



BS"D

To: parsha@parsha.net  
From: cshulman@gmail.com

INTERNET PARSHA SHEET  
ON **BALAK** - 5776

In our 21st year! To receive this parsha sheet, go to <http://www.parsha.net> and click Subscribe or send a blank e-mail to [parsha-subscribe@yahoo.com](mailto:parsha-subscribe@yahoo.com) Please also copy me at [cshulman@gmail.com](mailto:cshulman@gmail.com) A complete archive of previous issues is now available at <http://www.parsha.net> It is also fully searchable.

---

Sponsored in memory of  
**Chaim Yissachar z"l ben Yechiel Zaydel Dov**

---

To sponsor a parsha sheet (proceeds to tzedaka) contact  
[cshulman@parsha.net](mailto:cshulman@parsha.net)

---

From: Congregation Beth Aaron <[office@bethaaron.org](mailto:office@bethaaron.org)>

Date: Thu, Jul 21, 2016 at 10:01 AM

**Subject: HILCHOT BAIN HAMITZARIM**

**[Rabbi Larry Rothwachs]**

The "Three Weeks" period of mourning commemorating the tragedies that befell Klal Yisroel throughout history commences on the 17th of Tammuz, which this year is observed on Sunday, July 24.

It was on this day that the first luchot were broken, the daily sacrifices in the first Bait Hamikdash suspended, Jerusalem's walls penetrated prior to the Second Temple's destruction, the Torah burned by Apostomus the Wicked, and an idol placed in the Beit ha-Mikdash.

The period of mourning reaches its height on Tisha b'Av, the darkest day of the Jewish calendar. This day of punishment witnesses the sentencing of our forefathers to die outside the Land of Israel, the destruction of both Temples, the decimation of Betar, the laying waste of Jerusalem by Turnus-Rufus the Wicked, the eviction of Spanish Jewry in 1492, and the beginning of World War I (whose effects lasted well into the Holocaust period).

The following is a summary of laws concerning the Three Weeks. This list is not meant to be exhaustive in nature.

**SHIVA ASAR BI-TAMMUZ (17th of Tammuz)**

This year, the 17th of Tammuz falls on Shabbat and is deferred to Sunday, July 24.

The fast begins at Amud ha-Shachar (72 minutes prior to sunrise), this year 4:31 a.m.

Eating or drinking are prohibited for all healthy males and females above 13 and 12 years of age, respectively. Pregnant or nursing women should ask for halachik guidance. (Children who have reached the age of chinuch should partake of less food to manifest an understanding of the severity of the day.)

This year, the fast concludes at 8:49 p.m.

**GENERAL LAWS OF THE THREE WEEKS**

Weddings are prohibited (becoming engaged is permissible).

Hair cutting and shaving are prohibited (unless observance of the latter threatens one's livelihood, etc.).

An article requiring the Birchat Shehechyanu should not be purchased during this period.

Listening to music (records, tapes, concerts) is prohibited. One who listens to music while exercising to help maintain focus or rhythm may continue to do so. Singing without musical accompaniment is permitted. Swimming for pleasure is permitted until Rosh Chodesh Av.

**THE NINE DAYS: ROSH CHODESH AV - TISHA B'AV**  
Friday, August 5, until Sunday, August 14

This year, the ninth of Av falls on a Shabbat and the fast is deferred to Motzaei Shabbat/Sunday, August 13/14.

Partaking of wine (or grape juice) or meat and poultry is prohibited. Included in this issur are dishes made/garnished with the above items. An individual completing a major portion of learning (Mesechta, Seder of Mishnayot, etc.) may partake of wine and meat and may invite others who would normally join him in his simcha to share his meal.

Havdalah wine on Saturday night should be given to a minor. In the absence of a child, one may drink it himself.

Clothing: Except for children's clothing that are habitually dirtied, clothes may not be washed, dry cleaned, or ironed during the Nine Days. Newly starched clothing and bed sheets may not be used even if cleaned prior to Rosh Chodesh. One may wear freshly cleaned clothing briefly before the Nine Days to facilitate its wear afterwards. Unstarched shirts, stockings, and underwear needed for the Nine Days may be washed beforehand and worn. Regular Shabbat clothes may be worn on Shabbat. New clothing should not be worn.

Fresh towels may be used during the entire Nine Days. A fresh tablecloth may be used only on Shabbat.

Major home improvements should not be done.

Swimming and bathing for pleasure are prohibited during the Nine Days. Washing one's face, hands, and feet with cold water is permissible. Warm water, soap, and shampoo may be used if needed for the removal of dirt/perspiration.

Individuals accustomed to bathing/shampooing with hot water every erev Shabbat may do so erev Shabbat Chazon as well.

---

**Rabbi Yisroel Reisman - Parshas Balak 5774**

1. Of course, this week's Parsha is all about Bilam and therefore, our discussion today will center on Bilam. We will talk about Bilam as a person, Bilam's thinking, and Bilam's speaking. First the person Bilam. I think that you will be very surprised to hear that there are three Gedolei Harishonim that are in agreement that Bilam had really not been a Navi. The conventional thinking in the Mashmaos of Rashi is that Bilam was a Navi. He went around as a Navi and that is why Balak hired him. We find in Yehoshua 13:22 on the Posuk (וְאֵת-בִּלְעָם בֶּן-בְּעוּרָ) Bilam Ben B'or the magician that the Radak comments (נביא היה אלא קוסם ונבואתו הייתה להודיע כי לא) (לשעה). He says that Bilam was not a Navi, he developed his career through magic, convincing people of things and it was only at this time that he was given Nevua for this one episode and that is the extent of it. This is a Chiddush to many people. But the Ramban is not alone in this.

The Rambam in Hilchos Yesodai Hatorah beginning of Perek 7 explains that in order for the Shechina to be Shore' on somebody, a person needs to be a Gibor, an Ashir etc. but it means a Gibor B'midosav. A person has to be a Somaiach B'chelko. The Rambam says (ואין הנבואה חלה אלא על חכם גדול בחכמה) (במדותיו ולא יהא יצרו מתגבר עליו בדבר בעולם גבור). Now, the fact that Bilam got Nevua during this episode we understand, but to say that Bilam had been a Navi all along and that is how he developed his career so to speak, is very difficult to understand.

The Ramban in 22:31 makes the case that Bilam was not truly a Navi. On the Posuk (וַיְגַדְךָ רַבְרָב, אֶת-עֵינֵי בִלְעָם) the Ramban says that that is not the language that is appropriate for a Navi. Therefore, the Ramban has as is the Mashmaois of the Rambam and B'feirush in the Radak, they all say that Bilam had not really been a Navi all along. In Maseches Nedarim 38, Rav Yaakov Emden in his Hagaos makes a similar Diyuk from the Rosh to say



הַיְהוֹדוֹת אֶת-אֲתוֹנָךְ, זֶה שְׁלוֹשׁ רְגָלִים why are you hitting your donkey three times. Says the Rambam, that is the source for the Issur of Tzar Baalei Chaim and as you may know, Rishonim scour the Torah and there are different Shittos to what the source of the Issur of Tzar Baalei Chaim is.

The question we have is that this seems to be an inadequate source because after all there is an Issur of Tzar Baalei Chaim but if you are riding a donkey and he starts taking you in the direction and he starts banging you against the wall you are entitled to hit the donkey and that is not an Issur of Tzar Baalei Chaim. Bilam didn't see the Malach. Based on what he knew, what Bilam did was correct. How can that be a source for Tzar Baalei Chaim? I mentioned this question to a few people. One person suggested that he should have been Melameid Zechus on the donkey. I don't recall a source for being Melameid Zechus on donkeys. Perhaps. The Kasha is still a Tzoreich Iyun and maybe someone has a better Teretz than that.

With that I want to wish everyone a wonderful summer. For those of you in bungalow colonies, it is likely the first Shabbos you are going to be there. Are Shabbasos going to be times that people learn and come to Davening on time and that the Davening is appropriately quiet? This week will set the tone for the weeks to come. Make it a good one. A Gutten Shabbos to all!

---

<http://5tjt.com/adventures-in-speechwriting/>

## **Adventures In Speechwriting**

### **Halachic Musings**

**By Rabbi Yair Hoffman**

Melania Trump is in the news for purportedly plagiarizing from Michelle Obama's speech of 2008. Many Republicans are in denial that plagiarism took place, and the odds are that Mrs. Trump herself did not actually commit the plagiarism. The fact that it took place, however, is undeniable to anyone who reads the transcripts from the Republican National Convention.

Melania Trump's speech included this paragraph:

"From a young age, my parents impressed on me the values that you work hard for what you want in life. That your word is your bond; that you do what you say and keep your promise. That you treat people with respect. They taught and showed me values and morals in their daily life. That is a lesson that I continue to pass along to our son and we need to pass those lessons to the many generations that follow. Because we want our children in this nation to know that the only limit to your achievements is the strength of your dreams and your willingness to work for them."

Michelle Obama's speech in 2008 included this paragraph:

"And Barack and I were raised with so many of the same values: like, you work hard for what you want in life; that your word is your bond; that you do what you say you're going to do; that you treat people with dignity and respect, even if you don't know them and even if you don't agree with them. And Barack and I set out to build lives guided by these values and to pass them onto the next generation, because we want our children—and all children in this nation—to know that the only limit to the height of your achievements is the reach of your dreams and your willingness to work hard for them."

Once we are talking about values, it would be a good idea to see what the Torah sources have to say about plagiarizing.

In Tanach

King Solomon tells us (Mishlei 22:22) the following words: "Rob not from a poor person—for he is poor." Chazal tell us (Yalkut Shimoni Mishlei 560; Midrash Tanchuma Bamidbar 27) that Shlomo HaMelech is actually referring to plagiarism—to reciting a statement without attributing it to its source.

Just as a poor person has no protector—no guardian to right wrongs and injustices, the same is true with intellectual property. An earlier thinker came up with an idea. Just as the poor person has no protector, neither does the thinker have a protector. Shlomo HaMelech is appealing to our conscience—

do not steal from a poor person—for he is poor, he has no protector. Do not cheat or plagiarize for they too have no protector.

