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ZECHIRAT AMALEIK BEFORE PURIM

by Rabbi Joel Grossman

This week, we read as the Maftir Parashat Zachor, the second of the four special Parashiyot we read surrounding Purim and Pesach. This is the only Torah reading today which constitutes a Mitzvah from the Torah, according to the mainstream Halachic view. We are obligated to hear every word and then act on it and wipe out Amaleik.

Rav Moshe Feinstein, as is quoted by Rav Avraham Fiskelis in *Bastion of Faith*, poses three questions about this Mitzvah. Firstly, since ethnic identity was obliterated during the time of Sancheirev, we don't know who descends from Amaleik; therefore, how does this Mitzvah speak to us nowadays? Secondly, even if we knew that a specific person was from Amaleik, we would still be powerless to kill him, because it would jeopardize all Jews and there would surely be terrible repercussions. Thirdly, killing all members of Amaleik seems contrary to our holy Torah, which forbids holding a grudge to kill Amaleiki people, some of whom may not have even directly harmed us. Rav Moshe explains that because of these questions, the Mitzvah today is *not* to wipe out a nation called Amaleik, but rather to wipe out what they represented, namely the evil in this world. We must look into ourselves and see what we can correct and defeat our Yeitzer HaRa. We should never be overconfident about our righteousness, but rather we must work every minute of every day to improve.

For many years during my youth, I had the great privilege of davening with Rav Moshe when he came to Monsey. I observed that when he took off his Tefillin, he would have someone hold up a set of Mishnayot so that he could learn while wrapping up his Tefillin. I asked Rav Moshe, "Even at this time you have to learn?" He answered, "the Gemara testifies about Yochanan

Kohein Gadol that he went into the Holy of Holies 80 times as he served as a Kohein Gadol for 80 years, and at the end of his life he became a non-believer. If it could happen to Yochanan Kohein Gadol, it can happen to Moshe Feinstein."

This Parashat Zachor, we should learn this message of examining ourselves and trying to destroy the Yeitzer HaRa within us by strengthening our commitment to the Mitzvah of Talmud Torah and not just reading the text, but having the text permeate through us and affect our personalities. If so, we will emerge stronger in our observance of both our Mitzvot between mankind and Hashem as well as between different members of mankind. By learning this message on the Shabbat before Purim, hopefully Purim will be a day in which we accept the Torah and fulfill the Gemara's (Shabbat) statement that on Shavuot Hashem held a mountain over our heads in order for us to accept the Torah, but in the days of Achashveirosh we accepted the Torah willingly.

This message is critical as we begin today Sefer VaYikra. The Midrash in VaYikra Rabba (7:3) writes, "Let the pure ones come and study the laws of purification." May Hashem speedily build the third Beit HaMikdash so we can fulfill all the laws of sacrifices which are recorded in VaYikra and may we merit a day when all the evil in this world is eliminated.

PURIM AND DESTROYING AMALEIK

by Yosef Solomon ('17)

In the Maftir of this week's Sidrah, we will be reading the Mitzvah Deoraita of Parashat Zachor. The Torah stresses that Amaleik's main action was "Asher Karecha BaDerech," "that he met you by the way" (Devarim 25:18). Rashi (ad loc. s.v. Asher Karecha BaDerech) explains that the word "Karecha" is a Lashon of Mikreh (by chance). Amaleik's essence represents the belief that everything happens merely by chance. Klal Yisrael is expected to believe in the exact opposite and understand that everything in our lives is ordained by Hashem. Klal Yisrael is even expected to completely wipe out any semblance of the heretical belief that our lives are full of coincidences, a belief that

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represents a lack of belief in Hashem's control and involvement in the world.

