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from: TorahWeb <torahweb@torahweb.org> to: weeklydt@torahweb2.org
date: Thu, Jul 2, 2015 at 4:25 PM subject: Rabbi Benjamin Yudin - Oh, How the Mighty Have Fallen

Rabbi Benjamin Yudin
Oh, How the Mighty Have Fallen

It is interesting to note that none of the 613 mitzvos of the Torah appear in the one hundred and four verses in Parshas Balak. There are, however, many important hashkafik principles contained therein. The charge to the Jewish nation that their survival will depend on their remaining separate and distinct from the other nations of the world is found in (23:9), "hein am l'vadad yishkon - behold it is a nation that will dwell in solitude". Moreover, the prophesy that there will always be Jewish houses of assembly for prayer and study is contained in (24:5), "mah tovu ohalecha Yaakov mishkenosecha Yisroel - how good are your tents, O Jacob, your dwelling places, O Israel". Finally, the assurance that Moshiach will redeem the Jewish nation at the end of history, is found in (24:17) "er'enu v'lo atah, ashurenu v'lo karov, darach kochav mi'Yaakov v'kom shevet mi'Yisroel - I shall see him, but not now, I shall look at him, but it is not near. A star has issued from Jacob and a scepter-bearer has risen from Israel". The Rambam (Hilchos Melachim 11:1) therefore notes that whoever denies the concept of Moshiach is denying the prophecy of Moshe Rabbeinu.

In Avos (5:22) we are taught three differences between the character traits of Avraham and Bilaam. The former possessed a good eye, a humble spirit and a meek soul, while the latter had an evil eye, an arrogant spirit and a greedy soul. The good eye is usually understood as one who is not jealous of the next one's success in the materialistic realm, but this same difference was present in their character in the spiritual realm as well. Rav Yosef Shalom Elyashiv zt"l (in Divrei Agadah) notes a sharp contrast between Moshe and Bilaam. When Moshe is informed (Bamidbar 11:27) that "Eldad u'Medad misnab'im bamachaneh - Eldad and Medad are prophesying in the camp" Moshe's immediate response was (ibid 29), "u'mi yitein kol am Hashem nevi'im - would that the entire people of Hashem be prophets"; Moshe was more than willing to spread the wealth of the knowledge of G-d. The

Medrash (Yalkut Shimoni, Yisro 268), by contrast, teaches that when Hashem was about to give the Torah the entire world stirred and realized something extraordinary was about to happen, and therefore all of the Kings gathered to derive counsel from Bilaam. They enquired (Tehillim 29:10), "has Hashem reverted back to the flood?" Bilaam assured them that He already vowed not to destroy the world again, rather He was giving His Torah to the nation of Israel, and Bilaam then sent them each back to their respective people. Rav Elyashiv notes that Bilaam had them in the palm of his hands and could certainly have used the moment to spiritually energize the world by encouraging them to accept the seven Noachide laws, but his evil eye prevented him from sharing spirituality with others. It was a historical opportunity which was lost and thus a dark moment in world history.

The Talmud (Chullin 92b) notes that while the nations of the world violate the seven Noachide laws, there are three laws that they do keep: they do not write a marriage contract for men to marry each other, they do not sell the remains of a human corpse, and they honor the Torah. How sad that in the times in which we live there is a flagrant violation of all three of these laws! For example, recognizing the demand for organs, it has become prevalent that a cardiac arrest victim (having given explicit instructions) can have the "plug pulled" and his organs harvested shortly thereafter for a lucrative price. This is an outright violation of murder according to the Torah.

On June 26, 2015, the Supreme Court of the United States legalized gay marriage throughout the country. It is amazing how history repeats itself - historians attribute the downfall of both Greece and Rome to their acceptance of sexual immorality. The Medrash (Beraishis Rabbah 26:5) teaches that the final straw that sealed the fate of the generation of the flood was their writing a marriage contract for men to marry each other and for humans to marry animals. Note that the Torah's statement (Bresihis 2:24), "al kein ya'azov ish es aviv v'es imo v'dovak b'ishot v'hayu l'basae echad - therefore a man shall leave his father and his mother and cling to his wife, and they shall become one flesh" was directed to all of mankind. As such, the Supreme Court decision is a direct violation of the third law which the Talmud (cited above, Chullin 92b) said the nations of the world keep, i.e. having regard and respect for the Torah.

Aside from shame and disappointment, how might Torah observant Jews respond to this? Bilaam knew (Sanhedrin 106a) that the G-d of Israel despises immorality, and he therefore advised Moav that the way to attack the Jews is to entice the men of Israel to sin with Moavite women. Unfortunately his plan had initial success.

In Parshas Noach the Torah states that all of the civilization was to be destroyed since (Bereishis 6:12), "all flesh had corrupted its way upon the earth". Rashi cites the Talmud (Sanhedrin 108a) that even the animals, beasts and birds cohabited with other species. The Bais Halevi (in his opening comment on Parshas Noach) asks, it is understood that man has free will regarding his morality, but animals don't have free will, so how did their natural inclinations change? He answers that the actions of man have cosmic consequences and as a result of man's immorality the animals were perverted as well. Is it not ironic that the rainbow flag has come to symbolize gay pride and rights! Unbeknownst to the designer creating a flag in 1978, our holy Torah has taught us (Bereishis 9:15) that the rainbow is a symbol of G-d's anger towards man being held in check by His oath not to destroy the world again after the flood; the rainbow serves as a clear indicator that man has angered his creator.

This Sunday, with the fast of the seventeenth of Tammuz, we begin the period of the three weeks which culminates in the fast of the ninth of Av. Aside from the formal restrictions of haircuts, weddings, and live music, this time is meant to be a period of introspection and self-scrutiny. Even as tumah-impurity spreads its ugly negativity in the rest of society, taharah-sanctity, purity and holiness can uplift and enhance society. Rav Pam zt"l was wont to cite the Talmud (Kedushin 7a) that if the owner of an animal consecrates the leg of the animal as an offering, the state of holiness

encompasses the entire animal (certainly if he consecrates a limb that is vital to the life of the animal), and similarly we must be the holy element which uplifts the entire society. Our response must be greater adherence to and appreciation for the laws and privileged lifestyle of kedushah. Each and every beracha must remind us "asher kid'shonu b'mitzvosov - Who has sanctified us with His commandments." As even a small amount of light can dispel a great deal of darkness; may our increase of kedushah not only protect us and our families but also increase His presence in the world. Copyright © 2015 by TorahWeb.org. All rights reserved.

From: **Rabbi Eli Baruch Shulman**

Date: Sun, Jun 28, 2015

Subject: drosho

I spoke yesterday about the Supreme Court decision, and thought you might be interested in what I said:

The New Jacobinism

Historians wonder about the difference in outcome between the American Revolution, which resulted in a liberal democracy, and the French Revolution, which resulted in terror and tyranny. Why was the American revolutionary project so much more successful? Regardless of the answer, we in this country have had great reason to celebrate the American success.

Unfortunately, last Friday the American experiment lurched towards the fanaticism that we associate with the French Revolution..

First, some history: The French Revolution began with the urge towards a more equitable society, in which human dignity and the rights of every man would be respected. In its early stages it produced the Declaration of the Rights of Man, which, in exalted language, proclaimed that Men are born and remain free and equal in rights. (Ironically, the author of the Declaration later earned the sobriquet: "the angel of death", as he became one of the prime movers of the terror.)

