

Toronto Torah

YU Torah MiTzion Beit Midrash Zichron Dov

Parshat Behaalotcha (*Diaspora*)

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**This issue of Toronto Torah is dedicated in memory of
Zvi Kahn, Zvi Dov Shmuel ben Yaakov z"l
by his loving family**

Guided by the Will of G-d

Rabbi Elihu Abbe

A mother and her young children were sitting around the table one afternoon when they heard a knock at the door. The mother opened the door to find a number of police officers. They explained to her that they were investigating persistent criminal activity in the alley behind the home, and that they had obtained a search warrant to use the home later that night as a lookout point on the alley below. The mother, always conscious of opportunities to educate her children in Torah values, replied that she would be happy to permit them to use her home on one condition. She explained to them that a note from a rabbi would be much more meaningful than a search warrant, and that they should return with a note from a rabbi. The police complied with her unusual request, and returned with the requested note. She then welcomed them into her home.

Of course, Jewish law requires us to abide by the law of the country in which we live, and a warrant must be respected without a note from a rabbi. Nevertheless when Rabbi Yitzchak Zilberstein learned of this story, he praised the mother for using this opportunity (in a way that did not endanger anyone) to instill in her children the lesson that it is the Torah and the will of Hashem that guides our behaviour and decisions in life.

Our parshah tells us about certain individuals who were ritually impure and were, therefore, unable to bring

the Pesach offering at the start of the Jews' second year in the wilderness. They came to Moshe and argued that they should not be deprived of the opportunity to bring the offering. Moshe replied that they should wait to hear what Hashem would instruct them. (Bamidbar 9:6-8)

These people had pure motivations. However, they formulated their request with the phrase, "Why should we be less?" Moshe taught them that despite their eagerness to do what they believed at first glance to be proper, they must stand by and listen to what Hashem would instruct them. It had to be determined that they were doing Hashem's will.

The same idea emerges from the layout of the start of the book of Bamidbar. Bamidbar begins with a census that was taken in the month of Iyar. But two parshiyot later, the Torah presents the episode of the individuals who requested that they not miss out on the Pesach offering – an event which took place a month earlier. [Indeed, the Talmud learns from here that the Torah may not present events in chronological order. (Pesachim 6b)] Why was the Torah written in this order?

Perhaps, we could suggest the following answer. After the episode of the second Pesach offering, the Torah discusses how the Jews travelled by following the heavenly cloud that rested on the Mishkan. When the cloud rested, the Jews camped. When it rose, they

followed it. "At the word of Hashem (guiding the cloud), the Jews traveled, and at the word of Hashem, they camped." (9:18) Perhaps, the Torah wanted to juxtapose the second Pesach offering and the manner of the Jews' travels because they teach us the same lesson: we are guided in our travels and throughout our lives by the word of Hashem, the Torah.

In the generation of Moshe Rabbeinu, we were able to "stand by and listen to hear what Hashem would instruct." We could travel when we saw the heavenly cloud rise. In later generations, we could seek instruction from a prophet. In our times, determining the will of Hashem is much more difficult. It requires investing the effort to analyze a decision to the best of our abilities.

Rabbi Itamar Schwartz, in *Bilvavi Mishkan Evneh*, suggests the following technique to help determine the will of Hashem in any given situation. He recommends analyzing the decision within the context of Creation. We remind ourselves that Hashem created the world and why He created it; that Hashem gave us the Torah and why He gave it to us; and that Hashem created us and gave each of us a personal mission in life. We can then approach a decision from the perspective of how a particular choice will impact our personal life mission.

