



HEMDAT YAMIM

חֶמְדָּה יָמִימִים

Parashat Hashavua

Tazria, 5 Nissan 5784

Harav Shaul Israeli zt"l
Founder and President

On Body, Spirit, and the Connection between Them

Harav Yosef Carmel

The end of *Parashat Shemini* views the matter of what we put into our mouths, which is a real question from a physical perspective, as a spiritual matter as well. Rav Yisrael taught us that what we put into our mouths affects what comes out of them. Proper food helps us sanctify ourselves. The Torah presents issues that come up in *Parshiyot Tazria & Metzora*, dealing with different maladies and secretions of the body, as spiritual issues as well. *Tazria* starts with *brit mila*, which turns the most physical organ in the body into the key to making a person spiritually holy.

The physical connection between a husband and wife needs sanctification and to be part of a real connection. This is the closest thing to the connection between *Am Yisrael* and Hashem, which is why the *gemara* (Sota 17a) says that if a couple succeeds in their relationship, the Divine Presence is between them.

The wounds and lesions that comprise *tzara'at* (roughly, leprosy) in a person's body, which would seem to indicate a physiological problem, have an important spiritual connection. They are related to the question the person can be asked: "What came out of your mouth – *divrei Torah* or *lashon hara*?"

In the last few years, effort has been focused on producing cultured meat, at a price that people can afford. Now that it seems practical, we will have to see how it will affect the Jewish kitchen. In our tenth volume of *Bemareh Habazak* (which came out a few weeks ago), we wrote about halachic elements of this technology; let us review the spiritual background as well.

Only after the Flood, did it become permitted to take the life of a living being and eat it, as previously only "vegetable" foods were permitted to mankind (see Bereishit 1:29). Hashem permitted Noach and his descendants to eat meat (without blood) (ibid. 9:3). At that time, there was a need to reinforce that murder of fellow humans would remain strictly forbidden (ibid. 6). At that time, it also became forbidden to be cruel to animals and eat a limb when the animal was still alive (see Sanhedrin 57a, based on Bereishit 9:4). The development of "meat handling" raised moral questions, mainly in regard to cruelty to animals (see Bava Metzia 32a). These issues follow us, as Jews and as human beings.

The matter of *bal tashchit*, not causing unnecessary damage to the world around us, which Hashem so wonderfully granted us, also relates to the opportunity to make food that is effectively meat, but does not negatively impact the ecology.

Success in producing cultured meat, which might be *pareve* even on the level of Rabbinic law, will be revolutionary for the Jewish kitchen and the difficulty of separating between meat and milk. This will require us to widen halachic discussion on the status of this "meat," and we will also look with interest to see what becomes accepted, not only rabbinically but also in the grass roots. We pray that cultured meat will be incorporated into an improving world. This can provide a boost, which we hope will encompass the relationships between man and his fellow man and man and the world around him.

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Eretz Hemdah
Dennis: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruria St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626.
amutah number 580120780

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Ask the Rabbi

by Rav Daniel Mann

Eating *Matza* for Health Reasons in Nisan

Question: I now eat *matza* throughout the year as a replacement for bread as a big part of reducing salt intake, on doctor's orders. My family *minhag* I have always kept is to suspend eating *matza* from Rosh Chodesh Nisan. May I continue to eat *matza* until *erev Pesach*?

Answer: The Yerushalmi (Pesachim 10:1) forbids eating *matza* on *Erev Pesach*, comparing it to having relations with one's fiancée before their wedding. One explanation is that when eating *matza* is about to be a *mitzva*, one should wait to eat it as a *mitzva* as opposed to personal desire (see Levush, OC 471:2; Igrot Moshe, Orach Chayim I:155). The Rambam (Chametz U'matza 6:12) says that it is to make the *mitzva* of *matza* recognizable. There is a *machloket* among *Rishonim* whether this restriction is only at the time of day when it is already forbidden to eat *chametz* (Rosh, Pesachim 3:7) or is all day (Ramban, Pesachim 15b of Rif's pages, accepted by the Rama, Orach Chayim 471:2). *Poskim* disagree regarding the night before (see opinions in Dirshu 471:7). (This is important when *Erev Pesach* is on Shabbat – see Living the Halachic Process IV, D-15). Before this time, no one forbids eating *matza* on standard halachic grounds.

