



פרשת בשלח
שבט תשפ"ג
שנת הקהל



HAKHEL IN THE PARSHA

There are a number of connections between Hakhel and the Shiras Hayam (the song of the sea) which is recorded in Parshas Beshalach.

The Torah describes how the splitting of the sea brought the Jewish people to "fear Hashem and believe in Hashem". This is like the purpose of the Mitzvah of Hakhel "that they will fear Hashem their G-d".

Like the Hakhel gathering, Shiras Hayam involved all of the Jewish people; men, women and children.

Moshe led the men in song and Miriam led the women in song. The Midrash teaches that the children also sang the Shirah and that they were the first to recognise Hashem at the sea, singing "this is my G-d and I will beautify Him."

Even the babies in their mothers' wombs sang Shirah, similar to Hakhel where newborn babies too had to be present.

Shiras Hayam also describes how the Jewish people will brought to "the Mountain of Your heritage, the foundation for Your dwelling place... the Mikdash".

The Hakhel gathering took place in the Beis Hamikdash, the place where Hashem's presence was manifest in this world, in order to heighten the inspiration and the fear of Hashem that they experienced.

A collection of Torah thoughts produced by Kollel Menachem



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The Strength of the Feminine Song

After witnessing Kriyas Yam Suf, Moshe led the men in the singing the song of the sea (Shiras Hayam). Miriam led the women in singing and dancing, accompanied with tambourines.

The content of the Haftorah reflects and parallels a similarity with the Parsha of the week. Since the Parsha contains the song of the sea, the Haftorah of Beshalach contains the Song of Devorah, which she sang after the miraculous victory of Bnei Yisrael over Sisera and the Canaanite army.

But why specifically was this song chosen for the Haftorah? There are a number of songs recorded in the Neviim, including the Song of David, which he sang after Hashem delivered him from the hands of Avshalom in his rebellion.

The Parsha contains the song of Moshe and the men and of Miriam and the women. Seemingly the song of the men is the greater of the two, recorded in greater length and detail. So why was the song of a woman (Devorah) selected for the Haftorah instead of the song of a man (Dovid)?

The Friedrike Rebbe explains that the sages chose this Haftorah because there was a greater quality in the song of Miriam and the women at the sea, than that of their male counterparts. Their song was infused with greater Simcha, accompanied with tambourines and dancing.

Not only was their song more joyous, it was also a deeper expression of Emunah.

The Shala"h explains that there are two types of Emunah. The lower level of Emunah is one that we feel only once we have experienced and seen Hashem's salvation and miracles. A deeper level of

Emunah is the implicit trust and faith that Hashem will do miracles for us, even before having seen them realised.

Shiras Hayam begins with the introductory words *Az Yashir* - then Moshe and the Jewish people sang. Only then, after seeing the splitting of the sea and the drowning of the Egyptians, did the men give voice to their Emunah.

Whilst the women also only sang their song after crossing the sea, their song began while they were still in Egypt. Rashi quotes the Midrash, that these righteous women took their tambourines with them when they left Egypt because they were certain that Hashem was going to perform miracles for them and they would use them in their song of thanks.

With this he explains a grammatical nuance in Torah's description of Miriam's song; "*She called out to them 'sing to Hashem for He is very exalted, a horse and its rider He cast into the sea'.*" Even though she was addressing the women, the Torah uses the word masculine term for 'them' (*Lahe*m instead of *Lahen*).

In Torah literature, strength is described as a masculine trait, based on the generalisation that physically men are created with a stronger build. But strength is not limited to physical power.

The faith of the Jewish women in their song was incredibly strong. Miriam highlighted this strength by addressing the women with a masculine term.

Just as it was in our first redemption, the same Emunah and faith in Geulah will bring about the Final Redemption, led by the righteous women in our generation who radiate Emunah to their husbands, their homes and to the entire Jewish people.

