

# ליקוטי ופסקי הלכות "חוקי חיים"

ותלמדם  
"חוקי חיים"  
לעשות רצונך  
בלבב שלם



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Halachos compiled by HaRav Chaim Bleier – Translated from the Hebrew edition by R' Zerachya Shicker

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Site of the Beis HaMikdash Today – 2 | Ki Seitzei 5784

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## Issur to Enter Har HaBayis

### The Issur Remains in Force

- In the previous issue (337), we wrote at length about the issur to go onto Har HaBayis today, which is agreed upon by all well-known poskim. It is primarily due to the issur of tumah in the Mikdash, stemming from uncertainties regarding differing and contradictory opinions as to the precise location of the Azara, where a tamei meis – which we are all assumed to be – may not enter (ibid., 14). It is also due to lack of clarity as to the location of Machaneh Leviya, where people tamei due to bodily emissions may not enter (15), considering the difficulty of strict adherence to hilchos tahara (16). All poskim of the previous generation, as well as today's poskim, held one may not enter any area on Har HaBayis, and that has been the accepted practice of all chareidim and people with yiras Shomayim since earlier times.
- Since putting out that issue, we received many reactions from many people of various types and circles who came armed with sources from lone opinions, novel reasoning, and various calculations and practices of peculiar individuals who entered different areas of Har HaBayis. There are some individuals who permit themselves to go onto Har HaBayis, against the poskim of our generation, out of lack of restraint and disregard, basing their actions on questionable calculations and reasoning. They also encourage others to go up [but to go downward spiritually], as if it were a mitzva and what Hashem wants. Because they were very disappointed by the last issue, which completely denounced going onto Har HaBayis, they requested that we correct things by including their views and opinions in a future issue.
- In response, we come again to double down and reinforce the issur of going onto Har HaBayis. The issur agreed upon by all the poskim of our generation remains in force. We will not be persuaded by frivolous people to get into questions of an issur kareis and the serious issur of "ומקדשי תיראו." All emotions regarding drawing near to the place of the Shechina notwithstanding, it is our duty to fulfill the holy Torah's commandment of "ועשית ככל אשר יורוך," which relates to the rulings of the gedolim who trained under well-known rabbanim, not to those who fabricate novel ideas and act based on them.
- Being that we are in exile from our Land and distant from our Beis HaMikdash due to our sins, it is our duty to just do teshuva and daven for the Shechina to return to Tziyon; not to pile on more sins ח.ו. Then, and only then, will we be zocheh, after proper tahara, to present ourselves in our Beis HaMikdash – may it happen speedily in our days.

### Cause Others to Sin by Entering without Tahara

- In the last issue, we mentioned that sadly, some people are irresponsible and go to certain areas on Har HaBayis after a perfunctory tevila in a mikva, claiming that most opinions hold there is no way those areas are classified as Machaneh Leviya. However, this claim ignores an important detail: For security reasons, many secular security personnel and police officers must also be assigned to the area to enable Jews to go onto Har HaBayis [as well as photographers to publicize the scenes; otherwise it isn't worth it to them...]. They are certainly not careful about tahara whatsoever; they go up tamei. Hence, by going onto Har HaBayis, these people cause others to sin.

- לפני עוור לא תתן מכשול. Claiming that they are there regardless on the government's orders is not valid, as when Jews go onto Har HaBayis, many more police officers than usual are required [let's see them go up without police...]. Hence, those who go up cause others to enter Har HaBayis without tahara and thereby sin, in violation of "לפני עוור וכו'." They are liable for their aveira.
- Non-Jewish police.** Even if the officers protecting those going onto Har HaBayis are non-Jews, e.g., Arabs or Druze, there is still an issur even today of non-Jews entering the area that is from the Cheil and inward, the precise location of which is unclear. They are certainly not careful about this. Thus, one who causes them to go there violates the lav of "לפני עוור לא תתן מכשול" (הקודש דף י' ע"א בשם המהר"י).