The expansion to well before Pesach comes at the time of early *Acharonim*. The Sheyarei Kneset Hagedola (471, HBY 3, quoted as an option by several *Acharonim*) cites a *minhag* in Constantinople to refrain from eating *matza* from Rosh Chodesh Nisan. Rav Moshe Feinstein (Igrot Moshe *ibid.*) explains the logic as follows. Once one is already supposed to be thinking about Pesach, there is logic to avoid eating *matza* before it is a *mitzva*. The earliest time is 30 days before Pesach (see Pesachim 6a), which is too early to expect of most people, but it is positive if righteous people accept it upon themselves from Rosh Chodesh or even 30 days.

The Sheyarei Kneset Hagedola seems to understand the rationale differently. He connects the *minhag* to a *minhag* the Rama (*ibid.*) brings to eat a minimum amount of *matza* on the first day of Pesach in *chutz la'aretz* to help go into the second *Seder* with an appetite for more *matza*. This stresses the “experiential” rather than the *matza's* halachic status.

Even on *Erev Pesach*, a few leniencies might apply to your case. It is agreed that it is only for the type of *matza* one can use for the *Seder*, which excludes at least *matza ashira* (egg matzas) (Shulchan Aruch, OC 471:2). It is a good question whether it applies to *matzot* whose physical qualities are like *matzot* for Pesach but were not prepared with the *halachot* of *matzot* for Pesach. The Rivash (Shut 402), stressing the halachic side, forbids to eat such *matza* on *Erev Pesach* because of the opinions that permit them for the *Seder* if proper *matzot* are not available. The experiential approach helps us understand the lenient opinion regarding the “extension time” that those who always eat hand-*matzot* at the *Seder* may eat machine *matzot* before, because they taste different (Piskei Teshuvot 471:4 based on unnamed *poskim*).

Based on regular halachic rules, there is no need to be *machmir* on an optional extension of a Rabbinic *halacha* in the face of important health considerations. (Even if you can find dietary alternatives, few people are good at effectively changing a system that is working.) The problem is that you have been refraining even from *matza* that is not for Pesach. While a family *minhag* is weaker than the *minhag* of a place (Pitchei Teshuva, Yoreh Deah 214:5), since you have been following it as an adult (*ibid.*) and especially if it has been in your family for generations (see Kol Nidrei 75:8), it should be binding on you.

You might draw on the Divrei Yatziv's (OC 188) logic – it should be permitted to eat *matza* due to sickness, because it is not giving in to desires. Even if we will not rely on that logic, we usually assume an originally optional family *minhag* does not apply when a special strong need exists to not follow it (see Chayei Adam II:127:6). However, it is best to also do *hatarat nedarim* on the *minhag* (see Kol Nidrei 76:3).

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@eretzhemdah.org to sign up (free) or for more information on joining the group.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.



Igrot HaRe'aya - Letters of Rav Kook

Update to a Brother– #208 – part I

Date and Place: 19 Tamuz 5669, Rechovot

Recipient: Rav Dov Ber Hakohen Kook, Rav Kook's brother. He would later be the first rabbi of Afula and start the Harry Fischel Institute, but at this point he was still in Eastern Europe.

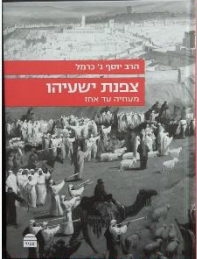
Body: [The letter begins with Rav Kook's request of forgiveness for not writing as much as he wanted to. Rav Kook blamed it on, in addition to being busy, a lack of order, which could have allowed him to find the time for such a worthwhile activity as writing to his brother.]

I am writing this letter in Rechovot, where my family and I came yesterday, as is our custom during the harvest time of grapes. How can I describe it to you, dear brother, the grandeur of the Desired Land? It is increasingly being revealed in its beauty and glory in every place that the New Yishuv is flourishing and progressing. It is because Hashem's Hand is outstretched toward His nation, to open the opening of hope and beams of light of salvation in the land of His lot, His place of grandeur and strength.

