

**INTERNET PARSHA SHEET  
ON BALAK - 5758**

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[weekly@virtual.co.il](mailto:weekly@virtual.co.il) \* TORAH WEEKLY \* Highlights of the Weekly Torah Portion Parshas Balak <http://www.ohr.org.il/tw/5758/bamidbar/balak.htm>

A Guest Appearance "And from there he saw the edge of the people." (22:39) "Unbeknownst to our hero, the wicked count Carlo was looking down at him from the gallery of the grain silo. A huge metal anvil hung silently, poised to drop sixty-five feet to the granary floor and turn our hero into Steak Tatare. Just a few more feet and he would be directly under the anvil. "Heh, heh, heh!" laughed Carlo quietly to himself. "This time, my fine friend, you will not escape my clutches!" Inch by inch our hero drew closer to his fateful nemesis. Inch by inch. And then he was there -- directly under the massive anvil! "Count Carlo relished the moment for a few nanoseconds, and then very gently he let go of the cord. The anvil, released from its restraints, fell like a stone, like an eager racehorse let loose from the starting gate. Said Baklava, the count's faithful bumbling butler: "Master, you let go of the anvil!" "I know I did, you bumbling idiot!" "But Master -- the end is tied to your right leg!" "What! You fool! How did that happen?" "I did it, Master," said a beaming Baklava. "I didn't want us to lose the anvil!" "Quickly, grab the rope, you idiot, maybe our combined weights will stop the anvil and I won't be pulled to my death!" "That would be nice, O master... But I'm not so heavy anymore, I've been going to Weight Watchers." "Don't argue with me, you, you, you, you bumbling Balkan!" "In the time it takes to say Sidney Greenstreet and Peter Lorre, Count Carlo and Baklava grabbed the rope. The anvil was suddenly checked in its downward plummet. But it wasn't going to give up without a struggle. It hoisted the two men right up to the pulley which was set into the granary roof and there they swung like a couple of trussed chickens. The anvil came to an abrupt stop eighteen inches above the head of our hero.

"Our hero could have sworn that he heard something. He looked around him. Nothing out of the ordinary here. He sighed his diffident sigh and sauntered out of the granary into the morning sunlight, unaware that he had come within a few inches of his life."

There's something very

unusual about the story of Balak. If the Torah had not revealed the episode of Bilaam trying to curse the Jewish People, we would never have known about it. Other events that the Torah records concerning the Jewish People could also be known from tradition, but not this week's Parsha. When this week's Parsha was taking place, the Jewish People were way out of earshot. You could only see them somewhere in the distance -- from the top of a hill; across a field; in the wilderness. But we never see them close up. They're like extras in their own movie. Had it not been for the Torah, we would never know what a narrow escape we had. The Jewish People walk through this week's Parsha blissfully unaware of the machinations of Balak and Bilaam.

At the end of the sixth century, the Byzantine Empire completely destroyed the Jewish settlement in the Land of Israel. Unbeknownst to the Jews of Babylon, the Byzantines then poised themselves to make Babylon "Judenrein." Before they could implement their plans, however, the Moslem revolt toppled them from power. Jews played a prominent role in the overthrow of Czarist Russia and in the subsequent Soviet government. Secretly however in 1953, Josef Stalin tried unsuccessfully to destroy the Jews in what became known as "The Doctors'

Plot." According to one theory, had the Doctors' Plot reached its climax there would have been a mass expulsion of Soviet Jewry. But these plans died along with Stalin in 1953. The shortest Psalm, Psalm 117, speaks of a world in the time of the Mashiach: "Praise Hashem all nations; laud Him all the peoples; for His kindness to us was overwhelming...." Once, a Russian prince asked Rav Itzaleh of Volozhin why non-Jews will be expected to praise Hashem for His kindness to Israel. Rav Itzaleh replied "The princes of the nations constantly plot our annihilation but our Merciful G-d foils their plans. You keep your plots so secret that we Jews don't even realize in how many ways you have tried to harm us and in how many ways G-d has saved us. Only you, the nations of the non-Jewish world, truly see the extent of G-d's kindness to us, and therefore only you can praise Him adequately."

Name Calling

"I cannot transgress the word of Hashem, my G-d to do anything small or great." (22:18) G-d can have no name. A name distinguishes something from everything else. It separates. A name says: It's this -- not this. When we speak of Hashem being One, it is not just that He is the only G-d, but rather that nothing else exists except for Him. He is One and All. Obviously then, He cannot have a name, for a name would separate Him from All. And yet Hashem has names. The very word "Hashem" means "The Name." When we talk of Hashem having names, it is only in the context of His connection to the world that He created. Hashem's names relate to the ways in which we perceive Him running the world. Sometimes, we perceive G-d's action's as merciful. Other times, we perceive G-d's actions as conforming to the letter of the law. G-d's names refer only to the way we perceive His actions. For at an ultimate level, He is neither merciful, nor just, nor any epithet or quality. For these adjectives relate only to our understanding of Him. In the above verse, Bilaam says he cannot "transgress the word of Hashem, Eloki (my G-d) to do anything small or great." The order of this sentence is puzzling. If Bilaam cannot do a small transgression, then all the more so he will not be able to do a large one. So why does the Torah need to spell out "small or great?" Tell me "small" and automatically, I'll know "great." Bilaam's method of cursing the Jewish People was to invoke against them names of G-d which represent unyielding justice -- Elokim and Kah. Thus, he surmised, there would be a possibility for his curses to strike home. However, when he tried to use the name Elokim, his mouth was closed prematurely and the name that came out was Keil -- a name expressing mercy. And when he wanted to utter the name Kah, his mouth suddenly experienced a moment of garrulousness. His tongue ran on ahead of him and what came out was the four-letter name of Hashem which epitomizes G-d's mercy. That's why Bilaam said "I cannot transgress the word of Hashem, my G-d (Eloki) to do anything small or great;" meaning: "I cannot change these two names, neither to shorten Hashem to Kah nor to lengthen Keil to Elokim."

You Lose -- I Win

"So now, please come and curse this people for me, for it is too powerful for me." (22:6) What does a Jew do when he finds himself in trouble? He goes to a great tzaddik and asks for a bracha. He davens to the Creator of the world to save him. But how do some nations react to trouble? When Balak ben Tzipor, the king of Moav was frightened of the Jews, he went to Bilaam and asked him, not to bless him, but to curse the Jews! This is the way of the wicked -- rather than seek a blessing for themselves, they would prefer a curse for someone else.

Asinine Talk

"And Hashem opened the mouth of the donkey..." (22:28) What does it mean when a donkey starts to speak? The essential difference between Man and the animals is the power of speech. Man is called "The Speaker" -- this is the quality that epitomizes his elevation above the animals. The power of speech is given to Man to elevate the physical world, to inject spirituality into the physical. Describing the creation of Man, the Torah says that Hashem "blew into his nose a spirit of life." Targum Onkelos translates this phrase as "He blew into his nose a speaking spirit." In the Hebrew language, the word for "thing" -- davar -- has the same root as dibur -- "word." Speech is the threshold between the world of things, the physical world, and the spiritual world.

When Man

uses his power of speech to add spirituality to the world, he fulfills his true purpose, he epitomizes the "speaking spirit." He elevates both himself and the world with him. But when he degrades the power of speech by using it to curse and to denigrate, then Man becomes no more than a talking donkey.

Sources: A Guest Appearance - Rabbi Reuven Subar Name Calling - The Vilna Gaon You Lose, I Win - The Chafetz Chaim Written and Compiled by Rabbi Yaakov Asher Sinclair General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel E-Mail: info@ohr.org.il Home Page: <http://www.ohr.org.il> (C) 1998 Ohr Somayach International

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As Bilam makes his way to meet the Moabite king Balak, an angel blocks Bilam's path and Bilam's donkey refuses to move on. Rashi writes that the angel was an angel of mercy; he was not placed there to harm Bilam but rather to save him from sinning and thus to save his life. Bilam, however, did not realize this. As far as he was concerned, the angel was simply interfering with his well laid plans.

