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נחמו נחמו עמי

Yearning for the Beis HaMikdash

- Moshe Rabbeinu.** We find that Moshe Rabbeinu davened 515 tefillos – the gematria of ואתחנן – to be zocheh to enter Eretz Yisroel, as Eretz Yisroel is holier than all other lands (כלים פ"א מ"ו). (רמב"ם בית הבחירה פ"ז הי"ב אעברה, " (פ' ואתחנן ג', כ"ה). The posuk says (כ"ה) "נא ואראה את הארץ הטובה אשר בעבר הירדן ההר הטוב הזה והלבנון"; Rashi explains that "ההר הטוב" refers to Yerushalayim, while הלבנון refers to the Beis HaMikdash. I.e., Moshe had a great desire to enter Eretz Yisroel, Yerushalayim, and the Beis HaMikdash.
- In golus.** In these days after Tishah b'Av, much yearning and longing is aroused for the Beis HaMikdash to be built and Moshiach to come. The nation is comforted by the fact that Hashem will build the third Beis HaMikdash, and we hope it will happen speedily. As we learn in the first of the series of seven Haftaros of comfort, "דברו על לב", "ירושלים וקראו אליה וכו'".
- Chazal tell us (ע"א) that had Moshe Rabbeinu entered Eretz Yisroel and built the Beis HaMikdash, it would not have been able to be destroyed, as the enemy has no power over Moshe's handiwork. We would have been zocheh right away to the world's state of tikkun. If Moshe had davened just one more tefilla, he would have entered Eretz Yisroel and the Beis HaMikdash would have never been destroyed. However, Hashem's will was for Moshe to not enter Eretz Yisroel, and due to our sins, we were exiled from our Land and sent far away from its ground. All we have is a remnant of our Beis HaMikdash.
- Tefilla by the site of the Beis HaMikdash.** Since we were exiled, Klal Yisroel has yearned to come near our Beis HaMikdash to prostrate ourselves and daven. For hundreds of years, the Kosel Maaravi has been revealed and has served as the focal point for tefilla, for the Shechina will never leave the Kosel, as the posuk says (שיר השירים ב', ט) "הנה זה עומד אחר כתלנו". Whether it is in ruins or not, the Shechinah does not leave its place, as the posuk says, "ה' בהיכל קדשו" (מדרש שמות רבה פ' ב').
- Place of tefilla.** From time immemorial – even in the days of the holy Avos – this spot has been a place for tefilla, as the posuk says (בראשית כ"ח, י"ז) "מה נורא המקום הזה, אין זה כי אם בית אלקים וזה שער השמים". Rashi explains it is a place from where tefilla goes up to Shomayim. There is a tradition through the generations that a tefilla said there does not come back unanswered (טוב ירושלים).
- Ascending Har HaBayis today.** Unfortunately, there is a small group of people – some with big kippos, and even some who look chareidi or chassidish – who permit themselves to come closer than they should and go up onto Har HaBayis itself. Perhaps it is due to their great yearning to daven as close as possible to the Kodesh HaKodashim, but more so, to show ownership and control of the site and not yield it to the descendants of Yishmael.
- Har HaBayis is a place where tamei people may not enter.** In some areas, it is an issur kareis, as will be explained. Those who do so violate serious issur of "מקדשי תירא" and others, and show disregard for the words of most like all, the poskim of this generation and the previous one, who forbid going up to Har HaBayis. They belittle and show contempt for even their rabbanim, cause fights and quarrels, incite the nations of the world, and endanger their own lives and more important, the lives of Klal Yisroel, which they certainly have no permission to do. They forget altogether that we are still in golus and have not yet been zocheh to the building of the Beis HaMikdash or even the beginning of the Geula.

- Har Sinai.** At the time of Matan Torah, there was also a desire to ascend the mountain, a place of gilui Shechina and the giving of the Torah from Hashem Himself. Nevertheless, the Torah set borders and warned that Klal Yisroel could only go until the foot of the mountain. As the posuk says (יתרו י"ט, י"ב) "והגבלת את העם". סביב לאמר השמרו לכם עלות בהר ונגוע בקצהו כל הנוגע בהר מות ימות". Moshe established boundaries as a sign not to go past the border (רש"י שם). We learn from here that even yearning has a limit when established by the Torah and Chachomim.
- To understand the principles behind the halachos, we will present some background so that the general public understands the issur. [It is not to convince those who go up not to do so, as they are rebellious and do not listen to Chachomim in any case; their personal and nationalistic idealism is more important than keeping Torah and mitzvos.] We are only doing this so the tzibbur will know the primary issues; to get a glimpse of halachos that aren't so commonly encountered; and to amass more knowledge of Torah. We daven that learning these halachos, along with tefilla, will inspire a sincere desire to enter Har HaBayis in a permissible manner according to our holy Torah, with the coming of Moshiach and the building of the Beis HaMikdash. Then and only then will we ascend, see, and prostrate ourselves there.

