

# Toronto Torah

**Yeshiva University Torah MiTzion Beit Midrash Zichron Dov**

Parshat Behaalotcha

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## Be Careful with Paupers' Children

**Yaron Perez**

*And [Moshe] gathered 70 men from the nation's elders and stood them around the tent. And G-d descended in a cloud and addressed him, and He took from the spirit that was on [Moshe] and placed it upon the seventy elders, and when the spirit rested upon them, they prophesied and did not persist. And two men remained in the camp, one named Eldad and the other named Meidad, and the spirit rested upon them, and they were among the inscribed ones and they did not go out to the tent, and they prophesied in the camp. (Bamidbar 11:24-26)*

The Talmud (Sanhedrin 17a) explains the process of identifying the elders and brings the view of Rabbi Shimon: Eldad and Meidad were worthy of selection as elders, but they remained within the national camp, thinking themselves unworthy. G-d declared to them, "Because you reduced yourselves, I will add to your greatness." Specifically, the elders prophesied and halted, but Eldad and Meidad prophesied without halting, as is seen within the text itself.

In a story with a similar theme, the Jerusalem Talmud (Sanhedrin 1:2) relates, "Once Rabban Gamliel summoned seven elders to an upper floor [to calculate and establish the calendar], and eight entered. He asked: Who entered without permission? Shemuel haKatan stood and declared: I ascended without permission; I needed to know a law, and I entered to ask. Rabban Gamliel said to him: Eldad and Meidad, even though all Israel knew that they were only two, I

still say you would be worthy of being one of them." (Explanation of Pnei Moshe)

Rabban Gamliel equated Shemuel haKatan with Eldad and Meidad; those two humble men ascended to greatness without being among the seventy, and the humble Shemuel HaKatan was great despite not being among the seven invitees. Indeed, the Sages teach that Shemuel gained the name "HaKatan" "the small" because he acted as though he was small. (Maharsha to Chullin 60b)

One could suggest that this is the meaning of the talmudic advice, "Be careful with paupers' children, for Torah will come from them." (Nedarim 81a) Those who appear to the world as paupers in their humility, who do not travel with the elite and do not make themselves stand out – be careful to honour them, for the lesson of Eldad and Meidad teaches that from them the greatest Torah could come.

Alternatively, we may take another route to explain the talmudic advice regarding the children of paupers. The Torah's text continues: *And the youth ran and told Moshe, saying, "Eldad and Meidad are prophesying in the camp!" And Yehoshua son of Nun, aide to Moshe since his youth, declared and said, "My master, Moshe, imprison them!" And Moshe replied to him, "Are you outraged for me? Would that the entire nation of G-d were prophets, that He would place His spirit upon them!"* (Bamidbar 11:27-29)

Rabbi Adin Steinsaltz described the exchange between Moshe and Yehoshua as a fundamental debate: "This is actually a question regarding Torah study, regarding awe of Heaven, and regarding many other matters: Is it possible, is it necessary, to contain it within a limited number of initiates? Should we be among those who gather it in, or among those who spread it?... This is actually a general question regarding the nature of Yisrael. Should only one who is worthy act, should only one who is worthy enter within, and one who is unworthy should sit outside – or should everyone come and participate?" (*Chayei Olam*) And Rabbi Steinsaltz contends that Moshe answers his question, saying, "Would that the entire nation of G-d would study Torah."

This approach could also explain the Talmud's concern for "children of paupers". We must not obstruct the path to Torah for those whose parents lack lineage and wealth; they, too, have a share in it.

250 years ago, the Baal Shem Tov began the revolution of Chassidut, proclaiming that each person has – and must have – a portion in Judaism, regardless of his social standing or Torah knowledge. In our generation we see that this revolution has succeeded beyond all bounds. Torah study is the portion of all, and Torah is accessible in unprecedented ways. We merit to see fulfilled Isaiah's vision of the end of days, "For the land shall be filled with knowledge of G-d, as water covers the sea."

