

# Toronto Torah

## YU Torah MiTzion Beit Midrash Zichron Dov

Parshat Beshalach

13 Shevat, 5779/January 19, 2019

Vol. 10 Num. 20 (#398)

**Issue #400 is coming up with Parshat Mishpatim (February 2)!**  
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### Crying Out Loud

**Rabbi Alex Hecht**

Encamped on the bank of the Sea of Reeds, trapped between the attacking Egyptian army behind them and the sea in front of them, Bnei Yisrael began to panic. They cried out to Hashem, and lamented to Moshe, "...for it would be better that we should serve Egypt than that we should die in the wilderness." Hashem then asked Moshe, "Why do you cry out to Me? Speak to the Children of Israel and let them journey forth!" (Shemot 14:10-15)

A midrash tells the story of a king's friend, who was involved in an incident and was in need of assistance. He went to cry before the king, and the king responded, "Why are you crying out?! Decree and I will do!" Similarly, says this midrash, "The Holy One, blessed is He said to Moshe, "Why do you cry out to Me? Speak and I will do!" (Shemot Rabbah 21:2-3) Apparently, Hashem intended to rebuke Moshe for not remaining calmer. The awareness of Hashem's presence and ability to rescue Bnei Yisrael from the Egyptians should have obviated the impulse to cry out.

Indeed, the Talmud groups one who raises his voice during prayer with those who are "small in faith." (Berachot 24b) Rashi explains that if a person raises his voice when communicating with Hashem, this may indicate that he does not believe that Hashem is able to hear silent prayers. Furthermore, the Talmud states, "One who raises his voice during prayer is among the false

prophets" [who resorted to shouting out to their gods as they panicked from the lack of response to their offerings in Melachim I 18:26]. The Talmud rules that Chanah's model of prayer, in which "only her lips moved, but her voice could not be heard" (Shemuel I 1:13), should be followed. (Berachot 31a)

However, the Talmud elsewhere quotes Rabbi Yehoshua ben Levi's teaching that raising one's voice in prayer contributes to its efficacy: "Anyone who answers 'Amen, yehei sh'meih rabbah mevorach' ('may His great name be blessed') to *Kaddish* with all his might - they rip up his [guilty] verdict." (Shabbat 119b) While Rashi understood "with all his might" to mean "with all of his concentration," Tosafot understood it to mean "in a loud voice." Similarly, another midrash says, "When B'nei Yisrael cry out, salvation arrives for them." (Shemot Rabbah 32:9) How can these different perspectives on crying out in prayer be reconciled?

We may suggest that the motivation for volume speaks louder than the volume itself. Rabbi Yosef Caro ruled that ideally, a person should pray loudly enough to hear what he is saying, but quietly enough that his voice is not audible to others. However, if at such a low volume he is unable to concentrate on his prayer, he may raise his voice (provided that he will not disrupt the focus of others). (Shulchan Aruch, Orach Chaim 101) However, regarding *Kaddish*, Rabbi Caro ruled that "Amen, yehei sh'meih rabbah..." should be

recited in a loud voice because it will help arouse people towards full concentration. (Beit Yosef 56:3)

Therefore, the appropriateness of speaking to Hashem in a loud voice depends on what is motivating the increased volume. Crying out to Hashem with additional fervor because one perceives Him as being distant or indifferent demonstrates a lack of confidence that Hashem is always listening. On the other hand, raising our voice in prayer can be valuable in facilitating our own concentration, by facilitating the emotions necessary for meaningful prayer. King David wrote, "Hashem is close to all who call Him" (Tehillim 145:18). Ibn Ezra explained: If a [human] king is far away, he cannot come to the aid of those who call upon him. However, Hashem is always nearby. When one truly appreciates that Hashem is always listening, there is no need to shout or panic.

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We are grateful to Continental Press 905-660-0311

**Summary**

This chapter continues the description of apportioning land to the tribes. It begins with the inauguration of a more permanent installation of the Mishkan at Shiloh. After this, now that the land has been effectively conquered, Yehoshua scolds the remaining seven tribes for not having taken possession of the rest of the country. Scouts are sent out to survey the remaining land, and divide it into sections. These sections are then given to each respective tribe by Yehoshua, via lottery. The chapter ends with a detailed description of the borders of the tribe of Binyamin's area.

**Insight: Linchpin of Jewish Unity**

The description of dividing up the land among the tribes raises some questions:

Chapters 15-17 described the portions of Yehudah and Yosef. Our chapter includes the inauguration of the Mishkan and then the rest of the allotments. Why does the inauguration occur in the middle of this process?

