**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Contemporary Halakha**

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***Hakhsharat Kelim***

**Shiur #06: Introduction to *Hakhsharat Kelim***

**Introduction to *Hakhsharat Kelim*:**

This *shiur* begins our "mini-series" on *hakhsharat kelim*. In the upcoming weeks, we will study the foundations, principles, and practical *halakhot* of *hakhsharat kelim*. We will discuss the manner in which one purges various materials and utensils of non-kosher “*ta'am*,” i.e., the “taste” a pot absorbs from the food it cooks, while noting the differences between cleansing a vessel from meat or dairy contact and cleansing a vessel from a non-kosher or *chametz* status. For lack of a better English word, we will use the verb "kasher" or "kashering" to refer to these processes.

The Torah teaches that vessels used for cooking the meat of a *korban* *chatat* must be either destroyed or purged of the *korban*'s taste:

An earthen vessel in which it was boiled shall be broken; if it was boiled in a copper vessel, [the vessel] shall be scoured (*morak*)and rinsed (*shutaf*) with water. (*Vayikra* 6:21)

Rashi (ibid.) explains that this is because any “taste” of the *korban* that remains in the vessel after a day will be considered *notar*, “leftover” sacrificial meat, which is prohibited. He also notes that the same rules apply to utensils used for other *korbanot* as well.

The process applied to a copper vessel, known as *merika u-shetifa*, involves using hot water (*merika*) and cold water (*shetifa*). A vessel made of clay (*keli cheres*) cannot be completely cleansed of the taste it absorbs, so it must be broken.

While this verse refers to reusing vessels that were previously used for *kodashim* (sacrifices), the Torah elsewhere relates to vessels that non-Jews had used for non-kosher food. Elazar Ha-Kohen commands the army, as they return from conquering Midian:

This is the decree of the Torah, which God has commanded to Moshe: Only the gold and the silver, the copper, the tin, and the lead – everything that [can] come into fire, you shall pass [it] through fire and it will be pure, but it must [also] be purified by the water within which a *nida* may immerse. And everything which does not come into fire, you shall pass [it] through water (*Bamidbar* 31:21-23).

In other words, utensils taken as spoils from Midian must undergo two processes – *hakhshara* ("everything that [can] come into fire, you shall pass [it] through fire") and *tevila* ("it must [also] be purified by the water within which a *nida* may immerse") – before they may be used.[[1]](#footnote-1) This series will focus on the first process: *hakhsharat kelim*.

**Reason for *Hakhsharat Kelim***

Why does the Torah demand that vessels undergo this process before we use them for kosher food? We will offer two understandings.

On the one hand, we may suggest that these vessels, which previously absorbed non-kosher "taste," may secrete that taste the next time they are used. Therefore, the vessels must undergo the kashering process in order to remove any previously absorbed taste and ensure that food prepared in these pots will be kosher.

This understanding is based upon the halakhic principle of *ta'am ke-ikkar*, i.e., the taste (of the prohibited food) is akin to the (prohibited) substance. This principle teaches that when the taste of a prohibited substance spreads to a permitted substance, if the prohibited taste can be discerned or if it is not nullified by a 1/60 ratio, the entire mixture is prohibited. For example, if a piece of non-kosher meat is cooked in a tomato soup, even if the meat is removed, its taste remains and prohibits the soup. In our case, this would mean the Torah prohibits using a vessel that was used for cooking non-kosher food, lest the next time the pot is used, to cook permitted food, the non-kosher taste is released by the pot and spread to the food. The process of *hakhsharat kelim* purges the vessel of non-kosher taste, thereby allowing its use for kosher food.