But as the revolution went on it fell into a cycle of ever increasing radicalism. A spirit of fanatic intolerance - which history remembers by the name "Jacobinism" - after the Jacobin clubs in which it was nurtured - took hold. Religion was persecuted, and in its stead a "cult of reason" was set up. Power was concentrated into the hands of twelve men: the Committee of Public Safety, headed by Maximilian Robespierre, who set himself the task of creating a republic of "virtue", basically by cutting off the head of anyone whom he thought not quite virtuous enough. "Virtue", he said, "must be wedded to terror, for without terror virtue is impotent". The virtue to which he referred was not any kind of traditional virtue; rather, it was the new virtue of revolutionary zeal, the measure of which was Robespierre himself. Basically if you did not go along with Robespierre and his ideas then you were not virtuous, and the full fury of the terror would be directed against you.

Faster and faster the guillotine was put to work, consuming eventually Robespierre and his associates themselves.

The spirit of Jacobinism did not die with Robespierre. It remains the animating spirit of the radical left. The essential impulse of Jacobinism, old and new, is to proclaim oneself and a like-minded avant garde the exemplars of some new kind of virtue, and to then create a "republic of virtue" by destroying anyone who doesn't fall into line.

The spirit of Jacobinism informed every word of the majority decision last Friday at the Supreme Court.

What did the Court rule? It did not rule that same sex marriage is a good idea. Congress and the state legislatures - not the courts - are in charge of taking good (and bad) ideas and making them law. What the Court did was something far more radical. It ruled that the very idea

that marriage might be exclusively between a man and a woman is so hateful and bigoted, so against reason and virtue, that any law that expresses that conception can only be an expression of bigotry and, therefore, illegal and unconstitutional.

In a blistering dissent, Justice Scalia drove home this point:

"These Justices know that limiting marriage to one man and one woman is contrary to reason; they know that an institution as old as government itself, and accepted by every nation in history until 15 years ago, cannot possibly be supported by anything other than ignorance or bigotry. And they are willing to say that any citizen who does not agree with that, who adheres to what was, until 15 years ago, the unanimous judgment of all generations and all societies, stands against the Constitution."

In short, the Court ruled that the traditional conception of marriage is illegal because it is not virtuous - and like the committee of public safety, the measure of virtue is not the received wisdom of mankind, or the teachings of religion, or even public consensus. No; the five men and women who signed the Court's decision, like the Committee of Public Safety before them, decided that they themselves are the measure of the new revolutionary virtue.

Again, Justice Scalia:

Take, for example, this Court, which consists of only nine men and women, all of them successful lawyers who studied at Harvard or Yale Law School. Four of the nine are natives of New York City. Eight of them grew up in east- and west-coast States. Only one hails from the vast expanse in-between. Not a single Southwesterner or even, to tell the truth, a genuine Westerner (California does not count). Not a single evangelical Christian (a group that comprises about one quarter of Americans), or even a Protestant of any denomination. The strikingly unrepresentative character of the body voting on today's social upheaval would be irrelevant if they were functioning as judges, answering the legal question whether the American people had ever ratified a constitutional provision that was understood to proscribe the traditional definition of marriage. But of course the Justices in today's majority are not voting on that basis; they say they are not. And to allow the policy question of same-sex marriage to be considered and resolved by a select, patrician, highly unrepresentative panel of nine is to violate a principle even more fundamental than no taxation without representation: no social transformation without representation.

Understand that this is far worse than when individual states recognized same sex marriage. At least then we were protected somewhat by the Constitution's guarantee of free exercise of religion. But now the Court has given same sex marriage the status of a civil right, and freedom of religion, in this country, is not a protection against the charge of a civil rights violation.

The four justices who dissented from the Court's decision made this danger clear. Chief Justice Roberts wrote that "people of faith can take no comfort in the treatment they receive from the majority today".

The least of the evils that will befall from this decision, as the Chief Justice explicitly writes, is that religious institutions will lose their tax-exempt status unless they fall in line with this brave new republic of virtue.

This is not the alarmist prediction of some conservative columnist; this is the Chief Justice of the Supreme Court, commenting on the repercussions that will flow from this decision.

I have no doubt that the new Jacobins, in their zeal to stamp out any dissent from their new republic of virtue, will make this a priority.

More generally, Justice Alito warns:

I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat

those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools...

They're not marching anyone off to the guillotine. But make no mistake; in this new republic of revolutionary virtue, anyone who speaks against this new ukase can, in a moment, lose his livelihood and his reputation. Orthodox Jews, and people of traditional faith generally, will be viewed with special suspicion in academia, in government and in the corporate world.

There is an ill wind blowing.

Moreover, the growing dissonance between the wider culture and our traditional values is putting a tremendous stress on parts of our community. For better or worse, not all of Orthodoxy lives in a ghetto. And the tension caused by the widening cultural rift is producing strange anomalies. I was recently told about a woman who attends an Orthodox synagogue but is involved in a same sex marriage and - because, in her own eyes, she is a married woman - she covers her hair!

We have passed "an awful milestone" in the moral decomposition of the culture around us. One of the few redeeming values that the Gemara sees in the culture of the nations of the world has been erased (see Sanhedrin 92b). We look for a silver lining, but all we see is that the sky grows darker yet, and the sea rises higher.

Yet perhaps there is some small comfort in remembering that we have always been a nation that dwells apart, and that - as Rashi tells us at the beginning of the parsha - the nations of the world have always mocked us for our beliefs and practices.

We are entering a time when the strength of our own convictions will be challenged; and let us pray for *שיינתה דשמייא* so that we shall not be found wanting in that strength.

from: Rabbi Yissocher Frand <ryfrand@torah.org> reply-to: do-not-reply@torah.org to: ravfrand@torah.org date: Thu, Jul 2, 2015 at 6:05 PM subject: **Rabbi Yissocher Frand - Parshas Balak**

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 199, Stam Yeinom: Non-Kosher Wines. Good Shabbos!

Parshas Balak contains an incident which teaches us a tremendous ethical lesson. For me personally, it is one of the scariest mussar teachings in the Torah.

This incident involves a person named Bilaam, who had a tremendous power of speech. Whomever he blessed was blessed; whomever he cursed was cursed. He was a very powerful man -- a person who did not command divisions of armies; but he had an almost magical power of speech.

Bilaam is asked to employ this power against the Jews. He knows that G-d does not want him to go, but he decides to go nevertheless. While on the way, what happens to him? His donkey stops, refuses to move, then all of a sudden the donkey opens up his mouth and starts talking to him. Since the history of the world began, such a thing never happened -- and never again will happen -- that a donkey should talk to a man.

If someone doubts whether what he is doing is right or wrong and suddenly his car stops and tells him "Don't go" (and not just one of those recorded voices saying "Your seatbelt isn't buckled...") -- would that not cause the person to at least stop and wonder whether he is doing the right thing?

We may ask this question even about a person who was not perceptive. However, Bilaam was a wise person. He was a perceptive person. How does a perceptive person view his donkey talking to him?

Bilaam should have said to himself, "My strength is my speech. Who gave me that power? G-d. The proof is that the same G-d who gave me the power of speech, just gave my donkey the power of speech! "Who gives a mouth to man or Who makes one dumb..." [Shmos 4:11] From where is my strength? Me talking is not any bigger miracle than my donkey talking. It's the same strength of G-d."

What should Bilaam have concluded? He should have concluded that he was not using his power of speech correctly, and that he should turn back. Is this not as clear as day? Is the message not clear? Shouldn't that make an impression? Yet it did not.

This is the lesson we need to learn -- how blind people can be! When a person has some type of personal motive -- whether it is money or power or anything -- a person can literally become completely blind. G-d can almost spell it out to him... G-d CAN actually spell it out to him, but he will not see it!

That is what is so frightening. It can be as clear as day to the objective observer, but the person on his way to sin cannot see what is in front of his own eyes! This is terribly frightening, because if it can happen to Bilaam, it can happen to any one of us! If Bilaam can be blinded, we can be blinded.

This is the tremendous mussar to be derived from the incident of Bilaam: There are none so blind, as those who will not see.

