# והביאותים אל הר קדשי

Shiur given by Rav Avi Sylvetsky, Ra"M at Yeshivat Mercaz HaRav 19 Kislev 5780/Dec. 17, 2019 Yeshivat Sha'alvim

Where on *Har Habayit* are we allowed to go today?

Let's preface by noting that it is understood why Jews want to go onto Har Habayit.

- 1) There's a sense of longing to connect with the holiness of *Har Habayit*.
- 2) There are political issues in terms of wanting to show Jewish sovereignty on *Har Habayit*, as well as *halachik* importance in showing Jewish sovereignty there, namely *Mitzvat Yishuv Eretz Yisrael*. It's a terrible *chillul Hashem* that our enemies are on *Har Habayit* today.

However, we have to clarify that *halachikally*, regarding *mitzvat yishuv Eretz Yisrael*, in terms of the question of Jewish sovereignty - we do have sovereignty on *Har Habayit* today. We decide who is allowed on *Har Habayit*, who is not allowed, what age, etc. The Israeli government can decide that there are days that we don't allow anyone to go up.

At the same time, the question is also about the future. There is legitimate concern as to our maintaining sovereignty.

Regarding the question of going onto *Har Habayit* today, there is one issue that we are not going to get to today so we will mention it briefly. Even if we would know today exactly where on *Har Habayit* the *Beit Hamikdash* stood, meaning we knew which spots on *Har Habayit* we can go to today without any *halachik* problems, we will still have at least two problems:

- 1) The issue of טומאה וטהרה. Following **proper purification** [mikveh or ma'ayan] one can go onto the areas of Har Habayit that were outside the בית המקדש even if one is ממא מת (as we are today). However once you allow people, in general, to go up then you will have people going up who have not prepared themselves properly.
- 2) Secondly, we have the issue of "**slippery slope**". Today there are no clearly marked boundaries, fences, blocking off the areas further in on *Har Habayit* where we are not allowed to walk. Therefore many *poskim* are against allowing anyone to go up.

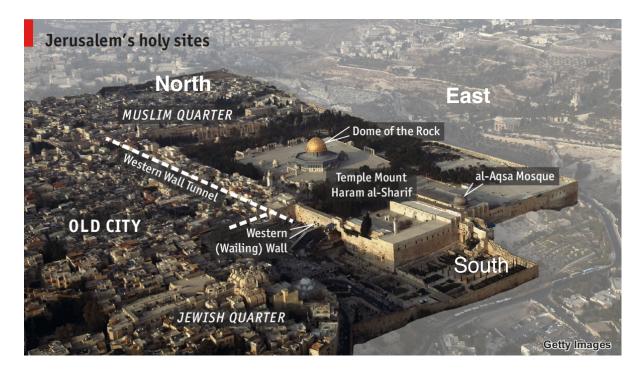
We see many examples of this happening today. One of the major *poskim* who says you are allowed to go up today is Rav Dov Lior. He allows only men and not women (because of *Halachik* complications regarding the טהרה needed for women going up). And the reality is that women go onto *Har Habayit* even though he doesn't allow this. They say, "OK, Rav Lior says it's only a גדר, but we can do it." Another example of this is that we see groups of soldiers going up to *Har Habayit* today on all kinds of tours run by the educational division of the army (we are not talking about soldiers serving there) and not only aren't they טובל beforehand, they also walk on all areas of *Har Habayit*.

These are examples of the slippery slope. When someone is lenient in his *psak* regarding *Har Habayit*, we know where it starts, however we don't know where it will end. And this is an issue even if we would know the exact spot upon which the *Beit Hamikdash* stood, where we are allowed to walk (with proper טהרה) and where we are not allowed to walk. Therefore, may *poskim* don't allow us to go up today.

