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# PARSHA ENCOUNTERS

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Parshas Shemini ✍️ Rabbi Fishel Zlatopolsky

## Justified Anger

“And about the goat of the sin offering Moshe had inquired, and behold it was burned, and he was angry at Elazar and Ithamar...” (Vaikra 10/16)

The Medrash (Sifri 31/21) says that three times in his lifetime Moshe Rabbeinu became angry and invariably, each of these times he made a mistake. He became angry when heavenly manna was left over, and consequently, he forgot to teach the laws of Shabbos. Moshe also became angry at the officers of the army during the war with Midian causing him to forget the laws of purification of vessels. Finally, in our episode when Moshe became angry at Aharon and his sons for not eating the sin offering, he forgot the halacha that only the offerings necessitated by the inauguration service were supposed to be eaten.

The Ohr Hachaim asks that the Medrash seems to imply that before Moshe Rabbeinu became angry he knew the halacha of not eating this offering. In that case what provoked Moshe's anger on Ahron in first place. The Ohr Hachaim concludes that the cause of his anger must have been different. He suggests that Moshe became angry because Aharon apparently had ruled on the matter of these offerings himself, without consulting his rebbi. Once Moshe became angry, he forgot the halacha regarding the offering and inquired why it was burned.

HaRav Chaim Shmulevitz finds this explanation difficult.

The Ohr Hachaim himself mentions the opinion of the Rosh, that indeed one is not allowed to rule in a matter of halacha in proximity to one's rebbi, even if the ruling is only pertinent to oneself. Why, then, was Moshe punished for this forgetfulness if his anger was truly justified? Rav Chaim answers with a powerful lesson. He says that this was not a punishment rather it was a fact of life. Anger, albeit justified, can not coexist with wisdom. The Gemara (Pesachim 66b) says, “When a person becomes angry, wisdom leaves him.” In all three instances cited by the Medrash, Moshe's anger was fully justified. He became angry only when he felt *kavod Shamaim* was being slighted. Yet each of these times, Moshe Rabbeinu made a mistake. We are being taught here an important lesson. In truth, none of us want to become angry. When we are angry we do and say things that we would never have done or said otherwise. As Orchos Tzadikim (beginning of Shaar Hakaas) explains, anger is a disease of the soul. Nobody wants to be sick, so why do we become angry? Usually it is because we feel we really **are right**. We even convince ourselves it is nothing personal, “it's the principle.” Sometimes we take it a step further saying that we are not fighting for ourselves at all. We are fighting against evil. We are fighting for *kavod Shamaim*. **Our anger is justified! Is it?**

# HALACHA ENCOUNTERS

## Non-kosher Business

*Rabbi David Greenberg*

Everybody knows that we can't eat non-kosher food, but were you aware that we may not carry out business transactions with such food? (There are some foods which one is forbidden to have any benefit from such as milk and meat mixtures and Orlah fruit. These products will **not** be the subject of this article.) The Mishna in Shviis (7:3) states, "One may not do business with meat that comes from animals that weren't subject to a proper shechita or meat that comes from non kosher animals". There is a dispute amongst the Rishonim as to where the source for this law is. Many are of the opinion that this is a Torah prohibition based on the possuk regarding eating non-kosher fish, (Vayikrah 11:11) "Vesheketz Yihyu Lachem"- "And they shall remain disgusting for you". The Gemara (Pesachim 23a) deduces from here that initially the forbidden fish shall remain forbidden to do business with. However, if they ended up by you inadvertently, they shall be "for you"- permissible to sell. (This law will be elaborated on later.) As this posuk is referring to food, this law only applies to foodstuffs. Other Rishonim understand this prohibition as being Rabbinic in nature in order to distance ourselves from forbidden foods so that we don't come to eat them. (Rashba, see Shach Y.D. 117:2) Accordingly, doing business with animals whose meat is not meant for consumption like horses or pets is permissible. Similarly, items not meant for human consumption such as pet food or animal fats used for leather preparation, are permitted for sale. (Shach ibid 117:1).

