



פרשת שופטים
אלול תשפ"ב

SHABBOS SHIUR

All men and women are invited to join us for this week's feature shiur between Mincha and Maariv on Shabbos afternoon in the Yeshivah Shule.

This week's shiur will be given by Rabbi Johnson on the topic:

Hakhel without a king?

The role of the Melech at Hakhel

Also see our new Hakhel feature page for Hakhel-related Shiurim, programs and publications.

www.kollelmenachem.com.au/hakhel

DOR LEDOR UPDATE

Dor Ledor learning is on this week on Motzai Shabbos, 7:45-8:30pm in the ORZ Mezzanine.

Join us next week - Parshas Ki Seitzei, for a **Pizza Melave Malka** following Dor Ledor learning, to mark the end of the Winter term.

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.

www.trybooking.com/CCCI

A collection of Torah thoughts produced by Kollel Menachem

אין בית המדרש בלא **חידוש** Chiddush



In this Edition

Picking up a fallen Mishkan **P.1**

Planting trees next to a Shule **P.2**

Lessons in Leadership

In two of his teachings on this week's Parsha, the **Tiferes Shlomo** explores the important qualities that a true Jewish leader needs to have;

שפטים ושטרים תתן להם בכול שערך אשר יהי אל-היה נתן להם לשבטיו ושפטו את העם משפט צדק:

You shall place for yourself judges and policemen in all of your gates... and they shall judge the people righteous judgements.

In Pirkei Avos, our sages teach **וְהָיוּ דָן אֶת כָּל הָאָדָם לְכַף זְכוּת**. Even when we see someone who has acted wrongly or appears sinful and lowly, the Torah requires us to judge them favourably; giving them the benefit of the doubt and judging them in a positive light.

It was this quality that Shlomo Hamelech asked Hashem to endow him with at the beginning of his reign. Shlomo asked *"Grant, Your servant an understanding heart to judge Your people..."* He asked for the love, empathy and compassion to judge the Jewish people with understanding; to be able to see their goodness and judge them favourably.

Whilst required of all people, this trait is absolutely vital for a leader to possess and is the path of the Tzaddikim and true leaders of the Jewish people.

In relation to themselves, Tzaddikim are self-critical. With humility, they see themselves as lowly and undeserving. They constantly evaluate their deeds and chastise their shortcomings, living as though under the scrutiny of judges and policemen.

But this critical eye is reserved only for evaluating themselves. When judging others, they are filled with love and see only the good.

This is alluded to in the teaching of Hillel; *"That which is hateful to you, do not do to others"*. Even though the Tzaddikim despise themselves, that which they despise themselves with self-criticism, they do not place on others, by judging them in the same way.

This is the inner message of the opening verse of the Parsha.

The judges and policemen of criticism and judgement, you shall place *"for yourself"*. But when you judge the people, it should be a judgement of righteousness, to find the righteousness within them.

שום תשים עליך מלך אשר יבחר ה' אל-היה בו מקרב אחיך תשים עליך מלך לא תוכל לתת עליך איש נכרי אשר לא אחיך הוא:

You shall place a king over yourself... You shall set a king over yourself from amongst your brothers; you must not set a foreigner over you, one who is not your brother.

When stressing that the king must be from amongst our brothers and not a foreigner, the Torah is not merely coming to exclude a non-Jew as this would be obvious. The verse is sharing a deeper message about a quality a king needs to have.

A true Jewish leader is one who deeply loves his people and would be willing to sacrifice himself for them and for their benefit.

Moshe, the greatest Jewish leader to have lived, merited his greatness because he was deeply concerned for the honour of the Jewish people. In his first act of leadership, the Torah says **וַיֵּצֵא מֹשֶׁה וַיֵּצֵא אֶל-אֶחָיו וַיֹּאמֶר אֲלֵיהֶם**, *"and Moshe grew up and went out to his brothers"*. Tiferes Shlomo explains that this verse hints that Moshe became great because he saw and loved each Jew as a brother.

This is the inner meaning of appointing a king from among your brothers **מִקְרֹב אֶחָיִךְ**. The word **מִקְרֹב**, is related to the word to sacrifice. A king should be someone who loves each Jewish person as his very own brother. And he should be someone who is willing to sacrifice himself on their behalf.

But you should not appoint *"one who is a foreigner and is not your brother"*. Someone who lacks this quality and to whom you are like a foreigner in their eyes and not a brother, is not the ideally suited candidate to serve as king.

This is the meaning later in the Parsha when Moshe says **וַיִּבְרָא מִקְרֹבָהּ מֵאַחֶיךָ כְּמִנִּי יִקְרָא לְךָ ה' אֵל-הַיְיָ**, *"Hashem will raise for you a prophet like myself"* This cannot refer to their level of prophesy, because the Torah attests that no prophet will be as great as Moshe in prophesy.

Rather it means that the future prophets will embody the trait of Moshe to love each Jew deeply like a brother and be willing to sacrifice himself for them.

A king who leads in this manner is assured *"that he and his descendants will have a long reign amongst Yisroel."*

The weekly Halacha analysis

Planting trees next to a Shule

Rabbi Yonason Johnson

One of the Mitzvos in Parshas Shoftim is לֹא־תִטֵּעַ לְךָ אֲשֶׁרָה כְּלַעֲץ אֶצְלֵךְ מִזְבַּח ה' אֱלֹהֶיךָ - "You shall not plant an Asherah, any tree, beside the altar of Hashem your G-d that you make"¹.