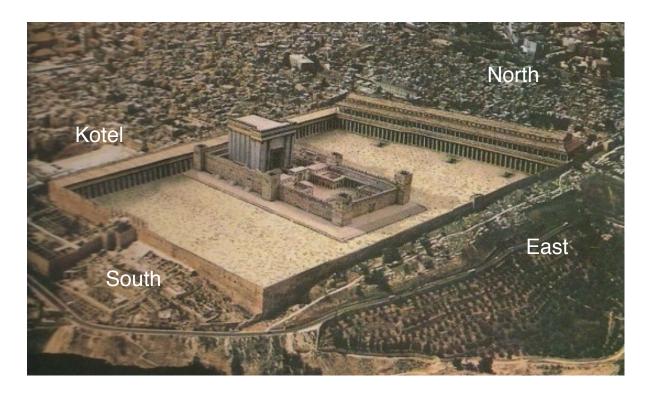
The question that we are dealing with today, in this *shiur*, is the basic question, the core issue - where exactly did the *Beit Hamikdash* stand? This question is also a question which relates to the future as well. The same question as to where the *Beit Hamikdash* stood is the question as to where the *Beit Hamikdash* will stand.

This is a long and complicated topic. While it's rooted in קדשים and הלכות בית הבחירה, and קדשים, are also relevant, in terms of ספק ספיקא, are also relevant.

In any case, we will have a taste of this question. Where, exactly, did the *Beit HaMikdash* stand?



The premise of those who allow Jews to go up to *Har Habayit* today is that we know, approximately, where on *Har Habayit* the *Beit Hamikdash* stood, and when we go up today we are not entering the area where the *Beit Hamikdash* stood.



The *Beit Hamikdash* was situated east to west, with the *Kodesh Hakodashim* in the west, i.e. closest to the *Kotel*, as seen in the picture above.

Those who go up to Har Bayit today rely on the premise that the area where the Beit Hamikdash stood was where the Golden Dome stands today, as seen in the picture above. (According to the most widely accepted opinion e.g. Rav Zalman Koren, the Kodesh Hakodoshim was where the Dome of the Rock stands today. According to Rav Goren the Dome of the Rock is situated where the מזבח was.)

[Parenthetically, the Dome of the Rock was built in the 7th century.

**Short Timeline:** 

570: Muhammad is born

**610: Muhammad** says that he had a divine **revelation**.

Tries to give over his teachings in **Mecca** (Saudi Arabia of today) but **isn't successful**.

622: The Hegira. Muhammad moves to Medina (Saudi Arabia). Now he's successful.

**630:** Muhammad **returns to Mecca** with a large number of followers and eventually all its citizens accept **Islam**. He clears the idols out of the **Kaaba** Temple. This is direction where where Muslims pray and they make a pilgrimage, **Haji**, to here today.

632: Muhammad dies. He's buried in Medina. Large masque there today.

632: Abu Bakr Rules for two years.

**634 - 644: Umar (**also spelled **Omar)** Rules. One of the most powerful and influential Muslim leaders in history. Conquers much of the region, including **Eretz Yisrael** in **638**.

**638** - Muslim tradition is that Umar built **Al-Aqsa Mosque**. (The original Al-Aqsa Mosque was destroyed by earthquakes over the years. Besides for the entrance, the current structure was built after the earthquake of 1927.) This is the first mosque built outside of Saudi Arabia. Part of effort to Islamasize the landscape.

**691**: The **Dome of the Rock** is built and since then has undergone only minor structural changes. **It is the oldest, longest standing Muslim building in the world**.

#### <u>Clarification Regarding</u> Al-Aqsa Mosque and the Dome of the Rock:

1) Al-Aqsa is a mosque:

Religious Significance: The Quran (Sura/Chapter 17, out of 114) says that Muhammad went on a night journey during which he flew on his magical horse-like creature, Buraq, from Mecca to Al-Aqsa, prayed there, and then traveled to heaven where he met other prophets and led them in prayer. The Quran does not mention Yerushalayim or Al-Aqsa by name. In the section that deals with this night journey of Muhammad it refers to "the farthest place of prayer", which was interpreted in Islam as Al-Aqsa Mosque. The words Al-Aqsa Mosque mean "the Furthest Mosque".

In addition, according to Muslim tradition, in the year 621 Muhammad instructed that the direction of prayer should be towards Al-Aqsa Mosque. This lasted for a year and a half and was then changed towards the **Kaaba in Mecca**.