In an address to young men who were in the process of seeking their spouses, R' Avraham Yaakov Pam shlita (rosh yeshiva of Torah Vodaath) observed that it is common for people to be angry when a seemingly perfect match does not work out. In reality, however, Hashem knows what is for the best. Indeed, the gemara states that it is blasphemous to pray that one be able to marry a specific person. One should only pray that he be able to marry the "right" person. (Atarah La'melech, p.32) The same concept applies to other aspects of life as well. For example, a person who is job hunting should not pray that he get a specific job, only that he get the job which is best for him. (Heard from R' Kalman Winter shlita)

"And Hashem came to Bilam that night and said to him, 'If the men came to summon you, arise and go with them; but only the thing that I shall speak to you - that shall you do.' (22:20) R' Moshe Feinstein z"l asks: If Hashem did not intend to let Bilam curse Bnei Yisrael, why did He let Bilam go? He answers: The story of Bilam demonstrates the power of the yetzer hara/evil inclination. Although Bilam was a prophet and he knew that Hashem did not want Bnei Yisrael to be cursed, he nevertheless went to great lengths and made many preparations to try to circumvent Hashem's will. The lesson that we must derive from this, says R' Feinstein, is that one should not rely on his intellect, piety, Torah study and belief in Hashem to protect him from his evil inclination. Unless a person is constantly vigilant, it is all too easy to become ensnared and ultimately to sin. (Darash Moshe II, p.203)

"Reishit goyim Amalek/Amalek is foremost among the nations." (24:20) R' Aharon Roth ("Reb Ahrele") z"l writes: The initials of the above phrase spell "regal" / "a moment," as in the verse (Tehilim 30:6), "Ki rega be'apo" / "His anger lasts but a moment." Thus, this verse teaches that anger (alluded to by Amalek, foremost among the nations) is foremost among bad character traits. The verse continues, "And its end will be eternal destruction." If one can delay his anger (i.e., push it off until the "end"), he will succeed in destroying it entirely. (Shulchan Hatahor quoted in Imrei Aharon)

An Astonishing Midrash Bilam said to Balak, "How can I curse them? After all, they wear Shabbat clothes and they sit before the rabbi when he delivers his lecture!" This can be understood in light of another question, i.e., how is it possible to hurt someone by cursing him? If he deserves to be harmed, he should be harmed without being cursed. If he is not deserving, the curse should have no effect. The Ohr Hachaim Hakadosh explains that there are two ways that a curse can have an effect. If a person is deserving of punishment but Hashem has decided, for whatever reason, to delay the punishment, another person's curse may hasten the arrival of the punishment. Also, Hashem has ordered the world such that

one person can stop His blessings from descending from Heaven to the lower spheres. In this light we can understand Bilam's words: Regarding the first effect of a curse, Chazal say that all of a person's sins are forgiven when he sits through the rabbi's lecture. Regarding the second, man is elevated to a higher level when he observes Shabbat, and Hashem's blessings do not need to descend to a low level where a curse can "reach" them. Thus, Bilam's curses were useless against Bnei Yisrael. (Binat Nevonim)

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Ravfrand@torah.org "RavFrands" List - Rabbi Frand on Parshas Balak

If It Can Happen To Bilaam, It Can Happen to Any of Us -- In Parshas Balak we find an incident which if we merely stop to think about it will teach us a tremendous ethical lesson. For me personally, it is one of the scariest mussar teachings that I find in the Torah. This incident with a person named Bilaam, who had a tremendous power of speech. Whoever he blessed was blessed; whoever he cursed was cursed. He was a very powerful man -- a person who did not command divisions of armies; but he had an almost magical power of speech. He is asked to employ this power against the Jews. He knows that G-d does not want him to go, but he decides to go nevertheless. While on the way, what happens to him? His donkey stops, refuses to move, then all of a sudden the donkey opens up his mouth and starts talking to him. Since the history of the world began such a thing never happened -- and never again will happen -- that a donkey should talk to a man. If one would have any doubts whether what he was doing was right or wrong and all of a sudden while driving along, his car would stop and tell him "Don't go" (and not just one of those recorded voices saying "Your seat belt isn't buckled...") -- would that not cause the person to at least stop and wonder whether he was doing the right thing? We may ask this question even about a person who was not perceptive. But Bilaam was a wise person; he was a perceptive person. How would a perceptive person view his donkey talking to him? He should have said to himself, "My strength is my speech. Who gave me that power? G-d. The proof is that the same G-d who gave me the power of speech, just gave my donkey the power of speech! Who gives a mouth to man or Who makes one dumb..." [Shmos 4:11] Where is my strength from? There is no bigger miracle of me talking than my donkey talking. It's the same strength of G-d." What should Bilaam have concluded? That he was not using his power of speech correctly, and he should turn back. Isn't this as clear as day? Isn't the message clear? Shouldn't that make an impression? And yet it didn't. This is the lesson to be learned -- how blind a person can be! When a person has some type of personal motive -- whether it be money or power or whatever it is -- a person can literally be completely blind. G-d can almost spell it out to him... G-d CAN spell it out to him, but he won't see it! That is what is so frightening. It can be as clear as day to the objective observer, but the person on his way to sin can not see what is in front of his own eyes! This is terribly frightening, because if it can happen to Bilaam, it can happen to every one of us! If Bilaam can be blinded, we can be blinded. This is the tremendous mussar to be derived from the incident of Bilaam: There are none so blind, as those who will not see.

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yhe-sichot@virtual.co.il] Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm) Dedicated in memory of Dr. Harry Dweck.  
PARASHAT BALAK SICHA OF HARAV YEHUDA AMITAL SHLIT"A

## Our Eternal Battle with the Ideology of Pe'or      Summarized by Joey Shabot

The last section of our parasha tells the story of Am Yisrael succumbing to two sins: harlotry with the women of Moav and the worshipping of their deity. Two verses describe this idol-worship: "And they called the people to the sacrifices of their gods and the people ate and bowed down to their gods. And Yisrael joined itself to Ba'al Pe'or, and the anger of Hashem was kindled against Yisrael" (Bamidbar 25:2-3). Apparently, these verses describe two distinct groups of idol worshippers. We know from other places in Torah that the main deity of Moav was not Pe'or, but rather Kemosh (see Bamidbar 21:29, Melakhim I 11:33, Yirmiyahu 48:46, etc.). Kemosh was worshipped through sacrifices and genuflection, as described in the first verse. Pe'or, however, was worshipped in a very different manner: not through sacrifices but rather through undressing in front of and defecating on the idol figure (see the gemara quoted by Rashi here). It is significant that the latter verse, discussing the worship of Pe'or, tells us of Hashem's anger. Furthermore, whenever the Torah refers to the sin with the women of Moav, it refers to it as "the matter of Pe'or" (Bamidbar 25:18, 31:16), a clear indication that Pe'or represented the essence of the sin. The number of people who died as a result of this sin was 24,000. Even the sin of the Golden Calf resulted in no more than 3,000 deaths! What precisely was so bad about Pe'or per se, and why does Pe'or receive such prominence as the central sin in this story?

The key to this question lies in the answer to another, more straightforward problem: what was it that made Benei Yisrael, just praised by Bil'am for not adopting perverse and foreign elements (23:9, 21, 23) succumb to this particularly bizarre form of idol worship? Let us think for a moment beyond the specific manner in which Pe'or was worshipped, and consider the ideology behind it. Pe'or represents an ideology still fashionable today, containing two elements: man living and behaving as he would in his most natural state, and as a result, losing the feeling of common shame (busha) that would otherwise characterize man as distinct from the animals. According to this ideology, there is no reason for man to feel shame. What is natural is good! Why should fulfilling his most basic and natural physical functions be any cause for hiding? In fact, one would expect the opposite from a God-fearing nation - that man, in celebration of a perfect creation (his wondrous body, and a perfect natural world around him), should do nothing less than embrace nature just as it is, proudly flaunting it as God made it, without adding or taking away. And therefore, it would be perfectly appropriate for these ideas to find expression in nothing less than the very worship of the divine, in the culture of such a nation. Viewed from such a perspective, the manner of Pe'or-worship is indeed articulate poetry, expressing a developed philosophical stance - a stance, however, that Judaism strenuously rejects.

