



Harav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat Hashavua

Korach, Sivan 28, 5786

No One is Perfect; Some Repent

Harav Yosef Carmel

Rashi says that this *parasha* is explained well in the Tanchuma but does not explain in what way. He likely refers to the explanation of what Korach was thinking when he rebelled.

Clearly, Korach's stature in Torah was special. One proof is from the fact that he was able to stir up such a controversy against Moshe, with the support of such prominent men. His 250 co-conspirators were described as "leaders of the congregation, those who are called to assemble, men of name" (Bamidbar 16:2). *Chazal* explain these distinctions – they knew how to decide on leap months and set the new month, and their names were heard throughout the world. (Sanhedrin 110a). It is inconceivable that they joined a person who was bereft of content. As people say, "Tell me who your friends are, and I will tell you who you are." Korach was a complete person, as were his friends. This indeed was Korach's claim: "For all of the congregation are holy, and Hashem is in their midst" (Bamidbar 16:3). Was he right?

Another question needs clarification: How were Korach's sons spared the punishments of the rest of the group (see Bamidbar 26:11)? Furthermore, they became among the psalmists of Tehillim (see Tehillim 42:1 and elsewhere)! Also, *Chazal* discovered that the prophet Shmuel, who was equivalent to Moshe and Aharon, descended from Korach (see Megilla 14a).

We can learn two lessons, which form two sides of one coin. Many cultures glorify their founders, leaders and heroes to the extent that they are seen as unblemished people, who never err. *Tanach* takes the opposite approach. The forefathers and leaders were human beings, from whom we learn a tremendous amount, but every one of them made mistakes, from which we also learn. This opens the doors for people who strive for spiritual elevation to connect to their legacies and learn from them. The greatness of great people does not come from their perfection. To the contrary, when special people make mistakes, which they will, their ability to admit them makes them even more special. Repentance provides "wings of spirit" to enable self-elevation.

The above is true regarding individual people, especially those on the highest levels. Regarding *Am Yisrael* as a nation-community, the more they are united, the more the "general side" is prominent. In that regard, it says: "Your nation are all righteous" (Yeshayahu 60:21) and, as Korach said, "All of the congregation are holy."

Korach, who was sure he was complete, tried to ride the wave of the claim that every Jew is holy and complete. He was, though, wrong and corruptive. Only as part of a nation were they complete, whereas as an individual it requires great work to improve, including through repentance.

Apparently, the sons of Korach never thought they were complete and did not join Korach's "congregation of complete people." They preferred the humble Moshe, who recognized his shortcomings, and that is why they said "Moshe is true, and his Torah is true" (Bava Batra 74a). If they did join their father, they repented, and one of them had the privilege of being a forebear of the humble Shmuel.

Let us pray for leadership that follows the humble Moshe and not the "complete" Korach.

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Ask the Rabbi

Korach

by Rav Daniel Mann

Early Lighting and/or Late Beracha

Question: I, a single man, take in Shabbat early and have no one to light candles for me after *plag hamincha* (=plhm, a "relative" 1¼ hours before sunset). Considering the light will be in place on Shabbat, may I, in a case of need, light before plhm with or without a beracha? If it is too early, can I make the beracha on it when I return home, as sometimes berachot can be made later than the mitzva action?

Answer: While the best option (someone else lighting) is unavailable, both of your options are supported by significant but minority opinions.

The *gemara* (Shabbat 23b) says that one should not light Shabbat candles too early, because it is not clear that it is being done for Shabbat (Rashi ad loc.). The Shulchan Aruch (Orach Chayim 263:4) rules that this is problematic even after plhm if she does not accept Shabbat at that time and that it cannot be before plhm, which is too early to accept Shabbat (Magen Avraham 261:10). Therefore, the standard assumption of *poskim* is that it is impossible to fulfill the mitzva of candle lighting before plhm (see Be'ur Halacha to 263:4; Shemirat Shabbat K'hilchata 43:12; Orchot Shabbat 33:35).