Transcribed by David Twersky; Seattle, Washington. Technical Assistance by David Hoffman ;Baltimore, Maryland. This week's write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah portion (#199). The corresponding halachic portion for this tape is: Stam Yeinom -- Non Kosher Wines. Torah.org: The Judaism Site Project Genesis, Inc. 122 Slade Avenue, Suite 250 Baltimore, MD 21208 <http://www.torah.org/> learn@torah.org (410) 602-1350

from: Shabbat Shalom <shabbatshalom@ounetwork.org> reply-to: shabbatshalom@ounetwork.org date: Thu, Jul 2, 2015 at 5:18 PM

Must We Dwell Alone?

Rabbi Lord Jonathan Sacks

A people that dwells alone? Britain's Former Chief Rabbi Lord Jonathan Sacks In the course of blessing the Jewish people Bilaam uttered words that have come to seem to many[1] to encapsulate Jewish history:

How can I curse whom God has not cursed? How can I doom whom God has not doomed? I see them from mountain tops, Gaze on them from the heights. Look: a people that dwells alone, Not reckoned among the nations. (Num. 23: 8-9)

That is how it seemed during the persecutions and pogroms in Europe. It is how it seemed during the Holocaust. It is how it sometimes seems to Israel and its defenders today. We find ourselves alone. How should we understand this fact? How should we interpret this verse?

In my book Future Tense I describe the moment when I first became aware of how dangerous a self-definition this can be. We were having lunch in Jerusalem, on Shavuot 5761/2001. Present was one of the world's great fighters against antisemitism, Irwin Cotler, soon to become Canada's Minister of Justice, together with a distinguished Israeli diplomat. We were talking about the forthcoming United Nations Conference against Racism at Durban in 2001.

We all had reasons to know that it was going to be a disaster for Israel. It was there in the parallel sessions of the NGOs that Israel was accused of the five cardinal sins against human rights: racism, apartheid, crimes against humanity, ethnic cleansing, and attempted genocide. The conference became, in effect, the launch-pad of a new and vicious antisemitism. In the Middle Ages, Jews were hated because of their religion. In the nineteenth and early twentieth century they were hated because of their race. In the twenty-first century they are hated because of their nation state. As we were speaking of the likely outcome, the diplomat heaved a sigh and said, "Twas ever thus. Am levadad yishkon: we are the nation fated to be alone."

The man who said those words had the best of intentions. He had spent his professional life defending Israel, and he was seeking to comfort us. His intentions were the best, and it was meant no more than as a polite remark. But I suddenly saw how dangerous such an attitude is. If you believe your fate is to be alone, that is almost certainly what will happen. It is a self-fulfilling prophecy. Why bother to make friends and allies if you know in advance that you will fail? How then are we to understand Bilaam's words?

First, it should be clear that this is a very ambiguous blessing. Being alone, from a Torah perspective, is not a good thing. The first time the words “not good” appear in the Torah is in the verse, “It is not good for man to be alone” (Gen. 2: 18). The second time is when Moses’ father-in-law Jethro sees him leading alone and says, “What you are doing is not good” (Ex. 18: 17). We cannot live alone. We cannot lead alone. It is not good to be alone.

The word *badad* appears in two other profoundly negative contexts. First is the case of the leper: “He shall dwell alone; his place shall be outside the camp” (Lev. 13: 46). The second is the opening line of the book of Lamentations: “How alone is the city once thronged with people” (Lam. 1: 1). The only context in which *badad* has a positive sense is when it is applied to God (Deut. 32: 12), for obvious theological reasons.

Second, Bilaam who said those words was not a lover of Israel. Hired to curse them and prevented from doing so by God, he nonetheless tried a second time, this time successfully, persuading the Moabite and Midianite women to seduce the Israelite men, as a result of which 24,000 died (Num. 25, 31: 16). It was this second strategy of Bilaam – after he had already said, “How can I curse whom God has not cursed? How can I doom whom God has not doomed?” – that marks him out as a man profoundly hostile to the Israelites. The Talmud (Sanhedrin 105b) states that all the blessings that Balaam bestowed on the Israelites eventually turned into curses, with the sole exception of the blessing “How goodly are your tents, Jacob, your dwelling places, Israel.” So in the rabbis’ view, “a people that dwells alone” eventually became not a blessing but a curse.

Third, nowhere in Tanakh are we told that it will be the fate of Israel or Jews to be hated. To the contrary, the prophets foresaw that there would come a time when the nations would turn to Israel for inspiration. Isaiah envisaged a day on which “Many peoples will come and say, ‘Come, let us go up to the mountain of the Lord, to the temple of the God of Jacob. He will teach us his ways, so that we may walk in his paths.’ The law will go out from Zion, the word of the Lord from Jerusalem” (Is. 2:3). Zechariah foresaw that “In those days ten people from all languages and nations will take firm hold of one Jew by the hem of his robe and say, ‘Let us go with you, because we have heard that God is with you.’” (Zech. 8: 23). These are sufficient to cast doubt on the idea that antisemitism is eternal, incurable, woven into Jewish history and destiny.

Only in rabbinic literature do we find statements that seem to suggest that Israel is hated. Most famous is the statement of Rabbi Shimon bar Yohai “Halakhah: it is well known that Esau hates Jacob.”[2] Rabbi Shimon bar Yohai was known for his distrust of the Romans, whom the rabbis identified with Esau/Edom. It was for this reason, says the Talmud, that he had to go into hiding for thirteen years.[3] His view was not shared by his contemporaries.

Those who quote this passage do so only partially and selectively. It refers to the moment at which Jacob and Esau met after their long estrangement. Jacob feared that Esau would try to kill him. After taking elaborate precautions and wrestling with an angel, the next morning he sees Esau. The verse then says: “Esau ran to meet them. He hugged [Jacob], and throwing himself on his shoulders, kissed him. They [both] wept” (Gen. 33: 4). Over the letters of the word “kissed” as it appears in a Sefer Torah, there are dots, signaling some special meaning. It was in this context that Rabbi Shimon bar Yohai said: “Even though it is well known that Esau hates Jacob, at that moment he was overcome with compassion and kissed him with a full heart.”[4] In other words, precisely the text cited to show that antisemitism is inevitable, proves the opposite: that at the crucial encounter, Esau did not feel hate toward Jacob. They met, embraced and went their separate ways without ill-will.

There is, in short, nothing in Judaism to suggest that it is the fate of Jews to be hated. It is neither written into the texture of the universe nor encoded in the human genome. It is not the will of God. Only in moments of deep despair have Jews believed this, most notably Leo Pinsker in his 1882 tract *Auto-emancipation*, in which he said of Judeophobia, “As a psychic

aberration, it is hereditary; as a disease transmitted for two thousand years, it is incurable.”

Antisemitism is not mysterious, unfathomable or inexorable. It is a complex phenomenon that has mutated over time, and it has identifiable causes, social, economic, political, cultural and theological. It can be fought; it can be defeated. But it will not be fought or defeated if people think that it is Jacob’s fate to be hated by “Esau” or to be “the people that dwells alone,” a pariah among peoples, a leper among nations, an outcast in the international arena.

What then does the phrase “a people that dwells alone” mean? It means a people prepared to stand alone if need be, living by its own moral code, having the courage to be different and to take the road less travelled.

Rabbi Samson Raphael Hirsch offered a fine insight by focusing on the nuance between “people” (*am*) and “nation” (*goi*) – or as we might say nowadays, “society” and “state.” Israel uniquely became a society before it was a state. It had laws before it had a land. It was a people – a group bound together by a common code and culture – before it was a nation, that is, a political entity. As I noted in *Future Tense*, the word *peoplehood* first appeared in 1992, and its early uses were almost entirely in reference to Jews. What makes Jews different, according to Hirsch’s reading of Bilaam, is that Jews are a distinctive people, that is, a group defined by shared memories and collective responsibilities, “not reckoned among the nations” since they are capable of surviving even without nationhood, even in exile and dispersion. Israel’s strength lies not in nationalism but in building a society based on justice and human dignity.

