

# **There You Shall Go To Seek His Presence**

**A Comprehensive Halakhic Analysis  
regarding Ascending the Temple Mount**

"It is there that you shall go to seek His presence." Devarim 12:5

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- My dear wife for her generous support over the years and her great efforts in raising our children,
- All those who helped and assisted materially and spiritually.

To all, may your reward be complete from G-d.

Responses, comments and insights will be gladly received.

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Donations for distribution of the booklet and redemption of our holy Temple Mount will be gladly received. 050-696-3959

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Approbation of Rabbi **Dov Lior**, *shelita*

Chief Rabbi of Kiryat Arba-Hebron and Rosh Yeshiva of Yeshivat Nir

6 Nisan 5775

Dear Rabbi Wolfson,

I received your booklet regarding the obligation to ascend the Temple Mount in our times. I haven't had time to respond until now due to the burdens weighing upon me. Please forgive me.

You are standing in the breach, dealing with one of the most important issues of our times, if not the most important, namely, our return to our Holy Temple.

*Yishar koach* for your comprehensive analysis of this supremely important topic, recalling our sages' expression (Berachot 6b), "things of supreme importance that people neglect." Just as in the period before World War II there were those who opposed moving to the Land of Israel, so today there are those who oppose our having any connection to the Temple Mount.

You, yourself, quote Ramban who explains that the plague in King David's time was punishment for communal indifference to rebuilding the Temple. Just so, I humbly believe that neglecting redemption of the Temple Mount and its restoration to the Jewish People in our day is one of the main causes of the lack of peace in our land and the increase in terrorism.

There were those who wished to enlist proof from our master Rav Kook, *zt"l* who forbade ascending the Temple Mount, but Rav Kook wasn't dealing with the ascent itself, since in his time that was out of the picture. Rav Kook was clarifying that we rule like Rambam, that in Joshua's day the Land was sanctified both for his

own time and for the future. Moreover, we do not rule like Ra'avad, who said that entry to the Temple Mount is permitted to all who so desire. Rav Kook didn't go into clarifying the borders that are permitted and forbidden for entry.

After the Six Day War Rav Goren *zt"l* and other rabbis measured the area of the Temple Mount and mapped the areas permitted for entry even to people rendered impure by contact with the dead, following immersion in a mikvah.

I did not find a solid halakhic basis for the arguments brought by the opponents, but only doubts, and in your article you judiciously rejected them.

I humbly believe that there is clearly great importance to the public's ascending to pray in the holy place, and this is one of the ways to hasten our redemption.

I have recently been informed that the Chief Rabbinate changed the sign at the Temple Mount entrance and it now states that entrance *to those impure* is forbidden.\* This is small progress in the big struggle.

May it be G-d's will that you merit to continue spreading the light of our Torah and our redemption. If only we could all soon be privileged to see the redemption of all our land, with our Temple shining forth on its mountain in all its glory.

Signing off for the glory of the Torah and its students,

Dov Lior

\*Author's Note: After some time it became clear that it was not the Chief Rabbinate that changed the sign but some anonymous person, and the Chief Rabbinate restored the old wording. However, the Chief Rabbinate has recently publicized that it does not oppose Jews ascending the Mount in accordance with their own rabbis' rulings. See p. 53 \_\_\_???

Blessing of Rabbi **Nachum Eliezer Rabinovich**, *shelita*

Rosh Yeshiva of Birkat Moshe - Maaleh Adumim

13 Sivan 5775

To Rabbi Elisha Wolfson *shelita*,

Thank you very much for sending me the booklet dealing with the importance of the mitzvah of ascending the Temple Mount to pray there in purity. You cover all aspects of the issue, and rightly emphasize that this issue should be a top priority from a public standpoint.

May it be G-d's will for many to follow in your path. May we soon merit to see the comforting of Zion, and the fulfillment of Isaiah's words:

The mountain of the L-rd's house shall stand firm above the mountains and tower above the hills; and all nations shall stream to it. Many peoples shall go and say, "Come, let us go up to the Mount of the L-rd... that He may instruct us in His ways and that we may walk in his paths." For out of Zion shall go forth Torah and the word of the L-rd from Jerusalem. (Isaiah 2:2-3)

Writing and signing for the glory of Zion and hoping to see its  
consolation,

Nachum Eliezer Rabinovitch

Approbation of Rabbi **Zephania Drori**, *shelita*

Chief Rabbi and Chief Rabbinical Justice of Kiryat Shmona, and head  
of its hesder yeshiva

"Abraham named the place 'G-d will see'. Today it is therefore  
said, 'On G-d's mountain He will be seen'." (Bereshit 22:14)

To Rabbi Elisha Wolfson:

Dear Rabbi Wolfson,

With your important article, you have merited to fulfill G-d's word,  
"It is there that you shall go to seek His presence."

You have clarified the halakhic authorities' utterances regarding  
the mitzvah of ascending the Temple Mount in our time.

You have proven that throughout the generations Jews did so.  
Major halakhic authorities wrote that this is a mitzvah for every  
single Jew and for the nation as a whole in all generations, let  
alone in our time when by going up, the Mount remains in our  
hands and our hearts.

Even in the midst of exile and persecution, the Tosafists prostrated  
themselves before the Temple Courtyard. The responsa of Radbaz,  
section 2 states that it was the universal practice to go up there.

Maharit permitted going there after immersion in a mikvah, as did  
the Klausenburger Rebbe more recently in his responsa Divrei  
Yatziv. Ramban testified that many come to Jerusalem from  
Damascus to see the Temple and weep over it. Rambam further  
ruled in his Sefer HaMitzvot that it is a mitzvah to go up there in  
purity and reverence.

I recently read a description of an ascent to the Temple Mount 150 years ago by a Breslover Hasid who arrived with friends from *Tzfat*. Having ascended, the Muslims began to prevent him from praying, berating him and the other Jewish worshippers, and the result was that Jews stopped ascending.

In my opinion, ascending the Mount does not constitute an affront to the Chief Rabbinate, for Israel's Chief Rabbis, Rabbi Eliyahu and Rabbi Goren, wanted to establish a synagogue on the Mount to allow prayer for the many who go up in purity.

You are right in saying that the reason Rabbi Kook did not put his fingers between the stones of the Western Wall was his fear lest its crevices are part of the place forbidden to enter without proper preparation.

Happy are those who ascend the Mount in reverence and purity, causing the Divine Presence to rest upon them and upon all Israel. Woe to those who scorn the positive commandment of "going there to seek His presence." As Rabbi Yehuda HaLevi wrote, "Zion needs yearning." Without yearning for and physically ascending the Temple Mount, the Temple will not be built, just as Eretz Yisrael was not rebuilt until we yearned for it and ascended it 'in total yearning' in our day.

With all my esteem and admiration,

Rabbi Zephania Drori



Approbation of Rabbi **Eliezer Melamed**, *shelita*

Town Rabbi and Rosh Yeshiva of Har Bracha

24 Iyar 5775

I studied the booklet written by Rabbi Elisha Wolfson *shelita*, one of the finest graduates of the *Tzfat* hesder yeshiva headed by our dear colleague Rabbi Eyal Jacobowitz *shelita*, on the mitzvah of ascending the Temple Mount, and I found that he successfully explained and summarized the various aspects of this topic clearly and logically. Showing great respect for those who took the strict view forbidding it, he examined their views and concluded that from the perspective of five mitzvot, it is a mitzvah to go up today to the permitted places on the Temple Mount after immersion. I, too, agree with his conclusion.

Rabbi Wolfson wrote this booklet out of a sense of responsibility to accurately clarify the Torah in order to teach it to the public so that they could keep and observe it, as well as a desire to increase Israel's glory and arouse yearning for the redemption of our people and land. In doing so he was carrying on in the pathway of his important family.

His father, Rabbi Avraham Wolfson *shelita*, has served for many years as a teacher at the Birkat Moshe Yeshiva in Maaleh Adumim. His mother Rabbanit Naomi Wolfson, through the many classes she teaches and the books she has written, educates about the mitzvah of marital happiness. She is the daughter of Rabbi Moshe Botchko *zt"l* who followed in the path of his father Rabbi Eliyahu Botchko *zt"l*, serving for dozens of years as the Rosh Yeshiva of Etz Chaim in Montreux, Switzerland, and training many students. He was even privileged to bring his yeshiva to Israel, to name it after his father "*Heichal Eliyahu*", and to replant

it in the settlement of Kochav Yaakov. He likewise merited to see his son Rabbi Shaul Botchko *shelita* serve as Rosh Yeshiva and expand its student body, thereby increasing and magnifying the Torah of Eretz Yisrael.

Based on the quality of this work, we can assume that Rabbi Elisha *shelita* will yet merit to continue learning, teaching and writing important works.

With blessings,  
Eliezer Melamed

Approbation of Rabbi **Eyal Jacobowitz**, *shelita*

Head of the *Tzfat* Hesder Yeshiva

I sifted through this article with great care, and found it to be like the finest flour, logical and compelling, "the sayings of the wise like goads" (Eicha 12:11), resounding with the ring of truth.

Having known Rabbi Elisha Wolfson for many years as one of the most important students in our beit midrash, I testify regarding him that he is a true Torah scholar, who humbly practices what he preaches, whose words are literally a delight.

I must note that just reading and learning this booklet one is awarded with a taste of simple, upright, illuminating, holy redemption. Although "I have not seen" is no proof, I must say that I have never seen such a comprehensive work on seeking G-d in His holy place.

Therefore, despite my unworthiness, I add my support to this work and its author and say that the Torah of truth was in his mouth, a garden spring, a well of living waters.

Rise! Let us go up to Zion, to the house of the G-d of Jacob! Let us never be ashamed or silent until her victory emerge resplendent and her triumph like a flaming torch. (Isaiah 62:1)

May all those who support the dissemination of this light to all Israel be blessed.

With love and admiration,

Eyal Jacobowitz

Approbation of Rabbi **Daniel Dov Berl HaKohen Stavsky**  
*shelita*

2 Iyar 5775, G-d's Sabbatical Year

Dear Rabbi Wolfson,

I have seen your article regarding the Temple Mount and observing the mitzvah of "It is there that you shall go to seek His presence", and it fills me with joy.

Your writing follows the tradition of the Jewish People down through the generations, very respectfully presenting questions, together with all the sources this way and that, and that itself ushers divine assistance and revelation of the Divine Presence in the halakhic study. As is known, "The halakha follows the rulings of the humble, who quote their fellow men's utterances before their own."

Beyond the article's conclusions, so correct and self-evident, your very engagement in a halakhic discussion untainted by ideology and personal human opinions – is already a net profit for our holy Torah and its observance, for we are dealing with serious mitzvot of the Torah.

May your strength be in Torah, and may it be G-d's will that we merit to connect each individual and all of Israel to the House of G-d, enabling all to worship Him there, as is G-d's will, in purity, with all His sacrifices which make the entire universe flourish. And may all this happen mercifully, in our time. Amen, so may it be!

Your friend,

D.B.R. Stavsky

Blessing from Rabbi **David Dudkevitch** *shelita*

Rabbi of Yitzhar

Shalom and blessings R. Elisha,

How fortunate you are to have undertaken this great mitzvah of examining our obligation to seek G-d in the place of which it says, "My eyes and heart shall be there forever" (I Kings 9:3).

This obligation to seek G-d is a very serious one, and it is the cause of Jeremiah's complaint that "no one seeks out Zion" (Jeremiah 30:17).

Concisely and succinctly you summarize the holy and important topic of going up in our time to the mountain of the House of G-d. You relate comprehensively to an issue chiefly of concern to those who fear G-d and walk in the light of the master of lights, our master Rabbi Avraham Yitzchak Hakohen Kook *zt"l* and his son, our master Rabbi Tzvi Yehuda Kook –, may his merit protect us.

May your precious words be credited with what Rabbi Yehuda HaLevi was referring to at the end of his *Kuzari*:

One who arouses people's love for this holy place is worthy of reward and hastens the era we yearn for:

You will surely arise and take pity on Zion, for it is time to be gracious to her. The appointed time has come. Your servants take delight in its stones, and cherish its dust. (Psalm 102:14-15)

That is, Jerusalem shall not be rebuilt until Israel totally longs for it, until they cherish its stones and dust.

In hope and prayer that your words will constitute study leading to action by many G-d-fearing people, seeking G-d's holy place. May your words elevate the entire nation until they discover the meaning of "a kingdom of priests and a holy nation".

While I, myself, was a partner and founder of the *El Har HaMor* movement which has dealt with these issues for many years, and while I have been privileged to discuss the issue with many of Israel's important rabbis, I do not see myself as worthy of giving approbations for books and articles. I am certainly unworthy of my words being linked to the approbations of great, veteran scholars such as Rabbi Dov Lior *shelita* and Rabbi Zephania Drori *shelita*.

Therefore, all my words above are a blessing for your good and important work.

Blessing and Support from **Rabbi Amir Katz** *shelita*

15 Iyar 5775

Strengthen heroes, proclaim G-d's name, and seek Zion the outcast city!

I was pleased to see Rabbi Elisha Wolfson's well-written booklet, crafted with grace, loving kindness and fiery zeal. Rabbi Wolfson diligently learns Torah in the holy city of *Tzfat* and his whole desire is to see the Divine Presence come to rest upon Israel in their gathering place, our Holy Temple.

For the love of the holy I will comment on a number of topics from his booklet:

**1. Going up to the Temple Mount:**

This question, so precious yet so controversial, can be dismissed with a yes/no answer. But I humbly believe there is great import to dealing with the argumentation found in our Sages and halakhic authorities. Examining their writings and opinions brings the Temple into our lives, and transforms it from something distant and abstract to something concrete we need to prepare our hearts and minds to confront.

We know that one who studies in order to practice, merits to study, teach, keep, do and observe, as it says "All who practice it gain sound understanding" (Psalm 111:10). It doesn't say "all who study it" but "all who practice it" (Berachot 17a).