These are the two religious reasons that Yerushalayim is important to Islam. The rest is political.

2) **Dome of the Rock** is **not** a mosque. It's a monument of a sort with different reasons given as to why it was built, ranging from a Muslim tradition that it's the spot where Muhammad's horse flew to heaven (Muslims actually disagree if the spot is the Dome of the Rock or Al-Aqsa), to it being a monument of Islamic victory over the Christians.

In the Islamic tradition, the **Kaaba in Mecca** is considered the holiest site, followed by the **Prophet's Mosque in Medina, which Muhammad built and where he is buried. Al-Agsa Mosque** is held in high esteem, sometimes called the third holiest site in Islam.

When the **Crusaders** captured Yerushalayim in 1099, they used the **Al-Aqsa Mosque** as a palace and the **Dome of the Rock** as a church.]

Going back to our topic: Again, if we knew exactly where the *Beit Hamikdash* stood we would know where on *Har Habayit* we are allowed to go (after *tevila*) and where we are not allowed to go (because of being טמא מת and we can't purify ourselves today).

## Let's understand the limitations regarding טומאה וטהרה:

Rav Sylvetsky showed diagram of the בהמ"ק according to the **תפארת ישראל**.

[Rav Yisrael Lifshitz. 1782 - 1860. Rav in Germany. Explains the משנה based on and הלכה. His explanation based on פשט is called חידושים and his הלכה are in a commentary called בועז, after the two pillars at the entrance בית המקדש.]

[Note: In this diagram west is on the right, east on the left & south is on the top.]



#### <u>משנה מסכת כלים פרק א, ו-ט</u>

ֶּעֶשֶׂר קְדָשׁוֹת הֵן: **אֶרֶץ יִשְּׂרָאֵל** מְקֻדֶּשֶׁת מִכֶּל הָאֲרָצוֹת...**עְיָרוֹת הַמֵּקְפּוֹת חוֹמָה** מְקֻדְּשׁ מְקֶדָשׁ מִמֶּנוּ, שֶׁמִין זָבִים מָן הַחוֹמָה מְקֻדָּשׁ מִהֶם, שֶׁאוֹרְלִים שֶׁם קָדָשִׁים קַלִּים וּמֵעֲשֵׁר שֵׁנִי. הַר הַבַּיִּת מְקֻדָּשׁ מִמֶּנוּ, שֶׁאֵין זָבִים וְזָבוֹת נִדּוֹת וְיוֹלְדוֹת נִכְנָסִים לְשָׁם. הַחֵיל מְקֻדְשׁ מִמֶּנוּ, שֶׁאֵין גּוֹיִם וּטְמֵא מִת נִכְנָסִים לְשָׁם. עְּלֻיָּת נְשָׁיִבִּים עְלֶיהָ חַשָּאת. עֶזְרַת הַכּּהְנִים יִשְׂרָאֵל מְקֻדָּשֶׁת מִמֶּנָה, שֶׁאֵין מְחֻפַּר כִּפּוּרִים נִכְנָס לְשָׁם, וְחַיָּבִין עָלֶיהָ חַשָּאת. עֶזְרַת הַכּּהְנִים מְקָדָשׁת מִמֶּנָה, שֶׁאֵין מְחָפַּר כִּפּוּרִים נִכְנָס לְשָׁם, וְחֵיָּבִין עָלֶיהָ חַשָּאת. עֶזְרַת הַכּּהְנִים מְקָדָשׁת מִמֶּנָה, שֶׁאֵין נִקְנָסִים לְשָׁם אֶלָּא בִשְׁעַת צְּרְכֵיהֶם, לִסְמִיכָה לִשְׁחִיטָה וְלִתְנוּפָה: מְקֻדָּשׁ מִמֶּנָה, שָׁאֵין נִבְנָסִים לְשָׁם אֶלָּא בִשְׁעַת צְּרְכֵיהֶם, לִסְמִיכָה לִשְׁחִיטָה וְלִתְנוּפָה: בִּיּעְם הְבָּבְּשׁת מִמֶּנָה, שָׁאֵין נִכְנָס לְשָׁם אֶלָּא רְחוּץ יָדִים וְרַגְלָיִם. **קֹדֶשׁ הַקְּדָשׁ הַקְּדָשׁ מ**ִהְבָּל מְהָבְּל מְהָבְּל מְהָבְּל מְהָבְּל מְהָבְל מְהָבְּל מִהְבָּל מְהָבְים וְרָבְּל מְהָבְּל מְהָבְל לְהַבְּל מְהָבְים וְרָבְּלִם לְשָׁם שְׁלֹּא רְחוּץ יָדִים וְרַגְלָים. **קֹדֶשׁ הַקְּדָשׁ הַבְּלְּע**ם הְבָּבּל לְשָׁם שְׁלֹא רְחוּץ יָדִים וְרַגְלָים. לְשָׁם שְׁלֹּא כִּהְן גְּדִּשׁ הַבְּבּיוֹר בְּיוֹם הַכִּפּוּרִים בִּשְׁעַת הָעֲבוֹדָה.

