

# Toronto Torah

## YU Torah MiTzion Beit Midrash Zichron Dov

Parshat Bo

6 Shevat, 5779/January 12, 2019

Vol. 10 Num. 19 (#397)

**Issue #400 is coming up with Parshat Mishpatim (February 2)!**  
**To place a dedication in this special, 12-page colour edition,**  
**please email [info@torontotorah.com](mailto:info@torontotorah.com) or call 416-783-6960.**

### Is All Haste “From the Devil”?

**Rabbi Baruch Weintraub**

*Haste is from the Devil.*

(Oxford Dictionary of Proverbs, 6<sup>th</sup> ed.)

G-d’s instructions regarding the Pesach sacrifice performed in Egypt include some peculiar orders: they were to eat it only roasted, not breaking any bone, and without leaving home. All of this should be done as the participants are fully clothed to leave, their loins girded, shoes on their feet and staff in their hand. This list of specific commands concludes with the general concept underlying them: “You shall eat it in haste.” (Shemot 12:11) See also Rambam’s Moreh Nevuchim 3:46 for an explanation of how all of these commandments were a consequence of the need for haste.

The atmosphere of haste is by no means an incidental element, limited to this original Pesach executed in Egypt. Rather, the Torah explicitly obligates us to integrate its memory into the very core of the Pesach experience for generations – the matzah is a reminder of the haste with which we departed the land of Egypt. (Devarim 16:3)

However, a closer look will reveal that the Jewish attitude towards the haste of Pesach night is much more complex. The sages of the Mishnah (Berachot 9a) debated the deadline for completing the Seder:

- According to Rabbi Elazar ben Azariah, all eating must cease by midnight, to emphasize the Egyptians’ haste to expel the Israelites from their land;

- According to Rabbi Akiva, the meal can continue up to the morning, for our haste to leave Egypt began only then.

According to Rabbi Elazar ben Azariah, then, the haste to be commemorated is that of the Egyptians, as part of our memory of the strong hand with which our nation was rescued from these cruel masters. Haste, then, is a negative thing – to be celebrated as it was forced upon our enemies!

We may find support for the view that the haste to be remembered is not our own, but rather that of the Egyptians, in a mishnah which says that the commandment of haste only applied to the Pesach performed in Egypt, and not to the celebrations of later generations. (Pesachim 9:5) Furthermore, Rabbi Elazar ben Azariah could base his position on an explicit prophecy of Yeshayahu regarding a future redemption: “You shall not depart with haste, nor go by flight, for Hashem will go before you.” (Yeshayahu 52:12) A midrash contrasts this prediction with the haste ordered in Egypt, concluding that the future redemption will not be of haste. (Mechilta d’Rabbi Yishmael) Haste, then, is not part of our redemptive process, but rather it is the experience of our former persecutors.

There are good reasons to oppose haste. G-d preferred to deliberately slow down the fugitives’ pace, avoiding the fastest route from Egypt to the promised land. (Shemot 13:17) Rambam explained that this was because of G-d’s deep understanding of human nature, and the knowledge that any deep change of

our national character would require a long process. Rambam further explained that even the forty years of wandering in the desert were not only a punitive response for the spies’ sin, but also a method for reshaping former slaves into fierce and independent people – a process which needed the span of a generation. As the sin of the spies itself proved, these changes cannot be hastened. [See Moreh Nevuchim 3:32.]

Should we then conclude that “Haste is from the devil”? Not necessarily. As mentioned above, the plain meaning of our parshah does convey the message that our ancestors’ haste was a positive element to be remembered. According to Rabbi Akiva, whose position is followed by some, this message is encoded into the very timeframe of our Seder.

A key to the distinction between positive and negative haste lies in the opening words of Rabbi Tzaddok HaKohen to his book, *Tzidkat HaTzaddik*. He explained that the beginning of every spiritual wakeup must be with haste, as any delay may result in missing Divine inspiration. The system must be shocked for any change to begin. But after this initial arousal comes the time for slow and methodical work – which secures and advances a sound elevation of soul and mind.

Haste, then, far from being “Satanic”, can and should be utilized, in the right time and manner, as another tool in our ongoing quest to draw near to our Creator.

