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Kashering Utensils

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1.

KASHERING THE MIDIANITE UTENSILS

Our *parshah*¹ includes the commandment given to the Jewish people regarding the laws of purging² the Midianite utensils.³ Ramban asks:⁴ Why did Hashem command the Jewish people regarding purging utensils from gentiles only after the war against Midian, and not sooner, after the war against Sichon and Og? The Jewish people also captured spoils from the battles against Sichon and Og⁵ (and surely, they captured utensils also). Ramban answers:

The land of Sichon and Og was part of the Jewish people's inheritance. Therefore, all booty taken from these nations was permitted to the Jewish people, including foods usually forbidden..., and our Rabbis said, "Even pig napes were permitted for them."⁶ However, the land of Midian was not part of the Jewish people's inheritance. The Jewish people conquered the land of Midian only in order to take revenge on its inhabitants. Therefore, the Midianite utensils were deemed prohibited {and therefore, needed to be *kashered* before use}.

Some commentators⁷ ask:

Our *parshah* includes the commandment to the Jewish people not only regarding the laws of **purging** the utensils of gentiles but also regarding the laws governing the **immersion** of gentile utensils {in a *mikvah*}, as Rashi mentions, and as Ramban himself discusses at length. Why were they not commanded regarding these laws of immersion earlier, during the war against Sichon and Og? We cannot answer this question the same way we answered the question about the law of purging, i.e., that during the war with Sichon and Og even "pig napes were permitted for them." Because the reason behind the immersion of utensils is not to rid them of the **forbidden** food absorbed in a

¹ *Bamidbar* 31:21 ff.

² {In the original, "*hagalah*"; that is, *kashering* a vessel by expunging it of forbidden substances it absorbed by immersing it in boiling water.}

³ {These utensils were captured from the Midianites in our *parshah*. Any utensil used for preparing non-kosher food must be *kashered* before being used by a Jew. The *kashering* process involves removing any food that was absorbed inside the walls of the utensil. This is done using heat — either boiling water or fire.}

⁴ *Bamidbar* 31:23, ad loc.

⁵ *Devarim* 2:35.

⁶ *Chullin* 17a.

⁷ *Chasam Sofer*, ad loc; et al.

utensil, since even new utensils purchased from gentiles require immersion.⁸ (Rather, the reason is (as the *Yerushalmi*⁹ says) because the utensil leaves the state of impurity of a gentile and enters into the state of holiness of a Jew.)

Although Ramban immediately writes beforehand, “And I further take into consideration to say that this immersion **is a rabbinic law**, and they quoted the verse only as a **Scriptural support**,” we still we need to clarify: (a) Ramban concludes, “this matter requires further investigation.” Meaning, he is in doubt whether this law may be biblical. (b) Even if the verse is merely, “**Scriptural support**,” we can ask the following question: Why does Torah place (the words containing) the scriptural support in the context of the war with Midian and not in the context of the war with Sichon and Og? (c) In any event, why does Ramban offer no insight into this matter?

2.

WHY DOESN'T RAMBAN ASK THIS QUESTION

Perhaps, we can answer:¹⁰

As is known, not all the mitzvos were given to the Jewish people immediately at *Matan Torah*. Some mitzvos were given later, even as late as the fortieth year of their sojourn in the desert. For example, the laws of inheritance¹¹ were only introduced later as a result of the incident regarding the daughters of Tzelafchad (as well as other mitzvos).

Thus, the question, why they were not commanded about the laws of immersing utensils earlier (after the wars with Sichon and Og), carries no weight. This is because the whole matter was only introduced after the war with

⁸ *Avodah Zara* 75b; *Mishneh Torah*, “*Hilchos Maachalos Assuros*,” ch. 17, par. 3; *Tur*, and *Shulchan Aruch*, “*Yoreh Deah*,” sec. 120, par. 1.

⁹ *Avodah Zara* ch. 5, *mishnah* 15.

¹⁰ See *Kli Chemda* on *Devarim* 6:10, sec. 2.

¹¹ *Bamidbar* 27:6, ff.