## Other Halachos about the Site of the Beis HaMikdash

### Kedusha of the Airspace over Har HaBayis

- Balcony protruding over Har HaBayis.** The poskim explain that the airspace over Har HaBayis also has kedusha. Thus, rooftops and upper floors on Har HaBayis have the kedusha of Har HaBayis (שו"ת סוף שסב, שו"ת הרדב"ז ח"ב תרצא). One should therefore not enter an upper floor or balcony built around the Beis HaMikdash that protrudes into the airspace over the site of the Beis HaMikdash.
- Flying over Har HaBayis.** One may not fly through the airspace over the site of the Beis HaMikdash in a plane or helicopter, even at a high altitude, because the Azara's kedusha also exists in the airspace above it, all the way to the sky (ק' עלעקטריק סי' ק; שו"ת באר משה ח"ז ק' עלעקטריק סי' ק; צפנת פענח פ"א הל' תרומות ה"ו, הר הקודש עמ' שכי"ט). Thus, those who fly over Yerushalayim in a helicopter must be careful not to fly over the site of the Beis HaMikdash (הגרי" כדורי הוורר בשערי ציון ח"ג סוף סי' כ"ז).
- Unmanned aircraft.** Also, one may not fly an unmanned aircraft, e.g., a drone, based on the halacha that one may not throw tamei items into the Beis HaMikdash (רמב"ם פ"ג ביאת מקדש ה"ט). All metal items can receive tumah from people (שו"ת נ"ח, הגריש"א, קול הליכות והנהגות לבין המצרים).

### Tunnels and Channels under Har HaBayis

- Tunnels under Har HaBayis.** Even one with tumas zav or baal keri may go in underground tunnels beneath Har HaBayis, as the tunnels do not have kedusha, and the kedusha of Har HaBayis does not go all the way down through the earth. However, tamei people may not enter tunnels that also extend under the Azara and open up to the Azara itself, as those have the status of the Azara itself (שו"ת רדב"ז סי' תרצא, הר הקודש עמ' שכט, שו"ת צי"א ח"י סי' א').
- Thus, one should be careful today to avoid entering the tunnels that go under Har HaBayis itself out of concern that they open up to the Azara.
- Kosel tunnels.** However, the "Kosel tunnels" that are open to the public today are outside the Kosel and Har HaBayis, so entering them poses no halachic problem (ספר הכותל המערבי פ"ד עמ' מ"ו).

### The Kosel HaMaaravi

#### Wall of Har HaBayis or the Azara?

- The early poskim were uncertain about and differed as to the nature and status of the Kosel HaMaaravi that stands before us today. Is it the western wall of the Azara itself or of Har HaBayis? If it is the wall of Har HaBayis, is it the original wall, which has the kedusha of Har HaBayis, or is it a wall that was built after Har HaBayis was extended by Herod, in which case it is an addition to the true walls of Har HaBayis, which are further in?

15. **Wall of the Azara.** Some hold that today's Kosel HaMaaravi is the wall of the Azara (שׁוֹת רב"ז ח"ב ס' תרצ"א, ספר ארץ חיים י"ד ס' רי"ז) ז"ל (שׁוֹת רב"ז ח"ב ס' תרצ"א, ספר ארץ חיים י"ד ס' רי"ז). According to the Mishna, the Kosel plaza adjacent to the Kosel where people daven is actually the area of Har HaBayis, and people tamei due to bodily emissions may not come close to the Kosel without undergoing a tahara process.
16. **Wall of Har HaBayis.** Many hold that the Kosel HaMaaravi is the wall of Har HaBayis. Accordingly, the Kosel plaza area in front has no kedusha at all, as it is outside Har HaBayis (כפתור ופרח פ"ו, מהר"ם). After many measurements and analyses in recent times, nearly all poskim agree with this opinion (פאת השלחן). The Mishna says that the wall of Har HaBayis was just a short distance from the wall of the Azara (מדות ב, א). For whatever reason, they interpret that "short distance" as just two amos (הר הקודש).