Let's clarify. There were two barriers of sorts around the בית המקדש:

- 1) An outer barrier called the Sorag/סורג.
- 2) A barrier closer to the *Beit Hamikdash* called the חיל, as mentioned in the משנה above. (There are different opinions amongst the ראשונים where exactly the סורג and were located and what they were made up of. See חיל.)

Someone who is טמא מת can go past the סורג, but he is not allowed from the חיל and on.

Someone who is טמא because of קרי, נדה, זב, זבה (for example: קרי, נדה, זב, זבה) can only go **until the סורג**, the outer barrier. **However**, we can purify ourselves these days from this type of מעיין through immersion in a מעיין or מקוה, dependant on the טומאה, until the סורג, סורג.

As as aside, Rav Sylvetsky pointed out the **סורג** on the diagram and mentioned that it is connected to ופרצו חומות מגדלי". They broke the walls of my castle. The *Mishna* says that the Greeks broke the סורג in 13 places.

<u>משנה במסכת מידות - פרק ב׳ משנה ג׳:</u> סורג גבוה עשרה טפחים.

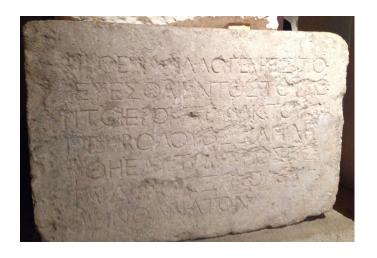
ושלש עשרה פרצות היו שם שפרצום מלכי יון.

Why did the Greeks do this? What bothered them so much about the סורג? Because from the point of the סורג and on non-Jews are not allowed to enter. (As we said, not only non-Jews, but also someone who is טומאה שיוצא מגופו is not allowed past the סורג.)

In The War of the Jews (מלחמות היהודים) Josephus writes that there were signs in Latin warning that from here (the *sorag*) a non-Jew is not allowed in, and if he does then he will be held accountable for his death. So this probably made the Greeks very angry. The Greeks wanted to remove the separations between Am Yisrael and the non-Jews.

**Two of these signs were found**, one complete (below, right) is on display in the Museum of Archeology in Istanbul, and one that is fractured is on display in the Israel Museum in Yerushalayim (Below, left).





[**Translation**: "Let no foreigner enter within the low protective wall and the partition which surrounds the Temple area. Anyone caught violating will be held accountable for his death.]

Rav Sylvetsky pointed out the חיל and the 12 steps at the חיל. Mentioned that there is a matched what the מחלוקת רמב"ם רש"י is.

Rav Sylvetsky pointed out the *Ezrat Nashim*.

(Rav Sylvetsky pointed out the area where טמא מת is not allowed to enter מדרבנן. However according to מסכת זבחים in מסכת זבחים while the prohibition of someone who is white entering the area of the סמא מת is open to the קודש then it becomes ספיקות. This is a nafka mina for ספיקות. Rav Avraham Shapiro held of this as can be seen in an article that he wrote about the topic which appears in a can be seen in an article that he wrote about the topic which appears in the second second

Rav Sylvetsky pointed out **שער ניקנור,** *Ezrat Yisrael, Mizbeach,* בין המזבח והאולם, *kodesh and* קודש קודשים.

