



TORAH ACADEMY
of Bergen County

קול תורה

Parashat VaYikra

1 Nisan 5775

March 21, 2015

Vol. 24 No. 25

THE LESSONS of Salt by Rabbi Michael Hoenig

This week, we read the beginning of Sefer VaYikra, which deals primarily with the laws related to the Korbanot. One of the laws associated with these offerings is, "*VeChol Korban Minchatecha BaMelach Timlach*," "You shall salt your every meal offering with salt" (VaYikra 2:13). Chazal explain this commandment to salt Korbanot by quoting the following Midrash (BeReishit Rabbah 5:4): When Hashem split the upper waters from the lower waters during the creation of the world (BeReishit 1:7), the lower waters were upset with their placement and claimed that it was not fair that they were more distant from the heavens. They claimed that their distance from Hashem would not allow them to become holy, because they would be confined to the earth. Hashem consoled the lower waters by promising them that one day, salt, a byproduct of the lower waters, would be elevated by being used in the offerings in the Beit HaMikdash.

Rav Ya'akov Kamenetsky points out that Hashem's consolation to the lower waters does not offer true comfort. The lower waters complained that they should have the possibility of being holy, not that one of their byproducts would possibly become holy. In order to explain why Hashem's consolation truly was comforting, Rav Ya'akov quotes Rashi's description (Ketubot 79b s.v. HaMelach VeHaChol) of how salt is acquired. Rashi explains that salt is formed when a person digs a shallow pond next to a body of saltwater, and the water consequently streams into the pond. When the sun beats down on the pond, the water evaporates, and a residue of salt is now present at the bottom of the pond.

Hashem was in fact offering solace to the lower waters by explaining the importance of its byproduct, salt. Essentially, Hashem was telling the lower waters that even salt, which is the lowest part of the lower waters, is to be sanctified daily on the altar. This demonstrates Hashem's care and love for the lower waters.

The lesson of the lower waters and salt is very powerful and relevant. We live in a very physical and superficial world and are constantly surrounded and harassed by strong urges and temptations. Some might complain that it would be fairer and easier if we lived in a heavenly world without physical temptations. The elevation and sanctification of the lower waters and the salt contained within them counter this approach. Hashem specifically placed us in this physical world with the challenge of elevating our physical and mundane lives. The sanctification of the salt, the particles that were left in the pond, demonstrates the great potential for mankind. Hashem specifically chose the particles that were left in the mud to be elevated constantly on the holy altar. Like the salt, mankind is given the opportunity to uplift and elevate its physical

existence.

In his *Flames of Faith*, Rav Zev Reichman beautifully explains the importance of our physical surrounding. He writes,

If we would live in an exclusively spiritual state, our observance of Mitzvot would not be a display of dedication. Now that we are in a physical realm and blessed with difficult temptations, our observance of Hashem's Mitzvot and avoidance of misdeeds solely because He commanded, shows our love for the King.

Similarly, the Ba'al HaTanya writes that the entire purpose of the creation of man is to make a dwelling place for Hashem in this world. This physical world is the ultimate theater for the revelation of Hashem's glory. The lower waters and salt should give us great Chizuk and help us remember the tremendous amount of Kedushah we could potentially bring into this physical world.

POWER CORRUPTS

by Binyamin Jachter ('17)

Parashat VaYikra is filled with the descriptions of many Korbanot. The Torah details a wide variety of Korbanot, ranging anywhere from thanking Hashem with a Korban Todah to pleading for forgiveness with a Korban Chatat. Although the Korban Chatat seems to have a concrete purpose, there is also an abstract idea that can be associated with it.