The *Tannaim* and *Rishonim* debate whether, in general, the *ta'am* (taste) of a prohibited food that one may detect without the presence of the substance itself (*ta'am* *ke-ikkar*) is prohibited from the Torah (*mi-de'Oraita*) or the Rabbis (*mi-de’Rabbanan*). Those who maintain that this principle (*ta'am ke-ikkar*) is of biblical origin cite the above verse as a source (see *Pesachim* 46b). If that is the case, then the process of *hakhsharat kelim* is clearly an attempt to extract or destroy the prohibited taste absorbed in the utensils. The Torah commanded the Jewish people to subject the utensils taken from Midian to two distinct processes: *hakhshara*, which extracts or destroys the prohibited substance, and *tevila*, which ritually purifies the utensil.

A number of *Rishonim* raise this possibility. For example, R. Shmuel ben Barukh of Bamberg (cited in *Maharach Ohr* *Zaru'a* 64) and the Ra'avan (Responsa, end of Raavan) both explain that this verse teaches the manner in which the vessels may be permitted despite having absorbed the non-kosher taste. Interestingly, the *Issur Ve-Heter* *Ha-Arukh* (59:104) explains that a blessing is not recited over *hakhsharat kelim* as "it is no different from removing the *gid* [*ha-nasheh*] and forbidden fat (*cheilev*), which does not require a blessing." In other words, *haksharat kelim*, like *nikur* (i.e., removing certain forbidden veins and fats) simply removes the presence of a non-kosher entity; it is not itself a mitzva act.

This explanation, however, assumes that the principle of *ta'am ke-ikkar* is *mi-de'Oraita*. However, a number of *Rishonim*[[2]](#footnote-2) maintain that *ta'am* is only significant on a *de-Rabbanan* level. In this case, we must ask why the Torah demanded that the vessels taken from Midian be koshered. What is the value in extracting or destroying that which is, from the Torah’s perspective, halakhically insignificant?

R. Aharon ben Yosef Ha-Levi (Spain, 1235-1290), known as the Ra'ah, cites his teacher, the Ramban, who also grappled with this issue (*Bedek Ha-Bayit*, *bayit* 4, *sha'ar* 1). The Ramban explains that although in general, taste alone does not prohibit a mixture, the Torah prohibited using vessels that absorbed non-kosher taste. Furthermore, due to this prohibition, food cooked in these vessels is forbidden. He describes this as a *ma'ala she-asu be-kelim*, a unique stringency, similar to the purification requirement of *tevilat kelim*, immersing the vessels acquired from a non-Jew in a *mikveh*.

The Ramban suggests two understandings of this "*ma'ala*": First, he suggests that before performing *tevilat kelim*, vessels must be purged of any taste they absorbed while in the non-Jew's possession. In other words, *hakhsharat kelim* is only a preparation for the more significant and transformative mitzva of *tevilat kelim*. He then suggests that this "*ma'ala*" does not only prohibit using these utensils taken from non-Jews; it also applies to all vessels in which a Jewish person cooked non-kosher food.[[3]](#footnote-3) He emphasizes, however, that in any case, "the obligation of *hagala* (i.e., kashering a vessel through immersion in boiling water) is not due to the [non-kosher taste].”[[4]](#footnote-4)

Apparently, according to this approach, the Torah requires that utensils taken from Midian undergo two *similar* processes: *hakhshara* and *tevila*; both processes are meant to purify and elevate the vessel. The act of *hakhshara* extracts and destroys that which is absorbed in the walls of the utensil, despite its halakhic insignificance, severing the utensil from its past associations. Afterward, one immerses the utensil in a *mikveh*, sanctifying it and permitting its future use.

**Differences Between these Two Understandings of *Hakhsharat Kelim***

This question, whether we view *hakhsharat kelim* as a process of extracting or destroying prohibited food or as a ritual similar to *tevilat kelim* – part of a process of spiritual purification of the utensil – may help us explain a number of halakhic disputes.