We skip now to Queen Esther (Megillas Esther 2:22). Two guards—Bigsan and Seresh—had plotted a coup d'état (shades of Erdogan's current ordeal). Mordechai, proficient in 70 languages, overheard and told the queen.

Queen Esther didn't take credit for the information. She told the King that she had actually obtained the information from Mordechai. Esther was amply rewarded. It is for this action that she merited to be the conduit of the salvation of Israel. Because of Esther, it is said, "Whoever says something in the name of its originator brings salvation to the world."

What was going on here? Esther certainly was a righteous woman. Can't we assume that if she thought it better for the king to have assumed that the information came from her, then surely she would have been fully justified?

It would seem not. Even though it may have been in the Jewish interest that Esther gain the king's favor, there is something inherently wrong in not attributing the information to the true source. She knew this. Esther could not stoop to do something so low. It was for the realization that we are but mere foot soldiers in a campaign and our primary responsibility is to follow Hashem's bidding in what is right and wrong that she was so amply rewarded.

A Means

Of Acquiring Torah

We now move on to Pirkei Avos 6:5—naming the original source of the information. Avoiding plagiarism is in a list of one of the 48 ways in which Torah is acquired.

Compared To Kidnapping

The Yalkut Yosef (Kibud Av V'eim chapter 9) cites a few more sources. The Shelah in Maseches Shevuos says that it is an enormous sin and should be looked at as if one kidnapped human life. Kidnapping is a serious crime, but it seems that it is the parallel emotion that authors feel when their work has been taken from them without attribution.

An illustration might be in order. A number of years ago, authors Michael Baigent and Richard Leigh sued Random House claiming that Dan Brown's famous book, *The Da Vinci Code*, was a rip-off of their work, *The Holy Blood Holy Grail*. They claimed that Brown appropriated "the architecture of their book which was previously published in 1982."

Baigent and Leigh said that Mr. Brown had "hijacked" and "exploited" their book, which had taken them five years to write. Those words are clearly indicative of the pain of a kidnapping.

A mathematical comparison of the parallels in the two books are revealing and striking. In order to avoid the appearance of plagiarizing, a plagiarist must change the words in the parallel passages. If the changes are so far beyond the boundaries of general usage, then it is clear that a plagiarizing has taken place. The claimants had overwhelming evidence to this effect. The judge, however, inexplicably tossed the lawsuit, leaving the claimants distraught.

The Effect From Beyond

The Yalkut Yosef further cites the Sefer Chassidim (224): Whoever says something in the name of a deceased tzaddik earns his favor and is prayed for by that tzaddik.

Conversely, the Chida writes (Bris Olam) that if one writes a book from Torah that was stolen from others, they curse him and he dies halfway through life.

Nobody Really Reads

How could there be any denial of Michelle Obama's original words? Sadly, perhaps the reason is that most people do not bother to read. To illustrate this point, let's go back 54 years ago to an earlier Republican National Convention. A famous black preacher that was also a civil-rights leader said the following words:

"We, Negro Americans, sing with all loyal Americans: 'My country 'tis of thee, Sweet land of liberty, Of thee I sing. Land where my fathers died, Land of the Pilgrim's pride! From ev'ry mountainside, Let freedom ring!' That's

exactly what we mean—from every mountainside, let freedom ring. Not only from the Green Mountains and White Mountains of Vermont and New Hampshire; not only from the Catskills of New York; but from the Ozarks in Arkansas, from the Stone Mountain in Georgia, from the Blue Ridge Mountains of Virginia—let it ring not only for the minorities in the United States; but for . . . the disinherited of all the earth . . . may the Republican Party, under God, from every mountainside, let freedom ring!”

Most people recognize these words, or rather the architecture. The words in this speech led to the entire nation being inspired. They were, however, first said by Archibald Carey Junior.

The author can be reached at [Yairhoffman2@gmail.com](mailto:Yairhoffman2@gmail.com)

---

From: Rabbi Yitzchok Adlerstein <ravadlerstein@torah.org>  
Torah.org Homepage

**Meshech Chochmah**

**By Rabbi Yitzchok Adlerstein**

Internal Affairs

Moshe said to the Jewish judges, “Let each man kill his people who were attached to Baal Peor.”

Meshech Chochmah: The gemara[2] contrasts the “attachment” verb here with the one that the Torah uses in a happier context. There[3] the Torah speaks positively of those who “cling”/ *devekim* to Hashem. Our verb, *nitzmadim*, is related to *tzamid*, an ornamental bracelet that is attached to the body, but only loosely. It is free to move to and fro. The verse in Devarim, however, speaks of a tight and unyielding connection to Hashem.

Chazal do not mean to give a free pass to the Baal Peor-worshippers, or a gratuitous compliment to the spiritual “good guys” of the *pasuk* in Devarim. Rather, they convey a profound thought about the way sin impacts us – more specifically, the different ways that different types of shortcoming affect our inner selves.

Parsing the second verse in Vayikra – which introduces us to voluntary offerings – the gemara[4] derives that the words *adam...mikem*/ “a man among you” exclude the offering of a renegade, while the word *behemah*/ animal licenses our accepting offerings from people who act like animals, i.e. sinners. The takeaway is that if a sinner wishes to bring an offering in the *mishkan* or *mikdash*, we do not object. Rejecting his overture, pushing him away, might end any possibility of his future repentance. We do not extend the same courtesy to the renegade, the *mumar*.

Chazal understood that our mesorah linking sinners to the word *behemah* was not merely a pejorative swipe at less-than-righteous people. It was a statement about the nature of sin. Animals seek to gratify needs – needs of eating, drinking, reproduction – even comfort. These desires are not the product of any intellectual gift from on high. The intellect has no use for physical things and activities. (To the contrary. Chazal[5] say that a person only sins when he is overcome by a spirit of insanity – or irrational thinking, the polar opposite of *sechel*/ proper intellectuality. The *sotah* brings an offering of barley, the classic animal fodder.[6] )

The renegade’s lapse comes from a very different place. The one who has pledged his allegiance to idolatry, or espouses warped religious ideology, has not given in to his animal lusts. His failure is rooted in his soul. For this reason, Chazal[7] teach that in most regards, thoughts of, and even determination to perform some *aveirah* are not reckoned by Hashem as the equivalent of actually committing the sin. *Avodah zarah*, however, is an exception. Thought is within the province of the *nefesh*. When that thought is firmed up, it is directly fixed to the *nefesh*; if the thought is a warped and contorted one, it impacts the soul. Sinful activities that owe to Man’s animal nature are concluded only when translated into action, which is mediated and given expression by his animal apparatus. The thought of doing it has no real effect until it becomes active.

The ordinary sinner falls prey to his animal instincts and wants, not because his *sechel* is flawed, but because it is insufficiently strong or resolute to

assert itself against the animal part of his nature. The Torah encourages such a person to take part in the system of *korbanos*. Not so the renegade. Having perverted his *nefesh*, he is no longer “a man among you.” He is fundamentally different from his brothers and sisters, and barred from participating with them.

The Baal Peor episode, however, was exceptional. Chazal[8] describe the entrapment of the Jewish men by the Midianite women. Lured into what seemed to be an innocuous shopping expedition, the men were quickly victimized by a bait-and-switch operation that they could not have anticipated. Propositioned by an attractive young woman, their animal passions were quickly ignited. When the woman insisted upon a quick, ritualized service to her god before yielding to him, each victim succumbed. There was no intellectual component in the service at all. The obeisance paid to Baal Peor was nothing more than a continuation of a sin of animal lust and passion.

Pinchas, say Chazal,[9] remonstrated with his Creator. “Twenty-four thousand of Israel die for the likes of these [Zimri and Kozbi]?” He stressed “of Israel” to underscore that they remained part of Israel, despite participating in *avodah zarah*. While idolatry typically changes a person, leaving him categorically different from others, making him no longer “a man among you,” these sinners were all different! Their shortcoming was restricted to their animal selves, having failed to use their *sechel* to police their passions.

We return to our opening citation of Chazal. The Peor-worshippers attached themselves to an object of idolatrous veneration. But the attachment was loose, indeed. It did not come from their inner selves. A married woman will adorn herself with bracelets to attract the romantic interest of her husband. The Peor-worship as well was nothing but an adjunct to a welling up of physical desire. Not so the connection of those who cling to Hashem, whose attachment runs deep, and is sourced in their *nefesh* and *sechel*, which control and limit the raging forces of the physical.

For this reason as well, Chazal[10] tell us that Moshe was buried near Baal Peor, to help atone for those who sinned there. There was no greater exemplar of Man’s ability to transcend the physical, to remove himself from physical needs and desires that he separated from his wife. His example is the antidote to Peor-worship.

1 Based on Meshech Chochmah, Bamidbar 25:5 2 Sanhedrin 64A 3 Devarim 4:4 4 Eruvin 69B 5 Sotah 3A 6 Sotah 14A 7 Kiddushin 40A 8 Sanhedrin 106A 9 Sanhedrin 82B 10 Sotah 14A

---

**Thanks to hamelaket@gmail.com for collecting the following items:**

---

from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>  
reply-to: info@jewishdestiny.com  
subject: Weekly Parsha from **Rabbi Berel Wein**

**BALAK**

There are people in the world who are simply too meddlesome for their own good. As King Solomon points out in Proverbs, they provoke passing dogs and engage in quarrels and controversies that really do not affect them directly. That is the main transgression of Balak as described in this week’s Torah reading. The Jewish people are not threatening him or his nation. They just happened to be around in the neighborhood and he exploits their presence for his own personal ambition and prejudices.

There is a terrible tendency in human affairs to cloak being a busybody with the aura of altruism and justice. The Talmud decries those who stir up controversies, especially when they are not personally involved or affected by the issue in question. Balak never liked the Jewish people and always looked to eliminate them from living in his neighborhood.

He is aware that currently he is in no danger from them and though they are bypassing his borders, they have no intention of conquering his land.