Therefore, even someone who reads this booklet but doesn't actually go up there despite all the proofs brought in this booklet, will still be drawing himself closer to the Temple, through his

desire, yearning and actual preparation to observe all the mitzvot associated with going up there, besides bringing sacrifices.

By contrast, whoever rejects dealing at all with this question in the first place, because a rabbi previously ruled against it, distances himself from the mitzvah of seeking the holy, and the question of the Temple is pushed into a corner. Even according to those who hold that the Temple will come down from heaven completely built, that doesn't exempt them from looking forward to its construction or from taking steps to increase people's interest.

2. The mitzvot that can be observed on the Temple Mount already today even without the Temple – the question of all or nothing – does the lack of possibility at the present time of building the Temple prevent us even from partial observance – observing the mitzvot of Temple reverence and prayer in the location of the gate of heaven?

Moses, teacher of all Israel enlightened us in this regard by "setting apart cities of refuge beyond the Jordan in the east" (Devarim 4:41). Rashi, based on Makot 9a, comments, "He set his attention to be zealous in this regard, to set them apart. And although they were not to serve as cities of refuge until those of Canaan proper (the western side of the Jordan) were set apart for that purpose, Moses said, "Any duty that is possible for me to perform, I will perform."

Love of the mitzvot leads to the desire to observe every mitzvah possible. Just as we in Eretz Yisrael merit to observe more and more mitzvot that are dependent on the land and are dependent on ruling the land by Israel – so too regarding the Temple. G-d is mercifully bringing us closer to His house, and we are called upon to prepare ourselves to reap the fruits, to seek out and do our utmost to "go there".



3. Regarding the practical question of entering the Temple Mount in our time – it would seem that there is a mix-up of concepts, which demands for the honor of Torah precision and clarity, and distinguishing between halakha and policy.

It is well known that there is no prohibition whose punishment is *karet* [spiritual excommunication] for entering the Temple Mount but rather violation of a negative commandment for those suffering impure discharges. Only one who intentionally enters the Temple Courtyard [*Azara*] incurs *karet* according to Rambam and those who follow his ruling. Rather, it was only as a protective fence that some of the great rabbis of Israel enacted a prohibition against entering the Temple Mount, to keep people from sinning by accidentally entering the Temple location itself.

Establishing this custom in our day involves a major, difficult question: Who is our shepherd? Who decides things? The problematic nature of the community's being split among different rabbis itself arouses yearning for the Temple: "For out of Zion shall go forth Torah and the word of the L-rd from Jerusalem" (Isaiah 2:2-3). Rambam divulges (Mamrim 1:4):

"When the Great Rabbinical Court existed, there was no controversy among the Jews... once it ceased, controversy proliferated. One rabbi rendered someone impure, providing a rationale for his decision while another rabbi rendered him pure, one rabbi forbade something while the other permitted it."

As long as the great halakhic authorities are not sitting together, discussing and examining these questions, taking responsibility for all Israel, the issue at hand remains a private one with each individual acting sincerely in accordance with the his rabbis' directives. We thereby encounter the high caliber of "the scholars of Eretz Yisrael who do not hurt each other but treat one another

graciously in matters of halakha" (Sanhedrin 24a). We pray that our rabbis and teachers should be the living fulfillment of "the study of Torah scholars increasing peace in the world," thus bringing us harmony in Jerusalem.

#### **4. Purity for Entering the Temple Mount – Reviving the laws of Purity and Impurity**

For close to two thousand years the laws of purity laid out in the Mishnaic Order of *Teharot* were forgotten. We were left with a small remnant regarding the menstruating woman; ritual hand-washing before meals and before eating fruit; and the admonition to kohanim to avoid being defiled by the dead. We have almost entirely removed this great Torah corpus from our thoughts.

Thanks to the question of going up to the Temple Mount, these issues have come to life – and they arouse those who toil in Torah to investigate the "life of purity" – i.e., how to conduct our daily lives in purity, avoiding impurity contracted through lying down and sitting, touching and carrying etc. Precisely our contact with the mundane has brought about the renewal of this part of the Torah, thus enabling us to add purity to our lives.

It is my fervent wish that this important pamphlet will find its way into the hearts of Israel, especially its Torah scholars, thereby magnifying the Torah, magnifying the laws of the Temple and of purity, and increasing Jewish alacrity to return to their place and stand erect, so that the Divine Presence can rest upon us openly – on the holy mountain in Jerusalem.

Thank you,

Amir Katz

## Preface

Following all our weeping and prayers during two thousand years of harsh, bitter exile, our Father in heaven mercifully restored us to the expanses of our holy land in 1967, in the Six Day War. Simultaneously He opened before us the gates of the Temple Mount, and we excitedly called out, "The Temple Mount is in our hands!" We returned to the place of the Temple, Mount Moriah, the place of the Divine Presence.

When we returned to the Temple Mount we were faced with important questions:

Is it permitted today to go up to the Temple Mount? Are there, even today when there is no Temple, mitzvot that we fulfill when we go up to the Temple Mount? Is there great significance to our having returned to the Temple Mount, and is any practical activity demanded of us as a result, or is it perhaps better to keep a distance from the holy place until the coming of the Messiah?

These questions have recently become all the more relevant, as many Jews have begun seeking the glory of G-d who dwells in Zion, and many wish to know if and how it is possible to go up to the Temple Mount according to halakha, in holiness and purity.

It is well known that many of the halakhic authorities forbade going up to the Temple Mount, yet there are many important halakhic authorities who permit going up to the Temple Mount according to halakha and call on us to do so.

Out of desire to seek the word of G-d on this topic I sat down with the help of G-d to study this issue and I composed this work in which I explained the mitzvot we fulfill when we go up to the Mount. I also examined the claims of those who forbid it and those

who permit it. Special joy may be derived from dealing with this topic, for just by dealing with it we fulfill the mitzvah of "seeking out Zion", derived from Jeremiah's complaint, "No one seeks out Zion" (Jeremiah 30:17).– which teaches us that "Zion warrants seeking" (Mishnayot Succah 3:12).

We will examine the topic according to both medieval and later authorities, out of desire to clarify the halakha – the word of G-d. May G-d help us to attain the truth of Torah.

## **Is it permitted to go up to the Temple Mount in our time?**

This question of going up to the Temple Mount was dealt with during the exile by halakhic authorities, but they dealt primarily with the fundamental question of the site's holiness. Their decision was that even today the site has holiness, hence, as we shall explain, the prohibitions against entering it when impure apply.

The Torah says (Bamidbar 5:1-2):

G-d spoke to Moses saying, "Instruct the Israelites to send out of the camp everyone who has a leprous mark or a male discharge, and all who are ritually defiled by the dead."

It further states (Bamidbar 19:20):

If a person is unclean and does not purify himself, and then defiles God's sanctuary [by entering it], that person shall be cut off [spiritually] from the community. As long as the purification water has not been sprinkled on him, he shall remain unclean.

The Talmud (Pesachim 67a) derives from these verses that there are three camps from which the impure must be removed: the Israelite Camp, the Levitic Camp and the camp of the Divine Presence. Each camp has different rules. From the Israelite Camp only those afflicted with Biblical leprosy are removed. From the Levitic Camp, those with an impure discharge such as a male or female discharge, men who have had nocturnal emissions and menstruating women are removed. From the Camp of the Divine Presence, those defiled by the dead are removed.

When the Israelites arrived at the Temple, it became holy just as the desert camps had become holy (Zevachim 116b). The division

is as follows: all of Jerusalem is like the Israelite Camp; the Temple Mount is like the Levitic Camp; the Temple Courtyard is like the Camp of the Divine Presence.

Thus, it is forbidden to enter the Temple Mount, which has the rule of the Levitic Camp, when one had an impure discharge, but one may enter the Mount even though one has been defiled by the dead. As for the Temple Courtyard, whose rule is like that of the Camp of the Divine Presence, it is forbidden to enter when one has been defiled by the dead.

We see from this that at present, as long as we lack the ashes of the red heifer, we are forbidden to enter the location of the Temple <sup>1</sup> since we have been defiled by the dead. On the other hand, even someone defiled by the dead can enter the Temple Mount after duly immersing in a mikvah, but only to those places on the Mount permitted to those defiled by the dead. As I said, this law is explicit in the Talmud<sup>2</sup> and Rambam<sup>3</sup> and no one disagrees with it.

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<sup>1</sup> Which is only about five percent of the entire area of the Mount.

<sup>2</sup> Kelim Ch. 1 Mishnayot 6-8, Pesachim 67b and see Midot Ch. 2

<sup>3</sup> Bi'at HaMikdash Ch. 3 Halakhot 3-10, Hilkhos Beit Habechira 7, 15

## **In all generations Jews went up to pray on the Temple Mount.**

There are responsa of important rabbis who permitted going up to the Temple Mount down through the generations, and even did so themselves, and there are testimonies of Jews going up throughout the exile, except for certain times when the gentiles didn't allow the Jews to enter<sup>4</sup>.

Here are the words of Rabbi Avraham Bar Hiyya the Prince (an early medieval sage, from his work *Megilat Hamegila* p. 99):

At first when the Romans destroyed the Temple they did not prevent Israel from going and praying there. Likewise, the Ishmaelite kings treated them well and allowed them to come to the Mount and build a house of prayer and study there. All the communities of Israel living in proximity to the Mount would go there on holidays to pray, establishing their prayers in place of the daily and additional offerings.

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<sup>4</sup> In the Babylonian and Jerusalem Talmuds and the midrashim are testimonies regarding sages going up to the Temple Mount long after the destruction. For example, Eliyahu Rabba 28: "Once Rabbi Tzadok entered the Temple and saw it in ruins. He said, 'Father in heaven! You have destroyed Your city and burned Your Temple and You sit in silence.' Immediately Rabbi Tzadok fell asleep, and saw G-d reciting a eulogy, and the angels after Him, saying, 'Woe to Faithful Jerusalem!'"

"Another time Rabbi Natan entered the Temple and found the Temple destroyed and one wall standing. He asked, 'What is the nature of this wall?' One responded, 'I will show you.' He took a ring and planted it in the wall, and that ring went back and forth until it saw G-d bowing down and standing up and weeping ..."

We likewise find in Shir HaShirim Rabbah 8: "Even though the Temple was destroyed, Israel did not cease their thrice-yearly pilgrimages." See *El Har Hamor'*, p. 40, note 2, which expands on this and brings many sources.

They maintained this custom all the days of the Moslem Conquest, until, in our own times, the evil kingdom of Edom [i.e., the Crusaders] conquered the Mount and removed the Ishmaelite kingdom from it. From then on they desecrated the Temple site that the Jews had turned into a synagogue, and they placed their idols in it, and they "nullified the daily Temple offering", i.e., they prevented Israel from praying on the Mount and fulfilling the mitzvah of prayer which corresponds to the daily Temple offerings. From the time that those evil people gained ascendancy, they didn't allow Israel to go in. Today, there is not even a single Jew in Jerusalem.

In Sefer Charedim, Mitzvoth Dependent on the Land 3, we find testimony from a letter written by Rambam:

On Tuesday, 4 Marcheshvan, year 4926 since Creation [1166 c.e.] we set out from Acre for Jerusalem under dangerous circumstances. On arrival, I entered the Great and Holy House and prayed there on Thursday 6 Marcheshvan. On Sunday the ninth of the month I left Jerusalem for Hebron to kiss the graves of my ancestors at the Cave. That day I stood in the Cave and prayed, offering praise to G-d for everything. Those two days, the sixth and ninth of Marcheshvan, I vowed to treat as an annual holiday, a day of prayer and feasting and rejoicing for G-d. May G-d help me in everything, enabling me to "pay my vows to the L-rd" (Psalm 116:18). And just as I merited to pray in it in its destruction, so may I and all Israel witness its solace. Amen.

We likewise find Meiri in Beit HaBechira on Shevuot 16a: "According to what we have heard, there is a widespread custom to enter there."

See, as well, the letters of Rabbi Shmuel bar Shimshon, letter 14, page 7 where he writes that he visited Jerusalem together with



Rabbi Yehonatan HaKohen of Lunel (a disciple/colleague of Ra'avad):

We arrived at Jerusalem from the west and saw it and rent our garb as was appropriate. Overcome with pity, we wept profusely, both myself and the High Priest of Lunel [Rabbi Yehonatan] and we entered the gate before the tower of David and we prostrated ourselves before the Temple Courtyard.

See the responsa of Radbaz (Rabbi David ben Zimra), Part II, *Siman* 691, who explains why we are allowed to go up to the Temple Mount without compunction. He writes:

'We have to explain the universal Jewish practice of going up (to the raised plaza atop the Temple Mount) to see the entire Temple...again I saw...that no gate and no ascent falls within the measurements I recorded, hence it is permitted to approach the entrances and to go up'.

Maharit (Rabbi Yosef Ditrani) went up to the Temple Mount and so he wrote in a responsum (brought in *Derech Hakodesh* 6, 1):

We need to make known in these unfortunate times... regarding whether we are permitted to enter there...What emerges is a ruling for our times, permitting one to enter there after immersion...onto the Temple Mount, as G-d has granted me the privilege to do, going up and appearing before G-d.

And so wrote Chida [Rabbi Chayim Yosef David Azulai] in his *Birkei Yosef* (*Orach Chayim* 561): "It is permitted to near the Temple entrances and to enter the raised areas surrounding it." This ruling was also brought by *Sha'arei Teshuvah* (*ibid.*, letter  $\eta$ ) *Kaf Hachaim* determined that such is the practical ruling (*ibid.*, letter  $\eta$ ).