The battle against antisemitism can be won, but it will not be if Jews believe that we are destined to be alone. That is Bilaam’s curse, not God’s blessing.

[1] *A People that Dwells Alone* was the title given to the collection of essays by the late Jacob Herzog. It was also the theme of the autobiography of Israeli diplomat, and brother of Israel’s former Chief Rabbi Israel Meir Lau, the late Naftali Lau-Lavie.

[2] *Sifre*, Behaalotecha, 89; Rashi to Gen. 33: 4; see Kreti to *Yoreh Deah* ch. 88 for the halakhic implications of this statement.

[3] *Shabbat* 33b.

[4] See Rashi *ad loc.*

<http://5tjt.com/is-yeshiva-tuition-maaserable-a-new-formula/>
Is Yeshiva Tuition Maaserable? – A New Formula
By Rabbi Yair Hoffman

It is a question that is on the minds of many people. Can the money that we pay for tuition be considered Maaser, the notion of giving one tenth of our income to charity? If so, are there differences between boys’ Yeshivos and girls’ schools? And finally, are there differences within different boys schools as well? Before we begin this subject, let’s briefly provide a general and necessary overview of the laws of Maaser. **THREE WAY DEBATE** There is a three-way debate as to the nature of Maaser. Some authorities understand Maaser as a full-fledged biblical obligation (Chsam Sofer’s reading of the Maharil, responsa YD 232). Others understand it as a rabbinic obligation (TaZ on YD 331:136), while others understand it as a mere Minhag, or custom (Responsa Maharam MiRottenberg #74; Bach YD 331). Believe it or not, most authorities rule like the third opinion, but nonetheless, it is a very important matter dating back to Avrohom Avinu, that should not be neglected. The Chofetz Chaim writes (Ahavas Chesed Vol. II 20) that those who give Maaser have a remarkable advantage over those who merely give charity, in that Hashem Himself becomes a partner in their business. **WHO SHOULD MAASER BE GIVEN TO?** There are four levels of giving Maaser to the poor, which are not so well-known: • Ideally, Maaser should be given to poor people who are related to the giver (see Shach YD 251:17). • The second level is to give it to poor people who toil in the study of Torah (Ahavas Chesed Vol. II Chapter 19). • The third level is to give it to the poor of one’s own community (*ibid*). • The fourth level is to give it to poor people in general (*ibid*). The Ramah writes (YD 249:1) that Maaser should NOT be given for general Dvar Mitzvah purposes – but should specifically be directed to the poor. There are three explanations for this Ramah. • Since the money belongs to the poor – if he uses it for other purposes it is like he is stealing from the poor (Simple reading of Maharil cited in Chsam Sofer YD 231). • Since he has accustomed to give his Maaser funds to the poor, it is as if he had specifically designated it so at the outset (Responsa Chsam Sofer YD 231). • One may not pay for one’s general obligations through Tzedaka money – even if they are Mitzvah obligations

(Be'er HaGola) According to the Chsam Sofer (explanation two in the Ramah), if one were to make a condition when he first starts paying Maaser that he be allowed to spend it upon any other Mitzvah, then it would in fact be permitted to give it to other charitable matters other than support of the poor. There is also the view of the Drisha (YD 249:1 cited by both the Shach and TaZ) that one may give Maaser toward other Mitzvos if the other Mitzvah would not be performed were it not for the funds being given now. BACK TO TUITION So now let's plug all this into our question regarding Yeshiva tuitions. As we have seen any parental obligation cannot be paid for by Maaser money. This is not just the ruling of the Chofetz Chaim (Ahavas Chessed Vol. II 19:2), but is also cited by the Elijah Rabba (OC 156:2). OBLIGATION OF FATHER TO TEACH TORAH There is a Torah obligation for a father to teach his son Torah, or to hire someone else to do so (YD SiMan 245 based upon Kiddushin 29a). The obligation is to teach Chumash and Gemorah, unless one does not have the resources to do so in which case the obligation is limited to Chumash. Rav Vosner zt"l (Shaivet HaLevi Vol. VIII #133) writes that a boy's yeshiva tuition cannot be deducted from Maaser because of the obligation to teach him Torah sh'bal peh as well – i.e. Gemorah. All this seems to imply that the costs of providing for the secular education of our children should be maaserable, while the limudei kodesh portion of Yeshiva tuition would not be. So depending upon the Yeshiva, it would seem that 35% to 45 % of tuition would be allowed to be paid from one's own Maaser funds. RAV MOSHE FEINSTEIN'S VIEW The problem with this is that Rav Moshe Feinstein writes (IM YD Vol. II #113) that nowadays, where the law forces a person to provide their children with a secular education, and doing so in a public school forum would seriously endanger their commitment to Judaism, it has now become obligatory. This is therefore considered a full parental obligation. The repercussions of Rav Moshe's ruling are that no tuition is deductible from Maaser – whether for boys or for girls. The Sefer Ahavas Tzedaka (page 140) concludes that Rav Feinstein's view is even according to the Poskim who allow Maaser funds to go toward other Mitzvah use – even if a condition is made (as the Chsam Sofer suggests). NEW SUGGESTION This author would humbly suggest that the tuition can still be partially paid from Maaser funds – for the following reason. There are a number of Yeshivos that are allowing students to come just for the Limudei Kodesh section of study and to go home for the Limudei Chol section. It is theoretically possible to do a home study course for Limudei Chol using an accredited home school study program. The cost of such a program, where real teachers grade papers, is some \$1500 per year. Since this is certainly a theoretically viable option for numerous children, this author would like to suggest that the following formula for what portion of one's Yeshiva tuition can be deducted from Maaser. Of course, each person should consult with one's own Rav or Posaik, but the formula is as follows: Total sum of (Secular teacher's salary plus (principal's salary divided by the number of students in school)) divided by the number of students in the class. Subtract from this number the sum of \$1500. Add to this the cost of rent of a classroom for half a day, the cost of utilities for half a day and the afternoon secretarial staff cost also divided by the number of the students in the school. This amount is the portion of one's tuition that may be deducted from Maaser funds. As an example, let's say a certain Yeshiva's high school's tuition is \$14,000 per year. After meeting with the tuition committee, an arrangement was made that the family pay \$10,000 per year. The Yeshiva high school pays \$8000 per period for five periods and the Limudei Chol principal gets paid \$80,000 per year. The class has 20 boys and there are 160 boys in the school. The school pays rent in the sum of \$20,000 per classroom per year. Power, water, gas and garbage amount to \$40,000 per year for the afternoons. Thus the cost of the teacher is \$2000 per child. The shared cost of the principal is \$500 per child, the secretary is \$200 per child, utilities are \$250 per child, rent is \$1000 per child. Incidental expenses may be \$50 per child. The total is \$4000. Subtract from this figure the \$1500 cost of home schooling. Approximately \$2500 of the tuition may be paid from Maaser funds. It could very well be that one should not only check with one's Rav or Posaik, but also the school's accountant.

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from: Shema Yisrael Torah Network <shemalist@shemayisrael.com> to: Peninim <peninim@shemayisrael.com> date: Thu, Jul 2, 2015 at 5:42 PM subject: **Peninim on the Torah by Rabbi A. Leib Scheinbaum**

PARASHAS BALAK So now - please come and curse this people for me. (22:6) Humility is much more than a positive character trait. It is a characteristic which is absolutely vital to one's success in life. It is an indicator of adherence to the truth. One who is arrogant is simply not a truthful person. Indeed, life is one long lesson in humility, without which life would be a sham, with the greatest fool being the one who lords himself over others. At the end of the day, he knows that he is only fooling himself.