The Torah opens with the theme of the tension between pure nature and shame. The effect of eating from the tree of knowledge, it will be remembered, was to "know the difference between good and bad" (Bereishit 2:17). Immediately after tasting from this tree and thus now having the ability to distinguish, Adam and Chava's first action is to cover their nakedness, fashioning makeshift clothing from the first material in sight (3:7). Adam clearly articulates his first reaction to realizing that he was not dressed: "I was afraid because I was naked..." (3:10). Later, it is Hashem Himself who clothes Adam and Chava (3:21). The Kabbalists express this idea as central to the whole of creation. Jumble the letters of the first word of the Torah, "Bereishit," and you can get "Yere boshet" - mindful of shame, which represents the antithesis of unharnessed nature and the antithesis of Ba'al Pe'or. It is man's job not to be merely part of nature, but to transcend it and perfect it.

Between the days of Ba'al Pe'or and our times, there have been yet others who questioned the theological assertion that man must to a certain degree alter God's creation. In the well-known midrash (Tanchuma, parashat Tazria), Turnus Rufus, a Roman ruler, questions R. Akiva: "Whose actions are more becoming, God's or man's?" R. Akiva, preempting him, asserts that man's actions are more becoming, and as evidence he illustrates

that wheat is useless until man bakes bread with it, and flax is useless until man weaves it. Here, the Roman is really questioning the Jews' audacity in circumcising their males - how do we dare alter what God made? Indeed, R. Akiva provides an articulate response. His point resounds through the mitzvot, starting from circumcision and extending to such mitzvot as orlat ilan (waiting three years before enjoying the fruit of a tree) and the concept of tzniut (modesty). The same God who created the world also commanded human beings that the world's natural state is not always perfect or good, and that it is left to man to perfect the world. The rejection of Pe'or's "natural" ideology finds expression not only in the Torah's opening and various mitzvot, but also at its very end. In describing Moshe Rabbeinu's burial place, the Torah reads "in the valley in the land of Moav against (mul) Beit Pe'or" (Devarim 34:6). Immediately, one cannot help but wonder if the Torah could not find a more complementary manner in which to describe the location, and if it could not have closed with prettier imagery than Pe'or? The Torah's purpose in summoning associations of the incident described in our parasha, as well as the strategic placement of the grave of Moshe, who can be seen as the embodiment of Torah, becomes obvious in light of the above. The Torah's challenge to Pe'or's ideology, and the CONFRONTATION it presents, is clearly symbolized here by the pure contrast: Moshe and his Torah, vs. Pe'or and its temple. Moshe remains eternally poised against Pe'or.

One of the tenets of our Torah is that not everything that is natural is wholesome. And in effect, all of Torah is sandwiched, from Bereishit to Ve-zot Ha- berakha, between reminders of this value.

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## Drasha@torah.org SORRY FOR NOTHING - DRASHA PARSHAS BALAK

We are all fascinated by inanimate or animal objects that speak. The '60s had TV viewers kvelling over talking horses, even talking cars. And an entire industry was based on the concept of a talking mouse. But this week a talking animal is no joke. The Torah tells us about a talking animal that brought no laughs to its rider and teaches a serious lesson to us all. Bilaam, the greatest prophet that the gentile world had seen, was hired by Balak, King of Moab, for one mission: curse the Jews. Bilaam's feigned reluctance was quickly turned to exuberance when offers of honors and great wealth were added as signing bonus, and first thing in the morning he saddled his trusted donkey and was on his way. He planned to travel to an overlook, where he would cast his spell on the Jewish Nation as they camped innocently beneath the wicked gaze of Balak and his employee, Bilaam, the prophet. But Hashem had different plans. As Bilaam's donkey ambled toward a narrow passage, it saw a frightening sight. An angel, with a sword thrust forward, blocked its path. The beast turned off the road into a field, and Bilaam struck the animal to get it back on the road. But again the angel stood in the passageway and the poor donkey, in fear, squeezed tightly against a stone wall, pressing Bilaam's leg against the wall. The great prophet, who so haughtily straddled the donkey, did not see the angelic figure and reacted violently. Again he hit his donkey; this time harder. But the angel did not retreat. He began approaching the donkey and its rider. Suddenly the donkey crouched in panic, and Bilaam struck it again. But this time the donkey did not act like a mule. She spoke up. Miraculously, Hashem opened her mouth, and she asked Bilaam, "why did you hit me? Aren't I the same animal that you have ridden your entire life? Should not my strange behavior give cause for concern?" (Numbers 22:28) When the angel, sword in hand, finally revealed himself, and chided Bilaam for striking the innocent animal, Bilaam was flabbergasted. He was left speechless save for one sentence. "I have sinned, for I did not know that you were standing opposite me on the road. And if you want, I shall return" (Numbers 22:34). What is disturbing is Bilaam's immediate admission of sin. If he could not see the angel why did he admit guilt? Many riders would hit a donkey that

presses their foot against the wall or crouches down amidst a group of a king's officers. Bilaam should have simply stated to the angel, "I did not know you were there and thought my beast was acting in a manner that required discipline." Why the apology? If he truly did not know that the angel was there, why did he admit to sinning?

On one of the final days of the Six Day War the Israeli troops pierced through enemy fortifications and forged their way through the ancient passageways of Jerusalem. As if Divine gravitational force was pulling them, one group of soldiers dodged the Jordanian bullets and proceeded until there was no reason to continue. They had reached the Kotel HaMaravi, the Western Wall, the holiest place in Judaism, the site of both the First and Second Temples. The young men, some of whom had yeshiva education, others who came from traditional backgrounds, stood in awe and began to cry in unison. The Kotel had been liberated! One young soldier, who grew up on a totally secular kibbutz in the northern portion of the state gazed at the sight of his comrades crying like children as they stared up at the ancient stones. Suddenly, he, too began to wail. One of the religious soldiers, who had engaged in countless debates with him, put his arm around him and asked, "I don't understand. To us the Kotel means so much. It is our link with the Temple and the holy service. This is the most moving experience of our lives. But why are you crying?" The young soldier looked at his friend, and amidst the tears simply stated, "I am crying because I am not crying."

Bilaam, the greatest of gentile prophets, realized that something must be wrong. A simple donkey saw the revelation of an angel. He did not. He realized that there are experiences he should have been able to grasp and appreciate. If he didn't it was not a donkey's fault. It was not an angel's fault. It was his fault. He realized then and there that it was he who was lacking. How often does G-d cry out to us in newspaper headlines, be it earthquakes, wildfires, or human tragedies? We should stare at the sight and see the divine figure standing with an outstretched sword. We do not. We flip the paper and strike at the donkeys who struck out. We ought to cry at the tragedies of life, and if we do not realize that they are there, we ought to cry about that. Then one day we will all smile. Forever.

Dedicated by Marty and Irene Kofman in memory of Esther bas R' Yitzchak & R' Elozor ben R' Yehuda of blessed memory Mordechai Kamenetzky - Yeshiva of South Shore rmk@torah.org 516-328-2490 -- Fax 516-328-2553 http://www.yoss.org/drasha  
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<http://www.ou.org/torah/ti/> Torah Insights for Shabbat Parashat Balak 5758 July 11, 1998 Rabbi Aaron Gruman

When it comes to prophecy, our Sages compare Bilaam to Moshe Rabbeinu: "Never again has there arisen in Israel a prophet like Moshe. But among the Babylonians one did arise. Who is this? Bilaam, son of Ba'eor." Regarding character traits, however, our Sages compare Bilaam with Avraham Avinu: "A generous eye, a humble spirit and an undemanding soul, these are the characteristics of the disciples of Avraham; An evil eye, a haughty spirit and a demanding soul, these are the characteristics of the disciples of Bilaam." Where did our sages see evidence of Bilaam's haughty spirit? Under which similar circumstances did Avraham Avinu display a humble temperament?

