



HEMDAT YAMIM

Parashat Hashavua

Korach 28 Sivan 5783

Harav Shaul Israeli zt"l
Founder and President

“He Ran to the Midst of the Congregation”
Harav Yosef Carmel

In our *parasha*, the word *kahal* (congregation) comes up many times in regard to the dispute with Korach and its aftermath. A very prominent contrast in this context is between “from the midst of the *kahal*” and “into the midst of the *kahal*.” We will look for insight as to the significance of this distinction.

Korach and his group congregated (the Torah uses the root of *kahal*) before Moshe and Aharon and complained about their allegedly elevating themselves over the rest of the people (Bamidbar 16:3). Then Korach assembled (verb of *kahal*) a broader assemblage before Moshe and Aharon (ibid. 19). Instead of everyone dying, Moshe arranged that Hashem would have the earth swallow up only the hard-core rebels “from amongst the *kahal*” (ibid. 33).

The next day, a broad assemblage congregated (root of *kahal*) to complain about the deaths (ibid. 17:7). With Moshe fearing real danger to the people, who did not catch on to the Divine Will, Moshe acted with urgency. He commanded Aharon to take incense and quickly go among the populace and stop the plague. Indeed, Aharon ran “to the midst of the *kahal*” and stood between the living and the deceased (ibid. 11-13).

The Torah refers to Korach’s group as being “lost from among the *kahal*” (ibid. 16:33). The *tosefta* (Sanhedrin 13:9) cites Rabbi Akiva as positing that their sin was so severe that they lost their lives also in the World to Come. Rabbi Yehuda ben Peteira understood that they lost only their lives in this world. Avot D’Rabbi Natan presents Rabbi Eliezer as having an elusive compromise: “they will neither live nor will they be judged in it.” Yet, he sees from the song of Chana (Shmuel I, 2:6) that they will be among those who “go down to purgatory and come up.” All agree that their loss came from their sin of removing themselves from the *kahal*, with the extent of the punishment being disputed.

In contrast, Aharon, despite losing two sons previously trying to bring unauthorized incense, was willing to bring non-standard incense to save the people and run with it amongst the people. Aharon thereby showed for generations that real leadership is putting one’s life on the line on behalf of the nation.

A *midrash* (Midrash Aggada, Vayikra 8:2) describes the episode as follows. Moshe realized that Hashem was infuriated by the people’s stubbornness not to accept Hashem’s will regarding putting down Korach’s rebellion and told Aharon to take the incense. Aharon reminded Moshe that due to impropriety with the incense, his sons had been killed despite their good intentions. Moshe responded that Aharon should act quickly. When Aharon understood that there was a palpable danger to the people’s lives, he was ready to act even if he would pay for it with his life. About this, it is written that he ran to the midst of the *kahal*.

This *midrash* teaches us an important lesson. The ideal leader runs to the midst of the *kahal*. In other words, he puts his personal matters aside and connects to the broader community, and thereby unites them. The egotistical Korach rightfully was lost “from among the *kahal*.” As the Kli Yakar summarizes, “Because Hashem wanted that all of Israel will form one *kahal* and bind together and Korach wanted to separate between them, Korach, who wanted to separate, was lost.”

May we merit leadership that will unite the different factions in the country!

Hemdat Yamim is dedicated to the memory of:

Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah

Rav Shlomo Merzel z"l Iyar 10, 5771	Rav Reuven & Chaya Leah Aberman z"l Tishrei 9, 5776 / Tishrei 20, 5782	Mr. Shmuel & Esther Shemesh z"l Sivan 17 / Av 20	Mr. Moshe Wasserzug z"l Tishrei 20, 5781	Prof. Yisrael Aharoni z"l Kislev 14, 5773
Hemdat Yamim is endowed by Les z"l & Ethel Sutker of Chicago, Illinois, in loving memory of Max and Mary Sutker & Louis and Lillian Klein z"l	R' Yaakov ben Abraham & Aisha and Chana bat Yaish & Simcha Sebbag z"l	R' Eliyahu Carmel z"l Rav Carmel's father Iyar 8, 5776	Mr. Zelig & Mrs. Sara Wengrowsky z"l Tevet 25 5782 Tamuz 10 5774	R' Meir ben Yechezkel Shraga Brachfeld z"l & Mrs. Sara Brachfeld z"l Tevet 16, 5780
Rav Asher & Susan Wasserteil z"l Kislev 9 / Elul 5780	Rav Yisrael Rozen z"l Cheshvan 13, 5778	R' Abraham & Gitta Klein z"l Iyar 18 / Av 4	R' Benzion Grossman z"l Tamuz 23, 5777	
Mrs. Julia Koschitzky z"l Adar II 18, 5782	Rav Moshe Zvi (Milton) Polin z"l Tammuz 19, 5778	Rabbi Dr. Jerry Hochbaum z"l Adar II 17, 5782	In memory of Nina Moinester, z"l Nechama Osnat bat Yitzhak Aharon & Doba Av 30, 5781	
R' Yitzchak Zev Tarshansky z"l Adar 28, 5781				

Mrs. Leah Meyer z"l Nisan 27, 5782

R' Leiser Presser ben R' Aharon Yitzhak and Bracha z"l, 24 Iyar,
and members of his family who perished in the shoah Al Kiddush Hashem

Mr. Shmuel & Rivka Brandman z"l Tevet 16 5783/ Iyar 8, 5781

Those who fell in wars for our homeland. May Hashem avenge their blood!



Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626
amutah number 580120780

American Friends of Eretz Hemdah Institutions
c/o Olympian, 8 South Michigan Ave.
Ste. 605, Chicago, IL 60603, USA
Our Taxpayer ID #: 36-4265359

www.erezhemdah.org info@erezhemdah.org

Donations are tax deductible according to section 46 of the Israeli tax code

Ask the Rabbi

by Rav Daniel Mann

Learning Right after *Shacharit*

Question: I thought that one should learn a little in *shul* right after *davening*, yet I do not see many people doing so. How do you explain this?

Answer: The concept you refer to can be connected to different sources and framed differently. After doing groundwork, we can relate to what is troubling you.

The *gemara* in Berachot (64a) says: “One who leaves a *shul* and enters a *beit midrash* and is involved in Torah study, merits receiving the Divine Countenance, as the *pasuk* says: ‘They **shall go from *chayil* to *chayil***, they will be seen by Hashem in Zion.’” The move from one place/activity to another seems significant, although it is not obvious why (see Yalkut Biurim ad loc., p. 387). The Maharsha (ad loc.) says that *chayil* refers here to a sizable group of people, which is the best setting for both *tefilla* and Torah study (Berachot 63b).

The Tur (and Shulchan Aruch, Orach Chayim 155) instructs going to a *beit midrash* to learn, after *Shacharit*, before work, citing Torah study’s centrality among the questions asked at a person’s “post-life trial” (see Shabbat 31a; Sanhedrin 7a). The Tur brings this idea, not at the end of the Laws of *Tefilla* but as part of what he calls “Hilchot De’ot” (practical philosophy), right before the laws of going to work. He instructs to make the learning **set**, i.e., he keeps to it even if it means losing out on big profits. Proximity to *tefilla* is not crucial, as the Tur and Shulchan Aruch (OC 155:2) allow those who are used to eating early to push off going to the *beit midrash* until after breakfast. According to them, it is not a *halacha* of finishing *tefilla* but of ensuring Torah learning is prominent enough in his day (see Avot 1:15; Rambam, Talmud Torah 3:7).

The Rambam cites neither the *gemara* in Berachot (the Rif and Rosh do) nor the Tur/Shulchan Aruch’s instructions. Perhaps he views the former as not phrased as a halachic statement and regarding proper Torah learning, he speaks at length about principles that need not be tied to a specific juncture of the day. In contrast, the Levush (OC 155:1) and Mishna Berura (155:1-2) bring both sources; the Levush says that the combination helps the *tefillot* to be accepted.

We turn now to your expectations. You refer to a little learning after *davening*. The Be’ur Halacha (to 155:1) refers to a broad *minhag* of set group study after *Shacharit*. It is possible he is talking about what some *shuls* still do – one teaches a *halacha*, *mishna*, etc. for everyone to hear while removing *tallit* and *tefillin*. It sounds more like he refers to a more serious session, but that not everyone took part in it.

These two possibilities can depend on whether the point is to finish the *tefilla* on the right note (a little Torah might be enough) or to get a good start on the day’s learning (likely calls for a significant amount, as *yeshivot* do). While the Shulchan Aruch refers to serious learning, the Magen Avraham (155:1) says that if a pressing matter prevents it, one should learn one *pasuk* or *halacha*.

Another difference between approaches can be regarding one who does not have time to learn after his *minyan* but learns before *davening*. That seems fine regarding Torah learning, but it lacks any special element of going from *tefilla* to *limud*. Another difference would be for a full-time learner. If the point is Torah study and he puts in the same amount of time whether he starts learning right away or he eats and takes care of personal matters before learning, the instructions likely do not apply. According to the *segula*-of-connecting approach, having some learning right after *davening* might be valuable.

A final question is where it should be done. The earlier sources discuss going to a *beit midrash*. On the one hand, this was the place of intense Torah study (see Megilla 26b). The walking and setting himself there may itself have value (see Rama ad loc, about one who does not know how to learn going and getting reward for walking). Alternatively, perhaps that was just the norm and is not required; note that the Be’ur Halacha talks of the learning groups in *shul*.

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

► [SEND NOW!](#)



Igrot HaRe'aya - Letters of Rav Kook

Baron Rothschild and the *Heter Mechira* – #155

Date and Place: 18 Elul 5668 (1908), Yafa

Recipient: Mr. Frank. Mr. Frank is clearly a high-level administrator at the Jewish Colonization Association (Hebrew acronym – *Yaka*), the organization which was in charge of running the operations of the *moshavot* which Baron Edmond De Rothschild owned and supported in *Eretz Yisrael*. We have no other information on him.