[bweintraub@torontotorah.com](mailto:bweintraub@torontotorah.com)

#### OUR BEIT MIDRASH

<b>ROSH BEIT MIDRASH</b>	RABBI MORDECHAI TORCZYNER
<b>SGAN ROSH BEIT MIDRASH</b>	RABBI ELIHU ABBE
<b>AVREICHIM</b>	EZER DIENA, RABBI ALEX HECHT
<b>ADULT SEDER BOKER DIRECTOR</b>	RABBI MOSHE YERES
<b>WOMEN’S BEIT MIDRASH</b>	MRS. ELIANA ABBE
<b>ISRAELI CORRESPONDENTS</b>	RABBI ADAM FRIEDMANN, RABBI BARUCH WEINTRAUB, RABBI JONATHAN ZIRING
<b>UNIVERSITY CHAVERIM</b>	YONI BLUMENFELD, COREY KAMEN, ARI KARON, JAY KARON, YEHUDA LEVI, COBY LYONS, JACOB POSLUNS, MORDECHAI ROTH, ARI RUBIN, DANIEL SAFRAN, DAVID TOBIS, URIEL WEISZ, ELI WELTMAN, BARUCH WISE



Find our upcoming shiurim on-line at [www.torontotorah.com](http://www.torontotorah.com)

**We are grateful to Continental Press 905-660-0311**

**Summary**

Our chapter continues to describe the process of apportioning land in Israel to the two tribes descended from Yosef: Menasheh and Ephraim. Consistent with the order in which Yaakov blessed Yosef's two sons (Bereishit 48:19), Yehoshua gave Ephraim's descendants their portion before Menasheh's, even though Menasheh was the older of the two.

At first, Menasheh's territory was divided among the families descended from his seven sons - Machir, Aviezer, Chelek, Asriel, Shechem, Chepher, and Shemida. However, the five daughters of Tzelophehad (Machlah, Noah, Chaglah, Milcah, and Tirtzah), a great-great grandson of Menasheh who died without any male heirs, came before Yehoshua and the leaders to claim their father's portion, as Hashem had instructed Moshe. (Bamidbar 27:11) As a result, the tribe of Menasheh received an additional four portions - their father's portion, a share of the portion of an uncle who died childless, and a double-portion for their grandfather Chepher, who was a firstborn. (Rashi to Yehoshua 17:5)

Menasheh, joined by Ephraim,

complained to Yehoshua that they were given only one lot and one portion despite their population having increased more than that of any other tribe since the census taken when the Israelites left Egypt. (Rashbam, Bava Batra 118a) Rather than allot them more territory, Yehoshua suggested that Menasheh and Ephraim maximize use of the land they were given by driving out the Perizzites, Rephaim, and Canaanites, and clearing out the forests in the mountain region. Precisely because they were numerous, Yehoshua insisted that they should be able to drive out the idolatrous nations in their midst.

**Insight: The Evil Eye**

The sages of the Talmud (Bava Batra 118a) asked why Menasheh and Ephraim's ineffective pleas to Yehoshua for additional territory were recorded in Tanach. The sages answered that Yehoshua's refusal was included to teach that a person should avoid the jealousy expressed in an *ayin ra* (evil eye). Yehoshua was concerned that if the tribes of Yosef were given additional land and drew attention to their large numbers, they would cause others to view them with resentment. Therefore, he instructed

them, "Go hide yourselves in the forests" (Yehoshua 17:15) so that the "evil eye" would not harm them as a result of showing off their numbers.

Rabbi Eliyahu Eliezer Dessler (1892-1953, *Michtav me'Eliyahu* IV pg. 6) explained that an *ayin ra* is caused when a person fails to be mindful of the way he displays his blessings. If a person flaunts his blessings or uses them to cause anguish to others, he bears responsibility for inviting resentment and its harmful effects. However, noted Rabbi Dessler, if a person is "a giver and not a taker," who is modest and uses his blessings to help others, he will not arouse the "evil eye." The Talmud notes that the modesty and generosity necessary to avoid the evil eye were traits exemplified by Yosef himself and inherited by his descendants. Therefore, Yehoshua exhorted Menasheh and Ephraim to use their great numbers and strength to benefit the rest of the nation by driving out the idolatrous Canaanites.

*ahlecht@torontotorah.com*

**Law of the Land: Non-Halachic Civil Courts**

Parshat Mishpatim begins, "These are the laws that you will place before them." (Shemot 21:1) Our Sages understood that the ones receiving the laws directly are not the entire Jewish people, but rather the judges who are tasked with applying the legal system described in the parshah and the rest of the Torah. On this basis the Talmud (Gittin 88b) records the halachah that only judges who are *semuchin* (ordained in a direct chain of tradition from Moshe) are authorized to execute Torah judgment. Today the chain of *semuchin* is lost, but contemporary rabbinic judges operate as "messengers" of the original courts. The Talmud indicates that Torah law allows for judgment only by ordained judges or those that could rightly be considered the representatives of the rabbinic tradition.

