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HEMDAT YAMIM

חֶמְדַּת יָמִים

Parashat Hashavua

Balak, Tamuz 12, 5786

On Prophecy, Blessing, and Prayer

Harav Yosef Carmel

The number of examples and scope of Bilam's dichotomy are extraordinary. On the one hand, he was, in some ways, similar to Moshe Rabbeinu. On the other hand, he was as low as a person can be, e.g., by having relations with his donkey. Let us try to find a recurring word in the story of Bilam, which can teach more about what made him tick. Along the way, we can compare him to David and Eliyahu.

The root that comes up no less than 14 times in the narrative of Bilam is *davor*, which is used both to mean speech and in the word *davar* (thing, matter). He discussed the things he would say, listening to what Hashem would say, speaking to Balak, Balak speaking to him...

We have explained in the past that the root *davor* can be a sign of prophecy, as we find by the *devarim* that Moshe said (Devarim 1:1), that Yirmiyahu said (Yirmiyahu 1:1), and that Yaakov was careful about (Bereishit 37:11).

This time, we will go in the direction of another usage of the root – the realm of *tefilla* (prayer). We saw it last week when Moshe was commanded to speak to the stone (Bamidbar 20:8), and instead Moshe hit the stone twice (ibid. 11).

The Netziv (Bamidbar 20:13) relates to this event the riddle-like words of *Chazal* on the *pasuk* (Shir Hashirim 7:6): "Your head is upon you like *carmel*, and the strands of your head are like purple fabric, a king is detained in the *rehatim* (channels?)." Vayikra Rabba (31:4) comments on the *pasuk* as follows: "Your head is upon you like *carmel*" refers to the prayer of Eliyahu, who went up to the Carmel: "and the strands of your heads are like purple fabric" refers to the prayers of David. "A king is detained in the *rehatim*" refers to Moshe who did not pray but rather hit, and therefore Hashem decreed upon him that he would not enter *Eretz Yisrael* because of the *rehatim* of the "waters of quarrels."

The following is how the Netziv, the Rosh Yeshiva of Volozhin, the mother of the pre-Holocaust yeshivot, continued this theme of the *tefillot* of men of great spirituality. "Indeed, our Rabbis of blessed memory removed the veil from this wonderful matter. Even when Hashem clearly wants to bring an abundance of good, and there is no need at this time to awaken Heavenly mercy, still it is His desire that people will pray first, because this is the manner in which the Creator set matters."

So we have learned something new – prayers can be called speech and fit the root of *davor*. While Bilam's own *tefillot* were not intended to bring good to *Am Yisrael*, but rather the opposite, his words have become a major part of our legacy and our prayers. The vision of our nation that Hashem publicized through Bilam, made it possible for us to sharpen our view of what we can be and what we should pray for.

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Ask the Rabbi

Balak

by Rav Daniel Mann

Mention of Rosh Chodesh in *Al Hamichya* after Dark

Question: I had a meal at the end of Rosh Chodesh that required an *Al Hamichya* and had to leave before finishing for *Ma'ariv*. When I returned and finished the meal, should I have mentioned Rosh Chodesh in *Al Hamichya*?

Answer: There are several points of *machloket/safek* that impact this topic.

The concept of mentioning *me'ein hameora* (=mehm – about the special day) in a *beracha acharona* (classically, in *Birkat Hamazon*) after the day is over because one started the meal during the day is the subject of a *machloket Rishonim* (see Beit Yosef, Orach Chayim 188). The Shulchan Aruch has an apparent contradiction on the matter (see OC 188:10; OC 271:6), and the strongest explanation is that out of doubt, it is appropriate to say *mehm* based on either the beginning of the meal or the time of the *bentching* (Magen Avraham 271:14). How bad it is to mention something from a wrong day is complicated (see Ginat V'radim OC, I:28, Mishna Berura 108:38).

There are two explanations of why to follow the beginning of the eating on Shabbat. One is that when one ate on Shabbat, he became obligated in *mehm*, and that obligation does not cease (see Mishna Berura 188:32). Another is that even though Shabbat is over, it is still a time that could be Shabbat if he had laudably extended it further (Magen Avraham 188:18 in the name of the Shelah). The second idea, related to extending the day, does not apply to Rosh Chodesh. The first idea does apply, but the comparison is imperfect because the obligation of *mehm* on Rosh Chodesh is weaker, as there is no obligation to eat and therefore one who skips *Ya'a'leh V'yavo*, does not have to repeat *Birkat Hamazon* (Shulchan Aruch, OC 188:7). Nevertheless, the Shulchan Aruch (ibid. 10) rules that one who started a meal during Rosh Chodesh mentions *mehm* when *bentching* at night.

