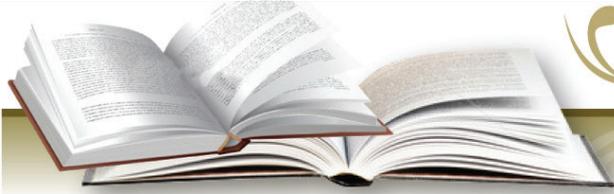


TORAH & HORAHAH



Terumah 5777

349

Dear Reader,

“Speak to the Children of Israel and have them take for Me a terumah. From every man whose heart impels him to generosity shall you take My terumah” (Shemos 25:2).

The emphasis of this passage, and of the following passages, is on the voluntary nature of the contribution: Time and again, the pasuk mentions “generosity of the heart.” The building of the Mishkan rested upon donor munificence.

On the other hand, however, the instruction is given as a command: “Take for Me a terumah,” and even the word “take” itself, by contrast with the more expected “give,” implies a certain imperative.

Why do we find this paradox, a subtle combination of imperative and voluntary action, specifically with regard to the Mishkan?

It appears that although the

This week’s article discusses the parameters and the laws of the Western Wall. The Wall is often referred to as the “remnant of the Temple,” but is it really a remnant? What are the halachos for approaching the Wall? Is it permitted to press one’s fingers between its stones? And what are the halachos regarding deriving benefit from the Wall? These questions, among others, are discussed in this week’s article.

This week’s Q & A addresses the issue of when is best to give the Shabbos derasha in Shul.

The Western Wall: Halachos and Parameters

Parashas Terumah describes the stages in the construction of the Mishkan (Tabernacle), the construction that served the Children of Israel during their journeys in the wilderness.

The commandment to construct the Tabernacle uses the word Mikdash: “You shall build a Mikdash for Me, and I shall dwell among you” (Shemos 25, 8). Rabbeinu Bachya explains that the Tabernacle is also termed *Mikdash* (Temple), because it was fashioned according to the spiritual model of “Upper Mikdash.”

We take the opportunity to discuss the halachos of the *Kosel Ha’maaravi*, the Western Wall that many thousands visit as the holiest place to the Jewish People. What are the relevant halachos for approaching the Wall? Is it permitted to touch the Wall or insert one’s fingers? What are the *halachos* for the *Har HaBayis*? We will discuss these questions, among others, below.

The Western Temple Wall?

In discussing the Western Wall, the first question we must answer



building of the Mishkan was an obligation, and it would have to be done come what may, the mechanism of its construction had to be human generosity. The Ramban explains that in the descent of the Shechinah upon the Mishkan, the nation of Israel returned to the elevation of the Avos. This elevation, the very pinnacle of human achievement, could only be reached by means of human choice.

An act bereft of choice, an act performed without the input of free will, is an act that lacks human elevation. In the establishment of the Mishkan, the greatest achievement humankind could reach, the element of a generous spirit was essential.

Today, we lack the Mishkan and the Mikdash – but we still have the Torah. Even there, at the acceptance of the Torah, we find a voluntary acceptance on the one hand (na'aseh ve'nishmah), and an imperative on the other (Hashem raised the mountain over their heads).

We must accept the Torah; but we must do so by choice.

May Hashem help us to make the right choices wherever we turn.

is the nature of the wall: Is this the wall of the Mikdash itself, or a wall that stood at the boundary of the Temple Mount?

Some sources in Chazal indicate that the Wall was part of the Mikdash itself. Based on the Pasuk, “Behold, He stands behind our walls” (*Shir Hashirim 2:9*), the Sages teach (*Bamidbar Rabba 11:2; Shir Hashirim Rabba 2:26*): “[This means] behind the Western Wall of the Temple. Why is this so? Because The Holy One Blessed He has taken an oath that it will never be destroyed.”

The holy *Zohar* (*Shemos 5b*) goes further, based on the same passage: “The Shechinah has never departed from the Western Wall of the Temple, as the verse states, ‘Behold, it stands...’” Furthermore, Chazal state in *Tanna de’bei Eliyahu* (Chap. 30): “Once more, Rabbi Nathan entered the Temple, and found it destroyed, yet one wall continued to stand. He exclaimed: What is the nature of this wall?”

These sources seem to indicate that the Western Wall, as we see and know today, is a remnant of the Temple itself.

