



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Korach, 3 Tamuz 5775

Those Who Argue With Prophecy

Harav Yosef Carmel

The first shrewd person who argued with prophecy and tried to present an alternative was Korach. Korach and his entourage became the symbol for generations of the worst kind of person who is involved in dispute – one who quarrels for selfish reasons. Moshe Rabbeinu saw this event as a watershed case which would determine the direction in which the state of affairs in Bnei Yisrael would flow from the spiritual perspective. That is the reason that Moshe made a demanding request of Hashem to intervene dramatically.

Moshe informed Korach and company: "Through this you will know that Hashem sent me to do all of these things, and it did not come from my heart. If these people will have a normal death ... Hashem did not send me. But if Hashem will create something new and the earth will open its mouth and swallow them and all that is theirs, and they will go down alive to the grave, then you shall know that these people blasphemed Hashem" (Bamidbar 16:28-30). When matters turned out as they did, the Torah indeed records, "They and all that was theirs went down alive to the grave" (ibid. 33; see also how it is described in Tehillim 106:17). This stresses the extent to which Moshe's claim, that the critics were complaining about Hashem rather than Moshe, had great truth.

In the generation of the prophets Yeshaya (who prophesied in the Kingdom of Yehuda) and Amos (in the Kingdom of Yisrael), the phenomenon repeated itself. Men, apparently intellectuals, writers, and musicians, saw themselves as at least on the level of the prophet. They argued with the presentations of the prophet and his conclusions and interpreted current events as they saw fit and as people enjoyed hearing. In warning them of their folly, Yeshaya used the terminology that the Torah used under the parallel circumstances of Korach. "Therefore, the grave opened itself and its mouth opened wide without limit ..." (Yeshaya 5:14).

The linguistic similarity gives us tools to understand the prophet's intention. The use of the same key words as appear in regard to Korach shows to what extent the people of Yeshaya's time were guilty of the same severe sins of denying the legitimacy of the prophet.

Let us pray that we will merit to once again hear the exhortations of the prophets to follow the ways of Hashem in a more complete manner. By following the words of the prophets, we will be true students of Moshe and the prophets who served Hashem nobly.

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Mrs. **Sara Wengrowsky** bat R' Moshe Zev a"h, who passed away on 10 Tamuz, 5774



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by Rav Daniel Mann

Preference of *Davening* in a *Shul*

Question: Is there a preference of *davening* in a *beit kneset* as opposed to a house-*minyán*? Does it matter if the place is not an actual *shul* but consistently hosts a *minyán*?

Answer: The short answer is that there is probably, a small preference.

The *gemara* (Berachot 6a) says: "A person's prayer is heard only in a *beit kneset*, as it says: '... to hear the praise and the prayer' (Melachim I, 8:28) – at the place of the praise, there should be the prayer." The Rambam (Tefilla 8:1) cites this idea with the addition that the prayers will not be "heard at all times" outside of a *beit kneset*. This would seem to be an important reason to *daven* specifically in a *shul*, and indeed the Shulchan Aruch (Orach Chayim 90:9) writes: "A person should try to *daven* in a *beit kneset* with the community." He continues that there is also a preference to *daven* in a *beit kneset* even if he will be *davening* there alone (this is the subject of a *machloket Rishonim* - see Beit Yosef, OC 90).

The question is whether all *davening* out of a *beit kneset* is inferior and to what extent. The Magen Avraham (90:15) cites, as the reason for the Shulchan Aruch's recommendation, the idea of *b'rov am hadrat melech* (roughly, it is preferable to the King when there is a large group). The Pri Megadim (ad loc.) posits that even without the factor of *b'rov am*, a *shul* is always a preference, as he assumes that the preferences of a *minyán* and a *shul* are both called for. This is not a clear conclusion. The Tzelach (Berachot 6a) says that the important thing is having one's *tefilla* heard and that this can be accomplished either by *davening* in a *shul*, even as an individual, or by *davening* with a *minyán*, even out of *shul*.

There is another Talmudic source about *davening* in a *beit kneset*. The *gemara* (Berachot 8a) says that whoever does not *daven* in a community's *shul* is called a bad neighbor and is slated for exile. The Chida (Machazik Beracha 90:4) says that this does not apply if the person *davens* elsewhere with a *minyán* because the Divine Presence dwells wherever a *minyán* is praying. However, he continues to say that in order to receive the full positive impact, it must be in a place that is "set for holiness." The definition of "set for holiness" is not always clear. Public vs. private ownership is not the issue (see Rama 153:7). Whether steps were taken to allow occasional use of the place for meals, especially when limited to *mitzva*-related eating (see complex issue in Shulchan Aruch, OC 151:11; Igrot Moshe OC I:45) is also probably not critical. However, using one's living room for a *minyán* after a regular *shivur* or a daily *Mincha minyan* in a business's board room does not turn these places into *batei kneset*.

While we accepted the preference of *davening* in a *beit kneset* (see Mishna Berura 90:38; Ishei Yisrael 8:2), this is not an absolute requirement. This qualification is important, not only to justify one opting out due to a significant inconvenience, but also because other preferences can potentially outweigh that of *davening* in *shul*. We will mention some such possible cases, while warning that the particulars of a given case can make all the difference. 1. *Davening* in a place where one learns on a regular basis (Shulchan Aruch, OC 90:18). 2. The speed of the *davening* and/or congregants' behavior make one's *davening* noticeably "better" out of the *beit kneset* (Ishei Yisrael 8:10; see Mishna Berura 90:28; Aruch Hashulchan, OC 90:15). 3. One will have to *daven* in the *shul* without a *minyán*, but can make one elsewhere (Mishna Berura *ibid.*).