The Chatat was brought to atone for unintentional sins. Additionally, there is a specific category of the Chatat that comes into effect only when a Nasi, a leader of Bnei Yisrael, accidentally sins. The Torah, in its explanation for this Korban, uses a peculiar Lashon: "*Asher Nasi Yecheta VeAsah Achat MiKol Mitzvot Hashem Eloku Asher Lo TeiAsenah Bishgagah VeAsheim*," "When a ruler commits a sin from amongst all the commandments of Hashem that may not be done—unintentionally—and becomes guilty" (VaYikra 4:22). Interestingly, the Torah chooses not to use the word, "if" a Nasi shall sin, but "when." Rav Goldin, in his *Unlocking the Torah Text*, explains that the Torah does not say "if" because it does not want to give the Nasi a chance to not be accused of sinning at some point. Instead, by saying "when," the Torah is actually making a statement about every Nasi—they will, unconditionally, commit a sin. Rashi (VaYikra 4:22 s.v. Asher Nasi Yecheta) adds that when the Pasuk states "*Asher Nasi Yecheta*," "When the Nasi sins," it really means "*Ashrei Nasi Yecheta*," "it is fortunate when the Nasi sins." Rashi is highlighting that this Pasuk is teaching us that it is a good thing for the Nasi to bring the Korban, as it shows that he admits to his wrongdoings and is willing to repent. The Nasi, an individual in a position of power, has a responsibility to set an example for his people. The Torah isn't necessarily concerned with the sin of the Nasi, rather, it is trying to lay down ground rules for the requirement for the Nasi to be a positive role model for the Bnei Yisrael. Ultimately, someone from the Bnei Yisrael will sin. However, with the proper guidance from the Nasi, he will be inspired to repent. This is the point of Rashi teaching

This week's issue is sponsored by Marcy and Stephen Glicksman and family in loving memory of Aryeh Leib Ben Chaim Zev

the Pasuk as, “*Ashrei Nasi Yecheta*,” it is good when the Nasi has an opportunity to set a positive example for his people. Others, like the Ibn Ezra and Chizkuni disagree with Rashi’s Midrashic approach and answer on more of a Peshat level. They formulate a way to turn “when” into “if.”

Some, like the Seforno (VaYikra 4:22 s.v. Nasi Asher Yecheta), try to take an in-between stance. The Torah is teaching about how powerful people always become overtaken by the power and control vested in them. Really, the word “when” is a warning for anyone in a position of power. The Torah knows he will definitely sin, because he will inevitably become obsessed with his control over others.

By combining these two answers, we can learn a vital lesson. We look at ourselves each day and we think that it would be impossible to commit any Aveirah that day. But as the day goes on, we can forget to recite Berachot on our food, or we might say a bit of Lashon Harah. These unintentional sins are an “if” that become a “when” because of how common place they have become. No one is perfect and the Torah says it straight out—even the Nasi can’t stop himself from doing any sin. However, just like the Nasi, we have to recognize our wrongdoings and ask for forgiveness, and only then will Hashem have mercy. He will forgive all that we “might” or “have” done if we are honest and apologize with full sincerity.

HEARING HASHEM

by Eli England ('18)

At the beginning of this week’s Parashah, before Hashem speaks to Moshe, the Torah states, “*VaYikra El Moshe*,” He calls to Moshe (VaYikra 1:1). Ramban (ad loc. s.v. VaYikra El Moshe VaYedabeir Hashem Eilav) explains that Moshe’s unparalleled humility is confronted by the Mishkan’s unparalleled holiness. Hashem has to call to Moshe because His Shechinah in the Mishkan is so overwhelming that Moshe, in his humility, is too afraid to enter. Moshe must first be reassured that the Mishkan has been built to benefit him and the people.

Rashi (ad loc. s.v. VaYikra El Moshe), on the other hand, explains that Moshe is on a level that Hashem speaks to him in an affectionate way, similar to how He speaks to the Mal’achei HaShareit. Furthermore, Rashi contrasts Hashem’s call to Moshe with that of Bil’am; while Hashem calls out to Moshe, “*VaYikar Hashem El Bil’am*,” “Hashem chances upon Bil’am” (BeMidbar 23:16).