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הורשתם את הארץ וישבתם בה (במדבר לו)

Marking the State of Israel's 70<sup>th</sup> Year!

**Israeli Landmark: The Northern Border & Montfort Castle** Rabbi Jonathan Ziring

The agricultural laws of the Land of Israel necessitate definition of the halachic boundaries of the land. One well-known text documenting the boundaries is the Rechob Inscription ([https://en.wikipedia.org/wiki/Mosaic\\_of\\_Rehob](https://en.wikipedia.org/wiki/Mosaic_of_Rehob)), which expands upon similar texts found in Tosefta, Talmud Yerushalmi and the Sifri. A city which appears on some of the lists is Katziraya d'Galila (see Tosefta Sheviit 4:11), which scholars suggest later became the site of Montfort Castle, a Crusader castle located in the northern part of Israel, in the Upper Galilee. It is about 35 km northeast of Haifa, and 16 km south of the border with Lebanon.

The castle was built by the Teutonic Knights. It was not originally built as a military fort, but rather as a location for the order's administrative needs, such as the archives and treasury. The property was used primarily for farming at first. The land on which the fort lies had been received by the French de Milly family after the First Crusade. It became a Muslim possession after Saladin defeated the Crusaders in 1187. Saladin's victory led to a

Christian response, namely the Third Crusade, during which the Christians were victorious.

It was at this point that Montfort became strategically important. The Christian victory had not been complete, and much of the southern and central portions of the country remained in Muslim control. The Crusaders mainly ruled along the coast and in the north, establishing their capital in Acre. The Montfort estate was located only 8 miles from Acre.

The Teutonic Knights bought and utilized this property primarily because they had no other choice. The other two orders in the Holy Land, the Knights Templar and Knights Hospitaller were hostile to the Teutonic Knights, and therefore the Teutonic Knights left Acre for Montfort. The primary development of the fort began in 1220 when they bought the property from the de Milly family.

The use and development of the castle increased over the next several decades, especially after the head of

the order, Grand Master Hermann von Salza formally requested assistance from Pope Gregory IX, who solicited aid on their behalf. During this period, the fortifications were increased. The majority of what remains of this castle is the two-story elongated hall structure in the centre. It is naturally fortified on three sides by hills, and is accessibly only on one side. In addition, it was fortified by towers and a dry moat.

The castle withstood a siege in 1266, but fell in the Mamluk conquest of Sultan Baybars of 1271, at which point the castle was destroyed in twelve days, to ensure that the Crusaders would not return.

The archaeological excavations at Montfort began in 1926 with an expedition organized by Bashford Dean, curator of the Arms and Armor Department of the Metropolitan Museum of Art in New York. Further excavations have been conducted every summer since 2011.

The castle ruins are now a popular tourist attraction. One can hike from Goren Park to the ruins.

**The Zionist Idea: The Levites' Status, and its Lessons** Rabbi Baruch Weintraub

Parshat Beha'alotcha discusses at length the special status of the Levites. (Bamidbar 8:5-26) They are separated from the rest of the nation as substitutes for the firstborn, who had been consecrated to G-d. Further, the age at which they are counted and enlisted for their service is different from the age at which the rest of the nation is counted - the Israelites serve from age twenty to sixty (Bamidbar 1, see commentaries there), and the Levites' relevant age range is from twenty-five to fifty-five. And of course, the Levites did not serve in the general army, which consisted of the other tribes, but were instead dedicated directly to G-d's work in the Mishkan.

These verses, and others similar to them, likely served as the basis for an oft-quoted and much-debated ruling by the Rambam regarding students of Torah: (Laws of Shemitah and Yovel 13:12-13)

And why did not Levi partake of the patrimony of the Land of Israel and its spoils with his brethren? Because he was set apart to serve G-d, to worship Him and to teach His just ways and righteous ordinances to the masses... Therefore, they have been set apart from the ways of the world: they do not wage war like the rest of Israel... They are, rather, Hashem's corps... And not the tribe of Levi alone, but each and every person throughout the world whose spirit has uplifted him and whose intelligence has given him the understanding to stand before G-d...

