HALACHIC AND HASHKAFIC ISSUES IN CONTEMPORARY SOCIETY

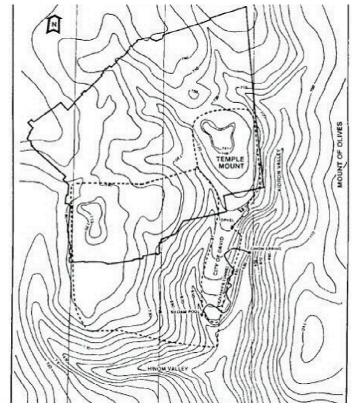
SERIES 2: 21 - GOING ONTO HAR HABAYIT - PART 1 OU ISRAEL CENTER - SPRING 2022

- During Pesach 2022 a record 4,625 Jewish visitors entered Temple Mount!
- As we have seen, this has become one of the central issues of conflicts between Arabs and Jews over the last few years1.
- A growing population within the Religious Zionist community has become focused on the issue of Har Habayit as the new frontier of Religious Zionism, while others within that community remain completely opposed.
- The issue of freedom of worship for non-Moslems on Temple Mount has also become more mainstream in the wider Israeli population.
- A growing number of religious Jews from outside the Religious Zionist community are now going onto Har Habayit

A] GENERAL ISSUES ARISING

- The Temple its location and the status of that area today
- Tuma the permissibility of entering Har Habayit and the Temple area whilst in a state of impurity
- Moreh Mikdash permitted behavior on Har Habayit
- Hashkafa the appropriateness of pushing the Jewish presence on Har Habayit and ultimate rebuilding of the Temple
- Politics Temple Mount as part of the Israeli-Arab conflict

B] MOUNT MORIA



----- First Temple Period Wall

Current Old City Wall

^{1.} See Arab League urges Israel to stop Jewish prayers at Al-Aqsa mosque - https://www.jpost.com/israel-news/article-704803 (April 21 2022) and Temple Mount closed to Jews 'until further notice,' says site administrator - https://www.jpost.com/breaking-news/article-704919 (April 24 2022).

Mount Moria is located between two hills - Mount Zion to the south-west and the Mount of Olives to the East. It is the site of the First and Second Temples.

In the Midrashim, Har Hamoria is identified as :-

- The place from which Adam Harishon was created.
- The site of the korbanot of Adam, Cain and Noach.
- The place where Yitzchak and Rivka prayed for children.

1. וַיֹּאמֶר קַח נַא אֶת בִּנָךְ אֶת יִחִידְךָ אֲשֶׁר אָהַבָתַ אֶת יִצְחַק וְלַךְ לָךְ אֶל אֶרְץ הַמּרַיָּה וְהַעַלָהוּ שָׁם לְעַלָה עַל אַחַד הַהַרִים אֵשֶׁר אֹמֵר

בראשית כב:ב

In the Tanach itself, Eretz Hamoria is first seen as the place that Avraham Avinu carried out the Akeida.