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|--|--|------------------------------|--|
| 1. Brachos 24a. This is based on Shir Hashirim 2:14 'let me hear your voice because your voice is pleasant.'" Rashi explains that the Posuk shows us that a woman's voice is attractive to a man, and is thus prohibited to him. | a woman's wellbeing, suggesting that even a speaking voice is problematic, the Rashba explains that this is specifically about asking about her wellbeing and not about hearing her speaking voice in general. | 9. Nitei Gavriel Yichud 54:6 | 20. Shu"t Shevet Halevi 5:197. Ben Ish Chai Parshas Bo. Seridei Eish 49, Tzitz Eliezer 14:7 |
| 2. 2:14 | 4. Aruch Hashulchan 75:8. Minchas Yitzchak 7:70 | 10. Orach Chaim 75 | 21. Chasam Sofer C.M. 104 |
| 3. See Beis Shmuel 21:4, Perisha quoting Maharshal, Magen Avraham, Shulchan Aruch Harav. Whilst the Gemara in Kiddushin teaches "the voice of a woman is Ervah" in relation to enquiring after | 5. Orach Chaim 75:3 | 11. 21:4 | 22. Yabia Omer 1:6 |
| | 6. See Kiddushin 70b | 12. P119 | 23. 5751 volume 1 page 173-4 |
| | 7. 21:1 | 13. Orach Chaim 75:17 | 24. In an act of great sensitivity, the Rebbe then stopped the line of visitors, turned to face her and then clap along with her so that she would not feel bad. |
| | 8. 21:4 | 14. 102:8 | 25. Igros Kodesh volume 10 p238 |
| | | 15. 75:8 | |
| | | 16. 21:3 | |
| | | 17. Igros Moshe OC 1:26 | |
| | | 18. Otzar dinim 37:36 | |
| | | 19. Halichas Shlomo | |

The weekly Halacha analysis

To Whom and From What Age Does Kol Isha Apply

Rabbi Yonason Johnson

This Gemara¹ teaches that the voice of a woman is considered Ervah. This ruling is derived from the verse in Shir Hashirim² “Your voice is pleasant and your appearance is beautiful”. The Posuk identifies the voice of a woman as being beautiful and a source of desire.

The Poskim³ understand that this refers to the singing voice of a woman, as opposed to her speaking voice or to her playing musical instruments⁴.

The implication of the Gemara is that because it is considered Ervah, one may not recite Shema while one can hear the voice of a woman singing. Based on this, the Shulchan Aruch⁵ rules that one should not hear the voice of a woman singing while reciting Krias Shema. The Ram”o adds that this applies even to one’s own wife. This prohibition applies to any woman singing, whether she is married or single.

Shmuel’s ruling also has application in the general laws of Tznius⁶. Since a woman singing is considered Ervah and a source of desire, a man may not listen to a woman singing at other times as well. Nor should a woman sing in the presence of men.

This is codified in Shulchan Aruch Even Haezer⁷ in very strong terms “one must greatly distance themselves from women... it is forbidden to hear the voice of an Ervah... One who intentionally does so should be given Rabbinic lashes.

The lenient approach

Beis Shmuel⁸ on the Shulchan Aruch writes that unlike during davening, the general issue of Kol Isha in relation to Tznius, only applies to the women whom one is forbidden to marry (Arayos), such as a married woman or one’s sister-in-law⁹ or daughter-in-law.

With the exception of whilst Davening, he writes that it is permitted to hear the voice of a single girl or to one’s wife who are not forbidden in marriage. This seems to be the implication of the Shulchan Aruch which writes that it is forbidden to hear “the voice of an Ervah”.

This is also the view of the Magen Avraham¹⁰ who limits the general prohibition of Kol Isha to a married woman in the presence of other men.

The stricter approach

However the Ba’er Heitev¹¹ quotes the work Be’er Sheva¹² who writes that the general prohibition

of Kol Isha applies to all women, including single girls and widows. According to his view, the only woman’s singing that a man may listen to is his own wife (except at a time of Davening).