Issur to Go on Har HaBayis While Tamei

Three Machanos

- Mishkan.** Klal Yisroel's encampment around the Mishkan was divided into three machanos: Machaneh Shechina, Machaneh Leviya, and Machaneh Yisroel, each with its own rules of entry. Machaneh Shechina was within the curtains, i.e., the Azara. Anyone who was tamei meis could not enter there but was allowed to be in Machaneh Leviya and Yisroel. Machaneh Leviya surrounded Machaneh Shechina. Anyone who was tamei from a bodily emission could not be in Machaneh Shechina and Leviya but could be in Machaneh Yisroel. Machaneh Yisroel was from the edge of Machaneh Leviya until the end of the flag-marked Machaneh in all four directions. Anyone with tzora'as was sent out of all the machanos (רש"י נשא ה', ב' עה"פ וישלחו מן המהנה, פסחים סז).
- Beis HaMikdash.** It was the same in Yerushalayim as it was in the Midbar: Machaneh Yisroel was from Yerushalayim to Har HaBayis; Machaneh Leviya was from Har HaBayis until Shaar Nikanor; and from that point on was Machaneh Shechina (גמ' (זבחים דף קט"ז ע"ב, רמב"ם ביאת המקדש פ"ג).
- Har HaBayis.** In other words, Har HaBayis has the status of Machaneh Leviya, which is forbidden to a person who is tamei due to a bodily emission. One who transgresses this and enters while tamei violates a lav. Someone who is tamei meis may enter Har HaBayis besides for the area of Machaneh Shechina, i.e., the site of the Azara. If he intentionally transgresses this and enters the site of the Azara, he is punished with kareis; if he does it unknowingly, he is chayav to bring a korban olah v'yoreid.
- Ezras Nashim, Cheil.** The Cheil and the Ezras Nashim were part of Har HaBayis, not the Azara. Thus, strictly speaking, people who were tamei meis were allowed to go there. However, going there is assur d'rabanen as an extra precaution (רמב"ם פ"ז בית הבחירה ה"יא). Thus, non-Jews and people who are tamei meis may not enter the Cheil, but a t'vul yom [someone who already toiveled] may enter. The Ezras Nashim [the area in front of the Azara to the east] was forbidden to a t'vul yom and a tamei meis on a d'rabanen level, but not to a mechusar kippurim (רמב"ם פ"ג ביאת המקדש ה"ד).

How to Become Tahor from Various Tumos

Tumas Meis

14. **Para aduma ashes.** The only way to become tahor from tumas meis is by getting sprinkled with spring water mixed with ashes of a para aduma on the third and seventh day of one's tumah. Then, the person goes to the mikvah and waits for sunset. Today, everyone, including Kohanim, is assumed to be tamei meis (שׂוֹמֵךְ טוֹמְאָה נִמְשָׁכָה), and we cannot become tahor with the ashes of a para aduma today. Thus, there is no way today for people with tumas meis to enter the area of the Azara [by force of an issur d'oraisa] or the Ezras Nashim and Cheil [by force of an issur d'rabanani].

Tumah Due to Bodily Emissions

15. **Various tumos.** There are many halachos about becoming tahor from tumos due to bodily emissions, i.e., zav, zava, nidda, yoledes (גַּם פְּסָחִים דָּף ס"ז ע"ב, חֲסִדֵי דוֹד פִּיחָא לְתוֹסַפְתָּא) (כלים פ"א מ"ח), baal keri (מִנְחַת חִינּוּךְ מ"ז, מִנְחַת חִינּוּךְ מ"ז, מִנְחַת חִינּוּךְ מ"ז), and poletes (מִנְחַת חִינּוּךְ מ"ז, מִנְחַת חִינּוּךְ מ"ז, מִנְחַת חִינּוּךְ מ"ז). These people require a tahara process to allow them to go to a spot on Har HaBayis that definitely does not have the kedusha category of the Azara (see above, 10). As we mentioned, even after tahara, it is assur to enter the area of the Azara itself, because we are all tamei meis, which requires ashes of the para aduma for tahara (above, 14).
16. **Tahara process.** Since the tahara process is complex, involving serious halachos, most of which are not relevant in practice on a day-to-day basis – unlike in the time of the Beis HaMikdash, when everyone lived with hilchos tumah v'tahara deeply involved in their lives – most people today are not familiar with the halachos and their details. Some tumos require seven clean days, some require tevila in a spring specifically, and as tevulos d'oraisa, all of them require chafifa and immense preparation. Hence, it is very difficult to rely on the tahara the average person does to enter Har HaBayis, as people easily err and leave out small details of the tahara process. We spoke with some of them, and they did not know anything about the proper tahara process; they toveled the same way people toivel in the morning before Shacharis, which does not usually suffice for a tevila d'oraisa for the area of the Beis HaMikdash.
17. **T'vul yom.** Also, for some tumos, even if one toveled properly, he still has the status of a t'vul yom until sunset of that day, and there are some areas on Har HaBayis where a t'vul yom may not enter. They are certainly not careful about this.
18. **Tamei clothing.** Also, one may not enter the area of the Azara itself with tamei clothing or items (אֲבִינִי נֹר יִידֵי סֵי תַנְיָב, מִנְיָח מִי שִׁסָּג) (אֲבִינִי נֹר יִידֵי סֵי תַנְיָב, מִנְיָח מִי שִׁסָּג). Har HaBayis is subject to a machlokes Tannaim (כלים) (תוֹסַפְתָּא סוּף פ"א כלימ). These people are certainly not careful to purify their clothing, some of which have the status of being tamei (מִיֵּד בֵּלֵל שֶׁבֶט הַקֹּהֲנִי).
19. **Women.** Tahara for a woman is much more complicated than for a man. All poskim hold women may not go onto Har HaBayis, even to the areas where a man may go if he is meticulous about tahara. This also proves that the people who go up to Har HaBayis do not care in the slightest about caution for halacha and safeguarding the Torah, as they also encourage women to go up, in complete opposition to the Torah and the Chachomim.