Midian. This is like what the Gemara says:¹² “When the Torah was given, new laws were innovated.”¹³

Nonetheless, Ramban asks this question about the purging of gentile utensils because we must say that this law governing absorbed prohibited food, i.e., a utensil that absorbs (non-*kosher*) food becomes forbidden — applied even beforehand, before the war with Midian:

In an earlier *parshah* (*Tzav*),¹⁴ it says, “An earthenware utensil in which it was cooked must be broken; but if it was in a copper utensil, it should be scoured and rinsed in water.” Rashi explains, “*Must be broken* — because the absorption that is absorbed in it became *nosar*”;¹⁵ “*It should be scoured and rinsed* — to expel its absorptions....” Thus, the concept of absorbed forbidden food already existed. This being the case, Ramban asks why were the laws of purging utensils of gentiles only conveyed during the war with Midian, and not at an earlier time when the Jewish people obtained utensils that needed purging — during the war with Sichon and Og?

But this explanation is not altogether smooth:

Since Ramban discusses **both** issues — purging and immersing utensils — he should have mentioned, at least briefly, this difference between them (as a result of which he **only** asks his question regarding purging and not regarding immersion).

Similarly, and even more, the answers offered by other commentators, why the Jewish people were not instructed regarding immersing utensils during the war with Sichon and Og, demand clarification. Besides the specific difficulties regarding each of the answers offered (and this is not the place to

¹² *Shabbos* 135a, ff.

¹³ {Meaning, here, too, a new commandment was introduced that hadn't existed until then.}

¹⁴ *Vayikra* 6:21.

¹⁵ {*Nosar* is meat of a sacrifice that has been left uneaten beyond the time within which the Torah prescribed for it to be consumed. It is forbidden to eat *nosar* nor to derive any benefit from it (see *Pesachim* 24a). The juices absorbed by an earthenware utensil will perforce become *nosar* because they will not be eaten within the allotted time. Since they cannot be expunged from earthenware, the utensil must be broken.}

discuss them), the bigger question is: Why does **Ramban** not address this question?

3.

CHEESE ON SHAVUOS

We will clarify this issue by first discussing two surprising points regarding the law of immersing utensils:

a) As known, the *Noda BeYehuda*¹⁶ and the *Chasam Sofer*¹⁷ write that when a Jew sells his *chametz* to a gentile before Pesach, he should not sell his *chametz* utensils because if he does, then he will need to immerse them when he buys them back from the gentile after Pesach.

However, in the Alter Rebbe's template for the sale-contract,¹⁸ it says: "And also *chametz* utensils that have discernible *chametz* on them." Meaning, we also sell the utensils to the gentile. But nowhere does the Alter Rebbe mention that after Pesach, we must immerse the utensils. And practically, our Rabbis¹⁹ never did so.

The *Shaar HaKolel* answers: The Alter Rebbe says, "(*chametz* utensils) **that have visible *chametz* on them,**" and the law is that "all utensils that a person does not wish to *kasher* for Pesach... he must scrub them thoroughly... and wash them lightly so that no *chametz* will be discernible on them."²⁰ Thus, it turns out that "the utensils that a person uses for meals are not sold at all" (for they are free of discernible *chametz*), and only "utensils used for meals" {that were purchased from a gentile} require immersion.²¹

¹⁶ *Responsa, Shivas Tziyon*, ch. 11.

¹⁷ *Responsa, Chasam Sofer, "Orach Chaim,"* ch. 109.

¹⁸ Included in the *Hilchos Mechiras Chometz*, at the end of *Hilchos Pesach*.

¹⁹ {In the original, "מעשה רב."}

²⁰ Alter Rebbe's *Shulchan Aruch, "Orach Chaim,"* sec. 451, par. 1.

²¹ *Avodah Zara* 75b; *Mishneh Torah, "Hilchos Maachalos Assuros,"* sec. 17, par. 3; *Tur*, and *Shulchan Aruch, "Yoreh Deah,"* sec. 120, par 1.

But this answer is difficult to understand: The law that “he must scrub them” applies to **all** utensils. Now, since the utensils which need to be scrubbed (according to the opinion of the *Shaar HaKolel*) are not part of the sale, what utensils (mentioned in the sale contract) are in fact sold with the *chametz*?

Therefore, we must conclude that in the sale-contract we include utensils that, for whatever reason, were not scrubbed.