Nevertheless, he picks a fight with the Jewish people, and so to speak, with G-d Himself and poses as a champion of all of the nations that are threatened by the mere existence of the Jewish people and their right to inherit the land promised to them through their forefathers.

He, with his willing partner Bilaam, devises a scheme to curse the Jewish people and thereby weaken and eventually eliminate them from the scene. But he conceals his animus towards the Jewish people with high-sounding principles and justifiable motives. But in the end, he is simply meddling in matters that do not directly concern him.

We witness this phenomenon in the world today regarding the State of Israel, and by inference, the Jewish people generally. All of the world is concerned with the situation regarding the Israelis and the Palestinians. No one seems to be willing to let the parties to this dispute settle the matter by themselves and with themselves. Everyone has plans, roadmaps, and advice as to how to pressure Israel to somehow give in to the unreasonable demands of the Palestinians.

This dispute does not really concern any of the college professors or the do-gooders that lead the BDS movement or any of the other myriad NGOs that badger us constantly. They do not live in this neighborhood of the world nor are they subject to the constant dangers that surround Israeli society day in and day out.

They glorify their meddling in others' affairs by their smug self-righteousness and the: "I know what is good for you, better than you do" that often identifies those who call themselves progressives and liberals.

There are many Balaks and Bilaams in today's world who are concerned about us and basically mean to do us no harm. As are all of the human characters we meet in the Bible, Balak and Bilaam are prototypes of later human beings who exist in all generations and circumstances. Be careful of their benevolence and blessings.

Shabbat shalom  
Rabbi Berel Wein

---

from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>  
reply-to: info@jewishdestiny.com  
subject: Weekly Parsha from Rabbi Berel Wein

### **RABBINIC RESPONSIBILITY**

Since the myth of rabbinic infallibility has become entrenched, exaggerated and untrue as it may be, it has unwittingly caused many other dire consequences. Since rabbis are somehow not able to discern the future and to be aware of the true motives and behavior patterns of those congregants and strangers who avail themselves of rabbinic services, rabbis are held accountable for the behavior of those people in their future lives decades later.

I remember that as a young rabbi I prided myself on the fact that for about the first twenty years of my rabbinic career no couple for whom I had performed a marriage ceremony divorced. I began to believe that I had some sort of heavenly magical power and that simply my performance at a wedding ceremony was in itself a guarantee of a couple living together happily ever after.

This arrogant and unfounded thought on my behalf has come crashing down upon me over the past number of decades when unfortunately a number of couples – who were undoubtedly in love with each other and planned to live together for the rest of their lives – divorced, sometimes in bitterness and acrimony.

I have often questioned myself as to whether I somehow bear some responsibility in this later breakup of the marriage. My rational self exonerates me completely. I am not a prophet and I did my duty faithfully according to Jewish halacha and tradition. The fact that the couple years later decided to end the marriage is not my fault and in no way invalidates the marriage ceremony that I performed.

I wish to therefore extrapolate this idea and attitude to the current controversy regarding conversions to Judaism performed in good faith and according to the letter of halacha. If decades later after the actual conversion ceremony, or even a relatively short time later, the convert for whatever reasons is not strictly observant of Jewish law or custom, does that invalidate the previous conversion ceremony itself?

It seems to me to be self-evident that it could not and should not invalidate that conversion nor should the rabbinical court that performed the conversion be held accountable for the later lapses in observance of that convert. The rabbinical court that performs the conversion can only go by what it sees at the moment of the conversion.

If it is convinced that the potential convert will lead a Jewish life and observe Torah, then it has fulfilled its obligation. It cannot peer into the future and know for certainty how the convert will behave in later life. It can only judge, and this is always subject to the errors that accompany every human judgment, the sincerity and commitment of the potential convert that stands before them at that time.

Overwhelmingly, most converts remain sincere and committed Jews. But there will always be exceptional cases when it becomes obvious that somehow the convert has changed his or her mind—or at least their mode of behavior. It is a far stretch to try and invalidate the halachically valid conversion process because of the later behavior of the convert.

Retroactive cancellation of conversions was rarely allowed in Jewish tradition and only under dire circumstances. Resorting to it today because of dubious reasons is very questionable and an unfortunate reminder to us of the weakness of rabbinic leadership in our time.

Attributing prophetic and psychic powers to religious leaders often times results in greater tragedy. Jewish tradition tells us that there are no prophets amongst us, as prophecy disappeared from the Jewish scene millennia ago. Those who hold themselves out to be all-knowing run the risk of being responsible for the later behavior of their students, congregants and the general public that they speak to and influence.

We were cautioned long ago "wise men should be careful with their words," and certainly with their deeds. There is no rabbi in the world that has not, at one time or another, made a mistake in judgment, speech or in performing religious services. The fallibility of human beings – even of the greatest human beings – is a well-established principle with numerous examples recorded for us in the Bible and in the Talmud.

We are all responsible for the consequences of our errors. However the Talmud explicitly teaches us "a judge can only decide upon what he sees at the given moment when he renders his decision." Heaven eventually may correct all errors but not all errors will appear on the ledger of the one who was unable to foretell the future. That ability is an interest only to heaven itself.

Shabbat shalom Berel Wein

---

from: Yeshiva.org.il <subscribe@yeshiva.org.il>  
By Rabbi Yirmiyohu Kaganoff

In Chutz La'aretz, this week parshas Balak is read, and in Eretz Yisroel, this is one of the rare years when we read parshas Pinchas before the Three Weeks. Since both parshiyos include allusions to tzaar baalei chayim, I present:

### **Tzaar baalei chayim**

**By Rabbi Yirmiyohu Kaganoff**

Question #1: Scientific experimenting

"Are there halachic laws governing when and how one may conduct scientific or medical experiments on animals?"

Question #2: Licensed to kill!

"Are there any halachic concerns that I should know about becoming an exterminator?"

Question #3: Oversized rider

"On visiting day in camp, we went pony riding, accompanied by some parents. One of our campers' fathers is very obese, and the ponies were small, meant to carry the weight of children or, at most, average-sized adults. Fortunately for the pony involved, Mr. Big

decided to forgo the ride. But does halachah address whether he would have been permitted to ride one of the ponies?"

Answer:

The topic of tzaar baalei chayim, the responsibility to alleviate, avoid and prevent the suffering of animals, is discussed fairly extensively by the halachic authorities. One early source, the Sefer Chassidim, discusses this mitzvah in regard to this week's parshah -- within the context of Bilaam striking his donkey.

All authorities agree that it is forbidden to cause animals to suffer unnecessarily, such as to strike an animal out of anger or frustration (Sefer Chassidim #666). If an animal that is normally well-behaved and responsive to its vocation refuses to work one day, one should not beat it to get it to cooperate – rather, one should consider the possibility that it might be ill (Sefer Chassidim #668). Animals do get sick and, as we see from the story of Bilaam, they may have difficulty expressing themselves. Thus, the Sefer Chassidim teaches that Bilaam was punished for striking his donkey (Sefer Chassidim #668). This esteemed early authority thereby implies that a gentile is required to observe the laws of tzaar baalei chayim, an aspect of the mitzvah that we will leave for a future article.

One should not work his pregnant animal too hard when he knows that it is ready to give birth (Sefer Chassidim #667). It goes without saying that it is prohibited to raise livestock in an inhumane way, such as by feeding them an unusual diet or depriving them of proper ventilation or exercise. Also, tzaar baalei chayim includes alleviating the suffering of an animal (Orach Meisharim Chapter 15:1).

Using animals

One may use an animal to service people, even though doing so involves inflicting pain on the animal (Nimukei Yosef, Bava Metziah 32b; Terumas Hadeshen 2:105; Rema, Even Ha'ezer 5:14; these authorities base their rulings on Talmudic sources, see Chagigah 14b; Shabbos 110b and 154b; Avodah Zarah 13b). The rationale provided is that animals and the rest of creation were created in order to service mankind (Terumas Hadeshen, based on Kiddushin 82a).

Get well quick!

What if my animal is currently unable to work, and there are two courses of treatment available? Both will heal the animal, but one is more painful, although it will have the animal ready for work sooner. May I inflict the additional pain on the animal for this purpose?

Some halachic authorities prohibit inflicting this pain on the animal (Shu"t Divrei Yetziv, Yoreh Deah #164, based on Bach, Yoreh Deah 267:18). If someone actually has this question, I suggest that they discuss it with a halachic authority.

How much suffering?

A question raised by earlier authorities: Is there a limit to how much pain one may cause an animal, if the goal is for human benefit? We find a dispute among rishonim whether it is prohibited to burden an animal excessively, so that humans can benefit. For example, may I place a load on an animal that is greater than it should be carrying? According to the Sefer Chassidim #666, this constitutes tzaar baalei chayim. On the other hand, the Terumas Hadeshen (1:105) rules that this is permitted. He further discusses whether one may remove the down, which is the soft feathers, from live geese. Is this halachically the same as shearing sheep, which is certainly permitted, or is it prohibited because of the level of discomfort? The Terumas Hadeshen concludes that although any use of an animal is permitted and does not violate tzaar baalei chayim, the custom is not to remove the down from live birds because this is very painful. This conclusion is quoted by the Rema as standard halachah (Even Ha'ezer 5:14).

Scientific experimentation

Is it permitted to use animals to run tests for medical research or other scientific experimentation? The earliest discussion I found on this question dates back over three hundred years, in a responsum penned by Rav Yaakov Reisher (Shu"t Shevus Yaakov 3:71), who permitted it. A much lengthier and very thorough analysis of the topic is found in a more recent work, the twentieth-century responsum of the late rav of Zurich, Rav Yaakov Breisch (Shu"t Chelkas Yaakov, Choshen Mishpat #34). He concludes that one may use animals to test products to see if they are safe, although it seems that this is permitted only when there is a direct research benefit and the potential suffering of the animals cannot be avoided. In other words, it is permitted to test a new medicine or cosmetic item on an animal to see if medical problems develop, but one may only do this to the extent necessary to see if the product is safe. One may not, while experimenting, abuse the animals in any way that is not necessary for the test being performed.

