



HEMDAT YAMIM

Parashat Hashavua

Metzora, 8 Nissan 5782

The Historical Root of *Lashon Hara*

Harav Shaul Yisraeli – from Siach Shaul, p. 326-328 (1944)

Harav Shaul Israeli zt"l
Founder and President

“This is the ‘Torah’ of the leper” (Vayikra 14:2). The *midrash* (Vayikra Rabba 16:6) identifies the leper as one who speaks *lashon hara* and derives from the *pasuk* that one who speaks *lashon hara* is like one who violates the entire *Chumash*.

If the beginning of the Torah is focused on *gemilut chasadim* and its end is likewise based on *gemilut chasadim* (Sota 14a), then the antithesis of the Torah is *lashon hara*. The first sin came about through the *lashon hara* of the serpent, who spoke against Hashem. That is the source of the defilement of the world.

Lashon hara is an expression of evil. An evil eye (*ayin hara*) looks for something or someone who is above it, and upon finding it, poisons the person’s tranquility and does not allow him to enjoy things he could have enjoyed. It whispers the hiss of a snake and steals his Garden of Eden.

When Adam was in the Garden of Eden, he had unlimited indulgences at his beck and call. He had pleasant fragrances, tasty fruit, and lively streams. He was missing nothing. The serpent, representing desire, inserted its venom of impurity and drew attention to the one tree from which Adam could not eat (hinted at by the *pasuk*, “I made him a little less than G-d” – Tehillim 8:6). That which man was missing became the point at which jealousy could set in and not allow him peace. Then the imagination was mobilized, bringing explanations for why the forbidden is permitted. This process ended the Garden of Eden for Adam, as he destroyed his own paradise. This is the damage of *ayin hara* – to look for things that are beyond it and use it to make the pure impure and defile all that is good.

The venom of anti-Semitism also begins with *ayin hara* and *lashon hara*. The *gemara* (Megilla 13b) says that no one knew how to speak *lashon hara* like Haman, who had the *ayin hara*’s warped view of “all of this (riches and unprecedented power) is not worth it for me” (Esther 5:13) if there is a Jew who was not willing to bow down to him. He needed, in such a case, to destroy all that made him feel lacking.

This week, during a trial on anti-Semitism, one of the defendants declared in court: “We are here to defend the freedom we are promised. No one before has allowed opposition to anti-Semitism to curtail the freedom of expression.” They ignore that abuse of freedom of expression is a sign of a decadent spirit that sees evil in that which is different from it. The poison of jealousy first shows expression with speech and then continues with uncontrolled satanic actions without embarrassment.

By accepting the Torah, i.e., the yoke of the Heavenly Kingdom, a good eye was put back into the human genome. This was the antidote to the venom of the serpent (Shabbat 146a). When Rabbi Akiva’s students died because they did not treat each other with respect (Yevamot 62b), they lacked recognition of what a friend is. This is because they lacked recognition of Hashem’s honor. A person does not speak *lashon hara* until he denies Hashem (Devarim Rabba 6:14). Demanding absolute freedom to say what one wants means denying responsibility; freedom must be connected to accepting Torah.

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Ask the Rabbi

by Rav Daniel Mann

Folded Over Matza

Question: I have heard that it is a problem if part of a *matza* is folded over (*matza kefula*). How much of a problem is this, and what do I do about it?

Answer: The *gemara* and early *Rishonim* do not speak explicitly about such a problem. However, the late Ashkenazi *Rishon*, the Terumat Hadeshen (I:127), assumes there is an issue and identified a Talmudic source for it. The *gemara* (Pesachim 39b) says that one may not boil two grains of wheat, one on the other, out of concern that the water will not fully reach both grains and prevent *chimutz* (leavening). He posits that with an oven's dry heat, a fold in the *matza* will also impede the halting of the *chimutz*. The Darchei Moshe (Orach Chayim 461:3) quotes a Maharil who accepts the concern when the two areas fully stick together, as this seriously impedes the hot air. If while rolling the dough, it folds over, additional rolling can undo the problem.

There is ample room to disagree with the Terumat Hadeshen. After all, it is permitted to make a *matza* up to a *tefach* (3-4 inches) thick (Pesachim 37a; see Aruch Hashulchan, OC 461:11). The Beit Yosef (OC 461) treats the Terumat Hadeshen as a novel stringency, and he does not cite the *halacha* in the Shulchan Aruch. The Rama (OC 461:5) does bring it as *halacha*.