Why would Hashem calling out to Moshe be more representative of His affection than simply appearing to him? We can understand this through a Mashal about a king who is eating dinner when his servants inform him that a beggar is at the door. The king, knowing that the beggar is filthy, comes to the door and greets the beggar so that the beggar will not soil the king’s possessions. Afterwards, the king sits down to eat again. His servants return and report that his good friend is at the door. The king tells his servants to bring in his friend so they can talk. The king lets in his good friend because he wants to be with him inside his house, unlike the beggar whom he does not. Bil’am is the beggar whom Hashem does not want inside his house, while Moshe is the king’s good friend whom the king likes so the king invites him into his own house.

To further understand the difference between Moshe and Bil’am, we must understand Rashi (ad loc. s.v. VaYikra El

Moshe) who states that even though Hashem’s voice can be heard throughout the world, Hashem makes it audible only to Moshe because the people are not supposed to hear Hashem’s voice.

Rav Moshe Feinstein questions why Hashem’s voice must be so loud if no one aside from Moshe is able to hear it anyway. He explains that although the Torah was taught to all of Bnei Yisrael through Moshe, they must know that Hashem’s voice is always loud enough to hear. It isn’t that only Moshe could hear Hashem’s voice; rather, it is only someone who has achieved the special level of Kedushah and connection to Hashem like Moshe who can hear His voice.

Both Moshe and Bil’am saw Hashem in an almost identical way; the difference was their attitude toward their gift. Bil’am took advantage of his gift and used it in an unsatisfactory way. Unbeknownst to many people, Bil’am wanted to be close to Hashem. He wanted to live a righteous lifestyle; the only problem was he could not abandon his immoral one. On the other hand, Moshe used his gift for only one reason: to serve Hashem and bring Bnei Yisrael closer to Him. Moshe Rabbeinu sees that he is the only one who can hear Hashem and he dedicates himself to bringing others to this level. Moshe became as great as he was because of his attitude. Unlike Bil’am, Moshe is totally selfless. Moshe Rabbeinu recognizes that his ability to hear Hashem came through his work ethic, rather than by being chosen by chance. Moshe therefore attempts to pass on this trait to the rest of Bnei Yisrael and for this reason merits the opportunity to interact with Hashem in this fashion.

THE TZEFAT GET OF 5774 – PART THREE

by Rabbi Chaim Jachter

Two weeks ago we began to present the second prong of the Halachic basis for the Tzefat Beit Din in their highly controversial ruling in 5774 permitting a woman whose husband is in a permanent vegetative state to remarry without her husband handing her a Get. We continue this week presenting the second prong of the Tzefat Beit Din’s ruling. We concluded that there are a variety of areas in Halachah which permit acting on behalf of someone without their consent. This week we will present how some Posekim have applied this principle in the context of Gittin.

Shaliach Delivering a Get without a Proper Appointment – Chatam Soseif

The history of applying the concept of Zachin LeAdam Shelo BeFanav to act on behalf of a husband to divorce his wife, begins with a discussion of the process of permitting the remarriage of a man whose wife has become a Shotah (mentally incompetent). The Mishnah (Yevamot 14:1) states that a man cannot divorce his wife if she has become a Shotah. Torah law permits him to remarry an additional wife but the tenth century Cheirem DeRabbeinu Gershon forbids the husband to do so. There is an exception, though, with a process known as a Heteir Mei’ah Rabbanim, a rare rabbinic procedure which permits a husband to marry more than one wife in extraordinary circumstances such as when the wife has become a Shotah. The Rama (Even HaEzer 1:10) and Beit Shmuel (ad. loc. number 23) set forth the accepted procedure of obtaining the consent of one hundred rabbis from at least three different countries for the man to remarry without his first wife receiving a Get. The Beit Shmuel also records measures to protect the wife such as placing the Ketubah payment in escrow and the husband ordering the writing and signing of a Get. After the Get is written, the husband appoints a Shaliach to deliver a Get if and when the wife will recover.

The Mirkevet HaMishneh (Hilchot Geirushin 6:3) cites the sages of Lisa who raise an objection to the validity of the husband's appointment of a Shaliach to deliver a Get. They cite the Gemara (Nazir 12b) which invalidates an appointment of a Shaliach to perform a task that the Meshalei'ach (the one who appoints the Shaliach) is Halachically currently precluded from performing himself (Milta DeLo Matzi Avid Lei Hashta, Lo Mashvi Shaliach). Thus, since the husband cannot deliver a Get to his wife while she is a Shotah, he also cannot appoint a Shaliach to deliver a Get to the wife when she recovers, since the wife is a Shotah at the time of the appointment of the Shaliach.