What is the halachah if the medical testing will cause excessive pain to the animals? Is this still permitted? As mentioned above, all opinions forbid inflicting or causing any unnecessary pain to animals. Whether one may conduct medical test or research that will cause considerable pain to the animal might be the subject of a dispute between the Sefer Chassidim and the Terumas Hadeshen. The Terumas Hadeshen rules that this is permitted, as long as there is human benefit. The Sefer Chassidim states that even

human benefit permits only a degree of normal discomfort to the animal, but not an excessive amount.

However, it is possible that the Sefer Chassidim agrees that one may test a medicine under these circumstances, since the importance of the potential benefit is great. It would seem that he would prohibit testing a new cosmetic item that will cause an animal to suffer tremendously, whereas the Terumas Hadeshen would permit it.

The Shevus Yaakov concludes that testing a medicine or cosmetic item on a living creature to see if it is safe for humans is permitted, even if it causes much suffering to the animal (Shu"t Shevus Yaakov 3:71). This is because one is not causing pain to the animal directly, and one is trying to research whether this product is safe for people.

Shimshon

Some authorities bring evidence from the story of Shimshon that, when necessary, one may even cause excruciating pain to an animal. The book of Shoftim tells us that Shimshon captured 300 foxes and tied together their tails in a way that each knot held a torch; he then sent the foxes into the fields and orchards of the Pelishtim, burning everything to the ground (Shoftim 15:4-5). Thus, we see that one can cause tremendous pain to animals when necessary for human need.

However, others question this proof, since during warfare, much is permitted that is not otherwise allowed. Thus, in general, causing this degree of pain to an animal would certainly be forbidden (Shu"t Chelkas Yaakov).

Furthermore, I question this proof, since nowhere does it say that the foxes themselves were on fire – the torches that they transported set fire to the fields and orchards of the Pelishtim.

Animals or even insects?

Does the prohibition of tzaar baalei chayim apply to all living creatures? We find a dispute among the achronim concerning this issue.

Rav Moshe Feinstein (Shu"t Igros Moshe, Choshen Mishpat 2:47) discusses whether one is permitted to work as an exterminator of unwanted mice, insects and other such wildlife. He rules that this is permitted when it is necessary for people, but that one should try to avoid killing the unwanted creatures directly.

Rav Moshe's reason is that although it is permitted to eliminate pests when they are harmful to mankind, killing them still remains an act of cruelty that makes an impression on the neshamah of the person who does it. Rav Moshe demonstrates this from the fact that after we fulfill the mitzvah of destroying the ir hanidachas, the city that goes wayward, the Torah promises that Hashem will provide rachamim to the Jewish people (Devorim 13:18). Rav Moshe quotes the Ohr Hachayim, who says that notwithstanding that this destruction is necessary and fulfills a mitzvah, it still affects the neshamah of those involved, because doing brutal things makes one into a nasty person. However, the Torah promises that Hashem will provide us with rachamim, meaning that He will restore us to being our usual, merciful selves. In other words, He will remove from our neshamos the harm created by what we were forced to do. (To the best of my knowledge, this is one of only three places in all of Rav Moshe's responsa that he quotes the Ohr Hachayim.) Similarly, exterminating varmints, even though it is necessary and therefore permitted, will affect one's neshamah. Therefore, it is better to do the exterminating in an indirect way, which makes less of an impression on the neshamah. According to Rav Moshe, we can conclude that killing a fly, moth or other insect that is not bothering anyone is prohibited.

(Rav Moshe contends that shechting for food will not cause a person to become cruel, since this act fulfills a mitzvah, notwithstanding that one is not required to perform it. Rav Moshe seems to hold that since the Torah sometimes requires shechitah, such as, when offering a korban, its performance could never cause someone to become cruel.)

Insects should not apply

However, we find that an earlier authority, Rav Yaakov Emden, who sometimes referred to himself by his acronym Ya'avezt\* (Yaakov ben Tzvi), did not understand that the concept of tzaar baalei chayim extends this far. He rules that tzaar baalei chayim does not apply to insects, but only to creatures large enough that mankind can use them for work (She'eilas Ya'avezt 1:110). Although Rav Yaakov Emden quotes the Arizal as having commanded his students not to kill even lice, the Ya'avezt explains this to be a midas chassidus, beyond the strict requirements of the halachah. In his understanding, it could be that the Arizal prohibited this destruction because it causes harm to one's neshamah, the same line of reasoning that Rav Moshe applied to discourage an exterminator from killing insects in a direct way.

Is it prohibited min hatorah?

The tanna'im dispute whether the law of tzaar baalei chayim is min hatorah or whether it is only of rabbinic origin (Bava Metziah 32b; Shabbos 154b). One of the differences that results from this dispute is as follows: Let us assume that in order to avoid causing an animal pain or distress, one would need to violate a rabbinic prohibition. May one supersede the rabbinic prohibition in order to avoid tzaar baalei chayim? The answer is that if tzaar baalei chayim, itself, is only a rabbinic prohibition, one cannot violate one rabbinic mitzvah for the sake of another. However, if tzaar baalei chayim is prohibited

min hatorah, then preventing suffering to an animal overrides a rabbinic prohibition (Shu"t Maharam mei Rottenberg 3:181).

The following discussion of the Gemara will demonstrate this to us:

Rabban Gamliel's donkey was laden with barrels of honey, and he did not want to unburden it until Shabbos was over. The Gemara asks why Rabban Gamliel waited until Shabbos was over, since this was clearly causing unnecessary discomfort for the animal. The Gemara replies that the honey had hardened and was therefore no longer suitable as a food, which would make it muktzah on Shabbos. The Gemara then asks why didn't Rabban Gamliel release the ropes binding the barrels to the donkey so that they could fall off the donkey on Shabbos, something he could do without moving the muktzah. The answer was that Rabban Gamliel did not want the barrels to break. The Gemara, still not satisfied, asks why didn't he place pillows under the barrels, thus cushioning their fall so that they would not break? The Gemara answers that the pillows would get dirty this way and become useless for the rest of Shabbos, and doing this on Shabbos is prohibited because of a rabbinic proscription called bitul kli meiheichano, literally, nullifying a tool from its use. The Gemara then asks that the prohibition of tzaar baalei chayim should supersede the rabbinic prohibition of bitul kli meiheichano. To this the Gemara replies that Rabban Gamliel held that the law of tzaar baalei chayim is only rabbinic, and therefore it does not supersede a different rabbinic prohibition (Shabbos 154b).

The Gemara's conclusion

Notwithstanding Rabban Gamliel's position that tzaar baalei chayim is forbidden only as a rabbinic injunction, there are other tanna'im who rule that it is forbidden min hatorah. The following passage of Gemara implies that Rabban Gamliel's position is rejected by the later authorities in the time of the Gemara:

Rav Yehudah said in the name of Rav: One may place cushions and pillows underneath an animal that fell into an irrigation ditch to enable it to get out by itself. However, it is preferred to bring food and water to the animal for the rest of Shabbos, if possible, and if this will satisfy the animal's needs, rather than place cushions and pillows underneath the animal, which will violate bitul kli meiheichano (Shabbos 128b).

This Gemara implies that if we can avoid both transgressing the law of bitul kli meiheichano and avoiding tzaar baalei chayim, we strive to accomplish both, but if that option does not exist, then tzaar baalei chayim supersedes the rabbinic prohibition of bitul kli meiheichano. Since this passage reflects the conclusion of the amora'im, we see that we do not rule in accordance with Rabban Gamliel, but rather we rule that tzaar baalei chayim is min hatorah. This is the halachic conclusion reached by most, if not all, halachic authorities (Shu"t Maharam of Rottenberg 3:181; Mordechai, Shabbos #448; Nimukei Yosef, Bava Metzia 32b; Sefer Chassidim #666; Shiltei Hagiborim, Shabbos chapter 18, pg. 51a note 3, quoting Riaz; Kesef Mishneh, Hilchos Rotzeach 13:9; Rema, Choshen Mishpat 272:9; Sma 272:12, 15; Gra, Choshen Mishpat 272:11). This law is also codified in Shulchan Aruch (Orach Chayim 305:19).

The Shulchan Aruch, reflecting this conclusion, cites a different halachah that results from the fact that tzaar baalei chayim is prohibited min hatorah. Although there is a rabbinic injunction prohibiting mounting or dismounting from an animal on Shabbos or Yom Tov, if someone did mount an animal, he is required to get off. (If this were forbidden, he would be required to remain on horseback the rest of Shabbos or Yom Tov, which would certainly cause tzaar baalei chayim.) This is true, notwithstanding that the act of dismounting constitutes a rabbinic violation of Shabbos (Shulchan Aruch, Orach Chayim 305:18). This ruling is consistent with our previous analysis. Since we conclude that tzaar baalei chayim is prohibited min hatorah, it can, when necessary, supersede a rabbinic prohibition, such as that of dismounting from an animal on Shabbos.

Violent rooster

Here is a related question, culled from the more contemporary responsa literature. If one discovers on Shabbos that one rooster is attacking other chickens, may one remove it from the coop on Shabbos, notwithstanding that a live animal is muktzah on Shabbos (Shu"t Har Tzvi, Orach Chayim 1:205)?

This question was asked of the late Rav Tzvi Pesach Frank, then rav of Yerushalayim. In his analysis of the topic, he quotes the previously mentioned conclusions of the Shulchan Aruch, that someone who mounted an animal on Shabbos should dismount it, because of tzaar baalei chayim, and that one must remove a burden from an animal, even by moving muktzah if no other method will work, because of tzaar baalei chayim. Therefore, Rav Frank concludes that it is permitted to remove the treacherous rooster from the others. He writes that it is preferred to have a gentile worker remove it, but if there is no gentile available, a Jew may remove it, notwithstanding that a rooster is muktzah on Shabbos. In other words, tzaar baalei chayim supersedes the prohibition of muktzah, when there is no way to accommodate both laws.