Does this concept also apply to *Al Hamichya*? *Mehm* is less important in *Al Hamichya*, as we rule that if one forgot it, even on Shabbat and *Yom Tov*, he need not repeat *Al Hamichya* (Mishna Berura 208:58). There are few reasons why not. For one, it is not unanimous that one ever has to do *mehm* in *Al Hamichya* (Sha'ar Hatziyun 208:60). Also, this type of non-bread eating does not typically fulfill required eating (ibid.). Finally, *mehm* might have been instituted only as a preferable recitation (ibid.). Therefore, the case for there being a need to say it after the day is weaker. Shevet Hakehati (V:42) argues that only important eating on a special day enables *mehm* to extend to the night and therefore eating that gets only *Al Hamichya* does not warrant it. There is room to disagree, as one way or the other, there was an obligation or expectation to recite *mehm* in this *beracha acharona*. As mentioned above, erring on the side of saying is not a major problem, as we say *mehm* when there is a *safek*, and in *Al Hamichya* it contains only a few "innocuous words," which are not a *beracha* (see Ginat Veradim ibid.) and do not even include Hashem's Name.

In your specific case, there was a reason to specifically not have added *mehm* (even if it had been a bread meal) – the fact that you already *davened Ma'ariv*, officially ushering in the new day. The Magen Avraham (188:17) says that fundamentally after eating makes one obligated in *Birkat Hamazon* with *mehm*, whenever you *bentch*, the special day should be mentioned. But once ushering in the new day with *Ma'ariv*, it looks like a contradiction if one makes a recitation that is a throwback to the previous day. Contradictions are problematic, not just unnecessary. There is significant logic to say that this only applies to day changes that have significant halachic consequence, like when Shabbat enters or ends, and not to the end of the day of Rosh Chodesh (see Machatzit Hashekel to 188:17). On the other hand, *davening Ma'ariv* any day has some halachic significance regarding ending *halachot* of the previous day (see Rama, Yoreh Deah 196:1). In any case, the Mishna Berura (188:34) clearly states that *Ma'ariv* of the evening after Rosh Chodesh precludes saying *mehm* of Rosh Chodesh.

"Behind the Scenes" Zoom shiur

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

The Staff of Pleasantness

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 100-101 (from memorial service for Rav Kook, 1953)

Zecharia prophesied: "I took two staffs; one I called pleasantness (*noam*), and one I called damagers (*chovlim*)" (Zecharia 11:7). "*Noam*" refers to the Torah scholars in *Eretz Yisrael*, who interact pleasantly with each other when discussing Halacha. "*Chovlim*" refers to Torah scholars in Bavel, who damage each other when discussing Halacha.

The correlation between pleasantness and *Eretz Yisrael* is not coincidental. It flows from the different perceptions that exist in *Eretz Yisrael's* atmosphere. While the words of Torah are not prophecy, when studied in *Eretz Yisrael*, they possess completeness. *Eretz Yisrael* is connected to *Am Yisrael*. This nation can be divided into different limbs and pieces, in which each one has its special role, and only in the way the sections are interconnected does each have its proper place.

The reason that Torah scholars in *Eretz Yisrael* interact with pleasantness is that they recognize the validity of different opinions – "These and those are the words of the living G-d" (Eruvin 13b). Just as *Eretz Yisrael* is missing nothing (see Devarim 8:9), even pepper (Yoma 81b), so too spiritually [many approaches are available]. One approach does not preclude another.

Originally in *Eretz Yisrael*, there were no [lasting] disputes because they would come to conclusions. Since it was known that the various opinions are legitimate, it became possible to accept the opinion supported by the majority. This fits with *Chazaal's* statement: "Why did Beit Hillel merit that the *halacha* follows them? Because they were gentle and humble" (Eruvin 13b). While these traits do not appear to have to do with Halacha, they must, because it takes such traits to reach the truth.

In contrast, when a person considers only his own position, it is impossible to have the matter decided even when the majority opposes him; this is what caused dispute. This explains the language of the *pasuk*: "When something will be beyond you ... matters of quarrels" (Devarim 17:8), referring to unresolved halachic disputes. Then there is a need to "get up and go up to the place Hashem your G-d will choose. And you will come to the *kohanim* the *levi'im* and to the judge ... and they will tell you the matter of judgment" (ibid. 8-9). In Jerusalem the tradition is kept pristinely, and decisions emerge from there.