The Teshuvot Chatam Sofeir (E.H. 1:11 and 2:43) defends the customary process by stating that even though the appointment of the Shaliach was invalid due to his inability to deliver a Get at that time, the individual appointed by the husband as his Shaliach may deliver the Get to the wife through the mechanism of Zachin LeAdam Shelo BeFanav. Thus, the Shaliach confers a benefit to the husband even without his knowledge and consent. The Shaliach in such circumstances undoubtedly benefits the husband because the husband already expressed his desire to deliver a Get. Moreover, since the husband has remarried on the basis of the Heteir Mei'ah Rabbanim, he certainly would want the Get to be delivered so that he does not violate the Chereim DeRabbeinu Gershon.¹

Haifa 1955: Replacement Shaliach Delivering the Get – Rav Herzog, Rav Eliashiv and Rav Waldenburg

In 1955 a crisis emerged in the Haifa Beit Din when the gentleman appointed by husbands worldwide (including from the Soviet Union from where it was exceedingly difficult to obtain a Get) as their Shaliach to deliver a Get to their wives, suddenly and unexpectedly passed away. The question became as to whether the Beit Din could appoint an alternate Shaliach to deliver the Gittin on behalf of the husbands in cases where the husband could not be reached to appoint a replacement Shaliach.

Rav Yitzchak Herzog, the Ashkenazic Chief Rabbi of the State of Israel at that time, addresses this issue at great length (Teshuvot Heichal Yitzchak E.H. 2:51-56) and concludes that the Beit Din may apply the principle of Zachin LeAdam Shelo BeFanav and appoint a substitute Shaliach who will deliver Gittin on behalf of the husbands who could not be contacted again. This ruling was supported by Rav Tzvi Pesach Frank (Teshuvot Har Zvi E.H. 2:155), Dayan Yitzchak Weisz (Teshuvot Minchat Yitzchak 1:48-49), Rav Yosef Shalom Eliashiv (Kovetz Teshuvot 1:176) and Rav Eliezer Waldenburg (Teshuvot Tzitz Eliezer 5:23).²

This ruling represents a greater leap than that of the Chatam Sofeir. The Chatam Sofeir sanctions the man who was appointed by the husband to deliver a Get to act on behalf of the husband despite the technical flaw in the husband's appointment. In the Haifa Gittin, Rav Herzog and his supporters permitted an individual not

appointed by the husband to act on his behalf utilizing the rule of Zachin LeAdam Shelo BeFanav.

Rav Moshe Feinstein – Permitting a Substitute Sofeir to Write the Get

Thus far have only seen the application of the principle of Zachin to sanction a Shaliach acting on behalf of the husband without a proper appointment. An even further leap is required to permit the writing of the Get on a husband's behalf in light of the Mishnah (Gittin 7:2) which requires that the husband appoint the Sofeir to write the Get and witnesses to sign the Get.

Rav Moshe Feinstein (Teshuvot Igrot Moshe 1:117), in an extraordinary ruling, permits a substitute to write a Get and deliver a Get on behalf of a rabbi who was appointed by a husband as his Shaliach to write a Get and deliver a Get to his wife. The husband made his appointment before his banishment to Siberia by Soviet military authorities, but before the rabbi was able to write and deliver the Get, he passed away. The husband could not be contacted after his banishment to appoint a new Sofeir and Shaliach.

