



פרשת כי תצא  
אלול תשפ"ב

### DOR LEDOR UPDATE

Join us at Dor Ledor this week 7:45-8:30pm for the last week of the Winter Term.

Followed by a **Pizza Melave Malka** to honour all of the boys who came out each Motzai Shabbos to learn Torah.

Motzai Shabbos Ki Savo (Selichos night) we will once again be participating in the grand **Communal Avos Ubanim** learning program, which will be held at Adass Yisroel.

Save the date and stay tuned for details.

### KOLLEL TISHREI MINYAN

After a 2-year absence, we are excited to be back together again for the Yomim Noraim in the Werdiger Hall.

Join us for uplifting Tefillos in a beautiful atmosphere.

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shuir on the Mitzvah of Shemitta on loans and Pruzbul, in Halacha and Avodas Hashem

For more details & location, email [kollel@yeshivahcentre.org](mailto:kollel@yeshivahcentre.org)

### TISHREI SHIURIM

Join us each morning Monday-Thursday for a 25-minute shiur in the Halachos and customs of the Yomim Noraim based on the classic work *Mateh Efraim*. Led by Rabbi Johnson. 10:50-11:15am live in Kollel (men only) or join in from home or work on Zoom.



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## Redeeming our Beautiful Soul

The Shela"h teaches that there is always a connection between the Parsha of the week and the time of year in which it is read. Parshas Ki Seitzei is always read in the month of Elul, the month of spiritual reflection and Teshuvah. Already in the first Mitzvah of the Parsha we find lessons that apply to the service of this month:

Ki Seitzei begins with the perplexing Mitzvah of the Yefas Toar. The Torah prescribes the process by which a man may come to marry a woman that he finds amongst the captives taken in war.

The sages explain that the Torah "addresses the Yetzer Hara", making this allowance so that a man may fulfil his desires in a permissible manner. Why would the Torah proscribe or allow such a thing?

Torah exists on deeper levels than just the literal meaning. The Or Hachaim explains that this Mitzvah has a unique, inner spiritual message, describing the paradigm for the journey of the Baal Teshuva; one who seeks to reclaim the purity of their soul.

#### **When you go out to war against your enemies:**

The war alludes to the battle which we must wage against our inner enemy, the Yetzer Hara, as our sages teach, the mighty one is one who conquers their Yetzer. The Yetzer Hara is our enemy and seeks our downfall, so at all times we must remain vigilant and strong.

#### **And Hashem... will deliver him into your hand:**

The Torah assures us that even though the Yetzer Hara is strong, if we put in our effort, Hashem will assist us and deliver us success.

#### **And you will take captives:**

This refers to taking back those souls and sparks of goodness that were taken by the Yetzer Hara.

#### **And you will see amongst the captives a beautiful woman:**

This refers to the Neshama, which is beautiful and pure. However, when taken captive by the Yetzer Hara, her beauty is lost and sullied by the affects of our sins and misdeeds. Once we have liberated our Neshama from the control of the Yetzer Hara, we will see her beauty and preciousness once again.

**And you will bring her into your house:** Our house represents the body. Our sins, coming from the seductions of the Yetzer Hara, cause the Neshama to withdraw from the body, leaving a void that is filled with negativity. In redeeming our soul, we bring her back into our house, that the Neshama should be the driving force and will within our body.

#### **And she shall shave her hair and pare her nails:**

The Neshama's enslavement in the sins of the Yetzer Hara leaves her defiled and tainted. This is represented by the Kelipah of the hair and nails which need to be removed and corrected. The Alter Rebbe explains that the hair - growing from the head - represents the Kelipah associated with the intellect. The nails extending from the hands, represent the corruption of the emotions of love and fear, represented by the right and left hand respectively).

#### **And she shall remove the clothes of her captivity:**

These are the garment created through sin. In Tanya, the Alter Rebbe explains that these are the soiled garments of forbidden thoughts, speech and deeds. They must be stripped from the Neshama.

#### **And she shall sit in your house:**

The house of a Jew is the Beis Midrash. It is not enough to redeem our soul and remove the garments of sin. We need to strengthen the Neshama through studying Torah.

#### **And she shall cry for her mother and father:**

The Father of the soul is Hashem and her mother is the collective body of the Jewish people. Through our sins, the Neshama became distanced and disconnected from her Father and mother and must mourn for this separation with tears of Teshuvah.

#### **For a month of days:**

This is the month of Elul, a month which is designated for and conducive to the Avodah of Teshuvah.

#### **And then you may come to her and unite with her:**

Through this process of Teshuvah, we acquire our soul back and can once again benefit from her light and beauty.

With Hashem's help, may we be victorious in our battle and Avodah of Teshuvah and merit a Kesiva Vechasima Tovah, Leshana Tovah Umesukah.

# The weekly Halacha analysis

## Planting trees next to a Shule 2

### Rabbi Yonason Johnson

In last week's edition we quoted the ruling of Rabbi Eiger, based on Rabbi Dovid Armaah's ruling that (Rabbinically) the Torah's prohibition of planting a tree in the courtyard of the Beis Hamikdash (לֹא תִטֵּעַ) also applies to planting trees in the courtyard of a Shule.

We analysed the view of the Poskim who adopted this ruling of Rabbi Akiva Eiger and their rationale.

#### The lenient authorities

One of the noted Poskim who rejected the ruling of Rabbi Akiva Eiger was the famed Maharsham<sup>1</sup>.

One of the main arguments that he raises against the application against applying לֹא תִטֵּעַ to a Shule is that the prohibition in the Beis Hamikdash applied not only to planting trees, but also to building wooden structures (as discussed above). Even a structure that was up for 2 days would be considered Kavua and violate this law<sup>2</sup>.

