

In everyday life we come across all kinds of warnings- there are flags on the beach to warn us about the tides, there are no trespassing signs, keep out restricted area signs, and hazard warnings on the roads. There are the health warnings on cigarette packages and poison warnings on dangerous substances. Even our movies sometimes come with warnings- parental advisory/explicit content.

Tisha B'av is in some ways a holiday of warnings. The Hebrew prophets were not fortune tellers, looking into their crystal balls, to see what would happen. Instead they were what Abraham Joshua Heschel called Forth-tellers, warning us of the negative consequences of our poorly chosen actions. These warnings were given to the Jewish people for several hundred years, all throughout the period of the divided monarchy, but still we persisted and eventually the consequences caught up with us.

As we approach Tisha B'av, the day on which we remember these warnings unheeded, I thought it might be interesting to explore the tension within our halachic tradition on the issue of warning. Must you be warned to be responsible, or are there somethings that everyone should know not to do without an explicit warning?

On the one hand, the Talmud states, “ a person is not punishable unless he had been forewarned.” This particularly comes into play with the death penalty but also for other situations where there is physical punishment. So we are instructed, a formal warning must be given to a person who is about to perform a transgression. The warning must state both that the act is forbidden and also provide a description of the punishment that the violator would receive. Capital or corporal punishment cannot be administered unless the warning was given beforehand and was acknowledged by the transgressor.

IN some ways this makes sense. To punish someone without first sharing with them the prohibition is playing an unfair game of gotcha. Rules must be posted before they can be enforced.

But on the other hand, this system of *hatra'ah*, makes it almost impossible to impose the death penalty, since you need not only two witnesses but also to have called out, do you know you are about to commit a crime for which the punishment is the death penalty, and for the assailant, to call back, yes I do, but I don't care. In fact in the Talmud they puzzle over this for a while, wondering why the person issuing the warning doesn't just prevent the crime—concluding finally

that there must have been a river in between-such that the warner could see what was going on, but couldn't intervene.

But what I find really puzzling, is that though this is the case for capital and corporal punishment, the situation is totally the opposite in civil law where fines are imposed. There the principal is Adam Muad L'Olam- a person is always considered forewarned. In Jewish law a person is held responsible for all damages he causes with his person, regardless of whether the damage was caused willfully or inadvertently. The word Muad comes from the Biblical discussion of the goring ox. An ox can gore and the responsibility is only partially the owners, but that changes when the ox is known as a goring ox and the owner should have taken more active steps to restrain it. In terms of ourselves, we are to be ever vigilant, like the owner of a goring ox, to make sure that we don't cause damage with our words or actions.

In the material on possible sermon topics I was present at the 36 year celebration, there was a list of unusual holidays that might be interesting to talk about- one was Ecological Debt Day. This is the day when humanity exhausts nature's budget for the year. This year they are calling it earth overshoot day, reminding us that we have already used up for this year, more renewable resources and more CO@

sequestration than our planet can provide for an entire year. This day keeps creeping earlier and earlier, year by year.

When I think of the issue of warning, I think about future generations calling us to task. We will not be able to defend ourselves by saying, no one warned us, because there are actually many voices warning us about the consequences of our actions. And even if we were not being warned repeatedly by reputable scientists and others whose voices we should be heeding, the negative consequences of our actions are becoming evident to us, - adam muad leolam, a person is as if always forewarned, when the issue is the damage that they themselves cause.

I have heard a story told about Napoleon, happening into a synagogue on Tisha B'av. He found the congregation sitting on the floor covered with ashes, weeping. Moved by their tears, he asked, what disaster has taken place? It was explained to him that they were grieving for a Temple and a homeland which had been destroyed almost two millennia ago. He responded, the Jews will someday have a state again, no one can mourn in this way if they had forgotten their home.

Would that we would sit on the floor and mourn and grieve for the damage we have done to our world, then I would have more confidence that we would indeed change our ways and save our globe.