The question of the exemption of yeshiva students, with all of

its ideological, emotional and cultural implications, seems to depend heavily on the Levites' special status. My master and teacher, Rabbi Aharon Lichtenstein Zt"l, analyzed this halachah briefly but powerfully in his 1981 article, *The Ideology of Hesder* (<http://etzion.org.il/en/ideology-hesder>). We cannot do justice to the complexity of his arguments in our limited space. Instead, I would like to focus on one proposition which resonates with me deeply.

Rabbi Lichtenstein argues that, "The spirituality of the Levite does not preclude military service entirely. It only absolves him from ... the *mizvah* of *milhamah* (waging war) per se. This exemption has no bearing, however, upon his duty to help fight [for] the survival of his community and his peers... this obligation is rooted in the overall norm of *gemilut hasadim* (acts of kindness), it encompasses everyone. The world of the ben Torah, too, rests upon three pillars."

While loving the land and anticipating redemption no less than other major Zionist religious thinkers, Rabbi Lichtenstein's Zionist thought was based, to a great extent, on his deep feelings of commitment, compassion and shared fate with the People of Israel. This he saw as a pillar of Jewish existence - and the Levite must not be exempt from it, but rather must personally exemplify how to "reconcile the conflicting claims of spirituality and security, of *talmud Torah* and *gemilut hasadim*, of personal growth and public service."

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## Biography

### Rabbi Yehudah Ayyash

Rabbi Mordechai Torczyner

Rabbi Yehudah Ayyash was born at the start of the eighteenth century in Algeria. It is reported that his parents sought a divorce in the rabbinical court of Rabbi Shlomo Yedidya Tzror in Algiers, and he convinced them to remain together. This led to the birth of Rabbi Ayyash, and so his parents sent him to study under Rabbi Tzror. He was ordained by Rabbi Tzror at the age of 18, and he became Chief Rabbi of Algiers and head of its *beit din* when Rabbi Tzror passed away.

Rabbi Ayyash's halachic guidance was sought throughout the Sephardic community, from Morocco in the west, to Egypt and Israel in the east, to Italy in the north. Maharit Algazi praised him as "The holy, pious man, who resembles the heavens above." He was respected in Ashkenazi circles as well; Rabbi Yonatan Eibenschutz termed him, "The glory of the generation, who is known in Israel as a great man of great deeds."

Rabbi Ayyash wrote prolifically, publishing commentaries on Torah, Rambam's *Mishneh Torah* and parts of *Shulchan Aruch*. Some of his responsa were published in a work of responsa called *Beit Yehudah*.

In 1756, a man appeared to Rabbi Ayyash in a dream and instructed him to ascend to Israel. He did so, travelling with his students through Italy – reportedly meeting the *Chid"ra* in Livorno – before settling in Jerusalem. Rabbi Ayyash taught in the Jerusalem yeshiva established by Rabbi Chaim ibn Attar (the *Ohr haChaim*), and eventually became the head of the yeshiva. He passed away in Jerusalem in 1760; his son, Rabbi Yaakov Moshe Ayyash, served as *Rishon l'Tzion* (the position which would later become 'Chacham Bashi') from 1806 until his passing in 1817.

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## Torah and Translation

### Strike-Breaking for Gefilte Fish?

Rabbi Yehudah Ayyash, *Beit Yehudah Yoreh Deah 32*

Translated by Rabbi Mordechai Torczyner

מעשה בקהל א' שראו שהעכו"ם מוכרי דגים מייקרין השער ביות' ובשביל זה עשו רובם הסכמה בחרם שלא יקנה מהם כלל שום יהודי, אם יוכל אחד לקנות ע"י עכו"ם אמצעי דהיינו שישלח עכו"ם לקנות לו והעכו"ם מראה כאלו קונ' לעצמו.