Having said this, we turn to the Haftorah in Parashas Balak, which recalls Balak's attempt to curse the Jews and cause them to sin with the Midyanite women. To catalyze

his nefarious plans, he attempted to hire the evil pagan prophet, Bilaam, a man whose jaundiced "eye" - which looked for the negative in everyone and everything - was the result of, and superseded by, his voracious quest for honor. His arrogance was a lesson in how much and how far one who lacks humility can delude himself.

The Navi Michah (6:6) says: Ba'meh akadem Hashem, "With what shall I approach Hashem?" This pasuk serves as a basis for a thesis on humility rendered by Horav Avraham Pam, zl, and redacted by Rabbi Sholom Smith in his collection of Torah thoughts from the venerable Rosh Yeshivah. The Talmud Chullin 89 compares the humility manifest by Avraham Avinu to that expressed by Moshe Rabbeinu and Aharon HaKohen. Avraham refers to himself as V'anochi afar va'eifer, "I am but dust and ashes" (Bereishis 18:27). Moshe and Aharon indicated an even greater sense of humility when they said, V'nachnu mah, "For what are we?" (Shemos 16:8). Avraham viewed himself as dust and ashes which, after all, is a substance, an entity. Moshe and Aharon viewed themselves as nothing - no substance - no entity - nothing at all.

The Rosh Yeshivah explains the concept of v'nachnu mah, we are nothing. In Sefer Iyov (41:3), the pasuk states: Mi hikdimani vaAshaleim, "Who can precede Me, that I will reward him?" The Yalkut Shimoni explains this pasuk practically. Everything that man does, regardless of its difficulty or ease, is facilitated by Hashem. Man cannot do anything on his own. This applies equally to mitzvah performance. A man performs a mitzvah, for which he anticipates a reward. Does it ever enter his mind that it was Hashem Who gave him the opportunity and ability to execute this mitzvah? An individual is blessed with a son, for whom he performs the mitzvah of Bris Milah. Indeed, this is a mitzvah for which one should receive reward. Does the father, however, realize that it was Hashem Who blessed him with fatherhood? This idea applies to all mitzvos. Tzitzis and Tefillin are mitzvos we perform daily. Likewise, a Mezuzah placed on the doorpost of our house is a mitzvah that, once it is in place, is fulfilled regularly. How did he obtain the Tefillin? The Tzitzis? How did he earn the money to purchase a house? Without Hashem enabling us, we simply cannot perform the mitzvos. Thus, Iyov says, Who can precede Hashem? Whatever we have, whatever we do, is all empowered and enabled by Hashem. He precedes us!

This is a wonderful and pragmatic understanding of mitzvah observance and the correct attitude we should have maintained toward our "expectance" of reward. Whatever we receive is beyond the scope of what we deserve, since, without Hashem, we could not have performed the mitzvah.

The Rosh Yeshivah cites the Chida in his Nachal Sorek commentary to the Haftorah of Parashas Balak, who observes that, indeed, it is possible to apply the power of "mah," "what," as in ba'mah, "with what I will precede Hashem." We note that Moshe and Aharon embodied the character trait of humility, as indicated by their reference to themselves as, V'nachnu mah, "We are nothing." The Chida explains this in the following manner: It is true that the house upon which one places his Mezuzah is given to him by Hashem. Let us say (for argument's sake) that a person says, "I can live without a home. I can sleep in a tent, on the hard ground, on a bench in a shul. I require a house for one purpose: to have a domicile on which I can place a Mezuzah. Otherwise, I need nothing! Thus, the power of mah, "nothing," actually enables a person to precede Hashem. Such a person, who lives only for mitzvah performance, deserves his due reward.

Moshe and Aharon were like that. They had achieved the pinnacle of spiritual service, feeling a sense of nothingness. They asked nothing of Hashem for their personal needs. They lived only to serve Him. Anything that they acquired was used for one purpose: to serve Hashem. Otherwise, they had no use for it.

Rav Pam comments that while this level is a bit extreme - and a difficult one for most people to achieve - one can (and should), however, aspire to attain it. For example: who does not have "some" desire to have money, to somehow become liberated from financial worry. All this is not unusual, and even an expected human impulse. Nonetheless, if a person were to seek money for the sole purpose of giving tzedakah, charity, or performing acts of chesed, kindness, it would conceivably reflect a level of ba'meh akadem Hashem, with mah I will precede Hashem. Such character development takes time to evolve, but, if a person focuses his efforts towards achieving such an elevated spiritual goal, he can quite possibly realize its fruition. In any event, he will see marked improvement in every aspect of his spiritual service to Hashem, and this is, in and of itself, an exemplary accomplishment.

Behold! The people coming out of Egypt has covered the surface of the earth. Now go and curse it for me. (22:11)

In Parashas Balak, we are introduced to a new type of enemy, and, consequently, a battle which is of a completely different nature. Our standard classical enemies, such as Egypt, Amalek and others which followed them, came out to annihilate or persecute us with soldiers, weapons, and a battle plan. Balak and Bilaam did no such thing. Theirs was a battle waged on spiritual terrain, a battle between: the forces of tumah, spiritual defilement, and tahrarah, spiritual purity. It was the base, immoral Bilaam, a degenerate

of epic proportions, who was hired by Balak, an evil misfit in his own merit, to take down the Jews, to curse and mislead them. The ultimate objective was to destroy the Am Hashem, the nation of G-d.

We were unable to fight back, because we were unaware of the enemy. The events and developments described in Parashas Balak were unbeknownst to Moshe Rabbeinu and Klal Yisrael. Thus, they could neither fight back, nor pray to Hashem for salvation. Hashem spared them by turning Bilaam's curse into a blessing. This demonstrates Hashem's abiding love for us. Despite our lack of input, He saw to it that the evil machinations of Balak and Bilaam not only did not achieve fruition, but rather, they became a source of blessing.

This serves as a lesson for us. We are surrounded by a world of enemies, although many of us convince ourselves that we are at peace with the world. Just because the swords are not drawn, the official decrees not overt, the enemies are still there. It is only out of Hashem's love for us that we continue to exist. Therefore, it behooves us to thank and praise the Almighty for everything He does on our behalf.

In his Teshuvos, responsa, the Chasam Sofer presents us with an incredible insight. I take the liberty of paraphrasing from his teshuvah. "I would like to point out that no single event recorded in the Torah was not attested to by Klal Yisrael's personal participation. We witnessed it all - except the episode of Bilaam. The Egyptian exile, with its ensuing persecution of our nation, followed by the Heavenly plagues which devastated the country, were witnessed by millions of Jews. The drowning of the Egyptians in the Red Sea, which was split for the Jews, took place before the eyes of six hundred thousand men over the age of twenty. We know that it is true, because 600,000 men do not lie to their children.

Likewise, Amalek's war with our nation was no secret, having occurred when it did before the eyes of the nation. The Chasam Sofer quotes Ramban, in Sefer Drashos HaRamban, where he writes that everything which occurred in Sefer Bereishis - such as the Creation of the Universe, the episode with the serpent in Gan Eden, Adam and Chavah - was all witnessed by those involved. Adam HaRishon saw himself alone in the world. He understood that he was Hashem's first human creation. He saw and experienced the wonders of Gan Eden and witnessed his own expulsion. Adam spoke directly with Shem ben Noach, who was the Rebbe of Yaakov Avinu. When Shem died, Yaakov was fifty years old, and he was able to receive from him all the events of world history that preceded them: The Flood and the Dispersion. This historical narrative was transmitted from Yaakov to his children. Levi taught Amram, who, in turn, taught his sons, Moshe and Aharon. This holds true for every generation: Every father teaches his son about the events of the past, based on the transmission which he received from his father. It is as if the events transpired before our very own eyes. They are irrefutable, undeniable. This idea applies, as well, to all of the stories and events described in the Torah.