Most *Acharonim* view *matza kefula* as a stringency (Chok Yaakov 461:18), unless the *matza* under the fold does not have the color of baked *matza* (Magen Avraham 461:11-12). This leads to certain leniencies. The Chok Yaakov says that if one finds *matza kefula* only after Pesach (when *chametz* is forbidden only Rabbinically), it is permitted. It is also questionable whether one must burn it before Pesach or on *Chol Hamoed* (on *Yom Tov*, it is forbidden to burn or move it; one just covers it – Shulchan Aruch, OC 446:1), although he should remove it (Magen Avraham *ibid.*).

There is a surprising leniency about how much *matza* is considered *chametz* due to the folded part, because there is leniency regarding full *chametz* in a similar case. If bread is baked together with *matza* in an oven, the *matza* remains kosher (Shulchan Aruch, OC 461:5) because non-fatty foods do not transfer enough taste through the air to forbid it (Mishna Berura 461:22). Even if they touch each other, it is enough to remove the area around the place of contact (*k'dei netila* – approximately, an inch). *Poskim* distinguish between if the baking took place on Pesach, when a tiny part of *chametz* forbids large mixtures, and before Pesach, when prohibited foods are “nullified” if there is sixty times more permitted food (Shulchan Aruch, OC 447:1-2). Although in certain cases, *bitul* before Pesach does not last into the more stringent days of Pesach (*chozer v'nei'ur* – *ibid.* 4), it does not apply here. The Rama rules that if the *matza kefula* was baked on Pesach, the entire *matza* is forbidden, whereas if it was baked before Pesach, it is enough to remove the part around the folded part (Mishna Berura 461:32). The Sha'ar Hatziyun (461:57) says that we might accept the opinions that the whole *matza* would be forbidden if the folded part is more than one sixtieth of the *matza*.

There is a similar issue regarding bubbles in a *matza* (Rama *ibid.*), but we generally assume it does not apply in our days since *matzot* are made in reliably very hot ovens with very thin dough. Regarding the folding over, some hold that the grounds for stringency are more distant than in the *Rishonim's* times (see Dirshu 461:82 in the name of Rav C. Kanievsky, in regard to not being required to remove such pieces in our days).

Based on the above, one should not be overly concerned over the prospect of *matza kefula*. However, he should be vigilant with hand-baked *matza* to look for clear signs of folded-over sections. This justifies two practical pre-Pesach considerations. This is perhaps the best reason to prefer machine *matzot* (which almost never have *matza kefula*) over hand *matza* (without getting into other considerations). Also, it is advisable (not required or widely practiced) to inspect hand *matzot* before Pesach (see Dirshu 461:67).

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



Igrot HaRe'aya - Letters of Rav Kook

The Power of the Scholars of Eretz Yisrael – #96 – part III

Date and Place: 5668 (1907-8), Yafo

Recipient: The organization “Beit Va’ad Lachachamim,” dedicated to the advancement of Torah study in Yerushalayim. Rav Kook focused his letter on his envisioned goals and encouragement for such a group.

Body: [We have seen Rav Kook’s encouragement to the group to use the extra power scholarship has in Eretz Yisrael, with the help of the Divine Spirit, and how they should not just copy the style of scholarship from the Diaspora.]

It takes great hardship for Torah scholars and the pious in the Diaspora to try to unite separate areas [of Torah learning]. The difficulty is because the lofty light of united divinity does not shine there. Brothers, we should thank Hashem, the G-d of Israel, who put us in a place of light, where everything is possible and necessary. One who seeks the ultimate good in *Eretz Yisrael* can find everything. One who suffices with the lower paths, which are intended for those who live in the darkness of the Diaspora will not even find the little he sought.

The period involved also makes a big difference. Ours is a time when Hashem desires to show us his good graces. Do not minimize the importance of the recent growth of the population of Hashem’s Nation on the Holy Soil. This is a clear divine sign of the approach of the angel of the covenant (Eliyahu the Prophet). Therefore, we must embrace higher levels of Torah scholarship, so that our actions will [get closer] to those of our forefathers, Avraham, Yitzchak, and Yaakov. This will bring Eliyahu and the time of the resurrection of the dead. In every [relevant spiritual] area, there are myriad levels until one reaches such a high level that it flows into the “world of activity.” May those who lie in earth rise up and sing His praises, literally in the near future, Amen.

