



Bet Horaah

בית הוראה

Shaare Ezra

שערי עזרא

Parshat Shemot
Zmanim for New York:
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VISITING THE TEMPLE MOUNT. A HALACHIC OVERVIEW
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Visiting the Temple Mount has been a subject of controversy for many years—Halachic controversy, Hashkafic controversy, and political controversy—as well as a safety concern. However, not too many people understand what the opinions of both sides of the spectrum are.

Orthodox Rabbanim almost across the board prohibited its entry, whereas a few Rabbanim from the Mizrahi stream permitted and even encouraged visiting the site.



While the Halacha is not to allow any type of visitation to the Temple Mount, in this article we will try, B"H, to take a deeper look at why our rabbis restricted the entry and what are the reasons of those who permit it.

What is the Halacha?

First let's explain the basics of the relevant Halachot.

The Torah (במדבר ה) says that a person who is impure - יד-טו הלכות בית הבחירה) argued whether the place maintains its sanctity even after the destruction of the Bet Hamikdash, thus arguing whether the restriction of entering the place applies today as well. The poskim wrote that the Halacha is like the Rambam who holds that the place is still holy and one may not enter it if he is impure.

The Mishnah (1:6-9 כלים) explains that there are ten degrees of holiness in Jerusalem, and the Gemara (פסחים סא) says that there are three courts of divine presence with different levels of Kedusha which restrict the entrance of impure people according to their impurities.

The courts are מחנה ישראל, מחנה לוי, מחנה שבט. מחנה ישראל is the Court of Israelites in the area within the walls of Jerusalem, in which anyone with

leprosy may not enter but all other impurities are permitted.

מחנה לוי is the Court of the Levites, which is within the walls of the Temple Mount and it is holier than the other parts of Jerusalem. A person who became impure due to certain bodily discharges may not enter the place until purifying himself in the Mikvah. Conversely, a person who has contracted ritual impurity from a corpse may enter.

Finally, there is מחנה שבט which is located inside the Bet Hamikdash itself or where the Azara stood at the time (including the Chil and the Ezrat Nashim). A person who is טמא מת, such as those who had contracted ritual impurity from a corpse, been in a building that had a corpse or visited a cemetery etc. is forbidden from entering that place. Since we all have been to a hospital, which usually has corpses, we are all טמא מת. The punishment for entering the place of the Azara with such impurity is כרת, which means that his soul is cut off.

According to the above are we allowed to enter the Temple Mount?

Formally, the answer should be yes (after we dip in a Mikvah to be able to enter the Levites Court), because our impurity restricts us only from the place of the Azara in the Bet Hamikdash which is a much inner place, but the Poskim forbade it for a few reasons.

The first concern is that we don't know where the exact place of the Azara is, thus any place one enters may possibly be the place of the Azara.

Why then do some permit entering? Those who permit say that we rely on the Radbaz (שו"ת הרדב"ז חלק ב) who wrote that we know the exact place of the Mikdash and it's located under the rock.

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Thus, they understand the Rabaz to mean that the rock is what we call today the "Dome of the Rock" and since the Mishnayot in Midot give the measurements of where it is restricted around the area of the Azara, we can easily know where one may enter and where one may not.

A second reason to restrict is the concern that one may enter the area which is called the Chil and the Ezrat Nashim that is Rabbinically forbidden, (although the Torah permits entering this place after dipping in the Mikvah). Again, those who permit it say that we can measure and know where that location is as well.

Finally, the Poskim felt that even if we would have known where the Azara is, one shouldn't enter because within time some would feel freer to go beyond where it is permitted.

Those who permit aren't concerned of the above because they say that the walking area is way farther from the Azara and the police don't allow anyone to go beyond a certain point anyway. After the Radbaz informed us of where the Azara is and since we can measure the place as the Mishna says, why do we restrict the entry?

The Poskim point out that the Radbaz mentioned that the Azara is under the 'known Rock', but we can't be clear of where is that known rock or whether it is indeed the Dome of the Rock. Moreover, there are also contradicting responsas from the Radbaz which make the matter more unclear.