So writes the Klausenberger Rebbe (Rabbi Yekutiel Yehuda Halberstam, author of the responsa *Divrei Yatziv*), brought in *Responsum 1596*:

It is well known that throughout the generations the remnant of our Temple, the Western Wall, was open to all Jews without impediment... The same goes for the Temple Mount and the surrounding holy places. In early generations no one prevented the Jews from entering it. There were those who went up to pray on the Temple Mount, up to the border clearly known to them that those defiled by the dead are allowed to approach, as Rambam testified in his letter... So testified Ramban in his letter (published in Ramban's *Torat HaAdam* and in *Kitvei Ramban*):

"For the city is ownerless and whoever wishes to take hold of its ruins does so... many come to Jerusalem often, men and women from Damascus and Aleppo and all the realms of the land, to see the Temple and to weep over it." [See there]

However, as time passed, the nations of the world came and took control by force of the entire area of the Temple and its surroundings and the Western Wall, and they built there houses of prayer and houses of impurity... with malicious intent to desecrate that holy place and the Temple. No longer did they let the Jews set foot on any of the Temple Mount, and they prevented them from ascending the Mount and touching its fringe.

Rabbi Shmuel Horvitz *zt"l*, one of the most important Breslover Hassidim, testifies in his book *Yemei Shmuel* (Part II, Ch. 144):

Early in the morning I went to the mikvah...and after that we set out to make a pilgrimage to the Temple Mount, to the site of the Temple, up to the place permitted to those defiled by the dead. We recited the prayers "*Mipnei Chata'einu*" and

"*Melech Rachaman*", but all by heart because the non-Jews and the Arab custodian would under no circumstances allow us to look in a prayer book. It was the same with the other holy places such as the tombs of the kings of the Davidic dynasty. The non-Jews do not allow one to look in a prayer book lest our prayers effect redemption. Despite this, a few times that we went up, we did a spirited dance in a circle, with a *niggun*, and the non-Jewish custodian was incensed but could do nothing.

After that we went to the location of the Chamber of Hewn Stone where the Sanhedrin sat, half of which is in a holy, forbidden area and half of which is in a permitted area. Today, unfortunately, for many years already the Arabs have held court there with their kadi [judge] presiding.

Some years later I returned from abroad, and by then they had closed off the area and stopped allowing Jews entrance. Afterwards they began to prevent Jews from nearing the Temple Mount such that they could only stand far off. Later still they prevented even that. Since then Jews increasingly ceased ascending to the place of the Temple and it has already been several years that Jews haven't gone up there at all, only to the Western Wall to recite Mussaf.<sup>5</sup>

From these sources and others we see that throughout the generations Jews went up to make their appearance before G-d, to pray before the Creator by the abode of our life's blood – the Temple Mount.

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<sup>5</sup> There are more testimonies of historians and researchers, but this is not the place to elaborate.

## **Five Mitzvoth that We Fulfill in Going Up to the Temple Mount**

As we said above, Rambam and most halakhic authorities ruled that in the location of the Temple Mount and the Temple there is holiness even when it lies in ruins, as in our sages' exposition:<sup>6</sup> "I will make your sanctuaries desolate' (Vayikra 26:31) – even when they lie desolate, they remain holy." This ruling obligates us not only to revere and avoid desecrating the site of our holy Temple, but also teaches us that in this place supreme holiness reigns even now. Consequently there are mitzvoth that relate to this holy place even today when there is no Temple, and we shall now list and explain them.

### **Mitzvah 1: The Mitzvah of "It is there that you shall go to seek His presence".**

As the verse says: "Only on the site that G-d your Lord will choose from among all your tribes as a place established in His name. It is there that you shall go to seek His presence" (Devarim 12:5).

Ramban explains:

*To seek His presence:* You will come from a faraway land and you will ask "Which way is it to the House of G-d?" You will say to one another, "Let us go up to the mountain of G-d, the house of the G-d of Jacob" (Isaiah 2:3), as in Jeremiah 50:5: "They shall inquire for Zion. In that direction their faces shall turn" (Jeremiah 50:5).

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<sup>6</sup> Megillah 28a

And in Sifri (Re'eh 8) we find:

"*To seek*: seek out according to a prophet. I might think you should wait until a prophet tells you. It therefore states, 'It is there that you shall go to seek His presence.' Seek and find and afterwards a prophet will tell you. And so we find with David."

In terms of the simple meaning of the verse, "seek His presence" means "seek out G-d's glory". As for "it is there that you shall go", that means to see the countenance of the L-rd G-d of Israel. This is the source of our sages' term, *Shekhinah* - the Divine Presence.<sup>7</sup>

Malbim likewise commented on Devarim 12:5:

*Only on the site that G-d your L-rd will choose...to seek His presence*: The Temple is always called "the place G-d will choose" because it was a prophet who informed us that it was the chosen place. As it says, "The Prophet Gad came to David..." (II Samuel 24:18) and "Mount Moriah, where the L-rd had appeared to his father David" (II Chronicles 3:1).

Throughout we find that David sought out the place: "Until I find a place for the L-rd" (Psalm 132:5). He did not wait for a prophet to come to him. He learned this approach from

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<sup>7</sup> Rambam, Hilchot Melachim 1:1 enlisted this verse to teach the obligation of building the Temple. Rambam's likely point is that every activity of seeking out and coming closer to building the Temple is part of the mitzvah of building it. After all, the simple meaning of the verse doesn't deal with building the Temple but with seeking it out. The verse teaches that there is a mitzvah to seek out the place and to physically approach it, and that this will lead to our building it. All this is included in the mitzvah of "seeking out His presence", making an effort to create a seat for the Divine Presence in the Land, in Zion our holy city.

See as well Ramban below on page \_\_\_\_ [היה כתוב 49]

Devarim 12:5: "Seek His presence." "Seeking" is what a person searches out himself to find. The Bible's use of both verbs, "seek" and "find", teaches us that G-d will not reveal His secret through His prophets to inform Israel of His chosen place unless they make an effort to seek it out. Only then will He shower His spirit upon them from On High, after the necessary preparation.

## **Mitzvah 2: "Serve Him in His Temple": to pray and bow down on the Temple Mount**

Here is Rambam's *Sefer HaMitzvot*, Positive Commandment 5:

The fifth mitzvah is that we were commanded to serve Him... and in the Mishna of Rabbi Eliezer son of Rabbi Yossi HaGelili (12:228) the Rabbis said: "From whence do we know that the essence of prayer is included in the mitzvot? From here: 'The L-rd your G-d you shall fear and Him you shall serve' (Devarim 6:13)." And they further said (Midrash Tanna'im from Midrash HaGadol Re'eh): "Serve Him through His Torah. Serve Him in His Temple." In other words, go there to pray there facing Him, as Solomon explained (I Kings 8, II Chronicles 6).

Rambam does not explain there whether this mitzvah of praying before G-d on the Temple Mount depends on the Temple's standing or not. Yet it would appear that even now that the Temple is not built – the primary place of prayer is specifically on the Temple Mount, for the Temple Mount even in its destruction "remains holy." At all times it is the "gate of Heaven". There, as Rambam states, is fulfilled the primary mitzvah of prayer. Moreover, there G-d is close to receiving our prayers even when the Temple is in ruins. As Ramban said regarding Bereshit 28:17,

"Jacob was frightened and said, 'How awe-inspiring this place is! It must be the house of G-d and this is the gate of heaven'":

Jacob arose in the morning in great fear and said, "The house of the G-d is in this place", as it says "He was frightened and said, 'How awe-inspiring this place is!'" From here we derive that whoever prays in Jerusalem is credited with having prayed before the Throne of Glory, In Jerusalem the gate of heaven is open to hear the prayers of Israel, as it says, "This is the gate of heaven."

Jacob merited these circumstances long before the Temple was built. Likewise, the Sages teach us that it was here that our forefathers Abraham, Isaac and Jacob instituted the morning, afternoon and evening prayers, and to there we direct our hearts in our prayers even today when the Temple is in ruins, since this place is always "the gate of heaven" and there the primary mitzvah of prayer is fulfilled.

Aside from what has been explained that there is a mitzvah to pray on the Temple Mount, we also derive from Ramban that there is special merit to prayer in this holy place, that specifically there G-d is close to receiving our prayers.

See Yalkut Shimoni on I Samuel 1:3: "That man (Elkana) went up from his city from year to year to worship and to sacrifice to the L-rd of Hosts in Shiloh.":

R. Abba bar Yosef said in the name of R. Yitzchak: "Prayer is greater than sacrifices, as it says, 'To worship' and only then, 'to sacrifice'. The Sages say prayer is equal to all the sacrifices, as it says, 'to worship and to sacrifice'".

Consider how great is the mitzvah of prayer and worship in the resting place of the Divine Presence.

Consider as well the precious words of Rabbi Yechiel Michel Tikuchinsky's book *Ir HaKodesh VeHaMikdash*, Part V, Ch. 1, letter 4, page 15:

'...Whenever it becomes possible to build a house of prayer on the Temple Mount before the Messiah's arrival, we will only be able to consider building it [south of] the Temple Courtyard and the rampart [the חיל-Cheil]. There it will be easy to delineate boundaries.

And when we have the permission and the authority, as well as the longing for such a house of prayer, with the greatest rabbis' agreement, that will warrant our appointing guards so that only those who have immersed in a mikvah and are thus free of the impurity deriving from bodily discharges (Mishna Kelim 1:8) can enter.

Such a house of prayer, even if only on the Temple Mount, let alone when we are privileged to build an altar and bring communal sacrifices, will advance us towards our destiny, the rebuilding of our glorious Temple and the appearance of the redeemer who will completely redeem the Jewish People, both materially and spiritually. The nations shall walk in his light, and the land will be filled with the knowledge of G-d.

Rabbi Mordechai Eliyahu *zt"l* likewise called for establishing a synagogue on the Temple Mount, in a letter he wrote to Rabbi Zalman M. Koren:

My proposition is to build a synagogue and a place for Torah and prayer in the area where entry is permitted. Entry and exit will be controlled so as to preclude anyone's overstepping the permitted area. Thus, we wouldn't be causing anyone to enter the holy area.



### **Mitzvah 3: Reverence for the Temple**

The Torah states (Vayikra 19:30): "Keep my Sabbaths and revere My Sanctuary ". Our sages derived (Yevamot 6b): "Just as we are to keep the Sabbath forever, so are we to revere the Temple forever."

The mitzvah of revering the Temple is not fulfilled when one overly distances oneself from the site of the Temple any more than one fulfills the mitzvah of revering one's father by avoiding him. The former is fulfilled when a person comes to the site and reverently fulfills all the laws that apply there as explained by Rambam<sup>8</sup>.

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<sup>8</sup> From the responsum of Rabbi Nachum Eliezer Rabinovitch *shelita*, Rosh Yeshiva of Maaleh Adumim:

Rambam says in *Hilkhot bet HaBechirah* (7:1-4): "It is a positive commandment to revere the Temple as it says 'Revere My sanctuary' ... What constitutes reverence? One should not enter the Temple Mount with his staff or his shoes...or dust on his feet...and needless to say, one must not spit anywhere on the Temple Mount...He shall not enter except for a mitzvah...one leaves the Temple the way one takes steps backwards after the Shemoneh Esreh – all this constitutes reverence for the Temple"

There seems to be a needless repetition here: He began with "What constitutes reverence" and finished with "All this constitutes reverence for the Temple." However, we might have thought that the mitzvah of reverence, although a positive commandment, can be fulfilled through non-action. That is, someone who doesn't come near to the Temple and is not in its vicinity surely does not breach any rule and thus fulfills this mitzvah. But we should not interpret thus. Reverence is a positive commandment fulfilled through action (like reverence for parents as well as for G-d). That is, only one who approaches the Temple up to where it is permitted, is careful not to trespass the boundaries and is stringent about the halakhot relating to the reverence, such as removing his shoes before entering, walking backwards when exiting, and immersing before going up. By such means does he fulfill the positive commandment of reverence.

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Rambam also wrote (Halakhot 5-6):

One must not behave frivolously facing the eastern gate of the Temple Courtyard... because it faces the Holy of Holies. Whoever enters the Temple Courtyard should walk composedly in the permitted area, and should realize that he is standing before G-d Who said, "My eyes and heart shall ever be there" (I Kings 9:3). He should walk with awe and reverence and trembling as it says "We walked in G-d's house, trembling" (Psalm 55:14). It is forbidden for anyone to sit anywhere in the Temple Courtyard... Even though the Temple today is in ruins due to our sins, one is still obligated to show it reverence just as when it was standing. He shall enter only where it is permitted to enter, and he shall not sit in the Temple Courtyard, and he shall not behave frivolously facing the east... for even though it is in ruins it's holiness remains in force."

Later there (Halakha 11) he explains: "From the entrance of the Temple Mount until the entrance of the Temple Courtyard which is the Gate of Nikanor has the holiness of the Levitic Camp. From the entrance of the Temple Courtyard and further inside has the holiness of the Camp of the Divine Presence".

Clearly prayer on the Temple Mount, which is the gate of heaven, is a great mitzvah, as it explicitly states (I Kings 8:33-34) "They shall return to You and praise Your name, and they shall pray and beseech You and You shall hear from heaven"... Nonetheless, without a doubt, only one who enters the Temple Mount and is aware that he is standing before the camp of the Divine Presence can feel the enormous reverence regarding which we were commanded in "Revere My sanctuary".

Our great master Rambam in his *Sefer HaMitzvot* (positive commandment 21), wrote in a similar vein:

The commandment we were commanded to revere this house greatly, until we permanently fix reverence and admiration in our hearts, constitutes the mitzvah of reverence, as G-d said, "Revere My sanctuary."

There too he repeats: "This is an everlasting obligation even in our own times when the Temple lies in ruins". We have already mentioned above that all the listed precautions fulfill this mitzvah.

In his *Guide to the Perplexed* (3:51), Rambam provides a marvelous parable. He says that happy is he who "reaches the level of entering the king's courtyard and being there together with the king...",

At the same time, he has no kind words for those who "turn to the king's courtyard to enter it but have never seen the courtyard at all...they are ignorant mitzvah-doers."