Throughout the Galut, Klal Yisrael must constantly remember that although it may not appear that things are going well, Hashem is always positively involved in our lives. Therefore, we must constantly remember what Amaleik did to us and that we have a Mitzvah to kill and destroy them. The importance of this lesson is the motivating factor that causes us to read Parashat Zachor. Because Ameleik – which represents a group of people that argues that everything occurs by chance – is still alive today, we need an annual reminder to destroy this.

In the Yotzerot (special Tefillot) for Parashat Zachor, we say regarding Amaleik, "Yimach Shemo VeZichro, VeNimach Shemo MiLehazkiro," meaning that Amaleik's name and remembrance will be destroyed, and Amaleik's name will no longer be mentioned. Based on this phrase, some explain that when Mashiach comes, we will completely obliterate Amaleik and there will no longer be a Mitzvah of Zechirat Ma'aseh Amaleik. In that time, Hashem's complete rule over the world and His involvement in every action will be so clear, so we will no longer need a reminder of the evil belief that Amaleik represents, the belief that our lives are full of coincidences. In the times of Mashiach, Hashem's rule will be so abundantly clear that it will even seem silly to us to remember such a misguided nation that believed in such foolishness.

The importance of recognizing Hashem's involvement in our lives is also the central idea of Purim, which takes places the week after we read Parashat Zachor. Even when we cannot see Hashem's hand in every aspect of our lives, we know and believe that Hashem guides the world behind the scenes. Even in the story of Megillat Esther, which does not contain Hashem's name, we realize that Hashem's involvement caused all of the events to happen. This also explains why we drink on Purim until we do not know the difference between "Arur Haman" and "Baruch Mordechai." We drink, because even though we sometimes see only the "Arur Haman" in our lives – Resha'im who succeed, terrible nations and people who flourish, and Tzaddikim, Talmidei Chachamim, and good people who suffer – we are reminded on Purim that underneath all of the "Arur Haman" and "Baruch

Mordechai," everything is from Hashem. We drink on Purim to forget such a seemingly unfair truth. We remember that even the unexplainable is from Hashem.

May we all merit to see a day when Amaleik's remembrance, which includes the falsehood of Mikreh, will be utterly destroyed, and Hashem's kingdom will rule and be recognized, thereby fulfilling our daily request in Aleinu of "Letakein Olam BeMalchut Shakai."

"Kiyemu VeKibelu"

by Eli Schloss ('19)

The Gemara (Shabbat 88a) states that at Har Sinai, Hashem held a mountain over Bnei Yisrael and said, "If you accept the Torah, good for you, and if you don't, this will be your burial site¹." This highlights the idea that Bnei Yisrael were essentially forced into accepting the Mitzvot. Only at the time of Purim did we choose to observe the Mitzvot, as the Megillah (Esther 9:27) states, "Kiyemu VeKibelu Aleihem," that the Jews resolved to observe the laws of Purim (as well as the entire Torah) for posterity.

A proof for this can be found in Sefer Hoshei'a (14:3), when Hoshea tells the Jews, "Kechu Imachem Devarim VeShuvu El Hashem," "Take these words with you and return to Hashem." Hoshei'a understood that Bnei Yisrael were not performing their Mitzvot with the proper intent. Only at the story of Purim did the Jews begin performing the Mitzvot completely LiShemah and not due to coercion.

At Har Sinai, Hashem's presence was so overwhelming that we did not truly have a choice as to whether or not to accept the Torah. During the time of Achashveirosh, Hashem's involvement in the world was far more subtle. Hashem's limited intervention allowed us to make a legitimate choice as to whether we will follow the Torah. Moreover, at Har Sinai, we did not have a legitimate choice whether or not to accept the Torah, since we were stranded in the middle of the fierce Sinai desert, and no viable alternative existed other than to adhere to Hashem's command. However, during the time of Purim, we had the choice of assimilating into Persian society. Hence, our choice to observe the Torah in the time of Esther and Mordechai was a legitimate and meaningful one.