תשובה דבר פשוט דאסור, דהא שלוחו הוא וקי"ל דשלוחו של אדם כמותו. ואף על גב דקי"ל דאין שליחו לעכו"ם, לחומר א"ש שליחות כמו שפסק מרן ב"י בי"ד ר"ס קס"ט גבי רבית, כסברת רש"י... ועוד דהכא שאני דזיל בטר טעם ההסכמה הוא כדי שיתבטל שער היוקר, ואם נתיר לקנות ע"י עכו"ם יעשו כל הקהל כן והמוכרי' לא יחזרו בהם כשימצאו קונים, ובפרט אם ירגישו בהם שקונים לצורך הישראלים. ועוד דמחזי כחוכא ואיטולא אותו החרם בעיניהם, דלפי סברתם הוי כאיסור נבילות וטריפות, וכשיראום אוכלים דגים יולולו באיסורם ויש בדבר חילול ד'.

ומיהו אם מכרו או נתנו לעכו"ם וחוזר הישראל וקונה מהם פשיטא דמותר. ואין לאסור מטעם זה, כיון דאפסקיה אחר, וכדמוכח מדין "קונם ביתך שאני נכנס" בי"ד סי' רי"ו ס"ד יע"ש.

ובכלל החרם ודאי אפי' בתורת מתנה אסור לקבל, דמתנה דינה כמכר והו"ל כקנין. ואם עבר א' וקבל פשיטא דישליכנו לכלבים.

ואע"פ שאותו יחיד היה מוחה בתחילת הסכמת החרם אין לחוש לו, דבטלה דעתו אצל הרוב כדאי' בי"ד סי' רכ"ח ס"ד.

Once, a community saw that the non-Jewish fish merchants were raising prices to unusual levels. Therefore, the majority made an agreement that no Jew would buy from them. May one purchase via a non-Jewish intermediary, sending a non-Jew to buy, such that this non-Jew would pretend to buy for himself?

Answer: This is obviously prohibited, for [the non-Jew] is his agent, and we say that one's agent is like himself. Even though we rule that there is no status of agency for non-Jews, there is agency where this leads to stringency, as ruled by Rabbi Yosef Karo at the start of *Yoreh Deah 169* regarding usury, following Rashi's view... Further, this case has a unique element; look at the reason for the agreement, to eliminate the expense; if we would permit purchasing via non-Jews, everyone would do this, and then the merchants wouldn't recant since they would have customers - especially if they would realize that [the non-Jews] are purchasing for the Jews. Further, this would make the communal ban look like a joke [to the non-Jews]; they view this as the equivalent of laws of [the non-kosher status of] carcasses and *treifot*, and when they see [Jews] eating fish then they will mock our prohibitions, causing desecration of G-d's Name.

However: If they sell or give to a non-Jew, and a Jew then purchases from him, this is obviously permitted. And one should not prohibit due to this [ban], since another person is in the middle, as seen in *Yoreh Deah 216:4* regarding a vow not to enter someone's house.

The ban certainly includes prohibiting receiving fish as a gift; gifts are like sales, and constitute a transaction. And one who transgressed and received it certainly must throw it to the dogs.

And even if this person protested at the inception of the agreement of the ban, one should not be concerned; his view is cancelled by that of the majority, as seen in *Yoreh Deah 228:34*.

The Torah's 8<sup>th</sup> mitzvah, as counted by *Sefer haChinuch*, is found in Shemot 12:10: "And you shall not keep leftovers from [the korban pesach] until morning; whatever is left from it until morning, you shall burn in fire." The deadline for eating is debated in the Talmud; one view contends that the deadline is midnight, the other that the deadline is first light on the next morning. Either way, the burning takes place on the second day of Pesach. [See Berachot 9a.]

This mitzvah involves more than a simple clean-up operation:

- In his 12<sup>th</sup> century biblical commentary, Rabbi Yosef Bechor Shor explained that this is part of emulating the experience of our ancestors in Egypt. People who expect to travel imminently do not preserve leftovers; they dispose of any food which has not been used.