We are forbidden from planting any tree in the Beis Hamikdash or near the Mizbeach. The prohibition applies anywhere in the Azarah² and applies to all types of trees, whether they are fruit-bearing or not³. According to Rashi and Ramban, the prohibition applies to entire Har Habayis⁴.

In Sefer Hamitzvos⁵, the Rambam explains that the reason for this Mitzvah is to distance us from Avodah Zarah and its practices. Idolaters would beautify their houses of idol worship by planting trees. These trees also directed people to where to gather⁶. Asherah was a tree that was worshipped and placed next to places of worship by the Canaanites in Biblical times.

From the additional phrase כָּל עֵץ "any tree", the sages derive that even building wooden structures, such as a portico, is forbidden in the Beis Hamikdash. There is a debate between the Rishonim whether this extension of the prohibition is also Biblical or is only a Rabbinic law.

In almost all classic Halachic literature; the Talmud, Rambam and the Halachic codes including the Shulchan Aruch, there is no suggestion that this prohibition may also apply to planting trees next to a Shule.

However, in a gloss on the Shulchan Aruch⁷, Rabbi Akiva Eiger writes in the name of the commentary of Rabbi Dovid Armaah on the Rambam, that it as a Rabbinic extension of this Mitzvah, it is forbidden to plant trees in the courtyard of a Shule as well. This is the only early source that applies the prohibition to a Shule.

This ruling is discussed and debated by the later Poskim, some dismissing it and others accepting it.

The Micro-Sanctuary

Underpinning this extension is the association of a Shule to the Beis Hamikdash. The Novi Yechezkel⁸ refers to a concept of a Mikdash Me'at – a micro-sanctuary. The sages⁹ explain that this refers to Shules and Batei Midrash.

From this comparison, we derive that many Halachos from the Beis Hamikdash apply to a Shule as well¹⁰, such as; the requirement that

the Shule be built as the tallest structure in the town¹¹, that one may not destroy or even remove stones from a Shule¹², one may not use a Shule as a shortcut¹³ and that one may not use funds from harlot's fee in the building of a Shule¹⁴.

The question is how far do we take this association and in relation to which laws.

The Maharam Shik

One of the great Poskim who accepted and strengthened this prohibition was the Maharam Shik, who has two Teshuvos on this topic¹⁵.

In the first Teshuvah dated 1873, Maharam Shik¹⁶ was asked about planting trees next to a Shule for beauty and to provide shade and shelter from the elements.

He writes that based on the rationale of the Mitzvah as described by the Rambam and Ramban, that it is to avoid emulating the idolaters who planted trees next to their houses of worship, the same logic would apply to a Shule.

He gives a further, pragmatic reason to not plant trees next to a Shule as they will result in people hanging-out outside and not coming into Shule at the time of Davening (Kiddush club?) or Shiurim. There is also the concern that it may lead to mingling of men and women.

In a second Teshuvah on the topic, he responds to a Rabbi of a community where they had planted trees next to the Shule without his knowledge. The Rabbi asked the Maharam Shik whether he should arrange to cut them down.

The questioner references a similar incident in Serdehali where trees were planted in the courtyard of the Shule and that the G-d-fearing scholars sent people at night to uproot them.

Maharam Shik asserts that even though the prohibition seems to be on the planting, where they were planted in a forbidden manner, it would also be forbidden to leave them up as well. We find a similar case in the laws of Kilayim or grafted trees. Whilst the prohibition is on the act of planting or grafting seeds, it is forbidden to be Mekayem (keep) the growth as well.

Certainly, in this case, based on the rationale of the Mitzvah, the prohibition is related not just to planting, but to having the trees up. Therefore, one must uproot the trees so as to minimise the prohibition.

Even though the Rambam permits planting of trees on Har Habayis, the Shule (which has less

Kedusha than the Har Habayis) is considered like being "next to the Mizbeach" because (unlike Har Habayis) it is the place of prayer - which was instituted to replace the Korbanos.

He concludes that based on these reasons, they should uproot the trees and that the community will certainly agree to fulfil this Mitzvah and will be blessed as a result.

In next week's edition we will explore the Teshuvos of the Poskim who do not apply the Issur of לֹא־תִטֵּעַ to a Shule.

One of the arguments raised is that the prohibition in the Beis Hamikdash applied not only to planting trees, but also to building wooden structures (as discussed above). 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 of wood and it is widespread practise throughout the Jewish world to make seating and structures such as the Aron Kodesh or Bimah¹⁷ out of wood, and no one has ever questioned it.

In truth, Rabbi Dovid Armaah himself addressed this question. He explains that the Biblical prohibition in the Beis Hmikdash only applied to planting. Building wooden structures in the Beis Hamikdash was 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.

1. Devarim 16:21
2. According to the Raavad it is only applicable in the Ezras Kohanim which was where the Mizbeach was situated
3. Rambam Hilchos Avodah Zarah 6:9, Sefer Hachinuch Mitzvah 414
4. This is also the opinion the Yere'im
5. Sefer Hamitzvos negative Mitzvah 13
6. Rambam Hilchos Avodah Zarah 6:9
7. Orach Chaim Siman 106:1
8. 11:15
9. Megillah 29a
10. See Beis Yosef end of Siman 151. See Maharik Shoresch 161
11. Shulchan Aruch OC
12. Shulchan Aruch YD 252
13. Megillah 3:3, Shulchan Aruch 151:5
14. Shulchan Aruch OC 153:21. The Levush does not bring this ruling – see Elya Rababah
15. OC 78 and 79
16. Siman 78
17. The Gemara discusses the wooden Bimah in the great Shule of Alexandria

To be continued