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HEMDAT YAMIM

Parashat HaShavua

Balak, 17 Tamuz 5778

Wicked Wizard or Prophet?

Harav Yosef Carmel

Who (or what) was Bilam really? The commentaries have always dealt with this thorny issue.

On the *pasuk*, "Another prophet like Moshe never arose in Israel, whom Hashem knew face to face" (Devarim 34:10), Chazal (Sifrei, V'zot Haberacha 357:10) derived an extremely positive appraisal: "While in Israel there was not as great as Moshe, among the nations there was Bilam." The difference is that Moshe did not know Who was speaking to him, and Bilam did know; Moshe did not know when Hashem would speak to him and Bilam did know. To put things in perspective, they explained that Bilam knew so much, just like a royal chef knows about the ins and outs of the goings on of the king's kitchen – without being an important officer. In this vein, Moshe is uniquely described as, "in My house, he is trusted" (Bamidbar 12:7).

Bilam earned, in Rabbinic parlance, the title Bilam Harasha (the wicked). "Whoever has these three qualities is a disciple of Bilam Harasha: a bad eye (looks negatively on others), a high spirit (haughtiness), and a broad spirit (desires great pleasures) (Avot 5:19). They accuse him of involvement in immoral acts such as bestiality with his donkey (Avoda Zara 4b). On the *pasuk*, "Vayiker Elokim el Bilam ...," the *midrash* sees the first word as a reference to impurity.

The most direct description used in *Tanach* against Bilam is found in Yehoshua (13:22) – "Bilam the son of Be'or the sorcerer (*hakosem*), Bnei Yisrael killed by sword." What does a *kosem* mean? In our "rational" world, this is a reference to one who uses sleight of hand. However, throughout history, this has referred to people who steeped themselves in an impure world of occult powers. Therefore, magic was connected to the source of impurity – to the dead. Indeed, the Torah forbids interaction with secrets from the world of the dead (Devarim 18:10-11).

Bilam increased the impurity by involving himself and those around him in promiscuity. While on the one hand he praised Bnei Yisrael for the modesty of their homes (Bamidbar 24:5), his plan succeeded in causing many in Bnei Yisrael to sin with Moavite women (see Micha 6:5). Chazal asked how he could be called a *kosem* if he was a prophet, and answered that he was originally a prophet, but later on was a *kosem* (Sanhedrin 106a).

Hashem sent His trusted servant Moshe to save His people, Bnei Yisrael, from Egyptian bondage, bring them to Sinai to accept the Torah, and then bring them into the Land to establish a moral society that could serve as a light to the nations. Hashem gave the non-Jewish world a prophet on an equally high level, Bilam. This man decided to leave the path of prophecy and purity and cling to sorcery and impurity. After choosing this path, he fell to the 50th level of impurity. After Balak invited him to curse Bnei Yisrael, he saw the purity in Bnei Yisrael and realized that the only way to "return Bnei Yisrael to Egypt" was to make them sin. That is why Bnei Yisrael had no choice but to fight Midian and kill "Bilam ben Be'or the sorcerer."

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Ask the Rabbi

by Rav Daniel Mann

Chasing after a Child during *Kedusha*

Question: I often shadow a young boy with special needs at my local *shul* on Shabbat. This boy does not stay still and moves quickly and goes in and out of *shul*, where his father is *davening*. Although I *daven* earlier, I have the problem of not always being able to stand still during *Kedusha*, as I have to run after him so he does not get hurt, etc. Recently, I was scolded by an older man for this. Despite my explanation of the situation, he said that one must stay still during *Kedusha* even in the face of mortal danger. What does Halacha have to say about this situation?

Answer: Most of the discussion about walking is found in regard to *Shemoneh Esrei*, and we will start with that.

Your *shul*-mate may be remembering (incorrectly) the following *mishna* (Berachot 30b). During *Shemoneh Esrei*, "even if a snake is wrapped around his leg (parallel to war), he should not stop." However, the *gemara* (ad loc. 33a) says that this is only when it does not appear that the snake presents real danger. Furthermore, the stop (*hefsek*) referred to is speaking, e.g., calling someone to save him. One actually is allowed to walk to another place to protect himself from even a moderately precarious situation, as walking is not a real *hefsek* (Mishna Berura 104:10).

Of course, one should not walk for no good reason during *Shemoneh Esrei*, as it is a low-level *hefsek*. We find the following priority list for one who must take care of something during *Shemoneh Esrei* (Mishna Berura 104:1), from best to worst: 1) hinting to someone to help without talking or moving; 2) walking somewhere without speaking; 3) speaking, which is permitted under only extraordinary circumstances.