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Summary

Our chapter opens (verses 1-6) with the description of a civil war that came in the aftermath of Yiftach's successful campaign against the Ammonites. The tribe of Ephraim gathered against Yiftach, complaining that he had not called them to the war alongside him, and threatened to burn down his house. Yiftach responded by blaming the Ephraimites for not coming to his aid in the past, and for generally proving themselves untrustworthy. The debate escalated quickly to armed conflict, eventually resulting in a massacre of the Ephraimites. Those who attempted to flee and cross the Jordan were intercepted by Yiftach's guards, who identified them by their unique pronunciation (Ephraimites could not differentiate between the 'shin' /sh/ and 'sin' /s/ sounds) and killed them on the spot. At the conclusion of the massacre, no fewer than 42,000 Ephraimites were killed. After this terrible event, Yiftach continued to judge Yisrael for 6 years.

The second half of our chapter (verses 8-15) lists the judges who led the nation in the 25 years following the death of Yiftach: Ivtzan (identified as Boaz in Bava Batra 91a), Eilon and Avdon.

Insight

Picking up the thread from the previous chapter, Yiftach is revealed as a less-than-ideal leader.

The earlier judge Gideon handled a very similar situation with the Ephraimites (Chapter 8), but while Gideon softly talked himself out of the tension, Yiftach's words could only enrage and intensify the anger of his opponents. We can only speculate as to the cause:

- Maybe years of humiliation as a rejected outcast created a will to take revenge on his own tribe;
- Perhaps low self-confidence prevented him from showing any softness, lest he be seen as weak;
- Possibly he had a bad temper and hotheadness, as hinted by the Talmud (Rosh Hashana 25b).

Most plausibly, however, it was a combination of all three.

Undoubtedly, Yiftach was a mighty military leader, but unfortunately, he was unable to transform himself into a political leader as well. From a strictly military point of view, his conflict with the people of Ephraim was a wholesale victory, but from a civil point of view it was an unmitigated disaster,

threatening the very existence of the Israelite federation of tribes.

My mentor and teacher, Rabbi Mosheh Lichtenstein Shlit'a, has contrasted two archetypes in Sefer Shoftim – the 'deliverer' and the 'judge'. The deliverers do not attempt to rule the people, but only solve a certain crisis. After their act of deliverance, we are told that the land was pacified for a certain number of years. In contrast, the judges are not necessarily involved in a specific war; we are told that they 'judged the people' for certain period of time. The tragedy of Yiftach, Rabbi Lichtenstein suggested, was in being the right man, but in the wrong role. Instead of retiring to his home after delivering the people, he insisted on becoming a judge – a mantle he was not equipped to assume.

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Law of the Land: Dina d'Malchuta in Israel

In addition to the basic requirement for Jews to follow Halachah, the Talmud notes that Jews are also obligated to observe the laws of the lands in which they reside. In multiple places, the Talmud invokes the principle of *dina d'malchuta dina* ("the law of the kingdom is the law"). While the scope of *dina d'malchuta dina* is subject to some debate, all authorities agree that it affirms the right of a monarch to levy taxes, and the obligation of the Jewish population to pay them. In one popular explanation, this is based on the premise that citizens are essentially guests in their countries of residence, where the king holds the power to evict. Therefore, the very act of living in a country demonstrates an implicit acceptance of the ruler's laws. (Ran, Nedarim 28a). The Shulchan Aruch rules that in a country where there is an organized system of taxation - even if Jews are taxed at a higher rate - there is an obligation to pay, and that tax evasion constitutes stealing from the king! (Shulchan Aruch and Rama, Choshen Mishpat 369:6)

Rabbeinu Nissim (Ran; 14th century, Spain) asserts that *dina d'malchuta dina* does not apply with respect to a Jewish king in the Land of Israel. (Commentary to Nedarim 28a) He argues that no king can claim ownership over the Land of Israel, since it is under the joint ownership of the entire Jewish people. While some authorities cite this ruling (Darchei Moshe, Choshen Mishpat 369:3; Beir haGra ibid. 369:35), the Shulchan Aruch, however, rules that taxes may be levied by both Jewish and non-Jewish kings, and makes no mention of any exception in the Land of Israel. (ibid. 369:6).