If that is the case, the original question returns:

We must presume that even though utensils used for meals (that have discernible *chametz* on them) are included in the sale, yet the *Alter Rebbe* says that they do **not** need immersion.

b) One reason²² given for the custom to eat dairy foods on (the first day of) Shavuos is to remember that the Jewish people ate dairy foods on the day of *Matan Torah*: Since the Jewish people were instructed, at *Matan Torah*, about the mitzvah of slaughtering animals, along with the majority of the mitzvos, all their meat and meat utensils became forbidden to them immediately. This is because before *Matan Torah*, their meat had not required ritual slaughter. Thus, after *Matan Torah*, they could not eat any meat food or dish. [Additionally, they could not slaughter animals and *kasher* their utensils on the day of *Matan Torah*, because “according to all opinions the Torah was given on **Shabbos**.”]²³ Thus, they had to eat dairy foods only.

But we can ask:

How did they eat dairy foods and dishes? It is highly unlikely that they ate only milk and butter but no cooked dairy foods. Furthermore, if this were the case, this limitation should have been alluded to by some detail in our present day customs. In any event, they would have needed to first purge their dairy utensils since, before *Matan Torah*, they had not been careful to avoid cooking meat in them (or admixtures of milk and meat)!

²² *Geulas Yisroel* (Lemberg, 1864).

²³ *Shabbos* 86b.

This question, however, poses no difficulty. Presumably, when the Jewish people fled Egypt knowing that “when you take the people out of Egypt, you will serve Hashem at this mountain,”²⁴ they were careful to observe (mitzvos — including) the mitzvos associated with milk and meat. Thus, they had special utensils for dairy foods that did not become forbidden by their use with meat (or by their use with meat and milk together).

[Additionally, certain utensils (because of how they are manufactured) are fit only to be used with dairy foods.]

Still, we still need to clarify: True, they did not need to **purge** their utensils, since their utensils would have absorbed no forbidden food. But at the time of *Matan Torah*, the Jewish people transitioned into (in the lexicon of the Jerusalem Talmud, mentioned above) the holy status of the Jewish nation. For this reason, they should have been required to immerse their utensils, since previously their utensils had not fallen under the holy status of the Jewish nation. Thus, the original question returns: How did they use their dairy utensils without immersing them beforehand?

4.

MIKVAH DOESN'T KASHER?!

As discussed on numerous occasions, wondrous *halachic* matters²⁵ can be learnt from Rashi's commentary on Torah. True, Rashi aims to explain ***pshat***,²⁶ so we cannot rule in *halachic* matters from the *halachic* inferences made from Rashi's commentary according to ***pshat***. Nevertheless, sometimes Rashi quotes ideas (that are not his own original views) saying, “**Our Rabbis** expounded” (and so forth). Saying this implies that although the exposition is relevant to ***pshat*** (and therefore, Rashi cites it in his commentary), it is also legitimate

²⁴ *Shemos* 3:12.

²⁵ *Shnei Luchos HaBris*, in his commentary on tractate *Shavuos* (181a).

²⁶ {The simple meaning of Scripture.}

according to the method of study of “**our Rabbis expounded,**” meaning in terms of *halachah*.

The same holds true here. Rashi’s comments in our *parshah* provide the key to clarifying all the above issues.

When Rashi brings up the topic of immersing utensils (commenting on the words,²⁷ “But it must be purified with waters of sprinkling”), he says:

According to its plain meaning, this sprinkling is performed to purify it from impurity from contact with a corpse. Elazar said to the people: “The utensils need to be purged **to purify them** of that which is forbidden and sprinkling to purify them of impurity.” And our Rabbis expounded from here that also **to render them fit**²⁸ **from prohibition**, the Torah made immersion a requirement....

From these comments, it is understood that (Rashi’s opinion is that) immersing utensils is connected to a **prohibition** (“to remove them from the state of **prohibition**”).

This, though, is difficult to understand:

The law requires even **new utensils** to be immersed, even though they have not absorbed forbidden food. As the Gemara explains:²⁹ “Old utensils that one heated until white-hot are similar to new utensils. Nevertheless, they require immersion.” Furthermore, **Rashi** himself explains the words at the end of the verse, “*And everything that does not come into fire, you shall pass through water* — Anything which is not used for cooking by fire... **and thus has not absorbed forbidden food**, ‘you shall pass through water,’ he immerses it, and that is sufficient.” Now, if these utensils did **not** absorb any forbidden food, why would we say that they need to be immersed “to render them fit **from prohibition?**”

²⁷ {*Bamidbar* 31:23.}

²⁸ {In the original, Rashi uses a form of the word *kosher*.}

²⁹ *Avodah Zarah* 75b.

5.