From שער ניקנור, which is the gate from the *Ezrat Nashim* into *Ezrat Yisrael*, there is an טמא מת to enter while איסור כרת.

[Nikanor was a rich Jew in Alexandria who donated the doors to the *Beit Hamikdash*. - Tosefta Yuma, Perek 2.]

### Har Habayit Today as Opposed to Har Habayit in the משנה:

Har Habayit according to the מסכת מידות (פרק ב משנה א) מסכת:

#### הר הבית היה חמש מאות אמה על חמש מאות אמה.

- 1) So according to the description of the *Mishna* הר הבית was a **square**.
- 2) How much is 500 אמה? Let's take the largest opinion of how long an אמה. According the אמה an אמה is 58 centimetres. So הר הבית can't be more than 300 meters x 300 meters.

At the same time, if we look at הר הבית and the walls around הר הבית today (walls which according to archaeologists were built by Herod) - it's a lot bigger than this! [Har Habayit measures 488 metres along the west, 470 metres along the east, 315 metres along the north and 280 metres along the south.]

So today it's **not a square** and it's **a lot bigger that 500 x 500 אמה**.

This is a קולא because this is saying that much of the area on today's *Har Habayit* is beyond the 500 x 500 אמה mentioned in the Mishna as constituting הר הבית המקודשת.

Rav Elazar ben Yakov was the Tanna of מסכת מידות. He is describing the measurements of *Har Habyit* during *Bayit Sheini*. And *halachikcally*, according to the שבועות is needed to expand the area of *Har Habayit* that is מקודש.

So in short, the 500 x 500 אמה of הר הבית המקודשת is somewhere inside the הר הבית that we have today. The question is - where is it?

If we could clearly find the place where the בית המקדש was, then we could measure from there, לחומרא, and we would have a place that we could walk on *Har Habayit* today. For that area (outside where the מקוה was) we wouldn't even have to go to the מקוה, but to be extra sure we could say go the מקוה, and then everything would be fine.

So the question is, where was the בית המקדש?

Rav Sylevstky said that he'd like to start with words that he heard from his Rosh Yeshiva, Rav Avraham Shapiro איל. Rav Avraham Shapiro was born in Yerushalayim, a seventh generation Yerushalmi, a descendant of תלמידי הגר"א. This question of where exactly the שנא, was raised. Rav Avraham told Rav Avi Sylvetsky that he remembers as a child walking near the gate to Har Habayit called Bab al-Qattanin (Gate of the Cotton Merchants) - שער הכותנה. You see Har Habayit from this gate, including the Dome of the Rock. Rav Avraham said that he remembers walking there as a child and they would reach a place near the gate, a few meters from the gate, where there was a rope hanging down from the roof and at the end of the rope there was a key attached, for some reason. When they reached that point they knew that they have to stop because if they would walk any further it would be considered going onto Har Habayit. When Rav Avraham conveyed this to Rav Avi Sylvetsky he added that there weren't any problems going to the Mikveh in those days in Yerushalayim, and no Turkish guards said not to go in. There was no problem going further, but they were still not to go further than that. Why? Rav Avraham said:

״כל המקומות בהר הבית מסופקים.״

We have a ספק where the בהמ״ק was and therefore we can not go further. Rav Avi asked Rav Avraham, "Maybe since those days there are things that people discovered and we know more today?" Rav Avraham responded that in his opinion:

"שום דבר לא התחדש. מה שהתחדש זה שפחות מפחדים מכרת."

Having said that, can we try to identify today the place where the בית המקדש was?

#### 1. Problem with saying that the rock under the Dome of the Rock is אבן השתיה:

What could let us identify where the בית המקדש was?

One of the תלמידים attending the *shiur* responded - אבן השתיה.

Rav Avi Sylvetsky responded to this by saying that while this is true, it's unclear what אבן was.

