

*We dedicate this issue to Esther Schwartz ע"ה*

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## Weekly Parsha

# Balak

RABBI BERNIE FOX

"And Pinchas, the son of Elazar, (who was) the son of Aharon, saw. And he arose from among the assembly and he took a spear in his hand." (BeMidbar 25:7)

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## Reality

# REASON

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(Balak cont. from pg. 1)

## Weekly Parsha

# JewishTimes

Weekly Journal on Jewish Thought



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It is interesting that there are certain practices that are generally taboo among Jews, regardless of the level of their commitment to traditional Torah values. One of these pervasive taboos is intermarriage between Jews and non-Jews. On occasion, non-Jews have remarked to me that this attitude strikes them as xenophobic. But – in truth – this is not an expression of xenophobia. One of the factors that seem to underlie this inhibition is the association between intermarriage and assimilation. This association is so strong that the statistic most often used to measure the rate of assimilation among Jews is the intermarriage rate. The implied message is that intermarriage and assimilation are somewhat synonymous. In other words, this association is based on the premise that intermarriage, almost inevitably, will lead to the assimilation of the Jewish partner in the marriage. Is there a Torah basis for this association?

Maimonides explains that it is prohibited for a Jew to have sexual relations with a non-Jew. The punishment for violating this negative commandment is lashes.[1] Maimonides adds that the Torah is determined to preserve the commitment of Bnai Yisrael to Torah observance. In order to create a barrier against assimilation, the Torah allows only for intimate relations between Jews. Intimacy between individuals creates strong emotional bonds. These emotional bonds will lead to assimilation of each other's values. If the two individuals share the same religious outlook, then this bond will allow each to reinforce the other's values. But, if their religious values conflict, then the religious identity of one or both of the partners will be jeopardized.[2]

Maimonides' assessment of the effects of intermarriage is not merely based on psychological and sociological insight. His position is founded upon an incident described in our parasha.

Our parasha begins by recounting the efforts of Balak, the king of Moav, to defeat Bnai Yisrael. Balak hired Bilaam to curse Bnai Yisrael. Bilaam was believed to have supernatural powers. Balak believed that if Bilaam could be induced to curse Bnai Yisrael, then Moav could successfully defeat Bnai Yisrael in battle. However, rather than cursing Bnai Yisrael, Bilaam blessed them. Balak realized that Bnai Yisrael could not be cursed. Balak and Bilaam separated. Each returned to his home.

The end of the parasha discusses a related incident. Bnai Yisrael are camped in Shittim. This placed them in close proximity of Moav. Familiarity developed between the men of Bnai Yisrael and the women of Moav. These relations became intimate and sexual. Soon, these men and women began to share cultures. This led to these men associating with the idol of Moav – Ba'al Peor.

Our Sages concluded that this incident in our parasha

in which sexual intimacy progressed into assimilation was not an isolated, behavioral aberration. Instead, the incident represents an example of normative human behavior. It can generally be assumed that sexual intimacy will result in emotional bonds, and these bonds promote assimilation.

The account of this incident ends with a violent, and somewhat disturbing turn of events. A member of Bnai Yisrael brought a woman from Midyan into the midst of the people and openly engaged in intimate sexual behavior with her. Pinchas, the son of Elazar and the grandson of Aharon, observed this travesty and reacted. He seized a spear and drove it through the two of them.

This incident is codified into halacha. But, before we can consider halacha's treatment of this incident, some basic background is needed. As we have noted, Maimonides explains that sexual intimacy between Jews and non-Jews is prohibited. He further explains that the Torah only prohibits intimate relations between the Jew and non-Jew in the context of marriage – if the two participants live together. Although casual sexual liaisons are also prohibited, the Torah does not empower the courts to punish this behavior. However, the Sages did institute a punishment of lashes for this activity.[3]

On the surface, these laws seem to contradict the implications of the incident in our parasha. The two individuals executed by Pinchas were engaged in sexual relations. But, the context of marriage was missing. No explicit Torah law was violated – the Torah only explicitly prohibits sexual relations in the context of marriage. What basis and authority did Pinchas have for executing these two people? Furthermore, even if these two individuals had violated the law prohibiting relations between Jew and non-Jew, the punishment for violating the commandment is lashes. But, Pinchas executed these two people!