Are there any other concerns for one who enters the site?

One who enters must behave in fear and awe from the holy place in which the Divine Shechina rests upon, as the Torah say: (ויקרא יט, ל): "My sanctuary shall you revere". The measures for respect one must take are to not walk in with shoes (some say only leather shoes), not carry anything at all such as a stick, bag, watch, wallet or even his Tsitsit. One must shave his head completely before entering and walk while expressing seriousness and fear (רמב"ם בית הבחירה פ"ז וראה אור לציון ח"ג עמוד רעה). The Aruch

Hashulchan (התניד סי' יד מהלכו' ביהמ"ק) says that one isn't allowed to talk in Har Habayit words that aren't necessary. (הנה הדבר פשוט. (שאין לדבר דברי רשות בהר הבית).

Hashkafa Concerns.

One who visits the Temple Mount not only risks the severe violation that carries the punishment of Karet, but is also openly and publicly expressing disrespect for the rabbis who warned against it. It's beyond the scope of this article to explain the severity of disrespecting the rabbis.

The Political Controversy

The political controversy in this question is also an important factor, as those who visit the site do so to show and express that the Temple Mount belongs to Am Yisrael and we are the owners of it. If people don't visit, they are by default giving in their rights to the place and the Arabs take ownership. We see today the results of such an ideology as Arabs around the world scream and shout when anyone dares to visit the holy place.

The rabbis who forbade the visitation say that since the entrance is forbidden, no reason may allow violating this severe sin.

The Risk Concern

Finally, there is the risk factor due to the violent Arabs in the place and a larger risk of the world condemning the country of Israel.

Those who warn against visiting say that one should not incite the nations, whilst those who encourage the visiting say that it's wrong to deliberately avoid it, since it expresses fear which usually welcomes violence and attacks from the Arabs.

May we all merit to see the third Beit Hamikdash speedily built, and go to pray there with our entire nation.



THE TERMITES FROM BNEI BRAK

וַיִּקְצוּ חִפְּזֵי בְנֵי יִשְׂרָאֵל

A couple of weeks ago, a class of young girls from Bnei Brak went to play in a playground by Ramat Gan during recess. They were met by an angry woman who screamed at them saying that they are like termites who only produce children and eat. She said that they are taking over her city, while they have their own city, and that they should leave and never come back again.

After reading our Parasha, it occurred to me that the lady was actually correct with her analogy that we produce like termites, as the Pasuk in our Parasha testifies:

תמלא הארץ אותם ובני ישראל פרו וישרצו וירבו במאוד מאוד Rashi says that the word וישרצו means that every woman's pregnancy had six children. The commentaries explain that Rashi knows this from the word וישרצו, as שרץ means bugs. The Israelites were multiplying like termites, just like the distinguished woman from Ramat Gan was suggesting. Thus, Pharaoh was concerned that they are taking over his land, just like the concern and fear of this prominent lady from Ramat Gan.

But why is it that when the Torah says this verse it means it in a positive way, while the respectable lady from Ramat Gan viewed it

in a negative light???

Another Pasuk in the Parasha speaks about how the Egyptians really felt towards the Jews, not simply what they were saying about them. They felt the Jews were like thorns, and they were disgusted with them. But why did they feel that way? The Jews were good, law-abiding citizens, who were contributing so much to the Egyptians country. They helped build a strong economy and many more advances as we see from the previous Parashiot.

The answer might be surprising. A "life hack" to know is that a person treats others the way he feels about himself. This applies to both good and bad behaviors—if

someone treats other well, this means that he feels positively regarding himself. If, instead, someone mistreats others, then he actually thinks negatively about himself. An example of this in our day-to-day lives is road rage. Drivers may get extremely angry at times because of something insignificant like a small delay on the road, and will yell and honk at other drivers. If this happens, it is usually because a driver feels negatively about himself and it's expressed on the road.