Perhaps אבן השתיה refers to bedrock, סלע, or perhaps אבן השתיה refers to a rock, אבן. The word אבן implies a rock. The a שנה says (פרק ה משנה ב):

משניטל הארון, אבן היתה שם מימות נביאים ראשונים (גמרא - דוד המלך), ושתיה היתה נקראת, גבוהה מן הארץ שלוש אצבעות, ועליה היה נותן.

The area under the Dome of the Rock is a point where the bedrock bulges out of the ground, not an אבן.

[In short, Rav Avi Sylvetsky was implying that the area under the Dome of the Rock does not fit easily into the לשון of אבן השתיה.]

#### 2. Problem with using existing structures on *Har Habayit* as indicators:

Moving on. An idea that archeologists had:

We know that in those days people built upon structures that existed previously. You usually don't waste time, energy and money to start building foundations from scratch. You build upon preexisting foundations.

What structures do we have on *Har Habyit*? We have the Dome of the Rock and we have Al-Aqsa Mosque.

Perhaps these structures can help us with identification of where the בהמ"ק was.

Rejection of this idea:

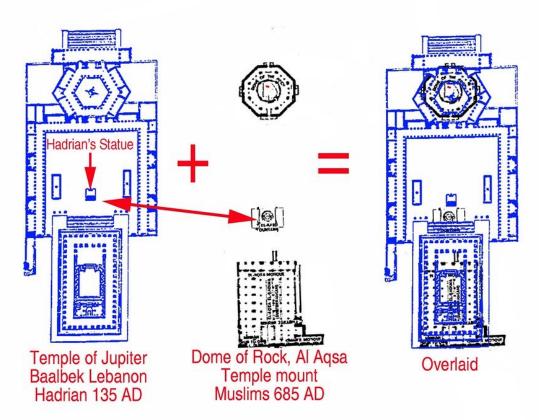
The architect Tuvia Sagiv points out that the layout on *Har Habayit* of a building with an octagon base (Dome of the Rock) north of a building in the shape of a rectangle (Al Aqsa Mosque) matches, exactly, the layout of a temple of idol worship to Jupiter found in Ba'albek Lebanon.

Hadrian (who squashed the Bar Kochva rebellion 132-135 CE, 65 years after the destruction of the second בית המקדש in the year 70) built many temples of idol worship. *Chazal* tell us that he built a temple for idol worship on *Har Habayit*.

The similarities between the two structures on הר הבית and the two structures in Ba'albek Lebanon is amazing. The scale of the two locations, in Lebanon and *Har Habayit*, is identical. Hadrian would place his statue in the middle, between the two structures.

Hieronymus, a Christian historian, lived from 342 - 420, writes that Hadrian put his statue on the spot of the הקדשים (i.e. south of the Dome of the Rock).

# Dome and Al Aqsa patterned after Temple of Jupiter (Tuvia Sagiv's view, 2004)



"At Jerusalem he [Hadrian] founded a city in place of the one which had been razed to the ground, naming it Aelia Capitolina, and on the site of the temple of the god he raised a new temple to Jupiter. This brought on a war of no slight importance nor of brief duration, for the Jews deemed it intolerable that foreign races should be settled in their city and foreign religious rites planted there."

(Roman History, Cassius Dio, Book 69:12, 229 AD, Translation by Earnest Cary p 425-467)

So structures can't give us an indication. It looks like Hadrian built a structure which was a temple for idol worship, and the Muslims may have simply used this as the base of the Dome of the Rock that they built a few hundred years later. We don't know.

#### 3. Rishonim Who Traveled to Eretz Yisrael and Refer to the מקום המקדש:

Halachikally, do we have a tradition that tells us explicitly where the בית המקדש was?

Agav, the זבחים in זבחים tells us that when they built the second בית המקדש they went onto בית המקדש to find the foundations of בית ראשון. B'ezrat Hashem, when we're allowed to go onto הר we'll go on and search for the foundations. Today, we can't go onto הרית and search for the foundations.