Conclusion:

Shlomo Hamelech teaches (in Mishlei 12:10) Rachamei re'sha'im achzari, that the compassion of the evil is cruelty. What does this mean, particularly since the context of

the pasuk implies that it is discussing the care one takes of his animals? The example chosen by the Sefer Chassidim (#669) is of an evil person who fed his animal well, but then expects it to perform beyond its capabilities – after all, he treated it so nicely. When the owner's expectations are not realized, he beats the animal mercilessly. It turns out that his initial compassion caused him to be cruel.

The Tosefta (Bava Kama, end of Chapter 9) states that Rabbi Yehudah said in the name of Rabban Gamliel: "Know this sign well: as long as you act with mercy, Hashem will have mercy on you." Sefer Chassidim #666 notes: If we are merciful to our animals, Hashem and others will be merciful to us.

\*Note that several different scholars are referred to by this acronym.

---

from: Rabbi Yochanan Zweig <genesis@torah.org>

to: rabbizweig@torah.org

date: Fri, Jul 15, 2016 at 1:05 AM

subject: Rabbi Zweig - Parshas Chukas

## MASTER MANIPULATOR... THE TRUMP CARD

Rav Yochanan Zweig

Balak the son of Zippor saw all that Yisroel had done to the Emori. Moav was very frightened of the people because they were many, and Moav was disgusted in the face of B'nei Yisroel (22:2-3).

This week's Parsha opens with a remarkable statement: Balak took notice of what B'nei Yisroel had done to the great kings of the time - Sichon and Og. This seems peculiar as Sichon and Og were the two great world power leaders of that time; their defeat at the hands of this upstart nation had to have attracted worldwide notice. What was it that Balak "saw" that had escaped everyone else's attention?

Even more perplexing, if the nation of Moav was frightened by the death and destruction that B'nei Yisroel had wrought upon the Emori, logically Moav should be frightened of their incredible power - so why does the Torah say that they were frightened by the numbers of the Jewish nation? Additionally, what does the statement "Moav was disgusted in the face of B'nei Yisroel" add to the narrative?

What Balak saw was an opportunity for him to create a leadership role for himself. In reality there was really no reason for Moav to be afraid. After all, B'nei Yisroel had purposefully avoided conflict with the nation of Edom because they were cousins (descendants of Esav - Yaakov's brother). Both Moav and Midian were cousins as well; Moavites were descendants of Lot (Sara's brother) and those of Midian were the children of Avraham (by second wife Keturah). In reality, B'nei Yisroel had no interest in a war with them.

But Balak's genius was in the creation of a fabricated animosity. He pointed out that the Jewish nation was exceedingly great in number and would undoubtedly want to settle in the vicinity. He may have even known that the great multitude of Erev Rav wouldn't have a portion in the land of Israel or that some of the tribes wished to settle on Moav's side of the Jordan. He singlehandedly created the first immigrant and refugee crisis. This was the disgust that Moav felt; they were disgusted with the prospect of having to live and share land with a nation that would totally devour all the natural resources. This is why Bnei Yisroel are described as "this nation will chew up our entire surroundings as an ox chews up grass of the field" (22:4).

Balak also highlighted the futility of trying to defeat B'nei Yisroel through a conventional war. In this manner he created a desperate situation that seemingly had no solution. But of course Balak had a plan all along. After scaring Moav into looking to their perennial enemy (Midian - home country of Moshe Rabbeinu) for advice, Midian responded that the only solution was to find someone who had the power to get Hashem to act.

Balaam was the equivalent of Moshe Rabbeinu in prophecy. As Rashi notes (22:5), Balak and Balaam were from the same place and had known each other years earlier (Balaam had, in fact, prophesied that Balak would become a king someday). Balak therefore held the power to bring this solution into a reality. In effect, Balak created the mirage of a problem and then positioned himself to be the only path to a solution. That is why the Torah says "Balak son of Zippor was king of Moav at that time" (22:4) - Rashi points out that he was appointed King to deal with this emergency situation. What Balak saw that no one else saw was an opportunity for him to become appointed as king.

## AND LOYALTY ABOVE ALL...

The officers of Moav came to Balak and reported that "Balaam refuses to return with us." Balak continued (to try and recruit Balaam) by sending more officers of a higher rank than those previously. They came to Balaam and said "so said Balak - do not refrain from coming to me for I will honor you very much..." Balaam answered and said to the servants of Balak... (22:14-18)

Rashi (22:13) points out that Balaam had given Balak's first emissaries the message that they were not important enough to request his presence at Balak's behest. Balak, who was very keen on having Balaam come and curse B'nei Yisroel, therefore sent messengers that were of higher ranking than the first group.

Many Rishonim (Rosh, Rabbeinu Bachaye) question the Torah's description of the higher ranking officers as "the servants of Balak." Calling these high ranking officers "servants" seems to imply that they were of a very lowly stature. How does this fit in with the narrative that Balak actually sent higher ranking officers?

Balak, as we have seen, was a very astute political leader who certainly understood the tenets of building an effective hierarchy of command. Obviously, in order to be promoted to a position of responsibility one must be capable; but among those who are capable of doing the job how does a leader decide who is of a higher and who is of a lesser rank?

The answer is loyalty. Those who are most trusted and loyal are the ones who are brought closest to the king. The term "eved - servant" doesn't always refer to one of lowly stature; often it implies the relationship between the master and the servant. The Gemara has the maxim "the hand of the servant is as the hand of the master." In other words, the servant is an extension of the master. In such a situation only the closest and most trusted confidant is placed into that position.

This was the position of both Moshe who is called "eved Hashem," and Eliezer who is called "eved Avraham." In both of those instances the term eved doesn't mean a lowly servant. Quite the opposite - both of them acted in lieu of their master, in modern parlance it would be akin to a "power of attorney."

By calling the second group "the servants of Balak," Balaam was actually recognizing their unique position as trusted confidantes of Balak, and worthy of his consideration to null Balak's offer to come and curse the Jewish people.

#### **FOR THE LOVE OF MONEY**

"Balaam answered and said to the servants of Balak, 'If Balak gives me his house full of silver and gold, I cannot transgress the word of Hashem, my G-d, to do anything small or great'" (Bamidbar 22:18).

Rashi comments that this pasuk reflects negatively on Balaam's character, indicating that he was plagued by a desire for other people's money. By speaking of the possibility that Balak would give him so much wealth, Balaam indicated that he coveted Balak's assets, which the Torah views as a fundamental character flaw.

This desire for wealth is generally treated as a negative desire. Yet we find similar statements made by great figures in Jewish history, and their expression of this sentiment is actually to their credit. Dovid Hamelech, for instance, declares in Sefer Tehillim, "The Torah of Your Mouth is better for me than thousands of gold and silver" (119:72). If desiring thousands of gold and silver was an abominable character trait he wouldn't be saying much about the value of the Torah. Similarly, the Tanna Rabbi Yosi ben Kisma relates in Pirkei Avos (6:9) that he told someone, "Even if you give me all the gold, silver, precious stones, and pearls in the world, I would live only in a place of Torah."

The statements of these great men are certainly not viewed as indicative of a shameful lust for wealth; on the contrary, both Dovid Hamelech and Rabbi Yosi ben Kisma appreciated the value of money, but they considered Torah far more important and precious. That being the case, why is Balaam's statement viewed as painting a negative picture of his personality?

There is one significant difference between the words of Balaam and the statements of Dovid Hamelech and Rabbi Yosi ben Kisma: Rashi notes specifically that Balaam desired the money of others while both Dovid Hamelech and Rabbi Yosi ben Kisma speak of its value in general terms. Balaam's character flaw lay in his desire to take the money of others, not in his appreciation of its inherent value.

It is not a shortcoming for a person to understand and appreciate the value of money. Many wonderful things can be accomplished with money; when used properly it is a vehicle for accomplishing much of what Hashem desires for our world - it is certainly needed to open Torah institutions and chesed organizations throughout the world.

Thus, Dovid Hamelech and Rabbi Yosi ben Kisma are applauded for their statements. Balaam's flaw, meanwhile, lay in his desire for other people's wealth. If we just read his words literally we can see that he didn't just want wealth; he wanted Balak's house full of silver and gold.

The tenth of the Aseres Hadibros is the prohibition of coveting another person's belongings, which many Rishonim view as the most severe of the Ten Commandments. There is nothing wrong with having a desire for a beautiful home or for other assets, for if these things are used properly, they can make a positive impact. However, it is terribly improper to harbor a desire to take things for oneself that belong to someone else. Coveting another person's belongings is where the sin begins, and that is the terrible character trait that Balaam exhibited.

<http://www.rabbisacks.org/balak-5776-makes-god-laugh/>

from: Shabbat Shalom shabbatshalom@ounetwork.org

reply-to: shabbatshalom@ounetwork.org

subject: Shabbat Shalom from the OU

#### **What Makes G-d Laugh**

#### **Balak - Covenant & Conversation 5776 / 2016 on Spirituality**

There is an old saying that what makes G-d laugh is seeing our plans for the future.<sup>1</sup> However, if Tanakh is our guide, what makes G-d laugh is human delusions of grandeur. From the vantage point of heaven, the ultimate absurdity is when humans start thinking of themselves as godlike.

There are several pointed examples in the Torah. One whose full import has only recently become clear occurs in the story of the Tower of Babel. Men gather together in the plain of Shinar and decide to build a city and a tower "that will reach to heaven." As it happens, we have archeological confirmation of this fact. Several Mesopotamian ziggurats, including the temple of Marduk in Babylon, have been found with inscriptions saying that they reach heaven.<sup>2</sup>

The idea was that tall buildings – man-made mountains – allowed humans to climb to the dwelling place of the gods and thus communicate with them. The Mesopotamian city states were among the first places of civilisation, itself one of the turning points in the history of human life on earth. Before the birth of agriculture, the ancients lived in fear of nature: of predators, of other tribes and bands, and of the vicissitudes of heat and cold, drought and flood. Their fate depended on matters beyond their control.

Only with the spread of domesticated animals and agriculture did people gather in towns, then cities, then empires. A tipping point occurred in the balance of power between nature and culture. For the first time humans were not confined to adapting to their environment. They could adapt their environment to suit them. At this point they – especially the rulers – began to see themselves as gods, demigods, or people with the power to influence the gods.