Rav Moshe writes:

If we conclude that the Rav Yisrael who was his agent to write the divorce document was able to also have it written by another scribe and also to appoint another agent to deliver it to the woman's possession, then she has a way forward, namely that someone is permitted to become the agent of Rav Yisrael to write the divorce, and two to sign it, and someone the agent of Rav Yisrael to deliver it to her possession. Even though it is impossible to become the agent of the husband, since a Get is not (per se) a benefit for the husband, and even though (here) he has made his intention clear that he wishes not to make her an Agunah, nonetheless it is possible that now he would not wish it (the divorce), because he has the hope of being released soon, or perhaps he has already been released and hopes to find her, and were he to know that she had not yet been divorced, he would not divorce her now, but this relates only to the husband, but with regard to Rav Yisrael the agent, who certainly like all rabbis in the Jewish community wishes the good of Jewish women and knows the greatness of the mitzvah of releasing her from Iggun and the great prohibition of causing Iggun when one has the ability to repair the situation but does not repair it, so certainly it is a benefit for Rav Yisrael, and we (everyone) serve as witnesses (Anan Sahadi) that if he had not been distracted by his illness, and he had thought of it, he would have made anyone within hearing his agent to write the Get and sign the Get and to be a secondary agent in his place to deliver the Get to the wife.

Therefore, anyone can become the agent of Rav Yisrael for this purpose, even though Rav Yisrael has already died, since it is as if we have witnessed (Anan Sahadi) that he made anyone within hearing his agent when he was alive, before he died, and if he had actually said this, it would certainly have been effective, even though the (new) agent would find out (that he had become an agent) after his death, just like the case of an agent who appoints someone else a subagent, who is an agent even if the first agent dies before he finds out, and since Zachin LeAdam Shelo

1 Note, though, that the Aruch HaShulchan (E.H. 1:26) appears to reject the Chatam's Sofeir's approach.

2 Rav Eliashiv and Rav Waldenburg required verification that delivery of the Get remained a Zechut for each of the husbands. Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 1:79), though, argued against this ruling.

It is remarkable how Rav Herzog, despite being the Chief Rabbi and having written a lengthy responsum on the matter, had the humility to consult other great contemporary rabbis, some of whom were much younger than he.

Befanav that is generated by we-are-as-if-witnesses (Anan Sahadi) lets us consider it as if he said this before his death (see Tosafot Ketubot 11a s.v. Matbilin who write likewise regarding Zachin LeAdam Shelo BeFanav if we understand it as a version of agency generally, that since it is a benefit for him we are as if witnesses that he appointed him agent) and this applies here as well to consider it as if Rav Yisrael said this before his death, so that one who wishes now to be his agent is as if he was appointed in his lifetime, just he only found out now that he can be Rav Yisrael's agent.

This stunning ruling of Rav Moshe permitting the writing and delivering of a Get acting as the substitute of a deceased Shaliach and viewing it as if the deceased Shaliach appointed a substitute before his death is a remarkable and unprecedented innovation. Rav Moshe did receive some criticism from Rav Shlomo David Kahane, a great Rav who served as Rav of pre-war Warsaw and the Rav in post-war Jerusalem appointed by the Chief Rabbinate to deal with the Agunot emerging from World War Two. Rav Moshe fully responds to Rav Kahane's questions in Teshuvot Igrot Moshe E.H. 1:118. Rav Kahane, though, ruled that anyone could act on behalf of the husband and write and deliver a Get on his behalf utilizing the mechanism of Zachin.

Rav Kahane's responsum on this case appears in a work entitled Karnot Tzaddik (issued in honor of the ninetieth birthday of the Lubavitcher Rebbe). Rav Kahane cites the precedent of Rav Eliyahu Klatzkin (Teshuvot number 44) who together with Rav Meir Arik wrote and delivered a Get on behalf of a husband who indicated that he wanted to execute a Get for his wife before he went to war. Rav Moshe responds that that case is different since those Rabbanim wrote the Get while the war is in progress and one could assume the husband did not change his mind. However, in the case of the death of Rav Yisrael, the husband was nearing the end of his prison sentence and might no longer wish to divorce his wife.³

Teshuvot Chavatzelet HaSharon—Permitting a the Writing of a Substitute Get

Teshuvot Chavatzelet HaSharon⁴ (3:79) was faced with a situation where a husband appointed a Sofair to write and deliver a Get. After the Get was written and mailed⁵ by the husband's Shaliach to the Beit Din in the wife's locale, the Get was lost in the mail. In conventional circumstances the husband would be approached to once again appoint a Sofair to write a Get, witnesses to sign and an agent to deliver since the previous appointment expired (Asu Shlichutan; Shulchan Aruch E.H. 122). However, the husband was an ardent communist who served in a government position who would never agree to meet with the rabbis again to reissue his appointments to write, sign and deliver the Get.

