

### **From the State's brief to the Court:**

26.

The ban on bringing chametz food to bases during Passover stems primarily from considerations ensuring that the food is kosher, as detailed above.

At the same time, the prohibition allows maintaining the necessary functionality of the units and the comradely relations and partnership within them, as well as the rights of soldiers seeking to keep the mitzvot of the holiday, also in light of other unique aspects pertaining to the laws of Passover, which result from the halakhic severity of 'not to be seen and not to be found.'

In accordance with this stringency, there is a halachic prohibition on possessing chametz on Passover, even if one does not eat it. This rule leads to the difficulty of permitting the bringing in of chametz unto bases in several aspects.

27.

In accordance with the halakhah on the subject, a soldier's connection to his room of residence on base is considered akin to a person's connection to his home. Therefore, a soldier must check chametz in the room where he resides.

See in this regard the appendix 'Checking for chametz and its blessing in IDF camps', pp. 399-400 in the book 'Torah of [military] camp', responsa on military matters, published by the Military Rabbinate (Part C – 'Holidays', published on March, 2019). There it was summed up that: 'Soldiers and officers in the IDF are required to check their rooms and offices on the eve of the 14<sup>th</sup> of Nissan by candlelight... according to some of the greatest halakhic decisors, one must check with the recitation of a blessing, and, mostly, a blessing should be required in the case of an officer or commander who has the responsibility for and authority over his place of residence, and it is uncommon to have him be transferred from place to place against his will.'

28.

In this context, and against the background of the soldier's affinity to his room of residence, a soldier who wishes to do so will not be able to make sure there is no chametz in his room in a situation where his roommates bring in chametz during the holiday, which may impair his ability to keep the commandments of the holiday. It should be noted that this halakhic obligation does not apply in other places, such as a hospital room or infirmary (See in this regard the book 'Torah of [military] camp', and see Pearls of Halacha for Passover, Rabbi Eliezer Melamed (P. 55) and the references there.)

29.

In addition to the above, there are a number of additional stringencies, which may significantly impede the functioning of the units and the cohesion of the soldiers serving in them, insofar as chametz would be allowed into their bases. Thus, there is an explicit rule, according to which one

should not be in the presence of chametz during the holiday, for fear that they would come to eat from it (Shulchan Aruch, Orach Chaim, 440b). According to this rule, if there is chametz in a room where an observant soldier works, he is required to install a real barrier (at a height of at least 80 cm) between him and the chametz in order to continue staying in the room. In light of the above, it would be difficult for soldiers who keep the commandments of the holiday to stay in areas with soldiers consuming chametz.