Moshe told the Jews that an ultimate resting place for G-d's presence could not be achieved until Bnei Yisrael would

be at rest from war with their enemies. (Devarim 12:10-11) Once the land was conquered and Yosef and Yehudah took possession in the north and south respectively, the land was considered secure enough to establish a more permanent dwelling for G-d. (Radak to Yehoshua 10:23) But while this explains why the Mishkan in Shiloh could be built when it was, it does not explain why the inauguration had to interrupt the process of dividing up the land. Our chapter emphasizes that the inauguration preceded, and perhaps enabled, Yehoshua's prompting of the rest of the tribes to take possession. What held up the process, and how did the presence of the Mishkan make a difference?

Metzudat David (Yehoshua 18:3) explains that Bnei Yisrael were hesitant to divide up the land, because they feared this would divide the nation as well. Throughout the conquest they had acted as one unit fighting for each other, but after the split each tribe would invariably look out only for its own interests. Perhaps in recognizing the validity of this concern, Yehoshua felt that the Mishkan in Shiloh was the solution.

A mishnah (Zevachim 14:6) tells us that before the Mishkan was stationed at Shiloh, the offering of sacrifices was decentralized. Bnei Yisrael offered on private altars (*bamot*) wherever they wanted. Once the semi-permanent structure in Shiloh was erected, the *bamot* were prohibited and *korbanot* were limited to the Mishkan. Perhaps it is in this detail that Yehoshua saw an answer to the concern of the tribes. They feared that political disunity would erode their sense of nationhood and familial affection. Yehoshua countered that politics is not what is ultimately meant to unify the Jewish people. Rather, it is a singular commitment to G-d that forms the bedrock of Jewish unity. As long a Jew who comes to Shiloh with his *korbanot*, encounters his fellow from another tribe, and sees in the other the steadfast commitment to G-d that he feels within himself, the true bonds of Jewish unity would remain strong.

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**Law of the Land: Rabbinic Rulings in Israeli Courts?**

**Rabbi Mordechai Torczyner**

In some areas of law, Israel's civil courts are charged with implementing halachah. However, these judges need to answer a basic question: whose interpretation of halachah is authoritative?

This issue arose in 1969. As enshrined in Israel's 1951 Law of Marriage and Divorce, matters of spousal support involving Jewish spouses must be decided based on Jewish law. However, in the case before the judges, there was no clear, centuries-old ruling. A husband refused to support his wife, because she held a well-paying job. Could he claim that she should support herself with her own wages?

An Israeli *beit din* had heard a relevant case in 1954. A couple was divorcing, and the wife had purchased some of the household furnishings with income from her factory position. She claimed the furnishings, but her husband responded that since the Torah assigns a husband the right to his wife's income in exchange for his duty to support her, the furnishings really belonged to him. The *beit din* ruled that the husband's right is limited to his wife's income from roles which are enumerated talmudically (Mishnah Ketuvot 5:5), including spinning thread and baking. However, the court acknowledged the existence of other views, and ruled that a husband could claim to personally follow those other views and insist that she support herself from those wages. This freedom is part of a broad doctrine called *kim li*.

The issue before the secular civil court in 1969 was this: Should the rabbinical court's 1954 ruling be considered binding as Jewish law, or could the civil court re-open the halachic discussion which had guided the *beit din*, and come to its own conclusion?

- Judge Yitzchak Kister argued that the talmudic principle of "Yiftach in his generation has the same authority as Shemuel in his generation" (Rosh HaShanah 25b) empowers a modern *beit din* to decide cases, and have their rulings honoured as binding. Therefore, the civil court must respect the *beit din*'s ruling as law.
- Judge Chaim Cohen countered that Judge Kister's talmudic principle also empowered the civil court to perform its own analysis of halachic sources and draw its own conclusions. In the case at hand, he argued that the *kim li* doctrine should empower the wife to choose to follow the view that denied the husband's claim to her wages, and that popular custom was in line with this approach. He also noted that rabbinic courts do not take the Knesset's laws into consideration, and therefore their rulings could not be binding upon civil courts.
- Judge Zvi Berenson sympathized with Judge Kister, noting that a *beit din* will have greater expertise in halachah, and that it is reasonable for a civil court to acknowledge this authority. However, he acknowledged that there are multiple halachic points of view, and therefore latter-day rulings may not present a unified picture, and indeed may not be considered binding for rabbinical courts, either.

For more on this issue, see Rabbi Dr. Justice Menachem Elon, *HaMishpat haIvri* pp. 1499-1515. Rabbi Elon contends that the majority of Israeli judges accept the view of Judge Berenson.