This issue is discussed in the Talmud, and Maimonides codifies the discussion. He explains that if the Jew and non-Jew publicly engage in sexual relations, a zealot – like Pinchas – is permitted to execute the participants. Furthermore, the zealous behavior is praiseworthy![4] In other words, Pinchas is vindicated. The two people that he responded to had made a point of conducting their liaison in public. He observed this overt, public sexual behavior between a Jew and non-Jew, and he assumed the role of the zealot. Not only was he permitted to do so, his behavior was worthy of praise!

Already, a number of questions emerge. According to Maimonides, the two people executed by Pinchas had not violated an explicit Torah prohibition. Yet, Pinchas was permitted to execute them, and was praised for doing so. How is it possible to endorse the execution of two people that have not violated any explicit law on the



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Torah level?

Ra'avad raises a second issue. Generally, before a person can be executed, he must be warned that he is violating a commandment. Maimonides makes no reference to this requirement in the case of the zealot. Apparently, the zealot can carry out an execution without providing a prior warning.[5] Of course, these two questions are related. Since – according to Maimonides – no explicit Torah commandment is being violated, it would be impossible to provide a warning. What commandment would serve as the basis for the zealot's warning? However, Ra'avad's question does indicate that Maimonides' position results in a fundamental deviation from normative halacha – an execution can take place without prior warning.

If we proceed further in Maimonides' discussion of this area, additional questions emerge. Maimonides explains that the zealot can only act at the moment of the incident. But, once the two partners are no longer engaged in sexual activity, the zealot is not permitted to act.[6] Now, if the zealot is allowed to execute these individuals because of the inappropriateness of their behavior, what difference does it make whether the execution takes place while the two people are still sexually engaged, or whether it takes place soon afterwards? If their behavior is so seriously sinful as to deserve execution, the zealot should be permitted to carry out this punishment even after the sexual activity has ended.

Maimonides follows this ruling with another that is, perhaps, the most astounding of his comments. If the zealot asks the court to advise him, the court cannot tell the zealot to carry out the execution. Maimonides adds that, furthermore, if the person the zealot is attempting to execute defends himself and kills his assailant, he is not liable.[7]

Let us consider these two rulings. The court cannot direct the zealot to act, or even confirm that it is proper to do so. How is it possible for Maimonides to maintain that the zealot is acting properly and that his behavior is praiseworthy, and, at the same time, contend that the court cannot direct or even confirm the propriety of this behavior? In addition, if the zealot is acting properly, then what right does the sinner have to kill the zealot?

In order to resolve these questions, we must better understand the Torah's position regarding normative punishments. The courts are charged with the duty of enforcing observance of these commandments. The courts have the authority and responsibility to punish specific violations. Their role is to determine whether a crime or sin has been committed. If their judgment is that this is the case, then the guilty party has a liability to receive the punishment. The court merely responds to this liability. In carrying out a punishment, the courts are completely reactive. A liability to receive punishment has been determined to exist. The court reacts and responds to this liability.

Let us contrast this to the execution carried out by the

zealot. A zealot is a person who is deeply committed to his convictions. If these convictions have a firm basis – as in the case of a person who is zealous in regard to the Torah, then a zealous attitude is appropriate. However, the zealot is not reactive. No court has judged the case, and no liability to receive punishment has been created. The zealot is not responding to a liability. Instead, he acts upon a personal commitment to protect the Torah. In the specific case of a Jew engaged in overt, public sexual behavior with a non-Jew, this zealot is permitted to, and commended for, acting on his convictions.