Kedusha of the Site of the Beis HaMikdash Today Kedusha of Eretz Yisroel

20. Some poskim hold Eretz Yisroel has kedusha d'oraisa even today; others hold it has no kedusha at all; yet others hold it has kedusha d'rabanani (עֵינִי רִמְבָּם פ"א תְּרוּמוֹת הַכֵּז, שו"ע יו"ד ס' של"א). This has an impact on the halachos of terumos tumaasros (see Issue 131, par. 7) and shemitah (see Issue 225, par. 11) today.

Kedusha of the Site of the Beis HaMikdash

21. The Tannaim, Amoraim, and poskim also argue whether the site of the Beis HaMikdash has kedusha even when the Beis HaMikdash is not standing (גַּם שְׁבוּעוֹת דָּף ס"ז ע"ב, זְבָחִים דָּף ק"ז ע"ב, מִגִּילָה דָּף י' ע"א ועוד). This machlokes has ramifications on our topic, for if the kedusha of the site of the Beis HaMikdash is no longer there, people who are tamei can go up without a Torah issur – even someone who is tamei meis can go to the Azara area. However, according to the opinions that there is still kedusha at the site of the Beis HaMikdash today, the boundaries for tumah are still in force; a tamei meis cannot enter the Azara area and someone tamei due to a bodily emission may not enter Har HaBayis (above, 12).
22. In practice, most Tannaim and Amoraim and most Rishonim hold the kedusha of the Beis HaMikdash itself is eternal and exists even today.
23. **Rambam.** The Rambam (פ"ו בֵּית הַבְּחִירָה ה"ד) holds that although regarding Eretz Yisroel (above, 20), there is no kedusha d'oraisa, the kedusha of the Beis HaMikdash exists forever and was not nullified with the Churban. This is the opinion of most Rishonim (סֵפֶר הַתְּרוּמוֹה, תוֹס' יוֹמָא דָּף מ"ד, חִינּוּךְ מִצְוֵה שִׁסָּג וְעוֹד).
24. **Raavad.** However, the Raavad there argues. He holds the kedusha of the Beis HaMikdash is gone; the site has no kedusha whatsoever. Accordingly, min haTorah, a tamei meis would be allowed to enter even the Azara area today (ע"א) (וכן הובא במאירי שְׁבוּעוֹת ט"ז ע"א).
25. **In practice.** Since most Rishonim side with the Rambam and the Acharonim also rule this way in practice (מִהַר"ל ה"ל) (וְיִהְיֶה, גִּרָא יוֹדֵי סֵי שִׁלָּא ס"ב, מִנְיָח סֵי תַקִּסָּא, מ"ב שֶׁם סָקִיָּה), it is clear that it is assur d'oraisa for a tamei meis to enter the Azara area and for people with other tumos to enter Har HaBayis. One should in no way rely on a lone meikel opinion (הַרְבַּ"ד) to be meikel in this.

Area of the Azara, Har HaBayis

Har HaBayis

26. There are many opinions as to the precise location of Har HaBayis and the site of the Beis HaMikdash on it. While the boundaries of Har HaBayis are basically agreed upon today, the site of the Beis HaMikdash is not agreed upon. There are primarily three opinions: it is in the middle, north, or south (כַּפְתוֹר וּפְרָח) part of Har HaBayis (עֵינִי בִּסְפָרִים הַמְדַּבְּרִים עַל זֶה).
27. The site of Har HaBayis as it appears today is a giant structure made up of four walls in a sort of square, the western one being the most famous. Today it is about 480 m long with a slight deviation of a few degrees. However, only a small, 57-meter section of it is visible and open to daven in front of. This is the part known to us as the Kosel Maaravi. The eastern side is about 465 m with a slight deviation; the northern side is about 320 m; and the southern side is about 275 m.
28. **Kosel Maaravi.** There were differing opinions as to whether the Kosel Maaravi is the wall of the Azara – in which case the Kosel Plaza side is already Har HaBayis – or the wall of Har HaBayis, with the Azara further in (see next issue for practical ramifications).