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## Biography

### Rabbi Yechiel Y. Weinberg

Adam Friedmann

Yechiel Yaakov Weinberg was born in Ciechanowicz, Poland in 1884. Recognized in his youth as an exceptional genius, he was sent to yeshiva in Mir. He later studied in Slabodka yeshiva under the tutelage of the Alter of Slabodka, Rabbi Nosson Tzvi Finkel. His time in yeshiva, and particularly the period in Slabodka, left him strongly impacted by the teachings of mussar. During this period an impressionable Yaakov Yechiel was also exposed to the writings of the Haskalah, which had been making headway throughout Eastern Europe. The struggle between the “enlightenment” approach of Haskalah and traditional Judaism, both at the communal level and within his own worldview, coloured much of Yaakov Yechiel’s writing throughout his life.

After leaving yeshiva, now-Rabbi Weinberg took up the post of community Rabbi in the town of Pilwishky, Poland. He married Esther Levine, daughter of the town’s previous rabbi, though this marriage did not ultimately last. During his time in Pilwishky, Rabbi Weinberg was very involved in strengthening the nascent Orthodox literary movement, articulating an Orthodox worldview for the public. He wrote articles in both Orthodox and Haskalah outlets defending the traditional yeshiva system and arguing that even small changes to the curriculum would be catastrophic.

In 1914, illness led Rabbi Weinberg to Berlin for treatment. World War I broke out shortly after. Rabbi Weinberg was forced to stay, and was thereby exposed to the German Orthodox community which he had known little about growing up. Ultimately, Rabbi Weinberg stayed on in Germany. He studied Bible and Philosophy at the University of Giessen, eventually joining the faculty there. Afterward, he became the Rosh Yeshiva of the Hildesheimer Rabbinical Seminary in Berlin. During this time, Rabbi Weinberg’s thinking about the interaction between yeshiva and secular learning also shifted, reflecting his new positions.

The rise of the Nazis caused Rabbi Weinberg to flee Germany in 1939. He ended up in the Warsaw Ghetto, and ultimately survived the war. He lived the rest of his life in Montreux, Switzerland until his death in 1966. He was and is renowned as a halachic authority, most famous for his responsa, *Seridei Eish*.

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## Torah and Translation

### Mixed Singing at Shabbat Tables

R’ Yechiel Weinberg, *Seridei Eish* 1:77

Translated by Ezer Dena

*Rabbinic rulings regarding the following topic vary widely. Please consult your Rabbi for practical guidance.*

...אולם לדינא אין נ”מ בזה, כיון דהבתולות הן בחזקת נדה וכמש”כ במ”ב א”כ אסור לעולם לשמוע קול זמר של בתולות. ומטעם זה ערערתי נגד מנהג זה שנהגו חרדי אשכנז.

ואולם אחרי חקירה ודרישה נאמר לי כי הגאון הצדיק ר”ע הילדסהיימר ז”ל וכן הגרש”ר הירש ז”ל בפרנקפורט על נהר מיין התירו בזמירות קודש לומר יחד, והטעם משום דתרי קלא לא משתמעו וכיון שמזמרים יחד אין חשש איסור, אבל לא נחה דעתי בזה וחפשתי ומצאתי בשדי חמד מערכת קול, שהביא בשם רב ספרדי להתיר זמירות קודש של אנשים ונשים יחד.

וסמך מצאתי לדבריו ממקרא מפורש בשופטים ה’ “ותשר דבורה וברק בן אבינועם” וכו’. ואח”כ ראיתי בבאר שבע שהביא פסוק זה, ודחה כי על פי דיבור שאני וכמש”כ התוס’ ביבמות מה: ... ואח”כ ראיתי מובא בשם החיד”א בספרו דבש לפי מערכת ק’, שבשעת השראת שכינה שריא לאשה לשורר וליכא משום הרהור, ועכ”פ יש סמך למה שהביא בשד”ח הנ”ל, שבשירי קודש לא חיישינן להרהור.

[Rabbi Weinberg is discussing whether groups of boys and girls may sing Shabbat songs together, as per a custom found in German communities. Before this excerpt, he suggests that there would be a difference between males hearing the singing voice of a single woman or a married woman.]

However, there is no practical difference in the law [between single and married women], since single women are assumed to be a niddah, as it is written in the Mishnah Berurah. If so, it is always prohibited for one to listen to the singing voice of single women [and certainly married women]. And for this reason, I protested against this custom of the Orthodox communities of Germany.