#### **Mitzvah 4: "*Lo tekhonem*" - "Do not give them a foothold" (Devarim 7:2)<sup>9</sup>.**

There is a prohibition against giving the gentiles a foothold in the land of Israel, and it clearly applies to the Temple Mount as well. By ascending to the Temple Mount we prevent its being handed over to the gentiles, thereby fulfilling "*lo tekhonem*".

Here is Rabbi Shlomo Goren *zt"l* in his work, *Har HaBayit*, p. 42):

By refraining from going up to the Temple Mount we violate the Torah prohibition of "*Lo tekhonem*", interpreted to mean "Do not give them a foothold in the land" (Avoda Zara 20a). Our halakhic authorities established that loss of sovereignty is like destruction (Beit Yosef and Magen Avraham on Orach Haim 561:1). It turns out that when the government forbids Jews from going up freely it is redestroying our Temple.

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We have thus seen that when a person enters the Mount taking the proper precautions and avoiding the sections he must avoid,– then he fulfills the mitzvah of reverence. Yet if he does not go there at all, then he is only ignoring the mitzvah of reverence for the Temple, and he is credited neither with reverence nor with respect.

<sup>9</sup> Avoda Zara 20a, Rambam Hilkhos Avoda Zara 10:4, Shulkhan Arukh Yore De'ah 151:7-8

## **Mitzvah 5: "Conquer the Land." (Bamidbar 33:53)**

As Ramban wrote, "We should not leave it in the hands of the nations, or desolate".<sup>10</sup>

When we go up to the Temple Mount we merit to fulfill the positive commandment of conquering the land and settling it. Nonetheless, it appears that the parameters of fulfilling this mitzvah are different regarding the Temple Mount as compared to the rest of the Land, since regarding the latter they involve living in the land and settling it, whereas regarding the former they involve visiting the site, praying there and fulfilling the special mitzvah of this holy place.<sup>11</sup>

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<sup>10</sup> Ramban in his glosses on Rambam enlists Sifri on Devarim Eikev 51:

Since David conquered Aram Naharaim and Aram Zova, why don't mitzvahs apply there? We can answer that David did not conduct himself in accordance with the Torah. The Torah said that when you conquer Eretz Yisrael you may then conquer outside the Land as well. Yet King David conquered Aram Naharaim and Aram Zova while the Jebusites remained near Jerusalem. G-d said to him "The Jebusites, near My palace you did not conquer. How could you conquer Aram Naharaim and Aram Zova?"

<sup>11</sup> Aside from these mitzvahs, it should be known that today according to several halakhic authorities (so it appears from Rabbi Akiva Eger and the Chatam Sofer in his responsum on Yoreh De'ah 236; Rabbi Tzvi Hirsh Chayut in his pamphlet *Darkei Hora'ah*; Rabbi Tzvi Hirsh Kalisher in his book *Drishat Zion* section three; HaGaon HaRav Yechiel Michel Tikuchinsky in his book *Ir Hakodesh Vehamikdash*; Chazon Ish on Even Ha'ezer 2 et al.), it is a great mitzvah and duty to bring the paschal sacrifice, which is the most grave positive commandment in the Torah, for if we don't do it we incur "*karet*" (spiritual excision, on a par with neglecting circumcision). Because of this, one who goes up to the Temple Mount fulfills at least the "preparation for the mitzvah" of bringing the paschal sacrifice.

These mitzvot do not depend on the Temple's reconstruction, hence they clearly apply today as well. Whoever goes up to the Temple Mount does a great mitzvah and becomes a partner in restoring the glory of the Divine Presence to its place.

Despite all of this, many halakhic authorities forbid going up to the Temple Mount. We shall deal with that, and may it be G-d's will that we attain the truth and not cause others to stumble.

## The Main Arguments for Not Going Up

First I shall present the main arguments against ascending the Temple Mount as put forth by the halakhic authorities and rabbis who dealt with this issue.<sup>12</sup>

1. I shall first note the ruling of Rabbi Avraham Yitzchak Hakohen Kook and his son Rabbi Tzvi Yehuda Kook against ascending to the Temple Mount, and even against placing one's fingers in the crevices of the Kotel. There is likewise Rabbi A.Y.H. Kook's great anguish over the Baron De Rothschild's going up there,<sup>13</sup> causing him to write, "One affront to the holiness of the abode of our life's blood undoes millions of acts furthering settlement. Still, it does not detract from his greatness as founder of the Yishuv [settlement in Eretz Yisrael]"

2. One who enters the Temple Mount risks incurring "*karet*", spiritual excommunication. We do not know exactly where the Temple stood, hence we do not know which areas are permitted to enter and which are not.

3. The outlook of Rabbi Tzvi Yehuda Kook who taught that the Temple involves a spiritual level associated with the Jewish People as a whole and not with a private individual. The implication is that we do not seek to rebuild a destroyed Temple without first increasing the spiritual stature of Israel. This must occur not by way of the physical site of the Temple Mount but in the hearts and minds of the myriad of Israel. Only then can we deal with the Temple Mount and rebuilding the Temple.

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<sup>12</sup> See the book *Lemikdash Tuv* by Rabbi Shlomo Aviner, and the article by Rabbi Yosef Kellner on this topic.

<sup>13</sup> *Igarot*, Part II, letter 647.

Activities aimed at bringing the masses to the Temple Mount distract and divert the general public from the primary meaning of the longing to rebuild the Temple, thereby lending a hand to its destruction. We must go to the people wherever they live and teach them Torah and faith.

4. The mitzvot of "Do not give them a foothold" and "You shall conquer the land" are not fulfilled by individuals ascending the Temple Mount since conquering the Land rests upon Israel in the aggregate. Hence these mitzvot are not fulfilled by individuals going up to the Mount, but rather by Israeli rule and police control, both of which already exist.

5. The great fear that individuals going in will lead to the multitudes entering forbidden areas, ascending to the Temple Mount without immersion, and even to their entering the Temple Courtyard and incurring "*karet*".

6. It is forbidden to go up to the Temple Mount because it endangers lives. That is, when we go up to the Temple Mount we arouse the wrath of Israel's enemies, thereby endangering the lives of many Jews.

7. Ascending the Temple Mount encourages contempt for the Chief Rabbinate and the great rabbinic luminaries of Israel<sup>14</sup> and creates an atmosphere of treating the Chief Rabbinate as irrelevant. That, in turn, constitutes an attack on Torah. This logic recalls Ramban's explanation regarding our duty to obey the Great Court [*Beit Din HaGadol*] (Devarim 17):

The need for this mitzvah is great, for the Torah was given to us in writing, and everyone reacts differently to new matters that come up. Thus, controversy will increase and the one

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<sup>14</sup> That is, how is it possible to go up to the Temple Mount if the great rabbis of the generation and a majority of halakhic authorities forbid this!

Torah will become many Torahs. The Torah therefore commanded us to heed the Great Court.



## Answers to the claims:

The first claim regarding the ruling of Rabbi Kook not to go up to the Mount as well as regarding causing affront to the holy place:

As was already explained, it is permitted and even a mitzvah to enter the Temple Mount. It appears that Rabbi A.Y.H. Kook was careful not to put his fingers in the Kotel, because he followed the stricture of allowing for an understanding of Radbaz whereby the Kotel is the wall of the Temple Courtyard. It should be noted that almost all halakhic authorities entirely ignore that understanding and Rabbi Kook undertook the stricture only for himself. He did not rule thus way for others.<sup>15 16</sup>

Besides, it should be noted that for a long time (approximately 300 years) it was forbidden for Jews to go up to the Mount before our return in 1967. That absence aroused doubts regarding the Temple's location.<sup>17</sup> That appears to be why Rabbi Kook was afraid that the Western Wall was the wall of the Courtyard. Yet once we conquered and ascended the Temple Mount (after the Six-Day-War victory), the location of the Temple became clear without a doubt, as well as the areas where we are permitted to walk.<sup>18</sup>

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<sup>15</sup> See the pamphlet "*Beit Hashem Nelech*" by Rabbi Yisrael Ariel *shelita* who explains the Radbaz clearly and removes all doubts.

<sup>16</sup> Also, it is likely that Rabbi A.Y.H. Kook was afraid that the holiness of the Temple Mount permeates the entire width of the wall, hence he did not wish to place his fingers in crevices. After all, it is permitted to enter the Temple Mount only after proper preparation and careful immersion according to halakha.

<sup>17</sup> See the Responsa of Tzitz Eliezer X, Siman 1

<sup>18</sup> As shall be explained below in response to the second claim.

Additionally, in Rabbi Kook's time the Jews of the Holy Land were like guests in a land not theirs. There was not yet a Jewish government, nor were we capable of fulfilling the mitzvah of conquering the Mount. The Rabbinate also had no way of overseeing the Temple Mount and ensuring that people would behave according to halakha. Hence it is wrong to compare the Rabbi Kook's ruling from over eighty years ago to the reality of today.<sup>19</sup>

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<sup>19</sup> Besides this, it is very likely that Rabbi A.Y.H. Kook *zt"l* did not forbid entry to the Mount as a halakha, but rather as a general ruling to the public, because they didn't know the halakha on the matter and he lacked the ability to explain to the public the ways it is permitted and forbidden.

So writes Rabbi Shlomo Ra'anan Hy"d, grandson of Rabbi A.Y.H. Kook *zt"l*:

I hereby join the call of the rabbis who recommend going up to the permitted parts of the Temple Mount, because it is clear without a shadow of a doubt that our grandfather Rabbi R.A.Y.H.Kook and his son R.T.Y.Kook *zt"l*, did not forbid going up to the permitted places. And clearly it is a great mitzvah to conquer the holy site from the hands of foreigners, albeit only in the permitted way.

With blessings for full redemption and the rebuilding of the Temple speedily and in our day, Amen.

Signed by the grandson of our master Rabbi Kook, *zt"l*,

Eliahu Shlomo Ra'anan Kook".

"Reb Shlomo studied [Rav Kook's] book "*Mishpat Kohen*" with Rabbi Tzvi Yehuda *zt"l*. The book contains a long responsum on the issue of the Temple Mount (Ch. 96) which states, among other things, that it is forbidden to go up to the Temple Mount. Reb Shlomo understood from Rabbi Tzvi Yehuda that today the situation has changed, hence he would periodically go up to certain places on the Temple Mount and was among those who signed in favor of going up to the Temple Mount. (*Neshama shel Shabbat*: Memorial book for Rabbi Shlomo Eliahu Ra'anan *zt"l*, pp.710, 749)

Regarding Rabbi Kook's calling the Baron's entering the Temple Mount a terrible "affront to the site's holiness", it seems clear that we should not derive any prohibition against entering the Temple Mount from that protest. The Baron went up without immersing to the location of the Temple *itself*, whereas those who go up in purity are careful to immerse first, and even then they just enter the area of the Levitic camp and not the Temple site, which is forbidden to enter even after immersion. Thus, there is no fear of violating a prohibition on entering the Temple Mount. If so, when we visit the Temple Mount according to halakha, not only do we not commit an affront against the holiness of the house of our life's blood, but we even restore the Temple to its level of holiness, exalting it to its full glory.

Moreover, to relate to the Temple Mount as though presently there is no affront to its holiness, whereas if we go up there we will be committing such an affront, is highly puzzling. There could be no greater affront to the site's holiness than the fact that Arabs sit in the Holy of Holies, curse the name of the G-d of Israel and incite against G-d and His people. See Ezekiel 7:22: "I will turn My face from them, and My treasures shall be defiled. Ruffians shall invade it and defile it," and the commentaries there. See, as well, Avoda Zara 52b and *Chidushei Ramban* on Avoda Zara 54b, and consider the enormous gravity of the gentiles desecrating the site of the Temple until they uproot its holiness!

As Rabbi Mordechai Eliyahu *zt"l* wrote to Rabbi Zalman Koren:

I shall continue my vigil. We see with our own eyes how "foxes prowl there" (Lamentations 5:18); how in the place regarding which it says "Any outsider who encroaches shall be put to death" (Bamidbar 18:7), foreigners go in and desecrate it. Our sages long ago decreed all gentiles to be 'zavim'. I.e., classed as having had a contaminating discharge, rendering them forbidden to enter the Temple Mount, the

Temple, and other places pure Jews are permitted to enter even today. There is thus a holy duty resting upon whoever can do so, to prevent this forlorn situation, even by publicizing that those non-Jews are violating a prohibition. We should not fear their reaction.

Rabbi Eliezer Melamed *shelita* wrote in the same vein regarding Rabbi Tzvi Yehuda Kook's relationship to the Temple Mount:

Sovereignty was for him the main issue, for the mitzvah of settling the Land obligates us that the land be in our hands and not in the hands of another nation – all the more so the Temple Mount, the holiest place in all Eretz Yisrael. All of Rav Tzvi Yehuda's comments were made at a time when our sovereignty was clear and well-established, and we saw how much of an effort he made to specify the elements of sovereignty and rule.

Today, due to Arab unrest and various pressures from within and without, the flag of Israel no longer flies over the Temple Mount. The permanent police station has been removed. There is no longer a constant military presence on the Mount. Police and soldiers are not permitted to enter the mosque. The Arabs no longer merely "conduct Friday prayers" but incite against Israel to the whole world. Arab youth dare to mock and curse policemen and soldiers. The Arabs hold celebrations and soccer games and bury their dead there while exhibiting contempt for the State of Israel. All the Jews who go up to the Temple Mount enter under the jurisdiction of the Wakf with its close escort, while bands of Arabs curse them. Had Rav Tzvi Yehuda Kook heard all of this, he would have been grief stricken and would have supported all legitimate means of strengthening our sovereignty on the Temple Mount.