The most conspicuous symbol of this was buildings on a monumental scale: the ziggurats of Babylon and other Mesopotamian cities, and the pyramids of Egypt. Built on the flat land of the Tigris-Euphrates valley and the Nile delta, they towered over their surroundings. The great pyramid of Giza, built even before the birth of Abraham, was so monumental that it remained the tallest man-made structure on earth for four thousand years.

The fact that these were artificial mountains built by human hands suggested to their builders that humans had acquired godlike powers. They had constructed a stairway to heaven. Hence the significance of the phrase in the Torah's account of the tower, "And the Lord came down to see the city and the tower, which the children of man had built." This is G-d laughing. On earth, humans thought they had reached the sky, but to G-d the building was so infinitesimal, so microscopic that he had to come down even to see it. Only with the invention of flight do we now know how small the tallest building looks when you are looking down from a mere 30,000 feet.

To end their hubris G-d simply "confused their language". They no longer understood one another. The entire project was turned into French farce. We can visualise the scene. A foreman calls for a brick and is handed a hammer. He tells a worker to go right and he turns left. The project foundered in a welter of incomprehension. Men thought they could climb to heaven but in the end they could not even understand what the person next to them was saying. The unfinished tower became a symbol of the inevitable failure of vaunting ambition. The builders achieved what they sought but not in the way they intended. They wanted to "make a name for themselves" and they succeeded, but instead of becoming a byword for man's ability to reach the sky, Babel became babble, an emblem of confusion. Hubris became nemesis. The second example was Egypt during the early plagues. Moses and Aaron turned the water of the Nile into blood, and filled Egypt with frogs. We then read that the Egyptian magicians did likewise to show that they had the same power. So concerned were they to show that they could do what the Hebrews could do, that they entirely failed to realise that they were making things



worse, not better. The real skill would have been to turn blood back into water, and make frogs not appear but disappear.

We hear the Divine laughter especially in the third plague: lice. For the first time, the magicians tried and failed to replicate the effect. Defeated, they turned to Pharaoh and said, "It is the finger of G-d." The humour comes when we remember that for the Egyptians the symbol of power was monumental architecture: pyramids, temples, palaces and statues on a massive scale. G-d showed them His power by way of the tiniest of insects, painful yet almost invisible to the eye. Again hubris became nemesis. When people think they are big, G-d shows them they are small – and vice versa. It is those who think themselves small – supremely so Moses, the humblest of men – who are truly great.

This explains the otherwise curious episode of Bilam's talking donkey. This is not a fanciful tale, nor simply a miracle. It arose because of the way the people of Moab and Midian thought of Bilam – and perhaps, by extension, the way he thought of himself. Balak the Moabite king, together with the leaders of the Midianites, sent a delegation to Bilam asking him to curse the Israelites: "Come now, curse this people for me, since they are too mighty for me ... for I know that whom you bless is blessed, and whom you curse is cursed."

This is a pagan understanding of the holy man: the shaman, the magus, the wonder-worker, the person with access to supernatural powers. The Torah's view is precisely the opposite. It is G-d who blesses and curses, not human beings. "I will bless those who bless you and those who curse you I will curse," G-d said to Abraham. "They shall place my name on the children of Israel and I will bless them," he said about the priests. The idea that you can hire a holy man to curse someone essentially presupposes that G-d can be bribed.

The narrative is admittedly obscure. G-d tells Bilam not to go. Balak sends a second delegation with a more tempting offer. This time G-d tells Bilam to go with them but say only what he instructs him to say. The next morning Bilam sets out to go with the Moabites, but the text now states that G-d was "angry" with him for going. That is when the episode of the donkey takes place.

The donkey sees an angel barring the way. It turns aside into a field but Bilam hits it and forces it back to the path. The angel is still barring the way and the donkey veers into a wall, crushing Bilam's foot. Bilam hits it again, but finally it lies down and refuses to move. That is when the donkey begins to speak. Bilam then looks up and sees the angel, who had been hitherto invisible to him.

Why did G-d first tell Bilam not to go, then that he should go, and then was angry when he went? Evidently G-d could read his mind and knew that Bilam did really want to curse the Israelites. We know this because later, after the attempt to curse the Israelites failed, Bilam succeeded in causing them harm, advising the Midianites to get their women to seduce the Israelite men, thus provoking the anger of G-d (Num. 31:16). Bilam was no friend of the Israelites.

But the story of the talking donkey is another instance of Divine laughter. Here was a man reputed to be a maestro of supernatural forces. People thought he had the power to bless or curse whomever he chose. G-d, the Torah tells us, is not like that at all. He had two messages, one for the Moabites and Midianites, another for Bilam himself.

He showed the Moabites and Midianites that Israel is not cursed but blessed. The more you attempt to curse them the more they will be blessed and you yourself will be cursed. That is as true today as it was then. There are movements throughout the world to curse the state and people of Israel. The greater the malice of Israel's enemies, the stronger Israel becomes, and the more disasters its enemies bring upon their own people.

G-d had a different message for Bilam himself, and it was very blunt. If you think you can control G-d, then, says G-d, I will show you that I can turn a donkey into a prophet and a prophet into a donkey. Your animal will see angels to which you yourself are blind. Bilam was forced to admit:

How can I curse those whom G-d has not cursed?

How can I denounce those whom the Lord has not denounced?

Hubris always eventually becomes nemesis. In a world in which rulers engaged in endless projects of self-aggrandisement, Israel alone produced a literature in which they attributed their successes to G-d and their failures to themselves. Far from making them weak, this made them extraordinarily strong.

So it is with us as individuals. I have mentioned before a beloved friend, no longer alive, about whom it was said that "he took G-d so seriously that he didn't need to take himself seriously at all." Pagan prophets like Bilam had not yet learned the lesson we must all one day learn: that what matters is not that G-d does what we want, but that we do what He wants. G-d laughs at those who think they have godlike powers. The opposite is true. The smaller we see ourselves, the greater we become.

1 The John Lennon version is: "Life is what happens while you are making other plans."

2 The tower of Babel is referred to in the Enuma Elish as "Esagila," which means "the house of the lifting up of the head." Nabopolassar and Nebuchadnezzar both repaired this building, inscriptions to which say that they "raised high the head" of the tower "to rival the heavens." Nahum Sarna, *Understanding Genesis*, 73

---

from: Ohr Somayach <ohr@ohr.edu>

to: weekly@ohr.edu

subject: Torah Weekly

***Ohr Somayach :: Torah Weekly :: Parshat Balak  
For the week ending 23 July 2016 / 17 Tammuz 5776***

***Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com  
Insights***

***How About You?***

***"Balak son of Tzipor saw..." (22:2)***

Once, Rabbi Chaim Kanievsky got into a taxi. The driver saw who his passenger was and said, "Rabbi, I want to tell you a story. When I got out of the army I went with a friend to India. We were deep in the jungle and we got separated from the group. We found ourselves in a dark, thick place. I turned around and saw an enormous python coiling himself around my friend and slowly strangling him. I ran back to him, but despite both our efforts the snake coiled himself tighter and tighter. My friend was turning blue. I could see there was nothing left to do and I said to him, "You better say "Shma." He summoned all of his remaining strength and whispered faintly with his last breath "Shma Yisrael, Hashem Elokenu, Hashem Echad!" Instantly, the snake uncoiled himself, and slithered off into the undergrowth. Rabbi, I want to tell you that my friend came back to Eretz Yisrael and is now learning Torah all day and most of the night. "

Said Rabbi Kanievsky, "U'mah itcha?" — "And how about you?"

Said the driver, "No, the Rabbi doesn't understand. It happened to him, not to me!"

In the closing verses the Torah says, "Never again has there arisen in Yisrael a prophet like Moshe..." (Deut. 34:10). Our Sages infer from this verse that although there never arose a prophet on the level of Moshe amongst the Jewish People, there was a prophet of comparable stature amongst the nations of the world. And that was Bilaam. (Sifri)

One could ask of Bilaam, "U'mah itcha?" If you had access to a level of prophecy second only to Moshe himself, how could you have stooped to evil?

There are two creatures of the air whose eyesight is unmatched: the eagle and the bat. In the daylight the eagle's eyes are sharper and more penetrating than any other winged creature. By night, however, he is no match for the bat. The bat can "see" by emitting ultra-sonic signals and constructing a "radar picture" of the landscape ahead that no bird can match.

Bilaam's sight was drawn from the powers of darkness and impurity, whereas Moshe derived the sight of prophecy from the light of kedusha, holiness and purity.

Sources: *Sde Eliyahu of the Gra as heard from Rabbi Pesach Feldman*

© 2016 Ohr Somayach International

[http://www.ou.org/torah/author/Rabbi\\_Dr\\_Tzvi\\_Hersh\\_Weinreb](http://www.ou.org/torah/author/Rabbi_Dr_Tzvi_Hersh_Weinreb)

from: Shabbat Shalom <shabbatshalom@ounetwork.org>

reply-to: shabbatshalom@ounetwork.org

Rabbi Dr. Tzvi Hersh Weinreb

---

from: Aish.com <newsletterserver@aish.com> via madmimi.com

date: Wed, Jul 20, 2016 at 4:30 PM

subject: Advanced Parsha - Balak

*Echoes of Eden*

*Rabbi Ari Kahn - arikahn.blogspot.co.il*

*Parashat Balak 5776*

*A Question of Propriety*

*Tuesday, July 12, 2016*

Something had changed. These were not the people who had left Egypt; that generation had already perished. This was a new generation, either born or raised in freedom. The only leader they had known was Moshe; Pharaoh was a name from the past, someone their parents told them about on Passover. This generation would be different; they would see the Promised Land.

The previous parashah, Hukat, ends with a sudden stirring among the nations who would face the first wave of the Israelite conquest of Canaan. And other nations who had anticipated the Israelite fighting forces, who were dangerously close to their land. Much of this week's parasha is concerned with the machinations of these nations. They dread the impending confrontation, and come up with an original approach to head off the conquest: Tremendous resources are invested in an effort to curse the Israelites. When this strategy fails, they infiltrate the Israelite camp with a clever sort of Trojan horse, in a last-ditch attempt to corrupt the community from within and render the Israelites unworthy of G-d's protection: Moavite women approach the Israelite camp and seduce the men, first with pleasures of the flesh and then with exotic religious practices.

