

The Holy Temple's Roof-Fence

Introduction: This week's Torah portion commands us (-22:8), "When you build a new house, you shall make a guard rail for your roof, so that you shall not cause blood [to be spilled] in your house, that the one who falls should fall from it [the roof]." Our sages extrapolate (-Chulin 136a) from verse, "'Your roof'... to exclude the roof of a synagogue and of a study-hall." The Talmud also states (-ibid), that from the verse, we should also extrapolate, "'Your (singular) roof'... yours yes, but of a partnership not, therefore the Merciful One writes, 'If any man falls from there...,'" meaning, in the language of Maimonides (-The Laws of Murderers and the Protection of Life 11:2), "The verse did not hang the obligation (on the owners), but upon (the fact) that one may fall." Hence, even though the sages are learning this from the verse, nevertheless, we need to understand the 'reason' behind the different extrapolations.

Concerning the *Holy Temple*, the *Sifri*¹ on the verse states², "(from the word in the verse) 'House' to include the *heichel* (building structure of the Holy Temple)." The obvious question asked, is why are synagogues and study-halls exempt from this commandment, while the Holy Temple (according to this opinion) is yes obligated? This is the exploration of the Rebbe's *sicha* ("Talk" in Likkutei Sichos, Vol 24, Teitze 2).

The *Rogetchover Genius*, Rabbi Yoseph Rosen (-[Link](#)) offers the following reasoning: The *Sifrei* writes, "'A new house,' Rabbi says: From the time of its 'newness' (i.e., even before it is inhabited), make a railing for it." This then is the difference between the *Holy Temple* and Synagogues/Study-Halls. Being that (-Meilah 14a), "We build (the Holy Temple) with non-sacred materials, and afterward consecrates (those materials upon completion of the work). Therefore, at the time of building the Holy Temple ("newness") it was "non-sacred" and obligated to have the roof-fence. Not so, the synagogues/study-halls, which from the onset is build to be a synagogue/study hall.

However, on this there are questions:

- The reason behind the synagogue/study-hall has nothing to do with its being "holy" or "mundane", but with it not being, "Your roof." So too, the *Holy Temple* is not of, "Your roof"?
- A house that is obligated with a roof-fence, is the house is later converted into a building that is not obligated, the obligation is then removed. So too, even if originally the *Holy Temple* was obligated to have the roof-fence, nevertheless, once it was consecrated, the obligation should have been removed?

Rashi explains the reason behind synagogues/study-halls being exempt from the roof-fence is because the, "Your roof's" not applying here is because, "No one (of the local community) has a portion in it, for it belongs also to the Jew from overseas (who has a right to enter and to stay there)." Hence, there is no specific 'owner' to obligate with the commandment to build a roof-fence. And with this Rashi defines that a building that belongs to partners does have who to obligate, and the fact that it isn't, "Your -singular," isn't an issue, being that, "the Merciful One writes, 'If any man falls from there...,'" "The verse did not hang the obligation (on the owners), but upon (the fact) that one may fall." However, according to this reasoning of obligating partners -even though plural, being that, "the Merciful One writes, 'If any man falls from there...,'" the synagogue/study-hall should hence be obligated, as well?! Hence, Rashi's explanation that being that the obligation must have an 'owner' to fall upon, and the synagogue/study-hall does not have any owner at all³, being that, "it belongs also to the Jew from overseas." While the *partners' building* (albeit it isn't, "Your -singular," nevertheless, it) has 'owners' upon who to obligate the commandment upon.

With this, we can understand why the *Holy Temple* is obligated to have a roof-fence. In the *Holy Temple* everyone has a portion, as that of a partnership with all the rest of Israel: (a) King David bought the place of the *Holy Temple* from Arona HaYevusi with the monies of all the Tribes of Israel. (b) The *Holy Temple* itself was built by the donations of all of Israel, just like Moses did with the *Tabernacle* in the desert. (c) And even though, such donations had to be given in the specific fashion of (-Rosh Hashanah 7b), "He will transfer them over to the public without reservation," nevertheless, this does not negate the donator still having his own individual portion in it, as we find (-Rashi, Numbers 16:15) concerning Moses' prayer concerning Korach's individual portion in the Communal (of the entire nation) Offerings, "I know that they have a portion in the daily communal offerings. Let their portions not be accepted favorably before You. Let the fire leave it and not consume it." Hence, by the *Holy Temple* (by a 'fortiori argument' (-[Link](#)) from the communal offering) every Jew has an ownership of their portion as that of a partnership, and therefore, all of Israel, as 'owners' (albeit not, "Yours -singular", as explained concerning partners) have the obligation of building a roof-fence for the *Holy Temple*!