Also, unfortunately, Jews and gentiles enter the location of the Temple, itself, daily as tourists, and desecrate the mountain of G-d's Temple in the most shocking, painful manner imaginable. The mountain of G-d's Temple has become a disgrace. Any man or woman who so desires, uncircumcised and impure, enters the forbidden places and nobody pays any attention. Such is the reality today.

On the other hand, when we go up to the Mountain of the Temple of G-d in holiness and purity, the Rabbinat undertakes to oversee the site and we conduct ourselves like the owners, that will remove the great desecration of the nations of the world, murderers of Jews, desecrating our holiest site without anyone saying a word.

It is thus our duty to rectify the great affront that presently threatens the Temple of our life's blood, precisely by fulfilling the mitzvah of going up to the Mount in holiness, purity and reverence.<sup>20</sup>

As far as the second claim, that we don't know the exact location of the permitted and forbidden areas of the Temple Mount entrance, that claim is incorrect. From the time of the Temple's destruction, a tradition has been passed down regarding the location of the Temple and the Holy-of-Holies Foundation Stone.

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<sup>20</sup> It appears to have been in this regard that the Sages said (Jerusalem Talmud Kiddushin Ch. 4) "The sanctification of G-d's name overrides the profanation of His name." In other words, even if there is a risk of G-d's name being profaned by Jews entering the Mount not in accordance with halakha – that is overridden by the sanctification of G-d's name deriving from redeeming the site of the Divine Presence from the gentiles and from the great affront to the Temple. All the more so when logic dictates that precisely by going up to the Mount according to halakha, we will be able to prevent ascent by all the people presently going up not in accordance with halakha, as shall be explained below in response to the fifth claim.

There are many testimonies to this. We shall quote from one of Ramban's students, who wrote:

Around the Foundation Stone the Ishmaelite kings built a very magnificent building and made it a house of prayer, and over it they built a very attractive dome. That building stands over the Holy of Holies and the Temple.

Well known are the words of Radbaz (Rabbi David ben Zimra)<sup>21</sup>, (Responsum 691): "There is no doubt that the rock beneath the dome is the Foundation Stone upon which stood the Ark in the Holy of Holies to the west."

Bach (Rabbi Yoel Sirkes), as well, quoting the Likutim (Orach Chaim 561:4), wrote:

I found in the Likutim that when a person comes to Jerusalem and sees the Dome over the Temple Courtyard, he is obligated to bow down facing it and to rend his garb... Chida wrote the same in his *Birkei Yosef* (Orach Chaim 561): "One is permitted to near the entrances of the Temple and to enter the raised areas surrounding it (Radbaz in Responsum 691)"

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<sup>21</sup> We can learn regarding the validity of this identification from the words of Rabbi Avraham Shapira *zt"l* regarding another identification by Radbaz concerning the Jewishness of the Jews of Ethiopia (Minchat Avraham Part I, 16):

It is not in the power of rabbis of our generation to dismiss a ruling of Radbaz the greatest rabbi of his generation. Among his famous disciples were the holy Ari (Rabbi Yitzchak Luria) and Rabbi Betzalel Ashkenazi. He was one of the greatest Responsa authors of all times, and we drink from his wellsprings. Among those who asked him questions were Beit Yosef (Rabbi Yosef Karo), Mabit, Radal, Rashdam and other great authorities.

All the great halakhic authorities relied on this identification: Chatam Sofer (Responsum Yoreh De'ah 236); Chafetz Chaim (Likutei Hilkhot Zevahim, Ch. "Aizeh Mekoman" page 34) and Chazon Ish (Even Ha'ezer 2, *Se'if Katan* 7).

See, as well, Rabbi Koren's work, *Hatzrot Beit Hashem*, where he brings numerous sources stating that the rock underneath the dome is the Foundation Stone, as well as proving it from the topography of the Mountain. He writes that it is impossible for the Holy of Holies to be located elsewhere, this being the highest natural rock on the Mountain, and the Mishna states explicitly that the Holy of Holies was in the highest place.

Rabbi Mordechai Eliyahu *zt"l* likewise relied on this proof, as we see from his well-known letters regarding establishing a synagogue on the Mount. I also heard this from his son Rabbi Shmuel Eliyahu *shlit'a*.

We find the same from Rabbi Ovadia Yosef *zt"l* in his work, *Ma'adanei Melekh*:

Unfortunately, those who enter ask no questions of either rabbis or archaeologists. They even enter the Mosque of Omar, which clearly was the Temple Courtyard, and they go inside in a state of having been defiled by the dead, which incurs "*karet*" [spiritual excommunication]...What value has such a religious experience if you enter the Mosque of Omer housing the Holy of Holies and incur *karet*?

The entire Jewish People relied on this tradition and went up to the Temple Mount throughout the generations, as explained above.

Since we know the location of the Foundation Stone, we can easily know which areas are permitted and which are forbidden, as explained in Middot 2, and in Rambam Hilkhot Beit Habechira Ch. 5. After we conquered the Mountain in the Six Day War,

Rabbi Goren *zt"l* and others took measurements of the entire Temple Mount compound, and it became clear which areas can be entered without any doubt.

There were those who feared allowing entrance to the Temple Mount because we don't know where the Temple rampart [the חיל-*Cheil*] is located, and we shall now deal with that law.

Rambam explains that it is forbidden by rabbinic law for someone defiled by the dead to enter the *cheil* (*Hilkhot Beit Habechira* 7:16). The Mishna in Midot (2:3) says that the *cheil* was "ten cubits". Most halakhic authorities explained the Mishna simply to mean that the *width* of the *cheil* was only ten cubits. Rambam, however, writes that the *height* of the *cheil* was ten cubits and he doesn't write what its width was. It follows that according to Rambam, since we do not know how wide the *cheil* was, we are forbidden to enter the Temple Mount lest we enter the area of the *cheil*. Yet I believe there is no room for this worry, since it involves a quadruple uncertainty regarding a rabbinic decree:

First of all, perhaps the law follows Ra'avad, that there is no holiness today to the Temple, hence there is no prohibition to entering the Temple, itself, even when impure. Second, if we do say the halakha is that there is holiness, perhaps the law still follows Rashi and most halakhic authorities that the width of the *cheil* is only ten cubits. Third, even if we say the halakha follows Rambam, maybe he, too, agrees that the *cheil* is only ten cubits wide, for he didn't write its width. Fourth, even if we say the width of the *cheil* was larger – perhaps the halakha follows Radbaz who ruled based on Rambam that there is no prohibition today at all to entering the *cheil* even if one was defiled by the dead, for that prohibition only applies when the Temple exists, and from Radbaz quoted above we see that the Jewish People would customarily "go up to the raised plaza". They did not refrain for fear of entering the *cheil*. Such likewise emerges from the ruling of Chida.



It follows that according to halakha there is no room for worry. Despite this, in practice those who go up to the Mount today keep far away from the Temple Courtyard so as to avoid entering the *cheil*, as Rabbi Koren explained in his book *Hatzrot Beit Hashem*.<sup>22</sup>

Regarding the third claim that preoccupation with going up to the Temple Mount diverts us from the essence: our longing to rebuild the Temple:

It is clear that even those who go up to the Temple Mount hold that the Temple's spiritual level is that of the Jewish People in the aggregate and not of individuals, as we learned from Rabbi Tzvi Yehuda Kook. Nonetheless, if we wish to elevate the people of Israel to that higher level, we must physically bring them closer to

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<sup>22</sup> Some forbade going up to the Temple Mount because we consider ourselves *zavim* [impure following a contaminating discharge], need first to count seven clean days, immerse in a mikvah and wait till sundown. Since not all are well-versed in that, it should be prohibited. See the response of Minchat Yitzchak (V, Ch. 1, letter 4) and Tzitz Eliezer (X, Siman 1, letter 56).

However, from many halakhic authorities it emerges that we needn't fear such contamination at all since *ziva* is an illness and something uncommon. The same may be understood from several places in the Talmud. See Niddah 13b: s.v., "*Tanu Rabbanan: Kohen Shoteh*" and Rambam, *Hilkhot Trumot* 7:5. See as well Mishnayot Teharot 7:6 and Tosafot Yom Tov, *ibid*. See as well Hagiga 19b, Tosafot "*Bigdei am ha'aretz*". See also the responsum *Yaskil Avdi* (II, Kuntres Aharon, Yoreh De'ah Ch. 7, letter 3) as well as the book "*Ir Hakodesh Vehamikdash*" (IV., Ch. 7, letter 2, and V, p. 21), and the book, "*Et Lehinena*" (pps. 281-287). Likewise, so wrote Rabbi Yisrael Yaakov Fisher *zt"l*, Chief Rabbinic Justice of the Edah Haredit in his Responsa "*Even Yisrael*" (IX, Siman 163), that it is permitted to go up to the Temple Mount today and there is no need to worry about contaminating discharges. Indeed that makes sense, for throughout the generations Jews went up to the Temple Mount, as we mentioned, and it seems that they didn't worry this at all.

the place of holiness.<sup>23</sup> Certainly our primary task on a daily basis is to fill the land with knowledge of G-d, but the physical act of going up does not distance us from seeking out the Temple. To the contrary, it magnifies our desire and yearning for G-d, His Torah and His Temple.<sup>24</sup>

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<sup>23</sup> Here is Rabbi Eyal Jacobowitz *shelita*, head of the Tzfat hesder yeshiva, in a responsum:

Rabbi Tzvi Yehuda chiefly opposed aggressive jumping of levels. Following the Six Day War he spoke against those who thought that even the Temple should be rebuilt with the help of tanks and cement trucks. Today, the ascent to the Temple Mount is the fruit of a general longing and thirst for closeness to G-d.

In general, the light of the Oral Torah is constantly being renewed, and there is a need to gauge the reality through a Torah perspective. That is what Rabbi Kook and Rabbi T.Y.H. Kook did regarding various issues that came up before them. The need today to go up to the Mount and to give a practical push to this issue has become acute on both the spiritual and political level.

<sup>24</sup> From an examination of Scriptures we can conclude that the reason G-d returned us in the Six Day War to the courtyards of G-d's abode despite our being unable to build the Temple was to transform that into the primary place of our prayers. Then, precisely through our prayers at that site, Israel would be aroused to return to G-d and we would undergo the complete redemption. See Zechariah 8:2-3:

Thus said the L-rd of Hosts: "I am very jealous for Zion, I am fiercely jealous for her." Thus said the L-rd: "I have returned to Zion, and I will dwell in Jerusalem. Jerusalem will be called The City of Faithfulness, the mount of the Lord of hosts, the holy Mount."

*Metzudat David* comments:

"I have already returned the exiles to Zion and I shall also dwell in Jerusalem." That will occur when they heed G-d's voice. That redemption was in order for them to be in the holy place, the place

The Torah instructs us that every spiritual enlightenment must find practical expression. There is no holiday or mitzvah devoid of this. For every Sabbath and holiday there are detailed halakhot about candle lighting, Kiddush – even how to enjoy the Sabbath. The first night of Pesach we need wine and matzoth. Singing about the Exodus does not suffice. On Sukkoth we need the four species and a Sukkah. On Hanukkah we must light candles. On Purim we read the megillah although we know the story well, and we send food gifts to our friends and to the poor, and it is the same with all the other mitzvot as well.

It is the Torah's way always to give practical expression to the spiritual forces we aspire to and wish to advance. We do not wait until we are at a particular level to do mitzvot. Every bar mitzvah boy must place the name of G-d written in holiness on his arm and on his head even if he is far removed from such loftiness.

It is the same regarding the Temple Mount and the Temple. If we wish to elevate the Jewish People to the level of the Temple, we then need, besides daily preoccupation with outreach, a practical mitzvah that draws forth the light of holiness and of the Temple. It was in this regard that the Torah said, "It is there that you shall go to seek His presence." On the strength of the holiness of that place,

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most fit for serving G-d and praying to Him for comprehensive redemption.

By "comprehensive" redemption, Metzudat means for complete, everlasting redemption to occur in their day. Had they prayed there for that, complete redemption would truly have arrived.

This Metzudat shows that the power to bring about redemption and repentance for the Jewish People comes specifically from praying in the holiest place, where G-d is close to receiving our prayers.

Israel will awaken to return to their Father in heaven and his Torah.<sup>25</sup>

This principle, that the way to bring Israel closer to G-d is precisely by connecting them to the place of the Divine Presence, can be derived from the Prophet Samuel's father Elkanah, who merited to restore Israel to their Father in heaven by returning them physically to the sanctuary. Here is Tanna Dvei Eliyahu Rabba Chapter 8:

Elkanah would go up to Shiloh four times a year, three times mandated by the Torah and one time voluntarily. He would bring with him his wife and sons and daughters and brothers and sisters and all his family. Along the way, they would all lodge in the city streets, and more and more people would be inspired to join them. This happened because the men of the group would talk to the local men, the women with the local women and the children with the children.

The whole town was abuzz. The locals would ask, "Where are you going?" and they would respond, "To the house of G-d in Shiloh, the source of Torah, mitzvoth and good deeds. What about you? Why don't you come with us? Let's go together!" The locals would tearfully respond, "Yes! We'll go with you!"

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<sup>25</sup> Here is Kli Yakar on Bereshit 13:17:

The earthly Temple is aligned with the celestial one. There G-d made an abode for Himself. There His strength is hidden. Anyone who gazes at that holy place will immediately be enveloped in a spirit of purity and holiness. Just seeing it is enough to afford a person that perfection. Not everywhere in Israel does a person merit such perfection, but only in the place called "G-d will see" that is Mount Moriah.

"One year five households accompanied them, the next year ten, and the year following everyone was inspired to go. The route they took one year was not the route they took the next year, until all of Israel accompanied them.

G-d, who sees into a person's heart, told Elkanah: "Elkanah, you restored Israel to righteousness and educated them in mitzvot. Many gained merit because to you. I swear that I shall bring you a son who will restore Israel to righteousness and educate them in mitzvot, and many will gain merit due to him." From here we may derive that the reward for Elkanah's actions was Samuel.