Indeed, in light of these sources some authorities state that the Wall is a remnant of the holy Temple, the Western Wall of the *Azarah*, where sacrifices were offered. This is noted by *Shut Radvaz* (vol. 2, no. 648, 691) and *Chayei Adam* (*Shaarei Tzedek, Mishpetei Eretz*, chap. 11, no. 8), and mentioned by several additional authorities. Indeed, when *Ridvaz* (see responsa of *Ridvaz*, no. 38) made his first pilgrimage to the Western Wall, he was afraid to approach it.

Wall of the Temple Mount

Contrary to what is assumed to be the meaning of the previous quotes, the physical dimensions of the Wall suggest that it is not the wall of the Temple, but rather a wall that enclosed the Temple Mount. To familiarize the reader with the Wall, we will briefly describe its dimensions.

The height of the Wall visible above ground is 19 meters, and includes 29 rows of stone. These were built over five different time periods:

The seven bottom rows date, according to most researchers, to the time of the Second Temple. Some date them back still earlier. Each one of the stones in this layer is approximately 1.05 meters tall. Together they reach a height of 8.75m.

Above this there are four rows of newer, smooth stones, which some date back to Arab times. Others claim they were added during the Second Temple era. These stones total a height of 5.8m.

Above these eleven rows are another four rows (2.2m) of newer stone, dating back, according to some, to the Hadrianic era.

Another eleven rows of smaller stones were added later, perhaps in the times of Sultan Suleiman. Some claim that they were added by Moses Montefiori.

The top three courses were added in recent times (1924) by local Arabs.

All the dimensions above refer to the part of the Wall above ground. Most of the Wall, however, totaling an additional 21 meters, remains buried underground. The excavated parts include another 19 layers of ancient stone.

The Wall was originally 488 meters long, extending 81 meters to the right of the visible part, and 350 meters left. Most of this length is either built into Arab houses, or is underground and can be seen in the “Kotel Tunnels”.

These dimensions greatly exceed the length of the Temple wall (58 meters). Furthermore, the Wall stands on rock, whereas it is known that under the Temple there were tunnels. A number of other proofs have led researchers to believe the Wall belongs to the Temple Mount, and not the Temple itself.

This is stated as a simple fact by *Kaftor Va-Ferach* (Rav Ashtori Ha-Parchi, chap. 6), and mentioned as “obvious” by Rav Yechiel Michel Tuchtchinsky (*Ir Hakodesh Vehamikdash* 4:2), who explains that other commentaries were misled by their understanding of the above statements of Chazal. This position is also affirmed by *Avnei*

Nezer (*Yoreh De’ah* 450), *Binyan Zion* (1:2), *Tzitz Eliezer* (10:1), and others (see, at length, *Yabia Omer* (Vol. 5, *Yoreh De’ah* no. 27).

Levels of Defilement

First and foremost among practical ramifications of the Wall’s definition and status is the question of approaching the Wall in a state of ritual defilement.

The Mishnah (*Keilim* 1:6–9) delineates ten levels of spatial Kedushah within the Land of Israel, which is holier than all other lands. The first three levels are walled cities in Israel, which are holier than the rest of the Land (3); Jerusalem, which is holier than other walled cities (2); and the Temple Mount, which is holier than Jerusalem (1).

The sanctified areas in Jerusalem—part of today’s Old City—correspond to the Israelite desert encampment (*Tosefta*, *Keilim* 1:10; *Sifri*, *Naso* 11; Rambam, *Beit Habechirah* 7:11). The encampment included three levels. The innermost area, which contained the Mishkan, was called the *Machaneh Shechinah*. Next was the *Machaneh Leviyah*, the encampment of the Levites. Most external was the *Machaneh Yisrael*, which is where the rest of the Jews camped.

After entry and settlement of the Land of Israel, the *Azarah* (Temple Courtyard), starting at *Sha’ar Nikanor* (the Nikanor Gate) in the east and including the *Beit Hamikdash*, was the *Machaneh Shechinah*; the *Har HaBayis* was the *Machaneh Leviyah*, while the rest of Jerusalem (based on its original parameters, which are different from today’s Old City) was the *Machaneh Yisrael*.