In the Parasha it is written regarding the Egyptians: וַיִּקְצוּ חִפְּזֵי



THE TERMITES FROM BNEI BRAK

בגין ישראל. Rashi gives two explanations to the meaning of this Pasuk. He first describes that the Egyptians were disgusted with their own lives, and then suggests an alternate reading—that the Jews were like thorns in the Egyptians' eyes.

It is a general principle that any time Rashi gives 2 explanations, they may be complementary and merge into one overarching theme. We can understand Rashi's two explanations as follows: because the Egyptians were disgusted and unhappy with their own lives, they felt as though the Jews were thorns to them.

Historically, we can see this concept with the rise of antisemitism. Antisemitism does not begin due to bad behavior on the part of Jews. Instead, during times of unrest or difficult economic and social status, people don't feel good about their own lives and blame the Jews as an easy target.

Conversely, we learn in last week's Parasha about positive feelings. When Yaakov Avinu gives his son Asher a Beracha, he says that he should have fatty, rich bread, thus he would give others royal meals. According to the commentaries, bread is usually a general term for wealth.



The blessing is therefore understood as follows: Asher should have a lot of wealth, which will result in him treating others with royalty. Since he feels good about his possessions, he treats others with generosity as well.

Another example is when Leah named her son Asher. She said "Oshri, ki ishruni banot", meaning I feel a deep, resonating joy, and therefore, all the girls around me feel this way too!

We clearly see here that when she felt good about herself, it shined and everyone around her felt good as well because of her, and they expressed those feels to her.

Maybe this explains the behavior of the noble lady from Ramat Gan. She might not be feeling very noble and distinguished after all, hence she sees these holy girls from Bnei Brak as termites—the way she probably feels about herself.

This concept can help us deal with life. We can learn not to take others' mistreatment of us to heart; as it isn't about us, but about themselves. We can also look at our own behavior, and find what we need to improve so we can treat others properly, but more important treat ourselves properly!

CHANGING SHIFTS

When a soldier gets an order from his commander to go up to the Temple Mount in order to protect Jewish life, he must comply since it's a matter of Pikuach Nefesh (danger to life).

In the event that the mission isn't for saving lives, he would have to refuse the order—though he will probably be punished for it, since one is obligated to sacrifice to ensure not to violating the Halacha.

In some instances the soldier is able to change his shift with another soldier, letting him take the mission instead of him, while he would take a different task instead. Is the soldier permitted to do so knowing he's causing another soldier to violate the Halacha?

Let's take a look at a similar discussion in the Poskim, whether a doctor whose shift falls out on Shabbat, where thus he would have to violate the Shabbat to save patients, should keep his shift or change it with another Jewish doctor who's not religious. (see אגרות ח"ד סי' עט ודעת רש"י אורבך בש"י פרק לב הערה קל)

A similar discussion is found regarding a person who becomes dangerously sick on Shabbat and is required to get to the hospital, whether it is better to use a religious driver or someone who isn't religious.

Rav Moshe Feinstein writes that in the above case the doctor should seek to change his shift even though the other doctor substituting him would violate the Shabbat. The reason is that it's better that someone else should violate the Shabbat than him.

He also says that causing another doctor to work on Shabbat isn't עיור ד'לפני, but rather דלפני דלפני which one isn't commanded on.

On the other hand, according to Rav Shlomo Zalman Aurbach, the religious doctor should keep his shift despite having to violate the Shabbat, for several reasons:

When a doctor violates the Shabbat to save another Jewish life, his action isn't considered to be a desecration of Shabbat, rather he is considered to be performing a Mitzvah; but when the other doctor who isn't religious does the

same thing we consider it to be a sin. The reason is that since he isn't familiar with the concept that it's a Mitzvah to save people's lives on Shabbat, he is compared to someone who intends to eat something which isn't Kosher, but coincidentally Kosher food came to his plate, on which the Gemara (קדושין פ"ב) says that he is still considered to be sinning. (לאכול בשר חזיר ועלה בידו בשר טלה צריך מחילה) וכפרה)

B. Even if the non-religious doctor knows he is involved in the great Mitzvah of saving a life he is still considered to be sinning since the heter of אונס, which means when one is forced to violate the Shabbat his act is not counted as a sin, is only said when he normally would not violate the Shabbat. However, if he always violates the Shabbat, he isn't entitled to the heter of אונס.