G-d's anger is kindled:

G-d said to Moshe, Gather all the nation's leaders, and [instruct them to] kill them [in the name of] G-d, publicly (literally, before the sun). This will reverse G-d's display of anger against Israel.' (25:3)

Pinchas then jumps in and actively carries out G-d's decree by killing a Jewish man and Midianite woman. His action, the reactions to it, and the significance of this event are all somewhat confusing: First, the language is cumbersome and unclear: G-d instructed to kill "them" (otam); who does this pronoun refer to? Is it the Jewish men? Is it the Moavite women? Is it those who were guilty of inappropriate sexual behavior, or is it those who participated in the idolatry that followed? In a later verse, the Torah clarifies that the Israelite man killed by Pinchas was himself one of the leaders: Zimri ben Salu is described as the leader of the tribe of Shimon (25:14). As such, Zimri should have been part of the solution, but instead was part of the problem.

Zimri contented that he was not one of "them;" he was one of the leaders. He was not guilty of idolatry, only an old fashioned sin of the flesh, and his partner in this sin was not a Moavite, she was a Midianite. This last part of his defense was especially sensitive and was intended as a personal attack against Moshe: If a relationship with a Midianite woman was inappropriate, how did Moshe himself come to marry a woman from Midian – the daughter of Yitro, "Kohen of Midian?"

The parallel that Zimri implies is clearly preposterous: Moshe married Ziporah, and never engaged in the public displays of sexuality for which Zimri stood accused. On the other hand, after Zimri voices this comparison, Moshe finds himself in a very difficult situation: If he responds or takes

action, he will be branded a hypocrite; Zimri paints Moshe as an extremist, a charge so subjective and lacking substance that anything Moshe says or does can be used against him as "proof." On the other hand, if Moshe fails to speak out or act, the outrageous behavior will spread and he will appear guilty as charged.

One more consideration may have stayed Moshe's hand: Coming on the heels of the episode with the rock, for which Moshe was severely censured by G-d, Moshe may have been a bit "gun shy." He seems hesitant to fulfill G-d's command before taking some extra time to be certain he has fully and precisely understood G-d's instructions. As we have seen, the instructions in this case were not completely clear. Who was to be killed? And by whom? Particularly regarding Zimri – a tribal leader who was, at the same time, one of the sinners - Moshe hesitates.

Before responding, Moshe must weigh not only right and wrong, but the people's perception of his behavior: Just as hitting the rock gave them the impression that it was he (and Aharon) – and not G-d - who had miraculously provided them with water, so, now, he feared that the people would be given a mistaken impression – namely, that there is one set of rules for the masses and another set of rules for the leaders. Moshe did not want to give the impression that anyone – not even he himself – was above the law. The possibility that there could be a perception of impropriety paralyzes him --and it is precisely Moshe's personal sense of propriety that Zimri was banking on: He cynically exploits Moshe's personal decency in order to neutralize him.

Against this backdrop, Pinchas leaps into action. He sees through Zimri's cynicism and duplicity; he understands the instructions given to Moshe by G-d, and implements them with great precision.

Even Moshe's "inaction" contains a great lesson: When it comes to leaders, we must expect not only the highest standard of personal comportment, but also the perception of decency. Any other type of behavior gives rise to cynicism, pollutes the public domain, and leads to "trickle down" immorality. Moshe, the greatest leader we have ever had, teaches us this invaluable lesson -- even when he does absolutely nothing.

---

from: [torahweb@torahweb.org](mailto:torahweb@torahweb.org)

to: [weeklydt@torahweb.org](mailto:weeklydt@torahweb.org)

date: Wed, Jul 20, 2016 at 10:29 PM

subject: Rabbi Mordechai Willig - Balance

**TorahWeb.org**

**Rabbi Mordechai Willig**

**Balance**

The Netziv (introduction to Bereishis) beautifully describes the yashrus of our patriarchs, which was so great that even Bilam was moved by it, and the contrast between them and Bilam. What follows is a presentation of the Netziv's ideas and the lesson of balance contained therein.

I

"May my soul die the death of the upright (literally straight - yesharim) and may my end be like his (Yisrael's)" (Bamidbar 23:10). The upright, in the context of Bilam's bracha, refers to the yesharim of Yisrael (Rashi). Specifically, the yesharim are Avraham, Yitzchak and Yaakov, after whom Bereishis is called "Sefer Hayashar", the book of the upright patriarchs (Avodah Zara 25a).

The Netziv refers to Devarim (32:4), "Hashem, perfect is His work, for all His ways are justice, a G-d of faith without injustice, righteous and upright (yashar) is He". Tziduk Hadin - Acceptance of Judgment, recited when a person is buried, begins with thispassuk. The passuk is an Acceptance of Judgment on a national scale, referring to the destruction of the two batei mikdash.

The second Beis Hamikdash was destroyed in a "crooked and twisted generation" (Devarim 32:5). They were righteous and learned, but not

straight in the ways of the world. Because of the baseless hatred in their hearts, they suspected anyone who served Hashem differently than themselves of being a Saducee and an apikores. Hashem is upright and does not tolerate a tzadik who is not upright in the ways of the world. Even if he acts for the sake of Heaven, he causes the destruction of society. Therefore, the second Bais Hamikdash was destroyed by Hashem, the Yashar.

The patriarchs were not only tzadikim in serving and loving Hashem. They were also yesharim, concerned with the nations despite their paganism and immorality. For example, Avraham hated the people of Sodom who were very wicked (Bereishis 13:13), and were guilty of the sodomy named for them (Rashi 19:5). Yet he prayed repeatedly for their survival (18:23-32), literally as the father of nations (17:5). Even if a son strays, the father seeks his peace and welfare. Yitzchak, regarding Avimelech (26:20-31), and Yaakov, concerning Lavan (31:26-42), did the same. Therefore, Bereishis is called Sefer Hayashar, the book of the upright patriarchs.

Bilam was not upright like the patriarchs. He was sexually perverse (Avodah Zara 4b) and he attempted to destroy Am Yisroel. Yet he longed to die the death of the upright, presumably by repenting. However, after failing to curse Am Yisroel, he deviously advised the sexual entrapment which led to a plague (Rashi Bamidbar 24:14). After receiving full financial reward for this advice, he deserved and met the violent death (31:8, and Rashi) of an unrepentant pervert.

II  
Notwithstanding their concern for the welfare of sinners, our patriarchs insisted on both physical and existential separation from them. Avraham Ha'ivri (Bereishis 14:13) was on the other side, separated from the entire pagan world (Medrash Rabba). He parted company from his wicked nephew Lot (Bereishis 13:8-12), only thereafter meriting Hashem's instruction (Rashi 13:14). Yitzchak was separated from the idolatrous and sexually immoral Yishmael (Rashi 21:9). Yaakov separated from Lavan (31:49), Esav (33:12-17), and Pharaoh (44:34 see Rashi).

Love for others and separation from them are not contradictory. "Yisroel dwelled secure, solitary, the essence of Ya'akov" (Devarim 33:28). The Netziv renders "secure" as calm, with love towards others, without competing with other nations. "Solitary" means without excessive mingling with the nations, fellowship which could lead to intermarriage. These two characteristics represent the essence of Yaakov, and his wish for his descendants.

The balance between separation from sinful practice and thought, and maintaining uprightness in the ways of the world, was achieved by our righteous and upright patriarchs. May we successfully achieve that balance and hasten the rebuilding of the Beis Hamikdash. *Copyright © 2016 by TorahWeb.org*

---

from: Rabbi Yissocher Frand <ryfrand@torah.org>  
to: ravfrand@torah.org  
date: Thu, Jul 21, 2016 at 6:04 PM  
subject: Rav Frand - Not From Your Honey And Not From Your Sting  
**Parshas Balak**

**Rabbi Yissocher Frand**

**Not From Your Honey And Not From Your Sting**

"G-d said to Bilam, 'You shall not go with them! You shall not invoke curse upon the people, for it is blessed!'" [Bamidbar 22:12]. The Almighty tells Bilam that he cannot go with the Moavite delegation who came to procure his services; he cannot curse the Jewish people – for they are blessed.

Rashi interprets the pasuk as a progressive dialog between Bilam and Hashem. When G-d told Bilam that he could not go with the officers of Balak, Bilam said, "Then let me curse them from here." In response, G-d refined His directive to Bilam: Do not curse the people". Following this denial of his second request, Bilam said, "If so, let me at least bless them." To which the Almighty responded, "They do not need your blessing, for they

are already blessed." Rashi quotes an analogous dismissive put-down to a bee: "We want neither your honey nor your sting."

This is a strange Rashi. He describes a strange reaction on Bilam's part. What kind of comeback was that from Bilam – Can I give them a blessing? Did our archenemy all of a sudden become a lover of Israel? What was he thinking? Did he really want to bless the Jewish people?

I saw an interesting interpretation in the sefer Shemen Hatov by Rabbi Dov Weinberger. At the end of the parsha, when Bilam proved to be unsuccessful in giving any of his curses, his final parting shot was to provide Balak with some valuable counsel: "Listen, Balak, I was unsuccessful. However, I hate the Jews as much as you do. I will give you some advice. Their G-d hates promiscuity. It will be worth your while to cause them to stumble in iniquities of licentiousness. Gather the daughters of Midian and have them seduce the Jewish men. You will see this will anger G-d to the extent that a plague will befall the Jews!" And so it was.

So let us ask, why did Bilam expect this plan would work? The Talmud says that throughout the entire period of enslavement not one Jewish woman was unfaithful to her husband. Sexual immorality was certainly not seen as an area of vulnerability for the Jewish nation. How did he suddenly devise such a far-fetched plan? Why did he expect it would be successful? Even more troubling is the question — why in fact was it successful? How did such a mass lapse into public immorality take place in the holy nation? How did it happen?