However, it is possible to question this assumption. Firstly, on a certain level, avoiding lighting "too early" may be only *l'chatchila* (Mishna Berura 263:20 regarding after plhm but well before sunset without accepting Shabbat). While many apply this only after plhm, others say that plhm is a strict cutoff only for ushering in a new day early, not for candle lighting done for Shabbat use (Eretz Tzvi I:103, based on R. Akiva Eiger on Rama, OC 263:4). Second, some *Rishonim* and *poskim* allow lighting two hours before nightfall (see Be'ur Halacha ibid.). On the other hand, Orchot Shabbat (35:83) says that this is said only within Rabbeinu Tam's opinion that nightfall is very late.

We can logically add that if the problem before plhm is that it is too early to connect a lighting to Shabbat the situation is different in the summer in places where it is common to accept Shabbat soon after plhm. Would anyone watching you light candles and run to *Mincha*, followed by *Kabbalat Shabbat*, think that you did not light for Shabbat?! This is strengthened by the fact that you, as a man, do not accept Shabbat for around a half hour after lighting candles, all year. Furthermore, nowadays virtually the only reason to light candles is for Shabbat. Despite these arguments, I cannot recommend relying on and certainly not making a beracha on a lighting that the consensus of *poskim* says is ineffective for the formal mitzva.

Your idea of making a beracha later touches on how we view the mitzva of lighting candles. The main purpose of the mitzva is apparently to make a nicer Shabbat atmosphere (see Shabbat 23b; Living the Halachic Process VI, C-17). It is less clear if its halachic nature is the act of lighting the candles with the purpose in mind (see ibid.; compare to Chanuka, based on Shabbat 23a), or the mitzva fulfillment is in receiving the benefit on Shabbat, with technical grounds dictating that one lights earlier. If the latter is correct, then making the beracha at the time one is experiencing the benefit can work (see Divrei Malkiel IV:5; Rambam, Berachot 11:5).

Indeed, a venerable opinion says that one who will be out of the house at the time of lighting can light before leaving and make the beracha upon returning. Most *poskim* reject the idea (Magen Avraham 263:11; Mishna Berura 263:21) of making a beracha on a light that was already lit, but the opinion is not fully rejected (see Be'ur Halacha to 263:5).

In short, each of your ideas is reasonable from a halachic perspective. On the other hand, as practical Halacha, neither is recommended. My recommendation is to daven Mincha earlier, light candles at plhm, and proceed immediately to *Kabbalat Shabbat*, where you need not be more than a couple of minutes late. However, if a rav with whom you confer recommends one of your approaches, I have no qualms.

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Moreshet Shaul

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

The Days that the Heaven is Above the Land – part I

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 282

The concept of “You shall immerse yourself in it (Torah) day and night” (Yehoshua 1:8) is flexible, and it refers to the time you are free from other involvements and are available. This is the time you should be studying Torah. This is what Rabbi Yishmael said to his nephew: “If you find a time that is neither day nor night, this is when you can learn ‘Greek wisdom’” (Menachot 99b). In other words, at these times when one is not involved in other things, that is the time one is commanded to be immersed in Torah [so that he is not free to study Greek wisdom].

The material of Torah study is not completed with the study of *Tanach* or *Mishna* but requires much greater breadth, if you are able to do that. If you are not able, it is possible to fulfill “day and night” by reciting *Kri'at Shema*, according to one opinion. A second opinion requires at least setting a certain amount of time for study in the day and the night.