יח וּמַלְאַדָּ ה' אָמַר אֶל־גָד לֵאמָר לְדָוֶיד כִּי יַעֲלֶה דָוִיד לְהָקֵים מִזְבַּּחַ לָהְי בְּגֹרֶן אָרְגָן הַיָּבֶסְיּ יט וַיַּעַל דְּוִיד בִּדְבַר־לָּד אֲשֶׁר דְּבֶּרְ בְּשֵׁם ה': כֹוַנַשָּב אַרְנַן וַצֵּרָא אֶת־הַמַּלְאָדְ וָאַרְבַּעַת בָּנַיו עמו מִתְחַבָּאִים וָאַרְנַן דַּשׁ חָשִים: כא וַנִּבָּא דַוֹיִד עָד־אַרָנן וַנַבָּט אַרְנַן וַיַּרָא אֶת־דְוֹיד וַצְּצָא ָמִן־הַגֹּרן וַיִּשִׁתַּחוּ לַדָנִיד אַפַּיָם אָרצָה: כב וַיֹּאמֵר דָּוִיד אֵל־אָרנָן תִּנָה־לִי מִקוֹם הַגַּרן וִאַבְנַה־בִּוֹ מִזְבֵּח לַהְי בְּכֵסַף מָלֵא תִּנֵהוּ לִּי וְתֵעְצֵר הַמַּגַּפָה מֵעל הַעָם: כֹג וַלֹּאַמָר אַרָנַן אַל־דַּוִיד^{ָר} קַתִּשׁ אָדֹנַי הַמֶּלֹדָּ הַטִּוֹב בַּעִינַיו רָאָה נַתָּתִי הַבַּקַר לַעלוֹת וָהַמּוֹרְגִּים לַעַצִים וְהַחְטִים לְמִנְחָה הַבְּל נַתַתִּי. כד נַיֹּאמֶר הַמֵּלֶדְ דַּוִיד^י לָאַרְנֵן לֹא כִּי־קָנָה אָקְנָה בָּכֶסף מַלָא בְּי לִא־אָשֵא אַשְׁר־לְדְּ'לַה' וָהַעָּלוֹת עוֹלָה חָנָם: כה **וַיְּתָּן דְּוַיִי לארנן במקום שקלי זהב משקל שש מאות:** כו ויבן שם דויד מזבה לה' ויעל עלות ושלמים ויקרא אל-ה' ויענהו באש מן-השמים על ָמִזְבַּח הֶעֹלָה: כז וַיִּאמֵר ה' לַמַּלִאֶּדְ וַיֵּשֶׁב חַרְבִּוֹ אֵל־נִדָנָה: כח בָּאֵת הַהִּיא בִּרְאַוֹת דָּוִיד ֹכֵּי־עָנָהוּ ה' בִּגֹרן אָרָנֶן הַיִבוּסֵי וַיִּזְבַּח שֶׁם: כט וּמִשְׁכֵּן ה' אַשִּׁר־עַשָּׂה מֹשֵׁה בַמִּדְבָּר וּמִזַבַּח הַעוֹלָה בָּעֵת הַהִּיא בַּבָּמָה בִּגִּבְעוֹן: לוְלִא־זָכְל דְּוַיִד לָלֶכֶת לְפַנָיו לִדְרִשׁ אַלֹהַים כִּי וָבְעַׁת מִפְּנֵּי חֵבב מַלְאַךְּ ה: פרק כב א וַיִּאמֶר דַּוִֹיד זָה הוֹא בָּיָת ה' הַאֱלֹהַים וְזֶה־מִּזְבֵּחַ לְעֹלַהְ לִישְׂרָאֱלֹּי

דברי הימים א' כאייח-כביא

David Hamelech was directed through Gad to establish an altar on the threshing floor of Ornan in Jerusalem. He does and buys the property from Ornan for a full price. This is a clear parallel to the purchase of Ma'arat Hamachpela by Avraham.

3. וַיָּחֵל שׁלֹמֹה לָבָנוֹת אֶת בֵּית ה' בִּירוּשֻׁלָם בָּהַר הַמּוֹרַיָּה אֲשֶׁר נָרָאָה לְדַוִיד אָבִיהוּ אֲשֶׁר הַכִּין בִּמְקוֹם דַּוִיד בְּגֹרָן אָרַנַן הַיְבוּסִי

דברי הימים ב' ג:א

4.

Shlomo Hamelech then builds the Temple on this site which is Har Hamoriah.