In short, a normative punishment stems from a liability within the convicted sinner or criminal to be punished. The courts merely respond to this liability. In contrast, the zealot acts out of personal conviction and is not responding to a liability created through a court judgment.

Based on this distinction, the questions we have outlined can be resolved. First, how can the zealot execute a person for sexual activity with a non-Jew if the Torah is only explicit in prohibiting this behavior in the context of marriage – and even then, only condemns the sinner to lashes? This question is easily resolved. The zealot is not responding to a liability created by the violation of an explicit Torah mitzvah. In fact, the court has not convened and judged the person. The zealot is permitted to take action – in this specific case – as an expression of the intensity of his own convictions. Therefore, the absence of any violation of an explicit mitzvah, punishable by death, is not a factor.

Ra'avad's question on Maimonides is also answered. It is true that, in this case, the zealot is not required to warn the violator that he is violating the Torah. But, this requirement of providing a warning is designed to determine the culpability of the sinner or criminal. In other words, his guilt can only be established if he has first been warned. But, the zealot is not acting in response to the guilt of the sinner. He is given the authority to express his zealousness. Therefore, no prior warning is needed.

Why can the zealot only act at the moment at which the sexual behavior is taking place? This seems to be the question that is most easily answered. The sinner that the zealot seeks to punish has not been found guilty in a court. The zealot can only act because the Torah allows him to give expression to the depth of his convictions. But, the zealot is not permitted to be an avenger. He is permitted to bring this public desecration to an abrupt and emphatic end. Therefore, his authority is limited to the time at which the sin is occurring. But, once the sexual act has ended, the zealot no longer has a role. Now, only the courts can act.

Why can the courts not direct the zealot? First, the courts decide innocence or guilt on the basis of specific principles of jurisprudence. The sinner has not been judged. So, the court is in no position to issue a statement regarding the guilt of the sinner. But more importantly, a zealot acts out of the strength and depth

of his own personal convictions. If this person must first go to the court for approval of his actions, then his claim of zealousness is questionable.

Why is the sinner who defends himself and kills his assailant – the zealot – not held responsible for this killing? Again, the sinner has not been found guilty of a crime by the courts. He does not have a liability to receive a punishment. The zealot acts out of his own convictions, and is not responding to any liability that has been established by the courts. Therefore, the sinner has the authority to defend himself, just as any other person has the right to kill another individual in his own self-defense.

This discussion is rather technical, but, from it, an important point emerges. The Torah does not encourage the unrestrained expression of zealous attitudes. The Torah consists of 613 commandments. It is important for a Jew to have strong conviction in the truth of the Torah. However, regardless of the strength of one's convictions and the intensity of one's zealousness, in most cases, one does not have the right to take the law into one's own hand or violate any precept of the Torah. If the zealot had such authority, society would quickly become lawless and halacha would become meaningless. It is impossible in an ordered, just society, governed by a system of halacha, to allow one member to harm another or disregard halacha and then attribute his behavior to zealousness.

In response to a public display of intimacy between a Jew and non-Jew, the Torah does make an exception and allows the zealot to give expression to his convictions. But, as the discussion above indicates, this does not mean that the zealot is permitted to ignore any and all halachic considerations in order to address the wrong he observes. On the contrary, the rights and authority of the zealot are strictly prescribed and defined. If he deviates from these rules – for example, if he kills the sinner after the act has been completed – he is no longer defined by halacha as a zealot. Instead, he is an avenger and is himself guilty of murder. ■

[1] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Esurai Be'ah 12:1.

[2] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Esurai Be'ah 12:7-8.

[3] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Esurai Be'ah 12:2.

[4] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Esurai Be'ah 12:4.

[5] Rabbaynu Avraham ben David of Posquieres (Ra'avad) Critique on Maimonides' Mishne Torah, Hilchot Esurai Be'ah 12:5.

[6] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Esurai Be'ah 12:5.