Likewise, the details and procedures for performing the mitzvos were all clearly delineated. If someone were to attempt to usurp the teachings of Moshe Rabbeinu by wearing Tefillin in a different way than the one prescribed by Moshe - he would be stoned. The people would contend that we have a mesorah, tradition, heralding back to Har Sinai, accompanied by Moshe Rabbeinu and Yehoshua bin Nun and the Elders and Prophets after him. Nothing was concocted. Everything was real, seen through the eyes of the Jews. No one could deviate from the protocols practiced every day before the Elders and Prophets of every generation. Everything that we do today has remained dedicated to the mesorah that has been transmitted throughout the generations. This is a mesorah in which our forebears, our transmitters, played an active and participating role.

We now come to the "punch line." We witnessed all of the events recorded in the Torah with our own eyes, except for one: the episode of Bilaam. How do we know what took place between Bilaam and Balak, what their evil intentions were? How do we know why Bilaam visited Balak, who sent for him, who brought him? Who knew that he built altars, attempted to curse the Jews, only to have his curses reversed into blessings? How did the people know? How did Moshe know? The answer to all of these questions is that these events were recorded from the Mouth of Hashem. Hashem taught it all to Moshe. This is no different than any other aspect of Torah.

The Chasam Sofer, thus, explains the underlying message conveyed by the Navi Michah (which is read in the Haftarah, Michah 6:5). Ami, z'chor na man yaatz, "My people, please remember what Balak, King of Moav, schemed, and what Bilaam ben Beor answered him, from Shittim to Gilgav - in order to recognize the benevolence from Hashem." The Navi teaches us that it is a mitzvah to remember the episode of Bilaam, the negotiations that ensued between Balak and Bilaam. We must recall Balak's treachery and Bilaam's scheme to turn us away from Hashem. Why? Because, as the Chasam Sofer says, it is Torah. Indeed, if an individual believes in the entire Torah and its mitzvos, but questions the veracity of the Bilaam incident, he demonstrates that he does not believe in Hashem, Our G-d.

With the above in mind, Horav Pinchas Friedman, Shlita, explains the uniqueness of the salvation which Hashem provided during the Balak/Bilaam debacle. The other miracles which Hashem wrought for us followed our supplication, our passionate and sincere entreaty, subsequent to the persecution and suffering which we sustained at the hands of our oppressors, the Egyptians. Likewise, Amalek was an enemy that was not unbeknownst to us. We saw him attacking and we responded with prayer to Hashem. The fact t

hat Hashem listened to our prayers is not a novel idea. It is natural for a loving Father to respond favorably to his child's painful plea. With regards to Balak/Bilaam, it was an altogether different battle. Klal Yisrael was unaware of their nefarious intentions to spiritually harm us. It was not a physical battle as evinced by Egypt and Amalek; it was a spiritual war, to turn us against Hashem. Despite our ignorance of the enemy, Hashem, nonetheless, came to our rescue, by revealing His love for us. How little we know of the many challenges to our faith and person from which Hashem spares us. We should take the story of Balak/Bilaam as a lesson in remembering that, if we are safe, it is only because Hashem provides the safeguards.

And (the) Yisrael dwelled in Shittim, and began to sin with the daughters of Moav. (Bamidbar 25:1)

One of society's more difficult anomalies is interfaith marriage. We live in a time when even marriages which seem perfect on paper fail dismally. Why would anyone in his right mind start married life with someone who is of an opposing faith? I use the word opposing by design, since, for the most part, the Jews have been the world's sacrificial lamb, having been abused, persecuted, tortured, hounded and murdered by anyone who felt they had the right to lord over them. Why would anyone marry into a religion whose elders and doctrine revile us? They say love conquers all - but, is it love, physical infatuation, or just plain foolishness?

The Bostoner Rebbe, zl, stood at the forefront of Judaism's struggle with interfaith incursion. He asks: "Why would anyone begin their married life with someone who has a completely different past, present and future? Is it due to a lack of Jewish education and home observance of Torah and mitzvos? Is it a lack of parental restraint, or long term perspective, a lack of concern for one's future Jewish children?" Those who have fallen prey to the scourge of intermarriage either were not thinking, or lack the ability to think rationally and recognize cause and effect.

The home becomes the battleground between the religions - or, worse, the Jew just reneges his religion completely. Why not? What does he care? As in all battles, the defenseless and weak are the ones who become the victims of this battle. In this case, it is the children, whose parents manifested a lack of caring, a total disdain for the future of their offspring.

For two thousand years our enemies have attempted to destroy us: massacres; crusades; pogroms; inquisitions; culminating with the Holocaust. As the Rebbe sadly notes, however, the persecuted marries the persecutor, and together they disappear from history. Indeed, intermarriage has achieved what the stake and the Holocaust could not. Perhaps, we can say it differently. When "we" are our worst enemy - "we" succeed.

The battleground for the future of our children is both in the public and private sphere. Many a young Jew or Jewess, whose knowledge of his/her heritage is quite limited as a result of his/her parents' ineptitude, becomes a victim every time he or she is exposed to alien cultures. He or she cannot argue, since he/she knows little about his/her own.

The Bostoner Rebbe focused on teaching, reaching out to the college students and professionals who crossed his door. For the most part, he was successful with those whom he enlightened. For some, however, it was too late. He writes about Massachusetts State Attorney General, George Fingold, who was the Republican candidate for governor. He was doing fantastic in primary polls, with the vision of a Jewish governor for the state of Massachusetts becoming more and more a reality. As the old adage goes, "Man plans and G-d laughs." All of the best laid plans came to an abrupt end, when the Republican nominee sustained a massive coronary which killed him at the age of 43. It made national headlines because of its ripple effect on the country. Behind the scenes, a large battle was brewing between his family and the candidate's non-Jewish wife, who wanted him buried in her family cemetery adjacent to her church. The old Jewish mother of the deceased wanted her Jewish son to have a Jewish burial. (It is an interesting phenomenon how Jews who do not want to live as Jews insist on being buried as Jews.) Massachusetts state law granted precedence to the wife's wishes. The way it appeared, the Jewish body did not belong to the deceased. Mr. Fingold was relegated to spending an eternity in a Christian cemetery, with a cross, no less, ensconced above his head. (He certainly did not think of this when he married his wife - but then no one does. They are too infatuated to think of natural consequences.)

It did not end there. Fingold was a Jew, who, although not very religious, still had never parted with Judaism by converting. His mother (would you believe?) regularly attended the Orthodox shul in Malden - weekly. She was supported by the shul's membership who felt that the deceased was one of their own (now he was one of their own). The judge sided with the Fingold family. Their errant son would be brought home.

slaughter the animal and you will butcher the meat and together we will prepare the meal." Said Balak to Balaam, "You curse the people and I will attack them with the sword, and together we will eradicate them from the world," as it says, וְיִצְחָק יִשְׂרָאֵל יִרְדּוּ וְיִשְׂרָאֵל יִכָּרְתוּ. I will chase them from the land.

Balak knew well that as long as Israel is the subject of Divine protection, he would never be able to defeat the Israelites by sword. He therefore devised a dual attack on Israel. First Balaam will strike Israel's spiritual protection, by cursing them or by causing them to lapse ethically. Only then, will Moab and Midian together physically attack Israel and chase them from the land.

The textual nuances that are found in the opening verses of parashat Balak reveal many new insights about Balak that are not readily apparent to the superficial reader.

Although this text seems particularly nuanced, the truth is that most of the Torah's verses have many "layers" that can be analyzed in a similar fashion.

Students of the Bible need to be keenly aware of the different levels of study as they read the scriptural messages. Experienced students will soon discover that with the proper skill and effort, layers of a story can often be exposed and revealed, uncovering many underlying factors that are at play in the Biblical narrative.

The subtle messages revealed through the textual nuances of parashat Balak are particularly important because they uncover the true anti-Semitic character of Balak, and the true nature of the battles, both physical and spiritual, that Balak wished to wage against the Jewish people.