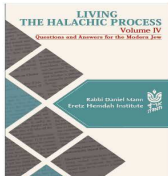
In comparison to *Shemoneh Esrei*, the position of one's body is less important during *Kedusha*. The Shulchan Aruch (Orach Chayim 95:1) says one is required to have his feet together during *Shemoneh Esrei*, to "imitate" angels in service of Hashem. In contrast, regarding *Kedusha* he writes (ibid. 4) that it is good (i.e., less critical than for *Shemoneh Esrei*) for one's feet to be together. Again, one does not walk for no reason, but legitimate concern for a special needs child's physical (or emotional) safety is fully justified. The additional liturgy for Shabbat within *Kedusha* is not even considered a full-fledged part of *Kedusha* (see Mishna Berura 125:1) and arguably it is even less problematic to walk then. Furthermore, one who is not *davening* has a lower-level obligation to join *Kedusha*, to not look like he does not endorse what is being said. This would seem to not apply to one whose pressing preoccupation is clear to all. So halachically, you are clearly fine.

We continue with a conjecture about your *shul*-mate's reaction. Although he said he was motivated by concern for your *Kedusha* obligations, it is likely that he was bothered by something else. Having a child running wildly through a *shul* with or without an adult chasing after him is not ideal for the atmosphere of a *shul* or *davening*. Those with certain personality types are particularly disturbed by such a situation. Some people properly care greatly about decorum and quiet in *shul*. The situation may make others just feel nervous. You may not think in such terms, because you are, laudably, concerned with the welfare and happiness of the child.

It can be a good idea to discuss such a situation (presumably, the father) with the rabbi or other leadership. The job of any true leader is to strike a proper balance between the needs of the general community and the unique needs of individuals. We cannot be of help from here, as only someone intimately familiar with the setting and the people involved can do it justice. Obviously, no reasonable rabbis would ignore the needs of a special needs child. However, it is plausible to arrive at an arrangement using discretion as to when the child will spend time in *shul*. But again, the feelings of the man you refer to (even though he is wrong in what he said and seemingly how he said it) and perhaps other people is a possible issue, not the *halachot* of *Kedusha*.

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P'ninat Mishpat

Responsibility for a Collision

(based on ruling 70051 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=p), a gardener, was hired by the defendant (=def), a homeowner, to plant a garden and lay a cement floor with tiles outside his house for 24,000 shekels. The work was to take two weeks, with half of the payment after the cement was poured and half at the end of the work. Def paid p only partially. P demands full payment. He is also complaining about def's several changes in instructions and improper use of his materials, which he values at 2,975 shekels. P itemized expenses for the job of 23,508 shekels (including payment to his workers) and demands pay for his work of 4,000 shekels (=27,508). Def presented a list of deficiencies in the building, which he claims should reduce the amount of money he owes and also complains that the work took a month rather than two weeks. Before adjudication, def had paid 10,600 shekels, and *beit din* required him to immediately pay an additional 4,000 shekels, which is the least possible amount of pay that is still forthcoming.

Ruling: The main problem was in the lack of clear expectations. Def did not see samples of p's work, there was not a clear list of work to be done, and there was not a clear accounting of the changes ordered. The two sides should be more careful in the future. We also criticize def for paying less than half of what was due, even though he knew that more was due (including expenses p incurred), and despite the Torah obligation to pay a worker promptly.

It turns out in retrospect that the price estimate was too low. While that is p's problem, it is noteworthy that even considering deficiencies, the work done was worth more than 24,000 shekels, and even when one does work for another without permission, he is still returned at least expenses (Shulchan Aruch, Choshen Mishpat 375:1), which was close to that. While the work was not of high quality, most of the problems could have been fixed easily by a professional, and p was prepared to carry out most of them. Being two weeks late is not uncommon for such projects.

Even if we are to take off for deficiencies, it should be taken off from the 27,508 shekels, which should have been the value of the work done and expenses, not from the work estimate, because his claim has to do with how much the work was worth. In any case, the claims of deficiencies are unreasonably priced. On the other hand, most of p's demands for extra charges for changes are unjustified. We accept only 1,750 shekels (we skip the itemization). So too, we must reduce from the amount due to the value of two days' work p admits are needed to raise the standard of work to the required and the fact that def paid 3,500 shekels for materials.

We estimate, based on documentation, the value of the work done at 21,750 shekels. That leaves 7,150 shekels for def plus the whole *beit din* fee, due to the fact that he improperly withheld money that was clearly slated for payment.

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