Rabbi Ovadiah Yosef (Yechaveh Da'at 5:64) argues firmly that

dina d'malchuta dina applies in the modern State of Israel on several grounds:

1. Many early authorities, including Rambam, rule that Jewish kings may levy taxes in the Land of Israel, and that the ruling of the Shulchan Aruch must be considered primary among legal authorities.
2. Rabbi Yosef cites numerous authorities who maintain that *dina d'malchuta dina* applies to any form of government, and notes that Rabbi Avraham Yitzchak Kook maintained that the government of the modern State of Israel has the status of a kingdom in this regard.
3. Taxes are primarily used to fund public services. The Talmudic sage, Rava applied *dina d'malchuta dina* to justify the government's practice of cutting down privately owned trees to construct bridges for public use. (Bava Kama 113b)

Although, the Shulchan Aruch and its major commentaries do not rule like the Ran, and allow taxes to be levied in the Land of Israel, the Ran's premise that all Jews have a portion in the Land of Israel, and that even a king cannot claim that the land belongs exclusively to him, is important to note. This arguably places an even greater responsibility on all of its citizens to contribute to its prosperity.

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Biography

Rabbi Moshe Shternbuch

Rabbi Adam Friedmann

Adapted from a column
by Rabbi Netanel Javasky

Moshe Shternbuch was born in London in 1926 to a family of 9 siblings. His father, a local merchant, died very young, leaving Moshe and his siblings orphaned. Rabbi Shternbuch was recognized for his Talmudic brilliance at an early age. When Moshe was still a child, Rabbi Elchanan Wasserman, renowned head of the Baranovich yeshiva, stayed at the Shternbuch home while on a fundraising trip. After spending some time learning with the young Moshe, the elder Rabbi was impressed with the boy's obvious talents.

Rabbi Shternbuch spent his formative years learning in Yeshivot in England and Eretz Yisrael. Within the latter he cultivated relationships with some of the leading rabbinic figures in the Lithuanian Charedi world, including Rabbi Yitzchak Zev Soloveitchik (the Brisker Rav), and Rabbi Avraham Yeshayahu Karelitz (Chazon Ish). Rabbi Shternbuch began his professional rabbinical career at the helm of several yeshivot and kollelim in Israel. After this he was, for many years, a Rabbi in Johannesburg, South Africa, where he delivered acclaimed Torah lectures on medical ethics. His renown grew while there, and he returned to Jerusalem to join the Beit Din of the Eidah haChareidit, which he currently heads as the Av Beit Din.

A proud descendant of the Vilna Gaon, Rabbi Eliyahu of Vilna, he compiled what is considered the authoritative book on his ancestor's minhagim and rulings: *Hilchot haGra uMinhagav*. Additionally, he has written many other works; including *Moadim uZmanim*, a set of books discussing the Jewish holidays. His book of responsa, *Teshuvot uMinhagim*, is also widely quoted. These books address many issues of contemporary concern and are a valuable insight into the halachic and social concerns of the Charedi world.

Though a staunch anti-Zionist, Rabbi Shternbuch believes that there is a mitzvah in moving to the Land of Israel. He is known to quote his father that it is better to live in the Diaspora and dream of the Land than to live in the Land and dream of the Diaspora.

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Torah and Translation

Cochlear Implants on Shabbat

Rabbi Moshe Shternbuch, Teshuvot v'Hanhagot 6:86

Translated by Rabbi Adam Friedmann

נשאלתי אודות מה שנתחדש בזמנינו שתל קוכליארי לכבידי שמיעה שענינו שמנתחים בראש האדם ומכניסים מתחת לעור הקרקפת חלק אחד של המכשיר הנ"ל, וחלקו השני מצמידים מבחוץ ע"י מגנט וע"י הצמדת החלק השני מבחוץ לחלקו הפנימי מתעורר הזרם חשמלי בחלק הפנימי הנמצא בתוך ראשו וע"כ פועל המכשיר פעולתו שיוכל האדם לשמוע.