Rabbi Meir Bergman in his work, Shaarei Orah, points to a somewhat puzzling Gemara: "Whoever establishes a set place for prayer, the G-d of Avraham will come to his aid, and when he dies they will say about him, 'What a humble man, what a pious man. He is a disciple of Avraham Avinu.' " And from where do we know that Avraham Avinu had a set place for prayer? From the verse, "And Avraham arose in the morning to the place that he had stood [prayed] earlier." Certainly maintaining a set place for prayer is admirable, but why heap such effusive praise on its practitioner? We return to Bilaam. Balak enlists him to curse the Jewish people. Bilaam's initial attempt fails. His reaction? Let's try again from somewhere else.

Round two: same result. Bilaam's reaction? Let's try yet another location. Does Bilaam really think that his failure is caused by a particular site being unworthy? Does it not dawn on him that perhaps it is his prayer that is lacking, or that he himself is inadequate? Arrogance, the Mishnah in Avos teaches, is the source of Bilaam's blindness. Not so Avraham Avinu. After his valiant efforts to rescind G-d's decree to destroy Sodom did not bear fruit, Avraham Avinu returns to pray. He returns to the very same spot where the previous prayer went unanswered. Perhaps the failure was mine, muses Avraham Avinu. Did I pray with enough kavannah? Was there sufficient depth and meaning to my words? Humility, the Mishnah teaches, allows for serious introspection. Can I do better next time? Kevi'as makom, establishing for oneself a place for prayer, refers to more than a physical seat in the synagogue. It represents a commitment to tefillah that states, "It is not the shul I attend or the spot I occupy that determines successful prayer. It is my ability to constantly dig deeper and sharpen my focus internally." Of such a person we can surely say, "What a humble man, what a pious man. He is a disciple of Avraham Avinu."

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SHABBAT SHALOM: Who is to blame? By RABBI SHLOMO RISKIN

(July 9) "And God said unto Balaam: 'You shall not go with them, you shall not curse the people, for they are blessed.'" (Num.22:12)

Balaam is one of the most fascinating biblical personalities; a Gentile prophet-sorcerer who is hired by Balak, King of Moab, to curse the Israelites but ends up praising them.

In Ethics of Our Fathers we find a chilling assessment of Balaam's character, all the more striking because his evil qualities are contrasted with the qualities of Abraham, our ideal: "Whoever possesses the following three qualities is of the disciples of our father Abraham; whoever possesses the opposite three qualities is of the disciples of the wicked Balaam. Those who belong to the disciples of Abraham possess a good eye [generous nature], a humble spirit and a modest desire. Those who belong to the disciples of Balaam possess an evil eye [grudging nature], a haughty spirit and an excessive desire [for wealth]..." Of the three characteristics, a "good vs. evil eye," and a "modest vs. greedy desire" are clearly in evidence. We know of Abraham's magnificent hospitality, offering travelers from every direction shelter, rest and recuperation. Moreover, despite the fact that his nephew and adopted son, Lot, displayed egregious ingratitude toward him by moving to Sodom, Abraham nevertheless wages a war to free him from captivity. Balaam, on the other hand, is totally self-centered. Although his final words of blessing to Israel sound like the love-song of a nightingale, the fact remains that when Balak invites the Gentile prophet to curse the children of Abraham, Balaam coaxes the Almighty to allow him to set out on the evil journey. Abraham's unselfish purpose is to unite as many as possible to share God's bounty, while Balaam seems quite anxious to bring destruction upon Israel. A similar dichotomy exists in the category of cupidity. After succeeding in the difficult battle against the four Kings, Abraham refuses the bounty: "I take an oath to God Most High, possessor of heaven and earth, that I will accept neither a thread nor a shoelace; I will not take anything that is yours, so that you shall never say, 'I have made Abraham wealthy...'" (Gen. 14:22-23) Not so Balaam. Despite Divine displeasure, Balaam follows the messengers of Balak in the hope that he will ultimately receive a reward of gold and silver as well as the honor which comes from being an international magician. When we examine the humble spirit attributed to Abraham and the haughty spirit attributed to Balaam, we discover a truth about human nature. In order to understand Abraham's humility, and - in contrast - Balaam's arrogance, Rav Bergman, in his commentary Shaarei Orah, calls our attention to the following passage in the Talmud: "R. Helbo said in the name of R. Huna: Whoever has a fixed place for his prayer has the God of Abraham as his helper. When he dies, people say of him: 'Where [can

we still find] the pious man, the humble man, one of the disciples of Abraham?" Now how do we know that our father Abraham had a fixed place for prayer? It is written: 'And Abraham went early in the morning to the place where he had stood before God.' And standing means nothing else [but prayer]." (B.T. Brachot 6b). Rav Bergman is perplexed as to why having a fixed place for prayer testifies to one's humility. He suggests that Abraham continued to pray in the very spot he had prayed on behalf of Sodom and Gomorrah, even though God did not acquiesce to that prayer. Abraham's consistency indicates that he never considered blaming the place; only himself. How unusual this is! Generally we blame everything else for our failures. But Abraham understood that in the final analysis, one can only blame oneself. Hence, returning to a fixed place for prayer indicates true humility: the realization that one can only look to oneself as the source of one's success or failure. By contrast, Balaam is always on the move. Our Torah portion records that he tests the efficacy of his "prayers" by building seven altars upon which seven sacrifices are brought. When the attempt to induce God to spread a web of curses upon the Israelites backfires - praise and blessings pour from Balaam instead - Balak suggests a new location, a place where "you will be able to see only a small section of the (Israelite camp)... From there you may be able to curse them for me." (Num. 23:13) No problem. The team is off to Lookout Field, and again seven altars are built and seven more sacrifices made. But nothing happens. Balaam declares that "surely there is no enchantment in Jacob, nor is there any divination against Israel..." (23:23) His words anger Balak: "If you can't curse them, at least don't bless them," the king grumbles (23:25). One would imagine that by now Balaam would have given up. Twenty eight animals, and 14 altars later, God has still not allowed Israel to be cursed. Yet, when Balak suggests yet another location - "If you would, let's go on... I will take you somewhere else..." (23:27) Balaam accepts. Apparently the haughty Balaam is incapable of blaming himself; he continues to seek a change of environment. A mystical work called the Book of Creation (Sefer Yetzirah) tells of a bird that is always flying. The reason is because the bird is constantly sickened by a foul odor, which she believes emanates from the place she is in. What the bird doesn't realize is that the odor comes from her own self! The best definition of maturity I know is the realization that we have to stop blaming our failures on place, environment, parents, siblings, teachers or spouses. A mature person looks squarely at himself. This is the beginning of humility - and of ultimate success. Shabbat Shalom Rabbi Riskin is chief rabbi of Efrat.