Elkanah did not suffice with teaching Israel Torah where they lived, but made an effort to bring them to the place of the Divine Presence. We, too, are commanded to teach the Jewish People Torah and mitzvot. Yet it must begin with fostering an attachment, with helping our fellow Jews to physically ascend the Temple Mount, seat of the Divine Presence, after halakhic preparation in purity and holiness. This will lead them to "tearfully" return to their Father in heaven.<sup>26</sup> The following is from the end of the fifth articles of the *Kuzari*:

Even one who simply arouses people to love this holy place is doubtless worthy of reward and brings closer the era of our longing. As it says:

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<sup>26</sup> If the rabbi of a community or yeshiva prepares his students and congregants and they learn all the halakhot about going up to the Temple Mount, the laws of immersion, the boundaries, the laws of reverence for the Temple and the supreme value of praying in this holy place, and after that they all immerse and go up together to pray in holiness and purity in the place that G-d chose – clearly that entire community is elevated spiritually and becomes closer to our Father in heaven, and all of Israel come closer to building the Temple.

"You will surely arise and take pity on Zion, for it is time to be gracious to her. The appointed time is come. Your servants take delight in its stones and cherish its dust" (Psalms 102:14-15).

That is, Jerusalem will not be rebuilt until the Jewish People have total longing for it, until they cherish its stones and dust.

From Kuzari, as well, we derive that spiritual longing is not enough. Rather, we must literally cherish the dust and stones of G-d's mountain.

As far as the fourth claim that even now we fulfill on the Mountain the mitzvah of conquest via Israeli control, and in any event, conquest is not executed by individuals:

First of all, there are two claims here and we will examine them one by one. The claim that in the present situation on the Temple Mount we fulfill the mitzvah of "Give them no foothold" and "You shall conquer the land" is not at all clear. While it is true that the army, with G-d's help, conquered the Temple in 1967, unfortunately, the Israeli Government immediately handed over the keys of the Temple Mount, as well as its supervision and management, to the Jordanian regime and the Wakf.

Even today, the reality is that Jews cannot go up to the Temple Mount except for a very limited time, and even when they go up they cannot pray, move their lips or sway as in prayer. This derives from the demand of Israel's enemies there, and the Israeli government does not dare change this heinous reality. Under the circumstances, it is very hard to say that the Temple Mount is in our hands and under our control.

The terrible desecration of G-d's name that our enemies perpetrate in this holy place to their hearts content, the contempt with which they treat every remnant of our holy Temple, exclaiming that the

site is theirs and that we have no connection to it – must stop. This is only possible if we go up to the Mount and express our protest concretely.

Even according to those who claim that the site is under our control, it is obvious that if we do not seek it out and physically go up it is liable to be given to our enemies for good. Israeli governments have already made such attempts.<sup>27</sup>

As for the claim that conquest is not executed by individuals: the mitzvah of settling the land and conquering it from the gentiles is not only a general mitzvah applying to a government, but applies also to each individual. As Ramban wrote in his remarks on

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<sup>27</sup> Here is Rabbi Goren *zt"l* in his book *Har HaBayit*, p. 15):

Now, that Jewish sovereignty over the Temple Mount is in danger, Mount Moriah is liable to become a topic for negotiations between us and the Arabs, and unfortunately there are politicians who are prepared to negotiate regarding our sovereignty on the Temple Mount, and they rely on the Rabbinat's alleged prohibition against ascending the Temple Mount. That prohibition is liable to serve as an excuse for giving up our nation's Holy of Holies to the Muslims. I have therefore decided to publish the book now, from which it will be proven that there are wide areas on the Temple Mount that are permitted for Jews to enter according to all opinions, after immersion in a mikvah.

From an article in NRG from May 1, 2014:

The Temple Mount was offered to the Palestinians in 2000, but no agreement resulted – so said yesterday former president Bill Clinton in a speech he gave at Georgetown University in Washington where he told about the peace talks he brokered between former prime minister Ehud Barak and Yasser Arafat at the Camp David summit.

See below [p. ???] the words of Rabbi David Chai Hakohen *shelita*.

Rambam's *Sefer HaMitzvot* (Forgotten Mitzvat Aseh 4); "As a positive commandment for all time, it obligates each individual."<sup>28</sup>

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<sup>28</sup> From a responsum of Rabbi Shlomo Aviner *shelita* on the question of why Rambam does not count "conquering the Land" among the mitzvot:

It is halakhically clear that the mitzvah of conquest exists, for regarding the law that either spouse can force the other to move to Eretz Yisrael (Even Ha'ezer 75), Pitchei Teshuva shows that all the earlier and later halakhic authorities agreed with Ramban regarding the mitzvah of settling the land (*Se'if Katan* 6). Moreover, such was the general practice throughout the generations, both in Israel's War of Independence as well as Israel's ancient wars. Even before the founding of Modern Israel individuals would endanger themselves for the mitzvah of settling the land. This can only be explained as a subcategory of the law of conquest, and not as the private mitzvah of an individual in which case the only three mitzvot for which one should endanger oneself are idolatry, incest and bloodshed.

Rashbash wrote that in times of danger the Sages did not obligate one to move to Eretz Yisrael, saying that in that case, "everyone must gauge for himself if he wishes to endanger himself and move there, or not" (Responso of Rashbash 3). Likewise, Rabbi Yehuda Halevi wrote that the danger of moving to Eretz Yisrael is no greater than the danger merchants face on land and sea, "and [even] if it were *more* dangerous, it would be justified in terms of one's yearning and desire to go there, and in terms of one's hopes of atonement" (Kuzari 5:23). Rambam, as well, wrote that although one is allowed to leave the Land for a serious famine, "that is not the saintly path" (Melachim 5:9). In conclusion, an individual is permitted to endanger himself for the mitzvah of settling the land and it constitutes the saintly path.

We can explain this in terms of the dispute between Rashbatz and Rivash. In his responsum on whether one may board a ship on a weekday in order to move to Eretz Yisrael, knowing he will be forced to break the Sabbath to save his life, Rashbatz derives that it is permissible from the halakha that one may tell a non-Jew to violate the Sabbath in order to enable a Jew to purchase a home or field in Eretz Yisrael. Logically the same should apply as far as moving to Eretz



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Yisrael, which is a greater mitzvah than buying a house or field for someone who already lives there, since in any case he's already there (Responsum of Rashbatz 21).

Rivash disagrees with him and holds that moving to the Land is not a mitzvah but living in it is. He says that someone moving there is making *preparations* to do a mitzvah, an ad hoc activity for himself alone. By contrast, "*living* in Eretz Yisrael is not an ad hoc mitzvah but a mitzvah with everlasting repercussions, benefiting the entire Jewish People, preventing the Holy Land from be settled by the impure". (Responsa of Rivash 101, and 387). Ritva wrote similarly, and the source for this definition is Ramban (Shabbat 130).

Certainly there is a difference between a private mitzvah and a general mitzvah performed by the individual with ramifications for the entire nation. The latter can warrant endangering oneself.

The Jerusalem Talmud likewise learned that one can have a non-Jew violate the Sabbath for the sake of home and field purchases in Eretz Yisrael from the fact that "Jericho was captured on the Sabbath" (Jerusalem Talmud Mo'ed Katan 2:4). That is, it is derived from the mitzvah of conquest. All the individuals who endangered themselves throughout the generations to settle the land were not just performing a private mitzvah. Otherwise, they should not have endangered themselves. Rather, they were doing it for the entire nation, so that there should be a Jewish presence in the Land to pave the way for the future. In other words, it was under the rubric of conquest. After all, throughout the generations Jews conducted themselves according to the opinion that there is a mitzvah of conquest.

Rabbi Eliezer Melamed *shelita* wrote similarly in his book *Pninei Halakha'* on the mitzvah of settling the land:

There are different levels to the participation of each individual in the general mitzvah of settling the Land. Every Jew who lives in Eretz Yisrael is a partner in that mitzvah, for by settling the Land the Jewish People's hold on their land is strengthened. Whoever goes to live in relatively desolate areas like the Negev and the Aravah has a greater share in the mitzvah, for through his actions the land is settled and is not abandoned to desolation.

That is how settlement of the Land came to life out of the exile – by more and more Jews immigrating "privately". Their self-sacrifice brought about Israel's rebirth. People and families are settling in Judea and Samaria in just the same way. By doing so they are hastening the onset of Jewish sovereignty there. Our returning to the Temple Mount is the same. We understand that bringing up more and more people will lead the entire Jewish People to return to the resting place of the Divine Presence.

There is a claim that while regarding Eretz Yisrael we need an effort and awakening from below, as far as the Temple and the Temple Mount we are like (the anti-Zionist) "Neturei Karta", anxiously awaiting the light of redemption and the Temple's descent from heaven.<sup>29</sup>

From what we have said until now, it emerges that surely even regarding the Temple Mount there are explicit mitzvot that demand our arousal and effort. As Ramban and Midrash Shmuel quoted below, indicate, the reason for the plague that attacked Israel at the end of King David's reign was that Israel were not aroused to ask for the Temple's construction and to fulfill the mitzvah of "Seek out His presence" in its most concrete form. It follows that certainly regarding the Temple, as well, an arousal and effort are demanded on our part. Therefore, G-d forbid that we should avoid fulfilling the mitzvot of the Torah required of us

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Whoever settles in Judea and Samaria fulfills an even greater mitzvah, because settling there provides a double contribution: First, it strengthens the rule of Israel in places the Arabs want to steal from us. Second, it helps a desolate area to flourish. The more desolate the area is of Jews and the more our enemies try to conquer it, the greater the mitzvah of those who live there.

<sup>29</sup> As brought in Tosafot Shevuot 15b, Rashi Sukkah 41a and elsewhere.

based on philosophical and homiletic sources that apparently were not correctly understood.<sup>30</sup>

Here is Or HaChaim on Vayikra 25:25:

The redemption will come when people's hearts are awakened; when they are asked, "Is it good for you to be living outside, exiled from the table of your Father? How can your lives on earth be sweet lacking the sublime companionship you enjoyed when you were seated around the table of your forever-blessed Father, G-d of the universe?"

When they begin to find their illusory pleasures repugnant and their appetite for spirituality is awakened; when they grow exuberant over G-d, Master of all life and improve their ways, G-d will then redeem them. Ultimately, all the high and mighty of the Jewish People will be held accountable for their affront to G-d's forlorn Temple..<sup>31</sup>

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<sup>30</sup> While there are sources that say that the Temple will descend in fire from heaven, we should not ignore the fact that Rambam and Semag and Sefer Hachinuch ruled that it is a mitzvah for us to build a Temple for G-d. Moreover, many sources say that the Temple will be built by us. And many resolved the two and showed that they do not contradict, and here is not the place to go into detail.

Besides, even according to the opinion that the Temple will literally descend from heaven, that does not contradict its being a mitzvah to ascend the Temple Mount, to remove the great desecration that presently exists on the Mount, and to make this holy site a place to pray for our redemption and the coming of the Messiah.

<sup>31</sup> Whoever looks up this Or HaChaim will see that he is talking about redeeming the site of the Temple from the non-Jews. There he explains that the redemption will occur when we are aroused with a spiritual craving

As far as the fifth claim that if a ruling is issued permitting ascent to the Temple Mount the masses will enter forbidden areas:

It appears that today the central claim based on which many rabbis rule against going up is the fear that even if Jews go up according to halakha, this will lead to the masses going up to the forbidden areas.<sup>32</sup>

But as has been made clear above, the situation today is that the site of the Temple is desecrated. All who wish to enter (except for recognizably religious Jews) can do so and nothing stops them. The site of the Temple is profaned and desecrated by the enemies of Israel, and by Jewish and gentile tourists who enter the location of the Temple itself, such that G-d's glory is trampled.

On the other hand, when we go up to the Temple Mount in holiness and purity, the Rabbinat undertakes to oversee the site and we behave like the owners – then all Israel will know via a clear public directive that it is forbidden to enter the Temple Mount without immersion beforehand. They will understand that even after immersion it is still completely forbidden to enter the location of the Temple, itself. We will mark and fence off the forbidden areas so no one goes in.

If so, we have it in our hands to achieve the same objective that refraining from going up would appear to achieve. Precisely by going up in a halakhically acceptable manner we will be able to

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to seek shelter in the courtyards of the House of G-d, and we improve our deeds. That is, by returning to the place of the Divine Presence and not remaining outside but rather being aroused and arousing the Jewish People to seek out closeness to G-d and improve our deeds, and by drawing near to the Temple Mount to be around the table of the King of the Universe – G-d will redeem His holy abode from the hands of the nations. For neglecting this, the great rabbis of Israel will be judged in the future.

<sup>32</sup> See Yabia Omer V Yoreh De'ah 26

keep Jews from entering the forbidden areas and stop the desecration occurring in this place.<sup>33</sup>

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<sup>33</sup> Rabbi Eliezer Melamed *shelita*:

We must realize that the Torah contains both positive and negative commandments. There are those who fearfully avoid prohibitions but are not afraid of neglecting positive commandments. Therefore, in their opinion, as long as there is a remote chance that a Jew will ascend the Temple Mount not in accordance with halakha, it will be forbidden for all G-d-fearing people to go up. People explain to them that in any case secular Jews enter the Temple site while impure, and precisely their seeing some G-d-fearing people going up while avoiding impurity encourages some of them to be careful themselves. Yet this does not lessen the anxiety of those who refuse to ascend. The main problem is that they are not afraid of neglecting the positive commandment of settling the land, whose essence is that the land must remain in our hands and not in the hands of another nation. Everything depends on the Temple site, for all the Land's holiness and sovereignty spreads forth from there to the rest of Eretz Yisrael.