ויקן את חלקת השדה אשר נטה שם אהלו וגו' במאה קשיטה, א"ר יודן בר סימון זה אחד משלשה מקומות שאין אומות העולם יכולין להונות את ישראל לומר גזולים הן בידכם ואלו הן, מערת המכפלה, ובית המקדש, וקבורתו של יוסף, מערת המכפלה, דכתיב (בראשית כג) *וישמע אברהם אל עפרון וישקול אברהם לעפרוו*. בית המקדש דכתיב (דברי הימים א כא) *ויתו דוד לארנן במקום* וגו', וקבורתו של יוסף (בראשית לג) *ויקן את חלקת השדה*, יעקב קנה שכם

בראשית רבה פרשה עטיז

The Midrash connects three places in Eretz Yisrael which our forefathers bought for a very high price - Avraham bought the Cave of Machpela in Chevron, Ya'akov bought the burial plot of Yosef in Shechem and David bought the site of the Beit Hamikdash. In these three places at least, say Chazal, the other nations of the world have no legitimate grounds to dispute our ownership. (Ironically, they are today among the most hotly disputed areas!)

C] HISTORICAL CONTEXT

70 CE Temple destroyed by the Romans

100s Some sacrifices still brought in the Temple ruins?

134 Bar Kochba in control of Temple Mount - rebuilding project? 135 Hadrian renames Jerusalem Aelia Capitolina; Temple Mount used for pagan worship



Coin minted by Bar Kochba in Year 3 of rebellion showing

Temple motif and wording lecherut Yerushalayim

Council of Nicea. Constantine builds churches in Jerusalem. Temple Mount abandoned as an icon 325 333 The 'Bordeaux Pilgrim' account of Temple Mount

360 Emperor Julian orders the rebuilding of the Temple, soon abandoned

589 Earthquake in Jerusalem. Byzantine Emperor Valentine calls Jews to rebuild on Temple Mount

614 Persians invade Jerusalem; some clearance of Temple Mount begins

621	Traditional Moslem date of Muhammad's 'Night Journey' from Temple Mount
631	Byzantines reinvade Jerusalem
638	Arabs invade Jerusalem
687-691	Dome of Rock constructed
705	Al-Aqsa Mosque constructed
1050	Accounts of a synagogue on Temple Mount?
1099	Jerusalem invaded by the Crusaders. Dome of the Rock became a Church - Templum Domini
1165	Rambam visits Jerusalem (and Temple Mount?)
1187	Jerusalem recaptured by the Moslems. Dome of the Rock restored to Islamic worship
1250	Mamluks take over Jerusalem
1200s	Non-Moslems barred from Temple Mount
1267	Ramban visits a devastated Jerusalem
1517	Ottomans take over Jerusalem. Beginning of 'Old Yishuv'
1862	Edward Prince of Wales first non-Moslem allowed onto Temple Mount for centuries
1880s	Beginning of 'New Yishuv'
1917	British capture Jerusalem.
1948	Jordanians capture Jerusalem
1967	Israelis capture Jerusalem. Jewish access to Temple Mount restored

D] THE HALACHOT OF TUMA AND TAHARA IN THE TEMPLE

צו אֶת בְּנֵי יִשְׂרָאֵל וִישַׁלְחוּ מִן הַמַּחֲנֶה כָּל צָרוּעַ וְכָל זָב וְכֹל טָמֵא לְנָבֶּשׁ: (רש"י – שלש מחנות היו שם בשעת חנייתן, תוך הקלעים היו מחנה שכינה, חניית הלוים סביב ומשם ועד סוף מחנה הדגלים לכל ארבע הרוחות היא מחנה ישראל. הלרוע נשתלח חוץ לכולן, הזב מותר במחנה ישראל ומשולח מן השתים, וטמא לנפש מותר אף בשל לויה ואינו משולח אלא משל שכינה)

במדבר ה:ב

Three categories of impure people were excluded from the camp of Bnei Yisrael in the desert. Metzora'im were excluded from all 3 camps. Zavim and similar were allowed in the outer camp - the Machane Yisrael - but excluded from the inner two camps. Tamei Met were allowed in the Machane Yisrael and the Machane Leviya. There were excluded only from the innermost camp - the Machane Shechina.