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Shabbat-zomet@virtual.co.il Shabbat-B'Shabbato - Parshat Balak TORAH AND ... PRAYER: Windows in a Synagogue by Rabbi Uri Dasberg "How good are your tents, Yaakov, your dwellings, Yisrael" [Bamidbar 24:5]. This verse quoting Bilam implies a reference both to synagogues and to windows. There is a halachic link between the two, as is written: "One should only pray in a house which has windows" [Brachot 34a]. This is learned from Daniel, who risked his life to pray facing the windows in his house, which were pointed towards Jerusalem. What reason might there be for this requirement? According to Rashi, looking at the heavens brings humility to a man's heart. The problem with this is that specifically during prayer one is required to look down and not up. The Beit Yosef writes that the purpose of the windows is that if one happens to look upwards by mistake, his gaze will fall on the sky. According to the Bach, on the other hand, one should look at the sky before starting to pray, and then look down during prayer. These halachot imply that the windows should be pointed towards the sky and not towards the street, which might cause one to be distracted. They can be made of glass and closed all the time, as long as the sky is visible, and they must be in front of the congregation, facing Jerusalem, as was true in Daniel's case. According to the students of Rabbi Yona, the purpose of the windows is to air out the synagogue. This would mean that the windows can be in any direction, but they must be open to the outside air, implying that if there is proper air conditioning there is no need for windows at all. The Kesef Mishne quotes the Rambam, who writes that a

window is required only for one who is praying at home, as was the case with Daniel, but not in a synagogue. This would explain why the Rambam quotes the halacha about windows as part of the Laws of Individual Prayer (chapter 5) and not in the Laws of Synagogues (chapter 11). In the Shulchan Aruch and the accompanying commentaries, it is ruled that a synagogue must have windows pointed towards Jerusalem. It is recommended that there be 12 windows in all (the number is based on the writings of the Zohar). While it is not common to see this number of windows in a synagogue, this may be because the windows are typically very large and divided into several panes of glass, such that if all the glass is taken into account there are more than 12 windows. It is permitted to have more than the minimum required number. Reference: Rabbi Moshe Bigel, "Melilot," page 251

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THE FOUR FAST DAYS & SEFER ZECHARYA Why do we fast on four 'fast days'? [i.e. on 17 Tamuz, Tisha B'av, 10 Tevet & Tzum Gedalya] The primary answer, of course, is to remember the destruction of the Bet Ha'Mikdash and Yerushalayim. Yet, according to the prophet Zecharya, these four fast days take on an added dimension. In the following shiur, our study of Zecharya chapters 7->8 will give extra meaning not only to Tisha B'av, but also to our appreciation of Jerusalem today, some thirty years after its liberation during the Six Day War.

INTRODUCTION / HISTORICAL BACKGROUND Chagai & Zecharya, the two prophets who inspired the building of the Second Temple, lived during the time period which is better known as "shivat tzion" - the return to Zion. This 'return of the Exile' begins after the famous decree of Cyrus (the first king of the Persian empire), allowing the Jews to return to Jerusalem (see Ezra 1:1-9). Although the original decree of Cyrus allowed for the construction of the Temple in Jerusalem, at first, the returnees were unable to begin building due to the protests of the local population. Only some twenty years later, permission was finally granted when Darius (the Great) came into power, in the second year of his reign. In that year, both Chagai and Zecharya deliver their opening prophecies, encouraging the people with great hopes that this new Bet Ha'Mikdash may one day be greater than the first Bet Ha'Mikdash, despite their present and rather pitiful predicament. [See Chagai chapters 1->2 & Zecharya chapters 1->6.] During this time period of SHIVAT TZION, many thousands of Jews had indeed returned to Zion (see Ezra chapter 2), however many thousands more remained in Bavel [later to be known as 'the Diaspora'].

THE BIG QUESTION Our shiur (on chapter 7) begins some two years later [in the FOURTH year of Darius], some two years after construction had commenced, but some two years before the Mikdash was completed. In Kislev of that year, as a delegation of Jews from Bavel comes to Jerusalem (see 7:1-2) to inquire in regard to a very important halachik question: "HA'EVKEH B'CHODESH HA'CHAMISHI - Shall we continue to weep in the fifth month (i.e. Tisha b'Av), do we abstain ourselves as we have been doing all these years?" Their question is quite understandable. Since the time of destruction of the First Temple some seventy years earlier, the custom in Bavel had to fast every year on Tisha B'av. Now, in the fourth year of Darius, as the construction of the new Temple is almost complete (it was finally completed in sixth year of Darius/ see Ezra 6:15), it may no longer be necessary to fast! With this in consideration, the delegation from Bavel inquires in order to inform the Jews of the Diaspora of the proper halacha, i.e. whether or not they need to continue fasting every year on Tisha B'av! For such a simple and logical question, we should expect a straightforward 'yes or no' answer. Instead, Zecharya fields this question with a complex prophetic answer, spanning two chapters. He begins [following an ancient Jewish custom] by answering their question with his own question: "[And God said to me:] Say to the people...When you fasted and lamented on the fifth and seventh [Tzum Gedalya] months during the last seventy years, HAVE I BEEN FASTING?! And when you eat and drink (not on a fast day), is it not you who decides to eat or drink?!" (7:4-6)

A BETTER QUESTION, & A BETTER ANSWER It seems that God is telling Am Yisrael that they have reached the 'wrong address'. Why should they ask God concerning the laws of the fast days? After all, the fast days are not God's commands, rather they are customs instituted by the people themselves in order to remember Yerushalayim. Just as the people decide when and what they eat, let them decide on their own when they should fast. In any case, this is not a question for God to answer. However, God does not pass up this opportunity to provide some guidance in case the people are truly interested in God's 'true opinion' in regard to the rebuilding of the Second Temple. But His message (at first glance) appears as though it has nothing to do at all with fasting: "Pay attention to the very same things which the earlier prophets [had warned your forefathers] when Jerusalem and its surrounding areas were populated and tranquil [i.e. during the good years of first Temple period]... Execute TRUE JUSTICE, deal loyally and compassionately with one another. Do not defraud a widow, orphan, stranger, or poor man, and do not plot evil against one another."(7:7-10) God's answer is very powerful, for in it, He reads between the lines of their question - for if the people are fasting on Tisha B'av - it should not be simply to remember WHAT happened to Yerushalayim, but more important, they should be fasting in order to remember WHY it happened. God reminds Bnei Yisrael that the Mikdash was destroyed because of their behavior, for they did not follow the guidance of their prophets. God's answer is quite simple. He is not interested in their fasting. More important is that the people follow His laws properly, especially those of social justice, and not repeat the sins of their forefathers. It is important to note the reason for the destruction of the first Bet Ha'Mikdash, implicit from Zecharya's prophecy. God's anger was kindled primarily due to both a lack of social justice and a lack of fraternity within Am Yisrael, (and not necessarily due to religious impiety). [See for example Yirmiyahu 7:9-12, 7:22-24, 8:4-9, 9:1-8, 22-23 (that's in the Haftara for Tisha B'av!) A similar theme repeats itself throughout the Later Prophets, "v'akmal".]

WHAT SHOULD HAVE BEEN THE QUESTION Therefore, Zecharya claims that the

primary reason for fasting on Tisha B'av should be to remember this message of WHY Jerusalem was destroyed. To focus only on fasting to remember WHAT happened, INSTEAD of remembering WHY it happened would be meaningless. Now that the redemption process has begun, Zecharya would rather hear questions in the like of: 'What should we do assure that God's redemption will be complete? What does God expect from us?' Zecharya would rather the people become 'participants' in the process, rather than 'spectators'. With this backdrop, we can better appreciate how Zecharya continues. First, he reminds the people that even though God had punished their forefathers with Jerusalem's destruction for not listening (see 7:11-14), now they must recognize that a new opportunity has arisen: "Thus says the Lord: I am very zealous for Zion... I have returned to Yerushalayim, for it will be called IR HA'EMET - the city of EMET - TRUTH, and the mountain of God - HAR HA'KODESH - the mountain of holiness... (see 8:1-3) Just as God had gone out of His way to punish Jerusalem, now He is going out of His way to help rebuild Jerusalem, but on the condition that it become a city of truth. God can only provide the opportunity, it is up to PEOPLE to make Jerusalem a city of truth!