We have a number of ראשונים who traveled to ארץ ישראל and wrote about their trips. We have a number of descriptions of trips like this called נוסעי מסעות. We have the Ramban (1194-1270), R' Binyamin Metudela (1130-1173), and R' Meshulam of Voltaire (1481). R' Ovadia Bartenura (1145-1515) also wrote about his journey to *Eretz Yisrael*. In these writings we do find the majority of them saying that the בית המקדש was where the Dome of the Rock is.

However, it is important to point out that these descriptions are not *halachik* and they never try to be *halachik*. They are not written as an answer to a שאלה and they are only written as a description. This is similar to asking a tour guide today where the בהמ"ק was and they would say that it was where the Dome of the Rock is.

We find many mistakes amongst the descriptions of those ראשונים who wrote about those journeys. For example, one of them writes that the Carmel in Haifa is where נבל שמs, when in fact it wasn't there at all, but rather נבל הכרמלי was, when in fact it wasn't there at all, but rather נבל הכרמלי was south of חברון. They didn't know where places were and there were very few Jews here in Eretz Yisrael. We even find Christian traditions mixed into their descriptions. So, as we said, those descriptions were not written halachikally.

The only one amongst these travellers, these נוסעי מסעות, who you can say is writing in a way which is connected to *halacha* is רבי עובדיב מברטנורא, and when it comes to his writing about אבן השתיה he writes:

"וחקרתי על מקום אבן השתיה ורוב בני אדם אומרים שזה פה." In other words he quotes what people say, and he still has doubts.

#### 4. The Radbaz:

The only one who wrote halachikally about this and says that the בית המקדש stood here, on the Dome of the Rock, was the Radbaz. He lived during the transition from Interior אחרונים. [R' David ben Zimra. 1479 - 1573. At age 13, at the time of the expulsion from Spain his family moved from Spain to Morocco to Yerushalayim to Tzfat. In 1513 he moved to Egypt because of difficulties in Eretz Yisrael and after the Ottoman Empire conquered Egypt (1517) he was appointed leader of the Jewish community of Egypt. In 1553 he returned to Yerushalyim and shortly after that he moved to Tzfat where he is buried. He was a Rebbi of Rav Bezalel Ashkenazi (the שיטה מקובצת) and the Arizal while in Egypt.]

The Radbaz writes in a תשובה explicitly that "ללא ספק" the אבן השתיה, the קודש, was under the Dome of the Rock.

So why don't we *posken* like the Radbaz? All of the פוסקים of Yerushalyim - the ציץ אליעזר of Yerushalyim - the ציץ אליעזר and even Rav Goren who tried to find anyplace that you can go onto *Har Habayit*, wouldn't go according to the Radbaz. We mentioned Rav Avraham Shapiro, Rav Weiss of the Eida Chareidit, all of the Rabbanim of Yerushalayim did not rely on that תשובה of the Radbaz.

Why? Because they said that the whole תשובה is filled with contradictions. It would take a whole separate שיעור to go into this in detail, however just to give a few examples:

- 1) In the same תשובה that the Radbaz says that the הקודשים was on the spot of the Dome of the Rock he says that the southern wall of Har Habayit today was the southern wall of the אזרה. This can't be! It's a contradiction!
- 2) The Radbaz writes that he sees under Al-Aqsa, called in those days מדרש שלמה, a structure of arches above arches, "כיפין על גבי כיפין, as חז"ל, as חז"ל, as חז"ל, as חז"ל, as חז"ל, then the area underneath Al-Aqsa can't be Har Habayit! It's not within the 500 x 500 x 500.

These are just two examples. The whole תשובה is filled with contradictions.

Rav Avi Sylvetsky asked Rav Dov Lior how he *poskens*, and Rav Lior, who allows going onto Har Habayit, said that he relies on the Radbaz. Rav Lior said that Rav Tikotchinsky (who was Rosh Yeshiva of Eitz Chaim in Yerushalayim) and Rav Goren went according to the Radbaz.

Rav Avi Sylvestky wrote to Rav Lior that while it's true that Rav Tikotchinsky tried to defend the Radbaz's statement, but when it came to *halacha* (there was a question of building a *shule* on *Har Habayit*) Rav Tikotchinsky wrote explicitly that we **can't** rely on the חבובה of the Radbaz. We can not say that the Dome of the Rock is over the .