Dear friends, I urge you to deal with these matters on a daily basis, so that the spiritual greatness that rests in your souls and desires to be touched by the dew of life and of light from the mountains of sanctity will be actualized. Do not allow even one day when your bright spirits might be dimmed, but increase light with strength and calmness. Even if the beginnings will be a little difficult, do not let it upset you. Embrace the challenge, and quickly you will find that your heart contains light and a spirit of Hashem full of happiness, modesty, and strength. “If you want to see the Divine Spirit in this world, be involved in Torah in *Eretz Yisrael*.”

The holiest land was the most desolate land in the Ramban’s time. Now, thank G-d, a “string of grace” is growing on it. We need to accept it and strengthen it with our efforts. The soul of the Congregation of Israel will soon be awoken in the Desired Land, and we need to take a part in this phenomenon. Most of those devoted to the Torah in *Eretz Yisrael* are downtrodden and need assistance in their physical life, which is connected to their spiritual life. Their spirits must be lifted, while maintaining a significant focus on the “pain” of Hashem, of the entire world, and of the Jewish People, due to the blocking of the divine lights and their difficulty in influencing the world. Only *Eretz Yisrael*’s Torah scholars can properly feel the deep bitterness and look to the salvation of the world, as the holy nation emerges from its difficult period. That bitterness turns into the delight of the upstanding, which allows people to draw close to Hashem, to the love of Torah and fear of Hashem, along with love of the Jewish people and every individual human being. This makes one pleasing in the eyes of people and Hashem.

These principles are well known to your pure hearts. Although you do not need people of my low caliber, I could not hold back from sharing these ideas with ears that listen and hearts that feel like yours do. I would be so happy if you look at some of the few things I have published, even though they do not contain many new ideas. However, they can awaken the heart. Specifically, my essay, “Knowledge of G-d,” is worthwhile to review several times.

We daven for a complete and speedy *refuah* for:

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam

Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

P'ninat Mishpat

Financial Security for a Partner/Worker? – part III

(based on ruling 72092 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) wanted to start a business with the significant funds at her disposal. She enlisted the plaintiff (=pl) a divorcee whom she had dated briefly, to help her. Def first paid pl's consulting firm for his time. Later, pl quit his job to work with/for def. This gave pl greater work flexibility so he could manage child custody, and he received a minority stake in the LLC he opened for her (registered in Delaware). Pl started working for def on Apr. 1, 2012, and they seemed to be in the midst of finalizing an "employment agreement," which had not yet been signed, when def informed pl, on June 10, that she would no longer pursue his proposed course of action and that their "partnership" was over. Pl is suing for: \$20,000 for work before Apr. 1; \$29,110 for salary from Apr. 1-June 10 (based on a \$150,000 yearly salary); \$18,500 for expenses; \$150,000 for severance pay; \$7,900 in worker's benefits. Def responds that she never hired pl; he was a partner in a business venture that never saw profits. The term "employment," which she did not oppose in the proposed contract, was just to convince custody court that def had financial stability. She denies that he worked hard for her and demands the return of \$52,100 she gave him as a loan (until profits would be seen).

Ruling: [We saw last time that pl's compensation package as a worker was not settled.]


When one does work for another without a decision on his wages, he is paid by the low scale of workers (Rama, Choshen Mishpat 332:4; Shach ad loc. 15). However, this is within the realm of the type of job/worker involved. The Pitchei Choshen (Sechirut 8:(11)) says that if the employer knows that this employee is paid within the higher levels of the field, he cannot pay him like the lower levels. This applies here where def had paid handsomely for pl's services as a consultant.

There are complications in determining appropriate compensation here, including: pl was afforded flexibility that was important to him; part of the compensation was pl's chance of profit sharing. Still, though, the draft contract, which we know was considered seriously, serves as the best indicator.

Regarding severance pay, the US does not require it by law, but it is common in the workforce. Here, financial security was a basic tenet of pl's demands. On the other hand, it is unlikely that def would have agreed to a full year of severance for a few months of work, and pl would have likely agreed to that. Therefore, based on compromise that resembles *din*, we award pl two months' severance pay.

Specific monetary decisions- For work before Apr. 1, \$20,000; for work from Apr. 1- June 10 - \$29,110 (prorated according to the contract); expenses - \$18,500 – as claimed by pl and not effectively refuted; severance pay - \$25,000. The subtotal is \$92,610, and we subtract the \$52,181 already paid for an outstanding amount of \$40,429.

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Tzofnat Yeshayahu - Rabbi Yosef Carmel

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