[7] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Esurai Be'ah 12:5.

# Bilam

**RABBI ISRAEL CHAIT**  
WRITTEN BY STUDENT



Upon studying the events of Balak's hiring Bilam we reach the inescapable conclusion that Balak was truly awed by Bilam's powers. He relentlessly attempts to hire Bilam to curse the Children of Israel. It also seems apparent that God did not want Bilam to curse the Children of Israel as he placed many impediments in this attempted mission. God ultimately converts Bilam's curse into a blessing.

This entire incident raises many disturbing questions. Why is this story highlighted, throughout the generations many people have cursed us? Furthermore, why is God concerned with Bilam's curse? It seems that if Bilam uttered his curse it would have been dangerous, as though it could influence the rova olam?

In order to resolve this difficulty we must analyze the personality of Bilam to appreciate the threat that he posed. Chazal tell us that Bilam possessed great genius and excellent political acumen. He was the advisor that counseled Pharaoh that all Israelite male children should be thrown into the river. He had the political foresight to appreciate that every political movement requires a leader at its forefront.

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The Gemara states that Bilam possessed great powers of perception. However, he was also very devious. When he saw a person was in a precarious situation, albeit political or economical, he would curse that person. The individual's ultimate downfall was attributed to Bilam's ostensible supernatural powers. Bilam was a machiavellian type of personality, a great political genius and adviser to kings. He counseled his clients by exposing their enemy's political weakness. We can therefore appreciate the Gemara in Brachos 7a, which tells us that Bilam knew the time when God was angry with Klal Yisroel. He was capable of determining what Bnai Yisroel's weakness was and when was the proper time to exploit that weakness. A student of history can appreciate that certain critical events trigger many different phenomena, which in turn have very severe ramifications. History is replete with specific turning points, which shape the course of mankind. There are two factors, which play a role and permit the exploitation of a political vulnerability. One is the ability to know the nature of your antagonist. Secondly, you must be cognizant of an event that can occur which would allow this weakness in his nature to present itself. This event would afford one the opportunity to take advantage of that vulnerability. Bilam as a political genius had this ability. He perceived a weakness in Klal Yisroel, which would cause their divisiveness and self destruction. Therefore, Chazal inform us that God was not angry with Bnai Yisroel, throughout this entire event. This has added significance since God did not allow an event to occur that would have afforded Israel's enemies the opportunity to take advantage of them.

Bilam's plan was to expose the weakness of the Israelites. He recognized that God relates to the Children of Israel as evidenced by their exodus from Israel. He could not just wage war with these chosen people but rather he had to curse them. The curse essentially was to expose the weakness of Israel for all generations. This weakness, if exposed would have allowed Israel's enemies to exploit it and ultimately cause the self-destruction of the Jews.

We can now appreciate why Balak pursued Bilam to curse the Children of Israel. However, Bilam utilized his talents as a means of enriching himself. Although he had great intellectual gifts, he used them merely to cater to his materialistic desires. Balak thereby offered Bilam exorbitant amounts of money to undertake this task of cursing the Israelites. Bilam due to his materialistic nature really desired to accept Balak's task. However, as part of his mystique and to profess some supernatural talents, Bilam, told Balak's emissaries to stay the night. He had no qualms about going on a mission to destroy the Israelites. He previously had advised Pharaoh concerning their destruction. However, his hesitancy was merely a clever guise to bolster his persona as a God like figure. He professed that he was communicating with God at night and therefore requested them to stay. Bilam was the ultimate

rationalist. He was a calculating character that used his genius to exploit people's insecurities and quest for the supernatural. However, contrary to his plan, God appeared to him in a prophetic vision and warned him about his attempted mission. God instructed him not to go curse these people because they are blessed. This vision was startling for Bilam, the ultimate rationalist. He manipulated peoples' fears and merely professed supernatural powers. Thus God's appearance to him was shocking. He therefore, as a rationalist, was incredulous as to the revelation. Hence, he did not advise Balak's messengers to leave, but rather wanted them to wait another night to determine if this was merely an illusion.