**A HINT FOR THE DIASPORA** Note, that up until this point, God has not answered the delegation itself. Instead, He has taken the opportunity to address the entire nation (see 7:5) regarding the ultimate goal of this redemption, i.e. that Jerusalem become a city characterized by social justice (8:1-3), and the hope that it will soon return to normalcy (see 8:4-6). This is followed by what appears to be a message as well for the Jews in the Diaspora: "Thus says the Lord: I will rescue My people from lands of the east and from the lands of west, and I will bring them home to dwell in Jerusalem. They shall be My people, and I will be their God, [on the condition of] in TRUTH and RIGHTEOUSNESS - b'EMET u'bTZDAKA" (see 8:7-8) It could be that Zecharya is 'hinting' here to the Diaspora that instead of worrying about whether or not to fast on Tisha B'av, they should be considering their own return to Zion, to help their brethren create a Jerusalem of EMET uTZDAKA, [but this interpretation may be a bit too zionistic]. This hope for the ingathering of all the Exiles in Zecharya's prophecy continues with the hope for a better economy and future prosperity (see 8:9-13). Finally, after repeating His claim that He is eager to help the redemption of His people (8:14-15), God summarizes His advice concerning how this redemption will be achieved: "These are the things that you must do: Speak TRUTH to one another, EMET U'MISPAT SHALOM SHIFTU B'SHAREICHEM - render true and perfect JUSTICE in your gates. And do not contrive evil against one another, and do not love perjury, for all these things I hate - declares the Lord" (8:16-17)

**BACK TO THE ORIGINAL QUESTION** Now, after charging the people with His true hopes and expectations from this generation of SHIVAT TZION, God finally answers the original question in regard to the future of Tisha B'av and the other fast days of Jerusalem: "Thus says the Lord: The fast of the fourth month (17th Tamuz), the fast of the fifth month (Tisha B'av), the fast of the seventh month (Tzum Gedalya), and the fast of the tenth month (10th of Tevet), shall become for the House of Judah days of JOY and GLADNESS - HAPPY FESTIVALS - [on the condition that] you must love and follow - EMET v'SHALOM - truth and peace." (8:18-19) [compare EMET v'SHALOM with 7:9, 8:3 & 8:16] God declares that should Am Yisrael fulfill their destiny and establish a nation characterized by justice & truth, there will BE no reason to destroy Jerusalem, and hence, no longer a need for the four fast days. Instead, these fast days will become holidays. [See Further Iyun section for an explanation why they actually become holidays.]

**THE MESSIANIC DREAM** Zecharya finishes his prophecy with an even higher aspiration for the future of the Second Temple: "Thus says the Lord: A time will still come when the inhabitants of many lands and great nations will come and gather in Yerushalayim to seek and find God's favor..." (see 8:20-23) Zecharya's concluding hope echoes the hopes of Yeshayahu's famous prophecy of the ideal potential for the first Bet Ha'Mikdash (see (& compare) Isaiah 2:1-4 & Michah 4:1-5 [see also the parallel 'partial quote' at entrance to the United Nations Bldg.]). The reason for this conclusion is quite simple. Should Am Yisrael truly set up this ideal society of EMET v'SHALOM, TZEDEK u'MISHPAT, then the Bet Ha'Mikdash can fulfill its ultimate purpose to become a beacon by which all nations can find the proper path to God. [See also Dvarim 4:5-8 & I Melachim 8:41-43!]

**ZECHARYA TODAY** Although Zecharya's prophecy to the founding fathers of "bayit sheni" (the Second Temple) was in response to a question raised some 2500 years ago, it is no less (and maybe even more) meaningful today, as we are in the midst of a redemption process whose direction is not clear. If there is prophetic message for Tisha B'av today, which can be agreed upon by every Jew, "chiloni" or "dati"; Orthodox, Conservative, or Reform; in Israel or in the Diaspora - it is that of Zecharya (chapters 7-8). If there is a prophecy that recognizes all the realities of a 'far from ideal' GEULAH (redemption) process, yet shows the first step in the path to achieve its highest goals - it is the nevuah of Zecharya. If there is a prophecy which can unite Am Yisrael today, and set us in the proper direction so that next year it will no longer be necessary to fast on Tisha B'av, and so that the four fast will become holidays instead - it is the nevuah of Zecharya.

"tzom kal" menachem

**FOR FURTHER IYUN A.** Regarding why the fast days will one day become holidays, Rav Yaakov Meidan (in a shiur on 10 b'Tevet many years ago), suggested that each fast day actually contains a potential holiday: 17th of Tamuz Had Bnei Yisrael not sinned at "chet ha'egel", then on the 17th of Tamuz, Bnei Yisrael would have received the LUCHOT and the rest of the TORAH! In potential, this could have been a holiday similar to SIMCHAT TORAH.

9th AV Had Bnei Yisrael not sinned at "chet ha'meraglim", then on the day after the meraglim returned - the 9th of Av - Bnei Yisrael would have begun their conquest of Eretz Canaan. In potential, this could have been a holiday similar to Yom Atzmaut!

Tzum Gedalya From the account in Yirmiyahu chapter 41, it seems that Gedalya was assassinated on Rosh Ha'shana. We fast on 3 Tishrei because we can't fast on Yom Tov. Rosh Ha'shana already is a holiday, when we 'celebrate' God's Creation of the world.

10 Tevet his one is bit more complicated, and requires an entire shiur to explain why. Iy'h, next year before 10 Tevet.

B. In our shiur on Megillat Esther (if you didn't save it, it's downloadable from the WEB site), we mentioned how several passages in Megillat Esther may have based on the prophecies of Zecharya. With the above shiur as a background, it should be easier to appreciate those points in that shiur, especially in regard to the manner in which Mordechi instituted that we celebrate Purim.

C. In the above shiur, Zecharya explained that the churban of the first bet ha'Mikdash was due to

a lack of social justice and what seems to be "sinat chinam". Usually, we remember the Midrash that claims that Bayit Rishon was due to 'idolatry, murder, & arayot', while Bayit Sheni was due to "sinat chinam". To support that Midrash, see II Melachim chapter 21, which explains God's verdict of destruction of Bayit Rishon in the time period of Menashe. Had Menashe not performed teshuva, the destruction may have taken place at that time, however his repentance as well as the reform of his grandson Yoshiyahu delayed the destruction. [See II Divrei Ha'yamim chapters 33-36 for a more complete understanding of this time period.] The final destruction came during the time period of Tzidkiyahu. This is a complicated sugya. Iy'h we'll deal with in detail on the series on Nviim Rishonim which will begin iy'h this year in Elul. In any case, as we saw in the above shiur, the nviim also speak of "sinat achim" during the time period of "bayit rishon" as well. Note especially the story of Gedalya ben Achikam in Yirmiyahu chapters 40->43. See also Yoma 9b, bottom third of the daf, concerning the difference between bayit rishon and bayit sheni.

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Sleeping it "On" Sobriety is an absolute necessity both for prayer and for ruling on matters of halacha. But even if one has come under the influence of wine, says the Sage Rami bar Abba, he can return to a sober state by walking the distance of a mil (roughly a kilometer) or by sleeping a bit. A qualification of this sobering solution is provided, however, by Rabbi Nachman in the name of Rabba bar Avuha. Only when a revi's of wine (86 grams) is imbibed will sleep have a sobering effect. If one drinks more than this, sleep will only make him more intoxicated. This gemara can help us explain a halacha mentioned in Shulchan Aruch (Orach Chaim 695:2), based on the ruling of the Sage Rava (Mesechta Megilla 7a), that on Purim one must drink wine until he can no longer distinguish between "cursed be Haman and blessed be Mordechai." In contrast to the literal interpretation which suggests excessive drinking, Rema cites an opion that it is sufficient to drink more than one is accustomed to and then go to sleep, "since when he is asleep he is unable to distinguish between cursed be Haman and blessed be Mordechai." On the basis of the aforementioned gemara about the relationship between wine and sleep, it may be concluded that it is not drink-induced sleep which is the Purim state of confusion prescribed by Rema, but rather the state of intoxication induced by sleeping after drinking more than the customary measure of a revi's. \* Eruvin 64b

**The Three Indicators** You can tell a man by three things, says Rabbi Iloui. By his drinking (kosso), his pocketbook (kisso) and his temper (ka'asso). A good man, the Sage informs us, is one who can hold his liquor, deal honestly in business and control his temper (Rashi). This basic interpretation is expanded upon by Maharsha: All human characteristics can be divided into three categories -- man's relationship with Heaven, with his fellow man and with himself. Whether one deals honestly in his affairs with others determines whether he is good or bad towards his fellow man. How he behaves when he has drunk more than a little spirits is an indication whether he is good or bad in caring for himself. How quick he is to anger is a criterion to Heaven, for our Sages have taught us that one who is prone to anger is considered as if he worships idols.