וכשם שהיו במדבר שלש מחנות - מחנה שכינה מחנה לויה מחנה ישראל, כך היו בירשלם. מפתח ירושלם ועד פתח הר הבית - מחנה ישראל. מפתח הר הבית ועד שער ניקנור - מחנה לויה. משער נקנר ולפנים - מחנה שכינה. ...

תוספתא כלים (ב"ק) פרק א הלכה יב

Those 3 Camps in the desert are parallel to different sections of Yerushalayim. The town of Yerushalayim within the Walls corresponds to the Machane Yisrael. Har HaBayit corresponds to the Machane Leviya. The Ezrat Yisrael and further inwards in the Temple complex corresponds to the Machane Shechina.

(ו) [1] ארץ ישראל מקודשת מכל הארצות ומה היא קדושתה שמביאים ממנה העומר והבכורים ושתי הלחם מה שאין מביאים כן מכל הארצות: (ז) [2] עיירות המוקפות חומה מקודשות ממנה שמשלחים מתוכן את המצורעים ומסבבין לתוכן מת עד שירצו יצא אין מחזירין אותו: (ח) [3] לפנים מן החומה מקודש מהם שאוכלים שם קדשים קלים ומעשר שני. [4] הר הבית מקודש ממנו שאין זבים וזבות נדות ויולדות נכנסים לשם. [5] החיל מקודש ממנו שאין עובדי כוכבים וטמא מת נכנסים לשם. [6] עזרת נשים מקודשת ממנו שאין טבול יום נכנס לשם ואין חייבין עליה חטאת. [7] עזרת ישראל מקודשת ממנה שאין ישראל נכנסים לשם ממנה שאין מחוסר כפורים נכנס לשם וחייבין עליה חטאת. [8] עזרת הכהנים מקודש ממנה שאין ישראל נכנסים לשם אלא בשעת צרכיהם לסמיכה לשחיטה לתנופה: (ט) [9] בין האולם ולמזבח מקודש ממנה שאין בעלי מומין ופרועי ראש נכנסים לשם. [10] ההיכל מקודש ממנו שאין נכנס לשם שלא רחוץ ידים ורגלים. [11] קדש הקדשים מקודש מהם שאין נכנס לשם אלא כהן גדול ביום הכפורים בשעת העבודה

משנה כלים אוו-ט

7.

The Mishna lists 11 levels of increasing kedusha (i) Eretz Yisrael; (ii) walled cities in Eretz Yisrael; (iii) Jerusalem within the city walls; (iv) Har Habayit from which Zavim, Zavot, Niddot and Yoladot are excluded; (v) inside the 'Cheil' from which non-Jews and Tamei Met are excluded; (vi) the Ezrat Nashim from which a 'Tvul Yom' is excluded; (vii) the Ezrat Yisrael from which a 'Mechusar Kappara' is excluded; (viii) the Ezrat Kohanim from which all but the Kohanim are usually excluded; (ix) between the Altar and the Ulam into which only certain Kohanim may enter; (x) the Heichal into which all Kohanim entering must have washed their hands and feet; (xi) the Kodesh Kedoshim into which only the Kohen Gadol was allowed on Yom Kippur.

שלשים ושש כריתות בתורה והבא למקדש טמא

עזרת ישראל מקודשת מעזרת נשים שאין מחוסר כפורים נכנס לשם, וטמא שנכנס לשם חייב כרת

רמב"ם הלכות בית הבחירה פרק ז הלכה יח

9.