- In his review of the 613 mitzvot, the anonymous author of *Sefer haChinuch* suggested that this mitzvah is meant to make us feel like royalty; kings have no need for leftovers.
- Rabbi Samson Raphael Hirsch contended that the act of eating the korban pesach must be linked with the sacrificial act itself, so that the liberation demonstrated in eating is connected with the act of serving G-d demonstrated in the korban. If a day elapses in between, that connection is lost. Therefore, the korban must be destroyed.

Per *Sefer haChinuch*, "One may not leave anything over," However, Rambam merely wrote (Mishneh Torah Hilchot Korban Pesach 10:11), "One may not leave over," suggesting that one could leave a small amount. See *Minchat Chinuch* for further discussion.

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**Weekly Highlights: June 2 – June 8 / 19 Sivan – 25 Sivan**

Time	Speaker	Topic	Location	Special Notes
<b>שבת June 2</b>				
<b>After Hashkamah</b>	Adam Friedmann	Parshah Analysis	Clanton Park	
<b>After minchah</b>	R' Mordechai Torczyner	Gemara Avodah Zarah	BAYT	<b>Simcha Suite</b>
<b>Sun. June 3</b>				
<b>8:45 AM</b>	R' Jonathan Ziring	Responsa	BAYT	<b>Not this week</b>
<b>10:00 AM to 11:20 AM</b>	<b>Rabbi Aaron Greenberg Mrs. Ellieza Perez</b>	<b>Is there an Ideal Jewish Leader? Becoming a Female Jewish Leader</b>	<b>Yeshivat Or Chaim</b>	<i>Midreshet Yom Rishon For women</i>
<b>Mon. June 4</b>				
<b>10:00 AM</b>	<b>R' Mordechai Torczyner</b>	<b>Are Jews Superstitious? Week 1: The Evil Eye</b>	<b>Beth Tikvah</b>	
<b>7:30 PM</b>	<b>R' Mordechai Torczyner</b>	<b>Cognitive Bias &amp; Medical Decision-Making</b>	<b>Shaarei Shomayim</b>	<i>Medical Ethics w/CME Laypeople welcome</i>
<b>8:30 PM</b>	<b>R' Jonathan Ziring</b>	<b>Psak of Israel's Chief Rabbis 1 Rabbi Ben-Zion Uziel</b>	<b>Shomrai Shabbos</b>	<b>Third Floor; For men</b>
<b>Tues. June 5</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Nechemiah: A New Era	Shaarei Shomayim	
<b>7:30 PM</b>	R' Mordechai Torczyner	Yehoshua	129 Theodore Pl.	<b>On Hiatus</b>
<b>Wed. June 6</b>				
<b>2:30 PM</b>	R' Jonathan Ziring	Exploring Bamidbar	32 Timberlane Ave.	<b>For Women</b>
<b>8:00 PM</b>	Adam Friedmann	Contemporary Issues	Shaarei Tefillah	
<b>8:00 PM</b>	Yaron Perez	הפרשה ואני	Shaarei Shomayim	
<b>Thu. June 7</b>				
<b>1:30 PM</b>	R' Mordechai Torczyner	Book of Shemuel	49 Michael Ct.	
<b>Fri. June 8</b>				
<b>10:30 AM</b>	R' Jonathan Ziring	Muktzeh	Yeshivat Or Chaim	<b>Advanced</b>

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

**10:00 AM Sunday, Rabbi Aaron Greenberg, Gemara Beitzah—Not this week**

**11:00 AM Sunday, Contemporary Halachah: R' Mordechai Torczyner, Medical Practice in the Jewish Community**

**8:30 AM Monday, Rabbi Jonathan Ziring, Orot—Not this week**

**8:30 AM Friday, Rabbi Mordechai Torczyner, The Book of Yeshayah**

**For University Women, at Ulpanat Orot—On Summer Hiatus**