The verses in *Bamidbar* 5:2–4 that describe the laws pertaining to the desert encampment would seem to indicate that individuals with all types of

tumah (ritual impurity) were barred from all three camps. However, Chazal explain (*Sifri, Naso: 4; Pesachim 67a-68a; Rambam, Biat Mikdash 3:1-2*) the specific rules:

Depending of the level of defilement, people in different conditions are excluded from each of these areas. By biblical law, a *metzora* (somebody afflicted with *tzara'as*) is excluded from *Machaneh Yisrael*, and cannot enter Jerusalem at all. A *tamei meis* is barred from *Machaneh Shechinah* alone, but is permitted within *Machaneh Leviyah*—he can ascend to *Har HaBayis*, but cannot enter the *Azarah* (see *Tosefta, Keilim 1:7; Pesachim 67a; Sotah 20b*).

Yet, because of the special stringency of a *tamei meis* entering the *Azarah* and the Mikdash—this incurs the *kares* penalty (see *Bamidbar 19:13, 20; Rambam, Bias Mikdash 3:12-13*)—the Sages decreed that he may not approach the *Azarah*, but must stop at the *Cheil*, which surrounded the perimeter of the Mikdash (see *Aruch Hashulchan Ha'Atid 11:5*). This is the same boundary that applied to non-Jews (*Mishnah, Keilim 1:8*).

An intermediary level of defilement is *tumah hayotzei megufu* (an impurity emanating from the body), which includes a *niddah* (menstruation), *yoledet* (post-partum), *zav*, *zavah*, and a *ba'al keri*, one who experienced a seminal emission. The latter, which is the most relevant form of *tumah* concerning the ascent to *Har HaBayis*, is noted by the Gemara (*Pesachim 67b-68; Tamid 27b*), though omitted by the Rambam (*Beis Habechirah 7:15; Bias Mikdash 3:3*). Most commentaries explain that even the Rambam agrees that the *ba'al keri* is forbidden from entering the Temple Mount (see *Mishnah Lemelech*).

These types of *tumah* are removed by waiting the

requisite period of time, immersing in a *mikvah*, and waiting for the sun to set (before sunset the person has the status of a *tevil yom*: he is permitted on *Har HaBayis* but cannot go to the *Ezras Nashim* (*Rambam, Bias Mikdash 3:5-6; Beis Habechirah 7:17*).

Distance from the Wall

Because of the concern that the Western Wall might be a part of the Mikdash, the *Ridvaz*, as noted above, was wary of approaching the Wall.

However, as many authorities conclude, the Wall is assumed to be part of the wall of the Temple Mount. Therefore, it is permitted to approach the Wall, even in a state of ritual impurity. This conclusion is reached by *Yabia Omer* (see note 1), who writes: “It is clearly permitted to approach the Western Wall, even after an impure emission from the body. This is the common custom, and custom of Israel is Torah.” Rabbi Yosef concludes that it is improper to be stringent on this matter.

In addition to approaching the Wall, many press notes into the Wall's crevices, and touch the wall or finger its cracks. Even under the assumption that the Wall is the perimeter of the Temple Mount, there is a question as to the permissibility of this practice.

The Gemara (*Zevachim 32b*) teaches that a ritually impure person who stretches his hand into the inner sanctuary transgresses a Torah prohibition. The principle is that partial entry—even of a single limb—is considered full entry, and therefore prohibited (the *Rambam, Bias Mikdash 3:18*, sees this as a rabbinic prohibition, while the *Raabad* maintains it is a Torah violation). This raises the question: Might placing one's fingers into the cracks and crevices of the Wall be forbidden? Does the thickness of the Wall

possess the same holiness as the Temple Mount it once encircled?

This question has been discussed by *Mishkenos Abir Yaakov* (Rabbi Yehoshua Meschel Gelbstein, vol. 2, chap. 1, no. 1), who concludes that the practice is forbidden. He mentions that this was also the opinion of Rabbi Yehoshua Leib Diskin, who was shocked to hear of individuals who inserted cuttings of cloth between the stones of the Wall.

On the other hand, *Shut Avnei Nezer (ibid.)* writes that the wall of the Temple Mount has no inherent holiness. The Temple Mount was sanctified by *Beis Din* walking within it, and since *Beis Din* did not walk on the wall itself, it follows that it was never sanctified. Based on this reasoning it is permitted to insert one's fingers into the crevices of the Wall, even in a state of ritual impurity.