והנה נצרך להוריד החלק החיצוני של המכשיר קודם השינה שאל"כ יש חשש שינזק המכשיר בשינה. ונשאלתי האם מותר בשבת להסיר החלק החיצוני ולהחזירו אח"כ בבוקר.

ונראה דאם יש חשש רציני שינזק המכשיר בשנתו מותר להסיר המכשיר מראשו ע"י שינוי, דכיון דאם לא יסירו מראשו ינזק המכשיר בעת השינה, וע"כ לא יוכל לשמוע לזמן מרובה... א"כ הסרת המכשיר הוא לצורך רפואה שאין בו סכנה לחולי החרשות, שיוכל להמשיך לשמוע ע"י המכשיר לזמן מרובה. (ואע"פ שהמכשיר אינו מרפא אותו מ"מ כיון שע"י המכשיר מתמלא חסרונו, הרי"ז כמו שהמכשיר מרפא אותו.)

אמנם, לענין החזיר המכשיר לראשו בשבת בבוקר, הנה כיון שגם אם לא יצמיד המכשיר לראשו בשבת הרי יעשה כן לאחר השבת, ונמצא שבלאו החזרת המכשיר בשבת ג"כ ימשיך לשמוע לאחר השבת... נראה שא"ז נידון כחולה אלא כמצטער... [ו]א"א להתיר להחזיר בשבת בשינוי למצטער, אף אם יש לו צער גדול.

מיהו, אם הרופא אומר שאם לא יחזירו המכשיר בשבת שע"ז הוא מנותק ביום השבת מכל הסובב יקשה לו הדבר מאוד, ויזיק לו לעצבים (נערוון), אז כיון שאילולא החזרת המכשיר יזיק לעצבו, הרי"ז נידון שהחזרת המכשיר הוא רפואה לחולה שאב"ס ויכול להחזיר בשבת ע"י שינוי.

I was asked... about the new invention of "cochlear implants" for the hard of hearing. Their nature is that through surgery on a person's head a part of the device is implanted under the skull. Its second part is aligned externally (using a magnet). By aligning the second part externally with the interior part, a current is caused to flow through the interior part which is inside the head. Through this the device carries out its function such that the person is able to hear.

One must remove the exterior part of the device before going to sleep, lest the device be damaged in his sleep. I have been asked if it is permissible, on Shabbat, to remove the exterior part and replace it in the morning.

It appears to me that if there is a serious concern that the device will be damaged during sleep, it would be permissible to remove the device in an abnormal way. Since if he would not remove it from his head during sleep, the device would be damaged during sleep, and because of this he would not be able to hear for a long time... Therefore, removing the device is considered a medical need for a person who is ill but not dangerously so, with the disease of deafness, who could [otherwise] use the device to hear for a long time. (And even though the device does not heal him, nevertheless since through the device his deficiencies are eliminated, it is as though the device heals him...)

However, in terms of replacing the device on his head on Shabbat morning, even if he would not align the device on his head on Shabbat, he would do so after Shabbat. We find, [therefore,] that even without replacing the device on Shabbat he would continue to hear after Shabbat... It appears that this [person] is not "ill" but rather in pain... [And] it is impossible to permit returning it on Shabbat in an abnormal way... for one who is uncomfortable, even if this discomfort is extreme.

However, if the doctor says that if he does not replace the device on Shabbat, such that he will be detached over Shabbat from all his surroundings, this will be very hard for him and harm his nerves, then, since without returning the device his "nerves" would be harmed, we consider replacing the device as healing for a person who is ill but not dangerously so, and he may replace it on Shabbat in an abnormal way.

Shemot 20:13 states, “You shall not commit adultery.” This law, repeated in Vayikra 18:20, prohibits a Jew from engaging in intercourse with the spouse of another. Sefer haChinuch counts this as the Torah’s 35th mitzvah, and explains that these types of activity are inherently harmful, both to the species and to the individual:

- Species - Hashem created each species and instructed it to reproduce “according to its type,” for the benefit of the species, and monogamy is considered inherently beneficial for the development of our species.
- Individual - Disruption of loyal relationships leads to confusion, jealousy, hatred and violence. A strong marriage, on the other hand, builds safety, stability, trust and love.