Even so, "judges and officers you shall place in all your gateways which Hashem will give to you by your tribes" (Devarim 16:18). If the goal is to handle disputes, it ostensibly makes no difference whether it takes place in *Eretz Yisrael* or abroad. Rather the goal is to make sure the congregation includes all of the nation's elements and that the judges will not be only in the place that Hashem chooses, but that everywhere Jews are, they will be connected to the judges.

Rav Kook had the special quality of Torah scholars of *Eretz Yisrael*, who interacted with pleasantness. He understood everyone; he learned from everyone. For this reason, he treated everyone with great respect and brought out elements of light from all. Furthermore, this broad ability enabled him to see the light that is within darkness, because he evaluated matters not just from the perspective of its immediate focus, but within the broader framework in which these concepts are established.

Rav Kook's Torah is built on uncovering what makes things special, the powers that impact the community beyond their desires and intentions, which is true of the influence of *Eretz Yisrael*.

"He gives a soul to the nation that is upon it" (Yeshayahu 42:5). *Eretz Yisrael* provides an "extra soul." Just as Rashi (Beitza 16a) explains the extra soul for Shabbat as allowing people to ingest more food than they should be capable of, *Eretz Yisrael's* extra soul enables absorbing the excess and processing it in a way that returns it to its origin.

It is, though, necessary to be prepared to receive the Torah of *Eretz Yisrael*. Rav Zeira fasted 100 days to forget the Torah he knew from Bavel (Bava Metzia 85a). If there is no willingness to absorb, one can be in *Eretz Yisrael* without receiving anything special.

We daven for a complete and speedy refuah for:

Itamar Chaim ben Tzipora
Nir Refhael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Neta bat Malka

Avraham ben Gittel
Tal Shaul ben Yaffa
Meira bat Esther

Together with all cholei Yisrael

P'ninat Mishpat

Regulation of Land Rights in a Settlement Extension – part III

(based on ruling 84019 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) used to live in an unrecognized settlement extension (=SE), which was the subject of past rulings of a *beit din* in the region (=pbdr) in 2014. Pl left SE in 2013, and returned in 2016, against the will of the settlement committee (=def), with the help of pressure from the regional council (=rc). Def instructed pl as to the boundaries of their lot, but pl expanded beyond them and ignored warnings to desist from such actions. In 2023, def started preparing neighboring lots for new units, including areas to which pl had asserted control, and def destroyed some of pl's infrastructure. An official of rc wrote that he does not oppose pl's use of the area, pl have called the police to stop the work, and the matter is before our *beit din*. [We continue dealing with pl's claims in installments.] Pl claims that since he is not claiming ownership but only use of the area, this is under the realm of *chezkat tashmishin*, which can be claimed after even a short amount of time.

Ruling: We point out that this entire line of argument is plausible only according to the opinion of the *Geonim* that *chezkat tashmishin* does not require three years without protests or a claim that he positively arranged rights from the original owners. In contrast, *Tosafot* and most *Rishonim* require the same standards of *chazaka* as for full ownership claims. On this *machloket*, the S'ma (153:32) says that the Rama did not decide between the opinions. The *Netivot Hamishpat* (153:13) says that the Rama allowed for lower *chazaka* requirements only when the *machzik* used his own property, just in a manner that improperly disturbs his neighbor's use of his own property.

We also need to understand the *Geonim*'s opinion, that *chezkat tashmishin* is different. The *Ri Migash* (62) says it is because the *machzik* does not really take away the property itself but just gets certain peripheral rights. The *K'tzot Hachoshen* (153:3) says that the use of the property is considered like a *kinyan* on that element of the property. The *Netivot Hamishpat* (192:6) reasons that it works as a type of *mechila* (relinquishing of rights). Either way, since here the owner of the property is the State of Israel and the state did not bestow any rights on pl by any delay in SE's protesting, pl should not have *chazaka*. On the contrary, by the state having rules under what conditions people can receive rights and pl not having fulfilled them, the rules are equivalent to protest.

Another reason that there is no *chezkat tashmishin* follows from the way the *Netivot Hamishpat* (140:20) explains the *Rambam*. Specifically, it is because the *machzik* does not want to take away from the owner's use of the property in the long term. In contrast, in this case, it is clear that pl are progressing in a manner that in the long term only they will be able to use the land.

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