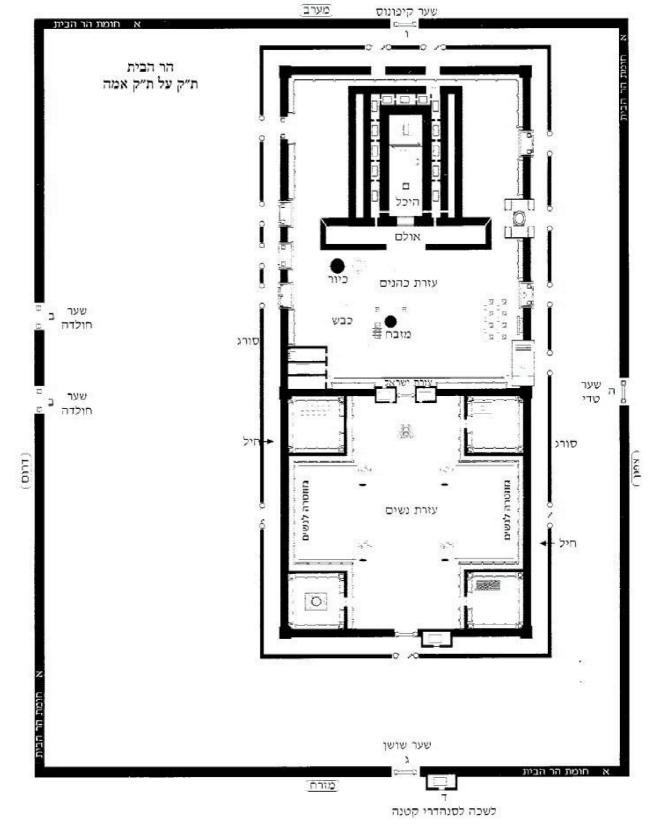
The punishment of karet is applicable for anyone tamei who enters the area of the <u>Ezrat Yisrael</u> or further inwards.

טמא מת אפילו המת עצמו מותר להכנס להר הבית שנאמר ויקח משה את עצמות יוסף עמו עמו במחנה הלויה 10.

רמב"ם הלכות ביאת המקדש פרק ג הלכה ד

Someone who is tamei met is permitted to enter to the eternal parts of Har Habayit (which parallel the Machane Leviya).

E] THE STRUCTURE OF THE HERODIAN 2ND TEMPLE



5782 – אברהם מנינג rabbi@rabbimanning.com 5

F] THE LOCATION OF TEMPLE ON HAR HABAYIT

הר הבית היה חמש מאות אמה על חמש מאות אמה רובו מן הדרום שני לו מן המזרח שלישי לו מן הצפון מיעוטו מן המערב 11.

משנה מידות פרק ב משנה א

The Mishna is explicit that Har Habayit was 500×500 amot. There are various opinions on the size on an ama. These give us an area for Har Habayit of between approximately $220 \times 220 \text{ m}$ ($48,400\text{m}^2$) and $300 \times 300 \text{ m}$ ($90,000 \text{ m}^2$).

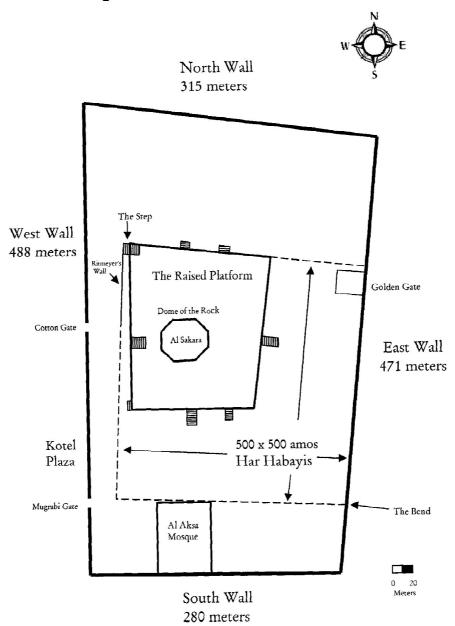
12. This hill it was which Solomon, who was the first of our kings, by Divine revelation, encompassed with a wall; it was of excellent workmanship upwards, and round the top of it... This hill was walled all round, and in compass four stadia (about 185 meters or 607 feet), [the distance of] each angle containing in length a stadia...