The second night when God appeared, he advised Bilam you can get up and go with these people, but you can only do what I tell you. This second vision raises difficulties. Originally God advised Bilam not to go, but seemingly changes his mind and tells him to go, but obey what I command you. This would seem to support the inane proposition that God changed his mind. Furthermore, after Bilam goes, God expressed anger that he went, even though God consented to his journey, provided Bilam did not violate his command. Upon closer analysis we can appreciate that God relates to man on two different levels.

God relates to man in the absolute. The best and most rational course of action is the conduct most desired. In this instance this was set out in his first vision. Do not go and curse the nation. God also relates to man in terms of the individuals own emotional framework.

The ideal is not to even go on the mission. However, emotionally Bilam wanted to go. His ego and materialism propelled him on the mission. Perhaps this vision was really just an illusion and he could still salvage his self image and enrich himself. Therefore,

God also relates to man in terms of the subjective. If you feel compelled to go, then go, but do not disobey my command. The objective remains constant. However, God expressed his anger because Bilam fell prey to his emotions and was incapable of acting in terms of the objective.

Bilam's emotional makeup was unique. He was a brilliant thinker capable of great powers of perception. He was not subject to the irrational insecurities of his contemporary man. On the contrary, he rose above his peers and his genius was unique. However, Bilam the consummate rationalist was incapable of perceiving the ultimate reality. He utilized his abilities merely to satisfy his ego and his materialistic tendencies. He was totally blind to the philosophy of Judaism. Judaism maintains that the world of chachma is the essence. It is a reflection of the creator, the ultimate reality. However success and the accumulation of material goods all extraneous concerns for the talmid chacham, were the motivating factors for Bilam.



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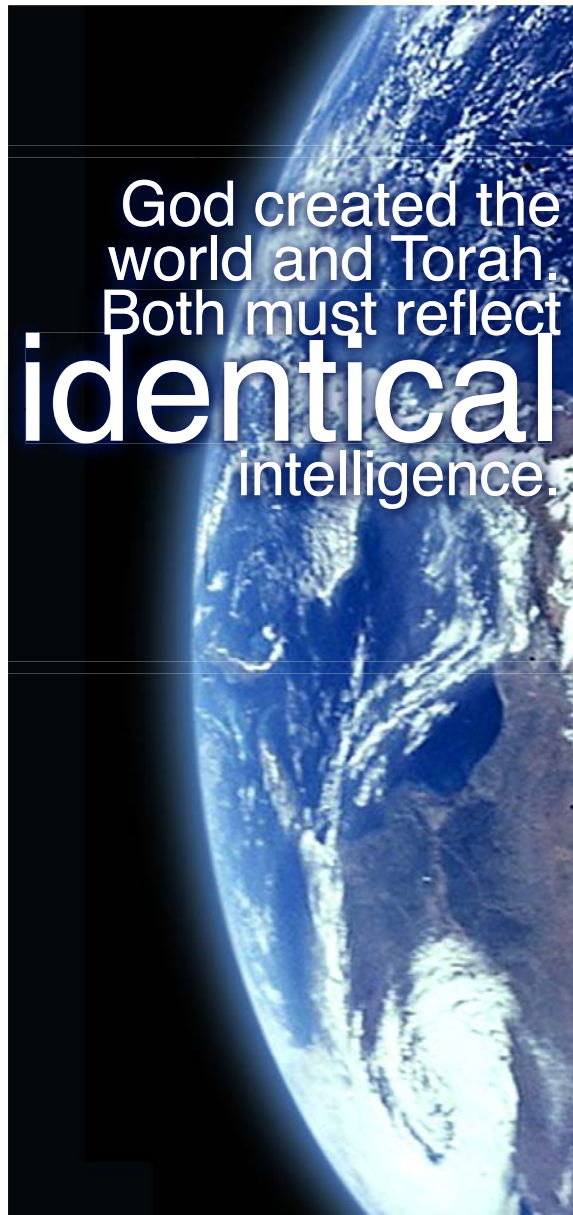
Bilam's only philosophy was that the intellect was merely a means for satisfying his desires. He rejected the concept of an objective good. This notion ran counter to his basic philosophy. That is why the Torah tells us that he initiated the mission by harnessing his own donkey. He was demonstrating that his visions were merely aberrations. There is no objective reality. Therefore, God expressed his anger at Bilam for he failed to comprehend true reality. He was guided by his emotions and had to demonstrate that he Bilam, the rationalist, was the ultimate master of his own destiny.