Teshuvot Chavatzelet HaSharon permits⁶ the writing and delivering of a new Get executed on behalf of the husband utilizing

the principle of Zachin L'Adam Shelo B'Fanav. He compares the case to Kiddushin 45b which permits a father to act, using the mechanism of Zachin, on behalf of his son and serve as his presumed agent to marry a woman the son expressed interest in marrying. The laws of marriage and divorce are linked⁷, and therefore, since the husband expressed interest to divorce, one may act on his behalf and carry out his wishes since Zachin LeAdam Shelo Befanav. The author adds that this is especially permitted in this case since the husband told the rabbis when he originally met them that he authorized them to do whatever is necessary to divorce his wife, which can be interpreted as giving broad authority to the rabbis to even write a replacement Get if necessary.

Accordingly, we have seen that many Posekim (Chatam Sofair, Rav Eliashiv and Rav Waldenburg) in extraordinary circumstances employ the Zachin rule and deliver a Get on behalf of a husband. We have seen that Rav Moshe permits acting as a presumed agent of a deceased Shaliach and rules that one may write and deliver a Get on his behalf. Furthermore, we have presented some Posekim (Rav Meir Arik, Rav Klatzkin, Teshuvot Chavatzelet HaSharon and Rav Moshe) who, applying the Zachin principle, permit the writing and delivery of a Get on behalf of a husband who authorized the writing of a Get but did not appoint that specific individual to write that specific Get, as is done in a conventional situation. What remains to be seen in our next issue, IYH and BN, is whether there is ever a situation where Halachah permits writing a Get on behalf of a husband who never expressed interest in divorce but the Beit Din determines that it is beneficial to act on his behalf to do so as done by the Tzefat Beit Din in 5774.

responsum in a locale where he was recovering from illness and had little access to Halachic works.

7 Kiddushin 5a "Makish Havayah LeYetzi'ah". See, however, Rav Hershel Schachter, Belkvei HaTzon (30:14) who distinguishes, based in part on Pitchei Teshuvah E.H. 50:8, between the levels of consent required for Kiddushin and Gittin and asserts that the concept of Zachin cannot be applied to a husband in relation to a Get since the level of consent for a Get is greater than what is required for Kiddushin.

Editors-in-Chief: Moshe Pahmer, Matthew Wexler

Executive Editor: Gavriel Epstein

Publication Editors: Binyamin Jachter, Yosef Kagedan,

Hillel Koslowe, Yehuda Koslowe, Simcha Wagner

Business Manager: Azi Fine

Publishing Managers: Eitan Leff, Ezra Finkelstein

Staff: Moshe Davis, Zack Greenberg, Alex Kalb, Michael

Krantz, Shlomo Kroopnick, Zack Lent, Tzvi Dovid

Rotblat, David Rothchild, Yehoshua Segal

Rabbinic Advisor: Rabbi Chaim Jachter

Questions, comments? Contact us at:

Kol Torah

c/o Torah Academy of Bergen County

1600 Queen Anne Road

Teaneck, NJ 07666

Phone: (201) 837-7696

koltorah@koltorah.org

To subscribe to Kol Torah via email, message webmaster@koltorah.org

This publication contains Torah matter and should be treated accordingly.

3 It is important to note that Rav Moshe fundamentally agrees with Rav Meir Arik and Rav Klatzkin and would permit writing and delivering a Get on behalf of a husband as long as the circumstances have remained as they were at the time of the husband's original appointment.

4 A major Poseik who lived in Galicia in the early to mid-twentieth century.

5 This is the standard procedure for intercity Gittin, see Gray Matter 4:261-265.

6 He attached many caveats to his ruling – he requires consent of two other major Halachic authorities and he notes that he wrote his