However, the question begs to be asked, the obligation of a roof-fence is only upon a *dwelling-place*, and the *Holy Temple* is not a *dwelling place*?!

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- Other sages disagree, and are of the opinion that the roof fence of the *Holy Temple* was not for this obligatory commandment, but for niceness dictated by the verses. A proof they use is that for this commandment, the fence would not have had to be taller than 10 *Tefachim*, which it was.
- Other delete this from the *Sifri*, as an error. However, (a) others accept this as what the *Sifri* truly has stated, and (b) it was found in the manuscripts of the *Sifri*.
- Even though concerning other laws (such as needing a mezuzah -if it has a room for living in) it does have owners, nevertheless, concerning the other laws, 'ownership' applies only to the ownership of the 'body' of the building, while for the commandment of a roof-fence, but also the 'ownership' of it being 'dwelling,' which the 'locals' do not exclusively have, being that, "it belongs also to the Jew from overseas," as in the words of the *Rogochover* (-Tzafnas Paneach, MHD" T 87a), "Concerning the roof-fence... Depends upon the dwelling, and the dwelling of a Synagogue belongs to all (overseas Jews as well)."
- For the Jewish people. However, it is G-d's permanent *dwelling* house, and, "G-d keeps the commandments that He commands us," hence, we may say that we build the roof-fence on behalf of G-d's obligation!

However, we find by the laws of a Sukkah, that the definition of (-Sukkah 28b), "(-Leviticus 23:42) 'In sukkot shall you reside,' ('reside' in the Sukkah) as you dwell (in your permanent home)," is (-Alter Rebbe's Shulchan Oruch 639:12), "... Eating which is the primary mitzvah of residing in the Sukkah." Therefore, the Holy Temple is called a, "Dwelling," for it is the permanent place ^{5,6} for the mitzva of eating of consecrated foods.

Mystically Speaking: Let us understand the difference being the Holy Temple's obligation of the roof-fence, and the synagogue's/study-hall's exemption thereof on the mystical level, by understanding the commandment of building a roof-fence as it manifests itself in man's spiritual service to G-d.

"You shall make a guard rail for your roof... lest the one who falls should fall from it [the roof]": "Your roof," represents arrogance and ego⁷, and, "You shall make a guard rail for your roof," means that it is necessary to curb the ego, for, "lest the one who falls should fall from it," being that ego is the root⁸ of all spiritual fallings.

Now, one would think that this concern of ego causing one to fall only applies to matters of a, "House of Mundane." However, this would not apply to ego within holy service, the "Holy Temple," for, within holy service there is to be (-Chronicles II 17:6), "And his heart was uplifted in the ways of G-d," and as our sages teach (-Sotah 5a), "A scholar needs to have within him an eighth of an eighth (of ego in order to protect the honor of the Torah he represents), and therefore does not need a roof-hence in this realm of holy service. Therefore, we have the ruling and guidance the Holy Temple is obligated to have a roof-fence, upon the Heichel , including the Holy of Holies ! For even when one is within the heights of spirituality, one is obligated to be careful and to be restrained within self-negation. And rather, specifically (-Chagigah 20 b, Mishna), "Vessels that were (fashioned and) completed in purity, require immersion for kodesh (that which is consecrated)!" The Hebrew word for immersion is Tevilah -טבילה, which are the letters of Bittul ⁹-ביטול; Self-nullification , meaning that specifically when one reaches the, "completed in purity," he needs then be scrupulous of bittul , self-negation¹⁰ for it to be of, "kodesh (that which is consecrated)."