Josephus Antiquities 15:11

Today the Temple Mount is a **rectangular trapezoid** \underline{NOT} a square, and its area is approx 300 x 500 m (150,000 m²). This means that the Temple Mount is at least 66% bigger than the halachic Har Habayit and possibly more than 3 times the size. The actual dimensions of the Temple Mount are 281 meters at the south, 310 meters at the north, 461 meters at the east and 491 meters at the west.

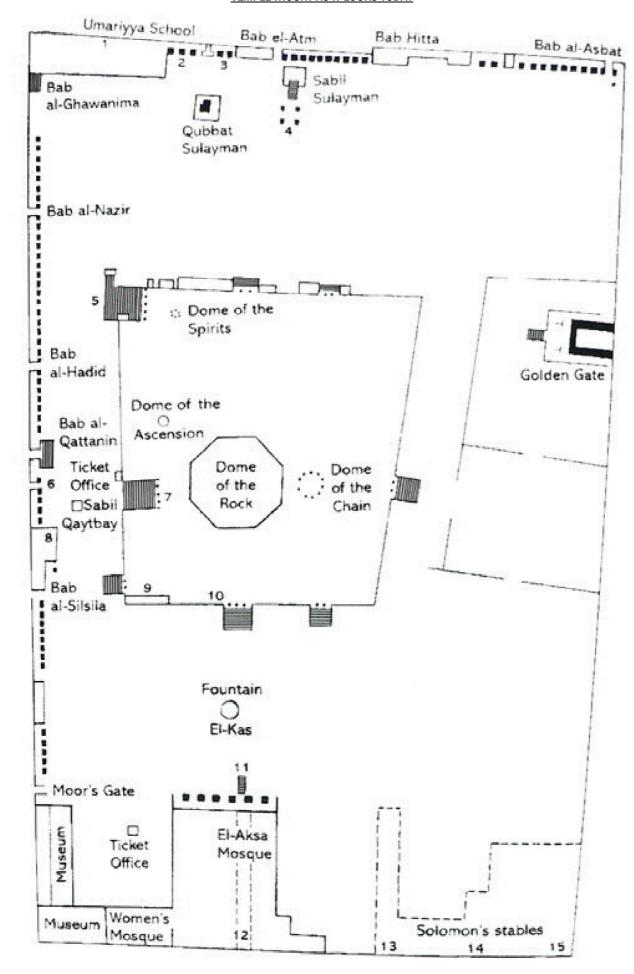
This is not a surprise as it is well known that Herod increased the Temple area. This means that a large part of what is now the Temple Mount may be entered without halachic concern. The problem is to identify which part?

Temple Mount Bird's Eye View



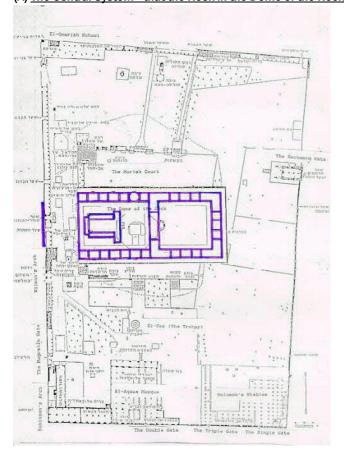
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TEMPLE MOUNT AS IT LOOKS TODAY

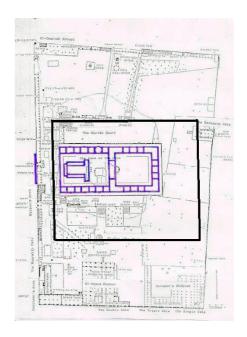


THERE ARE 4 MAIN THEORIES BASED ON ARCHEOLOGICAL, DOCUMENTARY AND SURVEYING EVIDENCE AS TO WHERE THE TEMPLE WAS LOCATED ON THE MODERN TEMPLE MOUNT