Foods that are only forbidden by rabbinic decree like "bishul Akum" are not included in this prohibition (S.A. 117:1)

### Opening A Fruit Store

There is an argument as to whether one may sell fruits and vegetables which are known to be infested with insects i.e. broccoli, cauliflower. The Pri Megadim (84:18) prohibits the sale of such items. Other poskim maintain that since these fruits may become permitted to eat by checking for and removing the insects inside of them, the prohibition doesn't apply. Additionally, one may say there is no **business** with forbidden food in this case as the sale is being made on the permissible fruit, and the insects are just added for free. One may follow the lenient ruling in this case. (Harav Shmuel Fuerst shlita)

### Partnerships and Investments

A Jew is forbidden to engage a non-Jewish partner to deal with the non-kosher line of food in his business, even though the non-Jew makes all the decisions and even if the non-kosher food never enters the Jew's premises. As long as the Jew has a say in the non-kosher products' sale and shares in the profits, the partnership is prohibited. One may lend money to a non-Jew- even with interest, knowing that the non-Jew plans on establishing a non-kosher business. Similarly, one may invest in a stock of a non-kosher establishment, for as long as one is not a major share owner, his decisions or votes are meaningless and it's not considered his own business transactions. (As heard from Harav Shmuel Fuerst shlita based on IGM E.H. vol 1:7) One may rent a premise to a gentile knowing that he plans on building a non-kosher establishment there.

### Employees

There is a dispute as to whether being a hired employee is included in the abovementioned prohibition. The Chasam Sofer (s. 104-5 ) writes that he

is, as the requirement to distance oneself from non-kosher food still applies. Many other poskim permit one to work in a non-kosher enterprise. Being that the employee makes no profit from the store rather he receives a set wage, his job doesn't fall under the category of engaging in business with non-kosher food. Also, as the food does not belong to the employee, he would not be suspected of stealing and eating some of it. If the employee would be granted rights to eat from the forbidden merchandise, taking that job would be forbidden. One may be lenient like the latter ruling. (Harav Shmuel Fuerst shlita in the name of Harav Hagoan R' Moshe Feinstein zt"l). In certain situations, one may establish a "sale" to a gentile worker to allow himself to be considered an employee. For example, one may purchase a nursing home with gentile patients and allow non-kosher food to be served there by selling the facility to one of the gentile workers on the condition to establish a generous salary for himself. Clauses may be set in the contract for the owner to maintain control of the decision making processes and other pertinent matters related to the business. A competent Rav should be consulted when writing up such a deed.

### Employers

One may not repay something owed using non-kosher food as this would be considered a business transaction. The Rema prohibits an employer from purchasing non-kosher food to feed his workers as this is like paying back an obligation. The Shach (ibid 117:3) and other poskim disagree, as the workers are already in your service and buying them food cannot be considered a business transaction. On the other hand, when one owes money and wishes to use non-kosher food to pay it back, that has the connotation of business. One should try to follow the stricter view and just supply money to the employees allowing them to buy what they want. If that option is impossible, one may be lenient. Normally, one may not send a non-kosher gift to a gentile. The assumption is that there is some hope of future compensation involved and it is rendered a business transaction. In a situation when the gift is just meant to placate an irate ruler or a local strongman, one may give a non-kosher gift.

### The Inadvertent Catch

The Mishna in Shviis continues, (7:4) "If a trapper chanced upon non-kosher species, he is permitted to sell them". As explained earlier, the forbidden foods included in this prohibition are permitted to be benefited from, however one is not allowed to intentionally have business dealings with them. Therefore, in every kosher slaughterhouse, any animals found to be "treifa" or not slaughtered properly, may be sold for profit to a gentile. Even if one knows that he will trap non-kosher fish together with the kosher ones, he is permitted to sell them as long as there is no alternative to only catch the kosher ones. Similarly, if a manufacturer will only agree to sell you kosher items if you agree to buy non-kosher ones as well, one would be permitted to buy and resell them. Based on this idea, the Aruch HaShulchan permitted one to open a grocery and sell a small amount of non-kosher food to attract gentile buyers. For as long as the main intent of the owner was to sell the kosher food just there is no alternative other than to sell some non-kosher food too, it is permissible(117:27). However, most poskim differentiate between these cases. When if offered the chance to only catch kosher fish or only buy the kosher food one would happily take it, then even if one must catch or accept the non-kosher items, one may sell them. However, when one would only agree to sell the kosher food **if** he can also sell the non-kosher food, then it is prohibited. (IGM Y.D. 2:38) One should follow the stricter opinion. In cases of necessity one should consult his Rav.

*Rabbi Greenberg learns full-time at the kollel.*