This is in line with our Sages' criticism of King David, who conquered Syria before he conquered the Temple Mount, rendering the latter a private rather than national conquest. As a result, Syria did not become sufficiently holy to obligate Jewish residents there to keep the mitzvot dependent upon the land.

Regarding such approaches the Sages said: "The humility of Rabbi Zecharia ben Avkules destroyed our House and burnt our Temple and caused us to be exiled from our land" (Gittin 56a). Rabbi Zecharia greatly feared prohibitions, but didn't worry so much about nullifying the Temple's existence.

Now that we have seen how refraining from going up seriously hurts the sovereignty of Israel on the Temple Mount, all those for whom the mitzvot of the Torah are dear must fight for Jews to go up to the Temple Mount.

See the responsa *Aseh Lecha Rav* I Ch. 15 and VI Ch. 82, and see the book *Et Lechenenah'* pp. 297-298.

Precisely to prevent breaches we must go up the Mountain taking proper precautions and take ownership and control of the place. That will prevent the desecration presently occurring there.<sup>34</sup>

As far as the sixth claim, that we should refrain from entering the Temple Mount since going up stirs the Arab world against us and endangers the lives of many Jews:

It is clear that our ascent to the Temple Mount is not the reason the enemies of Israel murder us; that is just an excuse. Our enemies announce daily that they want to destroy the State of Israel and the Jewish people, and it does not depend on the Temple Mount. The Arabs in their prayers turn their backs on our holy place and it is not truly important to them. The reason that over the past hundred years they have been expressing their anger and resentment over

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<sup>34</sup> There is a mitzvah in the Torah to guard the site of the Temple to prevent people from entering it in impurity, as it says in Bamidbar 18:1-3:

G-d said to Aaron: "You and your sons and the ancestral house under your charge shall bear any guilt connected with the sanctuary.... and your brethren also, the tribe of Levi.... shall keep your vigil and the vigil of the entire Communion Tent. They must not approach the furnishings of the Shrine, or the altar, so that you and they not die.

Rashi explains: "G-d told Moses to warn Aaron that the Israelites must not enter the Temple."

There is a dispute among the halakhic authorities over whether this mitzvah applies even following the Temple's destruction. In any case it seems logical that when the Jewish People return to the Temple Mount the vigil must be renewed, to keep Jews from sinning by entering forbidden areas. The Torah does not command us to stay away from the Temple site to avoid prohibitions. Rather it commands us to establish an appropriate vigil, to provide warnings and instructions to keep people from sinning, so that they can come to the Mount of G-d happily, as in King David's words: "I rejoiced when they said to me, 'We are going to the house of the L-rd'" (Psalm 122:1).

this place is that they understand what we have some difficulty understanding, that everything depends only on this place.

It is very likely that their entire desire to fight against us derives from the fact that we leave the Temple Mount in their hands. Without a doubt, when our enemies see that we give up the place that is dearest to us, that strengthens them in their war against us throughout the Land. Only when they see that we stand strong and fight for the Temple Mount, seat of our life's blood, will they be weakened and see that they cannot fight us.

Additionally, regarding the very claim that the danger stems from our going up to the Mount, from authoritative security sources we see the exact opposite, as Rabbi David Hai Hakohen *shelita*,<sup>35</sup> head of the Netivot Yisrael Yeshiva in Bat Yam, wrote in a responsum:

The Rabbis' clear, decisive prohibition against Jews entering the Temple Mount leads to a risk of its being handed over to our enemies, who, as we know, are murderers. If the site is handed over to the Arabs and Israel absents itself from there, that will clearly endanger the lives of all the Jewish residents of Jerusalem. Already today, we bear witness to all the cruel murders perpetrated by our enemies in the name of their worry over the Temple Mount. Previously, the gentiles tried to remove us even from the Western Wall. At that time, they did not even allow benches for the elderly to rest upon on Yom Kippur. We have already seen that every concession of part of our land to the gentiles leads to terrible bloodshed throughout the Land.

I myself have heard from authoritative security sources who said, "You rabbis who forbid Jews from going up to the

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<sup>35</sup> The rabbi neither encourages nor discourages going up to the Temple.

Temple Mount endanger the Jews of Jerusalem. All the bad things our enemies will do shall be upon your head. If you would heed us (so they said to me) you should, at least for security reasons, not forbid Jews from going up to the Temple Mount in order not to put a sword in our enemies's hand."

We see that precisely by abandoning the site of our Temple and allowing our enemies to do what they want there, we endanger our lives by giving them ownership in the midst of Jerusalem. As Shulkhan Arukh ruled in the laws of Shabbat 329:6:

When idolaters besiege Israelite cities, if they are doing so to claim money, we do not violate the Sabbath over that. If they are doing so to kill Jews, or even if we don't know why, we attack them with weapons and violate the Sabbath. Regarding a border town, even if they are only doing so to claim straw, we violate the Sabbath over that.

Rabbi Moshe Isserlis: Even if they haven't come yet but want to, regarding a border town we desecrate the Sabbath without delay.

How much more so must we fight for the Temple Mount that is in our very midst – that it should remain in our hands.

Likewise, from our rabbis' words we see that our negligence in seeking out our Temple itself causes great danger to the Jewish People.

Well-known are Ramban's words about the reason for G-d's anger at Israel at the end of King David's reign (Bamidbar 16:21):

We can logically argue that Israel was punished for its delay in building the Temple. The ark went from tent to tent like a stranger in the land and the tribes did not awaken to say "We shall seek out G-d and build a house for His name," as in



Devarim 12:5: "It is there that you shall go to seek His presence." Finally, after a very long time, King David was aroused in this regard, as it says (2 Samuel 7:1-2) "When the king was settled in his palace and the L-rd had granted him safety from all the enemies around him, the king said to the Prophet Nathan, 'Here I am, dwelling in a house of cedar, while the Ark of the L-rd abides in a tent!'"

David was stopped by G-d as it says (1 Chronicles 22:8) "You have shed much blood before Me", and the construction was postponed until the reign of Solomon.

Had Israel wanted, and had they awakened at the start, it would have happened in the days of one of the Judges or Saul, or even in the time of David. Had the tribes of Israel awoken in this regard, King David would not have been the builder, but rather Israel.

But when the people paid it no mind, and it was David who awoke and prepared everything, he became the builder. King David was a man of law who operated according to strict justice and not according to mercy, hence the construction was postponed throughout his reign due to Israel's negligence. That was why there was anger against them.

We find the same in *Midrash Shmuel* (Buber) Parasha 31:

"Gad came to David [on that day] and said to him, "Go up erect an altar for G-d" (II Samuel 24:18): To what was the situation comparable? To one who would hit his son, but didn't know why he hit him. In the end he said to him, "I hit you to avenge so-and-so." In the same way all those people who died in the plague died only because they did not demand the construction of the Temple.

It stands to reason regarding us: If those who never saw the Temple standing were thus punished, we should be all the more so. The first prophets therefore enacted that Israel should pray three times each day, reciting the words, "Restore Your Divine Presence to Zion and Your [Temple] service to Jerusalem Your city."

And so wrote our Master Rabbi Mordechai Eliyahu *zt"l* in his "Call to the Rabbis of Israel" in 2000):

Dear Rabbis,

The Temple Mount which was liberated through G-d's salvation in the Six Day War remains desolate as though nothing has happened. Well known are Ramban's words on the Torah, that the punishment that struck Israel in King David's time was because the nation did not awaken to build the Temple. Who knows if the troubles besetting Israel in our time are not due to our apathy regarding the Temple Mount?

Therefore, it is appropriate that the rabbis of Israel should join together to arouse the public to action regarding the Temple Mount and preparing their hearts for the rebuilding of the Temple. We all pray and hope that it will be built in our time. Through the merit of this awakening may we benefit from divine assistance to hasten redemption speedily in our days.

Besides, even if there truly were a danger in going up to the Mount, we have never seen that we must neglect the mitzvot of the Torah – especially those dealing with conquering the Land – due to danger. Quite the contrary, certainly every conquest involves danger, yet we are still commanded to fulfill it.<sup>36</sup>

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<sup>36</sup> See the words of Rabbi Shlomo Aviner in footnote 30.

We previously brought the testimony of Rambam who went up to the Temple Mount, and emphasized that he endangered himself: "We set out from Acre for Jerusalem under dangerous circumstances..." That danger, however, did not stop him from going up to the Mount or from travelling in the holy land.

In the same vein G-d told Joshua (Ch. 1:9): "I charge you: Be strong and resolute. Do not be terrified or dismayed, for the L-rd your G-d is with you wherever you go". We likewise read:

David said to Solomon his son: 'Be strong and of good courage, and do it. Do not be afraid or dismayed, for the L-rd G-d my G-d is with you. He will not fail you or forsake you until all the work on the house of the L-rd is done. (1 Chronicles Ch. 28:20)

These verses teach us that for the privilege of drawing near to the holy we need great strength, courage and bravery.

As far as the seventh claim that since the Chief Rabbinate and the great halakhic authorities forbid going up, we must follow their words and accept their ruling:

As is well-known, since the Talmud's completion the Sages have lacked the ability to make new decrees and prohibitions. The mitzvah of "Do not stray to the right or left from what they declare to you" (Devarim 17:11) applies only regarding the High Court that sits in Jerusalem, as is explained by the halakhic authorities.<sup>37</sup>

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<sup>37</sup> Minchat Chinukh Mitzvah 496:

From Rambam's language throughout Chapter 1 in Hilchot Mamrim... it appears that specifically regarding the Jerusalem Great Court do we violate a positive and a negative commandment. The rebellious elder, as well, has to have rebelled against the Great Court, as shall be explained below, and it is to this that the prohibition of "Do not stray" is referring.

Even according to the opinion that the Sages in each generation have such authority<sup>38</sup>, that is only when they sit together and decide on halakhic matters. Unfortunately, today there is no concept of majority and minority because they do not sit together

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Yet with the Great Court's having ceased operation in the Chamber of Hewn Stone it may be that if we stray from the decisions of contemporary Rabbinical courts we do not transgress a positive and negative commandment. The same may be understood from the verse: "If there is a dispute in your territorial court, then you must set out and go up to the place G-d your L-rd shall choose" (Devarim 17:8) – i.e., to the Great Court – "You must do as they tell you... in that place.... Do not stray" (v. 10-11), All of this refers to the Great Court. Why should these laws apply to the Sages of each generation?

Yet Rabbi Yosef Karo wrote here and throughout his law code that we must obey the greatest contemporary Rabbinical judge, and that if we don't, we violate the Torah's positive and negative prohibition in this regard. How does he know this? You cannot compare contemporary Rabbinical courts to the Sanhedrin, upon which the glory of G-d rested all day long, and regarding which the Torah promised... etc.

Apparently, however, the extension derives from Rambam in his Sefer HaMitzvot and his introduction to Mishneh Torah, as well as from Ramban. And they must certainly have found a source somewhere.

Ramban's opinion is that this positive and negative commandment apply only to what our sages expounded, for such is the plain meaning of the verses, or what they heard from Moses, or what was derived via the thirteen principles of derivation. All of that is Torah, like the partitioning of Tefillin into four sections, etc. There we must do as they say, and we violate a negative and positive commandment if we don't. Yet Rabbinical fences and enactments are not included, and if they are incorporated in "Do not stray" it can only be via a Rabbinical support.

<sup>38</sup> Sefer Hachinuch Mitzah 496: "This mitzvah applies regarding a rebellious elder when the Temple is in operation. As far as our obligation, we must heed the words of our ancient Sages and our great contemporary rabbis and judges. This applies in all times and places, to males and to females.

and deliberate with one another, hence there is no halakhic authority whose words obligate everyone.

This being the case, it is wrong to compare rulings by the Sanhedrin or the Great Court to any ruling by rabbis today. The Chief Rabbinate does not function today as the supreme halakhic authority for all Israel. Alongside the Chief Rabbinate there are the Sephardic Council of Hachmei HaTorah, the Ashkenazic Council of Gedolei HaTorah, the Supreme Rabbinical Court of the Edah Charedit, the rabbis of Tzohar, etc.<sup>39</sup> Therefore, since there are important rabbis and *Roshei yeshiva* who permit going up to the Temple Mount, it is certainly permitted.

Quite the contrary, if we wish to come closer to the wondrous vision of Rabbi Kook for a Great Rabbinical Coury, we must strengthen our connection to the holy Mount in Jerusalem. That is the place that unites all Israel around the holy and that is the place

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<sup>39</sup> Here is Rabbi Eyal Jacobowitz *shelita*, head of the hesder yeshiva in *Tzfat*:

When Rabbi Kook established the Chief Rabbinate it showed potential for developing into the Great Court. His vision was to have one framework of jurisprudence for all Israel. On the strength of what his father had done, Rabbi Tzvi Yehuda *zt"l* continued his father's life's work, which unfortunately still has not come into being. In practice, the reality is different now and parallel streams of truth have diverged. Quite the contrary, on any question with a political shading the Chief Rabbinate remains mum, as we saw with the Disengagement and the issue of refusing orders. The Chief Rabbinate, responsible for Judaism's holy sites, did not include the Temple Mount in its list of holy places. Does this mean that such is the halakha?! We highly respect the chief rabbis who were charged with such a daunting task and we disagree with them on this matter. Not every dispute means contempt, G-d forbid.

where the Divine Presence comes to rest upon those who study Torah – "for from Zion shall go forth Torah" (Isaiah 2:3).

Aside from this, it has recently been publicized that the Chief Rabbinate does not forbid Jews from going up to the Temple Mount based on their own rabbis' rulings. That is what the attorney general of the Ministry of Religious Affairs reported at a subcommittee of the Knesset interior committee on the topic of the Temple Mount, as follows:

Regarding the Chief Rabbinate's prohibition on going up to the Temple Mount, that is a well-known prohibition from time immemorial, not something new. What has changed is that recently the Chief Rabbinate publicized that it does not oppose people going up if their rabbis permit them to. We certainly respect that.<sup>40</sup>

From here it emerges that even if one holds the Chief Rabbinate in great respect, going up to the Temple Mount does not go against their wishes and does not constitute an affront to their honor.

