



Tovelling Your Dishes via Zoom

A vessel made by or bought from a non-Jew needs immersion in a kosher *mikveh*.¹ What can one do today, during the lockdown, when the *keilim mikvehs* are closed?

In practice, the Biur Halacha (323:17) and many Acharonim rule that it is a rabbinic prohibition to use a vessel without immersing it first.

What if one cannot immerse a vessel?

Rav Shlomo Zalman Auerbach zt"l rules that when it is impossible to immerse a vessel, it is exempt from immersion.² This is understood on the basis that immersion is a *mitzvah*, in which case the inability to perform the *mitzvah* exempts one from it. But if we say that immersion is the act that permits the use of the vessel, one cannot use it until it has been immersed, so even if there is no way it can be immersed, it is still forbidden to use the vessel.

Our current reality is one in which we are unable to immerse our dishes and so there is definitely a case for using Rav Auerbach's ruling together with one of the following solutions:

1. The Gemara (Avodah Zara 75b) learns that one only needs to immerse a vessel belonging to a Jew and not one on loan from a non-Jew. What's the logic here? After all, a vessel on loan is a non-Jew's vessel being used by a Jew! The Yerushalmi (end of 77) says that the aim of immersion is equivalent to the conversion of the vessel. Just as a human convert needs immersion, so a vessel that passes from the 'impurity' of a non-Jew to the sanctity of a Jew needs immersion. Therefore,

when the vessel is only lent to the Jew, there is no transition from impure to pure and so immersion is unnecessary.

Hence, in our reality, we can suggest giving the vessel to a non-Jew as a gift and then using it on loan. Once the *mikvehs* are re-opened, one should immerse the vessel without a blessing or ask the non-Jew to 'give it back' so that it is now his and immerse it with a blessing.³

2. When a Jew buys the vessel, he should intend not to own it until after immersion, and so since the vessel is not his, it does not need immersion.⁴ But one should not do this *lechatchila*, since once one takes the vessel and uses it, it looks as though it is his.
3. In Minchat Shlomo (2:16), Rav Auerbach writes that in a time of need, when there is no possibility of immersion, one can make the vessel *hefker* (ownerless). When taking it after that, a person should not intend to make it his own. This solution works because one is not the owner of the vessel and so it does not currently need immersion. However, for the same reason as solution 2, this is not a recommended *lechatchila* option.

Can one make a vessel *hefker* via Zoom?

How does one make a vessel *hefker*? Ideally, in front of three people, one of whom can theoretically own the vessel, and two witnesses (Nedarim 45a). There are differing opinions as to whether actual testimony is needed or that the need for three people is simply to publicize the declaration.

Therefore, if it is only for publicizing, one can make a vessel *hefker* via the phone or Zoom, for he is making it known in exactly the same way he would as if three people were physically with him. But if we need qualified witnesses, are voices over the phone or Zoom considered accepted testimony?

There are various discussions in halachic literature regarding the validity of voices in testimony, and in monetary cases voice identification is generally acceptable. Yet one could argue that phone testimony is not sufficient because it is open to deception, hence Zoom could be a solution because it involves seeing the person and not only hearing.

In practice then, one should preferably make the vessel *hefker* in front of three people. If that is not possible, since the use of non-immersed vessels is rabbinical, it is possible to make the vessel *hefker* via Zoom (with three people witnessing the act). Here too though, having one person next to him when doing this is preferable. Once it is allowed to immerse vessels in a *mikveh* again, he can then reclaim ownership and immerse the vessel with a *beracha*.

4 Shulchan Aruch Yoreh Deah, 120.

5 Ma'adanei Aretz, Shvi'it 16, se'if katan 10, and Minchat Shlomo 2:66.)

6 Shemirat Shabbat KeChilchata 12, note 89.

7 Minchat Shlomo 2:66.

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Pesach and Yom HaAtzmaut

The Declaration of Israel's independence on the 5th of Iyar, 1948 moved Jews all over the world and gave validity to the revolution that had been gradually taking place for years beforehand: the Jewish people returning to its Land and making it bloom again, after thousands of years of exile.

The connection between people and Land was not new of course. The roots of this relationship were already planted at the time of Avraham, who followed G-d's command "to the Land that I will show you." When he got there, G-d promised him *כי את כל הארץ אשר אתה רואה לך אתננה ולזרעך עד עולם* – For all the land that you see, I will give it to you and to your descendants forever (Bereishit 13:15).

The possibility of *Am Yisrael* returning to *Eretz Yisrael*, after so many years of distance and dispersion, rests upon this solid foundation of G-d's promise to our forefathers, and upon Israeli history built around this connection to the Land. Thus, *Am Yisrael* upheld this bond to the Land throughout the years of exile, in the faith that the day would come when they would be able to return and settle the Promised Land anew.

That said, the inception of the Jewish people's independence took place at Pesach time, and it is no coincidence that Yom HaAtzmaut is so close to Pesach, and even always falls on the same day of the week as the seventh day of Pesach, which testifies to the intrinsic connection between the two.

The first Yom HaAtzmaut was when we left Egypt, and particularly on the seventh day when the sea split and *Am Yisrael* were finally liberated

from the Egyptians. That was the day the Israelites ceased being slaves to Pharaoh and to Egypt, became free and became a people. Granted, they still did not have a land and a country, but they were on the way, as G-d had promised Moshe at the very outset of the voyage: "I will descend to rescue it [the people] from the hand of Egypt and to bring it up from that land to a good and expansive Land, a Land flowing with milk and honey..." (Shemot 3:8).

Nevertheless, the generation that left Egypt did not reach the Promised Land, but the process was completed by the next generation. Entry into *Eretz Yisrael*, under the leadership of Yehoshua, brought *Am Yisrael* to a more complete position, of an independent people dwelling in its own Land.

It is interesting to note that this too, the entry into the Land, was also in Nissan (Yehoshua 4:19). And immediately upon entry, the people perform *Brit Mila* and celebrate Pesach (Ibid. 5:3-10).

It appears to me that *Am Yisrael's* entry into *Eretz Yisrael* in Nissan expresses the fact that this act represented the completion of the process that began with the Exodus, continued with the giving of the Torah on *Har Sinai*, and ended with the entry into the Promised Land. A process of transformation – from a group of individual slaves into a people, blessed with spiritual freedom and national independence.

(Not only was the entry in Nissan, but on the 10th of Nissan, the very date the Jews in Egypt took the Egyptian's lambs for their *Korban Pesach*, thus

expressing their freedom from their oppressors – their ability to do what G-d commanded them to do against the will and beliefs of the Egyptians.)

So, in describing the *Brit Mila* in Yehoshua, the verses make clear that this circumcision completes the process of the Exodus: "And G-d said to Yehoshua, today I have rolled away the disgrace of Egypt from upon you..." (Ibid. 5:9).

Therefore, there are three elements to *Am Yisrael's* freedom and independence: the connection between *Am Yisrael* and G-d (expressed through *Brit Mila*), the connection between *Am Yisrael* and *Eretz Yisrael* (expressed by the entry into the Land), and Israel's national freedom (expressed by Pesach). These three are inextricably intertwined. *Am Yisrael's* national freedom at the time of the Exodus would have had no significance in itself. The aim was to "serve G-d on this mountain," (Shemot 3:12) and "to raise it up from this land to the good Land," (Ibid. 8).

Now, during the spring, we celebrate these three holidays – Pesach, Yom HaAtzmaut and Shavuot, which represent the three solid pillars supporting our existence – the People, the Land and the Torah.

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