This oft-quoted Talmudic advice is borne out by so much human experience. The veneer which some people of poor character affect in their routine activities is exposed when they are challenged to hold their drink or temper, or to refrain from cutting corners in order to earn another dollar at someone else's expense. \* Eruvin 65b

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Eruvin 60 1) HALACHAH: THE SIZE OF A "SHIYUR" Tana'im argue, in our Mishnah, as to the number of houses that have to be left out of an Eruv in an Ir Shel Rabim: 50 residents (Rebbi Yehudah), or 3 courtyards with 2 houses each (Rebbi Shimon). The Gemara records another opinion, that of Rebbi Yitzchak: A single courtyard occupied by but a single house. What is the Halachic ruling on this matter, and how is it practiced today, when making an Eruv for a city? ... HALACHAH: The consensus of the Poskim is like the Rif, that a courtyard with one house suffices (OC 392:1). However, even though we commonly make a Tzuras ha'Pesach, along with an Eruv Chatzeros/Shituf Mavvos around entire cities, it was not common practice to leave a Shiur. Why don't we leave a Shiur? (1) The MAGEN AVRAHAM (392:2) suggests that we rely on the opinion of Rashi (59a DH Ir), that a city is not called an Ir Shel Rabim unless it has inside of it 600,000 residents -- which is normally not the case. (2) The SHA'AR HATZIYUN suggests that even if the Halachah is not like Rashi, and a 16 Amah wide street makes a city an Ir Shel Rabim, we still do not need a Shiur normally since even non-Jewish residents can comprise a Shiur. In a normal Tzuras ha'Pesach around a Jewish city, there are non-Jewish residents living in the city beyond the bounds of the Tzuras ha'Pesach, who can be considered a Shiur.

Eruvin 62 LIVING IN PROXIMITY OF A NON-JEW QUESTION: The Mishnah (61b) says that the presence of a non-Jew residing in a Chatzer prohibits the Jewish residents from carrying in that Chatzer on Shabbos. The non-Jew may not be included in the Eruv, nor may he be Mevatel his Reshus to the Jewish residents. The only way the Jews can permit carrying in the Chatzer is by renting from the non-Jew his rights to the Chatzer. This makes it difficult to permit carrying in the Chatzer, because the non-Jew will not want to rent out his rights to the Jews. The Gemara says that the Rabanan made it so difficult to permit carrying in a Chatzer shared with a non-Jew in order to deter Jews from living so close to a non-Jew, so that they should not learn from his ways and begin to act like him. If the Rabanan did not want Jews living in the same Chatzer as a non-Jew, then instead of decreeing that an Eruv cannot be made in a Chatzer without first renting the rights of the non-Jew, they should have simply decreed that it is \*forbidden\* to live near a non-Jew! Why did

they enact such an indirect deterrent, when they could have forbidden Jews to live near non-Jews outright? ANSWER: The GA'ON YAKOV explains that the Rabanan did not choose to forbid living near a non-Jew, because sometimes one has no choice as to where he lives. (He may have inherited a house in a non-Jewish courtyard, or received it as a bequest). The Rabanan did not go so far as to forbid one from living near a non-Jew when he has no choice. Instead, the Rabanan decreed that one who lives with a non-Jew must rent rights from him in order to permit carrying in the Chatzer on Shabbos. Such a Gezeirah would deter one who \*does\* have a choice where to live from living near the non-Jew, while still permitting one who has no choice, to live near the non-Jew.

Eruvin 64 HALACHAH: DON'T DRINK AND DAVEN Rabah bar Rav Huna states that a "Shasuy" (someone who is slightly intoxicated) may not Daven, but if he Davens then b'Di'eved his Tefilah is valid. A "Shikor" (someone who is significantly intoxicated), though, may not Daven, and if he Davens b'Di'eved his Tefilah is not only not valid, but it is considered an abomination. "Shasuy" means one who drank Revi'i's of wine (TUR OC 99) or of a similarly intoxicating substance (MB 99:1), but is still sober enough to speak in front of a king. "Shikor" is one who is unable to speak coherently in front of a king. What are the Halachic guidelines of Davening, or reciting other Berachos, while intoxicated?

(a) TEFILAH: The SHULCHAN ARUCH (OC 99:1) rules, in accordance with our Gemara, that a Shasuy or Shikor may not Daven until the effects of the wine subside. If he Davened anyway, a Shasuy need not Daven again but a Shikor (that is, one who was not able to speak clearly in front of a king at the time) must Daven again when he sobers up. The Shulchan Aruch adds (99:3) that one may determine on his own accord when the effects of his wine have passed and he is again capable of Davening properly. The MISHNAH BERURAH (99:3 and 17) cites the opinion of the YAM SHEL SHLOMO who rules that if one is only \*Shasuy\* and by refraining from Davening the time to Daven will pass, since nowadays we do not have so much Kavanah in our Tefilah to begin with, it is permitted b'Di'eved to Daven and not let the time pass. A \*Shikor\*, though, cannot Daven even in such a situation. The Rema states (99:3) in the name of the TERUMAS HA'DESHEN (#42) that since the definition of Shasuy and Shikor depend solely on the level of a person's cognizance, nowadays that our wines are very weak, even one who has consumed more than a Revi'i is not defined as Shasuy, and may Daven, if he feels that his mental faculty has not been affected by the alcohol. (The Rema adds that this is especially so if one Daven from a Sidur, which enhances his ability to concentrate on the Davening -- see Darchei Moshe 99:3, MB 99:17.) (b) KERIAS SHEMA: The REMA writes that the same Halachos apply to saying Keri'as Shema, or Birchas Keri'as Shema (MB 99:7), while intoxicated. However, based on Acharonim who disagree with the Rema's ruling, the Mishnah Berurah (99:8; 185:6) writes that if, b'Di'eved, one finds himself Shasuy or even Shikor at the end of Zeman Keri'as Shema, he should recite Keri'as Shema. (c) OTHER BERACHOS: With regard to reciting other blessings -- including Birchot ha'Mazon, which is mid'Oraisa -- although the Rema writes that we permit one to recite blessings l'Chatchilah even if one is a Shikor, the Mishnah Berurah (99:11; 185:5; Bi'r Halachah DH O) cites the VILNA GAON and PRI MEGADIM who do not permit it (l'Chatchilah, as above, (b)). When one is only \*Shasuy\*, it is permitted l'Chatchilah for him to recite other Berachos (TOSFOS DH Shikor, based on the YERUSHALMI). (Of course, if one is so intoxicated that he is completely out of his senses, he is considered like a Shoteh who is exempt from all Mitzvos. Even if he recites any blessings while in such a state, he must recite them again when he is no longer under the influence of alcohol -- Mishnah Berurah 99:11).

