

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY

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Shiur #03: *Beit Kneset* and *Mikdash*

Distinctive laws govern the treatment of, and experience in, a *Beit Kneset* (shul). This shiur will explore the sources for these halakhot and their applications.

When listing the punishments for betraying the will of Hashem, the Torah writes (*Vayikra* 26:31) 'I will destroy your *Mikdashim* (holy places),' implying that multiple structures will be affected. Presuming this statement to be a reference to multiple TYPES of buildings rather than just multiple Temples, the Sifra comments that our *Batei Kneset* and *Batei Midrash* will also be destroyed as punishment. This Sifra clearly establishes the identity of a *Beit Kneset* as a type of *Mikdash*. This association is also drawn by the gemara's comment in *Megilla* (29a) upon a *pasuk* in *Yechezkel* (11:16) where Hashem promises to be [or provide] a miniature *Mikdash* during the period of *galut* (exile). The gemara interprets this *pasuk* as a reference to the presence of *Batei Kneset* in *galut*. These two sources clearly confirm the status of a shul as an extension of the *Mikdash* model. Of course neither of these *pesukim* dictate halakhic parameters of a shul and these sources may easily be dismissed as *pesukei asmakhta* which describe a GENERAL spirit or attitude, and not a definable halakhic reality.

Halakhic Nature

However, there is a gemara (*Shabbat* 12a) which may stretch the aforementioned sources in a halakhic direction. The gemara warns that any

town whose residences tower above the height of the *Beit Kneset* will ultimately be destroyed. In defending the superior height allocation for a shul the gemara cites a *pasuk* in Ezra (9:9) in which Ezra suggests "raising the [*Mikdash*] of Hashem." By applying this *pasuk* – which discusses the *Mikdash* itself - to the situation of a shul, the gemara in *Shabbat* appears to be applying the halakhic status of *Mikdash* to a shul. This latent *Mikdash* status determines that the shul must be the highest building in a city.

It is nevertheless important to note that the gemara spoke in a judgmental tone. It did not LEGISLATE against residences taller than a shul; it merely COMMENTED that cities which do not display this sensitivity are doomed. The Tosefta in *Megilla* (chapter 3) DOES articulate a legislation against raising the height of residences above a shul but does not cite the *Mikdash*-based *pasuk* of Ezra that the gemara in *Shabbat* cites. The Rambam however, in *Hilkhot Tefilla* (Chapter 11), cites the legislation against buildings higher than a shul and does, in fact, cite the *pasuk* in Ezra - suggesting that he believes a shul possesses a latent *Mikdash* identity which determines actual halakhic restrictions.

Several others agreed with the Rambam's position. Most notably, the Yereim (Mitzva #409) and the Semak (in his own listing of the mitzvot), assert that the mitzva to treat the *Mikdash* with awe includes the treatment of a *Beit Kneset* with similar awe. According to these positions, violating decorum in a *Beit Kneset* would constitute a biblical prohibition!

Halakhic Scope

An interesting comment by the Mordechai in *Megilla* extends the *Mikdash* comparison in defining the scope of the *kedusha* (holiness) of a shul: Do the *kedusha* and the accompanying *issurim* (prohibitions) extend to the lofts and roofs of a shul? [This question had particular relevance in communities which hosted guests in the lofts of the local shul.] The Mordechai claims that just as the roofs and lofts of the *heichal* (the central hall of the *Mikdash*) possessed *kedusha*, similarly, lofts of shuls are included within the scope of *kedusha*. This also reflects his acknowledging the identity of *Mikdash* within a shul.

Regarding the *minhag* of lighting candles in a shul, the Kol Bo (chapter 17) comments that this practice is meant to evoke the spirit of *Mikdash* in which the menorah was lit. Although most non-Chassidic shuls do not adhere to this *minhag*, halakha DOES demand candle lighting in a *Beit Kneset* on Chanukah – with a *berakha*. Rav Soloveitchik zt"l suggested that this Chanukah lighting was designed to capture the symbolism of the *menorah* of the *Mikdash*, by lighting in a shul which encapsulates the spirit of the *Mikdash*. As such, it is the only mitzva which is REPEATED in shul!

Perhaps the most graphic application of this theory, can be traced to the Rambam himself. Based upon a Sifri, many rule that dislodging a stone from the *Mikdash* or otherwise damaging *Mikdash* property is Biblically forbidden (based upon a loose interpretation of the verse "*Lo ta'asun kein la-Hashem Elokecha*" which demands we do not vandalize *Mikdash* property in the same manner that we are commanded to destroy pagan items). Accordingly, the Rambam (in his abbreviated list of *mitzvot* negative commandment #65) claims that a person who vandalizes a shul by dismantling or removing stones has violated the Biblical prohibition of "*Lo ta'asun kein*"!

It is interesting to analyze this position of the Rambam in light of his famous decision that *tefilla* is a Biblical commandment. Based upon a gemara in *Ta'anit*, the Rambam claimed that the basic notion of prayer is *de-oraita*. Perhaps this same logic dictated a view which attributes quasi-*Mikdash* quality to a shul.