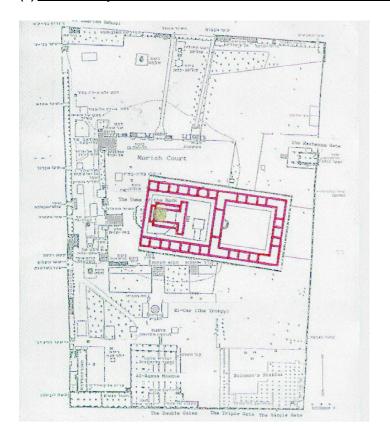
(A) The Central System - that the Rock in the Dome of the Rock is in the position of the Mizbeach (Rav Goren)



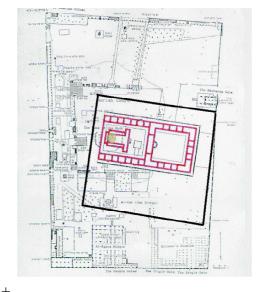
This would place the approximate position of Har Habayit as follows:-



(B) The Middle System - that the Rock in the Dome of the Rock is in the position of the Holy of Holies (Radvaz)

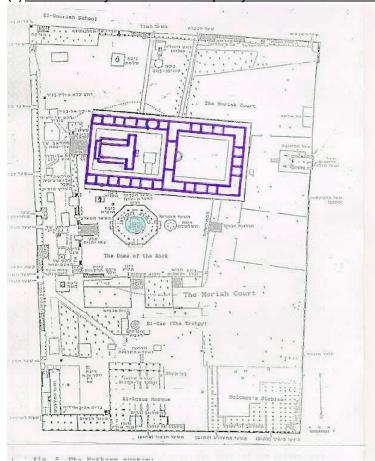


This would place the approximate position of Har Habayit as follows:-

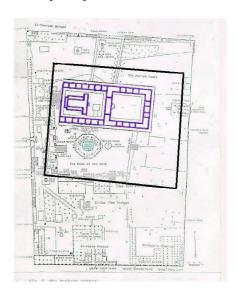


The Al-Sakara Rock, roughly 13 meters by 17 meters (43 feet by 56 feet).

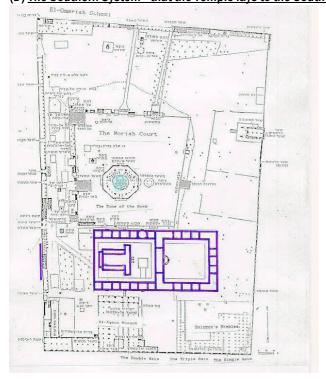
(C) The Northern System - that the Temple lays to the North of the Dome of the Rock



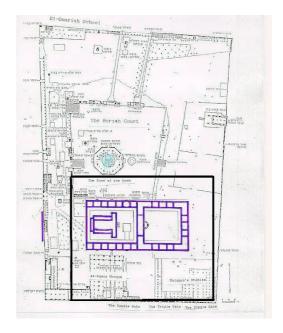
This would place the approximate position of Har Habayit as follows:-