Elsewhere (Sanhedrin 3a), the Talmud deals with the composition of courts for monetary matters. Rav Acha son of Rav Ikka argues that by basic Torah law only one judge is required. Yet a mishnah (Sanhedrin 1:1) states that for monetary matters a court of three judges is required; how does this mishnah fit with Rav Acha's view? The Talmud answers that even though really only one judge is required, he must know Torah law. Rabbinic enactment therefore requires three judges on each court, with the odds being that at least one of them will be versed in halachah. This intriguing resolution indicates a Torah mandate that Jews be judged by a court which functions according to Torah law.

These two sources indicate that within a halachic framework, Jews should only address cases to authorized rabbinic judges and utilize only the halachic system of law. However, a third source points in the opposite direction.

The Talmud (Sanhedrin 23a) indicates that litigants are entitled to accept upon themselves any judicial system they desire, including courts which are staffed by unordained judges who do not judge based on halachah. [See Rashi and Meiri there.] Evidently, the option for non-halachic judgment exists, and is contingent on the choices of those being judged.

The contradiction between the first two sources and the final has elicited several possible solutions. Perhaps the limitation to ordained, halachic courts is only in cases when one is forced into litigation, but not when both sides accept a different system. (Ramban Shemot 21:1) Or perhaps the leniency of a non-halachic court is only in the event that a halachic one is unavailable, but otherwise there is an absolute requirement to seek a qualified Beit Din. (Chiddushei HaRan Sanhedrin 23a)

These sources briefly sketch the issue of *erkaot*, the halachic validity of non-Torah and non-rabbinic court systems. Is it halachically permissible for Jews to seek judgment from non-Torah courts? It is acceptable for a Jewish society to set up a judicial system which utilizes non-Torah law and employs judges who are not versed in halachah? The latter question is especially pressing in the modern State of Israel. Over the coming weeks, we will consider the positions of several great rabbinic thinkers on this and related issues.

*afriedmann@torontotorah.com*

## Biography

### Rabbi Betzalel Zolty

Rabbi Mordechai Torczyner

Sarah Rachel and Moshe Aryeh Zolty ascended from Vitebsk, Poland to Israel with their six-year-old son, Yaakov Betzalel, in 1926. They settled in Jerusalem, where young Yaakov Betzalel attended Yeshivat Eitz Chaim, headed by Rabbi Isser Zalman Meltzer and Rabbi Aryeh Levin, and then Yeshivat Chevron. He was recognized from an early age as outstanding, known for studying for fifteen hours without interruption.

Rabbi Zolty apprenticed with Rabbi Zvi Pesach Frank and served on the chief Rabbinical Court of Jerusalem, before becoming a member of the chief Rabbinical Court for the State of Israel at the age of 35. He was awarded the Rav Kook Israel Prize for Torah Literature twice, once for his general work in 1954 and again for his *Mishnat Yaavetz* in 1964. In 1973, Rabbi Zolty's candidacy for Israel's Ashkenazi Chief Rabbinate was defeated by a campaign to elect Rabbi Shlomo Goren. Five years later, Rabbi Zolty was selected over Rabbi Dov Lior to fill the long-vacant seat of Ashkenazi Chief Rabbi of Jerusalem, and he served in that role until his passing on the 30<sup>th</sup> of Cheshvan in 1982.

Rabbi Zolty was known for an uncompromising commitment to halachah, despite political pressure. He expressed harsh opposition to Rabbi Goren's leniency in the highly-publicized Langer affair, in which a woman's first husband may have been Jewish, and she re-married without halachic divorce and then produced children. In another controversy, Rabbi Zolty removed the kosher certification of the Jerusalem Hilton, as part of a campaign to enforce Shabbat observance at eighteen of the city's "Jewish" hotels. He declared, "If there is no Sabbath observance, there is no kashruth. One can't have faith in one without the other." (Time Magazine 11/13/1978) But Rabbi Zolty was not uniformly strict. A letter he wrote one month before his passing suggested establishing alimony payments for husbands who are legally separated from their wives but refuse to provide a *get*. This is the basis for halachic prenuptial agreements meant to prevent *agunah* situations. [See this week's *Translation* column.]

Rabbi Zolty's daughter, Chanah Bat Shachar-Eichenstein, is an award-winning Israeli author. His son, Rabbi Aryeh Zolty, is Rosh Kollel of a branch of the Chevron Yeshiva.