A similarly lenient opinion is voiced by Rabbi Shlomo Zalman Auerbach in *Minchas Shlomo* (Vol. 3, no. 160). He writes (based on Rambam's ruling) that the prohibition of "partial entry" is rabbinic by nature, and the Sages never decreed the prohibition of partial entry on somebody who *cannot* make a full entry due to the wall that stands in his way. *Shut Minchas Elazar* is moreover quoted (in *Masa'os Yisrael, Yom Beis*) as stating that the saintly *Or Hachayim* sent a note to be inserted into the Wall.

It is interesting to note that the Rabbi Yaakov Yisrael Kanievsky (the *Steipler*) is cited as having been particular not to place fingers in the crevices of the Wall. The Chazon Ish is also quoted as having taken a stringent position on this matter (*Orchos Rabbeinu*, vol. 1, p. 319).

Of course, the entire concern applies only to somebody who has not immersed himself in a *mikvah* since becoming ritually impure. The

Steipler mentions that for men immersion on the same day may be sufficient to alleviate any cause for concern.

Deriving Benefit from the Wall

A final issue that warrants discussion is the matter of deriving benefit from the stones of the Wall. Is it permitted to sit in its shade, hang items on it or to enjoy its cool touch on a hot summer day?

Some authorities rule that there is no prohibition of deriving benefit from the Wall, because the original holiness of the Wall was profaned when it fell into enemy hands. The Gemara in *Avodah Zarah (52b)* presents a similar position concerning stones or coins of *hekdesh* that fell into the hands of the Greeks. This opinion is cited (by the *Moadim Uzemanim*) in the name of Rabbi Yehoshua Leib Diskin (but he prohibited inserting one's hand).

However, Rabbi Moshe Sternbuch (*Moadim Uzemanim 5:350*) writes that this principle does not apply to a construction that is connected to the ground. He adds that even if the stones became profane, it is possible that by returning to Jewish rule (after the Six Day War) the stones regained their original sanctity.

Shut Iggros Moshe (Yoreh De'ah 4:63) likewise writes that the stones of the Wall retain their sanctity. He explains that because a Divine oath promises that the Kosel will not be destroyed, it follows that the Wall has never truly fallen into enemy hands, and its holiness cannot be profaned. In addition, he explains that only items that were destroyed by the enemy or taken as loot were profaned. The stones of the Wall that remained unharmed were not.

Based on his ruling, Rav Moshe warns against taking small chippings of the Wall home as a

souvenir. Aside from the Biblical prohibition of deriving benefit (the issur of me'eelo) from the Wall, *Iggros Moshe* writes that this transgresses the Biblical prohibition of “you shall not do so

to Hashem, your G-d.” *Shaarei Zion* (7) adds that the prohibition of lacking proper awe for the *Mikdash* and its surroundings is also transgressed by this action.

⌘ Halachic Responsa ⌘

to Questions that have been asked on our website dinonline.org



The Question:

When is the best time for a Rav to speak in Shul on Shabbos morning? Is there any source for the custom of giving a derasha? Is it proper to give the derasha before Kriyas Ha-Torah?

Thanks very much.



Answer:

The concept of a derasha on Shabbos goes back many years, and it is an ancient custom.

The derasha can be said whenever it is most convenient: Before reading from the Torah, or before Mussaf.

Please see sources, below.

Best wishes.



Sources:

There are many sources for the idea of having a derashah on Shabbos, and indicating that this was an ancient custom. See Tur (Orach Chaim 290), and see Seder Eliyahu Rabbah (1). Some research was done on the subject in *Kovetz Yehudim Ve-Yahadut Biyme Bayit Sheini* (pp. 266-278).

As to the timing of the derasha, the most popular time for a derashah is before Mussaf. A Rabbi will often want to speak about the parashah that was read, and certainly about the reading of a Bar-Mitzvah boy, and so on.

Some, however, point out that this is somewhat bedieved based on the ruling of the Mishnah Berurah (284:15; Magen Avraham 7) whereby one should not say anything after Ashrei, because the Kaddish before Mussaf is related to the Ashrei one recites before.

Because of this issue, some bring in the Sefer Torah before Ashrei, and have the derasha before Ashrei and Kaddish. The problem with this is in changing the accepted order of prayer, which some see as being problematic.

There is no prohibition of bringing the derasha before the reading of the Torah. Where appropriate, this is a good option. Certainly, there is no problem to study Torah before davening, and many arise early to learn Torah before going to daven.