For example, the *Rishonim* debate whether *hakhsharat kelim* should be included in the list of the 613 *mitzvot*. Most *Rishonim*, who do not count this *halakha*, most likely view the process of kashering utensils as similar to removing bugs from vegetables, which is clearly no more than a means of avoiding consumption of prohibited substances, and therefore would not count it as an additional, independent mitzva. The Semak (198), however, counts *hakhsharat kelim* as a *mitzvat aseh*. It would seem that according to his view, one must view *hakhsharat kelim* as more than the mere removal of *issur*.

Similarly, unlike *tevilat kelim*, no blessing is recited *on hakhsharat kelim*. Some (e.g., *Issur Ve-Heter Ha-Arukh* 58:104, cited above) suggest that since one is merely preventing the consumption of a prohibited substance, there is no need for a *berakha*. This is clearly the simplest understanding. However, others offer alternative explanations; for instance, the *Orchot Chaim* (*Chametz U-matza* 95) suggests that a *berakha* is not required since one can just as easily use new utensils. The *Orchot* *Chaim* implies that theoretically, *hakhsharat kelim* does warrant a *berakha* (as it is not just a means of purging the utensil from prohibited substances), but a blessing is not said due to a technical reason.

I would like to raise one final question: The *Rishonim* debate whether a utensil that is generally used for cooking but is occasionally used over a fire requires *hagala* or the more severe form of kashering known as *libun* (i.e., kashering a vessel through fire). In other words, is the manner of *hakhshara* determined by *rov tashmisho* (the manner in which the vessel is generally used) or *mi'ut tashmisho* (a manner in which the vessel is occasionally used). Seemingly, the position which maintains that *mi’ut tashmisho* determines the manner of kashering is more plausible, as if one assumes that taste absorbed over the fire can only be destroyed through *libun*, then how could one possibly kasher the utensil through *hagala*, a weaker form of kashering?

This question led the Rama Mi-Pano to suggest that these *Rishonim* are clearly only referring to a utensil that is *eino ben yomo* (i.e., that has not been used within 24 hours), as a *ben yomo* utensil must certainly undergo the more stringent method of kashering. One might suggest that while the *hakhshara* of a *ben yomo* vessel extracts or destroys the absorbed prohibited taste, the *hakhshara* of an *eino ben yomo* utensil is intended merely as a demonstrative act, a *matir*, to permit the use of a utensil that was only prohibited in the first place by the Rabbis.

Alternatively, we might suggest that these *Rishonim* maintain that *mi'ut* *tashmisho* determines the manner of kashering even for a *ben yomo* vessel. However, since a vessel is only kashered due to a *ma'ala* which the Torah imposed, one can fulfill this "*ma'ala*" through even a weaker manner of kashering, determined by the general use of the vessel.

We will discuss this debate and its practical ramifications in greater depth in a future *shiur*. Next week, we will discuss the materials that may and may not be kashered.

1. The Rambam (*Hilkhot Ma'akhalot Asurot* 17:5) explains: "According to the Oral Tradition, we learned that the verse is speaking only about purifying [the utensils] from gentile cooking, not from ritual impurity." [↑](#footnote-ref-1)
2. Rashi (*Chullin* 98b, *s.v. le-ta'am ke-ikkar*), Rambam (*Ma’akhalot Asurot* 15:2, according to the *Kesef* *Mishneh*), Ramban (*Chullin* 98b), and others. [↑](#footnote-ref-2)
3. See also Me'iri, *Pesachim* 44b. [↑](#footnote-ref-3)
4. Interestingly, the Rambam (*Ma'akhalot Asurot* 17:1) writes that "a clay pot in which one cooked non-kosher meat (*neveila*) … one should not cook kosher meat in it on the same day, and if he cooked in it… the food is prohibited." Although the Rambam does not indicate if the food is prohibited *mi-de'Oraita* or *mi*-*de’Rabbanan*, the *Peri Megadim* (*Siftei Da'at, Yoreh De'a* 93, 3) explains that the food is only prohibited mi-*de’Rabbanan*. See also *Avnei Nezer*, *Yoreh De'a* 106. [↑](#footnote-ref-4)