas Adam 73:22.
- 16 Some poskim hold that merely being over bar or bas mitzvah age is insufficient - to perform tevilas keilim one must display signs of puberty; see Pischei Teshuvah Y.D. 120:14.
- 17 Rama, Y.D. 120:14. If an adult is supervising, then even l'chatchilah a minor may immerse the utensils and recite the blessing; Levush Y.D. 120:14.
- 18 Based on the view of Beur ha-Gra Y.D. 127:32 that a minor can be trusted when it is beyado lesaken. See also Chochmas Adam 72:16.
- 19 Igros Moshe Y.D. 3:22.
- 20 Mishnah Berurah 509:30
- 21 Binas Adam 73:65. See also Pri Megadim, Mishbetzos, O.C. 451:31
- 22 Since Pri Megadim, Mishbetzos 451:6, quoted by Pischei Teshuvah Y.D. 120:14 remains doubtful if a minor can be trusted in cases of ischazek isura.
- 23 Rav Akiva Eiger Y.D. 120:14; Chachmas Adam 73:21. See also Mishnah Berurah 437:17 and Sha'ar ha-Tziyun 19 who rules that minors may be trusted in mi-derabanan cases of ischazek isura.
- 24 Darkei Teshuvah Y.D. 120:105.
- 25 Y.D. 120:15.
- 26 Taz Y.D. 120:
- 27 Under certain conditions, we may, to some extent, accept a "trustworthy" non-Jew's word; e.g. mesiyach lefi tumo; see Chochmas Adam 72:17.
- 28 Y.D. 121:2.
- 29 Dagul Mirevavah Y.D. 121:2; Aruch ha-Shulchan Y.D. 121:9.

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