The fact is that this came about because of Bilam's "blessing". Someone who receives a bracha must be very careful about who is giving the bracha. A bracha must be granted "b'tov ayin" – with a full heart. The one who bestows the bracha needs to give it with the intent that he really wants to help the person being blessed. Chazal describe Bilam as a "Tzor ayin" – a mean-spirited, miserly fellow who is only interested in his own welfare, padding his own pocketbook. The bracha of such a person is more curse than blessing.

Bilam saw Klal Yisrael and commented "How goodly are your tents O Jacob" – the most famous of all his brachos. Chazal single out the feature of the tent configuration that impressed him: He saw that the tent openings faced away from each other. He saw the tremendous respect for privacy and modesty (tznius) that existed within the Jewish people. He gives them a blessing: "You guys are terrific. You are modest. You are careful about sexual improprieties. You do not check what is going on in your neighbor's tents. You are beautiful." However, this "bracha" was mean-spirited. It was a sinister blessing. It was designed to raise their level of confidence and complacency to the point where they would think they were immune from the temptation and attractiveness of illicit sexual attraction (arayos). Complacency comes before the fall.

When the Jewish men met the daughters of Midian, their normal reaction should have been "We need to stay away from this. We don't know what could happen." However, something went off in their heads that whispered to them, "What do we need to worry about? We are righteous Jews! We are beyond such lowly temptations!" Then what happened? Bilam was successful in raising their level of complacency to the extent that in fact they did stumble and stumble badly.

The bracha that Bilam gave, "How goodly are your tents O Jacob" had a sinister part to it. He caused them to stumble in the sin of arayos. It is about such situations that Chazal say "Not from your honey and not from your sting". Keep your brachos. They are not worth the cost. We do not want your honey and we do not want your sting either.

Transcribed by David Twersky; Jerusalem DavidATwersky@gmail.com  
Technical Assistance by Dovid Hoffman; Baltimore, MD  
dhoffman@torah.org

---

from: Shabbat Shalom shabbatshalom@ounetwork.org  
reply-to: shabbatshalom@ounetwork.org

subject: Shabbat Shalom from the OU

***What Mourning Means: Reflections of Rav Soloveitchik zt"l on Tisha B'Av***  
**July 19, 2011**

*Rabbi Koenigsberg is a Rosh Yeshiva at the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University, and the editor of two volumes of the Shiurei HaRav series, an annotated collection of Rav Soloveitchik's lectures published by the Mesorah Commission of the Orthodox Union. One of his volumes deals with mourning and Tisha B'Av.*

The customs we observe on the day of Tisha B'Av are strikingly similar to those of an avel (mourner), one whose close relative has recently passed away. We abstain from washing ourselves and putting on perfume, from wearing leather shoes and talking frivolously. We even refrain from studying parts of Torah which are unrelated to the events and the mood of the day. Instead we sit on the floor or a low chair and solemnly contemplate the loss of the Beit HaMikdash, the First and Second Temples in Jerusalem.

On Tisha B'Av the sense of mourning and sadness is palpable. But, in truth, the observances of mourning begin long before Tisha B'Av itself. Already from the Seventeenth of Tamuz, at the start of the "Three Weeks" period, Ashkenazic communities minimize their involvement in pleasurable activities like getting married, taking haircuts and buying new clothing. From the beginning of the month of Av through Tisha B'Av, a period commonly referred to as the "Nine Days," we refrain as well from doing laundry and from wearing freshly laundered clothing. Many men refrain from shaving. Tisha B'Av itself is certainly the most restrictive of the entire Three Weeks period, but the observances of aveylut (mourning) are not limited to that day alone.

Rav Yosef Dov Soloveitchik zt"l, (1903-1993) known to his many talmidim as the Rav, used to say that these three periods of time mirror the three periods of mourning that a child observes when losing a parent. Tisha B'Av is like the seven-day period of shiva when the sense of mourning is most intense. The "Nine Days" beginning with Rosh Chodesh Av are similar to the period of shloshim (30 days of mourning), and from the Seventeenth of Tamuz until the month of Av we observe laws of mourning similar to the twelve-month period of aveylut that a child observes after losing a parent.

What's interesting, though, is that the order of observances is reversed. The child who loses a parent observes shiva first, then shloshim and then the twelve-month period of aveylut, while during the "Three Weeks" we first observe the aveylut of the twelve-month period, then shloshim, and only on Tisha B'Av do we keep to the restrictions of shiva. Why is the order changed when we mourn the loss of the Beit HaMikdash?

**Differences in Mourning**

The Rav explained that there is a fundamental difference between aveylut chadasha (newly occurring, personal mourning), as the Rabbis refer to it (Yevamot 43b), and aveylut yeshana (ancient, annual mourning for the Beit HaMikdash). When a close relative passes away, the grief, the pain, the sense of loss come naturally and easily. It is therefore most appropriate to begin the observances of aveylut with shiva, the most intense expression of mourning. But after seven days, the avel is ready to take a step back. Although his loss is still very much on his mind, nevertheless his emotions have tempered; his feelings of sorrow have lessened. For him, the observances of shloshim are more fitting. By the end of thirty days, the avel has gained perspective on his loss. For most relatives, he is now able to conclude the observances of aveylut. Even for a parent, while he continues to mourn, he still reduces his aveylut once again.

In the case of aveylut yeshana, on the other hand, this progression is out of place. We have become so used to living in a world without the Beit HaMikdash, that it would be unfair to expect anyone to begin the "Three Weeks" with the observances of shiva. It simply would be unnatural for anyone to suddenly break down and cry over the loss of the Beit HaMikdash. The sense of mourning for the destruction of the Beit HaMikdash can be internalized only through gradual increments. Only by slowly increasing our observances of aveylut from the Seventeenth of Tamuz through the Nine Days, while at the same time reflecting on the significance of this Three-Week period, can we hope to approach the day of Tisha B'Av with the right frame of mind. By engaging in this three-week learning experience, we prepare ourselves mentally so that when the day of Tisha B'Av finally arrives, we are ready to grieve appropriately.

**Crying on Tisha B'Av**

The Rav added that in certain ways aveylut yeshana for the Beit HaMikdash is even more stringent than aveylut chadasha. Although the Talmud (Moed Katan 27b) mentions that the first three days of shiva are days of crying, there is no obligation for a mourner to cry. The Talmud simply says that during the first three days of shiva it is natural for a mourner to want to cry. But on Tisha B'Av, crying is one of the motifs of the day.

As the prophet Jeremiah (9:16-17) says, in the Haftarah we read the morning of Tisha B'Av, "Call the dirge women...let our eyes run with tears and our eyelids flow with water." Mourning for the destruction of the Beit HaMikdash requires an expression of

raw emotion; it obligates us to show how overcome we are with our longing for the Beit HaMikdash. That is why we spend much of the morning of Tisha B'Av reciting kinot (lamentations) which bemoan the loss of the Beit HaMikdash and describe the pain and suffering the Jewish people has endured as a result. The kinot are designed to awaken our emotions until we cry out uncontrollably because only by crying can we properly mourn the loss of the Beit HaMikdash.

**How Much Should One Mourn**

There is another important difference between the observances of aveylut yeshana and those of aveylut chadasha. The rabbis never placed any limitation on how much a person is allowed to mourn for the Beit HaMikdash. To the contrary, one who mourns the loss of the Beit HaMikdash incessantly is praised. In fact, the very last kina we recite on Tisha B'Av is Eli Tzion V'areha, in which we ask Jerusalem and her surrounding cities to continue to cry for the destruction of the Beit HaMikdash. The Talmud Yerushalmi (Ta'anit 4:6) records that some Amoraim (sages of the Talmud) fasted on both the ninth and the tenth days of Av because the Beit HaMikdash was set on fire on the ninth day of Av but it continued to burn on the tenth. How was it permissible for these rabbis to add an extra fast day; aren't we prohibited from adding to any mitzvot?

The Ramban (Torat Ha'adam, p. 242) answers that mourning for the Beit HaMikdash is different. Not only is one allowed to add to the mourning, but such behavior is praiseworthy. An avel who cries or mourns too much for his relative is criticized. As the Talmud says (Moed Katan 27b), "Anyone who grieves excessively over his dead will ultimately weep over another deceased." But one who weeps bitterly for the Beit HaMikdash is rewarded. What is the difference between these two types of aveylut?

**An Unnatural Event**

The Rav explained that an avel is enjoined from crying too much for his relative because, as the Rambam writes (Hilchot Avel 13:11), death is minhago shel olam; it is part of the natural course of events in this world. But the destruction of the Beit HaMikdash was an unnatural event. The Beit HaMikdash was much more than a physical structure. It symbolized the relationship between Hashem and the Jewish people. It was the focal point of spirituality in the world. When we mourn the loss of the Beit HaMikdash, we are not crying for the wood and the stones. We mourn the fact that we no longer see Hashem's presence as clearly in the world and that our relationship with Him is strained. We long for the day when the Jewish people will reunite with Hashem and feel his closeness once again. In other words, we hope for the day when the world will return to its natural state. That is why we are obligated to cry on Tisha B'Av and there is no limit to our mourning because the loss of the Beit HaMikdash is a reality we can never come to terms with.

**Consolation on Tisha B'Av**

And yet, after chatzot (midday) on Tisha B'Av, we get up from the floor, put on our tefillin and recite the bracha of Nachem, asking Hashem to console Jerusalem and us. Where is there room for consolation on such a dark day? The Rav explained that our comfort lies in the fact that Hashem took out his wrath on the Beit HaMikdash and not on the Jewish people (see Tosafot, Kiddushin 31a). Paradoxically, it is precisely at the time of the mincha prayer, when the Beit HaMikdash started to burn (Ta'anit 29a), that we feel comforted because that act of destruction was really a demonstration of love. It showed that Hashem wants the Jewish people to survive; he wants them to flourish and ultimately to reunite with Him. If Hashem punishes us only out of love, like a father disciplines his child, then there is hope for the future. We can look forward to the day of reconciliation when Hashem will return to us and reveal His glory to the entire world.

© 2016 Orthodox Union