May you be blessed.

Please note: The Fast of Shivah Assar b'Tammuz (the 17th of Tammuz) will be observed this year on Sunday, July 5th, 2015, from dawn until nightfall. The fast commemorates the breaching of the walls of Jerusalem, leading to the city's and Temple's ultimate destruction. The fast also marks the beginning of the "Three Week" period of mourning, which concludes after the Fast of Tisha B'Av that will be observed on Saturday night and Sunday, July 25th and 26th. Have a meaningful fast.

Rabbi Berel Wein <info@jewishdestiny.com> reply-to: info@jewishdestiny.com date: Wed, Jul 1, 2015 at 12:05 AM
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This week's parsha introduces us to the usual suspects who are always present and active in Jewish history and world affairs. Balak and Bilaam are prototypes of the enemies of the Jewish people throughout the ages. They really have no legitimate cause to be our enemies. They impute hostile and aggressive behavior to the Jewish people, when in reality none of this is present. They are motivated by jealousy, greed, and a terrible misreading of the situation that leads them to unreasoning hatred and the wish to eliminate the Jewish people completely. It is the existence of the Jewish people that truly troubles them. They resent the fact that the Jewish people left Egypt and were rescued from bondage. They also resent the special and unique experience of the Jewish people in receiving the Torah. Still further, they resent the fact that the Jewish people will have a homeland and national state in the Land of Israel. So they engage in a seemingly nonviolent campaign to destroy the Jewish people. False accusations, curses and hatemongering create the tools of their campaign. The Talmud pointed out to us that from the so-called blessings of Bilaam we are able to deduce what his real intentions were and what curses he intended to inflict on the Jews. Balak is willing to invest time, a great deal of money and his personal and national prestige in this attempt to discredit and eventually destroy the Jewish people.

He knows that he needs someone who will spearhead this drive and he also knows that such people are always available....for a price. And it is also obvious that when it comes to the opposition to the Jewish people, money is no object. Therefore Balak and Bilaam form the perfect pair, the odd couple that is joined by their common goal of hatred of the Jewish people. This couple is alive and well in our time. There are countless numbers of people, supported by all sorts of high sounding nongovernmental organizations all dedicated to the cause of delegitimizing Israel, Judaism and the Jewish people generally. And there is no shortage of money, just as in the case of Balak, to finance this project. EU money, Arab money, and private money all flow into this effort to curse Israel and the Jews. The goal of Balak is not so much to help his own people as it is to destroy others. All of this money, which currently is directed solely towards destroying Israel could be

channeled into helping millions of Moslems rise from poverty, hunger and disease. But that is not the goal of this money. Balak only wants the destruction of the Jews. And in our time, there is no shortage of spokespeople who wish to advance this nefarious cause. There are always many Bilaams ready and prepared to ride the populist cause of blaming the Jews and the Jewish state for all of the ills and problems of the world. Bilaam has a serpent's tongue. He speaks in a complimentary tone and in a reassuring voice. But that only serves to mask the enmity that he feels towards the Jewish people, an enmity that has no personal or national basis. Well, he is around today as well and we have to simply recognize that the world will eventually realize that its curses should be transmuted into blessings. Shabbat shalom Rabbi Berel Wein

From: **Rabbi Kaganoff** <ymkaganoff@gmail.com> reply-to: kaganoff-a@googlegroups.com to: kaganoff-a@googlegroups.com date: Tue, Jun 30, 2015 at 3:13 PM subject: Shaving and Haircuts during the Three Weeks
Shaving and Haircuts during the Three Weeks By Rabbi Yirmiyohu Kaganoff

Question #1: Bushy presenter "My company sent me out of town to meet a new client, and I forgot to have my hair cut before Shiva Asar BeTamuz. May I have the bushier parts trimmed? Does it make a difference if I use a non-Jewish barber? May I shave?"

Question #2: Mixed shavers "My son wrote me that in his yeshiva in Eretz Yisroel, the Sefardic bochurim shave during the Three Weeks. Is this permitted?" Question #3: Celebrating a bris!! "Thank G-d, we will be celebrating the bris of a grandson during the Three Weeks, and I do not want to look disheveled for the bris photos. May I shave in honor of the occasion?"

Question #4: Tichel tattling "My hair is sticking out beyond my tichel. May I trim it?"

The three-week period between Shiva Asar BeTamuz and Tisha B'Av is observed by klal Yisroel as a time of mourning. These three weeks heralded the beginning of the tragedies that took place prior to the destruction of both Batei Hamikdash. Prior to the destruction of the First Beis Hamikdash, the daily korban tamid ceased on Shiva Asar BeTamuz and did not resume until the Jews began constructing the Second Beis Hamikdash seventy years later (see Rambam, Hilchos Taanis 5:2). Before the destruction of the Second Beis Hamikdash, the walls of the city of Yerushalayim were breached on Shiva Asar BeTamuz, leading to the complete devastation that followed (Taanis 28b).

To commemorate these tragic events, the custom is to observe some mourning practices (aveilus) from the 17th day of Tamuz until Tisha B'Av (Rama, Darchei Moshe, Orach Chayim 551:5 and Hagahos 551:2; Ben Ish Chai, Parshas Devorim #4; Knesses Hagedolah; Sdei Chemed Vol. 5, pg. 279 #14). This three-week season is referred to by the Midrash Rabbah (Eicha 1:3) as the period of Bein Hametzarim. (It is noteworthy that neither the Mishnah nor the Gemara makes any mention of beginning the mourning period any earlier than Rosh Chodesh.)

WHAT ARE THE LAWS ABOUT HAVING HAIRCUTS AND SHAVING DURING THE THREE WEEKS?

The Mishnah (Taanis 26b) rules that it is prohibited to cut one's hair from the Motza'ei Shabbos preceding Tisha B'Av until Tisha B'Av. These days are referred to as shavua shechal bo Tisha B'Av, the week in which Tisha B'Av falls. This year, when Tisha B'Av is observed on Sunday, there is no shavua shechal bo Tisha B'Av. However, the Rama notes that the custom among Ashkenazim is that we do not cut our hair during the entire Three Weeks (Darchei Moshe, Orach Chayim 551:5 and Hagahos 551:4). As a general rule, the halachos of shaving and cutting one's hair are the same.

There are different customs among Sefardim as to whether they get their hair cut during the Three Weeks. The Shulchan Aruch (Orach Chayim 551:3) prohibits only that which is recorded in the Gemara, cutting hair from Motza'ei Shabbos until Tisha B'Av, and this is the prevalent practice among

Sefardim today in Eretz Yisroel (Shu't Yechaveh Daas 4:36), which means that there is no prohibition this year. Others shave and get haircuts until Rosh Chodesh, but stop after that point.

However, other Sefardic communities follow the Ashkenazic practice not to shave or get haircuts the entire period of Bein Hametzarim (Ben Ish Chai, Parshas Devorim #12). (Incidentally, the Shulchan Aruch [Orach Chayim 551:4] permits having one's hair cut immediately after Tisha B'Av is over even when Tisha B'Av does not fall on Sunday, and does not require waiting until the next day.)

SEFARDIM LIVING IN AN ASHKENAZI COMMUNITY

May a Sefardi living in an Ashkenazi community be lenient, despite the prevalent custom?

This issue is discussed by contemporary authorities, involving the general halachic rule that a community should follow one established practice. This principle is referred to by the Gemara as "lo sigodedu," do not give the appearance that different Torah communities received different versions of the Torah, G-d forbid (Yevamos 14a, as explained by Rashi). This law prohibits a Jewish community from following two conflicting customs. Thus, it would seem that an Ashkenazi living in a Sefardic community or vice versa must observe the prevailing custom.