Despite Bilam's recalcitrance in pursuing this mission, God utilized his donkey as the means for thwarting his desires. Irrespective of whether the donkey actually talked or if the entire incident was a prophetic vision, it demands our analysis. The donkey prevented Bilam's progress on three separate occasions. The first detour the donkey went into the field when it saw an angel of God standing in its way with a sword drawn in his hand. Despite Bilam's smiting the donkey and prodding it to proceed, it was again blocked by the angel of God. This time the donkey did not move and engaged Bilam in a dialogue. It was only after this dialogue that God opened Bilam's eyes and permitted him to see the angel of God blocking the road. Rashi comments that at the outset only the donkey was capable of seeing the angel because God gave it permission. Had Bilam seen the angel, since he was a man of intelligence, his mind would have been damaged upon beholding this sight. Bilam was blinded to the philosophy of Judaism and incapable of perceiving an objective reality. The previous night's prophetic visions were startling to him and threatened his convictions as the master logician. However, due to the strength of his belief he discounted them and proceeded upon his mission. Therefore, Rashi tells us, had God permitted him to see the angel immediately, he would have been devastated. To suddenly be confronted with the phenomenon of a greater metaphysical reality, would have destroyed him. Therefore, the perception of this metaphysical reality was only comprehended by his donkey. The donkey represented his stubborn desire to proceed, which was thwarted. At this point, he was only capable of perceiving the truth in a distorted manner. Emotionally Bilam desired to proceed, to continue through life with his distorted vision of reality. However, the donkey that he rode on since his youth, did not budge. He hit the donkey three times, but to no avail. He did not investigate the situation to determine if anything was bothering his normally faithful donkey. He hit the donkey repeatedly, which reflected his irrational desire to accomplish his goal. However, the donkey spoke to him and questioned his determination and asked Bilam whether it ever prevented his movement in the past. At this point the Torah tells us that God opened Bilam's eyes and he saw the angel of God standing in the roadway. This vision was possible only after Bilam contemplated the situation and examined his irrational behavior. He realized that his donkey would not proceed despite being hit three times. He slowly started to realize that there was some metaphysical force behind these abnormal events. The previous prophetic visions and the current events, led him to realize there was a force at work that did not want him to proceed. He was beginning to appreciate that these were not just physical obstacles but rather a manifestation of a metaphysical reality. Three times the donkey was hit but did not proceed. Bilam started to realize that this symbolized that he was dealing with a unique nation that had three forefathers guided by God. The Israelites were a special nation that celebrate three festivals whereby they acknowledge their unique relationship with God. He slowly started to appreciate that he was dealing with not just another political entity, but rather a unique nation under God's special providence. God allowed Bilam to perceive these concepts by placing him into circumstances, whereby his genius and power of perception enabled him to perceive this metaphysical reality.