¹ This implies that Hashem will drop the mountain on the people who don't accept the Torah.

elemental principle of following the majority (Rov). Thus, even if it is rumored that a married woman has been unfaithful to her husband, her children are not classified as Mamzeirim (Sotah 27a).

The presumption of "Rov Be'ilot Achar HaBa'al" is such a strong presumption that Chazal assert that a fetus could spend up to 12 months in the uterus, which enables Chazal to attribute a child's paternity to its mother's husband. Thus, even if a husband had been away from home for up to 12 months before his wife gave birth, paternity is ascribed to him (Yevamot 80b).

The most powerful expression of Chazal's efforts to limit the implementation of the Mamzeirut laws is the Mishnah's teaching that "Eliyahu will not come [in the future] to declare the pure impure, nor to declare the impure pure, nor to distance those who are near or to draw near those who were distanced, but only to distance those drawn near by force and to draw near those distanced by force" (Eiduyot 8:7).

The Bartinura, in his commentary to this Mishnah (ad loc.), explains that Eliyahu HaNavi will distance only those who are publicly known to be Mamzeirim but were forcibly mixed among the Jewish People – "but where there is an individual Mamzeir in a particular family, but this is not publicly known, owing to the family having intermingled [into the Jewish community], Eliyahu will let it remain so and let the family retain its Chezkat Kashrut (presumption of legitimacy)."

This is a basis⁴ for Rema's ruling (Even HaEzer 2:5) that if a person learns that one of the ancestors of a particular family is a Mamzeir, he may not reveal this, "but rather he should allow the family's Chezkat Kashrut to remain intact, for all the families that have become assimilated into Israel are legitimate in the future."

Limiting the Application of Mamzeirut in Modern Times – Rav Moshe Feinstein

Posekim throughout the generations have continued in Chazal's tradition of limiting the implementation of Mamzeirut⁵. In the twentieth century, Rav Moshe Feinstein and Rav Ovadia Yosef were the exemplars par excellence of this tradition.

Rav Moshe famously ruled that most non-Orthodox and civil marriages were invalid (see, for example, Teshuvot Igrot Moshe, Even HaEzer 1:75, 1:135 and 3:25, and a full review of this topic in *Gray Matter* 1:63-90). This alleviated the status of Mamzeirut from tens of thousands of individuals, whose mother remarried without receiving a valid Get from her first husband.

⁴ Kiddushin 71a is also a source for this important ruling.

⁵ Pitchei Teshuvah and Otzar HaPosekim to Even HaEzer chapter 4 summarize the classic responsa literature that deal with Mamzeirut.

Rav Moshe was by no means the only Poseik who adopted this approach. However, Rav Moshe greatly expanded this ruling. For example, he invalidated a marriage ceremony conducted by a non-Orthodox rabbi even if valid witnesses were present in the audience, as long as they did not see the actual delivery of the ring from groom to bride. Moreover, in the context of a ruling regarding Mamzeirut (Teshuvot Igrot Moshe, Even HaEzer 4:13), Rav Moshe rules that even a Conservative rabbi who fully observed Torah is an invalid witness, since he is defined as an Apikores (heretic). Rav Moshe argues that the very fact that the rabbi affiliates with the Conservative movement – which endorses heretical viewpoints – renders him an Apikores and therefore an invalid witness.

Another landmark ruling by Rav Moshe is his ruling (Teshuvot Igrot Moshe, Even HaEzer 1:10) that a child conceived via artificial insemination is not a Mamzeir, even if the sperm donor is not the husband. Rav Moshe rules that Mamzeirut is created and transmitted only through actual relations. This leaves open the possibility of a Mamzeir producing children through artificial means with his wife and avoiding the transmission of his status to the next generation (see Kiddushin 69a and Techumin 28:58-62).

Conclusion

Next week, we will conclude our discussion of Mamzeirut and morality with a presentation of more examples of how great Halachic authorities of the past half century have limited (but not completely eliminated) the practical application of Mamzeirut.

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