We are generally strong believers in the importance of community on various grounds. We note that Rav Kook, commenting on Berachot 6a, says that it is important to show that one connects his prayer to the matter of publicizing Hashem's greatness and that this is done most profoundly in the communal setting (Ein Ayah, Berachot 1: 48,49). That being said, sometimes even the most communally oriented people have recourse to *davening* outside a *shul*.



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l)

Indestructible Roots

(condensed from Ein Ayah, Shabbat 2:37)

Gemara: The following is told about that which Shlomo said: "I praise the dead who already died" (Kohelet 4:2). When Israel sinned in the desert, Moshe got up before Hashem and presented several prayers and supplications before Him and was not answered. When he said, "Remember for Avraham, Yitzchak, and Yisrael" (Shemot 32:13), he was immediately answered. Was it not correct what Shlomo said that "I praise the dead who already died"?

Ein Ayah: The foundation of the continuity of Israel rests on the goal of sanctity which emanates through them. A covenant was forged whereby the promotion of that goal would never be totally lost to Israel. Therefore, even the greatest spiritual falls are not enough to destroy the foundation of eternal national life of the people as a whole.

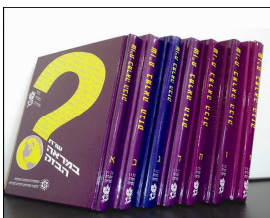
The best way to avoid the collapse of a building is to build it on a strength that is based in the past in a way that is so strong that it cannot be ruined. This makes the building eternal. In terms of our nation, that strength is the merit of the forefathers.

If the special element of Israel was based on their innate characteristics of sanctity, Torah, and fear of heaven, in the present, then, Heaven forbid, that could weaken in times when their deterioration is great. Since Hashem wanted to make us an eternal nation, he built our foundations on the strength of the covenant of the forefathers, as it says "From the tops of cliffs I will see them, and from hills I will view them" (Bamidbar 23:9). This refers to the patriarchs and matriarchs (Midrash Rabba ad loc.). The nation was not built not on a multitude of people, like other nations, because that would by necessity mean that it is based on good people and bad people. Rather our nation was built on foundations of goodness and sanctity of the highest degree (the forefathers), so that that which they left as an inheritance to their offspring can never fully collapse. Even if it falls, it has a basis from which to be rejuvenated. This is a promise that no storm in the world can undo.

The aforementioned stability is possible only when the pillar of strength is from the past. Therefore, the *gemara* applies the *pasuk* "I praise the dead who already died." Hashem does not call His name on the righteous within their lifetime, for throughout the life of any person, including the righteous, he has free choice to go in a positive or a negative direction. Therefore, the most secure promise can only be based on the merit of someone who is dead, whose final level was sealed when he died. This great past serves to protect and raise the nation from the falls in their level that they may experience.

At the great spiritual fall of the Golden Calf, when the nation reached its lowest level, from the perspective of the present, they lost almost all of their spiritual acquisitions. They were unable to stand and, were Heaven forbid, fit to be destroyed. However, their past merit, from the sanctity of their forefathers that was incorporated within them and could not be lost, saved them. That is why Moshe was only answered positively when he mentioned that merit, as anything having to do with status of those who were still alive would have had insufficient value. That is why one can praise the dead when they die, at which point their spiritual legacy is guaranteed. That goes beyond even the spiritually accomplished live person, who is still in the process of working on his moral level. Certainty comes only from the past, and this is what brings strength to the present and the future.

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P'ninat Mishpat

Attempt to Limit the Duration of a Rabbi's Contract

(based on Shut Chatam Sofer, Choshen Mishpat 5)

Case: A community sent a request to the Chatam Sofer to agree with their claim that they could reduce their rabbi's weekly salary of 20 gold coins after three years on the job. Members of the lay leadership had signed on a contract that the rabbi wrote, which stated that the salary was for as long as he remained. However, they claimed that it was orally agreed that it was only for three years and that people signed without being aware of what the rabbi had written.

Ruling: I can find nothing wrong with the obligation as found in the document. An employment agreement into an open-ended future is valid (see Shach, CM 60:11). The claim that the written word is not true to the agreement is unacceptable. The Rashba writes that even if one who obligates himself with his signature can prove that he is not able to read the document he signed, his signature confirms that which is written, as he can be assisted by others as well. In a case where witnesses sign, we apply the rule that witnesses would not sign unless they knew that the one who obligated himself understood what was written in the document. (There is a difference between the two contexts in that when one signs his own contract, even tangential pieces of information are included in his admission, whereas when witnesses sign, it is only regarding the main topic at hand.) Therefore in this case, not only are the community representatives who signed bound by the document, but even those who did not sign can be assumed to have been consulted by those who signed on their behalf.

Another factor is that there is an assumption that the rabbi would not have the gall to write in a publicly signed document something that contradicts the agreement that had just been made. Also, the fact that for three years there were no complaints about the document is a sign that even those who did not sign did not have complaints about what their colleagues had signed. If they never made themselves aware of what was written in the contract, they are responsible for their own negligence.

The above is true for any employment agreement between a community and its employee. Regarding a rabbi, we can apply the Rambam's (Shekalim 4:7) ruling that those holding rabbinical positions are to be supported by the community according to their needs, including those of their wife and children, even if the rabbi does not want to accept the money. It appears that the Rambam is hinting at a case where the rabbi's household grew during his time in office, which might have made him feel it is unfair to raise his salary. Even in that case, the community is responsible to provide for his household as it presently is. Twenty gold coins is a low salary by our time's standards. Thus, even if there were no contract, I cannot understand how the community would think to lower the rabbi's salary beneath that rate, when, if anything, it should be raised. This is all the more true when the rabbi is a great scholar and a humble man, who by all measures is deserving of the community's support. May treating him properly bring good tidings to your community!



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