The Mishna Berura¹³ adopts the approach of the Magen Avraham and Beis Shmuel that aside from Davening, the general issue of Kol Isha only applies to an Ervah and not to a single girl. However, even when permitted, he adds that one should not intend to derive pleasure from her singing.

He further qualifies that once a girl has become a Niddah, she is considered Ervah and it is forbidden Min Hadin to hear her singing at all times according to all opinions. Once a girl reaches the age by which we expect her to become a Niddah, her singing voice is forbidden. Since it is accepted that unmarried girls do not go to Mikvah, she remains Ervah from then on.

In contrast, the Kitzur Shulchan Aruch¹⁴ writes that the prohibition applies to all women without distinguishing between whether she is an Ervah or not. This is also the opinion of the Aruch Hashulchan in both Orach Chaim¹⁵ and Even Haezer¹⁶. He writes that the prohibition of Kol Isha applies to all women other than one’s wife.

Modern-day Poskim

Harav Moshe Feinstein¹⁷ writes a Teshuvah concerning an education institution, where fathers were coming to listen to their daughters singing. The questioner writes that he would be unable to protest the participation of men without causing significant Machlokes.

Based on the position of the Mishna Berura, he writes that certainly girls aged 11 and up should be considered Ervah, since this is the age when girls can become Niddah. Whilst it is possible that the girls may not yet be Niddos, we cannot know and therefore cannot distinguish.

He adds that one should be stringent even for girls under 11 if listening to the singing is for pleasure. This would apply specifically to slightly older girls, possibly from the age of 9 and up.

He concludes that due to the circumstances described, being a Shaas Hatzorech (a pressing need), it is permissible for a man to hear singing by girls under the age of 11. But where there is no pressing need, one should not permit even this (under the age of 11), because we say “that one who is stringent we consider holy” - והמחמיר קדוש ייאמר לו -

Yalkut Yosef¹⁸ quotes both of the opinions concern-

ing single girls, that there are those who permit listening to singing by girls who have not yet become Niddah and that there are those who dispute this. He concludes that one who is stringent should be blessed. He writes that his father, Harav Ovadiah Yosef rules like the latter view in a letter dated Elul 17, 5729.

Harav Shlomo Zalman Auerbach¹⁹ also understands that the prohibition applies to younger girls as well and is recorded as saying that the prohibition of Kol Isha is from the age of 3.

The Issur of Kol Isha applies even when the girls are singing as a group and even if one does not know who the girl is²⁰ or does not see her²¹. The Issur still applies nowadays even though men are accustomed to hearing women’s voices²².

The Rebbe

The Rebbe’s position is recorded in Hisvaduyos²³ from Simchas Torah 5751. A father had brought his young daughter to Hakafos. The Rebbe noted that this young girl shows an example to the older men on how to celebrate with joy and singing, adding “*as long as the issue of Kol Isha is not yet applicable to her, being that she is under 3 years old.*” We can see that she is a Tzanua and Chasuda”.

The Rebbe’s position can also be seen from an incident that occurred at Kos Shel Bracha on Motzai Simchas Torah 5747. Chazzan Tzatzkes was singing “Who knows one” in Russian. His young daughter started to sing along into the microphone. The Rebbe instructed Rabbi Groner, to gently remind her to clap rather than sing. In the video footage the girl looks quite young²⁴.

In a letter, the Rebbe writes to a Chabad Organisation that whilst there are different opinions on the matter, as a Chabad organisation one must be wary of how our policy will be viewed by other local frum organisations and should not be “less” than what they are doing.

Concerning plays which are arranged from time to time, in general it is a very good thing. However one has to take care concerning those things which (people) trample with their heel, even though they are Issurei Torah, such as women not wearing men’s clothing, matters of singing in public and also matters of Taaruvos (mixed seating or gatherings).