Additionally, the roof-fence is not for the owner himself , but rather, to protect the other of falling from " your roof." One must make sure that the other not spiritual fall from " Your arrogance and ego." Meaning, that when one is occupied with disseminating Judaism, and with bringing a Jew closer to their Father in Heaven --Which is part of the obligation¹¹ of, "When you build a new house," not to suffice only with your own spiritual service, but to also " Build " a house for G-d, a complete house, including its environment being saturated with Judaism, but with this, he is having an ego, which not only does this harm himself , but with this he will cause a spiritual falling by the one he is influencing. For his own self-interest and ego will get in the way of his having, " words that come from the heart," which will then interfere with the, " enter the heart," of the other, and instead will distance the other from receiving his words! Even deeper than this, the verse calls the other person, " that the one who falls should fall from it," already calling him, " one who [is fit] to fall," meaning that it is of the other's doing that he will end up falling, more so, the precise terminology of the verse refers to the other as one who has already fallen! Why then, is it the house owner's, the " influencer ", responsibility?! Nevertheless, we tell the " home owner," that he must make sure that he is not one of (-Shabbat 32a), " Nevertheless, (the owner of the house is indicted for this, as) merit is engendered by means of the innocent and guilt by means of the guilty."

Comes the question, "If so --that I will carry responsibility for the falling of the fallen, if I can't build a fence-roof to guard the other from my ego, why get involved with this at all?!" Thus, the verse tells us, "Ki (also meaning, "That,")... (you will build a new house) a definitive statement of blessing that we will build a new house, being that every person has his portion in the world that he is obligated to refine and to build " anew ", transforming it into a, " Dwelling place for G-d, blessed be He." So too, concerning Divine Providence bringing him to connect with this other person, this other person now becomes part of, " his portion of the world " to, " bring closer to his Father in Heaven," even if the other is already so far as being called, " fallen." And, one cannot allow the other to lose out because of one's own struggle with ego. --As Rabbi Dovber of Lubavitch told one who was concerned with the ego he is getting from teaching chassidus, " An onion (which eating, causes a 'repelling odor [ego]') you should become, nevertheless, chassidus you should repeat!"

This then is the difference between the synagogue/study-hall, which is about prayer and study, personal growth , which is exempt from the roof-fence, and the Holy Temple , which is about transforming the other , the physical world (hence, the service of physical (animal, flour, oil, etc..) offerings, and its windows being, " Narrow [within] and broad [without]... (The light of the Temple is to be radiated outward)") for which the Holy Temple is thus obligated to have a roof-fence.

5. Even though the eating would take place in the Courtyard , and not in the Heichel (upon which was the roof of the Holy Temple), nevertheless, (a) the law allowed for eating the consecrated foods in the Heichel , and (b) More than this, in a " time of need " (i.e. if there was no space in the Courtyard) they were obligated to eat it inside the Heichel . Now, even though a scholar in a " time of need " is permitted to eat in a synagogue/study-hall, however, there the reason is because his eating, drinking and sleeping there are, " in the fashion of temporary," and hence, does not deem the synagogue/study-hall as a, " Dwelling." While, in the Holy Temple , the mitzva establishes it as permanent and of importance, and especially when the Kohain's being given to eat of the consecrated foods were (-Numbers 18:8), " For distinction (Rashi:) For greatness."
6. However, the Heichel is still exempt from a mezuzah, because (a) it is Holy , and (b) even according to the Chassam Sofer, who states that the mezuzah depends only on it being the dwelling place (of a person), nevertheless, there is a difference between the " Dwelling " obligating a mezuzah, and the " Dwelling " obligating a roof-fence, which is all about protecting one from, " one who falls should fall." And this is why we need a special extrapolation from the verse, " House to include the Heichel," for without it we would not have considered the Holy Temple a " Dwelling," even though there is the mitzva for the Kohanim to eat the consecrated foods there.
7. To note (-Shabbat 11a): " And Rava bar Menasseya said that Rav Chama bar Gurya said that Rav said: 'Any city whose roofs are higher than the synagogue will ultimately be destroyed.'"
8. All man's bat attributes stem from the feeling of self and ego. See maamorim d"n Reishis Goyim Amalek .
9. Only that we use the technique of changing the letter hei of Tevilah for the letter vov in Bittul .
10. See Torah Ohr (-120a), that the " eighth of an eighth " is only at the onset of his service, however, after that, the scholar must have total self-nullification.
11. Including the literal sense of inviting guest, as our sages teach (-Ethics 1:4), " Let your home be a meeting place for the wise."