Body: I am turning to your excellency with this letter as an inquiry on a matter that effects the totality of the Jewish settlement in *Eretz Yisrael*. Therefore, I hope that you will be so kind as to respond at the earliest possible time with information on the matter.

You should be aware that after the year of 5669, which should come upon us in the best possible way, the following year of 5670, will be the “seventh year,” which according to the laws of our holy Torah, is the *shemitta* year (in which agricultural work on the land of *Eretz Yisrael* is forbidden). The most brilliant Torah scholars of the generations before us, to whom the question [of how to handle the nascent agricultural settlements] about the *yishuv* came, found only one solution to continue to work the land, without a religious impediment. That is to make a sales document to sell the land and the trees, using a known formula, which works religiously, to a non-Jew (this is known as *heter mechira*).

This sale has to be approved by the baron or by a representative on his behalf. Halacha requires that the documents will be prepared in advance, for there are several clauses that must be worked on. Therefore, I turn to you to inquire if the authority you have as a representative of the baron will suffice to enable you to sign on the sales document in a manner that the sale will be considered halachically binding. Alternatively, there might be a need to obtain a special document of authorization from the honorable Baron Rothschild and from the leadership of *Yaka*.

Before the previous *shemitta* year, there was a special authorization from Baron Rothschild and Mr. Borwin, in whose name the land was registered; they authorized Mr. Pariente to carry out the sale. Therefore, I am confident that if the matter requires certain steps, the honorable baron will definitely fulfill this holy obligation again, which is necessary to facilitate the arrangement that enables work to be done in the *yishuv* during the *shemitta* year in a way that does not conflict with the holy Torah. This solution not only is important religiously, but it is also needed to handle the practical and, especially, commercial concerns. Without this, it will be totally forbidden to sell fruit, wine, and all the produce that grows in the Land, in addition to the fact that it will be forbidden to work the land.

You may require clarification of the matter in a deeper manner. I can do that for you; let me know if you would like me to clarify matters further orally in person or by written correspondence.



**Tzofnat Yeshayahu-
Rabbi Yosef Carmel**

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

“Tzofnat Yeshayahu – from Uziya to Ahaz” introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt”l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

[Buy Now](#)

P'ninat Mishpat

Extent of Partnership – part I

(based on ruling 81096 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: In 2007, a land developer (=def1) planned a project – he would buy a property with a two-story building and greatly expand the building. The plaintiff (=pl) put up 900,000 NIS and received a 10% stake in profits from the project. There is a long agreement between the sides (=agr) and, later, a letter of understanding. Def2 and def3 are close relatives of def1, and there is another investor (=adinv). After the purchase of the property, the Tabu (Land Registry) listed four owners of 25% of the property each – pl, def2, def3, and adinv. After a later sale, officially by these four to another six people (who bought apartments), pl's stake, per Tabu, stands at 13.5%. Pl received one of the apartments and demands additional money as per his 10% stake, including rent on the apartments that def1 handles. Pl claims that his 10% ownership enables him to receive both an apartment, like the others, and also general rights. Def claim that pl did not receive 10% ownership of the property but, as an investor, 10% of the profits, from which the value of the apartment he received should be subtracted. Def demand of pl that he sign a request for a building permit for the second stage of the building's expansion.

Ruling: While it is true that the funds that pl put up were 10% of the purchase and building's expected budget, logically, pl should not receive an equal part per investment to def1's part, as the latter was the developer, whose idea the project was and who put in massive amounts of work and expertise into the project. Pl could have even gotten all his investment back, in which case it would take a strong proof to convince one that he had been given profits plus ownership.

Still there is a need to analyze agr's language, which is the most influential factor. The term partnership is found in agr's title but not in the rest of the long document, which makes it more likely that it is an investment agreement. Beit din made several inferences from the language, all of which appear to support def1's version of the agreement. One of def1's stronger inferences is the fact that the apartment pl received was priced and it was discussed how it impacted the remainder of pl's rights. If pl were a partner in the property, an apartment in the building would be a natural right, which would not have to be bought. In general, when there is a doubt how to interpret a contract, the one who needs it to give him rights, which, in this case, is pl, begins with the weaker position (see Bava Batra 150b). This just strengthens the indications that def1 is correct that the contract views pl as no more than an investor. The language of the letter of understanding also fits better with def1's claims.

Furthermore, in a hearing before another *beit din* on an internal conflict between residents of the building, in explaining the financial dynamics in the building, pl stated that the roof belonged to def1. If pl were a 10% partner in the building as a whole, he should have said that he was also a partner in the roof. Statements made before a *beit din*, even in a different context, can be used as an admission if that is what comes out of the content of the statement.

We continue next time.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

We daven for a complete and speedy refuah for:

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
Meira bat Esther

Together with all *cholei* Yisrael

Eretz Hemdah is the premier institution for training young rabbis to take the Israeli Rabbinates' rigorous Yadin Yadin examinations. **Eretz Hemdah**, with its distinctive blend of Religious Zionist philosophy and scholarship combined with community service, ensures that its graduates emerge with the finest training, the noblest motivations resulting in an exceptionally strong connection to Jewish communities worldwide.