Site of the Beis HaMikdash

29. There are also many different opinions as to the precise site of the Beis HaMikdash, each with its own theories and evidence. Each of them has proofs and sometimes a mesora, but on all of them there are also questions, contradictions, and inconsistencies with the current reality, the dimensions given in the Mishna, and the differing opinions regarding the length of an amah. Thus, we have no consensus on the topic whatsoever.
30. **Dome of the Rock.** The golden Dome of the Rock is the Muslim structure on Har HaBayis topped with a golden dome. Some hold it is the spot of the Even Shetiya, which was in the Kodesh HaKodashim (רַבְבִּיז' סֵי תַרְצ"א); others hold the stone is part of the base of the Mizbach Ha'Olah; and others hold it is the spot of the Beis HaMokeid at the northern part of the Azara.
31. What all the various opinions have in common is that the site of the Beis HaMikdash is someplace within the walls of Har HaBayis. But precisely where the boundaries of the Azara are? There is no consensus at all on the matter.
32. It emerges that the entire area of Har HaBayis lies in uncertainty. Part of the Azara involves an issur kareis, and tevila does not work for tumas meis (above, 14); part of it involves an issur d'oraisa; and part of it involves an issur d'rabanani for those tamei due to bodily emissions, which a meticulous tevila helps for. But we already wrote that a meticulous tevila is not common at all among the general public (16). There is also the halacha of t'vul yom (17), tamei clothing (18), and women (19). Hence, the entire area of Har HaBayis lies in uncertainty, with the angles of issur greatly outweighing the angles of heter to enter.

Issur to Enter Har HaBayis

Potential for a Serious Issur

33. For this reason, all the earlier poskim and the poskim of our times from all circles forbid entering the area of Har HaBayis as a full-fledged issur. There are many complex halachos involved and many pitfalls that can easily lead a person to violations of a possible issur kareis, issur lav, and the serious issur of מוֹרָא מַקְדֵּשׁ עַי שׁוֹרֵת מִנְחַת יִצְחָק ח"ה ס' א' ב', שׁוֹרֵת צִיָּא ח"ה ס' א', שׁוֹרֵת יִבִּיָּא, כְּרוּרִים) (שׁוֹנִים עִם חֲתִימוֹת שֶׁל רַבָּנִים שֶׁל כָּל הַמְּגוּרִים).
34. **Explosive minefield.** Imagine a minefield fenced off with a sign outside saying, "Entry Forbidden – Live Minefield." Some clever [or dumb...] person comes along and says he has a tradition based on three different opinions where exactly the explosives are, so he plans to rely on that to enter it and walk around... Of course we would tell him he is crazy and he is playing with fire and his life, even if he wanted to enter the field to demonstrate ownership. People would scream at him that it is worthwhile to obey the warning that says, "Entry Forbidden."
35. This is the way we should approach entering Har HaBais. It is impossible to present a tradition or rely on an opinion when there are many contradicting opinions and refutable proofs of the exact whereabouts of the mokom HaMikdash. Violating on Torah prohibitions is a lot worse than fire explosives. It is betrayal of the holy Torah and Hashem yisborach. Its true that we don't identify and visualize the explosion immediately as we would in a minefield, but we believe that there is no greater explosive worse than transgressing the Torah. We shouldn't, chas vesholom, have to wait for a kares punishment to prove the point. Therefore, it is recommended to adhere to the warning sign at the entrance to Har HaBais which states, 'Its forbidden to enter Har HaBais according to the Torah and instruction of Rabbanim.'

לא תסור

36. It should be noted that since all rabbanim and some batei din in Yerushalayim forbade entering, one who enters violates the issur of לא תסור (ע"פ שו"ת אבקת וכול ס' י', ס' טל חיים עמ' ק"כ) even if in his mind and based on his calculations what he is doing is mutar. The posuk says (פ' שופטים י"ז, י"א) "על פי תורה אשר יורוך ועל המשפט אשר יאמר לך תעשה לא תסור מן הדבר אשר יגיד לך ימין ושמאל". Rashi explains, "Even if [they] tell you right is left and left is right, and all the more so when [they] tell you right is right and left is left." Since all the poskim forbade going up to Har HaBayis, both right and left are obligated by the Torah to listen to the Chachomim, even if one's calculations lead him to a different conclusion.