[torczyner@torontotorah.com](mailto:torczyner@torontotorah.com)

## Torah and Translation

### A Basic Prenuptial Agreement

R' B. Zolty, *B'Inyan Takkanat Agunot, HaPardes 57:7 (1983)*

Translated by Rabbi Mordechai Torczyner

כפי שכבר אמרתי לכת"ר שליט"א, שהדרך הפשוטה ביותר היא, שהבעל יתחייב בשעת הנשואין, שבמקרה שיהא פירוד אזרחי ביניהם הוא מתחייב לתת לה מזונות מדין מעוכבת להנשא מחמתו (כתובות ז: ב"מ יב:), סכום מזונות של אלפיים דולר לשבוע עד שיתן לה גט פטורין. אולם הבעל יהא זכאי לפנות לבי"ד רבני מוסמך לפטור אותו מחיוב זה בכלול, או במקצתו. (על ידי כך נרויח שהבעל יבוא לביה"ד לבקש סעד, ואז ביה"ד יכול ללחוץ עליו או להשפיע עליו שיתן גט כדין.)...

אלא שלכאורה לשיטת הראשונים הנ"ל, שגם במעוכבת להנשא מחמתו, אם הוא נותן לה מזונות, יש לו זכות במעשה ידיה, א"כ הבעל יכול לדרוש את מעש"י, כשהיא עובדת ומרויחה לפרנסתה... אמנם נראה דהביא החלקת מחוקק אה"ע (פ: ב) בשם הב"ח שכן נוהגים במדינות אלו שלא להוציא מיד האשה שום העדפה שעל ידי הדחק. והלא כל מעשה ידיה של אשה בזמנינו, הוא העדפה ע"י הדחק... ועוד, דנפק בשו"ע אה"ע ס: ו, "התנית האשה שלא יזכה הבעל באחד מהדברים שהוא זוכה בהם התנאי קיים." אם כן אפשר להתנות לפני הנישואין שבמקרה של פרווד אזרחי ביניהם, אין לו כל זכות באחד מן הדברים שהוא זוכה בהם...

ומה שהצעתי שהבעל יתחייב אלפים דולר לשבוע למזונותיה, שזה כולל כסות ומדור, כמוכן שזה תלוי במעמדו הכספי של הבעל, שהרי במזונות יש כלל שהיא עולה עמו. אלא שיש להסתפק אם בחיוב מזונות של מעוכבת להנשא מחמתו... אם נאמר הכלל של "היא עולה עמו"...

ברצוני לציין שהצעתנו הנ"ל, היא רק הצעה גרידא, ולא חוות דעת הלכתית בנדון זה, כי זה נתון לגדולי התורה באמריקה הנוגע להם להלכה ולמעשה, ונתון לדעת ידידי גאון ישראל ותפארתו מריה דאתרא של יבשת אמריקה, הגאון האדיר מרון ר' משה פיינשטיין שליט"א, וכאשור יגזור הוא כן יקום.

As I have already told your honour, the simplest approach is that the husband accept an obligation, at the time of marriage, that in the event of civil separation between them, he obligates himself to give her support as a woman who is being prevented from marrying (Ketuvot 97b; Bava Metzia 12b). The sum of support is \$2,000 per week, until he gives a *get* of divorce. But the husband may turn to an ordained rabbinical court to exempt him from all or part of this obligation. (Thus we will benefit in that the husband will come to the court to seek aid, and the court will be able to pressure him or influence him to give a *get* properly.)...

It appears that per the early authorities I have cited, even if she cannot marry because of him, if he supports her then he has a right to her work income, if she works and profits for her support... But it appears that *Chelkat Mechokeik* (Rabbi Moshe Lima, *Even haEzer* 80:2) cited the *Bach* (Rabbi Yoel Sirkis) that in our lands we do not take from the woman any extra income she produces via her own strain. And all of a woman's income today is considered "extra income she produces via her own strain"... Further, *Shulchan Aruch* (*Even haEzer* 69:6) rules, "If a woman stipulates [before marriage] that her husband will not acquire the right to any of the things he normally acquires upon marriage, the condition is valid." So she may stipulate before marriage that in the event of their civil separation, he will have no right to one of the things he normally acquires...

My counsel that the husband obligate himself for \$2,000 per week for her food, including clothing and board, of course this depends on the husband's financial position, for regarding support the rule is that she ascends with him [meaning, she is entitled to more if his living standard is higher]. But there is room to doubt whether the obligation of support for a woman who is prevented from marrying because of him... includes the rule of "she ascends with him"...

I wish to note that our suggestion is only a suggestion, and not my halachic opinion in the matter. This is for the giants of Torah in America, for whom this is relevant practically. It is subject to the view of my friend, the Gaon Yisrael and its splendour, the local authority for America, the great Gaon our master Rabbi Moshe Feinstein shlit"א. As he decrees, so shall it stand.