"בגלל שהאבן אינו מוכיח על עצמה, איך היא יכולה ללמד על מקום המזבח?"

Rav Goren as well in his important הר הבית on הר הבית writes that we can't take this rock and say that we know that it was אבן השתיה. We can't *posken* questions that have ramifications of מחמיר based on hypothesis (השערות), and we have to be מחמיר. So Rav Goren himself did not rely on that ruling of the Radbaz.

Rav Lior wrote back to Rav Avi Sylvetsky that בכל זאת he relies on that Radbaz. Rav Rabinovitch from Ma'aleh Adumim responded in the same way to Rav Avi Sylvetsky, that you can *pasken* based on the Radbaz.

(Rav Shilat relies only on what Rav Goren said and therefore only goes onto the area in the south.)

Rav Lior and Rav Rabinovitch are very big תלמידי חכמים, however we have to know that their פסק is one step further than all of the פוסקים before them on this matter.

In a side note Rav Avi Sylvetsky clarified that Rav Goren felt that points regarding the topography on הר הבית can not be used as proof since there were so many changes in the topography over the years.

So the Radbaz is the only one that we can maybe rely on for going onto Har Habayit, and we saw that the majority of פסק do not rely on this פסק of the רדב"ז.

#### 5. The Kaftor V'Ferach:

(Rav Ashtori HaParchi, came from Europe to Eretz Yisrael in 1313. In כפתור ופרח he writes about מצוות התלויות בארץ brings the בית יוסף.)

He came to Eretz Yisrael **200 years before the Radbaz** and he wrote a very detailed description of Yerushalayim and he wrote *halachikally* about הר הבית.

He asked, are these walls the walls of הר הבית, or maybe they are the walls of the עזרה? And he gives two answers:

- 1) The walls are too long to be the walls of the עזרה.
- 2) There is a big drop into the valley on the east, so this must be the wall of *Har Habayit*, not the עזרה.

We will note that: a) the כפתור ופרח doesn't even mention the Dome of the Rock at all, and, b) based on his question we see that he does not agree with the Radbaz. If he held like the Radbaz, that the Dome of the Rock was over קודש הקודשים, then the whole question of the כפתור ופרח doesn't begin! We see that he didn't have any tradition where the קודש הקודשים was.

Not only that. We see from the כפתור ופרח that he felt that the קודשים was someplace else entirely. The שער המזרחי writes that he sees שער שושן, the שער שושן, the gate on the eastern wall, and he says that it's in the southern 1/3 of the eastern wall. "עוד היום ניכר שער שושן למזרח. ואם תחלק זה הכותל לשלושה חלקים יהיה זה הפתח בחלק הראשון מצד קרן מזרחי דרומי."



[Diagram of the gates of *Har Habayit*. The gate on the eastern wall (2) is called שער המזרחי, and is also called *Sha'ar Shushan*. It is in line with the קודש הקודשים.]

Why is שער שושן so important?

The יומא in משנה says that שער שושן was in a straight line to קודש הקודשים. When the טרוב burned the נוכח פני אוהל מועד and he would look through שער and into the היכל. מועד אוואר מועד. משנה שניקנור שני אוהל מועד.

So if I know where שער שושן was I can know where קודש הקודשים was, in a line from it.

In short, the כפתור ופרח writes in the year 1313 that:

- 1) He sees שער שושן.
- 2) He says that it's in the southern third of the eastern wall.
- 3) And we know that the קודש הקדשים is in a straight line from שער שושן. So what stems from this is that the בית המקדש was on the southern third of what is הר today. This is an entirely different area than the area of the Dome of the Rock.

Why didn't the Radbaz see this? For the same reason we don't see it today. During the Mamluk rule, after the כפתור ופרח, they destroyed the majority of the top of that wall and rebuilt it. So today we don't see any gate on the eastern side.

So on the bottom line, when you research this topic you see how complicated it is and therefore it is very problematic going up onto.