The rabbinic opposition to going up to the Mount I thought to explain in terms of the principle explained in holy works that Israel's redemption has to come precisely through an *itaruta deletata* – an arousal from below – through the desire and self-sacrifice of the Jewish People. In other words, through their efforts and longing they will merit salvation. This idea appears throughout the kabbalistic writings, and we have seen that in a practical sense that is how Israel's redemption operates.

That is what happened at the splitting of the Sea, when Moses was behind the Israelites (see *Meshech Chochmah*), and the Israelites had to jump into the water demonstrating self-sacrifice and faith in G-d that He would split the sea for them. It likewise happened at

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<sup>40</sup> Publicized on April 7, 2014.

the beginning of the Second Temple period, when precisely the "simple" people returned with Ezra and Nehemiah to Eretz Yisrael, while the "righteous" remained in Babylonia. The same occurred in the last generation, as well, when there were rabbis who called upon the Jews not to move to Eretz Yisrael, but the Jewish People out of a great spiritual yearning, returned to the Holy Land in self-sacrifice.

It appears to be the same regarding the Temple Mount in our own generation. We can see with our own eyes that Divine Providence orchestrated events such that Jewish settlement in the Land developed not necessarily through the leadership, but through simple people, tillers of the soil. It was they who aroused G-d's will to expand Jewish settlement and it was they who inspired G-d-fearing Torah leaders to support the process later on.

The same can be said regarding the Temple Mount. This cause does not depend on our leadership. In this regard, great and small are equal. In fact, the demand to go up to the Temple Mount must come specifically through an awakening from below. It must derive from a simple, natural yearning by the Jewish People to return to the place of the Divine Presence, deriving from a sincere, innocent connection to the seat of our Temple and our glory, a yearning to come close to G-d and raise the banner of Israel.

Those rabbis who are stringent in this regard constitute an *itaruta dele'eila*, an awakening from above. They are "waiting" for us to demand the place will all our heart and soul (even if they seem not to support the steps, and they do not participate actively for reasons known only to them. In matters applying to the entire Jewish People, they do not have control over their own hearts, for their hearts are controlled by Divine Providence, as our sages said regarding royal leadership in accordance with Proverbs 21:1: "The hearts of kings and ministers are in the hands of the L-rd.")

Only when the demand to return to the seat of the Divine Presence increases, will the Chief Rabbinate and the rest of our greatest rabbis be able to call upon the people to ascend the Temple Mount. For now, however, there is a great mitzvah upon each of us to go up to the Mount in accordance with those halakhic authorities who permit it and call upon us to do so. The more we awaken in this regard, the more G-d will shower us with the light of salvation and through us will be fulfilled the vision of the prophets (Isaiah 52:1-2, 9-10):

Awake, awake, O Zion! Clothe yourself in splendor. Put on your robes of majesty, Jerusalem, holy city! For the uncircumcised and the unclean shall never enter you again. Arise, shake off the dust. Sit on your throne, Jerusalem! Loose the bond from your neck, O captive one, Fair Zion! .... For the L-rd will comfort His people, , will redeem Jerusalem. The L-rd will bare His holy arm in the sight of all the nations. The very ends of the earth shall see the victory of our G-d.

All of the above it has made clear that it is a great mitzvah to go up today to the Temple Mount, taking the halachic precautions, and important rabbis, halakhic authorities and *roshei yeshiva* of Israel rule that way.<sup>41</sup>

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<sup>41</sup> Many of them are important disciples of Rabbi T.Y.Kook. I shall enumerate only some of the important rabbis and halakhic authorities who support going up to the Temple Mount in accordance with halakhic precautions: Rabbi Dov Lior, Rabbi Zephanya Drori, Rabbi Yisrael Ariel, Rabbi Nachum Eliezer Rabinovitch, Rabbi Eliezer Melamed, Rabbi Chaim Druckman, Rabbi Elyakim Levanon, Rabbi Eliezer Waldman, Rabbi Dov Kook, and dozens more.

In addition, Rabbi Meir Mazuz was asked if it is permissible to go up to the Temple Mount after immersion to the permitted areas, and his answer was: it is halakhically allowed but people are liable to stumble. You must know the exact measurements according to a great rabbi's instructions.



The Jewish People have been longing and yearning, weeping and praying, asking to return to Zion for two thousand years. In the Six Day War G-d did miracles and wonders for us and restored us to the courtyard of the House of G-d. We did not think, expect or believe that we were already worthy to return to the place of the Divine Presence. But G-d in His great love for us, and the great trust He places in us, restored us to His courtyard to shelter us under His wing, as though to say: "My children! The time of your redemption has arrived. If you do not believe, observe My light that shines upon you!"<sup>42</sup>

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<sup>42</sup> Psikta Rabbati, 36:

Our rabbis taught: When the Messianic King reveals himself, he will position himself on the roof of the Temple and say to Israel: "Humble ones, the time of your redemption has arrived. If you do not believe me, look at my light shining on you." As it says: "Arise, shine, for your light has dawned. G-d's glory has shined upon you" (Isaiah 60:1). It has shined upon you and not upon the nations of the world, as it says: "Behold! Darkness shall cover the earth, and thick clouds the peoples; but upon you the L-rd will shine, and His glory will be seen over you" (ibid., v. 2).

At that moment G-d will shine forth the light of the Messianic King and Israel upon all the nations sitting in darkness, and they all shall walk in the light of the Messiah and Israel, as it says: "Nations shall walk by your light, kings by your shining radiance" (Isaiah 60:3). They will come and lick the dust from under the feet of the Messianic King, as it says: "The dust of your feet they shall lick" (ibid., 49:23). All shall come and prostrate themselves before the Messiah and before Israel and say to them, "Let us be slaves to you and to Israel." Every Jew will then have 2,800 slaves, as it says: "In those days, ten men from nations of every tongue will take hold of every Jew by the corner of his cloak and say, 'Let us go with you, for we have heard that G-d is with you'" (Zechariah 8:23)

May our eyes see and may our hearts rejoice over the consolation of Zion and the rebuilding of Jerusalem.

# The Laws of Immersion<sup>43</sup> -- regarding Men

## Introduction

Immersing to purify oneself before entering the Temple Mount constitutes a Torah obligation, unlike regular immersions by men which are only a custom. One must therefore make sure to perform all the necessary preparations that shall be described below. Regarding all questions and uncertainties one should consult a qualified rabbi.

## Preparations for Immersion

Before immersing one must wash one's entire body in hot water, comb the hair on one's head and beard, and manually separate the rest of the hair on the body. This preparation is called '*hafifa*' (washing).

The preparations for immersion should be done slowly and conscientiously, close to immersion. Likewise, before immersion one should examine one's entire body carefully to make sure there is nothing that can be defined as a '*hatzitza*' (see below).

One who immerses on Shabbat should wash on Friday, and on Shabbat before the immersion he should examine his body well. Likewise, he should be careful regarding the laws of Shabbat

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<sup>43</sup> These halakha sections have been approved by Rabbi Dov Lior and Rabbi Nachum Eliezer Rabinovitch *shlita*. They were edited by Rabbi Yosef Peli, one of the authors of the book *El Har Hamor*.

Thanks to Rabbi Chaim Yerucham Smotrich who helped us in the study of these halakhot.

associated with bathing. (such as the prohibition against squeezing).

### **The Laws of *Chatzitzza* (intervening substances)**

In immersion the entire body and all of one's hair must touch the water, without any *hatzitzza*. Any substance most people would want to remove from their bodies before attending an important event, or that the person immersing himself would wish to remove, is considered a *hatzitzza*. Even something that covers only a small part of the body or hair of the one immersing is considered a *hatzitzza*. Dye which has no substance and cannot be removed – is not a *hatzitzza*.

Food particles, etc., stuck between the teeth – constitute a *hatzitzza*.<sup>44</sup> Therefore one must clean one's mouth well and brush one's teeth before immersing. (It is recommended to use a toothpick or dental floss, etc.)

One must remove dirt from one's eyes, nose and ears.

One must clean one's fingernails and underneath them, particularly the part of the fingernail that protrudes from the flesh of the index finger. Long fingernails that one intends to cut, must be cut before immersion.

If one has lice in one's hair, one must remove it. If something is impossible to remove and one doesn't care about its presence, it is not a *hatzitzza*. Dandruff in the hair after washing and combing is not a *hatzitzza*.

A scab over a cut must be removed, but if it hurts to remove it or he needs to leave it in order for the wound to heal – he should ask a rabbi.

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<sup>44</sup> Even though the one immersing does not have to open his mouth while immersing.

Bandages, adhesive bandages etc., constitute a *hatzitza*.

A thorn protruding from the skin constitutes a *hatzitza* and must be removed.

Peeling skin, warts, etc., that bother a person should be removed to the best of one's ability.

Permanent fillings, crowns, etc., are not a *hatzitza*. Removable bridges and braces are a *hatzitza*. As far as temporary fillings, contact lenses (that are not usually removed every evening), false teeth, etc., one should ask a rabbi.

It is appropriate to remove watches, bracelets, jewelry, etc., even if the water can penetrate beneath them.

Someone who needs to relieve himself should do so before immersion.

### **The Blessing**

Before immersion one should recite, "Blessed are You O L-rd our G-d, King of the Universe, who has sanctified us through His commandments and commanded us regarding immersion". However, one should recite this blessing only when one is totally certain of his obligation to immerse, i.e., when he knows for sure that he has not immersed since his last contact with the dead, and that he will not be prevented from going up to the Mount.

Before the blessing, one should immerse up to one's neck, hug his body with his hands (to separate between his heart and his nakedness), cover his head and recite the blessing.

Another possibility is to recite the blessing in the outer room (where people are generally clothed), with one's head and one's nakedness covered, and then immediately to immerse. Such, in fact, is recommended when the *mikvah* is in the same room as the showers (since in such a case some forbid reciting the blessing in

the *mikvah*). Some have the custom of immersing twice, once before the blessing and once after the blessing, and some have the custom to immerse only after the blessing.<sup>45</sup>

### **The Immersion**

One must ascertain that the *mikvah* is kosher for immersion according to the Torah, because in some men's *mikvahs* tap-water is used, rendering the *mikvah* kosher only for the "Ezra's immersion" [a Rabbinic enactment to deal with nocturnal emissions].

One should not immerse in a *mikvah* that is in the process of being emptied (because that body of water is not static but "flowing").

In *mikvahs* with a filter, some avoid using it when the filter is working.

When immersing one should not close one's mouth or eyes tightly, nor should one open them too much, but rather in a relaxed manner.

One needn't raise one's feet off the floor.

The one immersing must ascertain that the water reaches every part of his body and his hair. Therefore, one should remove his hands a bit from his body and separate his legs a bit.

It is best to time the immersion as closely as possible to going up to the Mount.

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<sup>45</sup> In accordance with the varying customs of immersion for a niddah – the custom of reciting the blessing between the two immersions is the custom of the Ashkenazim and some of the Sephardim (in accordance with *Darkei Tahara*), and the custom of immersing only after the blessing is the custom of some of the Sephardim (in accordance with *Taharat Habayit*). Yet according to Rabbi Rabinovitch *shlita*, as far as the immersion of men there is no call for having different customs and everyone should immerse only after the blessing.

People who have come in contact with the kinds of impurity that require one's waiting until evening to immerse are permitted on the Temple Mount; hence they needn't immerse the night before. Still, some take the strict approach to this and immerse one day before (and then again the next day before going up, to cover impurity they might have come into contact with after immersing in the evening. They recite the blessing only on the immersion of the first day).

Preferably someone immersing for the first time in preparation for going up to the Temple Mount should consult with an experienced Torah scholar.

### **After Immersion**

A priori one should not bathe following the immersion.

Following the immersion one should be very careful to avoid warmth and rubbing of the genitalia.<sup>46</sup>

If after immersion he urinated and the urine had an unusual appearance (murky, or dribbling out) he should ask a qualified rabbi, but there is no need to look while urinating.

### **The Laws of Temple Reverence**

It is a positive commandment to show reverence in the Temple even when it is in ruins, hence when one goes up to the Temple Mount one must conduct oneself with gravity and reverence, as our sages said, "'Revere My Sanctuary' (Vayikra 19:30): It is not the sanctuary one must revere but Him who commanded us to revere it" (Sifra Kedoshim 3:7).

It is permitted to enter the Temple Mount only for the purpose of a mitzvah (such as prayer) and not for mundane purposes or as a

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<sup>46</sup> Therefore he should not wear tight underwear.

short cut etc. (but if one entered to pray there it is a mitzvah to exit from a different side).

All the laws of showing respect in a synagogue apply all the more on the Temple Mount.

It is forbidden to enter the Temple Mount in leather shoes, and anyone who strictly avoids hard shoes altogether there shall reap a blessing (as on Yom Kippur).

When removing one's shoes before entering one should first remove the right shoe (and not the left as is the usual custom), because this removal is a mitzvah.

One who enters barefoot must have clean feet.

It is forbidden to enter the Temple Mount with a wallet in his hand, or a wallet round his waist (i.e., a pouch). Still, one is allowed to enter with a concealed wallet.

One should not enter the Temple Mount with a backpack.

It is forbidden to enter the Temple Mount wearing just a T-shirt or other clothing intended to absorb sweat, if one doesn't have other clothing over it. One should make sure to wear appropriate, respectable clothing.

It is forbidden to spit on the Temple Mount.

One should not speak unnecessarily on the Temple Mount; hence it is best not to go there with a cell phone, or at least to turn it off before entering.

"One who enters the Temple Mount, enters from the right, circles it and exits from the left".