However, contemporary poskim rule that Ashkenazim living in Sefardic communities may observe Ashkenazic custom, and Sefardim living in Ashkenazic communities may continue to follow Sefardic practice. Therefore, Sefardic bochurim studying in an Ashkenazic yeshiva are permitted to shave until Rosh Chodesh or during the entire Three Weeks, depending on their minhag. Even though most of the students in the yeshiva follow the Ashkenazic practice of not shaving during the entire Three Weeks, it does not violate minhag hamakom for the Sefardic bochurim to shave (Shu't Yechaveh Daas 4:36).

WHY DOES THIS NOT VIOLATE LO SIGODEDU?

Even though there is a general rule that a community should follow one halachic practice, this is true when the community has one rav or follows the guidance of one beis din. However, when there are two different batei din in a community, each beis din is free to rule as it sees fit and does not need to change its decision to avoid lo sigodedu. Thus, the prohibition of lo sigodedu applies only when there are two different practices in one beis din.

Similarly, when it is well-known that there are different communities, each may observe its own well-established practice, even if they are in the same location. Therefore, Ashkenazim and Sefardim following different minhagim is not a violation of lo sigodedu. As a result, Sefardic bachurim may shave during the Three Weeks, even if they study in an Ashkenazic Yeshiva, since it is understood that they are following a different psak.

EXTENUATING CIRCUMSTANCES

There are several situations in which Ashkenazim are permitted to shave or take a haircut during the Three Weeks. For example, it is permitted to trim one's mustache, if it interferes with eating (Ran; Shulchan Aruch, Orach Chayim 551:13). Some poskim rule that a person who usually shaves every day is permitted to shave during the Three Weeks in honor of Shabbos (Shu't Chasam Sofer, Yoreh Deah #348 s.v. Ve'i golach). Others permit a person to shave if his beard stubble makes him very uncomfortable (see Shearim Ha'metzuyanim Behalachah 122:5). However, since these last two psakim are not usually accepted, one should not rely on them without receiving a psak from a rav.

Someone who is in aveilos is not permitted to shave or have his hair cut until the end of the Sheloshim (30 days), and someone in aveilos for a parent, for several months. If the aveilos ended during the Three Weeks, he is permitted to have his hair cut, since he could not cut it before Shiva Asar BeTamuz (Be'er Heiteiv 551:18). Most poskim permit this even during the Nine Days, assuming his aveilos ended then (Bach; Taz; Mishnah Berurah 551:87; cf. however, Elyah Rabbah).

SHAVING BECAUSE OF FINANCIAL LOSS

Rav Moshe Feinstein rules that one may shave during the Three Weeks if he may lose his job or customers because he does not shave. However, if the only concern is that people will make fun of him, he is not permitted to shave. Rav Moshe Feinstein contends that since the prohibition not to shave the entire Three Weeks began as a minhag, the custom was originally established only when one would not suffer financially as a result. However, if he would suffer only embarrassment or harassment, but no loss of income, he is required to remain unshaven (Shu't Igros Moshe, Choshen Mishpat 1:93; Orach Chayim 4:102). Thus, someone who makes a business trip may shave, since making a bad impression on the potential customer could cost him business. Certainly, one is not required to jeopardize his employment by avoiding shaving during the Three Weeks.

SHAVING FOR A SIMCHA

If a bris occurs during the Three Weeks, the father of the baby, the mohel, and the sandek who holds the baby during the bris are permitted to shave or take a haircut in honor of the festive occasion (Shu't Chasam Sofer, Orach Chayim #158). According to some poskim, the kvatter, who brings the baby to the bris, and the sandek meumad (also called amida lebrochos), who holds the baby while he is being named, are also permitted to shave or take a haircut (Shearim Ha'metzuyanim Behalachah, Kuntrus Acharon 120:8, based on Elyah Rabbah 551:27 and Beis Meir, Orach Chayim 551). Thus, the grandfather who asked whether he may shave or cut his hair in honor of his grandson's bris during the Three Weeks may do so, if he receives the honor of being sandek. If he receives a different honor, he should ask a shaylah as to whether he may shave in honor of the occasion.

The poskim dispute whether the baalei simcha are permitted to shave even if the bris occurs during the Nine Days or only if it occurs before Rosh Chodesh. (The Chasam Sofer, Shu't Noda Biyehudah 1:28, Shaarei Teshuvah, and Sdei Chemed 5:278:3 permit, whereas the Be'er Heiteiv 551:3 prohibits.)

CHOSON

Question: May someone who got married before the 17th of Tamuz shave during his Sheva Brachos week? May someone attending a Sheva Brachos shave in honor of the occasion?

The week after a couple gets married is considered a Yom Tov for them, and they should wear Yom Tov clothing and eat festive meals. Similarly, they are not permitted to go to work. Part of the celebration is that they should look like two celebrants. Thus, it would seem that the choson may shave during his Sheva Brachos week.

However, for the participant in the Sheva Brachos it is not a Yom Tov, so he would not be permitted to shave for the occasion.

Some poskim hold that a bar mitzvah bochur who needs a haircut may get one during the Three Weeks, as long as it is not during the week of Tisha B'Av. Others contend that it is better if he gets the haircut the day before he turns bar mitzvah and rely on the opinion that a minor may get a haircut during the Three Weeks, as I will discuss shortly (Shearim Ha'metzuyanim Behalachah, Kuntrus Acharon 120:8).

UPSHEREN

Although some poskim permit scheduling an upsheren (chalahah) during the Three Weeks if the child was born during the Three Weeks, the prevalent practice is to postpone the upsheren until after Tisha B'Av (Piskei Teshuvos 551:44; Chanoch Lana'ar, Chapter 21, fn. 1).

Adults may not give children haircuts during the week of Tisha B'Av (Shulchan Aruch, Orach Chayim 551:14). There is a dispute whether a minor may get a haircut during the Three Weeks, some poskim contending that children were not included in the custom not to cut hair (Mishnah Berurah 551:82, quoting Chayei Odom), whereas others rule that one may not cut a child's hair, just as one may not cut an adult's (Elyah Rabbah 551:28).

There are different opinions among the poskim whether a woman may have her hair cut during the Three Weeks. The Mishnah Berurah rules that a woman may not have her hair cut during the week of Tisha B'Av, but he suggests that she may be permitted to trim the hair on her temples that sticks

out from the tichel (Mishnah Berurah 551:79). Many poskim rule that a woman may tweeze her eyebrows and perform similar cosmetic activities, even during the week of Tisha B'Av (Halichos Beisah, Chapter 25, footnote 70; Piskei Teshuvos 551:43; however, see Shu't Igros Moshe, Yoreh Deah 2:137, who appears to be more stringent).

MAY I CLIP MY FINGERNAILS DURING THE THREE WEEKS?

It is permitted to clip one's fingernails during the Three Weeks and the Nine Days according to all opinions. There is a dispute whether one may clip one's nails during the week of Tisha B'Av (Magen Avraham, 551:11 permits, whereas Taz 551:13 and Elyah Rabbah 551:7 prohibit).

FOCUS OF THE THREE WEEKS

The most important aspect of the Three Weeks is to focus on the tremendous loss we suffer because of the destruction of the Beis Hamikdash. The minhag among some Sefardic kehillos in Yerushalayim is to sit on the floor each day of the Three Weeks just after midday and to recite part of tikkun chatzos that mourns the loss of the Beis Hamikdash. To further convey this mood, Yesod Veshoresh Ha'avodah prohibits any laughing and small talk during these weeks, just as a mourner does not engage in laughter or small talk (Shaar 9, Ch. 11-12).

Although we may not be holding at such a madreigah, we certainly should contemplate the tremendous void in our spiritual lives in the absence of the Beis Hamikdash. Let us pray intently for the restoration of the Beis Hamikdash and the return of the Divine Presence to Yerushalayim, speedily in our days!