**Coming Close to the Kosel**

17. Due to several concerns about the kedusha of the Kosel plaza, as mentioned, some people do not come directly up to the Kosel HaMaaravi. They remain at a bit of a distance, as will be explained.
18. **Two amos.** Some are careful to keep a distance of two amos from the Kosel (שׁוֹת בית רידב"ז ס' ל"ח), based on the opinion that the Kosel is the wall of the Azara (15). Thus, one must stay two amos away from the Kosel so as not to enter Har HaBayis without tahara ח"ו. The Mishna says that the wall of Har HaBayis was just a short distance from the wall of the Azara (מדות ב, א). For whatever reason, they interpret that "short distance" as just two amos (הר הקודש).
19. Some are careful to keep a distance of two amos from the Kosel even according to the opinions that it is the wall of Har HaBayis (16) due to a concern that over time, the rows of stone shifted somewhat (מועדים וזמנים שם).
20. Another reason is because the thickness of the wall has the kedusha of the area within the wall (פיה"מ להרמב"ם פ"ו בית הבחירה ה"ט). There are more stone rows in the Kosel underground than rows we see aboveground. The way to build a wall is by making it wider at the bottom and narrower on top. If so, when one stands directly up against the Kosel, he is likely standing over the rows of stone beneath him. Since the thickness of the wall has kedusha, it turns out he is standing without tahara on an area of Har HaBayis that has kedusha (הגר"י פישר, אבן ישראל).
21. Some explain that the reason for keeping a slight distance from the Kosel is due to a concern one will put his hand or finger between the stones, which some are careful not to do (שׁוֹת צ"א ח"י ס"א), as will be explained (below, 29).
22. **Eighty amos.** Some hold that if the Kosel is the wall of the Azara, one must keep a distance of eighty amos from the Kosel. This is the maximum distance there could have been between the walls of the Azara and the walls of Har HaBayis (הר הקודש עמ' רל"ו).
23. **155 amos.** Others hold one must keep a distance of 155 amos from the Kosel, as that is the maximum distance there could have been between the walls of the Azara and the walls of Har HaBayis (תו"ר שם מדות פ"ב מ"א, הר הקודש שם).
24. **In practice.** Since the poskim have concluded that the Kosel is certainly the wall of Har HaBayis, not the Azara, everyone comes close to the Kosel without worrying that the area before him is part of Har HaBayis – this is the widespread custom (א"מ א"ח ח"ב סוף ס' י). However, (ק"ל, וכן נהגו החזו"א, הגר"ח קנייבסקי והרה"צ צדיקי וגאוני הדור there are still people who are machmir to keep a slight distance away, e.g., two amos, even if we assume it is the wall of Har HaBayis. This is due to the reasons mentioned above: perhaps the stones shifted somewhat (19) or perhaps the stones hidden underground are wider, and one who stands next to the Kosel is standing over the stones that have the kedusha of Har HaBayis (20).
25. **Minhag of Brisk.** It is known that the minhag of Brisk is not to come near the Kosel at all. They stand on the Kosel plaza, far from the Kosel. This was the practice of the Maharil Diskin and the Brisker Rov. People say this was out of concern for tumah in case the area is Har HaBayis (אג"מ ה"ל). However, some relate and explain the Maharil Diskin's minhag as follows: The first time he went to the Kosel after he left the town of Brisk, his whole body began shaking and trembling upon seeing the Kosel, while he murmured "והשימותי את מקדשיכם" – they even have kedusha while they are desolate." His hands were shaking so much that he was on the verge of fainting. This repeated itself multiple times. Out of concern for sakanas nefashos, his family prevented him from getting anywhere close to the Kosel (בשם הגרי"מ חר"פ) ששמע מאביו, ס' בזכרונו את ציון עמ' ת"ב