However, after investigating, it was told to me that the Gaon and Tzaddik Rabbi Azriel Hildesheimer z”l and the Gaon Rabbi Samson Raphael Hirsch z”l in Frankfurt-am-Main permitted [men and women] to sing holy songs together, and the reason is because “two voices are not heard”. Since they sing together, there is no concern for a prohibition. But my mind was not settled by this, and I searched and found in S’dei Chemed, entry *Kol*, who brought in the name of a Sephardic Rabbi who permitted singing of holy songs by men and women together.

And I found support for his words from a clear verse in Shoftim 5, “And Devorah and Barak the son of Avinoam sang...” And afterwards I saw in Be’er Sheva that he brought this verse, and rejected it [as proof that this would be permitted, contending that only] when commanded by [G-d’s] word is it permitted, [based on what] Tosafot wrote in Yevamot 45b... And afterwards I saw it brought in the name of Rabbi Chaim Yosef David Azulai in his book, *Devash Lefi*, entry *Kuf*, that at the time of the manifestation of the Divine presence, it is permitted [to hear] a woman sing, and there is no concern for inappropriate thoughts. At the very least, this is a support to what the S’dei Chemed (ibid.) brought, that when singing holy songs, we are not concerned for inappropriate thoughts.

## Weekly Highlights: Jan. 19 – Jan. 25 / 13 Shevat – 19 Shevat

Time	Speaker	Topic	Location	Special Notes
<b>Shabbaton at Zichron Yisroel: Food and Fruit of Israel!</b>				
<b>Fri. 7:30 PM Oneg 8 PM Program</b>	<b>Hillel Horovitz</b>	<b>Human Nature, Our Nature Pre-Tu b'Shevat Oneg</b>	<b>201 Franklin Ave.</b>	
<b>After musaf</b>	<b>R' Mordechai Torczyner</b>	<b>Bourekas or Knish? Lessons of the Israeli Diet</b>	<b>Zichron Yisroel 300 Atkinson</b>	
<b>After minchah</b>	<b>Ezer Diena</b>	<b>The Seven Species in Kabbalah</b>	<b>Zichron Yisroel 300 Atkinson</b>	
<b>8:50 AM</b>	Ezer Diena	Pre-Shacharit Parshah	BAYT	
<b>10:30 AM</b>	R' Alex Hecht	Post-Hashkamah Parshah	Clanton Park	
<b>Before minchah</b>	R' Mordechai Torczyner	Daf Yomi	BAYT	
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<b>Simcha Suite</b>
<b>6:45 PM</b>	R' Elihu Abbe	Parent-Child Learning	Shaarei Shomayim	
<b>Sun. Jan. 20</b>				
<b>8:45 AM</b>	<b>R' Mordechai Torczyner</b>	<b>Medical Halachah: The Total Artificial Heart</b>	<b>BAYT Simcha Suite</b>	<b>CME-approved; Laypeople welcome</b>
<b>10:00 AM</b>	<b>R' Elihu Abbe</b>	<b>Matan Torah: The Best Gift</b>	<b>Yeshivat Nefesh Dovid</b>	
<b>Mon. Jan. 21 Tu b'Shevat</b>				
<b>12:00 PM</b>	<b>Mrs. Eliana Abbe</b>	<b>Tu b'Shevat Lunch "The Importance of Trees"</b>	<b>Lipa Green Building First Floor</b>	<b>Women; \$18 emunahcanada.org</b>
<b>8:30 PM</b>	R' Mordechai Torczyner	Theology of Illness 2: Praying for the Terminally Ill	Shomrai Shabbos (Upstairs)	<b>Men</b>
<b>Tue. Jan. 22</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Yeshayah: Chapter 9	Shaarei Shomayim	
<b>7:30 PM</b>	R' Mordechai Torczyner	Yehoshua: Chapter 19	129 Theodore Pl.	<b>Men</b>
<b>Wed. Jan. 23</b>				
<b>10:00 AM</b>	R' Mordechai Torczyner	The Strange Story of Daniel #3: Writing on the Wall	Beth Emeth	<i>www.torontotorah.com/ daniel to register</i>
<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. 24</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. 25</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 Alex Hecht: Bishul Akum  
8:30 AM Tuesday, Ezer Diena, Stories and She'eilot  
8:30 AM Friday, R' Mordechai Torczyner, Parshah***

***For University and Adult Women, at Ulpanat Orot  
9:30 AM Tuesdays, Mrs. Eliana Abbe: Sefer Devarim  
9:30 AM Tuesdays, Mrs. Eliana Abbe: 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***