FIT

We will clarify the above by first noticing a nuance in Rashi's wording. Rashi writes that purging accomplishes the following: "to purify them from that which is forbidden." (Similarly, sprinkling — according to *pshat* — accomplishes: "**to purify them** from impurity.") In contrast, regarding immersion, Rashi writes, "**to render them fit** from prohibition." We can posit that with this **change** in wording in one paragraph between purging ("to purify them") and immersion ("to render them fit"), Rashi seeks to explain the difference between purging and immersing.

Purity is only relevant to an item that becomes impure or forbidden. Therefore, purging — which removes the forbidden matter that was absorbed in the utensil — is called "to **purify** them from prohibition."

"*Lehachshiran* {to render them fit}" is a similar expression to the word, "prepare," (e.g., "*hechsher* mitzvah"). The utensil becomes prepared and fit to be used. Meaning, immersion does not act to remove forbidden **matter** in the utensil. This was already done through purging; or sometimes, there was never forbidden matter in the utensil in the first place. Rather, immersion serves to make the utensil fit to be used (by a Jew), usage that **precludes** it from even the **possibility** of prohibition: While a utensil is under a gentile's ownership, even if he practically did **not** use it for forbidden foods, there was still the **possibility** that this could happen. Therefore, when the utensil then enters the ownership of a Jew, who will use it in a manner where it has no possibility of being used with a forbidden food, the utensil needs immersion, "**to render them fit** from prohibition."

[A similar instance: The verse commands regarding the women of Midian, "And every woman who knows a man... kill."³⁰ This means (not only women who actually had relations with a man. But, as Rashi explains,) even those who were "**fit** to have relations even though she did **not** have relations."]

³⁰ *Bamidbar* 31:17.

Therefore, new utensils (or utensils that were only used for cold substances) also require immersion, even though they did not absorb any forbidden matter. For merely by being in the possession of a gentile, they were “fit” for prohibition.

6.

ANSWERS

Based on all the above, we can answer our three questions: (a) Why does Ramban only ask his question on purging of utensils from gentiles, and not regarding **immersing** utensils? (b) Why do we not need to immerse the utensils that we sell to the gentile as part of the *chametz*? (c) How did the Jewish people, immediately after *Matan Torah*, use their (dairy) dishes without immersing them?

- a) Ramban offers his comments on Rashi’s remarks. He quotes Rashi’s commentary (on the verse, “And everything that does not come into fire”) and he analyzes the wording. **Rashi** maintains that immersing serves to “render them fit **from prohibition.**”

Thus, Ramban does not need to ask regarding immersion. For the same answer that we used regarding purging — that during the war with Sichon and Og, “pig napes were permitted for them” — would apply to immersion. Since during the war with Sichon and Og there was no concept of prohibition (for “pig napes were permitted for them”), automatically, there was no room for the possibility of prohibition either. (Immersion serves to combat this — “To render them fit **from prohibition.**”)

- b) Selling *chametz*: We sell our *chametz* and our *chametz* utensils to a gentile, and we even hand over the keys to the rooms where these articles are stored.³¹ However, we sell them in a manner whereby we know, from the outset, that immediately after Pesach, these items will return to possession of the {original} Jewish owner. It is highly uncommon for a

³¹ Alter Rebbe’s *Shulchan Aruch*, “*Orach Chaim*,” sec. 448, par. 13.

gentile to use the *chametz* and *chametz* utensils that he bought. [This is true to the extent that some authorities³² maintain that the entire procedure of selling *chametz* is a “scheme” of sorts, but regarding *chametz*, this suffices.]

Since the sale occurs in a manner whereby the gentile does not have the **possibility** of using the utensils, therefore, they do not need immersion, **“To render them fit from prohibition.”** [When the gentile **did**, in fact, use the utensils, they would then need not only immersion but also **purging.**]

- c) Dairy foods on Shavuot: As mentioned, even before *Matan Torah*, the Jewish people were careful about observing the laws of meat and milk. Thus, their dairy utensils surely hadn’t absorbed anything forbidden. Moreover, there was no **possibility** for this to occur. Therefore, they did not need to immerse their (dairy) dishes. In other words, there was no need “to render them fit from prohibition.”

— Based on a talk delivered on *Shabbos parshas Naso* 5736 (1976)

³² See *Sdei Chemed*, “*Maareches Chametz Umatzah*,” sec. 9, par. 15.