*(continued from last week)*

In the 14<sup>th</sup> century, Rabbi Chasdai Crescas (*Or Hashem, Hatzaah*) raised a fundamental objection to the concept of a mitzvah of *emunah* (belief). The term “mitzvah” may only include activities one can choose to perform, or not to perform. Belief, on the other hand, either exists or does not exist; it is not a function of choice.

Don Isaac Abarbanel sought to address this problem in the early 16<sup>th</sup> century. (*Rosh Amanah* Chapter 17) He contended that belief requires preparation, and the mitzvah is to undertake the philosophical analysis which leads to faith.

Writing in the early 20<sup>th</sup> century, Rabbi Elchanan Wasserman (*Kovetz Ma'amarim v'Igrot* 1) put forth the same

question, but came to a different conclusion. He noted the severity of the Torah's condemnation for denying the tenets of faith, and the fact that belief is expected not only of scholars, but of every Jewish teen! So Rabbi Wasserman argued that belief in G-d's creation of the universe is natural, and that disbelief requires denying the evidence of one's senses. Quoting *Chovot HaLevavot* (*Sha'ar haYichud* 6), he declared that a world without a Creator would be random and unstructured, and that the wisdom visible in human biology is evidence that G-d created it. Only if one is seduced by personal desires will one deny Creation. Therefore, the mitzvah is to believe in Divine Creation, and in the religious concepts which emerge from this.

**Weekly Highlights: Jan. 12 — Jan. 18 / 6 Shevat — 12 Shevat**

Time	Speaker	Topic	Location	Special Notes
<b>שבת Jan. 11-12</b>				
<b>10:30 AM</b>	R' Alex Hecht	Post-Hashkamah Parshah	Clanton Park	
<b>Before minchah</b>	Ezer Diena	Daf Yomi	BAYT	
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<b>Simcha Suite</b>
<b>6:30 PM</b>	R' Elihu Abbe	Parent-Child Learning	Shaarei Shomayim	
<b>Sun. Jan. 13</b>				
<b>10:00 AM to 11:20 AM</b>	<b>Ezer Diena Mrs. Judith Hecht</b>	<b>The Exodus, in Art Can Life Be Musical?</b>	<b>Midreshet Yom Rishon Clanton Park Synagogue</b>	<b>Women Light Refreshments 11 Lowesmoor Ave.</b>
<b>Mon. Jan. 14</b>				
<b>8:30 PM</b>	R' Mordechai Torczyner	Theology of Illness 1: Is it Neurosis or Emunah?	Shomrai Shabbos (Upstairs)	<b>Men</b>
<b>Tue. Jan. 15</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Yeshayah: Chapter 8	Shaarei Shomayim	
<b>7:30 PM</b>	R' Mordechai Torczyner	Yehoshua: Chapter 18	129 Theodore Pl.	<b>Men</b>
<b>Wed. Jan. 16</b>				
<b>10:00 AM</b>	R' Mordechai Torczyner	The Strange Story of Daniel #2: Feral Nevuchadnezzar	Beth Emeth	<a href="http://www.torontotorah.com/daniel">www.torontotorah.com/ daniel</a> to register
<b>7:30 PM</b>	R' Alex Hecht	20 <sup>th</sup> Century Controversies	Shaarei Tefillah	
<b>7:30 PM</b>	Ezer Diena	Ripped from the Headlines	BAYT	
<b>Thu. Jan. 17</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Shemuel: Chapter 6	49 Michael Ct.	<b>Women</b>
<b>8:30 PM</b>	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	<b>Men, Advanced</b>
<b>Fri. Jan. 18</b>				
<b>10:30 AM</b>	R' Elihu Abbe	Kiddushin	Yeshivat Or Chaim	<b>Advanced</b>

***For University Men, at Yeshivat Or Chaim***

**10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Shabbat**  
**11:00 AM Sunday, Contemporary Halachah: Rabbi Elihu Abbe: Psak-Shopping**  
**8:30 AM Tuesday, Ezer Diena, Stories and She'eilot**  
**8:30 AM Friday, R' Mordechai Torczyner, The Book of Yeshayah**

***For University and Adult Women, at Ulpanat Orot***

**9:30 AM, Mrs. Eliana Abbe: Tuesdays: Sefer Devarim; Thursdays: Tefillah**

***Seder Boker for Adult Men with Rabbi Moshe Yeres***

**10:00 AM to Noon, Mondays/Wednesdays - Masechet Megilah and Eim haBanim Semeichah**  
**10:00 AM to Noon, Tuesdays/Thursdays - Parshanut on Parshah and Pninei Halachah**