Technically, this biblical prohibition only protects relationships sanctioned by the Torah, and therefore is limited to Jewish marriages. However, separate imperatives of “He shall cling to his wife” for men, and “They shall be

one flesh” for women, prohibit violation of any monogamous, intercourse-based relationship. (Bereishit 2:24; Sanhedrin 57b, 58a; Tosafot Kiddushin 21b *eishef*)

The Torah provides extra protection for this law by prohibiting seclusion of men with women who are married to others; this is the law of *yichud*. [The biblical law does not apply to seclusion of a single woman with a man who is married to another, because biblical law does not prohibit polygamy. It is nonetheless prohibited rabbinically. (Sanhedrin 21a-b; Tur and Shulchan Aruch Even haEzer 22:1)]

Some contend that fertilization of a married woman with gametes donated by a male who is not her husband violates the prohibition against adultery. Others argue, based on talmudic passages, that biblical adultery does not take place without a physical conjugal act.

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Weekly Highlights: June 22 – June 28 / 19 Sivan – 25 Sivan

Most of our classes are now on hiatus, but opportunities remain!

Time	Speaker	Topic	Location	Special Notes
שבת Jun 21-22				
After hashkamah	R’ Alex Hecht	Parshah Analysis	Clanton Park	
6:15 PM	R’ Mordechai Torczyner	Pirkei Avot	299 Mullen #54	Post-seminary Girls
Before Avot	Ezer Diena	Daf Yomi	BAYT	Rabbi’s Classroom
After minchah	R’ Mordechai Torczyner	Gemara Avodah Zarah	BAYT	Simcha Suite
Tue. June 25				
1:30 PM	R’ Mordechai Torczyner	Yeshayah: Chapters 20-21	Shaarei Shomayim	Last class this year
7:30 PM	R’ Mordechai Torczyner	Shoftim: Chapters 1-2	129 Theodore Pl.	Not this week
6:00 PM Cocktails 7:00 PM Dinner	Evening of Tribute Celebrating Ten Years of Our Beit Midrash, at BAYT www.torontotorah.com/dinner19			
Wed. June 26				
10:00 AM	R’ Mordechai Torczyner	Jew of the Future 1: The New Fertility	Yeshivat Or Chaim 159 Almore Ave.	
8:00 PM	Ezer Diena	Reinstating the Sanhedrin?	Marlee Shul	
8:00 PM	R’ Alex Hecht	Non-Jews in Jewish Law	Shaarei Tefillah	Not this week
Thu. June 27				
1:30 PM	R’ Mordechai Torczyner	Shemuel: Chapter 11	49 Michael Ct.	Women
8:30 PM	Ezer Diena	Gemara Beitzah	ediena@torontotorah.com	Men, Advanced
Fri. June 28				
10:30 AM	R’ Mordechai Torczyner	Kiddushin	Yeshivat Or Chaim	Advanced

For University Men, at Yeshivat Or Chaim

10:00 AM Sunday, R’ Aaron Greenberg, Gemara Shabbat, Summer Hiatus

11:00 AM Sunday, Beit Midrash Rotation: Contemporary Halachah: R’ Alex Hecht: Women’s Hair Covering

8:30 AM Wednesday, Ezer Diena, Stories and She’ilot

8:30 AM Friday, R’ Mordechai Torczyner, Parshah

WOMEN’S BEIT MIDRASH for University and Adult Women, at Ulpanat Orot: On summer hiatus

Seder Boker for Adult Men

10:00 AM to Noon, Monday/Wednesday - R’ Moshe Yeres: Masechet Megilah and Olat Ra’ayah

10:00 AM to Noon, Tuesday/Thursday - R’ Moshe Yeres: Parshanut on Parshah and Pninei Halachah