There are two types of obligations. One relates to the quantity of material studied. The other relates to the element of time investment. One cannot say: I have free time, so I will go play tennis. No! It is true that if one is tired, he is allowed to take a trip, involve himself in something other than Torah, or amuse himself, as this can make him healthier. The Rambam (De'ot 3:3) applies to such a scenario the *pasuk* of “In all of your paths know Him” (Mishlei 3:6). However, when the alternative activity is to be done as a hobby and simple enjoyment, one should find this enjoyment and entertainment in Torah. “For [Torah] is our life and the length of our days” (from daily prayers). The *pasuk* says: “If Your Torah was not my delight, I would have been lost in my affliction” (Tehillim 119:92). Yes, even delight and entertainment is in the Torah. This gives the energy and the importance that makes Israel a special nation – the nation of Torah.

I want to especially stress here that the study of Torah is not just so that we will be able to properly fulfill the *mitzvot*. Rather it gives the emotional framework, as the Rabbis taught that “Torah brings a person to action” (Kiddushin 40b). What does this mean? The *pasuk* says: “You shall teach them to your children ... so that your days and the days of your children will be increased in the Land that Hashem swore to your forefathers to give them as the days that the heavens are above the land” (Devarim 11:19-21). The stress of the increase in days on the Land tells us that Torah study is a facilitator of success in and connection to the Land. Our merit to deserving the Land is acquired to a great extent by our study and teaching of Torah. The *pasuk* “as the days that the heavens are above the land” can be explained wittily as follows: This refers to spiritual days over the land. The situation of studying Torah turns the physical life into one that accompanies the spiritual side.

Recently one of the writers who consider themselves very smart, stressed: “Our skies are empty; we do not see anything; there is nothing.” He does not notice or realize that if this is the case, he should not be calling people he respects “men of spirit.” Where does the spirit come from if not from the Heaven, if there is nothing spiritual? If only that which you can touch and measure exists, then what is spirit (lit., wind) and where does it come from?

We also see all of the pursuit of honor and of improper use of *protektzia*. We would like to see leaders who set a path to follow, but they are missing the truly spiritual element. They are missing “as the days that the heavens are above the land” because they are missing “You shall teach it to your children.” Torah study is sorely missing!

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P'ninat Mishpat

Regulation of Land Rights in a Settlement Extension – part I

(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*. Pl claims that since SE is not recognized as part of any jurisdiction but general national land, they are not bound by the instructions of def or rc. Also, as no one claims ownership but right of use, *chazaka* (squatter's rights) does not require a claim, and pl deserve it because they developed the land before SE existed (SE is also temporary, until it joins the established settlement.) Def claim that pl's right to live in SE is based on a previous *beit din* ruling, and that ruling requires residents to following SE rules. Also, there is no *chazaka* because there were regular protests about pl's expansions. *Other claim elements will be fielded in future editions.*

Ruling: The approach that pl espouse leads to anarchy, and the State of Israel does not allow this. When, for various reasons, the central government does not set rules for a certain area, it encourages local jurisdictions to assume such roles, and rc maintains such a role in the area of SE, in partnership with def.

The area in question is legally similar to a *reshut harabim* (public property). An individual may not use *reshut harabim* in a manner that is out of step with public norms (see Shulchan Aruch, Orach Chayim 637:3). The closest arbiters of what this entails in settlement expansions is the regional council.

Furthermore, while rc does not have legal authority, it is very pertinent that when pl needed help going back to SE, they turned to rc, which felt a need to pressure def into agreeing. Since this hierarchy brought pl to their present situation, they cannot deny all authority to these bodies.

As those who represent the local residents in practice, def have the status we find in classical halachic sources of *zayin tuvei ha'ir*. *Rishonim* (including Shut Harashba I:729; Mordechai, Bava Batra 480) give them equivalent rights locally to the highest rabbinic authorities. There is no need for the local representation to enjoy a national stamp of approval. This is in line with pbdr. While pl was not a signatory to that arbitration agreement, and thus that ruling is not binding on them, pl signed our *beit din*'s arbitration agreement, and we have no reason not to incorporate pbdr, with which we have no issue.

In summary, then, pl are bound by the authority of rc and def to the extent that the latter serves as a partner to the former.

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