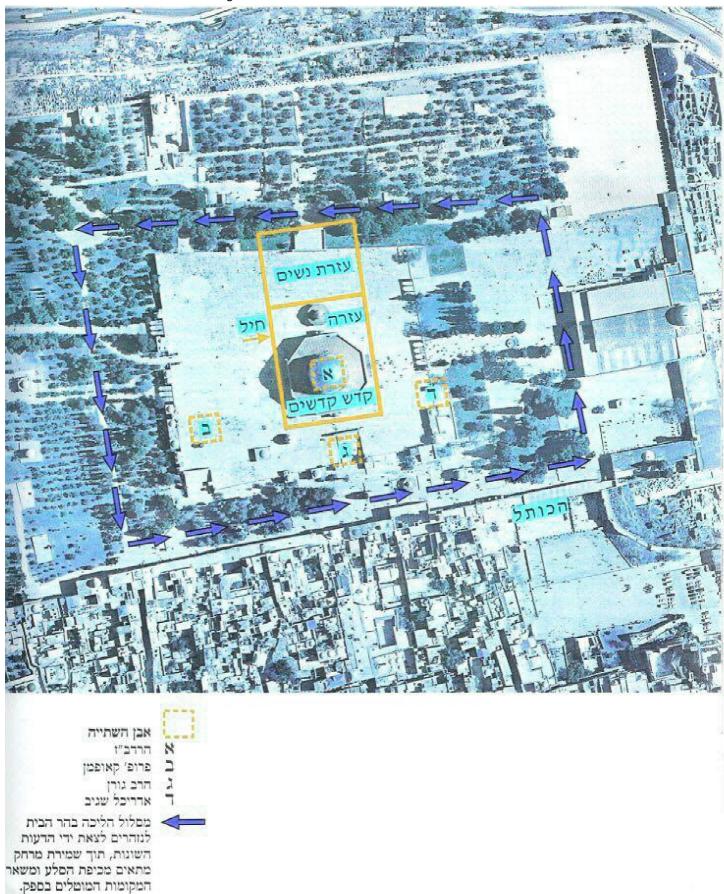
(D) The Southern System - that the Temple lays to the South of the Dome of the Rock

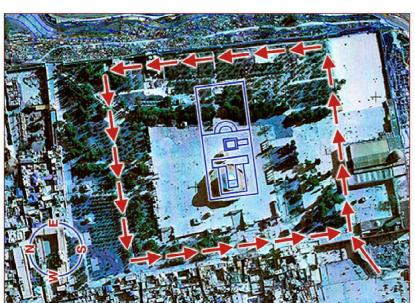


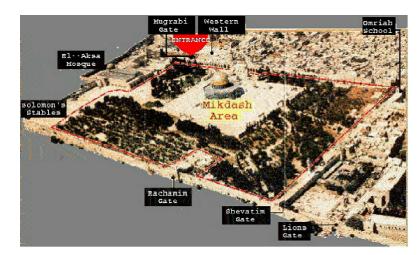
This would place the approximate position of Har Habayit as follows:-



The theory most accepted is the Middle Theory which places the Holy of Holies in the exact place of the Dome of the Rock. Thus a route around Har Habayit has been devised to avoid all of the potentially problematic areas where the Temple complex could have stood (according to current theories).







Another more conservative route around the edge of the walls of Temple Mount.

This view follows the 'Route of the Radvaz' and understands that the Azara is entirely located on the central, raised platform on which the Dome of the Rock sits. The Cheil around the Azara is also on the platform. The Ezrat Nashim is to the east of that platform. They therefore recommend that Jews stay close to the eastern wall of the Temple Mount.



13.

The two principal edifices are the Dome of the Rock, on a raised platform in the middle, and the mosque of al-Aqsa against the south wall. Other buildings which we shall consider later lie dotted about here and there. On the left, along the east wall, the double portals of the Golden Gate appear. On every side, trees break the prospect, which lend a peculiar charm to the scene. The site is one of the oldest in the world. Its sanctity dates from the earliest (perhaps from pre-historic) times. Its identity with the site of Solomon's Temple is beyond dispute. This, too, is the spot, according to the universal belief, on which "David built there an alter unto the Lord, and offered burnt offerings and

Tourist guide published by the Supreme Muslim Council (the Waqf) of Jerusalem in 1925

The Palestinian leadership now deny, for purely political reasons, that there was ever a Jewish presence on Temple Mount. This is despite the fact the the official Waqf literature from 100 years ago states that the identity of the Dome of the Rock as Solomon's Temple is "beyond dispute"!

• In Part 2 we will be'H look at the central halachic question of whether and why the Temple areas could still be holy today, even through the Temple has been destroyed. We will also look at the <u>practical</u> preparations that people make before ascending onto Temple Mount. Finally, we will survey the different rabbinic opinions on this issue today and over the last 75 years.