Who will remove the waves of dirt from on top of the sealed hearts, of those who are sleeping in the lands of the soil of the decrepit exile? They should break away from it, with all its spells, together with its insults and murders, and come to the Land of Life, to be chosen, one at a time, to be built up in the Land of Life, to fulfill the word of Hashem in the hope of generation after generation.

We are thankful to Hashem to have found changes for the good in the *moshava* of Rechovot, compared to last year. They have started having a machine bring the water into the *moshava*, like in the big cities of Europe. The water is clear and tasty. It goes up even to upper floors and even are used for the row of eucalyptus trees, which adorn the streets of the *moshava* on both sides. Blessed is Hashem who returns the boundary of the widow (*Eretz Yisrael*). What can I tell you about the air, how pure and pleasant it is; it is truly the life of souls! The sea breeze passes through the Sharon region, through the orange orchards and the many almond groves and desirable grapevines. And then it rolls along to the Judean Mountains, which adorn us whenever we look in their direction. Whenever we stand in the place that Hashem blessed, there are beams of pleasant light, which show us the tidings of salvation and consolation for those who mourn for Zion and Jerusalem and gives strength to the nation. This breeze – who can evaluate its delightfulness, which lifts us to the high places of the pride of Hashem!

... I have begun to publish a compendium on the Laws of Shemitta, called "Shabbat Ha'aretz." It models the Shulchan Aruch, but it is written around the Rambam and contains many annotations. I hope to send you every edition when I receive its proofs. I wanted to broaden it with a long and clear commentary, but my preoccupations have not allowed it. I hope to adorn it with a preface and addendums as possible.



**Tzofnat Yeshayahu-
Rabbi Yosef Carmel**

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Veto Power of Special Stockholders – part II

(based on ruling 82120 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: Reuven owns a company (both =*pl*) that holds the majority of special shares in the defendant company (=def) and sits on def's board of directors (=bod). The body of special shares holders (=A-1) has veto power over major changes at def, as detailed in def's charter. Def owns 100% of a subsidiary (=sbsd), which has signed a huge contract with a government agency to provide infrastructure for an area. Pl opposes the deal and wants it paused (leaving time to get the job done if applicable) at least until it can be determined if sbsd can finance the project without def providing the banks with collateral. If sbsd cannot manage without def, then pl can veto the deal through A-1. Def claims that breaking the contract with the government would be damaging both directly (500,000 NIS deposit) and indirectly (possible fines, loss of reputation, etc.), so that there is insufficient justification to freeze the project.

Ruling: [We saw last time that pl and A-1 do not have a direct right to veto sbsd's decisions.]

It is not possible at this point for *beit din* to decide if sbsd can succeed without def providing collateral, which makes the request for a pause and inquiry one with some merit. The majority of *dayanim* point out that the officers of a company are obligated to protect the company's financial welfare, and being forced into giving collateral is likely a dangerous step. On the other hand, it is possible that the risk/reward formula makes it worthwhile. If sbsd goes forward with the plans, it is very possible that def will enter a situation from which it cannot extricate itself cleanly. There are possible damages from freezing the process, but they are moderate considering the amount of time sbsd has to fulfill its contractual obligations to other parties. The minority opinion reasons that by requiring def's bod to make sbsd pause the project, A-1 are in effect stymieing sbsd, over whom they were not given veto power in any case where the danger to def is minimal.

Pl claims that A-1 needs to positively agree to changes in def, whereas def says that their right is only to demand a meeting of bod and there to veto a proposed move. There are different indications from different parts of def's charter. Par. 19 speaks about A-1 in the context of describing how votes are handled in the company, which implies that there is a need to have a positive vote of approval. However, it seems that there are stronger indications that A-1 does not need to vote in favor, but only has the ability to veto. First, A-1's veto power is mentioned in par. 16 of the charter, in the context of an assemblage of the stockholders. The implication is that only through such an assemblage, which A-1 is able to force, they can exercise their veto power.

Furthermore, the agreement can be understood retroactively with the help of what has been practiced until this point. In this case, several decisions that A-1 could have vetoed were taken without A-1 giving its agreement. This indicates that it was understood that A-1 does not have to give explicit approval but can only protest.

We will conclude next time with a look if pl effectively waived his ability to protest.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

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