If we compare the Shule to the Beis Hamikdash for the prohibition of planting trees, we would also have to forbid building Shules out of wood or furniture such as the Aron Kodesh, Bimah and seating out of wood.

Yet many Shules were historically built out of wood and it is widespread practise throughout the Jewish world to use wood for seating and for structures such as the Aron Kodesh or Bimah<sup>3</sup> and no one has ever questioned it. This must be because we do not compare a Shule to the Beis Hamikdash in relation to לֹא תִטֵּעַ.

In truth, Rabbi Dovid Armaah himself addressed this question. He explains that the Biblical prohibition in the Beis Hmikdash only applied to planting. Building a wooden structure in the Beis Hamikdash is only a Rabbinic prohibition. Therefore, when extending the prohibition of לֹא תִטֵּעַ to a Shule, the sages applied the prohibition of planting trees, but did not extend it to building wooden structure.

In his Teshuva, the Maharsham shares the following Teshuvah from Rabbi Yosef of Trani<sup>4</sup>. The Shule burned down in a particular community. Lacking the funds to rebuild it, they planted a garden and fruit trees next to the courtyard of the Shule and put up a bench where people could gather and eat on Shabbos "as we find next to other Shules".

The discussion on the Teshuvah only revolves around whether it was appropriate to socialise

and drink in. There is no mention of any issue of לֹא תִטֵּעַ and it highlights that having trees next to a Shule was commonplace. This Teshuvah is quoted in the Magen Avraham<sup>5</sup>, who also writes that it was commonplace to plant gardens next a Shule<sup>6</sup>.

Another argument is that according to the Rambam, one would be allowed to plant trees on Har Habayis. Only the Azarah is forbidden. Har Habayis certainly has greater sanctity than our Shules and certainly their courtyards. So our Shules should not be treated more stringently than the Har Habayis<sup>7</sup>.

Another one of the Rabbis who rules leniently is Rabbi Yaakov Ettlinger, author of Aruch Laner<sup>8</sup>. The case at hand was a Shule that purchased a garden next to the courtyard of the Shule to enlarge it. In the garden was a nut tree which they wanted to remove. The question related to the Torah prohibition of cutting down a fruit tree.

Rabbi Ettlinger responded that even though one may not cut down a fruit tree, it may be done for the sake of a Mitzvah. However, he writes that there is no Mitzvah in this case. He asserts that the Shule should not be stricter than Har Habayis where even according to those who forbid planting trees on Har Habayis, would allow trees to be planted outside of the gates. Further, prohibition does not apply to trees that were pre-existing.

After asserting that no prohibition applies to a Shule, he writes that if we were to adopt this as a stringency, it would result in a certain Biblical prohibition by cutting down fruit-bearing trees where there is no real Mitzvah to remove them. He did not permit the tree to be cut down even by a non-Jew.

The Netziv<sup>9</sup> also writes that we do not compare the Shule to a the Beis Hamikdash in all regards.

#### Conclusion

When designing or building a new Shule, it would be preferable to not plant trees next to the Shule in deference to the stricter authority.

One would not need to protest against those Shules who do have trees planted outside relying on the lenient approach and it would not be necessary to cut them down once planted already, especially if they are fruit or nut-bearing trees.

Even when adopting the stricter opinion, it would only apply to the courtyard of the Shule, but not in the street or a garden that adjoins the courtyard. If a Shule sits on a large campus (such as the

Yeshivah), one would only have to be careful in close-enough proximity to the Shule that it would look like the tree was planted to be a decoration for the Shule<sup>10</sup>.

The Poskim also write that any prohibition only relates to trees that are tall enough to provide shade or protection. It would not include flowers, bushes or hedges<sup>11</sup>.

Even according to the lenient opinions, this would only apply to the courtyard of the Shule. In the Shule may be more similar to the courtyard of the Beis Hamikdash and have more basis to be strict<sup>12</sup>.

This discussion only relates to the prohibition of לֹא תִטֵּעַ. If non-Jews were to plant trees next to their places of worship nowadays as a customary practice, all opinions agree that we would be forbidden to copy them based on a different Mitzvah of בְּחֻקֹתֵיהֶם לֹא תִלְכוּ, not to emulate the practices of the nations<sup>13</sup>.

Whilst there is debate in relation to trees on whether we compare our Shules to the Beis Hamikdash, in other areas there is absolute consensus that we do treat our Shules like we would the Beis Hamikdash. One of these is the awe and respect<sup>14</sup> that we must demonstrate for our Shules. This governs our behaviour in Shule and includes the avoidance of idle chatter.

Through respecting the Mikdash Me'at, may we merit the return of the Mikdash Gadol – the Beis Hamikdash Hashlishi in Yerushalaim with the coming of Moshiach.

1. Orach Chaim Siman 5
2. Based on the Yerushalmi that the reason Hakhel is delayed when it occurs on Shabbos is for the Bimah to be constructed. It could not be built before Yomtov because then it would remain in the Azarah for 2 days.
3. The Gemara discusses the wooden Bimah in the great Shule of Alexandria
4. Maharit Sheniyyos YD Siman 4
5. Beginning of Siman 154
6. The stricter authorities would argue that the garden adjacent to the Shule courtyard has a different status and the prohibition remains applicable in the courtyard itself
7. In last week's edition we presented an answer to this challenge
8. Binyan Tzion Siman 9
9. Meishiv Davar Siman 14
10. Har Tziv OC Siman 74
11. Shu"t Kinyan Torah 4:14
12. See Keren Ledovid OC Siman 9
13. See Maharsham Siman 5, Keren Ledovid OC Siman 9
14. The Yere'im (Eliezer of Mitz) Mitzvah 409 writes that the awe of a Shule is a Biblical requirement and disrespectful behaviour would be a Biblical violation!