This idea is found in this week's Parasha. The pasuk says that "Hashem saw the suffering of our nation in Mitzrayim and Hashem knew". The Bet Halevi (שמות ג'כה) asks on the meaning of those words that "Hashem knew", and explains (based on the Midrash) that the Egyptian angel asked Hashem not to save the Jews as they also worship idols, thus they aren't better than the Egyptians. Hashem replied that there is a big difference between the Jewish nation and the Egyptians since the Jews are אנוסים, they worship because they are not in a stable state of mind; they are tortured and deprived of human conditions—otherwise they wouldn't worship idols—thus they are אנוס and not considered at fault. Whereas the Egyptians are worshipping idols with a clear mind and are at fault.

Accordingly, when a frum doctor violates the Shabbat to save a life he isn't considered to be sinning because if it wouldn't be for the אונס he would keep the Shabbat, but the non-religious doctor who is doing the same act would be considered sinning.

Only when a doctor violates the Shabbat with intention to perform the great Mitzvah of saving life he is considered to be doing so, but if he does the same in order to get paid for his work he is still considered to be violating the Shabbat.

Based on the above, what should a soldier do when he gets an order to enter the holy site of the Temple Mount and has the ability to give that mission to another soldier?

Based on what Rabbi Aurbach said one can say that the same would apply here and the religious doctor should keep his task to enter the Har Habayit because he is considered to be performing the Mitzvah of Pikuach Nefesh, and moreover, he can be careful to keep the



CHANGING SHIFTS

various Halachot of entering the site without disrespecting it, such as dipping in the Mikvah and shaving the head before entering, and while inside carrying minimal items and leaving immediately without any delay after the task is complete. Furthermore, the Shulchan Aruch (סי' שכ סעיף יב ומשנ"ב סי"ג לד) states

that when the Shabbat must be violated to save someone, the biggest rabbis should be the ones doing this great Mitzvah. This conclusion seems to be contrary to the ruling of the Yalkut Yosef (ארבע תעניות עמוד תרטז).

עניית אמן בגילוי הראש

ולגבי השאלה השניה שגורם לעונה לענות אמן בגילוי ראש, הנה הרב מאיר מזוז שליט"א (הובא בברכת ה' לרב משה לוי זצ"ל ח"א עמוד שמא) הביא ראיה שאין לענות אמן בלא כיסוי הראש מדברי הגאון רבי אברהם סבע (חמיו של מרן הב"י) בספרו צרור המור (פרשת נשא): "האשה ההיא תישא את עוונה" - כמאמרם של חכמים "שענתה אמן בגילוי הראש", שהרי בשעה שמשביעין אותה כתוב "וענתה האשה אמן אמן", וכיון שבאותה העת שעונה היא פרועת ראש לכן אומר הכתוב שעבור זה האשה נושאת את עוונה. הנה לפנינו שישנו איסור לענות אמן בגילוי הראש, ולכן גם המברך צריך להיזהר שלא לברך לפני אנשים שאין על ראשם כיפה על מנת שלא להכשילם.