Bilam's ultimate blessing of the Children of Israel was a testimony to his powers of perception. However, Bilam's prophecy was different than other prophets. Bilam was only capable of this higher level of perception when aided by external circumstances. The true prophet obtains his prophecy by constantly changing and improving himself guided by his intellect. The true prophet's prophecy is inherent to the person and emerges as a result of the state of his intellectual perfection. Bilam only obtained his prophecy when aided by external circumstances. Therefore, Chazal tell us that Bilam eventually became a diviner. In the absence of external phenomena, he fell prey to his materialistic tendencies. His prophecy was not inherent and thus when the external circumstances were not present he was doomed to failure. ■

# REASON

Rabbi Moshe Ben-Chaim



**"He looked at the Torah, and created the world".**

Some ideas – more than others – require repetition. But the most fundamental idea, is the one that exists in every truth. I refer to "reason". Any truth must follow reason. For truth and reason are synonymous. For when we say something is true, it means that our minds comprehend that the subject discussed reflects reality. We say  $2+2=4$  is true, since we see this is so in the universe. We say it is true that justice is proper, since it creates a harmonious state allowing mankind to function as he is designed; in peace, and with good neighbors. It supports ideas of property and personal rights.

I mention all this, after having heard someone attempt to explain that a "certain number correlates to holiness". I don't know what that means, since such words are unintelligible, nor was that person able to explain it himself. Does he even know what holiness is, that he talks of it? He was merely parroting what he felt was a Torah idea. Many people do these days. Other people believe that financial successes can be caused without working; that health can be generated without exercise, diet or medicine; and that inanimate objects might affect people without contact. Do you feel this is "true"?

However, if we insist on reasonable explanations for ideas we hear or read, and do not accept whatever someone says or everything in print – regardless of reputation – we will not be led astray. We will not forfeit our lives merely "believing" we are following Torah.

There are so many forms of "Judaism" today. So many conflicting notions. They cannot all be correct, since they conflict. How then do we determine what is authentically "Torah", and what is a charade? The answer is "reason". If an idea complies with reason, it is true. If it does not, then it may be due to our limited capacity to grasp, or it may be false. In that case, we must consult someone we know is wise, and have him or her explain it to us until we grasp a truth or falsehood. or we must consult the ancient ideas of our Rabbis. And our greatest of Rabbis – Maimonides – explains that reason must be what determines any truth, Torah and otherwise. God created both – the physical world, and the world of ideas and Torah. The same intelligence witnessed in creation, must be witnessed in Torah.

How sublime it is then, that God commences His Torah, with Creation. Of course, it came first, but Torah is not a history book. Torah's first verse that God created the universe, embodies our idea that God created both: the "Torah" starts with "nature" – both realms must be approached with reason. Think about it. ■

**DEDICATION***We dedicate this issue to**Esther Schwartz*  
ע"ה

Esther suffered many years physically from a debilitating illness. But she reiterated what her Rabbi taught her: "One lives in their mind". These words afforded Esther much strength. Amazingly, while many others would be devastated at such a disease...as she was wheeled in her chair, and fed and clothed by her devoted nurses for so many years, she smiled. Not only smiled, but laughed. She displayed how life is not evaluated by our bodies, but by our minds. The Torah's message. What a lesson.

Esther also found the strength to write many essays even during the toughest of times. When she could no longer talk clearly, she would communicate by indicating letters on a sheet of paper, and trying to mouth her words. When we couldn't understand what she was trying to say after all that effort she made, she would again smile, but with a humorously-frustrated grin, as if saying, "Come on, are you thick!" Restricted to a wheelchair, she loved making others laugh! I don't recall her ever without a smile. I don't know how she did it.

Esther's struggles and values leave behind a number of clear messages:

- Don't fuss about our miniscule, petty problems; look at how she loved life, wisdom and people regardless of being crippled.
- Despite severe physical limitations, she enjoyed God's Torah. So with our healthy bodies, certainly we must find more time to learn.
- We don't have all the answers. But no injustice can be ascribed to God.
- Perhaps also, Esther realized what the Rabbis say: "This world is a vestibule prior to entering the banquet hall". Esther must have gained much perfection from learning such lessons quite early in life.

We are fortunate to have known Esther, and we are humbled to have been surpassed by her.