**Partially Entering [ביאה במקצת]**

26. There is a machlokes Amoraim (גמ' וזבחים דף ל"ג ע"ב) and poskim whether or not partially entering is considered entering. In other words, if part of a person, e.g., his hand, enters a forbidden area on the site of the Beis HaMikdash, is it considered like he entered, in which case he violated an issur kareis, a lav, or just an issur d'rabanan? Some rule that partially entering is not called entering (רמב"ם פ"ג ב"מ קדוש ה"ח). Thus, someone tamei who sticks his hand into the Beis HaMikdash does not violate the issur d'oraisa. However, he gets malkus d'rabanan. Others hold it is called entering and he is chayav kareis (הראב"ד שם).
27. **Putting fingers between the stones.** Based on this, the poskim discuss whether one may put his fingers or hand into the cracks and crevices of the Kosel HaMaaravi or between its stones. The thickness of the Kosel is considered like the area enclosed within, which is Har HaBayis; all of us are tamei; and perhaps partially entering is called entering (משכנות לאביר יעקב ח"ב תמיד פ"א).
28. **Mutar.** Some allow one to stick his fingers between the stones for multiple reasons. Only the thickness of the wall level with the ground of the Azara has kedusha, not higher up, and the Kosel before us today is higher up. Also, perhaps there is no issur of partially entering in Machaneh Leviya. Also, the issur of partially entering only applies to an entrance, not to an area that is not an entrance (שׁוֹת אבני נזר י"ד ס' ת"נ תנ"ב).
29. **Assur.** However, some are concerned for the above opinion that partially entering is called entering and thus do not permit one to stick his fingers between the stones unless he did a halachically meticulous tevila d'oraisa in a mikva (משכנות לאביר). Some also require one to wait until sunset after his tevila (יעקב שם, חזו"א והסתייפלו, ארחות רבנו ח"ב עמ' קמ"ט). Some completely forbid putting the fingers or hand between the stones since today we are not fully careful to do a proper tevila with all the preparations and the chafifa necessary for a tevila d'oraisa.
30. **Placing notes between the Kosel stones.** Many people insert notes with tefillos between the stones of the Kosel as a segula to be remembered in a holy place (שׁוֹת צ"א ח"י ס"ה). There is a tradition that the Or HaChaim HaKadosh sent a note to be placed in the Kosel for his talmid [the Chida (נ"ע מסורה)] with a tefilla for parnassa for his talmid, and his request was fulfilled (ס' פדה את אברהם להר"א פאלאג'י) (מערכת ב' אות ט"ו דף ס"ו, ס' מסעות ירושלים מאמר יום שני עמ' צ"ד).
31. According to the opinions who hold one must be careful not to put his fingers between the stones, one should be careful not to put the note between the stones with his fingers. Instead, he should insert it with a stick or the like (ס' הרבי והמונקאטשער) so that he does not violate on a potential issur of tumah in the Mikdash while yearning to be answered by Hashem and have his heart's requests fulfilled.

**Using the Kosel Stones**

32. **Kedusha.** The Kosel stones which have been around since the time of the Beis HaMikdash have kedusha, since Har HaBayis has kedusha, and the thickness of the wall has the status of the area inside (קריית ספר הל' בית הבחירה פ"ה). Also, they were built with the leftover money from the terumas halishka (שׁוֹת אג"מ) (י"ד ח"ד ס' ס"ג). Additionally, the location is holy and directly faces the Gate to Shomayim, where the Shechina permanently dwells (משכנות לאביר יעקב, ס' הכולל המערבי פ"ו). This is even if we assume the Kosel is one of the walls of Har HaBayis.
33. **Using the Kosel stones.** Due to their kedusha, one should be careful not to make personal use of the stones of the Kosel (עיר הקודש והמקדש ח"ד עמ' ס"ז), e.g., leaving sefarim or items in the cracks in the Kosel, hanging a cane between the stones [a Rebbe once inappropriately hung his silver cane there], or leaning on the Kosel without a mitzva-related need (עיר הקודש והמקדש שם).

**Reinforcing Our Awe of the Mikdash**

34. In conclusion, instead of disregarding the kedusha of the Beis HaMikdash by going there tamei without a proper, careful tahara; causing others to go up while tamei and sin (5); entering areas that are possibly subject to an issur kareis (Issue 337); and acting with frivolousness and lack of restraint; we should do just the opposite: We should reinforce our meticulousness in the mitzva מורא; honor it as a holy place; refrain from going onto Har HaBayis; and be highly meticulous and careful about the kedusha of the Kosel as well, as detailed above, and as we observe in the conduct of the gedolim and poskim of our generation. In this zechus, we should soon be zocheh to enter and present ourselves at the site of the Beis HaMikdash when it is rebuilt, with kedusha and tahara, and with song and music.