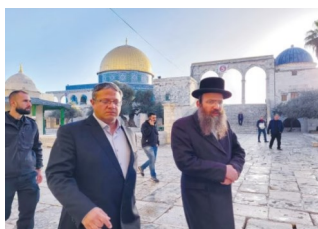
אולם הגאון הרב עובדיה יוסף (יביע אומר ח"ו טו אות ז) רוח אחרת עמו וסבר שאדם שראשו מגולה רשאי לענות אמן אחר ברכה, וכן כתב הרב יצחק ברדא (יצחק ירבן ח"א סי' כ) ושני נביאים מתנבאים בסגנון אחד ובפיהם דברי הספר כנסת ישראל ששון (סי' יז ד"א ע"ג) שכתב שאף שהשולחן ערוך אסר לומר שם ה' בגילוי הראש, אולם מותר לומר אמן בגילוי הראש. ולכן מי שמניח תפילין של ראש, ושמע קדיש בעוד שראשו מגולה מותר לו לענות אמן, הואיל ואין כאן לא שם השם ולא כינוי. וסיים שם בדברי החזון אי"ש שכתב: "שאנו צריכים לקרב את עמי הארץ כמה שאפשר להחיותם ולהיטיב עמם, וכל שכן שלא להרבות חלילה קנאה ושנאה שעוברים על לא תשא את אחיך, הלכך שקלו חז"ל בפלס עד כמה יש להתנהג עמהם שלא נגרמו חלילה למכשולים" ע"כ. וכנ"ל כתב גם הרב יונה מצגר בספרו מים ההלכה (ח"א סי' ג), ולכן על פי כל הדברים האלו נראה שאין לאסור לאדם לברך בידועו שהעונים אמן יענו ללא כיסוי הראש.

שלום לכבוד הרב ותודה על המאמר של השבוע שעבר שעסק בברכת שהחיינו של ראש הממשלה בבניין הכנסת. ובהקשר לזה תמהתי איך מותר לברך במקום בו ישנם אנשים שידוע שחלקם לא יענו אמן על ברכתו וחלקם האחר שכן יענו, יעשו כן ללא כיפה או כיסוי ראש?

שלום לשואל הנכבד. לגבי השאלה הראשונה כתב הבן איש חי (מסעי אות יד) שאם המברך על איזה דבר לעצמו, רואה שהשומעים מזלזלים ואינם עונים אמן- טוב שיברך בלחש, והביא את דברי החסד לאלפים (סי' רטו אות ג'), וז"ל: "הן אמת שלפי גודל השכר שיש להזהיר בעניית אמן כתיקונו, ראוי לירא את ה' במצוותיו חפץ להיות זהיר וזריז לברך בברכותיו בקול רם, כדי להיות זוכה ומזכה את אחרים עמו, אבל אם חושש שיש שם בני אדם שאינם מהוגנים שאינם זורקין בעניית אמנים כראוי, אפשר שההעדר טוב ויותר טוב שיברך בלחש. ואם יש שם מיראי ה' שהיירים במצוות יעשה את שלו לברך בקול רם השומע ישמע ויענה, ועליהם תבא ברכת טוב". ולכן היה נראה שעדיף שלא לברך, אלא שיתכן שכל דברים אלו לא נאמרו אלא כלפי אדם השומר מצוות ומזלזל בעניית האמן שאז יש איסור של "לפני עיור לא תתן מכשול", אולם במומר שאינו שומר מצוות כתב הש"ך (יו"ד סי' קנא ס"ק ו) שאין איסור לפני עיור, וכך הסביר דבריו שם הדגול מרבבה (יו"ד סי' קנא). ולכן אין איסור לברך במקום שישנם מומרים, אף שידוע שלא יענו אמן על אותה הברכה.

עלייתו של השר בן גביר להר הבית

מוכרחים הם לעלות מכה תפקידם לעשות דבר שנוגד את עמדותיהם ההלכתיות ובמיוחד בדבר חמור כגון עליה להר הבית. ואף שחילל שמוכרח להיכנס להר הבית כשיש לאבטח משום פיקוח נפש והצלת נפשות רשאי הוא אולם אין רשות לאלו שהחליטו לעלות לגרומם לאותו חייל לחלל את הקודש על פי אמונתו. זאת ועוד, הרי כל העולה חייב במורא המקדש (רמב"ם הלכות בית הבחירה פ"ו הלכה יד-טז), ולכן חייב לטבול לפני כניסתו ולהפחית ככל הניתן בנשיאת כלים ולבשית בגדים שאינם מוכרחים, גם לא ללבוש ציצית ולא לישא ארנק או טלפון. כמו כן חייב הוא להיכנס ללא נעלים וכן לגלח את שערו בתער לפני כניסתו, ואין צריך לומר שחייב הוא לחבוש על ראשו כיפה או מגבעת. עוד יש לחיילים להקפיד שמיד שסיימו את תפקידם ירצו החוצה בלא להתמהמה אפילו רגע אחד, ואם שהה שיעור קטן מעבר לזה כבר חייב כרת ח"ו (כל זה באור לציון ח"ג עמוד רעה), ומכיון שרבים מהמאבטחים אינם עומדים בתנאים נוקשים אלו הרי גם בדבר זה העולים מכשילים אותם. והרי רצון שיבנה בית המקדש במהרה בימינו ועלה לשם בקדושה ובטהרה לעבדו בלבב שלם.