64b HOW TO PRESERVE ONE'S WEALTH QUESTION: The Gemara (64a) says that if a person wants money that he has acquired to stay with him, he should invest it in a Sefer Torah or in Tefilin. Why are these objects recommended, as opposed to any other worthy charitable cause? After all, the verse that the Gemara cites (Bamidbar 21:2) as support says that the Jewish people made an oath to give what they acquired to \*Hekdesh\* and does not specify buying a Sefer Torah. If so, why does the Gemara not suggest that one should just give money to Tzedakah? ANSWER: The TORAS CHAIM answers that the degree to which one's property will be safeguarded depends on what kind of Mitzvah one does with the money. If one does a Mitzvah that has results that last only temporarily, so, too, his money will be preserved only temporarily. Tzedakah is only a temporary act, which lasts until the money reaches the poor man's hand. Therefore, the Gemara suggests that one invest in something such as a Sefer Torah, which remains before him even after it is written. This would seem to contradict, though, the explanation of RABEINU CHANANEL in Beitzah (15b). The Gemara there says that one who wants his property to be preserved should "plant an Adar tree," as the verse says, "Adir ba'Marom Hashem" (Tehilim 93:4). Rabeinu Chananel explains that the Gemara means that one should do acts of Tzedakah with his money in order to keep from losing it, because acts of Tzedakah are an investment in a heavenly bank ("ba'Marom"), where money cannot become lost or stolen. According to Rabeinu Chananel's explanation, the Gemara in Beitzah, which says that one may give his money to any Tzedakah, contradicts the Gemara here, which says that one should buy a Sefer Torah or Tefilin with the money! It seems that the Gemara in Beitzah is discussing how to ensure that one gets the most out of his money; that is, it is not advising what to do in order to ensure that the \*money\* lasts for a long time, but rather what to do to ensure that \*what one does\* with the money lasts long (i.e., he will earn eternal merit). The Gemara in Beitzah means that one should give \*all\* of his money to Tzedakah, and the effects of that act will last for him forever, in this world and in the next (see Rabeinu Chananel ibid. from Bava Basra 9a). Our Gemara, though, is talking about someone who wants to keep \*some\* of his money for his personal use, and it is advising him what he should do in order to ensure that the money that is not invested also lasts a long time (as Rashi explains). Therefore, our Gemara says that one should buy a Sefer Torah. (M. Kornfeld)

Eruvin 65b HALACHAH: RENTING THE DOMAIN OF A GENTILE IN ORDER TO MAKE AN "ERUV" HALACHAH: Reish Lakish and the students of Rabbi Chanina arrived at a certain inn where they planned to stay over Shabbos. They wanted to make an Eruv Chatzeros to permit carrying from their rooms into the Chatzer of the inn. One of the rooms, however, was rented by a gentile who was out of town. Reish Lakish ruled that they could rent his room from the innkeeper, since it was in the innkeeper's power to evict the tenant. Rabbi Afas later concurred with Reish Lakish's ruling, and that is the Halachah as well. Many Jewish communities today have an "Eruv." What we call an "Eruv" today is actually a Tzuras ha'Pesach which forms a Mezitzah around the city. This virtual wall around the city makes it considered like one large Chatzer. However, even as a Chatzer, in order to permit carrying an "Eruv Chatzeros" must be made. The Eruv Chatzeros is

usually made by the rabbi of the city. He is Mezakeh some food to all of the Jews in the city and places it in one of the houses in the Chatzer (i.e. the city). However, there are many non-Jewish people whose presence in the city, and ownership in the Chatzer, prevents the Eruv from working. In order to make an Eruv Chatzeros, the rabbi must go to every non-Jew and \*rent\* the right to carry in his property from him (for Shabbos). This is practically impossible, since (a) there may be thousands or hundreds of thousands of non-Jews in the city, and (b) some non-Jews might not consent to this rental agreement. Furthermore, public thoroughfares (such as streets) also need to be unified under the collectively owned unit of the Eruv -- from whom does one rent those areas? Our Gemara teaches a solution to this dilemma. Whoever is in charge of the area and has the power to evict people from that area has the right to lease it as well. Where a public area such as a street is concerned, the rabbi rents it from a person who has the ability to control access to that area (or from that person's Shali'ach). This might include the chief of police (and by extension, any police officer who is an agent of the police chief) or the mayor. Similarly, if the police force or the mayor has the right of entry to each person's home, then one may rent access to all of the non-Jewish homes in the city from them, as we see from our Gemara. (See SHULCHAN ARUCH 391:1; see also "The Contemporary Eruv -- Eruvin in Modern Metropolitan Areas," by Rabbi Yosef Gavriel Bechhofer (Feldheim, Publishers, 1998), ch. 5, for a summary of the issues involved with renting rights from non-Jews for the sake of making an Eruv Chatzeros.)

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Eruvin 69b HALACHAH: A JEW WHO DOES NOT OBSERVE MITZVOS The Gemara says that according to Rabbi Yehudah, a Tzeduki who desecrates Shabbos only in private, may be Mevatel Reshus to the Jews in the Chatzer, and a Tzeduki who desecrates Shabbos in public may not be Mevatel Reshus. Rabban Gamliel, on the other hand, rules that a Tzeduki's Bitul is always valid, and he does not differentiate between one who privately desecrates Shabbos and one who publicly desecrates Shabbos. The Gemara cites a Beraisa which adds that a regular Jew (not necessarily a Tzeduki) who desecrates Shabbos in public may not be Mevatel Reshus, and the Gemara says that this Beraisa is according to Rabbi Yehudah.

What is the Halachah? (a) The MORDECHAI and MAHARAM M'ROTBURG (cited by the Rosh) rule like Rabbi Yehudah, that a Tzeduki who desecrates Shabbos in public is like a non-Jew and may not be Mevatel Reshus. (b) The ROSH (6:13) rules like Rabban Gamliel, that a Tzeduki may be Mevatel Reshus, even if he desecrates Shabbos in public.

HALACHAH: (a) The SHULCHAN ARUCH (OC 385:1) rules that a Tzeduki's Bitul \*is\* valid even though he desecrates Shabbos in public (BEIS YOSEF), like the ROSH cited above. In 385:3, however, the Shulchan Aruch rules that a Jew who desecrates Shabbos in public \*cannot\* be Mevatel Reshus. Here, too, he bases his ruling on the Rosh (6:14). It would seem that the Rosh understood the Machlokes between Rabban Gamliel and Rabbi Yehudah to involve only a Tzeduki; they both agree, though, that a normal Jew who went astray and desecrates Shabbos in public may \*not\* be Mevatel Reshus. What is the difference between a Tzeduki and a normal Jew who went astray? The Beis Yosef says that the difference is that a Tzeduki was raised by his parents to believe that his way of life is true Judaism; he does not transgress the Torah out of heresy, but out of habit. Therefore, he is not considered a non-Jew with regard to Bitul. A "Mumar," though, has decided on his own to transgress the Torah, and therefore he has a status of a non-Jew with regard to Bitul. (b) The MISHNAH BERURAH (Sha'ar ha'Tziyon 385:2) has much difficulty with the ruling of the Shulchan Aruch and the words of the Beis Yosef. First, the Beis Yosef says that the \*RAMBAM\* (Hilchos Eruvin 2:16) also makes this distinction, allowing Bitul by a Tzeduki but not by a Jew who desecrates Shabbos in public. However, the Rambam clearly states there that a Tzeduki does \*not\* desecrate Shabbos and \*that\* is why his Bitul is valid! Second, even if we are lenient with regard to a Tzeduki because he was raised that way, that does not apply to the laws of Eruv Chatzeros. The reason why a heretic's Bitul, or a non-Jew's Bitul, is not valid is because the Rabanan did not want Jews to live near such people, so they made it difficult to permit carrying in a Chatzer shared with such a non-believer. This Gezeirah should apply just the same to living with a Tzeduki! Even though he transgresses out of habit, his Bitul should not be valid because we do not want Jews to live near him and learn from his sinful ways! The Mishnah Berurah, therefore, seems to conclude that we should be stringent with regard to a Chatzer shared with a Karaite (the Tzeduki of modern times) who is Mechalel Shabbos publicly, and not rely on his Bitul but instead rent his rights from him (Mishnah Berurah 385:1).

(c) The CHAZON ISH (87:12) answers that the Beis Yosef was applying the reasoning of a Tzeduki being raised with his beliefs to a Tzeduki in modern times, who transgresses only out of ignorance and not out of a true belief that his way is the right way. There is no fear that other Jews will learn from his ways, because when he is informed about what he is doing wrong, he himself will correct his ways! Based on this, the Chazon Ish (87:14) rules, like the Beis Yosef, that a Jew who was not raised to be Shomer Torah u'Mitzvos and does not know any better (and it can be presumed that he is not transgressing purposefully) is not only considered a Jew with regard to Bitul, but one may even be Mezakeh to him a share in the Eruv Chatzeros. (RAV MOSHE STERNBUCH takes issue with this ruling of the Chazon Ish -- see Teshuvos v'Hanhagos 1:252.)

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