שלום לכבוד הרבנים בפנית ההלכה המיוחדת. אחר שעלייתו של השר איתמר בן גביר להר הבית עוררה סערה שאינה יורדת מסדר היום בכל כך הרבה מגזרים, התעוררה לי שאלה הלכתית ורציתי לשאול את דעתו של כבוד הרב דוקא מההיבט ההלכתי של החיילים והמאבטחים של אלו שעולים לבקר בהר הבית. הרי בודאי שישנם בין החיילים והמאבטחים גם כאלו שסוברים להלכה כשם שפסקו רבותינו גדולי ישראל לאסור, ולכן כשאדם עולה להר הבית על פי אמונתו הרי הוא מכשיל אותם באיסור חמור.

שלום וברכה. אכן גדולי ישראל אסרו בכל תוקף את העלייה להר הבית ולכן גם גינו את עלייתו של השר, אולם גם לשיטתו של השר ושאר העולים בהוראת רבותיהם החשובים יש אכן לדון בעייה שציינתם ברוב דעת. הנה הגמרא (חולין קיא,ב) כותבת חס ליה לזרעיה דאבא בר אבא דליספי לי מידי ולא סבירא לי. פירוש שאין לאדם הסובר שמאכל מסוים מותר להאכיל את אותו המאכל לחבירו שסובר שמאכל זה אסור. ואיסור זה נכלל בהזהרת התורה: "לפני עיור לא תתן מכשול" (ויקרא יט,יד) שפירושהו רבותינו כאיסור להכשיל את האחר בעבירות. וכך אכן פוסק הרמ"א (יו"ד סי' קיט ס"ז): "מי שנוהג באיזה דבר איסור מכה שסובר שדינא הוא הכי, או מכה חומרא שהחמיר על עצמו - מותר לאכול עם אחרים שנוהגין בו היתר, דודאי לא יאכילוהו דבר שהוא נוהג בו איסור". ואף שיש מקום לחלק וכמו שהביא הש"ך (שם סעיף כ) שהאיסור נאמר רק כשהוא אינו ניכר, אולם אם האיסור ניכר מותר להציע את המאכל כיון שאז האוכל יודע להימנע ואם הוא אינו נמנע הוא מכשיל את עצמו. ומקור דברים אלו הינם בריטב"א (סוכה י,ב) שהסביר את הגמרא שמספרת על רב נחמן שהושיב את רב חסדא ורבה בר רב הונא בסוכה שלדעתם פסולה וכתב: "ונראה לי דהכא דוקא מפני שהאיסור ניכר לחברו, ואי לא סבירא ליה לא ליכול - הא בשאינו ניכר לחבירו לא. ואמרין התם: 'חס ליה לזרעיה דאבא בר אבא דליסופו ליה מידי דלא סבירא ליה'". ולכאורה היה אפשר לומר שאחר שלאמאבטחים ניכר האיסור כיון שידועים הם את מעשיהם לכן אין כאן איסור מצד השר שבנעבורו הם עולים, אולם אין זה נכון כי גם אם נאמר כדעה זו להקל כשהאיסור ניכר אולם זה רק במקום שיכול האוכל להימנע מאכילת האיסור, אבל אלו המאבטחים אינם יכולים לסרב פקודה לעלות עם השר או עם המפקדים במקום הקדוש, ולכן

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